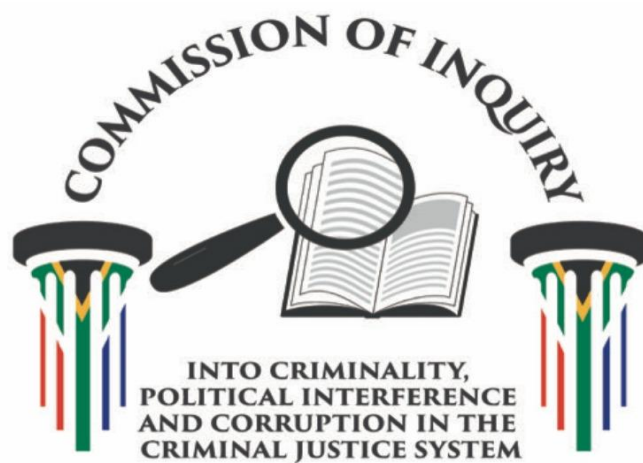


JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

1 JUNE 2026

DAY 110



PROCEEDINGS ON 1 JUNE 2026

CHAIRPERSON: Two weeks. We are starting. Thank you, Ms Sello.

ADV SELLO SC: Yes, Chair, thank you. Morning, Chair, morning, Commissioners. Chair, today from the 1st of June, we start with the Port Shepstone drug bust stream, and that should take us to the 5th of June for the whole week. Before we do so, there are some housekeeping matters to dispose of, and I would like to take the opportunity to do so.

10 **CHAIRPERSON:** I think I will also add my housekeeping matter as well. Let us hear you.

ADV SELLO SC: Okay, thank you, Chair. The first is, Chair, you will recall that we had issued a subpoena for General Senona to appear on the 18th of May 2026. On the 18th of May, we moved for a postponement for his appearance. The reasons were set out in large part in his lawyer's correspondence, and we accepted some of the reasons advanced. Though we did not accept all, we concluded that some were valid enough to justify a
20 postponement. On the day, the Chair then stood General Senona's testimony down to the 1st of June.

In preparing for this week, and the witnesses we have, we prepared a schedule. The result of the schedule is that General Senona is anticipated to take the stand only on the 5th of June, but because he is under subpoena and

order by the Chair to be present today, he has availed himself, and he appears with our request that you stand him down to the 5th of June, Chair. Thank you. I see that some familiar faces. I do not know if that is General Senona's legal representatives, and if they are, if perhaps I may invite them to place themselves on record. Thank you.

ADV TULK: Good morning, Chairperson, Commissioners. Reghana Tulk from the Johannesburg Bar, and I appear with my instructing attorney, Rudolph Baloyi, for Major General
10 Senona.

CHAIRPERSON: Good morning, Ms Tulk.

ADV TULK: Thank you, Chairperson.

CHAIRPERSON: Yes.

ADV TULK: With your leave?

CHAIRPERSON: Sorry, sorry?

ADV TULK: With your leave ...[intervenes].

CHAIRPERSON: Yes, yes.

ADV TULK: We are indebted to the Evidence Leader. It is indeed so that on the papers before us, Major General
20 Senona's evidence has stood down to the 5th of June. Chair, there is one particular issue that we would like to place on the record and that we seek clarity in terms of, and we do so out of extreme caution, just to ensure that Major General Senona is not placed under any undue pressure.

There are three operative summonses issued

against the General. The first summons was issued on the 29th of April this year, and these summonses were issued after the Major General tendered his evidence between the 27th and the 29th of January. That summons called upon him to appear on the 8th of May. My learned colleague correctly points out that when the matter appeared on the 8th of May, it was then stood down by yourself, Chair, to the 1st of June.

Subsequent to that, on the 19th of May, the
 10 Commission issued another summons. That summons, the Commission noted, inadvertently replicated the content of the summons that was issued last year in November, and in terms of which Major General Senona rendered evidence from the 25th, sorry, the 27th to the 29th of January. As a result, on the 22nd of May, a further summons was issued. That summons purported to, and I want to loosely use the term withdraw, because we just do not understand the statuses of these operative summons right now, and that is what we really just seek clarity on. That summons
 20 purported to indicate that the summons ...[intervenes].

CHAIRPERSON: Sorry, sorry, the second one wanted the General to appear when?

ADV TULK: Also on the 1st of June.

CHAIRPERSON: 1st of June, okay.

ADV TULK: Yes, and it is a very relevant question. I am

indebted to you, Chair. So the 19th of May summons also warned the General to appear on the 1st of June. Summons was then subsequently issued on the 22nd of May, advising the General that the 19th of May summons had inadvertently replicated the content of the summons in November 2025 and that that was not correct.

So the summons issued on the 22nd of May was then issued under cover of an email, saying that in all probability, the General would render his evidence on the
10 5th of June. Now that that date has been indicated, we make no quibble with that, we accept that the Commission has clarified the date of appearance.

The issue is that it was given with an instruction to ignore the summons of the 19th of May. It is not our desire to be pedantic, Chair, but the concern is that the power of a summons issued by this Commission is equivalent to that of a summons issued by the High Court. Major General Senona was explicitly cautioned by, I think the Evidence Leader was Hassim SC on the day of the implications of
20 ignoring a summons under section 6.

So if indeed the Commission is not intent on relying on the summons on the 19th of May, we would perhaps seek a ruling from yourself, Chair, that the summons of the 19th of May is withdrawn and just clarification, that the operative summons is the summons of the 29th of April as reissued on

the 22nd of May.

CHAIRPERSON: For the 5th, you say, for the 5th.

ADV TULK: For the 5th of June. And the implications go beyond this Commission. The concern is that there must be finality in terms of the document that he is required to testify on so that he knows which evidence to testify on.

The second issue that has arisen, Chair, is that we have received a regulation 10(6) notice and we have been asked to give a sworn witness statement by the 1st of June, 10 which is today as well. On Friday sometime after 4 o'clock, we were issued with a bundle of documents by the Commission containing the statements, the affidavits of two witnesses, and there were a number of attachments to it as well, as well as the transcript from the evidence on today. Chair, we are still in the process of taking instructions from our client on that very document and given the fact that we were also attempting to prepare for the possibility of leading evidence today, because the 19th of May summons has effectively not been withdrawn and it was reaffirmed on 20 the 22nd of May, we were still preparing for today's hearing as well.

So it became a bit of a difficulty from a timing perspective to have the sworn statement prepared for the Commission today, and we mean no disrespect to the Commission in that respect. It became a difficulty to issue

the sworn statement and to take proper instruction, particularly on the annexures attached to the statement itself, given that the evidence of the witnesses who appeared before the Commission implicated Major General Senona. So I just want to get instruction from my attorney as to when we might be able to file that statement, Chair, but we are not in a position to file the statement today and we would seek an extension in respect thereof.

So we would seek an indulgence from the
10 Commission to file the statement by close of business on the 3rd of June, in anticipation and in preparation for the testimony to be delivered by the Major General on the 5th.

CHAIRPERSON: On the 5th.

ADV TULK: Thank you, Chair.

CHAIRPERSON: Yes, thank you, Ms Tulk. Yes, Ms Sello.

ADV SELLO SC: Thank you, Chair. I do this purely for purposes of the record, because I believe that Ms Tulk inadvertently perhaps communicated the wrong position. Here is the correct position and that is supported by
20 correspondence between the attorneys of the Commission and General Senona's correspondence. To the extent that it is required, we are happy to print it out and make it available.

As I indicated, I made the mistake of saying that General Senona's testimony was postponed to the 1st of

June on the 18th. Advocate Tulk is correct, it is the 8th of May. So I had my date wrong. With that stand down to the 1st of June, it was sufficient at the time to communicate to General Senona's attorneys that on the day he was scheduled to appear on the 8th of May, the Chair postponed his appearance to the 1st of June. For reasons that are not particularly relevant, instead, the subpoena was reissued.

What then subsequently transpired, having received a correspondence from General Senona's attorneys, that
10 was confusing to the Evidence Leaders and the legal team as to why they were assuming that position. On consideration of the subpoena that was reissued, it became apparent that a wrong subpoena was reissued. The letter, covering letter speaks of the subpoena issued on the 29th of April. So when it came to reissue, the previous subpoena is what was then reprovided to him with a new date of the 1st of June.

That was discovered, that was reissued on the 19th. By the 22nd of May, the error was discovered. There was
20 telephonic conversation between the two sets of attorneys, and the correct subpoena was reissued, which is the subpoena of the 29th of April. There was an explanation that an administrative glitch crept into the system, and that is why the wrong subpoena was reissued. So it was technically a two-day confusion that was resolved by the

22nd of May.

Now, that 22nd of May reissue is in exact terms as the subpoena originally issued to General Senona on the 29th of April. The only difference in that is the date on which he is supposed to appear. In reissuing, it was sought to clarify that his appearance is now postponed to the 1st of June. There was thereafter a regulation 10(6), relying on the subpoena of the 29th of April, served on General Senona. The 10(6) deals with the issues he is called upon
10 to testify to on the 29th of April, and is more detailed. The 10(6), the regulation 10(6) notice, in no way contradicts the subpoena of the 29th of June, which is the operative subpoena.

So it is not a question of withdrawing the reissue of the 19th, it is correcting an error that crept in on the 19th by providing a wrong subpoena on the basis of which General Senona had already appeared. That correction was made on the 22nd by reissuing the 29th of April subpoena. So that is where we stand. Subsequent thereto, there was further
20 correspondence and explanation that we do not anticipate General Senona testifying today, but because he is under subpoena, we would have to seek a formal postponement of his testimony. We proposed the 5th, as I said, based on our scheduling, and we provided that date. So as things stand, but for that glitch of the 19th of May, everything is in order.

Advocate Tulk speaks of statements given and transcripts last week. What she does not place on record that is those were provided at the request of General Senona. General Senona specifically listed the statements he wanted and transcripts regarding those witnesses. And this request came in last week and were duly provided. So it is not a question of us inundating General Senona with late documents. It is in response to a question, and we fully complied. And that is the ...[intervenes].

10 **CHAIRPERSON**: Not question, but request.

ADV SELLO SC: Request, yes, a request. Thank you, Chair. And we complied. That subpoena requires his statement, or the 10(6) required his statement to be provided by the 1st of June. I understand that the Advocate Tulk says they are not in a position to provide it by today, end of business on Wednesday. Chair, may we make a counter suggestion that it be provided by the end of business on the 2nd, regard being had to the fact that we also have to prepare for General Senona's appearance and
20 to resolve the issue of exhibits, which we must still give General Senona, that where we indicate the documents we will be relying upon.

If this is provided at the end of business on the 3rd, it leaves only the 4th to deal with all these matters, and then the General must appear on the 5th. So on that basis, we

would request that these be provided on the 2nd, tomorrow, the 2nd of June, end of business day. The fact that General Senona's statement was due on the 1st of June is a matter that the legal team for General Senona were fully aware of by the 22nd of May, and that would be sufficient time to have prepared. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Sello. Regarding the question of the subpoenas, should we not just step off that one now, because all sides are agreed that General Senona
10 is to testify on the 5th, rather than to-ing and fro-ing on where faults or mistakes or inadvertence or whatever else, whatever those may be, should we just step off that subject in the interest of time, and then we focus on the date for the filing of the statement.

ADV TULK: Chair, we absolutely, we agree with you. We can step off it, but I just want to indicate the reason why it was placed on record is ...[intervenes].

CHAIRPERSON: Yes, yes.

ADV TULK: The General raised the concern that he was
20 not simply at liberty to ignore an operative summons.

CHAIRPERSON: Yes, yes. No, I understand ...[intervenes].

ADV TULK: And I understand ...[intervenes].

CHAIRPERSON: I understand ...[intervenes].

ADV TULK: The position of the Evidence Leaders and I

understand the Commission's workload, so it is quite probable that there was a glitch.

CHAIRPERSON: Yes.

ADV TULK: But the reality is that the summons was issued under the hand of the Secretary in the auspices of the Commission carrying out its powers as a statutory body.

CHAIRPERSON: Yes.

ADV TULK: And the implications internally from an employment perspective, as well as from a criminal
10 perspective of ignoring a document of that nature was the only reason that it was placed on record.

CHAIRPERSON: Yes, no, I understand perfectly, yes, yes.

ADV TULK: But we are inclined to agree with the Chair that we step away from that particular issue.

CHAIRPERSON: Yes.

ADV TULK: But in the interest of certainty and clarity, and only if the Commission is so inclined, we would ask for a ruling that the summons of the 19th of May is officially withdrawn.

20 **CHAIRPERSON:** That is not necessary.

ADV TULK: Thank you, Chair.

CHAIRPERSON: That is totally not necessary.

ADV TULK: Thank you, Chair.

CHAIRPERSON: Yes.

ADV TULK: And then the second issue is insofar as the

witness statements regarding Friday's bundle is concerned, I am instructed that the statements were requested as early as the 4th of May where, I think my attorney on record indicated that what was asked for was documented. Paragraph 4 of that letter says that:

10 “In the event that there are additional documents and information the Commission intends to make use of during General Senona's further appearance, we request that he be furnished with the information to enable adequate preparation for the appearance.”

I just make the point to request that documentation was requested earlier on. But it seems that my learned colleague and I are not too far apart in terms of the dates of the filing for the statement itself. I have proposed by close of business on Wednesday. I have done so because realistically, Chair, there are several annexures that must
20 be gone through. We will be sitting religiously with General Senona and I assure you that once my attorney has given me an instruction, there is of course an undertaking before this Commission that we will file on the 3rd. I do not want to ...[incomplete].

CHAIRPERSON: Yes, please continue, Ms Tulk.

ADV TULK: I do not want to belabour the point, Chair. We have made our submissions. Realistically, for Major General Senona to meaningfully engage with the evidence and take proper instruction, the realistic timeline is 48 hours and we would request your indulgence to file a witness statement by close of business on the 3rd of June. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Tulk. General, a very good morning to you.

10 **MAJ-GEN SENONA:** Morning, Commissioners.

CHAIRPERSON: Thank you. We will stand down for a very short time. I will not say how long. We will just indicate when we are ready. We want to talk about the timeline for the filing of the General's statement. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

MR MICHAELS: We are ready to resume. Please make sure that your devices are on mute or off. Thanks.

RULING

20 **CHAIRPERSON:** Ms Tulk, our experience is that once a statement is filed, the Evidence Leaders usually have to prepare bundles of documents that relate to the statement. So if that gets done only from, say, the evening of the 3rd, there is a question of when does it get finalized and we too must get those bundles in time for our preparation as well.

So there are practical considerations. You have basically the whole of today, because it is still early morning. I am giving the ruling now, I am no longer engaging you, Ms Tulk. So you basically have the whole of today. You have the whole of tomorrow. That should give you, your instructing attorneys and the General enough time to prepare and finalize the statement.

A long time ago, I was also in practice and as an Advocate, a Senior Counsel, we used to work into the wee
10 hours of the morning, 3, 4 a.m., and your clients would not believe it when you issue a statement and you say you worked for that long. They would say, does this Counsel mean that they did not sleep at all? And yet, it actually happened, and I know it continues to happen. So I will expect the same of you.

So my ruling is that the statement must be filed by close of business. In fact, I could even be kind and say, midnight, will that work for you? Tomorrow though, tomorrow though. It should, it should.

20 **ADV SELLO SC:** Ms Tulk, I would seem to plead for midnight.

CHAIRPERSON: 12 Midnight tomorrow, Ms Tulk. That is the ruling.

ADV TULK: We are indebted, Chair, and I assure you nothing has changed in terms of the sleepless nights culture

at the Bar.

CHAIRPERSON: I am happy.

ADV TULK: Whether you are a junior or senior. We are indebted to the Commission. Thank you.

CHAIRPERSON: I am happy. Thank you very much, Ms Tulk. Thank you.

General, you are directed to be in attendance at 9:30 on Friday, 5 June 2026. Thank you very much, General.

10 **MAJ-GEN SENONA**: Thank you, Commissioner.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: You are excused, Ms Tulk and ...[intervenes]

ADV TULK: Thank you, Chair.

CHAIRPERSON: Thank you.

ADV SELLO SC: Chair, as they gather their bags, we are ready with our second housekeeping issue.

20 **CHAIRPERSON**: Perhaps let me just quickly, quickly deal with mine. I just wanted to say that because of serious time constraints relating to the preparation of our second interim report, the ruling, or rather the reasons for the ruling, oh gosh, the reasons for the recusal order in the Mr Brown Mogotsi matter are not ready, but they will be circulated not later than this coming Friday.

ADV SELLO SC: Noted. Thank you, Chair. Chair, our second housekeeping issue is we have a witness scheduled for tomorrow. The witness himself has brought an application for a partial in-camera, which, as tradition, has been served on the press and the media houses. That application has, in large part, I think, been disposed of, but my learned colleague here, Mr Sikhakane, will address you on that and advise the Commissioners where we land on that particular application. That witness is scheduled to
10 appear tomorrow. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Sello. Yes, Mr Sikhakane.

ADV SIKHAKANE SC: Good morning, Chairperson and the Commissioners.

CHAIRPERSON: Sorry, sorry about that. Yes, Mr Sikhakane.

ADV SIKHAKANE SC: That is indeed, I will try and not waste the Commission's time, given the time we have already spent. So, as my learned, the senior, has said, we had an application from the witness who is scheduled to
20 appear tomorrow, and that application, you should have a file which is called *in-camera* application. The representatives for the media are present there.

CHAIRPERSON: Can you please place yourselves on record?

ADV WINKS: Thank you, Chair, Commissioners. Good

morning. It is a pleasure to appear before you.

CHAIRPERSON: Thank you.

ADV WINKS: It is Ben Winks from the South African Bar Association.

CHAIRPERSON: W-C-K-S?

ADV WINKS: W ...[intervenes].

CHAIRPERSON: W-I-C-K-S.

ADV WINKS: N-K-S.

CHAIRPERSON: Oh, Winks.

10 **ADV WINKS**: And I am joined by Mr Charl Du Plessis from Willem De Klerk Attorneys. We act for Media24, Daily Maverick, and the editors of Daily Maverick and News24. It is correct, as my learned friend says, that an agreement has been reached, and there is no dispute, as I understand it, between, certainly between the Evidence Leaders and the media, and as I understand it, with the witness as well.

CHAIRPERSON: Thank you. So does that mean Counsel will be handing up, oh, there.

ADV SIKHAKANE SC: Chairperson, just for the record, I
20 was referring you to the file from the, from the ...[intervenes].

ADV WINKS: *In-camera* application.

CHAIRPERSON: Thank you, Mr Winks.

ADV SIKHAKANE SC: Apologies. I was referring to the application itself, the file that you should have, just to

confirm the witness' agreement to the terms of the proposed draft. You will see it at page 22 of the second folder, which is correspondence.

CHAIRPERSON: Yes.

ADV SIKHAKANE SC: Thank you, that should then confirm that all the three parties are aligned in terms of what, of how the witness will testify tomorrow.

CHAIRPERSON: And for the record, the witness is called I, witness I. Thank you.

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

CHAIRPERSON: I rule as follows in accordance with the consent order. Can both Counsel please clarify this. At paragraph 1 of the order, there is reference to the witness' name, and then in the agreement as well, the email, his email, it says that I give permission for the media to mention my name, as it has already been mentioned. So in the ruling now, I should just mention the name, because that is what the witness says.

ADV SIKHAKANE SC: Yes, indeed.

20 **CHAIRPERSON**: Thank you.

ADV WINKS: We confirm, Chair.

CHAIRPERSON: Thank you.

RULING

Now the ruling.

1. By agreement and consent between the parties,

Lieutenant Colonel Duma's evidence on 2 June 2026, or until such time that he is excused by the Chairperson, will be heard publicly via audio link, and his face or visual features will be concealed; and

2. Members of the media and any person granted access to the proceedings are prohibited from publishing, broadcasting, disseminating, or otherwise placing in the public domain any image, photograph, video footage, or other visual material that may reveal, or tend to reveal the
10 face of Lieutenant Colonel Duma.

I hand down the ruling. So basically, we forget about witness I then.

ADV SIKHAKANE SC: Indeed, Chair.

CHAIRPERSON: Yes. Thank you.

ADV WINKS: Thank you, Chair.

CHAIRPERSON: Thank you, Mr Winks.

ADV WINKS: May we be excused?

CHAIRPERSON: You are excused, thank you.

ADV SIKHAKANE SC: Thank you, Chair.

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

CHAIRPERSON: Thank you, Mr Sikhakane.

ADV SIKHAKANE SC: Thank you, Chair and Commissioners.

CHAIRPERSON: Thanks.

ADV SELLO SC: That would then deal with the

housekeeping issues for the Port Shepstone stream. But we have Mr Chaskalson here, who has got his own housekeeping issue to deal with. So if I may invite him, thank you.

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON: Thank you, Chair. Chair, Mr Carrim had been subpoenaed to attend today. We received a medical report and I understand Mr Carrim's legal representatives are here.

10 **CHAIRPERSON:** Let us adjourn, perhaps, and, let us adjourn and come back just now.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I hope I had already greeted you, Mr Chaskalson.

ADV CHASKALSON: Thank you, Chair.

CHAIRPERSON: Good morning, Mr Premhid.

ADV PREMID: Good morning, Chair. Good morning, Commissioners.

20 **CHAIRPERSON:** Thank you. Yes, Mr Chaskalson.

ADV CHASKALSON: Chair, there was, Mr Carrim was due to appear this morning. There is been a fairly lengthy to-ing and fro-ing in correspondence, the upshot of which was that on Friday a current medical report was furnished, a fairly detailed current medical report was furnished,

indicating that Mr Carrim is not fit to appear today. And I do want to emphasise that we have given an undertaking to Mr Carrim through his legal team that we will not disclose details of what is contained in the medical report. So if anything does need to be debated, can we just bear that in mind.

Mr Carrim's legal team was informed that although he had been subpoenaed today in the light of the medical report, it was not necessary for him to be here, but his legal
10 team should be here, and we are here today. Now, from the Commission's side, I do want, we sit in a difficult situation. We have two months of hearings left. We have allocated a slot from 29 June to 1 July to mop up all of the part-heard witnesses. And so from our side, we would want Mr Carrim to be postponed to a day between 29 June and 1 July. In our programme, that is where it fits. We have other witnesses scheduled essentially until we finish for all other slots.

CHAIRPERSON: I saw some dates in the correspondence
20 there. What were those, Mr Chaskalson?

ADV CHASKALSON: So the ...[intervenes].

CHAIRPERSON: Suggested ...[intervenes]

ADV CHASKALSON: From Mr Carrim's team had suggested 22 to 26 June or 9 to 10 July. Those dates are not convenient to us. If ...[intervenes].

CHAIRPERSON: To avoid arguments just around the question of dates, should we not again just stand down and see if Counsel cannot find each other, please?

ADV CHASKALSON: Okay.

CHAIRPERSON: You will indicate when you are ready. Yes, yes, yes, Mr Premhid.

ADV PREMhid: Thank you, Chair. Thank you to my learned friend. I had indicated to my learned friend before we started that those are the dates we are available based
10 on our availability as the legal team. If I may ask, before I talk to my learned friend, can I try and contact the other members of my legal team with whatever those particular dates are that Mr Chaskalson indicated so that I can, when I discuss with him, I can tell him what our position is. And if we cannot find each other, Chair, then obviously we are in your hands and you will direct us accordingly, obviously subject to our client's fitness.

CHAIRPERSON: I hope it will not get to that. I just hope Counsel will find each other. All right, so the calling and so
20 on will happen as we ...[intervenes].

ADV PREMhid: Yes, if that is ...[intervenes].

CHAIRPERSON: Yes, yes.

ADV PREMhid: If that is all right, Chair. It might be that, as with today, it is not the entire legal team is here. You know, we might have to play musical chairs ourselves.

CHAIRPERSON: No, we will wait until after all of that has been done and then the engagement that I have suggested.

ADV PREMHID: I am indebted, thank you, Chair. I am grateful to my learned friend as well.

CHAIRPERSON: Thank you. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I do not know how to read the faces. Let us hear you.

10 **ADV CHASKALSON:** We have reached an agreement, Chair. We have juggled our program. The 25th of June.

CHAIRPERSON: 25 June. 25 June it is then. Thank you very much to both of you. You are both excused.

ADV PREMHID: Thank you, Chair.

CHAIRPERSON: 2026. I do not remember saying 2026. Thank you.

ADV CHASKALSON: It is a sanitary warning in this case.

ADV PREMHID: Chair, may I just say thank you to my learned friend and the Commission's team for rearranging
20 the dates to accommodate us and we look forward to being back in front of you on the 25th of June subject to the issues that you know are still outstanding.

CHAIRPERSON: Thank you.

ADV PREMID: Thank you, and thank you to the Commission for accommodating us.

CHAIRPERSON: Thank you very much. You are both excused.

ADV PREMHID: Thank you.

CHAIRPERSON: Ms Sello.

ADV SELLO SC: Thank you, Chair. I think that is the last of our in-house matters. The Chair I think has already disposed of what the Commissioners wanted to state.

CHAIRPERSON: Yes, I did. Thank you.

ADV SELLO SC: Just to advise then we are ready to start
10 with the first witness for the Port Shepstone stream this week and the witness will be led by Advocate Segeels-Ncube. Thank you.

CHAIRPERSON: Thank you. Thank you. Ja, we have been going out so many times, we will just sit and wait here. Good morning, Colonel Sanders.

ADV SEGEELS-NCUBE: Good morning ...[intervenes].

WARRANT OFFICER SANDER: It is Warrant Officer, sir.

CHAIRPERSON: Warrant Officer, I am very sorry. I think I have been reading several statements where we have
20 Colonels. I am sorry. I am sorry, Warrant Officer. Any relation to Colonel Sanders of Kentucky Fried Chicken?

WARRANT OFFICER SANDER: No, Commissioner.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Chair, I am so glad you made that mistake. I have been practicing not to say Colonel Sanders

the whole weekend. Warrant Officer Sander, Chair. The witness is Karl Ronald Sander and he is taking the oath.

CHAIRPERSON: Oh, thank you, thank you. Oh, without the S at the end. Okay, and spelled S-A-N-D-E-R, the surname.

WARRANT OFFICER SANDER: Correct, Commissioner.

CHAIRPERSON: Thank you. Thank you.

ADV SEGEELS-NCUBE: Chair, the witness will be sworn in.

10 **CHAIRPERSON**: Thank you. Do you swear that the evidence you are going to give will be the truth, the whole truth, nothing but the truth. If so, please raise your right hand and say, "So help me God".

WARRANT OFFICER SANDER: So help me God.

KARL ROLAND SANDER (duly sworn states)

CHAIRPERSON: Thank you, Warrant Officer.

EXAMINATION BY ADV SEGEELS-NCUBE: Thank you, Chair. Good morning, Warrant Officer. Chair, there are three files that should be in front of you. The one file is
20 called Consolidated Statements and Annexures and that contains all the witness statements that will be referenced in the Port Shepstone stream that have been referenced thus far with the exclusion for now of Captain Duma's statement, given the *in-camera* application. And then, Chair, the next file is Exhibit file 1 and Exhibit file 2, which

contains the exhibits that will be used in the Port Shepstone stream. Warrant Officer Sander's statement, Chair, can be found in the Consolidated Statement file, section 3 and it is an annexure to Colonel Jacob's statement, which he has submitted to the Commission for his evidence that will be tendered later this week. That statement of Warrant Officer Sander can be found in the annexure section after, of section 3 and it is GYJ1. And if you could just go to that, please, Warrant Officer, section 3, Annexure GYJ1. So it is
10 the second green folder.

WARRANT OFFICER SANDER: I have it, Commissioner.

ADV SEGEELS-NCUBE: Can you confirm that the statement that appears on page 1 and 2 of GYJ1 is your statement?

WARRANT OFFICER SANDER: It is, Commissioner.

ADV SEGEELS-NCUBE: Can you confirm the correctness thereof?

WARRANT OFFICER SANDER: Commissioner, I am perusing the statement. I will just point out on paragraph 5,
20 I see there is a date incorrectly entered in here.

ADV SEGEELS-NCUBE: What should the date be?

WARRANT OFFICER SANDER: It would have been 2020-02-06, not 2026-02-06.

ADV SEGEELS-NCUBE: Okay, thank you. Commissioners, we will get to the statement later. It is a bit

unorthodox to not deal with the statement first, but I just need to place Warrant Officer's evidence in context. His statement was attached as an annexure to Colonel Jacob's statement as part of Colonel Jacob's explanation as to why Isipingo Police Station could not accept the exhibits on the 22nd of June 2021. Chair will remember the evidence of General Flynn and of, I think it is Colonel Prinsloo, about the exhibits going to Port Shepstone eventually. A key aspect of that is why it could not be stored at Isipingo.

10 Warrant Officer Sander's statement deals with a previous incident at Isipingo Police Station with the same exhibit clerk, Warrant Officer Peramal, and why the exhibits of his bust that occurred in February 2020 were also not stored or why the exhibit registrar was reluctant to accept those exhibits, which is an aspect which Colonel Jacob relies upon for the decision-making that was made on the 22nd of June 2021 regarding the Cocaine that was not stored at Isipingo. Upon receiving ...[intervenes].

ADV BALOYI SC: [Indistinct]... Colonel Jacob's statement
20 to which this is an annexure, it is a statement to the Commission?

ADV SEGEELS-NCUBE: It is a statement to the Commission, Commissioner Baloyi, and that is in section 3. That statement was submitted earlier last week to the Commissioners.

ADV KHUMALO SC: Is it Gavin Houston Jacob?

ADV SEGEELS-NCUBE: Correct. He is a Colonel. Now, once we received the annexure, this statement from Warrant Officer Sander, it appeared to us that his evidence may be necessary for the Commissioners to hear. This is a kind of statement that ordinarily one would just submit to the Commissioners and have it be part of the record, but it appears that Warrant Officer Sander's name appears in many other instances related not only to the Port Shepstone
10 theft but other drug busts that occurred in Durban around that period, and so therefore we subpoenaed him to appear today to give evidence.

He has not submitted a statement. We had not called for a statement from him, and so Chair will just bear with us as we go through his evidence because we do feel that he would be able to provide the Commissioners with some important answers to questions that the Commissioners may have that we would not ordinarily be able to get otherwise than had we not been informed of his
20 significance in the 2020, February 2020 drug bust.

CHAIRPERSON: You say he has not provided a statement and that you have not asked for a statement. Is that because the one of the 20th of May was filed at the instance of Colonel Jacob?

ADV SEGEELS-NCUBE: That is correct, Chair, yes.

Thank you.

ADV BALOYI SC: Was it the one, this one of the 20th of May, was it obtained for purposes of the Commission by Colonel Jacob?

ADV SEGEELS-NCUBE: That is correct, Commissioner Baloyi. He has provided it as part of his statement and it was specifically done for purposes of his evidence that he will lead.

CHAIRPERSON: So as you say, to explain why the drugs
10 were not, rather, the Cocaine or what was suspected to be Cocaine, why it was not kept at Isipingo.

ADV SEGEELS-NCUBE: Indeed, Chair.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you. Now, Warrant Officer, I would just like to start because your statement does not deal with your, when you joined the police force and your career in the police force. Could I ask you to please just give us a brief summary of the important highlights of your career?

20 **WARRANT OFFICER SANDER:** Thank you, Commissioner. 1986-12-31, I was attested in the South African police. 1987, I went to college.

ADV SEGEELS-NCUBE: My apologies, Warrant Officer. Chair, the Warrant Officer did this morning provide us with just a short summary, if we can hand it up. It will be

included in the Exhibit bundle as CJC246.

CHAIRPERSON: As I always do, I will require the attorneys to assist with where this should go.

ADV SEGEELS-NCUBE: Yes.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: You will just highlight some of the significant aspects, yes.

WARRANT OFFICER SANDER: Thank you, Commissioner.

- 1991, Combating of Terrorism Reaction Course.
- 10 • 1991, Identification of Explosives.
- 1996, SWAT Instructor. I was a training instructor for the South African police.
- In 2000, I completed my Detective Learning Program.
- 2002, Narcotics Investigators Course.
- 2007, Street Survival.
- 2008, Tactical Survival.
- 2009, Analyst Notebook /2 Explorer.
- 2010, training presented by the DEA, Drug
- 20 Identification and Clandestine Laboratories.
- In 2010, it is part of the SWAT Co-Program, Drug Identification and Trafficking and Identification of Chemical Equipment Used in the Clandestine Laboratories and Manufacturing of Illicit Substances.
- In 2013, I completed a Certificate in Anti-

Corruption for Practitioners.

- 2015, I completed a course by the NCIS Homeland Security by the Americans in the Counter-Illicit Smuggling in the Maritime Environment.

- In 2015, I am qualified as a Non-Intimate DNA Collection. I can collect non-intimate DNA from a witness or an accused.

- In 2023, I completed a course of the United States Drug Enforcement Agency in the New Trends in
10 Clandestine Laboratories and Chemical Monitoring.

- In 2024, I was able to assist in writing a course for the South African Police, which is the Specialized Narcotics Investigation Learning Program.

I have done a few external courses, of which I have done the Specialized Curriculum for Customs Officers and IPR Enforcement, and I did that through the IPR Crime Investigators College. There are a few more, but that is all.

ADV SEGEELS-NCUBE: And on page 664, the training of SANEB?

20 **WARRANT OFFICER SANDER:** I am sorry?

ADV SEGEELS-NCUBE: Page 664, training of SANEB/DPCI courses, what did that entail?

WARRANT OFFICER SANDER: That is correct, Commissioner. For the last, yoh, I began in about 2000, traveling around the country, training the different Narcotics

units, Crime Intelligence, and Organized Crime. We began developing a training program. It is the program that I mentioned now. It is the Specialized Narcotics Investigation Program. There was a team of us, and that is what I did. I trained the DPCI, the SANEB members, the Station members, Organized Crime, Crime Intelligence, Customs. We sit in with members from FSL as well, so it is quite a cool course.

ADV BALOYI SC: What is that training? What does it
10 entail?

WARRANT OFFICER SANDER: Commissioner, it is a specialized module. We do not just tell you it is Cocaine. We tell you where it comes from. We then tell you what chemicals you need to manufacture the end product. We then tell you how it is trafficked. We then teach you how to identify the trafficking measures. From there, there is law enforcement protocols that go into investigating that, mutual legal assistance, surveillance, interception and monitoring, agent program. That is part of that. So, it is something
20 that the normal station level members do not receive. It is more for your specialized units.

ADV SEGEELS-NCUBE: And is that training program in place now?

WARRANT OFFICER SANDER: It is, Commissioner. It is accredited and in place.

ADV SEGEELS-NCUBE: And accredited by who?

WARRANT OFFICER SANDER: The South African Police, Commissioner, and it has got a unit standard as well. It was rolled out in the end of 2024 at the Chatsworth Training College, and we had it officially accredited and passed.

ADV SEGEELS-NCUBE: And is it given to only the DPCI members or other SAPS units as well?

WARRANT OFFICER SANDER: Commissioner, as I said, it is other SAPS members as well, but it is people that are
10 identified in the working environment.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: When you say people that are identified, they are picked by somebody, some system?

WARRANT OFFICER SANDER: Correct, Commissioner. It is also people that want to have an interest. It is pointless you come sit for a couple of weeks and you do not have an interest in the topic. You have got to have an interest in the field. You have got to be passionate about it. We do a theory, and then we actually did the physical, where we
20 took people into the airport. We took people into the port. We took people into a minus 40 degree cold storage and showed them how to work in that environment. So you have got a practical feel for it. You have got the theoretical feel for it, but you also had to work every night. They had theory to do, they had tests to write, and it was sat in by

HRD, the Human Resource Development. There is two sections in HR, and they then bring it through. It was myself and members from head office, and I say it was a highlight of my career.

ADV BALOYI SC: Is it a voluntary participation program, or is there a compulsory category of people that must attend this course, or it is just a matter of if you are interested, you come and attend?

WARRANT OFFICER SANDER: Commissioner, I would say
10 from my side, I am going to say I would love every policeman to complete it, but it would be a person that is going to, obviously there would be a budget, it is time, the police would say there is a place for 30 members who is in that field, they must apply, and then the Unit Commanders would send those people to be enriched and developed. So it is not compulsory at this stage, but it is a unit standard to obtain while working in our division.

ADV BALOYI SC: And what would you say is its reach, since it was introduced, reach in terms of the levels of
20 participation? And I ask the question because we have had evidence previously which you are probably aware of, of people who have participated in drug busts and they have absolutely no experience in that space, and they have said stuff like, you know, smelling Cocaine, they identified it by how it smells, but it is the same person who has never

participated in other drug busts, so I ask in that context.

WARRANT OFFICER SANDER: So if I am correct, Commissioner, you are asking has it shown something beneficial?

ADV BALOYI SC: As in its uptake in the SAPS, do you find that members, lots of members who are potentially involved with narcotics operations do participate? So it is really a stats questions, a statistics question that I am asking.

10 **WARRANT OFFICER SANDER:** Commissioner, the people that we are training are not the people on the ground that you are hearing about, so maybe it is the wrong field, but there is interventions from the South African Police to train those people. The South African police members, when we join the police, or when I joined the police, we were taught about drugs. Believe me, it is nothing what we are, where we are today. I accepted it, I appreciate it, but it is not where we are today. There are different risks.

The members on the scene, the members in blue,
20 the uniform members, elements of this are taught to them, but they do not understand the risk consequence behind it. And, Commissioner, I will say this from my side because I have got the experience of it, the police wants you to compile and follow the guidelines on the crime scene with narcotics. There is a reason for it, because if you do not,

you are going to get sick. Maybe during my, while I am giving my evidence, I will explain to you. I have personally experienced it. My current partner that I work with got very sick.

The chemicals are toxic. I have skin cancer. I cannot tell you if I got it from here or not. The chemicals are toxic. You have to take the necessary precautions while handling, while dealing, and processing them. That is why we have our protocols set up, but I am not the person
10 that writes these protocols. It is chemists, doctors, forensic experts that wrote those protocols because they know as well, those chemicals are deadly, and in the environment that we work in, we, maybe the community only sees it as drugs.

It is also chemicals, and some of those chemicals are not chemicals at all. They are substances that you and I have in our kitchens, and if you interact those chemicals in the wrong way, you will get sick. So if the Commissioner ask me, did this program work? I have evidence it did work.
20 I have had members that work at Beitbridge Border Post, and they have had brilliant seizures just from stopping, observing, following the checklists, following the hints that I have given them, and they will phone me, Warrant, this is what you told me to do, can I do this? Yes, you do. He phones me five minutes later, we found it. To me, that is a

major success.

ADV SEGEELS-NCUBE: Thank you, Warrant Officer. So the program that you assisted with, it includes how to manage a seizure scene, clan lab and non-clan lab.

WARRANT OFFICER SANDER: Commissioner, that is correct. It is also part of the practicals that you do on course. You are given a practical where you are taught to wear all the correct PPE, and then process that scene, and then at the end, produce a docket or an inquiry file. It is

10 part of the course.

ADV SEGEELS-NCUBE: And can I just ask you on page 8662, the 2015 entry there, NCIS Homeland Security, Counter Illicit Smuggling, Maritime Environment, what was that?

WARRANT OFFICER SANDER: If I am correct, that had a lot to do with the Heroin trade and the Cocaine trade. So it was everything that was coming by sea. So your containerized vessels, your ...[indistinct], your fishing vessels, and it also included air transport as well. So it is

20 your cross-border integration.

ADV SEGEELS-NCUBE: And so that was a course that you did with NCIS Homeland Security?

WARRANT OFFICER SANDER: That is correct.

ADV SEGEELS-NCUBE: And how long have you been in the narcotics investigation space?

WARRANT OFFICER SANDER: 1999.

ADV SEGEELS-NCUBE: 1999?

WARRANT OFFICER SANDER: 1999.

ADV SEGEELS-NCUBE: Until?

WARRANT OFFICER SANDER: Ja, 2024. 2023/2024,
Commissioner.

ADV SEGEELS-NCUBE: And where did you move to in
2024?

WARRANT OFFICER SANDER: I was moved away from my
10 work environment, Commissioner.

ADV SEGEELS-NCUBE: Where were you moved to?

WARRANT OFFICER SANDER: The provincial head office
under General Senona.

ADV SEGEELS-NCUBE: As what? What specific
department?

WARRANT OFFICER SANDER: Supply chain management.

ADV SEGEELS-NCUBE: And what did that entail?

WARRANT OFFICER SANDER: I looked after all the
weapons for the KZN Armory for the DPCI.

20 **ADV SEGEELS-NCUBE:** And if I could ask you, when did
you move from there, if at all? And we will get back to that.

WARRANT OFFICER SANDER: Sorry, Commissioner, say
that again?

ADV SEGEELS-NCUBE: So you were in Support Services,
Provincial Support Services. Are you still there now?

WARRANT OFFICER SANDER: No, I was moved back to Economic Protected Resources in August of last year, Commissioner.

ADV SEGEELS-NCUBE: And what is that unit?

WARRANT OFFICER SANDER: I now work with crimes against infrastructure, your power lines, your fuel, Transnet, wildlife, as well as high-profile kidnappings and human trafficking, of course. My apologies. I am still new at it.

ADV SEGEELS-NCUBE: Okay, we will get to
10 ...[intervenes].

CHAIRPERSON: It is not my area of expertise, of course, and SAPS has to make its own decisions with regard to deployment, the deployments of its members, but with your expertise, which is shown from what you read and substantiated on here, and also just the evidence you have given thus far generally, it seems that you are quite experienced in narcotics, especially, you have gone so far as to say you even lectured countrywide on the subject. It just sounded to me that it is quite a waste of a resource to
20 take you to procurement. I am not suggesting that procurement is not important, but I am just making a comment. I just find that very, very odd. It is just a comment, and I do not even expect you to comment.

WARRANT OFFICER SANDER: Commissioner, may I comment?

ADV SEGEELS-NCUBE: Chair?

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: You can comment now, or we can get to it. Ja, we will get to that portion.

CHAIRPERSON: All right, all right.

ADV SEGEELS-NCUBE: Thank you.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Before we get to that, can I just continue with your experience in narcotics, and then we can
10 deal with Chair's very important question. Can I ask you in the consolidated statement, the consolidated statement bundles ...[intervenes].

ADV BALOYI SC: Before you do that, there are acronyms here that we should not assume we know. At page 662, in 2010, towards the bottom of that page, Warrant Officer, you have got SAPS S-A-R-P-C-O. It has something to do with drug identification. What is that acronym for, S-A-R-P-C-O?

WARRANT OFFICER SANDER: Commissioner, that is SARPCO, the South African Regional Police
20 Commissioners, I think it is Organization. It is all the people in the southern hemisphere of Africa. It is all their police members that come together and I began attending one of their courses, and then I was privileged enough to present lectures to them and it builds up a brilliant communication, because that is the corridor for the Heroin

and Methamphetamine into our country. So that was, so I was presenting courses to SARPCO attendees.

ADV BALOYI SC: Okay, thank you. Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner. I had directed you to the statement bundle, consolidated statement bundle, section 1 and it is, you will see there is another folder in section 1, a divider, an orange divider, with General Flynn's supplementary statement.

WARRANT OFFICER SANDER: Henrik Frans Flynn?

10 **ADV SEGEELS-NCUBE:** Yes, supplementary with the statement.

WARRANT OFFICER SANDER: I have it, Commissioners.

ADV SEGEELS-NCUBE: So, in paragraph 3, General Flynn had created a table of drug busts that occurred in Durban, non-clan lab drug busts in Durban for the period 2020 to 2022. What I would like us to do is go through that table and ask you to identify all of the busts where you were involved. So the first one is 5 February 2020 at CHC Depot, 547 kilograms Mandrax.

20 **WARRANT OFFICER SANDER:** It is my case, Commissioner.

ADV SEGEELS-NCUBE: And the next one is the 8th of May 2020.

WARRANT OFFICER SANDER: It is my case, Commissioner.

ADV SEGEELS-NCUBE: The next one, 11 August 2020, Durban, 20 kilograms of Cocaine.

WARRANT OFFICER SANDER: My case, Commissioner.

ADV SEGEELS-NCUBE: 23 February 2021, 495 packages of Meth.

WARRANT OFFICER SANDER: That is Methamphetamine, yes, Commissioner, it is mine.

ADV SEGEELS-NCUBE: 22 June 2021, 541 kilograms of Cocaine.

10 **WARRANT OFFICER SANDER:** Not mine, Commissioner.

ADV SEGEELS-NCUBE: The 30th of July 2021, Maydon Wharf, 1,000 kilograms of Cocaine.

WARRANT OFFICER SANDER: That is mine, Commissioner.

ADV SEGEELS-NCUBE: The 16th of February 2022.

WARRANT OFFICER SANDER: Commissioner, I attended the scene. I was present there, but it was not my case.

ADV SEGEELS-NCUBE: Whose case was it?

WARRANT OFFICER SANDER: It was given to, it is now
20 Colonel Sibiya.

ADV SEGEELS-NCUBE: KG Sibiya?

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: 28th of November 2022, 60 kilograms of Cocaine at R&D Port.

WARRANT OFFICER SANDER: Yes, that is mine,

Commissioner.

ADV SEGEELS-NCUBE: That is also yours?

WARRANT OFFICER SANDER: They are all mine.

ADV SEGEELS-NCUBE: Okay. Now there is also another document that has been submitted by, which formed part of General Senona's bundle. If I could ask you to go to that. It is in the Exhibit bundle. It should be the second file, page 549.

WARRANT OFFICER SANDER: Major Heroin and Cocaine
10 seizures.

ADV SEGEELS-NCUBE: Yes, that is correct. And can we start on 550, because I think they inverted, but let us just wait for the Commissioners to get there. And you can display it if you have it available. First, we will start on page 550.

WARRANT OFFICER SANDER: It is Durban Central Enquiry CAS 13/10/2023, 228 kilograms of Cocaine. It was seized at iDube Cold Storage. Yes, it is mine.

ADV SEGEELS-NCUBE: That was yours as well?

20 **WARRANT OFFICER SANDER:** Yes.

ADV SEGEELS-NCUBE: Okay. And on page 549, are those the photographs related to that?

WARRANT OFFICER SANDER: Yes, they had an owl on them. That would be my scene.

ADV SEGEELS-NCUBE: Okay. So that is October 2023.

This is not at the harbour or a depot near the harbour.
Where was this?

WARRANT OFFICER SANDER: Commissioner, it is deemed a port operation because it is inside, it was right next to the King Shark International Airport. It is inside an industrial space that processes goods in bondage, goods in storage and in transit. And this was frozen chicken coming from South America into South Africa and here we had information and there was a shipment of Cocaine hidden in
10 between the chicken.

ADV SEGEELS-NCUBE: Okay. So, did you make any other busts after October 2023?

WARRANT OFFICER SANDER: Commissioner, I have been part of one. I think there is another one where the Cocaine was found in paint drums.

ADV SEGEELS-NCUBE: That is on page 551.

WARRANT OFFICER SANDER: Ja, that is it.

ADV SEGEELS-NCUBE: Do you mind telling us about that one?

20 **WARRANT OFFICER SANDER:** But, Commissioner, the case number is incorrect.

ADV SEGEELS-NCUBE: If you go to page 548, just check there. What is the description?

WARRANT OFFICER SANDER: That would be correct, because it was at Grindrod. That is correct. It is at the

Grindrod warehouse, that is correct. But on the image itself, the index to the 13/10/2023 is incorrect.

ADV SEGEELS-NCUBE: Okay. So, the description at 548 goes with the photographs on 551.

WARRANT OFFICER SANDER: That would be correct, Commissioner.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: Ms Ncube, if then we make the correction on page 551 so that when we read away from you
10 and the Warrant Officer, we remember what it was.

ADV SEGEELS-NCUBE: We had wanted to do that, Commissioner, but it is General Senona's document. So, we are not sure if there was a reason why they had done it that way, but the Warrant Officer indicated to us that it is incorrect. But I am not sure if in their records it is actually incorrect. It is not our document.

CHAIRPERSON: Ja, but on our copies, because what we have are our copies, can you just lead us on what we should write?

20 **ADV SEGEELS-NCUBE**: Yes. So, if, Warrant Officer, you could take, go to page 548.

WARRANT OFFICER SANDER: Commissioner?

CHAIRPERSON: We want to write what is correct on 551.

WARRANT OFFICER SANDER: So, 548 is correct, from what I can understand.

CHAIRPERSON: Yes.

WARRANT OFFICER SANDER: It was at Grindrod. It was in paints drums.

ADV SEGEELS-NCUBE: It is the enquiry number that is different.

WARRANT OFFICER SANDER: It is the enquiry number that is incorrect.

CHAIRPERSON: So, we just, where we have 13/10/2023, we simply write 10/10/2023?

10 **ADV SEGEELS-NCUBE:** Correct, Chair.

CHAIRPERSON: Thank you. I see you, Warrant Officer, I see you are straining your ears when I speak. Am I speaking too softly?

WARRANT OFFICER SANDER: Commissioner, I can hear you.

CHAIRPERSON: Yes.

WARRANT OFFICER SANDER: My ears are, I have permanent tendinitis. I hear the sea all day long, so it is very fortunate I do not need to go on holiday.

20 **CHAIRPERSON:** All right, thank you.

ADV SEGEELS-NCUBE: Thank you, Chair.

ADV BALOYI SC: At that 551, the correction we make, you say is 10/10/2023, but it looks like even the quantity, it says 228, is the quantity correct?

WARRANT OFFICER SANDER: Commissioner, I will not

say the, I cannot, sorry, let me not say, I cannot say, I cannot confirm that. It was not my matter.

ADV BALOYI SC: Okay.

WARRANT OFFICER SANDER: I can confirm those are the images that were there, and I can confirm I did attend the scene.

ADV BALOYI SC: Okay, I understand. Thank you.

ADV SEGEELS-NCUBE: I think the mistake is that they confused the paint bust with the, the enquiry number for the
10 paint bust with the enquiry number for the frozen chicken. So at 550, where you deal with the frozen chicken, it is 13/10/2023, but the photographs on the next page, which is 13/10/23, is not the paint, not the chicken, it is the paint. That is really where the mistake come. So Commissioner Baloyi is correct, it is not 228 kg on 551. It should be 200. And yours is the 228 for the frozen chicken, okay. Now, what was your involvement in the paint bust?

WARRANT OFFICER SANDER: I was part of the team under a Commander. I can say it was easy. We spotted the
20 paint tins because of irregularities on the lids, and then we identified the Cocaine and unpacked it. I did nothing further than that.

ADV SEGEELS-NCUBE: Okay. And were there any other busts before you were then moved to Support Services?

WARRANT OFFICER SANDER: Not that I can recall.

There was quite a few, but not that I have in front of me right now, Commissioner.

ADV SEGEELS-NCUBE: Okay. Before we deal with the reason that you were moved to Support Services, can you tell us more about what you were doing at Support Services? You mentioned firearms. What did it entail? Was it an operational position?

WARRANT OFFICER SANDER: Commissioner, I was moved to Support Services due to a pending investigation of
10 corruption. I was served a letter by General Senona, and I was moved. I have still heard nothing.

ADV SEGEELS-NCUBE: Can we go to that letter on page 475, Commissioners, of that same bundle, 475 of the Exhibit bundle, the same ...[incomplete].

WARRANT OFFICER SANDER: Yes, this is it.

ADV SEGEELS-NCUBE: Okay. We obtained this. It is a photograph of the actual letter, but I think you have come today with the actual letter.

WARRANT OFFICER SANDER: That is correct,
20 Commissioner.

ADV SEGEELS-NCUBE: Okay, we will just wait for the Commissioners.

ADV BALOYI SC: Sorry, we missed what you just said.

ADV SEGEELS-NCUBE: We obtained a photograph of the letter, but the Warrant Officer came with the actual letter.

So you will see the quality is not that great. So, Warrant Officer, it is a Notice of Temporary Placement. Can you read to us what it says? Please take your time. You can start from paragraph 1.

WARRANT OFFICER SANDER: -:

10 “1. A complaint was received on allegations of serious corruption against the above-mentioned member, who is attached to the SANEB team at Durban Serious Organized Crime Investigation.

2. It has been decided that Warrant Officer KR Sander be placed at the Provincial Support Services as from 2024-02-13 until further notice, pending the outcome of the investigation.

3. Kindly inform the member accordingly.”

20 It is signed by General Senona, dated 2024-02-13.

ADV SEGEELS-NCUBE: Now, were you ever informed of what the serious allegations of corruption were?

WARRANT OFFICER SANDER: Yes.

ADV SEGEELS-NCUBE: Were you informed officially in writing?

WARRANT OFFICER SANDER: No.

ADV SEGEELS-NCUBE: Okay, how were you informed?

WARRANT OFFICER SANDER: Verbatim, in a meeting. It was myself. If I recall, it was myself, Colonel Jacob, Colonel Sibiya, Brigadier Nyuswa and General Senona.

ADV SEGEELS-NCUBE: And what were you informed about?

WARRANT OFFICER SANDER: I was told that an email had been sent to the National Head Office that I was
10 accused of supplying or facilitating the supply of narcotics to the Florida Road Nightclub Syndicates.

ADV SEGEELS-NCUBE: And did you ever get an outcome of the investigation?

WARRANT OFFICER SANDER: No, Commissioner.

ADV SEGEELS-NCUBE: Formally, no?

WARRANT OFFICER SANDER: No, Commissioner.

ADV SEGEELS-NCUBE: Unofficially?

WARRANT OFFICER SANDER: Yes, Commissioner.

ADV SEGEELS-NCUBE: Unofficially, you were informed of
20 the outcome?

WARRANT OFFICER SANDER: No, Commissioner.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER SANDER: Unofficially, I found out that the enquiry was closed, I think it was in four days or five days. The enquiry was given to members from Port

Shepstone DPCI. It was allocated to them. Unofficially, I found that that enquiry was closed within four days. It was filed, negative.

CHAIRPERSON: When you are saying within four days, do you mean four days from 13 February 2024?

WARRANT OFFICER SANDER: No, Commissioner, from the time it was opened to the time that it was closed.

CHAIRPERSON: Yes.

WARRANT OFFICER SANDER: The time of me being
10 placed and the time of the enquiry are different.

CHAIRPERSON: Okay, alright. And besides this letter at page 475, did you ever receive any communication, anything in writing either from General Senona or the Provincial Commander? Did you ever get anything in writing ...[intervenes].

WARRANT OFFICER SANDER: Besides this.

ADV SEGEELS-NCUBE: Besides the letter at page 475.

WARRANT OFFICER SANDER: There is other letters that came. Commissioner, as a result of this, I was sitting now
20 in an environment where they say I am not in active duty.

CHAIRPERSON: No, no, I am talking letters that relate to what appears to have been a disciplinary process that was intended, letters relating to that.

WARRANT OFFICER SANDER: Nothing.

CHAIRPERSON: So this is the only letter you received?

WARRANT OFFICER SANDER: Yes.

ADV SEGEELS-NCUBE: Thank you, Chair. And till today, you do not know officially what the outcome of the investigation is?

WARRANT OFFICER SANDER: That is correct, Commissioner. And even before this, I even said to Colonel Jacob, I said, all I want is my name cleared. Give me the letter, clear my name.

CHAIRPERSON: And how did you get to hear that the
10 enquiry was closed within four days of its commencement?
How did you get to hear about that?

WARRANT OFFICER SANDER: I asked someone to check the enquiry number on CAS.

CHAIRPERSON: And they came back saying that it was closed?

WARRANT OFFICER SANDER: Closed.

CHAIRPERSON: And you yourself never saw anything showing that it was indeed closed?

WARRANT OFFICER SANDER: No, Commissioner.

20 **ADV SEGEELS-NCUBE:** And were you ever placed on suspension?

WARRANT OFFICER SANDER: No, Commissioner.

ADV SEGEELS-NCUBE: You were then moved from Support Services at some point.

ADV BALOYI SC: Maybe before you move on. At the time,

who did you report to? Who was your immediate superior?

WARRANT OFFICER SANDER: I fell under Captain Van Niekerk. There is a Colonel, and then Brigadier, Colonel Zekali, and then Brigadier Mulligan and then obviously it is the two seniors, which is Brigadier Nyuswa and General Senona. We are all on the same office.

ADV BALOYI SC: So, of the people that were in the room with you when you were told about this email that has come to head office ...[intervenes].

10 **WARRANT OFFICER SANDER:** Oh, yes.

ADV BALOYI SC: Was any one of them your immediate superior, one of the people that ...[indistinct].

WARRANT OFFICER SANDER: My immediate superior was Colonel Jacob.

ADV BALOYI SC: At the time?

WARRANT OFFICER SANDER: Yes.

ADV BALOYI SC: Okay, and he was in the room?

WARRANT OFFICER SANDER: Yes.

20 **ADV BALOYI SC:** Did you ever get to see the email complaint against you?

WARRANT OFFICER SANDER: Never.

ADV BALOYI SC: Okay. And when you find out that the investigation or the enquiry is closed, did your immediate superior speak to you about it ever?

WARRANT OFFICER SANDER: No.

ADV BALOYI SC: Nothing. And it continued to be, at the time that you find that it is closed, your superior continued to be Colonel Jacob?

WARRANT OFFICER SANDER: So, technically, yes, because my post never changed on the system. I am actually gone back to my very same office at my old office. So, my post was still there. I plug my computer in. I log in. I still have the same title. But when you work at another office, we have obviously a job description in JD. So, I had
10 two peps, one for Support Services and one for DPCI Serious Organized Crime, SANEB. So, I had two jobs that were running.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: And whilst at Support Services, what was your experience in the working environment?

WARRANT OFFICER SANDER: For me, it was prison. The people I work with, are amazing and I will say that over and over again, incredible humans. I learnt a lot, but there was a post that I applied for. During the post, they do a
20 financial vetting, and it came up that I was a director of a shooting club. I am not going to mention the name, if that is fine. It is part of all of my police members. I am the Vice Chairman of the police shooting club. Half of the KZN shooting club, we are all members of the same club as well. We preserve the bank account to stop people changing the

name or committing fraud. By doing so, our Treasurer registered a company but it is a non-profit company. I was charged for running a business without telling the police that I had an interest in the business. The outcome of that was a verbal warning by Colonel Jacob.

ADV SEGEELS-NCUBE: But this was after the allegations of corruption, and you were moved to Support Services?

WARRANT OFFICER SANDER: It is after, but it is during as well, Commissioner.

10 **ADV SEGEELS-NCUBE:** Yes. And that was also in 2024?

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. And your engagements with General Senona while at Support Services, how were those engagements?

WARRANT OFFICER SANDER: I do not engage with General Senona, Commissioner.

ADV SEGEELS-NCUBE: And you say that other than General Senona, there was also Brigadier Nyuswa. Was he also at that same office where you were?

20 **WARRANT OFFICER SANDER:** That is correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. When you then moved from Support Services, you go where?

WARRANT OFFICER SANDER: Commissioner, I received, I was called to Brigadier Nyuswa's office. He was told I am

going back to my old office, but I was being moved. I was not allowed to work narcotics. Commissioner?

ADV SEGEELS-NCUBE: Continue.

WARRANT OFFICER SANDER: But prior to this, they wanted to stop all my scarce skills and this had resulted in me getting legal counsel, drafting long statements, and we served a notice on then it was Colonel Jama. Colonel Jama was acting on behalf of General Senona. She served the notice to suspend all my salaries and my incomes, and I
10 challenged it. To that, I never received a response. But I did get the verbal response of Brigadier Nyuswa telling me that I am going back to operational space. But I was told I was not allowed to work narcotics.

ADV BALOYI SC: Can you just explain, you say your scarce skills were stopped. What are we talking about when you say scarce skills were stopped?

WARRANT OFFICER SANDER: Commissioner, in the DPCI environment and the Organized Crime environment, FSL, Task Force, and stuff like that, certain skills, you get a
20 financial remuneration. For the Commissioner, I get R1,000.00. That is my scarce skills ...[intervenes].

ADV BALOYI SC: An allowance, scarce skills allowance.

WARRANT OFFICER SANDER: R1,000.00. It means a lot to me, though.

ADV BALOYI SC: Yes.

WARRANT OFFICER SANDER: It is R1,000.00. I have been receiving it since its inception, and I work for it. It is mine. I was then told, but now remember, on top of that now, there is no more danger allowance. So I lose my danger allowance, my operational allowance. So financially, it is a huge knockdown now to be sitting in an office. I have the court papers here, the Commission wants it and that, when I say court papers, my legal bundle, which I served on Colonel Jama. They moved me. There is still
10 no answer. And I said, you moved me, how can you take my money away when nothing has happened? And then I was moved back to my working space.

ADV BALOYI SC: Was then the scare skills allowance restored ...[intervenes].

WARRANT OFFICER SANDER: It was never touched.

ADV BALOYI SC: When you returned.

WARRANT OFFICER SANDER: They never touched it, Commissioner. Maybe the correct wording is, it was a notification to suspend your allowance.

20 **ADV BALOYI SC:** And it was never suspended?

WARRANT OFFICER SANDER: They never touched it.

ADV BALOYI SC: Okay.

WARRANT OFFICER SANDER: I still receive it as we speak, Commissioner.

ADV BALOYI SC: Okay.

ADV SEGEELS-NCUBE: So you were moved to Support Services in February of 2024. And when do you then move out of Support Services?

WARRANT OFFICER SANDER: 2025/08, in August.

ADV SEGEELS-NCUBE: And that is when you were moved to the economic ...[incomplete].

WARRANT OFFICER SANDER: Economic Protected Resources.

ADV SEGEELS-NCUBE: And what do you do there?

10 **WARRANT OFFICER SANDER:** I am busy with human trafficking investigations. I am busy with quite a few investigations to non-ferrous syndicates, fuel pipelines, infrastructure damage. I have got a wildlife one at the moment with people poaching out at sea. It is quite interesting.

ADV SEGEELS-NCUBE: You had mentioned earlier that when they moved you verbally, they said that you would not go back to narcotics.

WARRANT OFFICER SANDER: Correct.

20 **ADV SEGEELS-NCUBE:** Were you given a reason as to why not?

WARRANT OFFICER SANDER: No.

ADV SEGEELS-NCUBE: Why do you think you were moved in February 2023?

WARRANT OFFICER SANDER: Am I allowed to say? I

think I was standing on their toes.

ADV SEGEELS-NCUBE: Can you just elaborate on that?

WARRANT OFFICER SANDER: Maybe being too successful, too many good recoveries. Understanding how the syndicate works. Understanding who the different role players in the environment were.

CHAIRPERSON: But should everybody within the force not be happy about that?

WARRANT OFFICER SANDER: We should be promoted to
10 actually make that bigger and go further.

CHAIRPERSON: I guess what I am trying to establish is why something that has all the hallmarks of a disciplinary process should be instituted against you when, as you say, you were quite successful. Should those that purported to institute this disciplinary process not actually have appreciated what you were doing? I guess that is another way of trying to get an answer to Ms Segeels-Ncube's question.

WARRANT OFFICER SANDER: Commissioner, it is very
20 difficult for me sitting here because, as I say, I do not have a statement or anything like that and now we are talking of a different subject. And it has affected where I am. And Commissioner's question is so valid, I could answer it for days. I will give Commissioner an example. The police has excellence awards. But you, as a policeman, to get the

excellence award have to motivate yourself to get the award. It is not your Commander who says, well done, Warrant Officer, you did this, I am going to put a letter in for you. It is the other way around. I must write my own story and hand it in to get the award. So management is getting the accolades. They get their PEP, they get their accolades as Commanders. But you as the members that do the work do not get the recognition the other way around. It is confusing, but that is how it works.

10 So in answering your question, Commissioner, the teams that work with me, I never work alone, the teams that work with me, they do not get recognition. Myself, there is no recognition. Maybe if you can go to my personal file and find a letter of recognition, I will be happy because I have not seen one.

ADV BALOYI SC: You were asked the question, why do you think you were moved and you say, I think I was, I must have been stepping on their toes. I am not asking you the “they”, to name the they that you refer to there. But here is
20 the question, did you have reason in these operations that you were doing, taken together, did you get to a point where you had reason to suspect that some of your colleagues, whoever they are, may be involved or have an interest in these operations? I am not asking you to mention names, but to understand what your answer means.

WARRANT OFFICER SANDER: Thank you, Commissioner.

Prior to me being moved, this investigation of the corruption, myself and my immediate Commander were not seeing eye to eye due to, let us just say, there was allegations of theft of exhibits, exhibits going missing, dockets going missing. I filed a complaint like that.

ADV BALOYI SC: Of that?

WARRANT OFFICER SANDER: Yes, Commissioner.

ADV BALOYI SC: Yes.

10 **WARRANT OFFICER SANDER:** And I do not think management took like to that. That would have been the start. I then applied for a transfer from the DPCI to Organised Crime at the provincial head office. So it would have been to the 14th floor under, its, it would have been under General Sibiya, sorry Brigadier Sibiya, the same working environment. If you ask how to challenge a system as a junior, you learn quickly that you cannot. I applied to go as an Investigator at Durban Central. That application, I cannot tell you how, which magic spell was cast, was
20 changed to Durban Central charge office and the transfer was approved not to, so remember the question is being asked now, do you have scarce skills? Yes. Are you an Investigator? Yes.

At that time there was a policy in place to retain Detectives, people with scarce skills. So that is why in my

application for a transfer, I asked to go to an investigative field. But the transfer was changed to go to the Durban Central charge office with a post number. When that came to our head office, HR, they said, are you aware of this and they said your transfer is approved. And I said, okay, I am very happy, thank you very much. And I see it is Durban Central charge office.

When I went to the HR at our provincial office, I was told, rather just go sit in your office, drink your coffee,
10 you are now fighting big people, leave it. And I took that advice. You comply. But I cancelled my transfer and I stayed at SCM until where I am to today.

ADV BALOYI SC: And this complaint that you say you filed about missing dockets and exhibits, you would have, I assume it is a complaint in writing.

WARRANT OFFICER SANDER: Yes, Commissioner.

ADV BALOYI SC: When is this in terms of time? Which year are we talking about?

WARRANT OFFICER SANDER: It is prior to this
20 happening, Commissioner.

ADV BALOYI SC: Prior to you being moved out of this?

WARRANT OFFICER SANDER: Yes, Commissioner.

ADV BALOYI SC: And who do you submit that kind of complaint to?

WARRANT OFFICER SANDER: I recall the original email

went to, it was then Captain, I cannot recall, he was a Captain ...[indistinct] KG Sibiya, but it was for the attention of then Lieutenant Colonel Gopalsamy, and then following the ranking trail going up.

ADV BALOYI SC: Yes. And that complaint, what kind of detail does it have? Does it, do you list incidents specific, case numbers, exhibits and ...[incomplete].

WARRANT OFFICER SANDER: It is very specific, Commissioner.

10 **ADV BALOYI SC:** It is that specific, okay. All right, thank you.

ADV SEGEELS-NCUBE: Chair, I just wanted to find out when are we taking the tea adjournment, if at all?

CHAIRPERSON: Let us adjourn and come back at 10 to 12.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

20 **ADV SEGEELS-NCUBE:** Thank you, Chair. Warrant Officer, before we continue with the next topic, I just want to deal again with what was happening at support services. And I know you have given your reason. You say you thought that you were moved, you think that you were moved to support services because you were stepping on toes, on their toes. And we are not asking you who you are

referring to as there. But how were you stepping on their toes? You said being too successful, but why would that be seen as stepping on the toes of the people that are now moving you?

WARRANT OFFICER SANDER: Commissioner, a syndicate has many toes, if I can say that. There are toes to move a product. There are toes to drive the product. There are toes to ship the product. There are toes that give legal advice. There are toes that possibly sit in the prosecution.

10 And then there is toes that sell the drugs. When I say toes, toes attached to those human people. If I hit their runners, I am standing on their toes. If I take their drugs away at the wholesale division, that is costing them a lot of money. It is a lot of money. You stand on their toes. If you stand on their toes, it causes a person to say ouch. They do not like doing that. They want you to also be ouch.

CHAIRPERSON: But our focus here is within SAPS. On what you are saying, one would be led to believe that perhaps you are talking about if there is such a thing, the

20 real drug dealers. And yes, I would imagine they could, if they do not actually do so, use SAPS members. But from what you are saying, one just thinks of the drug dealers themselves, excluding, for example, corrupt members of SAPS.

So, the disciplinary process here was brought by

people from SAPS. And the question is why this would have been done to you, and then you talk about stepping on toes. So, what exactly are you saying? Insofar as SAPS is concerned, and insofar as SAPS is instituting a disciplinary process, and ends up moving you to, I will just say procurement. I have forgotten the term you use.

WARRANT OFFICER SANDER: Commissioner, in short, I am just going to say maybe I became a thorn in their side, because I was interfering with their supply chain. And for
10 the supply chain to work correctly, you need, and I will say it, you need a corrupt policeman there. You need a corrupt customs official, you need a corrupt policeman. Then your system flows. That is how the system works.

CHAIRPERSON: So, your belief is that SAPS instituted a disciplinary process against you because you were disruptive of the drug dealing.

WARRANT OFFICER SANDER: Yes, Commissioner, and how else was I finding the stuff? I was obviously asking, for me I am saying I was asking the right questions, but for
20 them they were saying I was asking the wrong questions. I was finding the storage depots. I was not finding one bag, two bags, or three capsules. I was finding a ton, 200 kilos, 600 kilos. 30 kilos at a time.

I was finding it in a ship out at sea before it even came to Durban. I was finding it hidden somewhere. They,

maybe just the way I worked, I did not share that with them. So, they become suspicious of my techniques and my technology. But it was just an actual fact a very good working relationship with different role players and eventually some very good informers.

CHAIRPERSON: I assume you mean sharing the information. The sharing there sounds better. It is as if you are not sharing the drugs with them. You are not sharing the information on how you are so successful with
10 the drug busts.

WARRANT OFFICER SANDER: Commissioner, I do not know how to say it. Maybe we will get there in other evidence if I can have 2 minutes of your time to tell you how we disrupt them getting the stuff and the different techniques. But it is going to expose undercover operational techniques.

CHAIRPERSON: I do not think you should get into that detail because then it will alert the drug dealers on how you operate. They will then find ways to get around that.

20 **WARRANT OFFICER SANDER:** Thank you, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Chair.

ADV BALOYI SC: Can I ask a question and hope it does not get us back to what the Chair is trying to be cautious about? You said some words back that there has to be, and I think you were explaining how traffickers succeed. I think

one of the things you said was, for example, there has to be a corrupt police officer, there has to be a corrupt customs official for that chain to succeed ultimately. Can I ask you to just elaborate a bit there the role of a corrupt customs official, for example, in facilitating this, what role they would play, the corrupt police officer in this chain that ultimately sees a successful trafficking of drugs to their final destination?

WARRANT OFFICER SANDER: Commissioner, I believe
10 the advocate asked me about the CHC seizure. If I deal with that, that will give you, the Commissioner, a good example of how the information of a corrupt SARS official came about and then the steps taken after that. Can I do that?

ADV BALOYI SC: Yes, I will leave it to Ms Segeels to deal with that.

WARRANT OFFICER SANDER: Can I do that

ADV SEGEELS-NCUBE: Yes we will get to that, ja.

WARRANT OFFICER SANDER: Thank you.

20 **ADV SEGEELS-NCUBE:** I just want to close off your movements within DPCI so that we can then get to your statement and then we can deal with the other factual stuff. So, what I wanted to find out from you insofar as your time at support services is you are not on suspension. You have been moved there because of serious corrupt allegations,

which you were not given formal notification of what they entailed. What I want to understand is why they would move someone who is being accused of serious corruption to support services. Is it considered a safe place? I mean, you mentioned supply chain management. Is it a safe place to put somebody who is being accused of serious corruption?

WARRANT OFFICER SANDER: Commissioner, I do not want to say the location of where it is. Let us just say my
10 office I had a vault full of fully automatic weapons at my disposal. Not one, not two, a lot. As I said, I took over the armoury for the DPCI. There is documentation and I have signed a handing over. I was responsible for an audit, a good audit if I may add. The SEM team there is amazing. We got a clean audit from the Auditor General for all our weapons and ammunition. If I was corrupt, I would not sell drugs, I would sell guns. My field of expertise is weapons.

ADV SEGEELS-NCUBE: And so, in that position, you described it as being in prison.

20 **WARRANT OFFICER SANDER:** Commissioner, I work outside. I am an outdoor person. You clock in through a checkpoint in the morning. You clock out at a checkpoint. There is no time. You cannot go out at a certain time. My only safe space was my coffee machine. And then they stole my coffee machine inside the DPCI. Sorry, I am

laughing about it. It is still so annoying. And I had to get polygraphed because of the theft of my own coffee machine.

ADV SEGEELS-NCUBE: Who asked you to be polygraphed for the theft of your own coffee machine?

WARRANT OFFICER SANDER: General Senona. There were other items that were going missing in the environment. And, again, I was seen as a suspect and I had to go and get polygraphed for the theft of my own coffee machine.

10 **ADV SEGEELS-NCUBE**: Do you know if you passed?

WARRANT OFFICER SANDER: I passed. I just want my coffee machine back.

ADV SEGEELS-NCUBE: Did you get it back?

WARRANT OFFICER SANDER: No, no.

ADV SEGEELS-NCUBE: Okay, Warrant Officer, so when you move from supply chain management in August 2025 to the, let us just call it the anti-human trafficking division, what is your experience like when you are now in that unit?

WARRANT OFFICER SANDER: I am dealing with some
20 pretty high-profile cases. I believe one has been called up at Madlanga a few times now and at another Commission with the DPP. I have that matter at the moment. I have, as I said, wildlife and fisheries, illegal poaching on our coastline. I have got human trafficking with people going to Cambodia that were trafficked, nearly 200 and something

people. So, I think they are high-profile and with some form of expertise or let us call it you do not want a corrupt person investigating them, but here I am, I am investigating them.

ADV SEGEELS-NCUBE: And have you ever tried to get back to narcotics?

WARRANT OFFICER SANDER: I would love to go back, but I cannot.

ADV SEGEELS-NCUBE: And why do you say you cannot?

10 **WARRANT OFFICER SANDER:** Here we are in Madlanga today. I am giving evidence about the people that I work with or giving testimony about different things. It is just not a very happy space.

ADV SEGEELS-NCUBE: So, your intention is then to stay where you are?

WARRANT OFFICER SANDER: I am happy. It is a nice group to work with. We are actually doing very well.

ADV SEGEELS-NCUBE: And who do you report to?

WARRANT OFFICER SANDER: Colonel Jacob.

20 **ADV SEGEELS-NCUBE:** So, you still report to Colonel Jacob?

WARRANT OFFICER SANDER: Yes, Ma'am.

ADV SEGEELS-NCUBE: And can I just ask, how long have you been a warrant officer?

WARRANT OFFICER SANDER: 2003.

ADV SEGEELS-NCUBE: Since 2003?

WARRANT OFFICER SANDER: Yes, Ma'am.

ADV SEGEELS-NCUBE: Now, unless the Commissioners have any other questions about your history, I would like to move over to your statement, your witness statement.

ADV BALOYI SC: Maybe let me ask. This allegation against you, this email that was sent that you are supplying narcotics to, I think you said on Florida Road, to people n Florida Road. Were you given, other than that statement,
10 that there is an allegation that you are supplying narcotics, were you given any further detail of it as to what exactly you are alleged to have supplied, who are the people that you are supplying to, when was this?

WARRANT OFFICER SANDER: Commissioner, the answer is no.

ADV BALOYI SC: You never got that detail?

WARRANT OFFICER SANDER: None of any of your statements right now. The answer is no, no, no, no, no, no, no.

20 **ADV BALOYI SC:** So, you do not even know who the source of that email to head office, if there is an email to head office.

WARRANT OFFICER SANDER: No, there was an email.

ADV BALOYI SC: There was an email.

WARRANT OFFICER SANDER: The General had an email,

but I was not allowed to read it.

ADV BALOYI SC: You do not know who it comes from?

WARRANT OFFICER SANDER: No.

ADV BALOYI SC: So, you did not see it, that email?

WARRANT OFFICER SANDER: It could also be a false email.

ADV BALOYI SC: That is what I am asking. It could have been an email that says, hi, how are you, to anybody, but because you did not see it, you do not know if that email
10 that was waved around contained the allegation against you.

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV BALOYI SC: All right, thank you.

WARRANT OFFICER SANDER: But, Commissioner, from my side, if I may, it is false.

ADV BALOYI SC: Yes, thank you.

ADV SEGEELS-NCUBE: Thank you. Can we then go to your statement, which is an annexure to Colonel Jacob's statement? It is in the consolidated statement file under
20 section 3, and it is the second folder under section 3. You can just look at the tab GYJ1.

WARRANT OFFICER SANDER: Have it, Commissioner.

ADV SEGEELS-NCUBE: Now, before I ask you to read the statement, can I just ask you how did it come about that you prepared this statement?

WARRANT OFFICER SANDER: Commissioner, I was called by Colonel Jacob. No, I was not called by him. It was - my office is right below his office. I am applying for early retirement, and my exit interview and my paperwork has to be done by Colonel Jacob. And I believe it was in the process. Then I also do our group returns, and we talk about cases and convictions and stuff like that.

So, there was obviously admin that also needed to be done in Colonel Jacob's office. And when I was in his
10 office, he said to me he would been approached, and he had to give a statement for Madlanga. He wanted just to confirm a version of his regarding a seizure that I had made at CHC. I seized quite a large consignment of Mandrax at the premises, and he was rebutting a statement made by General Flynn.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER SANDER: He said he would prepare a statement and that he just needed me to sign it. He read it at first. I was not happy with what he would written, and I
20 said to him he needed to edit a few things. He did such, and he asked me to sign it.

ADV SEGEELS-NCUBE: So, did he draft the statement that we have as GYJ1?

WARRANT OFFICER SANDER: Correct, Commissioner. I did ask that there was no case number on the top of the

statement. He said he did not require a case number on the top of the statement. The pages were not indexed or paginated. He said it was sufficient, and I left it at that.

ADV SEGEELS-NCUBE: Just before I get to the statement, you said that you have applied for early retirement.

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: Do you mind me asking if it is related to your work, or is it for personal reasons?

WARRANT OFFICER SANDER: Yes.

10 **ADV SEGEELS-NCUBE**: Which?

WARRANT OFFICER SANDER: It is related to work. The police have given us an early retirement benefit at the moment. It is a no-brainer. It is suitable. After this year, I have got 40 years' service. I wanted 42. I will take 40. I am not going to get promoted. I was shortlisted previously. Thank you for that. I did not get the posted asset forfeiture. But if I am correct, there will not be another notch increment, or I will not qualify for any further promotion in the SAPS at my current rank. So, for me not to take the
20 benefit, it is actually nonsensical. There are quite a few other fellow members that we are all applying to leave.

ADV BALOYI SC: It seems, maybe to state the obvious, quite a shame that with the amount of experience that you have in matters relating to narcotics, you would leave early, but also because of circumstances in the work environment.

This application for early retirement, is it a given that it succeeds, or it is subject to SAPS management deciding that we still require your skills and we want to retain you?

WARRANT OFFICER SANDER: That is correct, Commissioner. There is quite a little lengthy Bible that you fill in, and one of the questions they ask you, have you transferred your skills? How do you transfer your skills in 2 months?

ADV BALOYI SC: Yes.

10 **WARRANT OFFICER SANDER:** That is impossible. That is impossible. Forty years of skills, how do you transfer it in 2 months?

ADV BALOYI SC: What is your answer? Is your answer that it is subject to management approval? You have applied, is it a given?

WARRANT OFFICER SANDER: God willing, I have applied it to get approved.

ADV BALOYI SC: Okay, so it may not be approved.

WARRANT OFFICER SANDER: Do not say that.

20 **ADV BALOYI SC:** No, I am having a theoretical discussion with you. Theoretically, the way the system works, I am asking a systems process, the way the system works, it is in the realm of possible outcomes.

WARRANT OFFICER SANDER: That is correct, Commissioner.

ADV BALOYI SC: There could be a decision which is a good faith decision, let us say, good faith because someone thinks you should go back to narcotics and we need you there for another 10 years. I am asking that kind of question. You nod, you agree.

WARRANT OFFICER SANDER: I agree with you, Commissioner. To me, if I was the Commissioner of the police and you had to read certain people's performance and stuff, and you say, yes, that person can do this, you, 10 okay, come back, I want you to do that, I agree, Commissioner. The skills retention, if I may, I have asked the permission, my current partner, her and her sister are twins, she is the colonel master, and my current partner is one of the old golden diamond people. So, when she leaves in October, you have got no more qualified golden diamond people in Durban KZN. So, who is going to have the expertise, the valuation of diamonds, the valuation of gold, the identification of platinum, and all the necessary? It is gone. That vacuum, that space can never be filled.

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

ADV SEGEELS-NCUBE: Thank you, Warrant Officer. Can we now go to your statement? Can you read it from paragraph 1?

WARRANT OFFICER SANDER:

“I am a Detective Warrant Officer in the

South African Police Service...”

ADV SEGEELS-NCUBE: Do not read your PERSAL number.

WARRANT OFFICER SANDER:

“I am attached to the Directorate for Proprietary Crimes Investigations, Serious Organised Crime Investigation, based at 136 Margaret Mncadi Avenue, Durban and my cell phone number is...”

10 **ADV BALOYI SC:** How long have you been in DPCI, Serious Organised Crime?

WARRANT OFFICER SANDER: Commissioner, we were the first people in organised crime under Colonel Willie Louw. He was my original commander. And from the organised crime developed into the Directorate for Proprietary Crime Investigation. So, I have been there since 1999. I started working with them from 19 *sjoh*. When SANEB - it was Brigadier Naicker, he was still doing the harbour interdiction programme. And that is how I got
20 to know their working activities. I was in a specialised tactical unit. And I started working with them. And then when our unit was closed down, change of government, I applied to go across.

ADV BALOYI SC: General Senona found you.

WARRANT OFFICER SANDER: No.

ADV BALOYI SC: In the DPCI.

WARRANT OFFICER SANDER: I was there before him.

ADV BALOYI SC: That is what I mean. He found you there.

WARRANT OFFICER SANDER: He found me there, yes.

ADV BALOYI SC: Thank you. And Nyuswa?

WARRANT OFFICER SANDER: He was from Port Shepstone.

ADV BALOYI SC: Okay, DPCI.

10 **WARRANT OFFICER SANDER:** I think it was murder and robbery, yes.

ADV BALOYI SC: Okay. And Jacob?

WARRANT OFFICER SANDER: Jacob came from the Scorpions. He was a sergeant.

ADV BALOYI SC: He also found you there.

WARRANT OFFICER SANDER: I was there before him, yes.

ADV BALOYI SC: All right, thank you.

ADV SEGEELS-NCUBE: You may continue.

20 **WARRANT OFFICER SANDER:** Paragraph 2:

“On 2020-02-05, I headed an operation at CHC Container Depot in Isipingo. Durban Central OC Enquiry, it is Organised Crime Enquiry, 03-02-2020, refers approximately 570 kilograms of

suspected Mandrax and Mandrax powder
was seized during this operation.”

Paragraph 3 ...[intervenes]

ADV BALOYI SC: Sorry, Warrant Officer, let me ask you a question that I should have asked earlier before I forget. Before this situation where you are told there are allegations against you and you get removed, had you had prior cases of disciplinary action against you?

WARRANT OFFICER SANDER: No.

10 **ADV BALOYI SC:** And complaints?

WARRANT OFFICER SANDER: No.

ADV BALOYI SC: Not.

WARRANT OFFICER SANDER: No.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: You may continue.

WARRANT OFFICER SANDER: Paragraph 3:

20 “Later the same day, I, along with other
DPCI and Metro Police members,
proceeded to Isipingo, SAPS, wherein the
exhibits were to be entered. The exhibit
clerk, Warrant Officer Perumal, came
through after a while. He initially did not
want to store the exhibits. He eventually
agreed to accommodate us by storing the
exhibits in the armoury in the charge

office. Captain Beavon and Constable Ronnie assisted me to move the firearms around to accommodate these exhibits.”

Can I continue?

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER SANDER:

10 “He made it clear that these exhibits were to be booked out the following day. He indicated that they did not have members to guard these exhibits. I booked these exhibits into SAP13 register via Isipingo SAP13 163/2020. On the following day, the date as I mentioned is incorrect, it is 02-06. Someone from my office called me to inform me that Isipingo SAP called, indicating that the exhibits were making the members sick. I am unsure as to who called me. I proceeded to Isipingo SAP

20 with a team. I noticed the charge office members were outside the building. I did then book out the exhibits for analysis with Warrant Officer Perumal countersigning the SAP13 register to acknowledge the same. I proceeded to

FSL Amanzimtoti where I was turned away by Colonel Khuzwayo and Warrant Officer Sibiya as they could not accommodate these exhibits. I knew that Isipingo SAP would not take these exhibits back. I am unsure how it transpired, but I do recall that Durban Central SAP had agreed to assist with storage of these exhibits.”

10 Page 2:

“We stored these drugs at a vault at Durban Central SAP.”

Sorry, I did ask if we could disclose the location before we gave the evidence:

20 “I made numerous enquiries with the FSL Amanzimtoti and a few calls to Colonel Shole of FSL Pretoria regarding these and other bulk exhibits that required analysis or disposal. I am unaware – sorry, I am aware that Lieutenant Colonel Jacob and my Provincial Commander, Brigadier Nyuswa, were also liaising on a regular basis to facilitate the receiving and processing of exhibits by FSL. This was not forthcoming. On 2021-11-12, the

FSL Pretoria was able to dispose these exhibits, which were conveyed to them for destruction. This is all I wish to state at this stage.”

CHAIRPERSON: Can I please ask to take you back to paragraph 5? What was it with the exhibits that allegedly made members sick?

WARRANT OFFICER SANDER: Commissioner, it is Methaqualone. So, the active ingredient of Mandrax is
10 Methaqualone. But some people will tell you it is the Anthranilic acid that actually gives off the vapour that is so toxic. It is not a pleasant smell, Commissioner. I got there, even when I do not know if Commissioner has it. I will show you the file, how we work on it, with a full suit, with gas masks and everything.

But we will get there. The members were, they would come out of the charge office and set up charge office outside on the veranda and were working outside. So, the day shift had finished shift, the night shift had
20 booked on, and it was now the morning shift that was on. And I recall meeting the station commander, because that is why I am saying I am unsure who gave me protocol to go and move the exhibits, but it would not have been a junior member, it would have been someone higher.

The members were complaining, and then even

standing outside the charge office you could smell it. So now you are going to ask, how did they smuggle these drugs? Well, the tablets in this stage, it is a very unique phenomenon in South Africa. Everyone will hear you say Mandrax, Mandrax, Mandrax. But we in South Africa have got a very unique method of sale of Methaqualone.

So, the Methaqualone is bound into a tablet, and the tablet is then taken and sold. You do not swallow the tablet. You actually crush the tablet and mix it with
10 something else, and then you smoke it. It is actually a downer. It does not put you high. It relaxes you. It is actually used for PTSD and sleep deprivation therapy, and a couple of other therapies.

But it is known in America as Quaaludes, but its popularity is here. The market is here in South Africa. I cannot tell you why. It is. So, the smell, to conceal it, it was in thick vacuum-packed plastic. That is why, if I am amazed, if we are going to get to that crime scene, I can show you those photos, and you can see how we dealt with
20 them.

And then those tablets, depending on the quality of the machine and the mix of the person and the chemist putting those tablets together, they either bind or they release quickly. Hence, you get a tablet, or you get dust or powder. The laboratory will call it tablet, tablet pieces, or

powder. So, the problem being is, the South African Police's exhibit bags are designed in such a way that they must not contain certain things, or they must be not tamper-proof.

They actually have holes in them, but it is not something that the public must say, oh, you have got holes in them. It is micro-perforations so that the bag can breathe. But that means those fumes are coming off. And the more of a concentrated substance you put in a confined
10 space, that fume increases. Now, in the charge office, there is a small vent coming out of the armoury, as per design spec.

So, all the fumes from the Mandrax tablets are going straight into the charge office. I am fully aware that some members did book off sick. And if the Commissioner allows me to go through my evidence, the people working with me on the scene when we recovered that, I had my partner rushed to hospital, to uMhlanga hospital, and I had a member from customs collapse on the scene.

20 All had to be treated by ambulance on scene at CHC. So, the smell is what we are talking about here. So that is what makes you sick. It makes you nauseous. It can give you heart palpitations. Everyone reacts differently to a substance. It is not medicine. Medicine is regulated. We know what the reactions are. Drugs is a different story. It

does not come, take one now, you feel good in 2 minutes.

It could be, take one now, pass out, wake up in two days and you will feel Sha Na Na. If I can say that to the Commission. So, the people that were closest to it, or the people that were most vulnerable to it, were affected. Hence, they did get sick. And that is, it is true, you do get sick.

CHAIRPERSON: Oh, thank you, thank you. In our ignorance, but of course it was a different substance, 10 suspected Cocaine, probably Cocaine. In our ignorance we said that Cocaine was wrapped in plastic bags, placed in canvas bags, and so on and so on. And we then said, because of that packaging, there is no way that someone could smell it. But as I say, different substance, but probably we would have said the same thing, even about Mandrax, maybe. Just purely because of the wrapping the plastic. But from what you are saying now, it seems that is simply not the case with Mandrax.

WARRANT OFFICER SANDER: Commissioner, I can say I 20 have got a nice experience with Cocaine and Methaqualone and Mandrax. Clan labs deal with respect of Methaqualone as well. When dealing with Cocaine, through training and experience, we know it is Cocaine. But we do not say that. We say it is suspected Cocaine. Am I going to taste it? Definitely not. You do not do that.

Do you sniff it to see if it is Cocaine? No. We even teach you how to obtain the fume. There is an identifiable aroma to it. Drug dealers are mostly all laughing now, but anyway, the drug users will be the same. We can tell you the street ways of telling you if it is good Coke or not. But let us go to the parcel. That parcel is wrapped at source and labelled at source.

It is wrapped and labelled to prevent detection by narcotics machines, dogs and humans. Sometimes I
10 profess to be a Cocaine dog myself. I find it before the dogs. So, if you cannot find it by your nose, you must find it by sight, if I can say that to the Commission. Mandrax is large. Cocaine is also large in bricks. They will both give off an aroma once exposed to the atmosphere.

But going back to the brick, that brick is transported by road and sea. If it gets dumped into the water, it must float or be able to be recovered. It is worth a lot of money. Therefore, it is waterproof. I have dismantled many, many, many Cocaine bricks. It is layer upon layer
20 upon layer of cling wrap, latex housing, condoms, and then again more, and then tape, and then again more, to stop the fume coming out of the box, if I can say that.

CHAIRPERSON: And do you succeed, or do they succeed?

WARRANT OFFICER SANDER: They succeed.

CHAIRPERSON: The smell, the smell coming out.

WARRANT OFFICER SANDER: There is no smell.

CHAIRPERSON: All right, thank you.

WARRANT OFFICER SANDER: There is no smell.

CHAIRPERSON: Thank you. Thank you, Warrant Officer.

ADV BALOYI SC: Going back to that paragraph 5 in your statement, does this kind of incident not perhaps suggest that the storage facilities that are available may not be suitable for this kind of drugs? And so, while we are speaking here about a specific case, I am asking more of a
10 general question, such as, does the SAPS have suitable storage facilities for a drug such as Methaqualone, I think that is what you call it, that would avoid the effect in paragraph 5?

WARRANT OFFICER SANDER: Commissioner, if I answer this question honestly, I will get fired today. I will say no. The correct place where to store it would be something like Pretoria Forensic Science Laboratory. I am not going to mention the other locations. I know the name of Pretoria has been mentioned. I myself have been deep into the big
20 vault.

I have been there I have seen it. It is chaos. It is chaos. The problem is working in that chaos is exactly the question the Commissioner is asking now, do the people that work there be exposed to hazards? The answer is yes. The correct and only safe procedure to work inside there

would be full PPE. Because if there is Crystal Methamphetamine, it would affect me differently.

If there is Methaqualone, it would affect me differently. But the danger point is, what if it was Fentanyl and we did not know it, and we are waiting to analyse it or destroy it, and we touch it, and we die? So, in all honesty, I believe the whole world will tell you this as well. The storage of exhibits is a problem. It is very expensive to handle them, to store them, and to dispose of them. But I
10 am sure our competent members from the police management, they are doing their utmost to get us the best place to store exhibits like that. But exhibits like this are hazardous.

ADV BALOYI SC: Thank you.

CHAIRPERSON: Let me use the street name, if that is what it is, Mandrax. But unlike Mandrax, if storage was available at the Isipingo, could the 541 kg have been stored in Isipingo?

WARRANT OFFICER SANDER: Yes.

20 **CHAIRPERSON:** So, there would not have been similar issues as with the Mandrax. No question of this would make us sick, and so on, and so on. If there was no issue about storage space that could have been stored at Isipingo.

WARRANT OFFICER SANDER: Yes, Commissioner.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioners. Now, before we go to the 2020 bust that you referenced in your statement, I understand you to be saying that Colonel Jacob asked you to depose to the statement because he was submitting a statement to the Commission regarding the Port Shepstone theft.

WARRANT OFFICER SANDER: That is correct, Commissioners.

10 **ADV SEGEELS-NCUBE:** Do you have any personal knowledge about the Port Shepstone theft matter?

WARRANT OFFICER SANDER: I was a suspect. I was called in I was polygraphed for it. I was never there. That is all I know about the Port Shepstone matter.

ADV SEGEELS-NCUBE: When you say you were a suspect, who made you a suspect?

WARRANT OFFICER SANDER: Our General.

ADV SEGEELS-NCUBE: General Senona?

WARRANT OFFICER SANDER: Correct.

20 **ADV SEGEELS-NCUBE:** Can you just take us step by step as to how you got involved, how you were approached about the polygraph?

WARRANT OFFICER SANDER: I was on leave. Came back to work. It was all over social media that the stuff had been stolen. Got back to the office. Our senior managers

came into the office one day, said what they needed to say, and then we were told that we were all suspects. Obviously, I did not agree with that. And then we were sent for polygraphs.

ADV SEGEELS-NCUBE: Who is 'we'? We. You say 'we'. Who is 'we'?

WARRANT OFFICER SANDER: Commissioner, I recall all of the SANEB members. I recall some of the task team members. I know Port Shepstone went. I cannot recall
10 besides that.

CHAIRPERSON: How high did this go? We know, for example, that General Senona himself was not subjected to the polygraph test. Was Brigadier Nyuswa?

WARRANT OFFICER SANDER: I have no knowledge of that.

CHAIRPERSON: All right, thank you.

ADV KHUMALO SC: Can you just clarify something? In November of that year, you were based in the Port Shepstone office?

20 **WARRANT OFFICER SANDER:** No, Commissioner.

ADV KHUMALO SC: So, you were not even based in that office?

WARRANT OFFICER SANDER: Never been there, Commissioner, until I was working at SEM.

ADV KHUMALO SC: So why does it matter whether you

are on leave or not? Because when you said, but I was on leave, I thought it meant you worked in that office, but when the theft happened, you were on leave.

WARRANT OFFICER SANDER: Possibly for clarity, Commissioner, what I mean is when the incident happened, I was on leave. I did not understand how I became a suspect in the matter.

ADV KHUMALO SC: But you never worked in that office, at least during that period after November?

10 **WARRANT OFFICER SANDER:** At Port Shepstone?

ADV KHUMALO SC: Yes.

WARRANT OFFICER SANDER: Never.

ADV KHUMALO SC: Okay.

WARRANT OFFICER SANDER: Never, Commissioner.

CHAIRPERSON: Did this not concern people who would have had knowledge about the storage of the drugs there? Did you not have that knowledge?

WARRANT OFFICER SANDER: No.

CHAIRPERSON: They had been taken there?

20 **WARRANT OFFICER SANDER:** Thank you, Commissioner. Thank you, Commissioner. No, I had no knowledge of that, Commissioner. I did not even know it was there, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Commissioners.

WARRANT OFFICER SANDER: Thank you.

ADV SEGEELS-NCUBE: Warrant Officer, I want to refer you to CJC237. It will be the first document in the second exhibit file.

WARRANT OFFICER SANDER: Commissioner?

ADV SEGEELS-NCUBE: CJC237, the first document in the second exhibit file. Just let me know when you have it.

WARRANT OFFICER SANDER: I have it.

ADV SEGEELS-NCUBE: In the second exhibit file. First document, page 424.

10 **WARRANT OFFICER SANDER:** Yes, I have it.

ADV SEGEELS-NCUBE: So, this is the polygraph examination report related to the polygraph examinations that were taken. And on page 426, there is a list of the members that were polygraphed and a member that was not polygraphed. So, page 426, 7 and 8, do you have that?

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. So, if we go to the first page, you will see at number 8, page 426, number 8, your name is there. Do you see that?

20 **WARRANT OFFICER SANDER:** Yes, Commissioner.

ADV SEGEELS-NCUBE: And the result next to it, the DI, would indicate, DI indicates detection, there was deception indicated. So, in the polygraph exam, there was deception indicated. Where it says NDI, no deception indicated. And then on the next page, you will see that there is no test

refused, no test refused. We will go to what the various symbols mean. But I just want to ask you, were you informed of the outcome of the polygraph test?

WARRANT OFFICER SANDER: Not.

ADV SEGEELS-NCUBE: When did you first find out that your polygraph result for this polygraph was deception indicated?

WARRANT OFFICER SANDER: Now, Commissioner.

ADV SEGEELS-NCUBE: Now today?

10 **WARRANT OFFICER SANDER:** Yes, Commissioner.

ADV SEGEELS-NCUBE: Okay, now before we deal with that, can I ask you, do you recall what questions were asked during the examination?

WARRANT OFFICER SANDER: Yes, Commissioner. I have got an idea, not all of them, but there were some, yes.

ADV SEGEELS-NCUBE: Can you tell us some of them that you can remember?

WARRANT OFFICER SANDER: Was I involved in the theft of the exhibits from Port Shepstone? Did I have information
20 or I knew where the drugs were? They were all questions related to the housebreaking or the theft or whatever happened at Port Shepstone.

ADV SEGEELS-NCUBE: Were there any other questions not related to the incident itself?

WARRANT OFFICER SANDER: There were. They do, I do

not know how you call it, they do like an interview and they base questions in between it as well, to do with your life, to do with your day-to-day stuff. Did you take paper? Did you steal paper? Those kinds of questions.

ADV SEGEELS-NCUBE: When you say did you steal paper, what do you mean, from the officers?

WARRANT OFFICER SANDER: Did you use state resources that was not done correctly, yes.

10 **ADV SEGEELS-NCUBE:** Okay, if you go to page 431 at paragraph 8.

WARRANT OFFICER SANDER: 431?

ADV SEGEELS-NCUBE: Yes, paragraph 8. See, it says the following relevant questions were asked during the examination. Did you steal any of those exhibits? Did you steal any of that exhibits from that safe? Were you part of any plan to steal any of those exhibits? Do you recall that those questions were asked?

WARRANT OFFICER SANDER: That is correct, Commissioner.

20 **ADV SEGEELS-NCUBE:** In addition to other questions?

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. Now, I want to just take you back to the list from page 426. You say that members of SANEB were tested.

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: With reference to one from number one, can you identify who the SANEB members are?

WARRANT OFFICER SANDER: Number 1, number 4, number 5, sorry, I believe number 5. I think it is number 6, not number 5. I am not sure of their initials. Myself, number 8, number 21, 24, 26, 29, 30, 31.

ADV SEGEELS-NCUBE: And the next page, 428?

WARRANT OFFICER SANDER: Is there more? 34, 37. I cannot recall if Colonel Govender was still part of us or part
10 of the tracing team at that stage. But 30, 38. Did you not do 39 twice? 31 and 39 are the same.

ADV SEGEELS-NCUBE: 31 and 39 are the same.

WARRANT OFFICER SANDER: To me, it is the same. Colonel Moodley, 40. But there are names missing here.

ADV SEGEELS-NCUBE: You say there are names missing. Do you mean you know that those people took the test, but their names are not here?

WARRANT OFFICER SANDER: No.

ADV SEGEELS-NCUBE: Or you just remembered, okay.
20 So just part of the team that were not tested.

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Okay, and just for the benefit of the Commission, is the INC result on page 427 would be inconclusive where it says INC is inconclusive. So, if we then go to this report, we can just go to the first page

again. On page 424. This polygraph examination, it was then finalised and on page - and then it was - we do not know when it was submitted. But there is another report that is also relating to the polygraph which I want to refer to. It is an unsigned report. And you can find that at CJC238. And just let me know when you are there.

WARRANT OFFICER SANDER: 469.

ADV SEGEELS-NCUBE: Yes, it is feedback polygraph testing. And you will see on the last page, page 474, it
10 makes provision for two signatures. But like I say, these reports are not - this one is not signed. Now on this report, on page 470, you can see the same three questions at paragraph 4 are listed. Did you steal any of those exhibits? Did you steal any of that exhibits from that safe?

Were you part of any plan to steal any of those exhibits? And then at 5.1, it sets out that the following members tested non-deceptive to the polygraph. And it lists the members. And then under the next, on page 471 at 5.2, where it says, the following members tested deceptive DI to
20 some of the polygraph test questions. Do you see the list of names there?

WARRANT OFFICER SANDER: I do.

ADV SEGEELS-NCUBE: Do you see that, and it follows on the next page.

WARRANT OFFICER SANDER: I do.

ADV SEGEELS-NCUBE: Do you see that your name does not appear there?

WARRANT OFFICER SANDER: I see that.

ADV SEGEELS-NCUBE: As it did in the first report.

WARRANT OFFICER SANDER: Commissioner, yes.

ADV SEGEELS-NCUBE: Again, you were not informed of the results of the polygraph.

WARRANT OFFICER SANDER: No, Commissioner.

ADV SEGEELS-NCUBE: Okay, ...[intervenes]

10 **WARRANT OFFICER SANDER:** Sorry, am I allowed to see this, Commissioner?

ADV SEGEELS-NCUBE: Yes. Then if you go to page 473 at 5.5, you see it says, no opinion NO was recorded for the following members due to examiner error, and your name is the second name there. So, on this one, it says that there was examiner error, so there was no opinion submitted in respect of your polygraph. You were not informed of that either.

WARRANT OFFICER SANDER: No.

20 **ADV SEGEELS-NCUBE:** So as of this date, you still do not know what the results of your polygraph.

WARRANT OFFICER SANDER: I have it now. Thank you, Commissioner.

ADV SEGEELS-NCUBE: Okay, do you know if any of the other members were informed of what the outcome of their

polygraph tests were?

WARRANT OFFICER SANDER: I do not.

ADV SEGEELS-NCUBE: Okay.

CHAIRPERSON: Sorry, Ms Segeels-Ncube. Can you please make me understand this one and the earlier one we went through where there was a result recorded and that result was what? DI.

ADV SEGEELS-NCUBE: Deception indicated, yes.

CHAIRPERSON: Yes, can you explain how the two stand
10 together?

ADV SEGEELS-NCUBE: Chair, all that we know at this stage is that the one is signed by FSL. We do not know whether it had been submitted to the DPCI, and we know the other one seems to be a feedback report which should be based on the first report, but it is unsigned, and it seems that it was intended to be signed by the national head at the time, General Lebeya, either accepting it or approving it. We do not know at this stage, and we are still investigating the differences in the reporting.

20 **CHAIRPERSON**: The differences in the source, for example.

ADV SEGEELS-NCUBE: The source. Correct, Chair.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: So, it is possible that there could be a signed one somewhere.

ADV SEGEELS-NCUBE: It is possible.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: Now, just to then deal with that aspect, you say that you were not present. I was confused as to when you say you were not present. You were not present when the theft occurred. Were you on leave when the theft occurred, or you were on leave and then you get called in about you having to do a polygraph tester? Just clarify that for me.

10 **WARRANT OFFICER SANDER:** As far as I can recall, I was on leave when the seizure was made.

ADV SEGEELS-NCUBE: That was in June 2021.

WARRANT OFFICER SANDER: Yes, and if I am correct, I think I might have also still been on leave or on leave when the housebreaking took place, the theft.

ADV SEGEELS-NCUBE: So that would have been in November 2021.

WARRANT OFFICER SANDER: Yes.

ADV SEGEELS-NCUBE: Okay, so on both occasions.

20 **WARRANT OFFICER SANDER:** I cannot recall, but my records are easily accessible, but I know that I was never at either of those scenes.

ADV SEGEELS-NCUBE: Okay, but when you came back from leave, is that when you were told that you have to undergo a polygraph?

WARRANT OFFICER SANDER: That is correct. Our whole office was called in and we were paraded.

ADV SEGEELS-NCUBE: You were?

WARRANT OFFICER SANDER: Paraded.

ADV SEGEELS-NCUBE: What do you mean?

WARRANT OFFICER SANDER: We stand parade before an officer and they give us instruction.

ADV SEGEELS-NCUBE: All of you are standing?

WARRANT OFFICER SANDER: We were in the boardroom.

10 It was quite a few of us. It was members from the Serious and Violent Crimes. I think there was other sections as well.

ADV SEGEELS-NCUBE: Okay. So, can we then deal with the drug bust of February 2020?

ADV BALOYI SC: Ms Ncube, before you do that, just to understand the relationship between the document at 425 and the report at 469, will we get someone to explain the relationship? Because on the face of it, it seems to suggest that after the process in 425 and the result, there is an
20 intervening process which results in the opinions expressed from 469.

ADV SEGEELS-NCUBE: Correct, Commissioner, yes.

ADV BALOYI SC: Okay.

ADV SEGEELS-NCUBE: So, we are attempting to get clarity on that.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Warrant Officer, we can now go to the February 2020 bust and you will have to take us through it. What we did was we subpoenaed the enquiry file from head office, and we have provided you with the file, but you can take us through. So, it starts at EXHIBIT CJC234 in the first file.

WARRANT OFFICER SANDER: Yes, Commissioners.

ADV SEGEELS-NCUBE: And what I would suggest is that
10 you first just give us the detail of how you got involved and then to the extent that you need to refer to documentation and photographs, we will assist in guiding you through that.

WARRANT OFFICER SANDER: Thank you.

ADV BALOYI SC: Maybe before you do that, let me ask, before you discuss this operation, when Colonel Jacob asked you for this statement, which speaks only to the 2020 operation, it has nothing to do with the 2022 operation, what did he say to you is the purpose of your statement? Why did he need it, as he explained to you?

20 **WARRANT OFFICER SANDER:** If I am correct, the Colonel was of the opinion that statements made before the Madlanga were incorrect and he needed to rebut it.

ADV BALOYI SC: The Chair said I must correct you and say the Madlanga Commission, not the Madlanga.

WARRANT OFFICER SANDER: My apologies,

Commissioner.

CHAIRPERSON: I thought you would own that and not refer to me.

ADV BALOYI SC: Yes, Warrant Officer.

WARRANT OFFICER SANDER: The Colonel was of the opinion that a statement given to the Madlanga Commission was incorrect and he needed to further explain to support his version. That is why he needed me to corroborate the fact that there was an issue at Isipingo Police Station.

10 **ADV BALOYI SC:** So, in his explanation to you, your statement which speaks to the operation in 2020 and what happened at Isipingo Police Station would support his version of what he says happened in 2022 at the same police station. Was it your understanding of that?

WARRANT OFFICER SANDER: I do, Commissioner. I am still of - I will say I am the one sitting here right now. I am of the opinion that it does not support him. It actually makes it look worse. But, as it may be, that is what has been requested of me. I have complied.

20 **ADV BALOYI SC:** Yes.

WARRANT OFFICER SANDER: So, if I can say that, Commissioner.

ADV BALOYI SC: Okay, that is fine. That answers my question.

CHAIRPERSON: And, of course, you are being truthful

with regard to that incident.

WARRANT OFFICER SANDER: Yes, Commissioner.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you. Commissioner Baloyi, Colonel Jacob's explanation for the statement is in section 3 of the Witness Bundle, page 9, paragraph 52, where he references the statement as well. You may proceed with the - just tell us how you got involved. Take us step-by-step through it.

10 **WARRANT OFFICER SANDER**: Commissioners, on the day in question, I have colleagues that work at the SARS or customs narcotics section. One of their seniors phoned me and he said he has got an issue. There was an amount of Mandrax that had been found at CHC Depot, and he was of the opinion that the exhibits were being moved. Irregularities.

He said, please can I come and help him, but I must come quick. I said, fine, I am on my way. I believe at that time I might have been at the office, or we were busy
20 with another operation. I called a colleague of mine from the Metro Police, Captain Greg Beavon. Him and I have been working together forever. I know that he is stationed close to the Brighton Beach and Wentworth area, which is across the canal.

So, I said, can you meet me? Can you help me?

He complies. We arrive at CHC. We check in at the main gate. There is an access control at Isipingo going into CHC depot. We ask where the containers were. We get directed to the back. I have worked there before, so I know the layout pretty well.

ADV SEGEELS-NCUBE: Sorry, Warrant Officer, just to confirm, CHC depot is the same depot where the 541 kg of Cocaine was found?

WARRANT OFFICER SANDER: It is, Commissioner.

10 **ADV SEGEELS-NCUBE:** Okay, so, same scene. Your Mandrax bust and the June 2021 bust happens at the same depot?

WARRANT OFFICER SANDER: Same depot, Commissioner.

ADV SEGEELS-NCUBE: Okay, thank you.

WARRANT OFFICER SANDER: My vehicle was a VW Caddy. I will use an Afrikaans word. Maybe I am more *paraad* than everyone else, but I have I have a mobile crime scene lab in the back of my vehicle. I have got PPE, bags,
20 you name it. I do not have to leave. I have even got a coffee machine in there. So, you can stay on the scene and work. The scenes do not pack up in 5 minutes. You are going to be there for hours. That is what I am trying to say.

ADV SEGEELS-NCUBE: So, just tell us, when you get the call, what preparatory work are you undertaking in terms of

what do you need to take with you in case you do find something at the scene?

WARRANT OFFICER SANDER: Everything, because we do not know what the scene is going to be.

ADV SEGEELS-NCUBE: And what would some of everything be?

WARRANT OFFICER SANDER: PPE, personal protective kit, hard hat and reflective equipment, which you must have in that working environment. It is an operational health and
10 safety compliant facility. It is the same as going into the harbour. Notepads, pens, paper, exhibit bags to put all your exhibits in, gloves so we can handle. And if I am correct, at that stage was COVID. So, we had to be COVID compliant as well.

ADV SEGEELS-NCUBE: It was just before, yes.

WARRANT OFFICER SANDER: Was it just before?

ADV SEGEELS-NCUBE: Yes, but can I just ask you on the exhibit bags, you are dealing with, what are the sizes of the exhibit bags? How would you know what size to take?

20 **WARRANT OFFICER SANDER**: You do not. You take everything. So literally I have got a couple of skips. I modified the vehicle that I used, and I had a big black skip, and I have different size exhibit bags in it. The ones that we usually use for large exhibits, you can put in 30, 40 blocks, but they break. So, you only put 10 or 20.

Mandrax, it is usually a thousand tablets for a bag, then I know I am good. It is from experience. So, I have those bags at my disposal.

ADV SEGEELS-NCUBE: And where do you get those bags from? Are they available at DPCI offices or would you have to get it from the police stations?

WARRANT OFFICER SANDER: Commissioner, those came from our own office. They are still there. We have got lots. We have a storeroom on our third floor. It is packed.

10 **ADV SEGEELS-NCUBE**: Okay, so, they are available at your offices too?

WARRANT OFFICER SANDER: Commissioner, there have been scenes where there were possibly bags that did not fit or some of these things we get from government tender, they do not work. So, the seals do not seal. So, I would be able to make the necessary phone calls. I believe on this scene, or it might have been another, I have phoned other police stations and then one of the members will just quickly drive there.

20 We are going to take all their stock, and we just bring it to our scene and we work from there. I know I have dealt with Sydenham like that. I know I have dealt with Maydon Wharf, not Maydon Wharf, Cato Manor like that, and Pinetown. You develop a working relationship with the different stations to obtain the necessary equipment on the

scene.

ADV BALOYI SC: Warrant Officer, what you are describing as the package, I will call it your work uniform, the stuff that you take and you keep at the back of your car, minus the coffee machine, what you are describing, is that a required standard for people who get involved in these kind of operations dealing with narcotics? Are there any rules, any prescripts that say this is what you should have with you as part of your, I am going to loosely say, as part of your sign-
10 in uniform, if you like. You are going on to an operation like this, this is what you should have.

WARRANT OFFICER SANDER: Commissioner, it is a good question, Commissioner. And this question that you put to me now is now in that new training manual, where we say to the policemen, do not think of going to a crime scene unless you have done X, Y, and Z. And it is difficult when you are in a space where the public is also involved, because they always criticise you after the fact.

But that is also how we learn. And I think from
20 these things we have now learned, and we have included that, is, and you will see all the national instructions, but none of the national instructions will say to you take X, Y, and Z with you. And remember, Commissioner, you cannot just take everything and not know how it works. I cannot take Commissioner, for instance, in 2 minutes, ask you to

put on a crime scene suit. You might put the wrong crime scene suit on. Then you might tear it.

And if you had to put on a gas mask with the right filter, you might put the wrong filter on, or your filter would not seal properly. Or if you did not know what you were doing, and you were walking around the crime scene as like a media liaison or something like that, you would have it all on your shoes, and you did not decontaminate leaving the scene, and you got sick, you blame me. So, the
10 Commissioner's question is, is there a prescript for it? The answer is no. Why did I take it with? It was my passion. I taught myself, if I am going to do something, do it properly. And then how do you do something properly? You take the tools.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Maybe you watch too much CSI.

WARRANT OFFICER SANDER: Commissioner, CSI taught us a lot. It is an open source. It is a lot. And then the next question is, who pays for that?

20 **ADV KHUMALO SC:** For yours, you paid for it?

WARRANT OFFICER SANDER: Anything external. Maybe a different type of face mask, different type of gloves, yes.

ADV KHUMALO SC: So, anything that is not DPCI issued, you paid for it?

WARRANT OFFICER SANDER: Let us not say DPCI, let us

say SAPS.

ADV KHUMALO SC: SAPS.

WARRANT OFFICER SANDER: Yes, because I can say I have gone to FSL, they have given me different gloves. I have gone to Pretoria they have given me tarmac suits. Neck tests we would get from the Americans. I am not going to say that, but they would give us a test that we used to predict what samples are there, whether it is a precursor or the actual substance, and the training that came with that
10 as well. So, with each item, you need to not only have it, but you need to be able to use it and explain it. And I believe I do that in my work.

ADV KHUMALO SC: And I saw in your CV that there was the joint SAPS DEA training. Is that where you learned it from? The American Drug Enforcement Agency or something?

WARRANT OFFICER SANDER: It is one of the courses, Commissioner. I was following that procedure prior to that course, and maybe some of the successes we had in
20 detecting different techniques and identifying laboratories and stuff, that was also discussed on those courses. So, we were used to that environment.

ADV SEGEELS-NCUBE: Thank you, Warrant Officer. You may continue. You were telling us you got the call, you packed and you were going out?

WARRANT OFFICER SANDER: When I arrived on scene, the customs officers had parked. If you come into the depot, you come through the access point, you turn right through the stack. There are inspection bays. There is possibly maybe 10, 12, 15 inspection bays, and the far right-hand corner is the bonded section of CHC. The bonded section is where everything that has been seized, detained, or has not been released due to a query from customs, not police, customs.

10 That is their section. I was told, please go look, and he showed me, here is one box, one box. I do believe it still had a torn custom sticker on it, and I could see it straight away. It was Mandrax. Mandrax is very unique. It comes in a tablet form. It has a colour. It usually has a logo, a marking, but also, I could smell it, because the bag had been torn.

 So, I asked what is going on. They said they had put a narcotics dog in. I know the narcotics dog. It used to be Tequila. It was a brilliant dog. He used to work with us.
20 Phenomenal narcotics dog, Cocker Spaniel. Tequila reacted there in seconds. It was positive. All right, okay, we were happy. Then I was briefed that it was suspected that there were more boxes hidden in between the bonded warehouse.

 We had to find them. I got the team together. The

warehouse gave us their cooperation. We shut down that section of the operation. The rest of the operations continue. It is a massive place. It continues. Where we were, we parked our vehicles. We were safe where we were. We then set up a man search, not a dog search, a man search, and from my observation, I noticed on the box, the packing tape in the shipment was different to the packing tape on the other side of the yard.

So, I asked, is this the same shipment? They
10 checked on the packing notes, the SADs, and they said, yes, there is supposed to be so many boxes. I said, we have got a discrepancy here. So, I went to the box outside. The coloured tape matched what I said. I said, there is our boxes. Look for this tape. And we did. And believe it or not, that is where the Mandrax was. So, we seized those boxes amongst that. We brought them to a central point. At that time, I would call for the necessary people, informed my seniors. I would call for FSL. I would call for LCRC. And we began processing the scene.

20 **ADV SEGEELS-NCUBE:** Can I just ask, why did you call FSL and LCRC?

WARRANT OFFICER SANDER: I always do. I have got a relationship with the clan lab team. I will call them. They will not come out. It is a seizure. But if I find something and they know it is worthwhile coming out, they came out.

So just on this matter, we were returned the next day. We found there was wine, Chinese wine, but it tested positive for Methamphetamine.

So, we were not sure if it was drugs or not. So, they actually came back onto the scene with us to confirm what we had found and how we collected our samples. And they did the process of eliminating that out because it is something that had not been found out. The lab comes out for stuff like that. But that is the relationship I have with
10 them. I phone their commander.

I phone their call phone. They will say to me, Karl, you are on your own. It is a recovery. You do what you need to do. Bring the exhibits when you are ready. And that is how we carry on. But LCRC, I work with the provincial fingerprint team. We also have an understanding with them. I told them, guys, we have got a large recovery. It is going to be a long day. Bring all your stuff. And then they come with a full team with all their equipment. And we start work.

20 **ADV SEGEELS-NCUBE**: Thank you.

WARRANT OFFICER SANDER: Thank you, Commissioner.

ADV SEGEELS-NCUBE: Chair, is this a convenient time to take a lunch adjournment?

CHAIRPERSON: Let us adjourn and resume at 5 past 2.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: Warrant Officer, we were still busy dealing with the February 2020 bust, and you were dealing with the fact that you had called LCRC and FSL to the scene. I just want you to explain to us the purpose of calling LCRC to the scene, and are you required to call them, or is it just a nice to-do?

10 **WARRANT OFFICER SANDER**: Commissioner, you are required. Circumstances may pertain to different elements, et cetera, but I will say you are required to call them to a scene.

ADV SEGEELS-NCUBE: And why are you calling them to the scene? What are they doing there?

WARRANT OFFICER SANDER: With modern technology, a photograph becomes a museum of the crime scene. You capture elements of the crime scene that can be brought back to a courtroom. We are talking 2020. We are now in
20 2026. We are looking at exactly what happened on that date. If it was not for those photographs of that day, we could not talk about it.

And if I could not be able to speak, my photograph would speak for me. And if I was not here, touch wood, possibly somebody else could give evidence on that

photograph to lead that evidence, as captured by someone that is court-capable and forensically capable of retrieving that. So that is why you call them out. That is in respect of photographs.

There is fingerprint information. On most of our scenes, you find someone has to touch it. It cannot move without being manly manhandled. So by him touching it, he would leave a latent fingerprint on the scene, which we need. And at the same time, he would also leave part of his
10 DNA behind, which we also take swabs for. So it is DNA, it is fingerprints, and it is crime scene preservation and recording for court.

And also, it is going to form part of my notes. If I forget something and I need to make a statement, it is recorded in those photographs. So I do the same thing on a scene. I use contemporaneous notes. I will either write down notes, but I am very quick to take lots of photographs on the scene.

I download them, and then they are in my albums. I
20 depose an affidavit to them, and I submit them as such. Otherwise, you will never keep up to what is happening, all the different numbers, locations, things. So it is nice to keep those notes.

ADV SEGEELS-NCUBE: And are there circumstances in which it is just not possible to get LCRC to come out? And

what do you do in those circumstances?

WARRANT OFFICER SANDER: There are, Commissioner.

I was asked about a scene where fingerprints could not come out. 16 nautical miles out at sea, we removed a shipment of Cocaine out of a fridge. It is literally the motor of a fridge. They hide the drugs in the air vent of the fridge. It is the same as putting your hand in a deep freeze.

When you take out the Tupperware bowl, it is going to precipitate, so it is going to be wet. But the fingerprints
10 guys and the FSL guys are not qualified to go out to sea. They are not prepared to go and put their lives at stake and go 16 nautical miles out to sea, climb 10 floors up on a container ship, then still climb below deck.

It is a hazardous environment. Yes, I have got experience in it. I am from that environment. I can swim, maybe, as well. But the point is, in that environment, I must try and take more steps to preserve that. So I would have taken a lot of contemporaneous notes on the scene.

And I have got the one example where you have got
20 the Cocaine. I even allow the ship's captain and the Customs officers that raided with us to take their notes and photographs. And then I submit that with a statement in my docket.

And also, if the weather is really inclement, if you are in an outside area and it is really raining or whatever,

you cannot take photographs nicely or you cannot take fingerprints nicely. That would be another non-persuasive environment. But otherwise, if you move things around, you should be able to make it quite cosy that the fingerprint expert can work in an environment that you can work through the day and the night.

ADV SEGEELS-NCUBE: When General Flynn gave evidence on the table that we went through earlier, he made a comment. I will just give you the reference and I will read
 10 it. It is in his supplementary statement at paragraph 11 on page 6 of section 1. He says:

“From the aforementioned, I was able to ascertain that unlike the June 2021 seizure:

11.1. LCRC was called to the scene to process the crime scene in respect of all the other seizures except the second Polonia vessel seizure and the Manu Chao seizure.”

20 You earlier identified both Polonia seizures as being your seizures. Correct?

WARRANT OFFICER SANDER: That is correct.

ADV SEGEELS-NCUBE: So he criticised that in LCRC, well, I would not say it is a criticism, but he noted that LCRC was not called out in two seizures. The one is yours

and the other one is Manu Chao. In respect of yours, why did you not call out LCRC?

WARRANT OFFICER SANDER: Approximately 12 nautical miles out at sea off the coast of Umhlanga Rocks in Durban, bad waters, bad seas, a small ski boat was used, very quiet, and let us call it a covert operation was sent to go and search the container for drugs, and it turned out to be positive. So the other thing is we did not know the drugs were going to be there.

10 **ADV SEGEELS-NCUBE**: So you do the seizure on sea, it was on sea.

WARRANT OFFICER SANDER: That is correct.

ADV SEGEELS-NCUBE: And that is why you did not call them. So that is the one you were referring to earlier. You were explaining, okay.

WARRANT OFFICER SANDER: It is very difficult in a scenario like this because you can always look back at it. So they are saying if you found it on the ship, you could have stayed at the ship, but then when was the ship coming
20 into Durban Harbour? If the ship stayed out at sea for 21 days, I would have to have kept policemen out at sea for 21 days or myself for 21 days and then sailed in with the vessel, and only when it was in Durban could the LCRC members have boarded the vessel and then done a forensics. So what we did is we did contemporaneous

notes, recorded it with witnesses, and corroborated it with a statement.

ADV KHUMALO SC: And then once it got on land, why could you not call LCRC? I understand when it is in the water they are dangerous, they cannot go there, but the exhibits do not stay in the water. At some point you have to bring them on land. Why at that stage, as soon as they land, can you not call LCRC?

WARRANT OFFICER SANDER: Commissioner, it is a valid
10 question. You could. They would have taken a photograph of the sealed exhibit bag. The bag was sealed with exhibits in it. I was not going to break the seal on the exhibit bag. So all they would have taken a photograph of was a sealed exhibit bag and wet Cocaine blocks inside. I believe my contemporaneous photographs were sufficient and good enough to be able to identify the logos, identify the wrappings.

I believe that mine was the Audi in that case, and I had the different logos inside. So yes, looking back, yes I
20 should have possibly called LCRC to the shore. Guys, this is the stuff that came off the vessel, please photograph it for me. They would have done that.

ADV SEGEELS-NCUBE: Would they have been able to take any DNA at that stage?

WARRANT OFFICER SANDER: As I said, if it is in the

freezer, I think chicken and fish is kept anywhere between minus 18 and 20 degrees Celsius. It is an industry norm. So we are sitting at 32, 34 degrees Celsius outside. The moment I take that ice block out of that fridge, it will start to precipitate. So the stuff could go wet inside. I do not know. I have not opened it at that stage myself, but I can tell you the outside is slippery and wet, and we just slipped that into exhibit bags and we sealed it under below, beneath deck. We did not even take it on deck to seal it. We sealed it
10 beneath deck. I have the photos if you want to see those.

ADV SEGEELS-NCUBE: Okay. And on the Manu Chao one, you said you were at the scene, but it was not your scene. You left at some stage. How is that different to the scene that you explained now, just to understand why LCRC was not called out in that instance?

WARRANT OFFICER SANDER: Commissioner, Manu Chao, I was called in the evening to attend through a source that had called Crime Intelligence. Myself and a person from Crime Intelligence, we have a good
20 relationship. I was informed, please come, pick him up. There is something being found, and it is very suspicious.

I arrived on scene, and what had happened is when a package is damaged or mishandled in any way not how it was declared or packaged, the shipper then repackages it to make sure that the original stuff is what was originally

said. And what they do is, in this case it was Bentonite. For those of you who do not know, Bentonite is either used in making soap or kitty litter. But it is a chemical product, but it is not bad or anything. And the bricks were hidden in one-tonne bags of Bentonite.

So Bentonite is dusty. It would have devoid any fingerprints on the outside. And it would also have made the DNA of whoever had handled those bags devoid because it is the same as soap, just without the water. So
10 that scene there, I called out my seniors. They took over that scene. But with regards to Manu Chao, that was about it for me.

ADV SEGEELS-NCUBE: And when you say your seniors, you are referring to Colonel, is it Sibiya?

WARRANT OFFICER SANDER: Yes, ma'am. Yes, Commissioner.

ADV SEGEELS-NCUBE: Okay. So we can go back to the exhibit file, EXHIBIT 1, the Exhibit File 1. I just want to take you to the LCRC document, which is on page 255. It is
20 a statement. And then what follows is what is referred to as a photo album. It does seem to be incomplete what we had received from the subpoena, but if you could just explain to us what this document is, why it is taken, and its significance in an investigation?

WARRANT OFFICER SANDER: Commissioner, I am

correct that this is the statement in respect of the forensic photo album?

ADV SEGEELS-NCUBE: Yes, that is correct.

WARRANT OFFICER SANDER: Okay. Commissioners, when an expert from the Local Criminal Records Centre or Forensic Science Laboratory attends a scene, they do a statement. It is in terms of section 212 of the Criminal Procedure Act. And it is deemed that they have done their work correctly and they have not manipulated the exhibits, 10 and it is done as such, and they have compiled an album, and they are saying that it is true as such. That is what this statement is. So this is the person that attended my scene. It is a lady. I am not going to say the name.

ADV SEGEELS-NCUBE: And then if we can then go to the photographs, page 258? I just want to ask you, what are we looking at here?

WARRANT OFFICER SANDER: Commissioner, that is Manu Chao. Not Manu Chao. My apologies. Commissioner, that is the entrance gate to the bonded 20 section of CHC Depot.

ADV SEGEELS-NCUBE: And this tape there, what is that tape that we see there?

WARRANT OFFICER SANDER: It is police cordon tape, ma'am.

ADV SEGEELS-NCUBE: So that is you securing the

scene?

WARRANT OFFICER SANDER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Now, at this stage, we are not dealing with a container. The goods were already taken out of the container.

WARRANT OFFICER SANDER: That is correct.

ADV SEGEELS-NCUBE: Can you just explain to us how that process works? Because by the time you get to the
10 scene, you are not dealing with a container anymore.

WARRANT OFFICER SANDER: I am quite sure there should have been a photograph to show the environment. And it would be nice to show the Commission how close the containers are to us, but I do not see it. Sorry, Commissioner, this photo album is not in sequence.

ADV SEGEELS-NCUBE: Yes, and it does also seem complicated ...[intervenes].

WARRANT OFFICER SANDER: If I can say to the Commission, so the image 1 where you are now and image
20 2, if you had to turn around with that to your back, that is a VW Caddy there with all the crime scene equipment, if you had to turn around with your back to that, on your immediate right-hand side would be approximately 10 to 15 lanes of containers. That is where the inspections take place.

Behind those containers is what we call the container stacks, where the containers are stored inside the depot. But your inspection by your Customs, your inspection by the police members, your unpacking and repacking and moving from one container into the yard happens there.

So if you are looking at the photo from this side to your left-hand side, there is traffic. When I say traffic, it will be forklifts, it will be what we call *pantusies*, straddle
10 carriers that move around. That is where that image is, just to situate you in CHC in Isipingo.

ADV SEGEELS-NCUBE: And what is the impact on the rest of business going on in the area if you cordon off section?

WARRANT OFFICER SANDER: Only that section where I am working has got no access to it. The rest of the business carries on.

ADV SEGEELS-NCUBE: And in your experience, especially since we are talking about CHC, how is the cooperation with you cordoning off a section of the scene?

20 **WARRANT OFFICER SANDER:** You cannot do an operation there without their assistance. The reason being, Commissioners, maybe the people do not know this, but there is a sequence of role players that needs to be present. I do not have a suspect. So who is accountable for what is there? Did the police put it there? Someone put

it there? Was it done maliciously? We do not know.

And also, we want to prove that we are not stealing anything from the yard. So there is a process. We call the depot manager, which is CHC. CHC will then give us their operations manager to attend. Then there is a person in charge of that section because I cannot drive the forklift or move the stock around. They do it for you. Everything there, we do not move, they move. They do it all for you. They are very cooperative.

10 Then the other thing is, there is no paperwork that goes around, passing files like this to each other with all the documents. It is all done digitally. So for me to obtain these documents, I would have to have cooperated with the management of the CHC to obtain the digital downloads.

 Then the other thing is, the location where you are working, they are compliant in terms of risk and management, occupational health, so health and safety. So the whole place is under CCTV. So we are actually being monitored by them in case something happens to us. So we
20 must also work cleverly, work with a reflective jacket if there is a machine around, wear the hard hat if there is a machine around, or give way. We comply with their occupational health and safety to be safe.

 But that is when I go back to saying it is a happy relationship that goes to the conduciveness of solving the

crime at our time.

ADV SEGEELS-NCUBE: And what is Customs' role?

WARRANT OFFICER SANDER: Customs, in this matter, were the original complainant to myself. So Customs had detained this shipment of, it was suspected to be illicit goods. Counterfeit, I am not going to mention the suspect's name so I can say the commodities. It was skin lightening creams, it was hair products, it was counterfeit sunglasses. It was a whole lot of illicit and counterfeit.

10 There was an ongoing investigation with these people bringing in different containers full with illicit goods, from clothing to medication. And in this case, Customs had obviously done an inspection on the goods that had been unpacked from the container prior, and discovered that one of the boxes contained suspected Mandrax tablets.

 So now, because they have found it, they become the custodian because it is in a Customs area, or as they say, a Customs space, if that is the right word. So, technically speaking, the scene and the exhibits belong to
20 Customs. The reason being is, in South African economy and law, it is a criminal case but it is also a SARS case.

 If SARS is going to charge that man in terms of the Customs Act, we will not see that. They all deal with him for all his illicit goods and his counterfeit goods. We will not see that. That is the taxman. The taxman does his own

thing. But the point is, the scene gets handed over to me by Customs.

So there is a handing over certificate. But because it came from a container, SARS goes further with their investigations and then they profile which group of containers are coming in on the vessel or part of that and they detain all of those containers for inspection.

So there is now an enforcement process that begins. So because we have this relationship now, then we
10 do a dual inspection of the other containers, hoping to find more illicit goods.

ADV SEGEELS-NCUBE: Can I take you to page 223 of that same bundle?

WARRANT OFFICER SANDER: Page?

ADV SEGEELS-NCUBE: 223 of the same Exhibit Bundle that we have been dealing with.

WARRANT OFFICER SANDER: I have it, Commissioner.

ADV SEGEELS-NCUBE: It is the detention of goods. Do you have it?

20 **WARRANT OFFICER SANDER:** I have it.

ADV SEGEELS-NCUBE: So there is one on 223 and another on 225, and it has different container numbers.

WARRANT OFFICER SANDER: Yes, that is correct.

ADV SEGEELS-NCUBE: Okay. So these would have been the detention of dated 23 January 2020. So this is before

you go to CHC. So they would have, as Customs would have, or SARS would have asked for these containers to be detained. Are these containers by the same shipper?

WARRANT OFFICER SANDER: That is correct, Commissioner. So as you can see, it is two different vessels. And it is highly likely that they would have used a different port to load some of their equipment or they could have made the mistake, and I am saying they, the suspects. But this is how we profile them. That is exactly how we do
10 it.

So what they do is they split the vessel. It comes in on two different routes, possibly Pier 1 and Pier 2. And then Customs now obviously picked up he has an irregularity with these people or they have got a history. I do not know.

From my side, we have to rely on our databases to see if there is a history with the import of the shipper or transgressions. Customs has that. I know they do have that. So that helps them with their profiling.

20 **ADV SEGEELS-NCUBE**: And then on page 218?

WARRANT OFFICER SANDER: 218, yes, Commissioner.

ADV SEGEELS-NCUBE: That is the handover form that you were referring to.

WARRANT OFFICER SANDER: Correct. I reported earlier that it was the narcotics section that called me. The person

on the narcotics section's name is here, and he hands the scene over to myself.

ADV SEGEELS-NCUBE: So the person on the top, that would have been from SARS, and you are the person?

WARRANT OFFICER SANDER: That is incorrect. That is 281, it must be 218.

ADV SEGEELS-NCUBE: 218, yes, 218. But the one that you have, 218, in front of you, we are looking at the right one?

10 **WARRANT OFFICER SANDER**: Yes, I am.

ADV SEGEELS-NCUBE: Okay. It is the handover form.

WARRANT OFFICER SANDER: It is the SARS handover form. It has got the KZN DDU 3200.

ADV SEGEELS-NCUBE: Yes, there, it is the correct one now. So the top is the team handing over to you, you receiving it.

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Okay. And that authorises you now to conduct your side of the...

20 **WARRANT OFFICER SANDER**: Correct, Commissioner.

ADV SEGEELS-NCUBE: So you indicated that it was on the 5th of February. What are you doing on the 6th of February as well? Were you at the scene?

WARRANT OFFICER SANDER: This is the scene where we found the wine that tested positive. So the SARS, that was

in their custody. So to be released to me, they handed it back over to me.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER SANDER: Because I was not happy that the wine was wine. I suspected it to be a substance containing methamphetamine.

ADV SEGEELS-NCUBE: And it was?

WARRANT OFFICER SANDER: It was not in the end.

ADV SEGEELS-NCUBE: Okay.

10 **WARRANT OFFICER SANDER**: But the initial test with the dog and the presumptive test gave us a false positive.

ADV SEGEELS-NCUBE: And is that why you called FSL?

WARRANT OFFICER SANDER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: But ordinarily FSL would not have come to the scene because it is not a clan lab.

WARRANT OFFICER SANDER: Correct, Commissioner. But when we have strange chemicals and stuff, and we understand the working procedure amongst ourselves, we
20 work together.

ADV SEGEELS-NCUBE: So if somebody is conducting a seizure operation at a CHC depot, or a depot similar to that, and does not call LCRC but calls FSL, is that the correct procedure? And would FSL be entitled not to refuse to come out?

WARRANT OFFICER SANDER: Maybe I must explain how I know the thing. So the two laboratories do two totally different things, but they do overlap so that they index each other correctly. For a recovery, how I am shown and taught, a standard recovery we call out LCRC, not FSL.

If it is chemicals and items that I do not know and I need guidance with, I will tell them such. Then they will attend, or they will give me telephonic advice, process your scene like this, do this, we will work with you, and we do. I
10 have got a relationship with them.

When FSL attends a scene, they also take photographs, because they must also compile a 212 album. And it is pretty, pretty, pretty meticulously done. And what they will usually do is they will use the same reference points. So A's are A's, B's are B's, 1's are 1's, 2's are 2's, if I can say that to the Commission.

So we all know that it is Room A, Room 2, et cetera. So those two albums, if you put them in court, they would corroborate each other. And the Commissioner asked
20 me earlier why would I use a photo album. That is why. So those two albums then talk to each other. So that is why they also take photos on the scene. So if you ask me the correct procedures, you can call either one first. It is up to you. But preferably LCRC.

ADV SEGEELS-NCUBE: Okay. So once you get to the

scene, you have the exhibit bags ready. And if you do not have them, you would call for exhibit bags. You would make arrangements to get exhibit bags.

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Okay. In this instance, in your instance, what did you do with the 2020 bust?

WARRANT OFFICER SANDER: If I am correct in this one, I had some exhibit bags. And then after, I think we might have run short on the big ones, we had arranged a facility,
10 members had gone to pick us up at SAPS Sydenham.

ADV SEGEELS-NCUBE: Sorry, SAPS Sydenham?

WARRANT OFFICER SANDER: Sydenham.

ADV SEGEELS-NCUBE: Okay. And what is the correct procedure insofar as when the exhibits must be placed in the bags? Is it at the scene or can it be done elsewhere?

WARRANT OFFICER SANDER: At the scene.

ADV SEGEELS-NCUBE: And if it is not, could it be done elsewhere if the scene is not, for whatever reason, conducive to do so?

20 **WARRANT OFFICER SANDER:** There would have to be a reason why you are moving it. What would be a reason that you can think of that would be a reason?

WARRANT OFFICER SANDER: From CHC?

ADV SEGEELS-NCUBE: Yes. CHC specifically.

WARRANT OFFICER SANDER: No reason.

ADV SEGEELS-NCUBE: You say?

WARRANT OFFICER SANDER: I do not think there could be a reason.

ADV SEGEELS-NCUBE: Could it potentially be that from a safety point of view, you want to make sure that you do not let people know that you have just uncovered 500 kilograms of Cocaine, for example, or in your case, Mandrax?

WARRANT OFFICER SANDER: Commissioner, at that time, the biggest drug used in Umlazi, I think, was Mandrax.
10 I think Mandrax would have been pretty much a threat as well.

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER SANDER: So that thought did not cross my mind. It is safe there.

ADV SEGEELS-NCUBE: When you say it is safe there, just elaborate on that.

WARRANT OFFICER SANDER: Commissioner, before you can get in, there is security at the front. There is a gate that you have to go through. They check you in. You have
20 to drive nearly 300 metres before you can even get to the container stack. I had Metro there. I had SAPS there. We were all armed. I believed we are safe.

ADV SEGEELS-NCUBE: And disruption of commerce while you are busy processing, how long would it take to process the scene?

WARRANT OFFICER SANDER: I was there from the morning until five in the afternoon, the evening.

ADV SEGEELS-NCUBE: In yours, in the February 2020?

WARRANT OFFICER SANDER: Yes.

ADV BALOYI SC: Can I just ask, you are discussing the 2020 operation, and this is a consignment that is bonded. So it is away from the other commercial activity that happens. Let us put a different scenario. There is no SARS detention involved, and so these goods are not in the
10 same corner as we see in these pictures or the same working space.

But it is, in fact, goods that are in a container lined up. We are still at CHC. Lined up in the way that you described. I think you described that there are other containers there. What constraints, if any, would there be to conducting the kind of checks that you are speaking about?

Do you have a crime scene, what you are describing with Ms Segeels, what would be the constraints
20 that would make it difficult to work from there as a crime scene? And assuming the weather is not an issue.

WARRANT OFFICER SANDER: Commissioner, the main constraint would be occupational health and safety for the members doing the crime scene, and access by all relevant role players. So you do not want to box yourself in. You

want to be able to work freely. Members in, members out. In my case, I had members that were sick. I needed an ambulance in, ambulance out.

I have worked depots for years. They will bend over backwards to help you. I have worked a scene at Grindrod. We were there for literally from the morning until the next morning. They send people, they sit with you.

So what usually happens is if the scene becomes complicated, if I can use that word, Commissioner, they
10 would then stop the activity on the left of your container and the right of your container. Sometimes they will even give you an empty container and stack it next to you.

So because, remember now, I do not want to be digressed, but what about the balance of the container? I am seeing what is in front of me, which is the narcotics, but what about the rest of the substance behind it? What is happening to that? Once I have found something in the container, then I must assume the rest of the container is tainted.

20 So how do you deal with it? It is called an unpack. Unpack and visual inspection. So what usually happens is that must come out and go somewhere, but because it has not gone into the warehouse, it goes into the container next to it, and that is a nice way that you can get a hands-on look at it, probe it, open it, stuff like that.

So the constraints are you need to have a relationship with the warehouse before you start. Once you have got that, you must be prepared to work because everything should be able to be done there. If it rains, you are under roof. They just push the container forward. There is a machine that moves it for you. If you want to unpack into another container, they give you another container. They have got empty containers. We do not. The police does not have that.

10 We do not have the machines to move them, the trucks, nothing. So the only constraints you would have technically is consumables on the scene, your crime scene consumables, your forensic test kits, your forensic exhibit bags, et cetera. That would be your constraints.

ADV BALOYI SC: In that case, you would unpack the container.

WARRANT OFFICER SANDER: Correct.

ADV BALOYI SC: Because you really do not know whether what you are seeing in front of you is all there is.

20 **WARRANT OFFICER SANDER:** Commissioner, with your leave, I have been asked about another matter in regards to a tonne of Cocaine that I seized. My notes will show you that nicely, how we do that, and leading up to that, the process of identifying the container from start to finish. So maybe that will answer your question again. But if you want

me to answer it now, I can.

ADV BALOYI SC: No, I am happy to leave it to you when you discuss it with Ms Ngube. Maybe let me ask my second question related to this. We have heard evidence, for example, on another scene where the reason for removing the goods, the illicit goods, narcotics, to a different site is that there was a lot of traffic, people moving, employees of the depot.

I ask my question in that context to try and
10 understand practically how does this become a problem?
There is no means of cordoning off an area and preventing other people who are not part of the crime scene management to isolate them from that scene so that you do what you need to do on the scene. I am trying to understand that practically.

WARRANT OFFICER SANDER: Commissioner, it is a good question, and maybe I am going to get a few bruises from my colleagues afterwards, but the people that bother you on the scene are policemen that should not be on the scene.
20 That is who contaminates your scene.

So if I tell you I have got a cordon tape, the stevedores and the warehouses, they will accommodate my request. They allow that scene to stay there, and they will assist that it stays like that. They are not interested in coming in the crime scene.

It is the policemen that want to come in and see and the media that comes with them, and they want to take a video and look and touch. That is what contaminates your crime scene. So if you ask me, can you lock down a crime scene at a warehouse, my answer, Commissioner, is yes. How long can you do it for? As long as you want to. I have proven that my longest is two and a half days.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Is the short answer not that once you
10 identify an area as a crime scene, whatever commercial activity was happening there becomes secondary? So people who are doing business there are no longer allowed to go to the scene. It is your scene you are entitled to coordinate off for the purposes of conducting investigation. So it cannot be an answer to say, but we are running a business here.

WARRANT OFFICER SANDER: Commissioner, you are correct, and I think it has been mentioned. I saw a statement where they said that the people from the harbour
20 were there. The people from the harbour are there every single day. They are stationed there to conduct those searches. It is part of natural business to be searched by SARS and the police, if that makes sense to the Commission.

ADV BALOYI SC: Under what circumstances would safety

be an issue, safety of managing a crime scene there and checking the exhibits? I am talking about the CHC in particular. What is it about the geography of that place that you would say would justify in some cases concerns about safety?

WARRANT OFFICER SANDER: I have to think carefully how to answer this, Commissioner. Commissioner, are we safe here? No, Commissioner, your question is valid. But the question remains is, are we safe here? If someone
10 wants to come here and do what they want to do here, they will do it.

Do I have knowledge of that? That is the question. The answer is no. Do I know who is coming to do it? The answer is no. So what steps must I take to prevent that from happening? I need to be aware. I need to be cautious. I need to make sure I have got my weapon. Must I have other guards on guard? Yes. Must I have a cordon set up? Yes. Because then I can see if someone crosses the cordon, I know that man is coming to make trouble.
20 Deal with him.

Does that answer it? For you, you have got security at the front door. You have got security when you scan through ...[intervenes].

ADV KHUMALO SC: Do not say too much.

WARRANT OFFICER SANDER: No, no. Agreed,

Commissioner. My apologies. What I am saying is you have got an operational plan for a threat assessment. We have to do it the other way around. So it is in reverse. Now I am here inside. I must protect myself going out. So the question that I would ask is, the Commissioner is asking me, was it safe there? In my scenario, I will say I was safe. I took the steps to make sure my scene was safe.

ADV BALOYI SC: Let me ask this in fairness. I have to ask the question in fairness to those that have managed the
10 crime scene differently. In your experience, with the kind of experience that you have had over the years, but in particular at a depot such as CHC, have you had instances where there were threats of harm or, in fact, interference with what you were doing as you were managing the scene?

And I am not asking about your colleagues who are walking onto a scene, but the owners of the drugs potentially. Have you had scenarios or situations where, as you are managing that particular scene at CHC, you might have thought maybe it is not safe? There are indications
20 that there are people who are looking at what we are doing, have bad intentions. Let us move on. Have you had that kind of experience?

WARRANT OFFICER SANDER: Commissioner, you asked, I will say, four scenarios there. You asked, has anyone ever micromanaged your scene? I will say yes. Have I ever

felt unsafe at the scene? I will say no, if I can, Commissioner.

ADV BALOYI SC: Unsafe as in, not so much you personally, but the scene itself being disrupted. You have never had that kind, and no cause to be concerned about that?

WARRANT OFFICER SANDER: Commissioner, there is a list here with a statement from the General. I did not know it was here, but here it is. Those are my scenes. They are
10 not missing. They are safe.

ADV BALOYI SC: Okay.

WARRANT OFFICER SANDER: I transported those exhibits myself, or with colleagues across the country to places unbeknownst to a lot of people here. They are safe.

ADV BALOYI SC: Okay.

WARRANT OFFICER SANDER: We were never attacked. We were never assaulted. We were never diverted from our route. We were safe.

ADV BALOYI SC: So you are able to say, are you, and to
20 say it unequivocally, that CHC, its geography, it is set up there, and what happens when the police run an operation there of a seizure, it does not pose any fears of risk or an attack that you can think of.

WARRANT OFFICER SANDER: That is correct, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. Can we just go back to where you were dealing with the scene itself, but before that, you are now in the bonded warehouse area. Where was the recipient going to intercept in order to get the drugs?

WARRANT OFFICER SANDER: They would have to have driven it out. So someone would have to have cleared it from the bonded area, loaded it in a truck, and driven it out.

10 **ADV SEGEELS-NCUBE:** So we are looking at a clearing agent and a transporter.

ADV SEGEELS-NCUBE: And here we are talking about the container and these goods were detained because of the other counterfeit goods from the same shipper.

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: So ideally what was going to happen is that these containers were not going to be detained by SARS. They were not going to go to the bonded warehouse.

WARRANT OFFICER SANDER: Correct.

20 **ADV SEGEELS-NCUBE:** Okay, but in the instance of where you are dealing with food, like bone meal, would that not automatically be detained by SARS?

WARRANT OFFICER SANDER: It is actually the Department of Health, not SARS.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER SANDER: It is the Department of Health. The reason being is it is a foreign food coming into our country and our government needs to know it is not going to be fed to humans. It is bone meal. Funny enough, half of the people eat it anyway. It is used in making processed food, for bulking processed food, pet food, stuff like that.

It is sad, but it is. Unscrupulous people do put it in. So it is dumped here as waste, but it carries duty. But
10 because it is a food product and an animal product, the Department of Health must clear it. So they will inspect it, clear it, take a sample, and it is then released by them.

ADV SEGEELS-NCUBE: And where would they do the inspection?

WARRANT OFFICER SANDER: As you open the container.

ADV SEGEELS-NCUBE: Where?

WARRANT OFFICER SANDER: At the depot.

ADV SEGEELS-NCUBE: At CHC?

WARRANT OFFICER SANDER: If it is at CHC, at CHC. If
20 it is at Grindrod, at Grindrod. If it is at Maersk, it is at Maersk. It is done right there. Because the reason being is once that container is open, if there is a disease or something in that container, it is now exposed to the environment. So if they find a disease substance in there, they must be able to contain it and be able to deal with it

there. So that is why they themselves will deal with it right there.

ADV SEGEELS-NCUBE: And where does the Department of Health do their checks at CHC?

WARRANT OFFICER SANDER: It will be wherever their container is loaded.

ADV SEGEELS-NCUBE: Okay, so they do not have a special area?

WARRANT OFFICER SANDER: No. It is where those
10 containers come, they will check it.

ADV SEGEELS-NCUBE: Now, in the June 2021 bust, we talked, are you aware that it was bone meal that was in the legitimate container?

WARRANT OFFICER SANDER: No, I am aware now.

ADV SEGEELS-NCUBE: Okay. So that would have, in any event, been inspected by the Department of Health?

WARRANT OFFICER SANDER: Department of Health, yes.

ADV SEGEELS-NCUBE: And they would have presumably found the Cocaine amongst that?

20 **WARRANT OFFICER SANDER**: Well, the answer is yes. It would have been the poor guy that opened that container from CHC. He would have been the first guy to see it. Then with him would have been the supervisor and the guys from the Department of Health. So the answer is in the end, yes.

ADV SEGEELS-NCUBE: So where would, how would the recipient have intercepted on the June 2021 bust? How would they have intercepted to get the drugs undetected?

WARRANT OFFICER SANDER: They would have taken it before it got into CHC.

ADV SEGEELS-NCUBE: And where would that have been?

WARRANT OFFICER SANDER: So it could have been when it came off the vessel and put into the container stack alongside Pier 1, Pier 2 or New Pier. It could have been
10 enroute from New Pier to the packing area and it could have been on the road. So again, stevedores, transporter, Customs, police.

ADV SEGEELS-NCUBE: And ...[intervenes].

ADV BALOYI SC: Maybe for those of us who are not familiar with the space and goods coming in from a ship, maybe if you could in some, as best as you can, using language, in some graphic detail, explain to us a ship comes in, this is what happens ordinarily and all of that process up to when it gets to the depot just so that we have
20 a mental idea of what you are talking about.

WARRANT OFFICER SANDER: Thank you, Commissioner. So maybe I can illustrate, it is easier. There is a container identified on a ship. The ship comes in, the ship gets allocated a certain loading space dependent on the depth of that vessel and the size of that vessel.

There is also what they call a pre-arrival notice. It is put on an electronic system. We are going to be teaching the smugglers how we are going to find them here, but anyway. We will just have to change our tactics.

ADV BALOYI SC: It can be as summarised. As long as we have a picture of how it works.

WARRANT OFFICER SANDER: If I do not explain it to you, then you will not understand how easy it is to steal. It is actually very easy. The ship comes in, the container has
10 to move. For the container to move, an electronic signal must come from Transnet to release that container onto the ground.

The machine comes, picks the container up. Before it touches the ground, a truck gets an instruction, also computerised to meet it. It goes onto a truck. The truck gets told where to put that container in a stack. The container moves.

It has got drugs. What we have experienced in my experience is if this container is – if you know Lego bricks,
20 one, two, and three. If you look at six Lego bricks, it has got six dots on the top. Let us look at that in the stack as one, two, three, four, five, six, like that. So they get instructions like that where to put that container.

Now the suspects know that. If it is here, they cannot touch it. It is too heavy, it is too high, they are too

short. They need to move it. So we pick up the irregularities when an unauthorised move puts that from level two and three on the ground. If it has been moved to the ground without authorisation, rip-on-rip-off takes place. I agree with that.

But if they fail there, this container must then get moved again out of the controlled area into a processing place where they put it on the transporter's container. That transporter must then drive out of the harbour to a yard
10 where it will be stopped, placed, stored until ready for unpacking, transporting or whatever its destination is.

Highly likely the moment that that truck leaves the controlled boom by Pier 1 or Pier 2 or New Pier, they will break the seal, take the drugs. Because normal people can have access to that part of the harbour. It is a risk.

ADV SEGEELS-NCUBE: Thank you.

WARRANT OFFICER SANDER: That is rip-on-rip-off.

ADV SEGEELS-NCUBE: So, Warrant Officer, by the time you get to the depot, that rip-on-rip-off would have failed in
20 transit.

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Okay. So when you get to the depot, can you still steal without being detected?

WARRANT OFFICER SANDER: You can, but then you need to be part of the depot.

ADV SEGEELS-NCUBE: Just explain that.

WARRANT OFFICER SANDER: Well, you would be a staff member and then you would slowly but surely carry the stuff out of that part of the section. But it would limit you for your access to that site. So it would identify a suspect to us.

ADV SEGEELS-NCUBE: And how would somebody other than a civilian, so let us say SAPS, how would they try and steal it?

10 **WARRANT OFFICER SANDER:** Drive in when no one is looking, load it in your car and drive out. No one is going to search you.

ADV SEGEELS-NCUBE: And on an official basis, so if you, and we are now talking about undetected, so if once it is in the depot, how does SAPS get access to it?

WARRANT OFFICER SANDER: The police is allowed to be there. It is part of our duties. If I have got information of the drugs being there, there is elements in the Criminal Procedure Act, the Drugs and Drug Trafficking Act, the
20 Medicines Control Act. They allow certain elements there. We can also rely on the Customs and Exiles Act because we can enforce that. So if you are asking how would a policeman go in there and take it and drive out, you could.

ADV SEGEELS-NCUBE: As part of a seizure?

WARRANT OFFICER SANDER: I cannot comment if I do

not have the facts, Commissioner, and it is leading me for a lot of hearsay.

ADV SEGEELS-NCUBE: That is fair.

WARRANT OFFICER SANDER: I really do not want to say something that I have got nothing to do with.

ADV SEGEELS-NCUBE: That is fair. So in your instance, in February 2020, we were now talking about a container that is in the bonded warehouse. You got the information from SARS because of the other counterfeit, the containers
10 containing the other counterfeit. And you get the tip-off that they suspect that there is, or by the time you get there, have they already found Mandrax?

WARRANT OFFICER SANDER: The original call was there was someone from SARS that was unscrupulous and going to move the tablets.

ADV SEGEELS-NCUBE: Okay, so somebody from SARS was going to steal the Mandrax?

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Okay. And can you then just take
20 us through, I know you have spoken about the scene. You bag it into the exhibit bags. LCRC takes the photographs. What happens next?

WARRANT OFFICER SANDER: From there, it needs to get booked into the SAP13. So the SAP13 is relevant to that area, which would have been Isipingo.

ADV SEGEELS-NCUBE: That would have been Isipingo Police Station.

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: So you and your team, you take the drugs in your vehicle, or how does it get transported?

WARRANT OFFICER SANDER: I pack them in my caddy. We load it in the caddy and then we drove under escort to Isipingo Police Station. We did get there. Sorry, Commissioner, may I carry on?

10 **ADV SEGEELS-NCUBE**: Yes, please go ahead.

WARRANT OFFICER SANDER: We got to Isipingo. I believe I liaised with the Station Commander. They said they did not have safe space in their SAP13 room. Eventually some form of agreement was made because they showed me the armoury, but it did have weapons and articles and I said, please let me move the stuff for you. And myself and members from Metro, we then literally manhandled all the gun racks and the rifles and everything into the area and that gave us space to store the Mandrax
20 tablets inside there. And that is why it is signed for by the Exhibit Clerk at Isipingo because he took custody of it.

ADV KHUMALO SC: So are you saying there is no dedicated storage at Isipingo for drugs? You had to use the storage for the armoury for that purpose?

WARRANT OFFICER SANDER: No, Commissioner. There

is no such thing as a dedicated storage for drugs at a police station. It is a general exhibit storage room. Whether it is safes or a vault or an office or a cell. The items are catalogued and stored as per case, not as per the item. So it is a mixed match of all exhibits, if Commissioner understands that.

ADV KHUMALO SC: But my concern is you needed to move something out to make space for the drugs. And that suggests to me that then there is never space for drugs to
10 be stored. The only way you can make space is if you move what is already there to make space for the drugs.

WARRANT OFFICER SANDER: Commissioner, can I say this if I may? To say that there is no space for drugs would be incorrect. But to say for large scale seizures we battle every day. Copper, diesel, illicit diesel. I have got no space to store it. Too late now. I have got no place to store it. I rely on SARS for storing it.

ADV KHUMALO SC: Warrant officers, the guns, the armoury and other things, those are always there, right?

20 **WARRANT OFFICER SANDER:** Yes. So, Commissioner, those guns did not leave that room. We just moved them and pushed them to the sides to make space so we could put our drugs inside there. The same at Maydon Wharf . Maydon Wharf did us the same courtesy. We move everything and we make space for the exhibits to be stored

there.

ADV BALOYI SC: Is it a case of what you are explaining that there is no, in any police station, there is nothing like a dedicated exhibit room? Is that what you are saying?

WARRANT OFFICER SANDER: No, Commissioner. That is incorrect. There are dedicated exhibit rooms.

ADV BALOYI SC: Yes.

WARRANT OFFICER SANDER: There is some beautiful, massive structures at some of our police stations. What I
10 am saying is there is no specific room to deal with chemicals, flammable substances, hazardous materials and narcotic substances.

ADV BALOYI SC: I see. I understand.

ADV SEGEELS-NCUBE: Thank you. Can we go to page 267 of the Exhibit Bundle? Can you just identify that document for us?

WARRANT OFFICER SANDER: 267?

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER SANDER: It is a hand entry by
20 myself. It is Isipingo SAP13/163 and it is an entry by myself booking the exhibits in the exhibit bags at Isipingo.

ADV SEGEELS-NCUBE: And you are writing out every single exhibit bag?

WARRANT OFFICER SANDER: Yes, Commissioner, with this pen.

ADV SEGEELS-NCUBE: And what is the role of the Exhibit Clerk in this process?

ADV SEGEELS-NCUBE: The Exhibit Clerk is going to take custody of those exhibits until they need to be analysed, processed or the end of it. So he is the custodian once I have handed them over to him.

ADV SEGEELS-NCUBE: And can you just explain the significance of the description that you use for the exhibits? You specifically say seal the exhibit bag, there is a serial
10 number and then you say what it contains. Why is that important?

WARRANT OFFICER SANDER: This description comes with the forensic seal on the scene. So it shows that I have not tampered with my seal from CHC. So I have my contemporaneous notes, I have my LCRC member taking photographs of the same process, and I say here, can I read it?

ADV SEGEELS-NCUBE: Yes, you can read one here.

WARRANT OFFICER SANDER: So entry 1:
20 "Sealed exhibit bag PA3000286215."

These are unique numbers. They do not exist anywhere else but on one exhibit bag. Each exhibit bag is unique. It has a barcode so you can scan it, as well as you can handwrite it. But each bag only exists once in its lifetime. So it is unique. It contains two packets with Mandrax

tablets. Okay, I should have written suspected Mandrax tablets. But it is the description and it shows the continuation from the crime scene and it will show the continuation to the laboratory. So it gives me a quantum in how it is packaged.

ADV SEGEELS-NCUBE: Now, in your statement you say that you then booked it out the next day for analysis.

WARRANT OFFICER SANDER: That is correct, Commissioner.

10 **ADV SEGEELS-NCUBE**: What was the reason for booking it out?

WARRANT OFFICER SANDER: Commissioner, I received a phone call. I cannot tell you who called me, but it would not have been the station. I would not have taken instruction from the station. It would have been from my management, someone senior. There was not an issue at the station. They said their drugs need to go to the lab, people are sick. And I went there myself. And yes, the place, as I explained to you, it was cordoned off. It did
20 stink.

ADV SEGEELS-NCUBE: Now with FSL, do you have to contact them ahead of time to tell them that you are bringing the exhibits to them or do you just rock up there?

WARRANT OFFICER SANDER: If I am bringing exhibits for analysis, I can rock up there. It was Amanzimtoti. They

were our service provider. But in this case, when I did rock up there, they said, sorry, there is way too much exhibits to fit in our safe. It will not fit. And now I am stuck with a problem. I know the police station is closed and everyone is booked off sick. They will not want me back. Where must I take the exhibits? And I believe there was quite a few phone calls made and eventually at that stage, I believe it was Brigadier Paramusa [?] and it was Captain Mbansi [?] that allowed the authorisation of using a part of their vault
 10 at Durban Central to store those exhibits. So from Amanzimtoti, we then transported them and they were stored at Durban Central.

ADV SEGEELS-NCUBE: Okay. Now. when you book it out for analysis, the intention is to take it to FSL because only FSL can do the analysis. Correct?

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: And the SAP Clerk would have countersigned that you are booking it out for analysis. You ultimately do not take it to FSL for analysis because they do
 20 not have space. Correct?

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: And now it is going to another police station.

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Is there not a step missing

insofar as the transfer from one police station to another? Because as far as the Exhibit Clerk at Isipingo is concerned, you have booked it out for analysis. You have attempted to take it to analysis. It has not. What steps must you take to rectify the entry with the SAP clerk at Isipingo?

WARRANT OFFICER SANDER: Technically, because I have booked it out at Isipingo, that entry is closed. They will not be worried about that matter anymore. I have taken
10 responsibility with it. I must deal with it. Me as the Warrant Officer must now deal with that problem. So the step that I take is now it is booked in at Durban Central. It went into their books now.

So I will then now have to do a chain statement saying I transported all the way and booked in and I confirm these are the bags booked in. They have not changed.

ADV SEGEELS-NCUBE: But is there a process that is followed? Is there protocol from transferring exhibits from one police station to another? Or can you just take it, sign
20 it out at the one police station even if the reason for the signing out is not the correct reason? It may have been at the time when you did it because you did not know FSL was going to reject you.

WARRANT OFFICER SANDER: Commissioner, I cannot say that there is a protocol, or I would rather say I am not

aware of a set protocol when transferring exhibits between stations of correspondence. In my issue in my enquiry, I have documented what I have done. My seniors were aware of what I have done. They were aware of where it was. The next issue that actually existed was trying to get those exhibits analysed because of such a large quantity. And then eventually that led to us, without going for, it was sent for destruction. And that was again another issue.

ADV KHUMALO SC: I just need to clarify something.

- 10 When you book out exhibits from an SAP13 at a police station and you want to take them to FSL for analysis, why is storage an issue if you are only taking a sample and not the entire set of exhibits for lack of a better term? I mean, my understanding is that they go to FSL to identify what the substance is for analysis.

WARRANT OFFICER SANDER: Correct.

ADV KHUMALO SC: So you do not need to take 1 000 kilograms of Cocaine to FSL. You only need to take a sample. How does it work exactly?

- 20 **WARRANT OFFICER SANDER:** No, that is incorrect.

ADV KHUMALO SC: Then why is storage an issue at FSL?

WARRANT OFFICER SANDER: Sorry, Commissioner, that is incorrect. I can say from my personal experience, I have never taken a sample.

ADV KHUMALO SC: You take the whole thing?

WARRANT OFFICER SANDER: The whole thing. Start to finish.

ADV KHUMALO SC: Is that not a problem? Because if FSL does not have capacity to store everything, then even the exercise of trying to get the exhibits analysed fails simply because they say we cannot take everything.

WARRANT OFFICER SANDER: Thank you, Commissioner.

ADV KHUMALO SC: So is that a shortcoming in the process that needs to be attended to?

10 **WARRANT OFFICER SANDER:** Commissioner, it is ongoing and you have got it, I cannot say 100%, 220% ...[intervenes].

ADV KHUMALO SC: I was just trying to understand. I was not – because I do not know, but it seemed to me that there was a problem.

WARRANT OFFICER SANDER: You have got it 100%. Sorry, Commissioner.

CHAIRPERSON: What was the storage capacity, do you know, at Amanzimtoti before flood damage? Because from
20 previous evidence, my understanding is that they got into problems after there were floods. That is with regard to storage.

WARRANT OFFICER SANDER: Commissioner, I have been there before the floods. I have been there after the floods. I am aware of what their facility looks like. I am aware of

how it works. It is not conducive to the storage of large amounts of narcotics or precursor chemicals because that is another item that goes to the lab, the precursors. And the precursors usually weigh a lot. They are very voluminous.

CHAIRPERSON: I forget the context now. Maybe my co-Commissioners and even the Evidence Leaders may assist. I seem to recall that in the context of one of the drug busts, a police officer testified that they took only a sample to FSL. I do not know how many bricks or in what form exactly
10 the sample was. What would your comment be?

WARRANT OFFICER SANDER: Not on my crime scene, Commissioner.

CHAIRPERSON: But besides your crime scenes, how would you comment on that being done or having been done?

WARRANT OFFICER SANDER: It should not have been done.

ADV BALOYI SC: Can I just understand your answer for taking the whole consignment to FSL, all the exhibits.
20 Correct me if I misunderstood the evidence. I thought, in fact, the National Instruction requires that within seven days, or maximum seven days, all of that, all of those exhibits must go to FSL anyway.

WARRANT OFFICER SANDER: Commissioner, I am not in a space to challenge a National Instruction.

ADV BALOYI SC: No, I am asking whether is there such a National Instruction or did I misunderstand?

WARRANT OFFICER SANDER: There is, Commissioner.

ADV BALOYI SC: Okay.

WARRANT OFFICER SANDER: But I am a junior member. What I can say is we do our utmost to comply. Just to give you an idea, if I have got a tonne of narcotics, there is very few vehicles you can put a tonne in, then I need to take a team to escort me. I then need to have accommodation for
10 those members going there, coming back. They must get paid. That paperwork takes some time. So when you have done that paperwork, you are past your seven days.

And maybe with the grace of the Commission, they will streamline certain processes. But when you have seizures like this, there is always – we can talk back and we can say we learned. I need 10 members to do the armed escort, but we do not have 20 members at DPCI. So I must use NIU, TRT, or Special Task Force.

I must then await their Commander because I must
20 do an application through my provincial office to them. I am explaining processes now, but these are all that have to be documented and authorised by senior members, but it must be done.

ADV BALOYI SC: I guess the essence of what I was checking with you is it is not an option available to SAP13,

whoever is holding as custody, to take only a sample to FSL and retain the balance. That is the heart of it. It was, anyway, everything must go to FSL.

WARRANT OFFICER SANDER: Commissioner, if I may? The South American drug cartels, they are brilliant businessmen. We give them that. They have an honour in their institution to produce good Cocaine. But let us just say the transporter or the facilitator on the deal is not onerous.

10 So we have, I am commenting on a case of, let us call it 999 bricks. I have got, that is my knowledge. Those bricks do not come from one supplier. They come from various different suppliers. So if we had to really have a forensic laboratory, we could see the difference in the purity on those consignments. We could see this one was cut with petrol. We could see this one was cut with diesel. This one was cut with phenacetin.

 We could see the different chemical aspects of combining that brick. We could even go so far as to see
20 how much pressure was used to make that brick of one kilogramme. That is how far they are clever to do it. Why I am saying, Commissioner, you want the whole shipment to go there.

 Each one of these bricks is better than a fingerprint. The brick itself is sealed. We have explained

that earlier. I explained that. It is wrapped. It has a logo. But when you take that wrapping off, there is another logo underneath. I am always interested to see whose logo is underneath. Why is Cat calling TikTok? Why is it not TikTok and TikTok? Why is it not Cat and Cat? Why is Maserati sitting on a Puma? So we know there is something happened here. So understand that.

But let us just say that is Cocaine. But now enter the unscrupulous businessman, or the knocker as we call
10 them. He takes the wrapping. Simple. You cut it. You open it. You take a brick of Cocaine out, and you put a brick of flour in. In South African money, I have just made R400 000. I spent R24 on one kilo of flour. I think it is a good business.

I then wrap it with Cellophane tape, and I book it in the SAP13. That is why I would rather say let us respect that the drug dealers there were onerous. Let us analyse all of them and get the proper analysis. But here comes the final element, Commissioner.

20 What if those drugs contain a substance which is going to be killing the humans of South Africa? We have got a duty to then put a message out, which is what we do. We talk to the UN. We talk to the UNODC. We do what they call a purple notice, and we can publish.

Of these 999 kilos, one of them contained fentanyl.

Fentanyl is deadly. Please put the word out. We are going to start finding people dying. So that is why we must analyse all of them. And the other thing is this builds data to work on international trends. This data is stored. It is shared across the world. So that is why, Commissioner, I would say every single item should be analysed.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioners. The protocol, it is on page 87 of the Exhibit Bundle, and it is
10 5.8, which requires all the exhibits except for Dagga and Cat to be given to the FSL within seven days in exceptional circumstances. It must be done immediately. But in exceptional circumstances, seven days. That is at 5.8A on page 87.

The heading, Submission of Illicit Drugs for Forensic Analysis. If I understand what you are saying, Warrant Officer, you do not have an issue with all the exhibits going to FSL. It is the time period to do it within the seven days that you say is unrealistic in certain
20 circumstances, or in all circumstances. What are you saying?

WARRANT OFFICER SANDER: Another thing maybe the Commission needs to understand, we have gone without SNT. Our Commander said to us, guys, please, let us move those drugs. We know that authority has not come through.

I have gone, I have paid for five, six, seven TRT guys, put it on my credit card at Southern Sun, because we did not have SNT, but we wanted them out of the province. We wanted them in a safe space.

And then we come back and we claim. We get our money back. So it is the diligence and maybe the passion on my side that you are hearing my story. But if you can hear it, what I am saying is, if you want to do something, you can do it.

10 **ADV SEGEELS-NCUBE**: Okay. Now, insofar as the exhibits in the 2020 matter is concerned, when were they then – we know that it gets kept at Isipingo for one day, you then try to get it to FSL, thereafter it goes to, was it Durban Central?

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Okay. At Durban Central, do not they then have an issue, the same issue that Isipingo had with it making the members sick? What was the scenario there?

20 **WARRANT OFFICER SANDER**: It is a vault, Commissioner. No one is down there. It is locked, it is sealed. It is like a deadly dungeon. No one knows it is even there.

ADV SEGEELS-NCUBE: Okay, so Durban Central has a vault.

WARRANT OFFICER SANDER: Yes.

ADV SEGEELS-NCUBE: Okay, and Isipingo, it was not a vault.

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. And during the time that it is now at Durban Central, are you required to make follow-ups with FSL until they do have space for you to take the exhibits?

WARRANT OFFICER SANDER: That is correct,
10 Commissioner, and that does take place.

ADV SEGEELS-NCUBE: We are talking about 47 kilograms of Mandrax here. Did you make attempts to try and get it to FSL Pretoria?

WARRANT OFFICER SANDER: I did, Commissioner.

ADV SEGEELS-NCUBE: And what was the outcome?

WARRANT OFFICER SANDER: I think it was over a year and some. We eventually, it was understood the investigation was not going anywhere. We could not tie the consignment to the suspects, so it was decided that we
20 would dispose of the exhibits. But then we had to follow the correct disposal procedure. There is an 83(a) completed. Our Commanders signed it off. They agree with the entries in the investigation, and it goes to Pretoria. But then we have to take the exhibits to Pretoria with the 83(a).

ADV SEGEELS-NCUBE: Just tell us what the 83(a), the

SAP83(a) is.

WARRANT OFFICER SANDER: The SAP83(a) is a form that we send to the laboratory and tell them what we want done on the exhibits. It goes with a packing note.

ADV SEGEELS-NCUBE: So if I can take it to page 114 of the Exhibit Bundle?

WARRANT OFFICER SANDER: That is right, ja. It is also on 113, Commissioner.

ADV SEGEELS-NCUBE: 113 is related to the wine, is it
10 not?

WARRANT OFFICER SANDER: But it is also on our 83(a).

ADV SEGEELS-NCUBE: Okay, but the 114 is related to the Mandrax.

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: So explain how this document comes about.

WARRANT OFFICER SANDER: Commissioner, it is the result of trial for investigation. So usually after a person is found guilty or not guilty, acquitted, whatever, it is the court
20 result. So in this case, it was an inquiry. It went nowhere, so the inquiry was going to be closed. It says there, case closed, yes. Suspects at large, no. There is no date of trial, and it says there specifically, for destruction. Mandrax tablets can be destroyed. It is signed by myself, and then that is countersigned by my Group Commander.

ADV SEGEELS-NCUBE: When is the decision made and who makes the decision as to when it is ready for destruction? So who makes that decision that these drugs must now be destroyed?

WARRANT OFFICER SANDER: It is a commissioned officer, so in this case it was, can I say his name?

ADV SEGEELS-NCUBE: Yes.

ADV SEGEELS-NCUBE: It would have been, I do not know if it was still then, Captain, but it became Colonel
10 Gopalsamy.

ADV SEGEELS-NCUBE: Gopalsamy?

WARRANT OFFICER SANDER: Ja.

ADV SEGEELS-NCUBE: So you as the Investigating Officer, you do not make the decision.

WARRANT OFFICER SANDER: No.

ADV SEGEELS-NCUBE: And you say it is a commissioned officer, so who would that be? What rank are we talking about?

WARRANT OFFICER SANDER: Captain and up.

20 **ADV SEGEELS-NCUBE**: Captain and up?

WARRANT OFFICER SANDER: Ja.

ADV SEGEELS-NCUBE: Okay. So if the Investigating Officer is a Captain and up, they can make the decision?

WARRANT OFFICER SANDER: Not for themselves.

ADV SEGEELS-NCUBE: Who then makes the decision?

WARRANT OFFICER SANDER: The next person above him.

ADV SEGEELS-NCUBE: Okay. So in the case ...[intervenes].

WARRANT OFFICER SANDER: If the captain is the IO, a Lieutenant Colonel or Colonel and higher makes the decision. If the Lieutenant Colonel is the Investigating Officer, a Colonel and Brigadier and higher.

ADV SEGEELS-NCUBE: Okay. So in your case it was
10 then, you cannot remember if he was a Captain at the time?

WARRANT OFFICER SANDER: He was promoted to Lieutenant Colonel.

ADV SEGEELS-NCUBE: Okay. So he makes the decision. Do you motivate for it?

WARRANT OFFICER SANDER: Yes. I would have written up the diary. I do not know if the diary is here. I would have written up the diary and it would have been going nowhere in this case.

ADV SEGEELS-NCUBE: And how do you come to that
20 decision that it is going nowhere? Just because you do not, it is a – is there a time period or can you make that decision within four months of the case?

WARRANT OFFICER SANDER: No. No, Commissioner. You could, but it is case specific. I do not want to say no for that. You could. But in this case, I was dealing with a

group of suspects smuggling counterfeit as well. And I had other policemen doing stuff that they should not have been doing, raiding without search warrants, so it compromised part of the operation. But this leg here, for me to say that the person that brought the drugs in had knowledge, I could not prove that because he had not taken possession of them.

ADV SEGEELS-NCUBE: And when you are giving an instruction or when you are completing the SAP83(a) for
10 destruction, it goes to FSL?

WARRANT OFFICER SANDER: It goes with the exhibits.

ADV SEGEELS-NCUBE: Yes, to FSL?

WARRANT OFFICER SANDER: Yes.

ADV SEGEELS-NCUBE: Does FSL perform an analysis before they destroy or can they destroy without an analysis where the instruction is to destroy?

WARRANT OFFICER SANDER: I am not qualified to answer that 100% correctly.

ADV SEGEELS-NCUBE: Okay, so it is something we must
20 ask FSL.

WARRANT OFFICER SANDER: Please.

ADV SEGEELS-NCUBE: Okay. But in your case, were you interested in an analysis or you were just interested at this point to get it destroyed because there was no need for it?

WARRANT OFFICER SANDER: Commissioner, in the

narcotics field, and maybe you have heard it here when we started today, why do I want an analysis report? Because I receive something, the Commissioner already asked me, what is the steps in between of me moving those exhibits? What if it changed? What if that analysis report comes back now saying that it is sugar-coated tablets?

I want it to say that it is Methacholine. I recovered 541 kilos of Methacholine. Give me that accolade. There it is. It is now destroyed. If I have done something wrong,
10 that lab report must then say, hey, this is not 541 kilos. It is something else. You guys have taken something in between here.

So it is a deterrent and an investigative process. That is why I am saying that I am not qualified to say what the lab does or whether they do take a sample, whether they do not.

ADV SEGEELS-NCUBE: Do you get informed once it has been destroyed?

WARRANT OFFICER SANDER: No.

20 **ADV SEGEELS-NCUBE:** So you would not know if the Mandrax was destroyed?

WARRANT OFFICER SANDER: No.

ADV SEGEELS-NCUBE: And who would have that information? It is only FSL?

WARRANT OFFICER SANDER: I know the person

personally, but I do not know if I am allowed to say it.

ADV SEGEELS-NCUBE: No, no. I just want to know the official that would know. Is that FSL?

WARRANT OFFICER SANDER: It is FSL in Pretoria.

ADV SEGEELS-NCUBE: Okay. Do they ...[intervenes].

WARRANT OFFICER SANDER: And if the matter comes out of Durban, and it has a Durban analyst, then it would be also liaising with the KZN laboratory as well.

ADV SEGEELS-NCUBE: Is there anybody from DPCI
10 higher than your rank that would be informed that it has been destroyed? How does DPCI know?

WARRANT OFFICER SANDER: Not that I know of.

ADV SEGEELS-NCUBE: Okay. So you never get to know about a DPCI?

WARRANT OFFICER SANDER: I have done one proper disposal, and that was of all the precursor chemicals for a Mandrax lab. And the only reason is we wanted to make sure that it was put in the ground during a landfall. And I have only done one in my whole career.

20 **ADV KHUMALO SC**: But then how do you know that your hard work to recover these illicit drugs is not undone by FSL selling them back into the market? If you do not have a record that they have been destroyed, and what has been destroyed is the same amount of substances that you recovered and were delivered to FSL. I mean, how can you

be certain that your hard work is not being undone at Pretoria?

WARRANT OFFICER SANDER: Commissioner, it is a very valid point, and I agree with you. It is a trust relationship that I must say, yes, I am happy FSL did their job.

ADV KHUMALO SC: But you do not know that?

WARRANT OFFICER SANDER: I do not know it.

ADV KHUMALO SC: Okay.

ADV BALOYI SC: Can I just check in this discussion?

10 That SAP83 at page 114, it indicates where you have got the signature of the Station Commissioner Gopalsamy. Just above that block or that column, there is a completed by, and then it seems to have your signature, and the date is 2023. And yet your statement says they were destroyed in 2021, these tablets. What does that mean?

WARRANT OFFICER SANDER: Okay, Commissioner, I do not see the 2021. I can see I have completed, the form is completed by myself, that is my signature.

ADV BALOYI SC: Ja.

20 **WARRANT OFFICER SANDER**: The date is 2023-03-28.

ADV BALOYI SC: Yes.

WARRANT OFFICER SANDER: It is signed by the Commanding Officer on 28-03-29. So it could be 08 or it could be 03, my apologies.

ADV BALOYI SC: I was cross-referencing your statement

that we were looking at earlier.

WARRANT OFFICER SANDER: Yes.

ADV BALOYI SC: In paragraph 8, you say in 2021-11-12, the FSL Pretoria was able to dispose of the exhibits, which were conveyed to them for destruction. So that is a 2021 date here, and here you have got '23. I am just trying to reconcile them.

WARRANT OFFICER SANDER: So this is the question that the Commissioners have been asking me. Now that it is
10 going to be for destroyed, we must now make facilities to transport it. So if I am correct on this shipment, we had about three cases that we transported up to Forensics. They were stored at a certain place and delivered for destruction, but it was done on this date. So we consolidated our transport efforts with our escorts for this date.

ADV BALOYI SC: Okay, so 2021 is when you sent them?

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV BALOYI SC: Okay. And where would you have gotten
20 the 2023 date if the lab does not tell you?

WARRANT OFFICER SANDER: So the exhibits are at the laboratory. They have been delivered to the laboratory. Now they want to dispose of it. So they would have asked for a further letter like this. That is why I can understand it now.

So we delivered the exhibits. They would have been sent with a packing note. Now the lab says to us, guys, I need you to dispose of this, please send me a new 83(a) confirming your intention. I take the 83(a). I have it confirmed, and this goes via email, and then they continue with the process.

ADV BALOYI SC: Okay, thank you.

WARRANT OFFICER SANDER: Thank you, Commissioner. I see that now. Thank you, Commissioner.

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

ADV SEGEELS-NCUBE: So the November 2021, it was just to take it to FSL for analysis and storage?

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. And then did they contact you about progress as to what is going to happen now, it is almost two years? Or did you say – how did the destruction aspect come into play, if you recall?

WARRANT OFFICER SANDER: Commissioner, I have a working relationship with the laboratory. I can say we
20 called each other often about different cases, and they would say to us the same frustrations that I have. Please, can you get a disposal order? Or please, can you make that we can destroy these things? Because it does clog up their storage space. But we were on regular, regular, regular conversations with them.

ADV SEGEELS-NCUBE: Okay. Can we then go to the 999 kilogram seizure?

WARRANT OFFICER SANDER: 999?

ADV SEGEELS-NCUBE: Ja. The 1 000 kilogram.

WARRANT OFFICER SANDER: My apologies.

ADV SEGEELS-NCUBE: That would have been in July 2021, after the 541 Cocaine of June 2021.

WARRANT OFFICER SANDER: Commissioner, I have it in this file as 238.

10 **ADV SEGEELS-NCUBE**: Yes, that is correct.

WARRANT OFFICER SANDER: Sorry, 235 on the front, but it is 238 on the front.

ADV SEGEELS-NCUBE: It is 238. Can we start with it is a CJC238. That is what you mean.

WARRANT OFFICER SANDER: Sorry, Commissioner. Can I start with?

ADV SEGEELS-NCUBE: Let me just get the correct – that is not where I wanted to start with it. Can I just take you to where I wanted to start?

20 **ADV BALOYI SC**: Which file are we looking at?

ADV SEGEELS-NCUBE: We are still in that File 1. I just want to take you to the correct – 297 is where we are starting, but it is CJC235, but page 297.

WARRANT OFFICER SANDER: I have it, Commissioner.

ADV BALOYI SC: Sorry, this is a different.

ADV SEGEELS-NCUBE: It is the Maydon Wharf 1 000 kg bust.

ADV BALOYI SC: Maybe then let me ask a question that I had wanted to ask previously.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: In this 2020 transaction or operation, you have an inquiry number.

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV BALOYI SC: Not a case number or docket number.

10 **WARRANT OFFICER SANDER:** Yes.

ADV BALOYI SC: Can you just explain how you obtained that or how you obtained that?

WARRANT OFFICER SANDER: To do my job correctly, I need a case number. That gives me the power and a lot of other things that I need to do for the investigation. An inquiry number, it is generated on the CAS system from the police.

I can get it by asking my Commander to register it. We have a clerk that maintains our database in our CAS
20 system so they could register it for us. And then that is how the inquiry number is registered.

The difference is, between the CAS and the enquiry, we cheated the police system to get DNA. You cannot log DNA on the database with an inquiry. It would not capture it. So we opened a case, if the Commission

understands that. So for me to get my DNA captured, I needed to open a docket, even though I did not have a suspect.

And usually a drug case is a straight charge on the police system. So straight away they start phoning you, charge your suspect, where is your suspect, what is going on. So the moment you open a drug case without a suspect, it causes a red flag in the police, especially for my managers. But the case number allowed me to load the
10 DNA at the laboratory because that is how the system worked at the time. I do not know if it has changed now. So we hot-wired the system.

ADV BALOYI SC: When you say you asked your Commander to register, or to get it registered for you, is it because you cannot make the request? Just explain that requirement ...[intervenes].

WARRANT OFFICER SANDER: That is correct, Commissioner. I am not in a position to register my own cases and inquiries. An officer has to do it for me.

20 **ADV BALOYI SC:** Because this is your case?

WARRANT OFFICER SANDER: No, because it is procedure.

ADV BALOYI SC: Ja, that procedure, what I am trying to understand is, is it because you as an Investigating Officer, as a matter of procedure, as an Investigating Officer, you

are not authorised to make a request, or the prescripts are such that only your Commander or someone senior to you can request an inquiry? I am trying to understand how the system works.

WARRANT OFFICER SANDER: The last section, Commissioner, is correct. I can ask, it used to be a lot easier, but now with our audits and stuff, it has tightened up. The procedure is at the moment, before I open an inquiry, I must have a senior commissioned officer, my
10 senior, authorise that the enquiry be opened. And then they will open it, they will put the correct crime code, whatever is relevant to it, and then they will allocate it to me. I will then sign for it, and then I will also sign for it in the register.

With a docket, if I am active on a crime scene, I am able, because I am taking over that crime scene, I can register that docket and take that docket straight from there. But it is just the inquiry that is different.

ADV BALOYI SC: Thank you.

20 **ADV SEGEELS-NCUBE**: Thank you, Commissioner. 297, can you just tell us, start out by how you got involved in the 1 000 kg bust?

WARRANT OFFICER SANDER: This was weeks of work. This is what I think the Commission has seen as the Aeroton case. This is the backbone of the Aeroton case.

We began stopping sugar, dog food, bone food, then car parts. When I say car parts, parts to build trucks, all linking back. So the commodity changed. The intelligence at first was that it was inside sugar, all coming from South America. Then they changed from sugar to, it was dog food. From dog food it came to bone meal, and bone marrow, and frozen *afval*, if I can say that word. Then they changed their commodity to truck parts.

How I would understand it is the syndicate needed
10 to move a large quantity. So they needed a company that was moving large containers out of that port. If you understand that port in Sao Paulo, you know where that commodity comes from. There is one road that comes down from Scania where the trucks are built. It is one road. And the syndicate owns that road.

So they needed to find something in large amounts. So it was either bulk shipments of fruit, bulk shipments of waste. You cannot just send one container because it must look legitimate. So we were intercepting. I have got the
20 dates if the Commission wants it. We started, I have searched hundreds of containers before the seizure. Hundreds.

10 at a time, 20 at a time, one at a time. But at the end of the investigation, a phone call was received by my senior, then Colonel Moodley, that some policemen were

asking questions about some containers that had been lodged at a yard in Maydon Wharf. And we said, yes, at this stage we had developed a relationship with Scania. And they then said, hey, there is policemen asking about this container. Do you know about it? They are not from your office.

We said, nope, but we are going to go look straight away. We got there. The policemen had left. The containers were in the yard. They were present. Myself
10 and my Colonel had a look at the containers. And I can say from my experience, I identified one container that set off my alarm bells. If the Commission wants me to tell you why, I can tell you why.

It is difficult to say that a container is a rip-off container. It is difficult to say that a container has got a hidden compartment. It is difficult to say that a container has got anything in it, unless you literally unpack that container or you put it through the scanner and have a look. Let us not go there, if we can.

20 In this case, the seal looked legitimate. Let us just say that. The seal, the container seal looked legitimate. It was part of a legitimate cargo. The giveaway was the South American Customs seal. It was not in the sequence of what I'd experienced, because I had been working on this case, on the type of seal. And it was different to the other four

containers that I had seized under the same shipment. That was my indicator to start with that container. And I was right. Because when we opened that container, the exhibits were there.

ADV SEGEELS-NCUBE: Can we go to CJC195? It is the first document in Exhibit File 1.

WARRANT OFFICER SANDER: I have it. I have it, Commissioner.

ADV SEGEELS-NCUBE: Can you identify that for us?

10 **WARRANT OFFICER SANDER**: Yes, that is LCS Depot. And the container I am talking about is the container on the left.

ADV SEGEELS-NCUBE: What colour?

WARRANT OFFICER SANDER: That is green. UACU562699, am I correct? Stroke 4. That one, yes.

ADV SEGEELS-NCUBE: The green one?

WARRANT OFFICER SANDER: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay. So why are all the other four containers there?

20 **WARRANT OFFICER SANDER**: It is part of the same shipment. So it is the same commodity code, it is the same shipper, it is the same consignee. And it is supposed to have the same product going to the same place. They are also from the same origin, also from the same vessel.

ADV SEGEELS-NCUBE: So the information that you got

was not container specific?

WARRANT OFFICER SANDER: No.

ADV SEGEELS-NCUBE: How often would one get information that is container specific with the exact container number saying that is the container that has the drugs?

WARRANT OFFICER SANDER: Often.

ADV SEGEELS-NCUBE: Okay, so it could happen, it does happen?

10 **WARRANT OFFICER SANDER:** Yes, it does.

ADV SEGEELS-NCUBE: And then you would just ask for that container to be released?

WARRANT OFFICER SANDER: Yes.

ADV SEGEELS-NCUBE: Okay. Is there not a possibility that by just asking for that container to be released, other potential containers could slip through the cracks?

WARRANT OFFICER SANDER: Correct, Commissioner. If I use the word shotgunning [?], so let us just say I had 100 containers split between two vessels, so call it 60
20 containers on the one vessel, 40 on the other. I then phone law enforcement, I say to them, go to that green container, it is going to make you look good. I go there and I leave the rest of the shipment to come through. How many tonnes do you think I could have pushed through the border? Unchecked, because we are too busy checking the one

container.

So the idea is, I can show you how we stopped, we literally stopped the whole consignment. So Scania itself was running at a loss, because we kept on interdicting their containers. And we were saying to Scania, your risk is in Sao Paulo, because it is in Sao Paulo that they are loading the Cocaine.

So either you are doing it, your staff itself is loading it in the trucks, or when you release that container
10 to the harbour, they are doing it. You need to take it up with them. We as South Africans are going to carry on interdicting your containers. So do not bother us. Let us rather work together and stop this drug trafficking, which is what they did.

ADV SEGEELS-NCUBE: So, Warrant Officer, if you had received the information about only the green container, shipment number and all of that, would you have just detained the green container, or would you have pulled for these other four containers, or any containers with the same
20 shipper?

WARRANT OFFICER SANDER: I would have pulled those containers and all the other containers as well.

ADV SEGEELS-NCUBE: But in this instance you did not get information about just the specific container. Correct?

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Okay. I am asking in reference to the ...[intervenes].

WARRANT OFFICER SANDER: Sorry, my correction, Commissioner. How I understood it, my Commander received information that there were policemen asking questions about these containers. Which container it was, I was not sure. If my Commander at that stage had that information, I am sure he would give that information. But I understood that the policemen were interested in those
10 containers in that yard, at LCS.

LCS is right next to the Cutler Complex in our restricted area in the harbour. So, literally you would have come out of the harbour, turned left, turned left, you are in LCS.

ADV SEGEELS-NCUBE: And, but, so this was the same shipper?

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Okay. The irritant drugs, was it also the same shipper?

20 **WARRANT OFFICER SANDER**: Correct.

ADV SEGEELS-NCUBE: But that came on a later date? The arrival was later, or was it on the same vessel?

WARRANT OFFICER SANDER: It could have been the Polonia. So, the main vessels was the Polonia, the Norma, the Savannah, the Nile Dutch Breda. They were all MSC

vessels. No disrespect to MSC, because they were just a vessel.

ADV SEGEELS-NCUBE: So, it could have been. So, but it would not have been one of the containers that were identified as being the containers that were suspected narcotics.

WARRANT OFFICER SANDER: Correct. So, they were under the impression that one of those containers had narcotics and how much, I do not know. Where it was in the
10 container, I also do not know.

ADV SEGEELS-NCUBE: Okay. So, in my questioning of you regarding if the information that you receive, the intel that you receive, is about a specific container, container number given, one container, are you just calling for that container, or are you calling for more containers to avoid, as you call the shotgun?

WARRANT OFFICER SANDER: I am calling for all.

ADV SEGEELS-NCUBE: From the same shipper?

WARRANT OFFICER SANDER: Same shipper.

20 **ADV SEGEELS-NCUBE**: Okay.

WARRANT OFFICER SANDER: And I will also look if they had what they call a groupage with possibly another shipper on the same vessel, loaded at the same port.

ADV SEGEELS-NCUBE: Now, is that protocol, or is that just based on experience? Are you guys taught to not be

fooled by the intel that you get, that it is just one container?

WARRANT OFFICER SANDER: Commissioner, it is not protocol. It is experience. It is working relationship, and it is training from the necessary role players in the environment. It is learned.

ADV SEGEELS-NCUBE: And if a Warrant Officer knows that, presumably a captain and a Colonel should know that.

WARRANT OFFICER SANDER: I do not want to answer that.

10 **ADV SEGEELS-NCUBE**: Okay. You do not have to. Please continue. So these are the containers. You identify the green one. What do you do?

WARRANT OFFICER SANDER: The green one, this photograph, the seal has already been removed in this image, and the custom seal was removed. It is a blue aluminium custom seal with a stainless steel bulb that goes through it. It is very unique, and that is what gave it away. But in this case here, it was the first case that I had recovered with a duplicate seal inside the container.

20 Some of the times we had found the rip-on-rip-offs where the packet or parts of the seal had been discarded, but we had never recovered a complete duplicate seal. On the right-hand side of this container, as you open the door, there is an image here.

ADV SEGEELS-NCUBE: I think it is page 4.

WARRANT OFFICER SANDER: There is an image at number 2, but they are not in the correct sequence. Number 4, you can actually see the duplicate seal.

ADV BALOYI SC: This would have been, what, the original seal, or one that would be used once the container is open?

WARRANT OFFICER SANDER: Commissioner, let us say that both seals are not original.

ADV BALOYI SC: Okay.

WARRANT OFFICER SANDER: How do we know which
10 one is original? They are that good. It locks. It looks. The numbers are correct. Everything is on it. So if we are using yellow seals, they will use yellow. If we change to blue, they will change to blue. If we change to green, they change to green. They are up to date with our current risk strategies.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: You may continue.

WARRANT OFFICER SANDER: Once I had opened the container and seen what was inside there, I had been
20 briefed. There is an international operation called Operation Black Bag. It is a project run by the United Nations. It is exactly that. They document these bags, these travel bags. And I have done a few recoveries of these bags like this.

So my immediate suspicion was, thank you, that

would be Cocaine. Let me process the scene completely. I just closed the doors, and then we started the process of rolling out all the necessary crime scene experts.

ADV SEGEELS-NCUBE: And who did you call?

WARRANT OFFICER SANDER: First, it would have been through to our Commanders. So between myself and Colonel Moodley, we would have notified all our necessary seniors. We would have notified LCRC. I believe I would have called FSL as well, told them, listen, we have got a
10 large seizure. But it is just for their heads up. And we got stuck in and started processing the scene.

ADV SEGEELS-NCUBE: And so do you wait for LCRC to arrive?

WARRANT OFFICER SANDER: Yes, Commissioner. We waited for LCRC. We waited for members from, I think, Metro Street Crimes Unit arrived on the scene. They came to assist us and back us up. The members from ORS arrived on the scene, and they were told to stay and assist us as well.

20 **ADV SEGEELS-NCUBE**: And how do you know before you open the container that you are dealing with a rip-on-rip-off? Or when do you realise it?

WARRANT OFFICER SANDER: Before I open the container. I have told the Commission, my first indicator was the seal was wrong. So if I am looking at these

containers, so my hunch is saying, open this one, open this one. I am not saying it is a rip-on-rip-off, because it could have been in the car parts or anything. I do not know if I explained that earlier. It is only once you have opened the wrapping do you see what is on the inside.

So this one here, the only time I knew it was a rip-on-rip-off, was once I had opened it. And that is when I saw that, I knew that was rip-on-rip-off. And that is correct. That is the procedure where they put them in the bags, they
10 break the seal, they take all that out, they put that seal back on to look like the container has not been tampered with, and they remove the narcotics.

ADV SEGEELS-NCUBE: Okay. If we can then go to page 313 of that same Exhibit Bundle? This is the LCRC photo album. Just let me know when you are there.

WARRANT OFFICER SANDER: I am here, Commissioner.

ADV SEGEELS-NCUBE: So that is the duplicate seal that we see there.

WARRANT OFFICER SANDER: Sorry, it actually starts
20 earlier, Commissioner.

ADV SEGEELS-NCUBE: Okay, do you want to show us something earlier?

WARRANT OFFICER SANDER: So the Madam Commissioner asked me earlier about the working environment. Here in photo 1, page 309, here you can see

a straddle carrier working while we were there. So you can see it is a working environment, it is a working space. It is again repeated in photo 2. Then in photo 5, the door is opened, you can see the cab from the Scania truck.

ADV SEGEELS-NCUBE: And who is present when you open the container?

WARRANT OFFICER SANDER: It would have been the security manager from LCS. It would have been the shipping agent as well, my Colonel, myself. And then from
10 this process on, LCRC was present the whole time as well.

ADV SEGEELS-NCUBE: And what authority do you have to open the container? What do you need and what did you have?

WARRANT OFFICER SANDER: The Drug and Drug Trafficking Act, Commissioner.

ADV SEGEELS-NCUBE: Okay, was there any permission that you required from anyone?

WARRANT OFFICER SANDER: No, and that also, they had our working relationship and they consented to us
20 searching their containers as well. The other thing is we were not going to incur them any costs by moving that container to one of our facilities to unpack it.

The other thing is when you are dealing with these cabs, they cost a fortune. If you move them, you dent them, they run at a loss. So we try and work together so we do

not damage their property as well. So they say, guys, here you go, tell us what you need, we make space available.

ADV SEGEELS-NCUBE: And by there you mean Scania?

WARRANT OFFICER SANDER: No, this is LCS.

ADV SEGEELS-NCUBE: Okay, but it is a Scania container?

WARRANT OFFICER SANDER: The product inside the container belongs to Scania. The containers themselves belong to other people. The yard belongs to LCS.

10 **ADV SEGEELS-NCUBE**: Okay, so in this instance I am just trying to establish whose permission do you need in order to open the container? Who must be present when you open the container?

WARRANT OFFICER SANDER: Technically I would not have to have permission to open that container, but we were being polite and we asked permission. They had also raised the concern that there was irregular questions asked about that container. So they said to us, we can go ahead and search that container.

20 So in terms of the Drugs and Drug Trafficking Act, I had the authority to search that container. But I also had their full consent to search that container. Because if they did not want any drugs inside that container, because if the rip-on-rip-off happened and they damaged those trucks, they would have been liable.

ADV SEGEELS-NCUBE: And is that consent given in writing or is it verbal?

WARRANT OFFICER SANDER: No, it was verbal. I am not sure if it was filed in the inquiry, but there is statements from the LCS owners on board. Because they also gave us all their surveillance footage and everything on board when the trucks came in, how they were moved, how the policemen came to ask, we had that digitally as well.

ADV SEGEELS-NCUBE: Okay. Then if I could ask you to
10 explain the photograph at 314?

WARRANT OFFICER SANDER: 314 is a seal, a duplicate to the main seal on the door.

ADV SEGEELS-NCUBE: And is this the same seal that we see in picture 313?

WARRANT OFFICER SANDER: Yes, it is, Commissioner. It is just the lighting and the print.

ADV SEGEELS-NCUBE: Okay. And at 315, it is taken out of the packaging.

WARRANT OFFICER SANDER: Just to go to the
20 photograph on 314, you will see the seal is taken out of a packet. But you will see it has been swabbed for DNA. I wanted to know who put that seal inside that container.

ADV BALOYI SC: We know that it has been swabbed for DNA because of that bag?

WARRANT OFFICER SANDER: Yes, and then the crime

scene experts always put the bag so you can get the bag number to reference to your crime scene.

ADV BALOYI SC: Okay.

WARRANT OFFICER SANDER: That is how, and then it will be on the record as well, Commissioner.

ADV BALOYI SC: Okay.

ADV SEGEELS-NCUBE: Okay. So just at 315, the seal is then removed from the packaging. Was it removed by your team at 315?

10 **WARRANT OFFICER SANDER:** I removed it because I was the crown scene manager. I was handling that exhibit, and I packaged it in an exhibit bag as an exhibit.

ADV SEGEELS-NCUBE: I think then if we can go to 319. You mentioned the unwrapping. Does this also happen at the scene?

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: Just explain to me why you do this at the scene, at photo 19.

WARRANT OFFICER SANDER: There was a lot of bags. I
20 stand corrected on the amount. So what I needed to do was show how each bag was packed differently. So to me, it is different people packing bags. I need to see is it one person, is it different syndicates, different groups. And then each bag I then package separately. I do not put them all in a pile and then just sort them into it.

Because if there was a question as I raised earlier, what if there was an untoward substance? I want to know which bag it came from, at what stage of the investigation, and where it was found in the container. So it is a methodical process of each bag got processed one at a time.

ADV SEGEELS-NCUBE: And when do you do the presumptive test?

WARRANT OFFICER SANDER: I think I took a random
10 one. Sorry, Commissioner. It is like a celebratory thing. Okay, which one are we going to do? Okay, go for that one there. I make a small hole. I do a NIK test. It is a presumptive test. I know how to do it. Take a tiny bit of powder, put it in the item, crack the skin, change colour, celebrate. We know we are positive. It is still suspected Cocaine, though. The lab must still give me their indefinite on that.

ADV SEGEELS-NCUBE: And the presumptive test, is it a kit that is given that you have at the office, that you take
20 with you to the scene? What is it? What are we talking about?

WARRANT OFFICER SANDER: Sorry, no, Commissioner. That is one of the other tools, as explained earlier, self-obtained.

ADV SEGEELS-NCUBE: You buy it at your own cost?

WARRANT OFFICER SANDER: I believe these were obtained during some of the training interventions that I attended. And the facilitators would then give us whatever they had to use.

ADV SEGEELS-NCUBE: And on page 320? Sorry.

ADV BALOYI SC: Just to understand this. So, ordinarily, this is not supplied. The kit is not supplied by the SAPS. So, in the normal course, if you are doing a bust like that, you are at a scene like that, and you do not have the kit,
10 which ordinarily people would not have, unless, like you, they somehow have procured them, you would do what? You would simply seal whatever you are finding in the bag, and then enter in whatever record, and then take it to storage, hopefully straight to FSL. Is that how it would play out until it is tested?

WARRANT OFFICER SANDER: Actually, Commissioner, I like that question. Thank you. Let us say I did not have a suspect I mean, a NIK test, a presumptive test. In this case, I used a wipe. I do not know if we used a sachet test,
20 but that was a Cocaine wipe. You just wipe it, and the whole thing changes colour. It is phenomenal, but it does stink and burn your hand a little bit, so you must use gloves.

ADV BALOYI SC: Page 320. There is something, is that what you are looking for?

WARRANT OFFICER SANDER: Yes, that is correct.

ADV BALOYI SC: Yes, yes.

WARRANT OFFICER SANDER: So, there, all I have done is I have just lifted the top and exposed, get to it, take a small. Commissioner, with these bags being sealed like this, the other indicator I could have used here was a dog, a trained narcotics canine. I mentioned in the Mandrax we used the SARS dog, Tequila. The same would have applied. A dog would have reacted to this.

10 And then the other thing is, it is my environment. I should be sensitised to what the current trends are. It is supposed to be my field of, let us say the word, expertise. I am supposed to be a subject matter expert. So, if I see it, it is the duck story, Commissioner. If it looks like a duck, quacks like a duck, walks like a duck, it is a duck. But unless you pull the feathers off, it is not a duck.

 So, in this case, it did everything until the lab tells me, and they pulled the feathers off, it is a duck. So, I still say it is suspected Cocaine. But in this case, what would
20 the normal policeman do? One, if he is not qualified, call someone that is qualified. In the olden days, SANAP was called out to the scene. They were qualified.

 If I did not have a NIK test, hey guys, call a drug dog, let the drug dog run. The drug dog would sit, that is an indicator. Bark or whatever it did, that is an indicator.

There used to be electronic devices, sniffer devices, but I am aware that they do not exist anymore, or not available to be used, because that device would have been able to touch it and give me an indicator.

Remember, it is not an analysis, it is an indication that it is what it is. So, Commissioner, that is where we are. But as a normal policeman, he would not have got to where I was.

ADV SEGEELS-NCUBE: Thank you.

10 **ADV BALOYI SC**: [Indistinct]... normal or ordinary policemen, do they know, or would they know, from training or whatever, that if they happen upon a narcotics scene, such as you did, they would have to, they should, or they must, call the dog unit, get a sniffer dog. Is there anything that guides that police officer?

WARRANT OFFICER SANDER: Commissioner, I have sight of the basic narcotics identification programme, which is presented to the student constables, and then there is the basic narcotics identification course, and then the courses
20 go up from there. I have sight of it. And, as Commissioner has asked now, the guidelines on handling and touching those substances are taught to the students. Do not touch it, it does this, it reacts with you like this, these are uppers, these are downers, and the hazards of this stuff go with them.

But the crime scene investigation techniques that go with them, and the type of scenes, and the packaging of those exhibits, is taught to the South African police, and that is current.

ADV BALOYI SC: And that ...[indistinct] my specific question, that would include that you get a sniffer dog. I ask because we have heard evidence where police officers with no experience in drug busts have looked and said, yes, this is Cocaine, and they moved on. And basically they
10 handled the suspect goods. So my question has that kind of history to it, that that police officer knew or knows as part of training, that ordinary police officer knows as part of training, that I have happened upon a narcotics scene, I must get canine.

Including, together with the other things that you list, as seen there in the manual, one of them is they know that I have to get a dog to come and sniff and confirm it is what it is before I move this stuff.

WARRANT OFFICER SANDER: It is advisable,
20 Commissioner. I still do it. And even with, let us just say, my work experience, I will still call a colleague. Hey guys, I need a dog. The police guys will tell me, hey, we do not have a dog, they are too old, they cannot come up, they cannot get there. I will then phone people that have accredited dogs privately. Please bring your dog, they

come. They give me a statement, it is videoed. The dog reacts. Manu Chao is an example. A good colleague of mine brought his dog there. He works for a security company, and his dog reacted to every single bag. So it can be done.

ADV BALOYI SC: I am asking a different question, and my question is really more to understand the training aspects, or prescripts if you like, that if a police officer who does not have your experience happens upon a drug or narcotics scene, are they in breach of their training or a prescript, if
10 at all, if they just proceed to handle this without, for example, having a test or calling LCRC or even a dog to come search and confirm that these are narcotics? I am asking the kind of question whether out of training would you expect or must a police officer do that?

WARRANT OFFICER SANDER: Commissioner, with your leave, I'd like to add one word to your question. Would the lack of training result in that answer? Or the non-exposure to continuous training in that field, I believe, is going to
20 give you your answer.

You can receive the training, but if you are not updated to current trends, current processes. For instance, Heroin. Durban has a very unique method of selling Heroin. It is in capsules. The capsules are indicative to certain syndicates. It is a trademark. Now that, I am told, moves

between Gauteng now. They have also started following it. You do not ingest the capsule. It is just merely a travel vessel.

Same as a Cocaine block, Maserati, Cocaine, red and white. You even heard them at one stage, the Teddy Mafia. If you as a policeman now are only seeing for the first time in college an orange and white capsule with a green logo on it, with TM on it, you think, oh that is Heroin, but now when I go and search this lady over here and she is
10 only got white capsules in, which is the current status in Wentworth, oh that is not Heroin, let us leave her, she can go.

There she walks off with 30 capsules of Heroin, because I am not up to date with the current crime trends in the area. So narcotics is a specialised field. Either you want to work with it or you do not. Do not dabble in it, because you are going to make a mistake or get sick.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioners.
20 Commissioners, we are about to adjourn, but Advocate Sello wants to address you on – we will do it tomorrow, Chair. The witness may be excused until tomorrow. He has been subpoenaed to appear in a criminal case for the rest of the week, but he indicated that he would only be called later in the week, so he has made himself available for tomorrow,

and he has cleared it with the necessary authorities on that side.

CHAIRPERSON: Thank you. Warrant Officer, we are adjourning until 09:30 tomorrow. Let us see you here at that time. In fact, you should be here before that time.

WARRANT OFFICER SANDER: I will be, Commissioner.

CHAIRPERSON: Thank you. Let us adjourn.

INQUIRY ADJOURNS

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