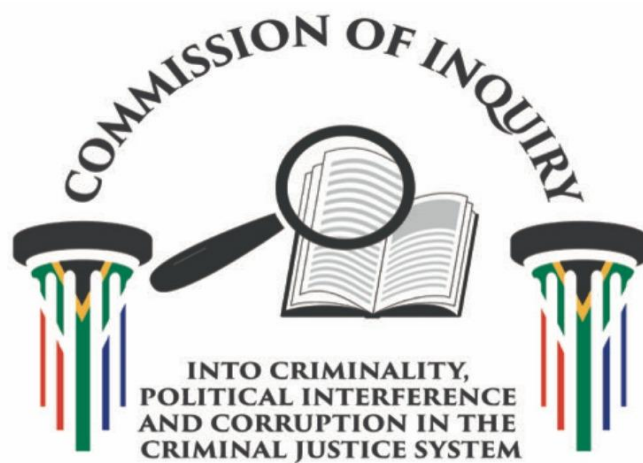


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

2 JUNE 2026

DAY 111



PROCEEDINGS HELD ON 2 JUNE 2026

CHAIRPERSON: Good morning, Ms Segeels-Ncube. Good morning, Warrant Officer.

WARRANT OFFICER SANDER: Good morning, Commissioner.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Good morning, Chair. Good morning, Commissioners. Good morning, Warrant Officer. Yesterday, when we adjourned, just before we adjourned,
10 you were dealing with the procedures when one is on the scene of a recovery.

And what I just wanted to deal with this morning briefly, we were dealing with the Maydon Wharf 999kg recovery. What I just wanted to find out from you before we proceed, that was a matter where you had called LCRC to come out.

WARRANT OFFICER SANDER: That is correct, ma'am.

ADV SEGEELS-NCUBE: Okay. If we can then go to the Exhibit File, it is the first file, CJC235. And before we get
20 to, if we could go to page – we had dealt earlier on with, yesterday, we had dealt with the issue of what you do when you arrive on the scene, and Commissioner Baloyi had engaged you on the procedures. Before I get to that, you had spoken about the intel that you had received regarding this specific seizure. What is the relationship like between

DPCI and Crime Intelligence insofar as drug busts are concerned and the information that you get given by Crime Intelligence?

WARRANT OFFICER SANDER: Commissioners, I am going to say it is brilliant. We have a very good working relationship. I cannot do my work without them. And then once they have generated intelligence, they cannot do their work without us. So I would say it is highly, that is an incorrect word, I will say it is an ongoing working
10 relationship with trust built between each other.

ADV SEGEELS-NCUBE: And the information that you receive from CI, do you get to verify that information or do you accept it at face value and act accordingly?

WARRANT OFFICER SANDER: Commissioner, you get to know your intelligence operatives. Some of them will take a chance on information, but we do have members that we have worked for, for years. And if he comes to me with information, he presents the information to me, I will accept it as fact and I will operationalise it.

20 **ADV SEGEELS-NCUBE:** And if information is received from a CI operative, do they attend the scene of the seizure as well or do they give you the information and step back?

WARRANT OFFICER SANDER: There is an answer to both of those scenarios, Commissioners. We do have Crime Intelligence operatives that will come and observe what is

happening. There is a reason for that. They have got to do feedback to their protocols that need to be observed. But there are also times when the information is passed to you where the operative does not want to be there. They are ghosts. So they do not want to be seen or located there, but we are still in permanent communication with them.

ADV SEGEELS-NCUBE: Okay. When you say they are ghosts, effectively some of them give you the information and that is it. You go on hoping that what you have been
10 given is accurate.

WARRANT OFFICER SANDER: Commissioner, when I say they are a ghost, it is a person that must not be identified in a community space. It is also a person that must not be identified in the normal policing space. They are covert operatives. The relationship exists that I work with him, therefore I identify with him. But I am not going to go and tell everyone, hey, he is a ghost or a spook or whatever you want to call him. But he is an intelligence operative. And that is what I am saying. When he comes to the scene, he
20 does not get involved in my crime scene per se. He will be an observer.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER SANDER: But whatever they have done to facilitate the information, I will then operationalise from there.

ADV SEGEELS-NCUBE: And so that is what I wanted to just establish. He does not get involved in your crime scene and they do not make any decisions about what should be done at the crime scene.

WARRANT OFFICER SANDER: No.

ADV SEGEELS-NCUBE: And do they have any experience with drug seizures and the procedures involved?

WARRANT OFFICER SANDER: Commissioner, it is highly untoward that an operative gets involved actively with a
10 crime scene and collecting exhibits, processing suspects and stuff like that because that means he is going to end up in court. So exposing an undercover operative. But they will be close by to narrate information to you as you are finding something or you are questioning them. Hey, I need to know what is happening with this. They will check on that information. So technically, they are on the wings of a crime scene.

ADV SEGEELS-NCUBE: And if the operative, the CI operative, gives information about a container, for example,
20 so he gives you that intel, do you have to take the next steps insofar as getting the necessary permissions and authorisations to inspect the container, open the seal to the container? Or are there scenarios where the CI person that had given you the information will say to you, I have already obtained authorisation from the clearing agent, et cetera?

WARRANT OFFICER SANDER: Commissioner, it is positive on both of the scenarios given to me at the moment. Yes, on both. I do not know what the relationship between the CI person and that container yard is. So what happens between them there, I do not know. But if the instruction given to me is the container is stacked for you, it is ready for inspection, go look there, I will go and look. But in the other version of when the information comes and then I have to do the necessary follow-ups and
10 arrangements, yes, I do that.

ADV SEGEELS-NCUBE: If he gives the information that he got the necessary permissions, must you verify that with the people that he said he got the authorisation from as the person that is in charge of the crime scene, or are you entitled to rely on that information? So not only information about the actual drugs that is on the container, but information regarding that aspect?

WARRANT OFFICER SANDER: Commissioner, if I understand this correctly, so we are saying does CI say that
20 they have arranged the whole operation and I must just come in and work in the yard?

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER SANDER: It is highly likely that it has occurred. In my experience, it has occurred with me. If you are saying I have to check on his credibility of that

version, well, no, I am going to say 10 out of 10 times, you cannot enter that yard and start working without the yard management being present with you. So someone from operations, someone from the yard will be there, so that confirms your presence with that member.

ADV SEGEELS-NCUBE: Okay, but my question is, let us say the person from the yard is there, do you just say, I just want to confirm that we do have your permission to go ahead?

10 **WARRANT OFFICER SANDER:** Commissioner, if I can say this then, if my information is there is drugs in that container right now and there is a risk of those drugs going missing, I am not going to wait for their permission. I will use the necessary laws to go and seize that container and gain access to so I can stop the movement of those narcotics.

Because I do not know if you can understand it, a container can move very quickly. And if something is in a bag, and all it means is just to cut a lock, then the bag
20 moves faster than the container. I can throw a bag over there in front of the wall, and you can dispose of exhibits. So there is a couple of scenarios here that we need to take in account, and it is difficult just giving an overview.

So I would say, if my information was 100% positive, I trust my CI, they say to me go to that container,

there is drugs there, go there now quickly. I am going to do the same zest and zeal, and go there quickly and start working. If someone is going to say to me, hey, you need to wait for this, you need to wait for that, there are a few steps that we can do to delay the process. We need lots of resources then to do that.

ADV SEGEELS-NCUBE: Okay. So if you are at the scene, you have got the container, you have not opened it yet, and your CI has told you that he has gotten the necessary
10 permissions, and there are people on the scene, which you would know them from your experience, but assume that you are not somebody that does the drug bust on a regular basis.

You get to the scene, there are people around there, you do not confirm with any of those people, are you from the clearing agent, are you from – I am just trying to understand, if you are relying solely on the information from the CI, if that information is wrong and you have opened a container without the necessary authorisations, what are
20 you relying upon, the suspicion that there are drugs there, and is it a reasonable suspicion if you are only relying upon the evidence or the information you are getting from a CI?

WARRANT OFFICER SANDER: Commissioner, maybe I heard this, so yes, I am relying on the reasonable suspicion. You also asked me about the people that are

present. Do I need to have the necessary people, is that what you said?

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER SANDER: I am going to say yes, it is nice to have those people there, but those people sometimes are annoying, I will say it straight. I will wait hours for them to come to the harbour, or I will wait hours for them to come to a depot, or you will say to me, no, I am not available for the next three days, can we not book an
10 inspection in four days?

So long story short, it is business. That man gets paid to be there. That container in that yard gets paid for every single day that it is there. It is an economy in our country. But my job is to do my job, now and today. So I will extend the invitation, guys, I need to inspect this container now. How long? You are messing me around, I am doing it without you. It is under camera, I have got witnesses, I proceed.

ADV SEGEELS-NCUBE: Thank you.

20 **ADV BALOYI SC**: Can I just ask the question slightly differently? Your Crime Intelligence operative has given you intel, there is this which is coming in. What do you do when you arrive? So you come ready to do the inspection. We know that is why you are getting there.

But in terms of process, when you get there, what

do you do? Do you look for a manager? And this is, I have understood the part where you say if there is a risk that the consignment is going to get lost, I do not even ask for permission. The law allows me to go and open up and we will deal with it later.

But I am asking where that is not the case, you do have the luxury of walking in casually and asking who is the manager, I am going to look at that. That is the kind of question I am asking. What do you do when you arrive on
10 the scene? You have intelligence that there is a container so-and-so which has stuff in it.

WARRANT OFFICER SANDER: Commissioner, I am not going to say the word luxury. If I had to walk in there and say I want that container now, I want to inspect it now, I am not going to get that cooperation. As I said to you, they are a business, we are a business. If we work together, it works.

I can say from my side, not from other people, I do speak to the container yard manager. I will speak to the
20 operations manager, I will speak to whoever is there. The more people there give me more resources. I do not have the resources to move certain items. I am not superman to lift a container.

So for me to do my job in that environment, I need them. So the formality of greeting, setting up the working

relationship and the plan for the day is cordial and I would say it is necessary. So for me, yes. And the other thing is, Commissioner, you cannot just get into that yard without them knowing that you are there. It is a secure premises. As I said, for most of these yards, you either go in under escort, you are scanned in, they scan your vehicle, they do everything.

Depending on the level of occupation health and safety, your vehicle might not even be allowed in. So you
10 walk. So they know you are there, then it is just good manners to go and introduce yourself and say this is what we are busy with, we might be here a little bit, we might be here long, or I need the following resources.

And remember, Commissioner, when I close that container, I do not have a container seal. So if it is a SARS detention, SARS needs to be there to put their seal on, but then the container yard must still supply me the resources to reseal that container, which is their yard seal. For insurance, they need to document that because it is a loss
20 to that company. So the cordial relationship must exist.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: And insofar as containers that get detained, so not from SAPS, but if there is a detention notice from any other authority, does the shipper get to choose which yard their container will be inspected at?

How does that work?

WARRANT OFFICER SANDER: Yes, Commissioner. I have done brief studies in it and I have worked in the environment, so maybe I can answer this. If a container or a set of containers is brought in for inspection, and then they get detained, let us say they get detained before inspection, they will then say, take them to this yard. There is a booking that I can accommodate them for you for this week.

10 Otherwise they will go into a stack where they are paying cheap rental while it is being installed. So in this case, CHC or LCS or Grindrod, they will say to you, okay, I have got five spaces for five containers today, then in two days' time you can do the next containers for inspection. Because the staff must all get paid and that is how it works. And then there is people that write down the lists, they, I forget their name, they document every single item in those containers.

20 So the shipping agent or the shippers, they do say, listen, this cargo is going to LCS, the cargo is going to Grindrod, the cargo is going to CHC. They can choose that. But there are some instances where we know that, like Durban Container Terminal, there is relationships, I need a container check today, I will phone them, hey guys, I need a favour, can I bring a container to you quickly? We want to

unpack it and we need to move it. And we do that. And then the customer agrees that the Durban Container Terminal deals with it.

ADV SEGEELS-NCUBE: So you could have a scenario where the depot themselves are also involved in trafficking?

WARRANT OFFICER SANDER: We could. Yes, Commissioner.

ADV SEGEELS-NCUBE: Okay. And how, are you aware if that does occur or no, not aware of it?

10 **WARRANT OFFICER SANDER**: Information has been received, but I have yet to prove it, Commissioner.

ADV SEGEELS-NCUBE: Okay. And in specific yards or across the board?

WARRANT OFFICER SANDER: A lot of yards, especially with counterfeit goods.

ADV SEGEELS-NCUBE: With counterfeit goods, okay. Then, Warrant Officer, can I then talk to you about the bagging of the exhibits at the scene? Yesterday I asked you if it is possible for exhibits to be bagged or sealed
20 other than at the scene, and you said no, not that you are aware of, but there could be scenarios where that could happen. Are you aware of that, of a scenario where it is ...[intervenes].

CHAIRPERSON: I am very sorry. You are moving on to a different point. I just want to come in here, totally unrelated

to what you have been dealing with, but I do not want to forget what I want to raise. Yesterday, one of those interlocutory matters we had, I forgot something very important, and now it will have to be dealt with by way of correspondence.

ADV SEGEELS-NCUBE: You have my leave, Chair.

CHAIRPERSON: Thank you. Warrant Officer, I may be mistaken, but I think it was General Flynn who said that with drug busts of this nature, that is where a consignment
10 of drugs has been loaded onto someone else's container.

He said in those matters it is very, very difficult to detect who the consignee was, and that therefore, I am paraphrasing of course, and that therefore these cases end up being non-detectable. I have no expertise, obviously, in policing, nor with drug busts, but I have been wondering in my mind whether the failure to detect is not a function of the fact that once you have your information, you immediately come in and take the drugs.

Is it not possible, if it is not, please explain why
20 not, is it not possible to rather do surveillance up to a point when you know who the consignee is, whether it is at the point where the consignee attempts to take the drugs off the container, but some sort of surveillance and then action at the appropriate point?

Why must you effectively throw your hands up, as I

understood General Flynn to basically be saying. You throw your hands up and you say that with these sort of matters, we can never detect the consignee, and therefore we can never arrest that consignee.

WARRANT OFFICER SANDER: Commissioner ...[intervenes].

CHAIRPERSON: I hope it was General Flynn.

WARRANT OFFICER SANDER: I am not aware of that. Commissioner, that is what the mandate of our office is. If I
10 answer you now, I will divulge a police methodology.

CHAIRPERSON: Therefore you prefer a methodology that kills your chances of detection. All right, no, no, no. Let me hear you out. Let me hear you out.

WARRANT OFFICER SANDER: Commissioner, I think it is valid because of where we are and all the allegations being made. So I think it is valid because the Commission is under the impression that we do not do this. So I need to say to you that we do, and how it is done.

This is the relationship between ourselves and
20 Crime Intelligence. It is an undercover operation. It is conducted in terms of section 252A of the Criminal Procedure Act. Me as an Investigating Officer, I have done a few of them. I have boarded vessels at sea. We found the drugs. We swabbed the drugs. We put baby powder. We put something, it looks the same, along with the

necessary surveillance devices.

The technical challenges, Commissioner, is the devices. I will say that. It frustrates the operation. It is not a manual human surveillance. It becomes a technical surveillance. So I am relying on a ping going down through the harbour channel. Then I am relying on a ping when it moves again, when it comes off the ship. I cannot be there to see it because I am unaware of who my targets are.

So my relationship goes back to Crime Intelligence,
10 which is where the surveillance comes from. As I said, if I do not explain it to the Commission, you are going to think we are not doing the job. But we are. We have tried.

The responsibility now is the Commission is saying, let us just say that seal is their unique number. Now, we know that drugs are inside that container. How much drugs? Whether it is a small bit or a tonne. What if it goes missing? It is back to the Warrant Officer, Commissioner. It is back to the members that do the original inquiry or the original docket.

20 We are the ones that will get charged for the drugs that go missing. A controlled delivery is the ultimate to catch them red-handed. But the risk, the risk is huge, but the elements do exist. We have explored this previously, and I have done it a few times. I can say between PE, Durban, Durban, Johannesburg, and most of those

occasions, the suspects know the devices or the surveillance is in place. So they do not pick it up.

CHAIRPERSON: So basically, what would you say, based on the last sentence, your last, your very last sentence, what would you say the success rate is?

WARRANT OFFICER SANDER: For controlled delivery of drugs?

CHAIRPERSON: Yes, yes, yes. Where you have baby powder.

10 **WARRANT OFFICER SANDER**: I have not had a success, Commissioner. But other people have had success.

CHAIRPERSON: I am asking because my sense from General Flynn's evidence, I may be exaggerating, was that it is basically nil. But of course, he did not explain that there would be this controlled attempt at seeing who the consignee is.

But my sense was it is basically nil. So insofar as you are concerned, also you as an individual officer, it is nil. And from your testimony, you are quite experienced in
20 this and you have handled quite a number. So even if statistically we are talking about just one officer, but because you are involved in quite a number, if it is nil with you and if it is nil with General Flynn in terms of what he told us, I am just trying to think, would you say all of that is attributable to the fact that the consignee would get to know

that there is now this ping that you are talking about?

WARRANT OFFICER SANDER: There are many factors, Commissioners. Remember the port itself is a fenced environment, and I will use the word fence lightly. Every access point is controlled. If your syndicate controls the access to the port, they have got access to drug flow in and out.

Let us just use one substance, narcotics today. Not counterfeit, not non-ferrous, not humans, let us just stick
10 with narcotics. So if I as a police officer drive into that port, they know I am there. If my surveillance operative goes in there and they know who these people are, they know they are there. If I task some untoward persons, a surveillance team, that is not disguised as persons that have normal access to the harbour, they will know they are there.

When I operate in the port, I cannot operate with autonomy without anyone around me. There is always someone there. So how do I do that operation, putting the
20 transponder on the device without them knowing? Just to give you an example, I have to board a vessel. The captain must give me permission to board the vessel. The whole crew knows that I am coming on board the vessel. The harbour knows that I have left Durban Harbour and trafficked enroute to that vessel, because we call them, we

tell them we are going out to sea.

Then I must tell the captain, the ship's engineer, the first mate, that I need to go below deck and put a transponder and open the container. They will then authorise a member to go with, they will contact their people. There is procedures in place. You are broadcasting, same as having the TV here, you are broadcasting your whole operation before it even starts. So the likelihood of it happening and being successful is small,
10 but we do it in the hope that the person takes the bait.

CHAIRPERSON: All right, thank you. I am just wondering in my mind whether, but ja, the danger is always that people will get to know. But ja, I was trying to think if there are not ways of counteracting some of these or even avoiding some of the steps. But whether or not it is legal, that is something else.

WARRANT OFFICER SANDER: Commissioner ...[intervenes].

CHAIRPERSON: Like for instance, everybody knowing at
20 the harbour that now you are leaving the harbour, are there not ways of avoiding those?

WARRANT OFFICER SANDER: But then, Commissioner ...[intervenes].

CHAIRPERSON: Can you not, like the criminals, get off some beach and drive off onto the vessel? Of course there

will still be the problem of the people on the vessel itself getting to know. But at least reducing the ...[intervenes].

WARRANT OFFICER SANDER: Commissioner, maybe the Commission does not know this, we have intercepted drug shipments where we found their own transponder devices inside those bags. So they themselves are tracking their shipment. If it goes off the necessary path, hey, someone is stealing my stuff. So who do they call, the police?

CHAIRPERSON: No, I think ...[intervenes].

10 **WARRANT OFFICER SANDER**: They have better technology than we do.

CHAIRPERSON: Yes, yes.

WARRANT OFFICER SANDER: So we have to out-think them all the time.

CHAIRPERSON: Yes, yes.

WARRANT OFFICER SANDER: So as of today we must now change our strategy again.

CHAIRPERSON: Thank you, Warrant Officer. Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. I was moving
20 on to bagging the exhibits, but before that, if we can just go to I think we had dealt with the pictures of what you had found when you opened. And if we can then go to page 384, I think it is, if you can just tell us what we are looking at there, the exhibit bundle?

WARRANT OFFICER SANDER: 384, these are the bags, if

I am correct. This is the Maydon Wharf scene, the Scania LCS depot.

ADV SEGEELS-NCUBE: And so at this point, the team unpacked it from the container.

WARRANT OFFICER SANDER: At this point, LCRC is present, and as we are unpacking, we are starting to catalogue and diarise what we have found. So this is merely my contemporaneous note of what I am working with.

ADV SEGEELS-NCUBE: And page 385?

10 **WARRANT OFFICER SANDER**: 385 is much later. This is where we open one of the bags to establish what the actual contents is. So from going from a black bag that we suspect to contain Cocaine, going to establish that it contains bricks of suspected Cocaine.

ADV SEGEELS-NCUBE: 389?

WARRANT OFFICER SANDER: 389, it is an image depicting a W logo on bricks of suspected Cocaine inside the canvas bag.

ADV SEGEELS-NCUBE: And on page 391, if you can just
20 tell us what is the team doing there?

WARRANT OFFICER SANDER: 391, that is when we finished all the fingerprinting, and now what we started doing is finish the DNA on the bags, on the handles. Now what we are doing is literally opening each bag and then decanting the contents of the bag into exhibit bags.

ADV SEGEELS-NCUBE: And if we go to page 392, you will see there is quite a few people on the scene. Those are people that you call later on to come and assist?

WARRANT OFFICER SANDER: Yes.

ADV SEGEELS-NCUBE: Okay, and LCRC as well?

WARRANT OFFICER SANDER: So that is members of the Border Police, Metro Police, Street Crimes Unit, myself, and LCRC, and then out of image are the shipping yard managers.

10 **ADV SEGEELS-NCUBE:** And then on page 396?

WARRANT OFFICER SANDER: 396 is our yield from the container, all in exhibit bags, ready for taking to the police station.

ADV SEGEELS-NCUBE: And how many bricks do you get into one bag?

WARRANT OFFICER SANDER: Process of trial and error. Commission, we used to pack quite a bit so it is less paperwork, but they break and they tear. Okay, so I can tell you safely you can put 20 bricks in a bag and it will not
20 tear. You can pick it up. The average policeman can pick up 20 kilos. You need two people to pick up a full bag, which is 40 kilos, and if you do not, you are going to break the seal and tear the bag. So safely, 20 kilos.

ADV KHUMALO SC: These exhibit bags, do they come in different sizes or do you have a standard size for these

types of busts?

WARRANT OFFICER SANDER: Commissioner, indeed, they do. They come from a tiny little bag like this, which we call a bullet bag, and that is our wording, up to I can put a mattress and a body in it if I really wanted to. We call them computer bags, bed bags. Those are our names. But they come in numerous sizes which the state has made for them. But remember, as I said, each bag is unique in its alphanumeric substance. So what is unique with these ones
10 is it will be PA, PB, or PX, or something like that. That would mean it is a big what we call like a rifle bag. So yes, Commissioner.

ADV SEGEELS-NCUBE: And do you come with those bags or did you request to have the bags brought to the scene? I mean, it is quite a lot of bags.

WARRANT OFFICER SANDER: Commissioner, in this case, I think I had enough bags in my vehicle so I would have come with those vehicles. I have a crime scene kit in the back of my vehicle.

20 **ADV SEGEELS-NCUBE:** And how long did it take the team?

WARRANT OFFICER SANDER: Sorry, Commissioner?

ADV SEGEELS-NCUBE: How long did it take to bag all the exhibits?

WARRANT OFFICER SANDER: Long. We left there late at

night. We started in the morning. We finished in the night.

ADV SEGEELS-NCUBE: Okay. And what is happening to the rest of the yard while you are doing this because this is not a bonded warehouse?

WARRANT OFFICER SANDER: They carry on business. They run during the day or the night. They carry on.

ADV SEGEELS-NCUBE: And no complaints received about disrupting business while you were doing this?

WARRANT OFFICER SANDER: As I am saying,
10 Commissioner, it was with their assistance. They bring the pallets and stuff for us to load the stuff on. They bring the forklift for us to move it again. They supplied this. This was in – it is like a work area. So if it rained or we had inclement weather, we were undercover.

ADV BALOYI SC: With this kind of operation, would you have emptied the container? As a standard practice, do you empty it completely to check that there is not more than what we see in this picture? And is that part of what you do with every operation?

20 **WARRANT OFFICER SANDER**: Commissioner, in this specific matter before the Commission now, this is the Scania matter. So it contains very carefully placed – never scratch in your wife's cupboard, you will knock over a cup. So these containers are packed like that. So for me to go and pull those containers, those truck parts out now, we

would have damaged them. So what we did is we identified the rip-on-rip-off methodology by opening the container. We found the drugs.

Now to answer the Commissioner correctly, at the end of this, we then researched all of those containers. So yes, Commissioner, we searched them all. So I would climb in with a torch, look again, see if there is more bags, open the cab. I think in my other contemporaneous notes you can see I am in the cab taking photographs. Just in case
10 you miss a bag.

And just in case we miss a brick, a bag is big, a brick is small. And the other thing is we are looking for other things. Sometimes the suspects leave notes. Believe it or not, they leave messages to each other. They either write it on the container on the inside, they write it on the outside, we might find another duplicate seal. So the answer, Commissioner, is that is not the end of the operation. The whole container must get searched again and maintained.

20 **ADV BALOYI SC:** And is that whole container must be searched in the different ways that you are describing? Is that part of the training that one should expect that every police officer who is involved with a drug bust which involves a container would know to do more than just take the drugs that are on your face when you open the

container, but to do a search because that is part of their training?

WARRANT OFFICER SANDER: Commissioner, I would say that we expect it of them. Correct. Because if you are in this environment and you are inside this working space with this type of intelligence, someone, whether it is my senior or someone, if I forget something, they will remind me. But we talk to each other. But working with these type of things, we need to take an extra step or two. But a normal
10 policeman, Commissioner, might not do that.

ADV BALOYI SC: I deliberately ask in this way, is it part of their training in anticipation that another police officer will say, I was told there are 27 bags in this container, and when I opened it, I saw 27 bags and I took them and I left. I did nothing wrong in that way. It is my way of doing things. That is why I am asking if it is part of the training ...[intervenes].

WARRANT OFFICER SANDER: Commissioner, I am not going to say it is ...[intervenes].

20 **ADV BALOYI SC**: Or they are talking to this is how we do it.

WARRANT OFFICER SANDER: I am trying to think, is it in a manual somewhere? And I cannot quote it. We started, the Commissioner asked me about the relationship with Crime Intelligence. Yes, I trust them. They are saying to

me, in this case, let us just say Crime Intelligence gave this to me. They said to me, there is 27 bags. Okay, cool, thanks, but I am going to look anyway. Rather safe than sorry. And I think it saved me a lot of times.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Warrant Officer. I want to just deal again with bagging the exhibits on the scene and why it is important to do it on the scene. Why it cannot be done elsewhere. Can you address that?

10 **WARRANT OFFICER SANDER:** It is procedure. If I say anything else, it is wrong. It is procedure. It says it must be processed on the scene. Just to give you an idea, we are dealing with a compressed powdered substance that is deemed a block. Cocaine.

If I transport that block, I am just saying, and it gets dropped, manhandled, moved, at the end of the day, I write in the SAP13, herewith one sealed bag containing a block of Cocaine. Then the laboratory gets it. They open it and they say, we received bag number so-and-so containing
20 a bag of powder. It is because the forensic space thinks differently to my space. I do not know if that makes sense to the Commissioner.

CHAIRPERSON: But that could happen regardless of where you bagged the substance.

WARRANT OFFICER SANDER: It does, but the Courts do

not see that and they say the exhibit is tampered with. Mandrax tablets. I said to the Commission, if it is not compacted properly, it becomes powder. Then they say, oh, but it is not tablets. You tampered with the exhibit. It is the degradation of the exhibit. So I would say the reason you seal the exhibit correctly at the scene is to maintain the integrity of the exhibit.

ADV SEGEELS-NCUBE: And if it is, so you are saying if it is not done at the scene where the seizure occurs, if it is
10 done at the police station where it is booked into the SAP13 register, that would be an issue?

WARRANT OFFICER SANDER: I am going to get a lot of trouble from other policemen. But the reason I would not leave drugs open without an exhibit bag in an SAP13 is because it is going to get tampered with or taken. So I would want it to be controlled. And the control is the sealed exhibit bag.

ADV SEGEELS-NCUBE: And when it is done at the scene, there is LCRC present who takes photos for the photo
20 album showing that it was bagged at the scene.

WARRANT OFFICER SANDER: And if not LCRC, at least myself documenting contemporaneous notes, I have got evidence that it is in that specific unique bag number. It does not get changed. And then my metadata from my phone is the same as if the Commission is understanding

what I am saying. Each photograph on my device has a metadata. It tells me date, time, location. Is that not good enough? Look, I sealed it, date, time, location. When I hand it in, it is still sealed as of that time to that time. So my chain is intact. It is less space for me to get poked at.

ADV SEGEELS-NCUBE: And if it is then booked in at a police station, so in the case of the June 2021 seizure, it was booked in at the police station into the SAP13, but it was not in exhibit bags. What is the value of doing that if it

10 is not in the exhibit bag?

WARRANT OFFICER SANDER: That question is very difficult for me to answer.

ADV SEGEELS-NCUBE: Please try.

WARRANT OFFICER SANDER: It is very risky. It is very risky. For instance, if I am going to – the Commissioner asked me now how many bricks go into the ...[intervenes].

CHAIRPERSON: Risky in the sense of evidentiary material or risky in what sense?

WARRANT OFFICER SANDER: Tampering. The exhibit
20 register gets handed over at every shift. There is more people getting to touch and see what is there. The Commissioner asked me how many bags for how many bricks in a bag. So in the end of the day is if I have got 999 loose bricks in a charge office, if one brick goes missing and I do not go there until I have arranged my necessary

transport, how long it is going to take me to know that one brick is missing?

So it is risk. If there is a mouse in the charge office and the mouse decides to eat through my brick, the brick is contaminated. And, Commissioner, it may seem funny, but the defence attorney would use that against us, and say we tampered with the exhibit. So if I have taken the necessary steps, with the state presiding me with a bag to put it in, I should just follow the protocol.

10 **ADV BALOYI SC:** Can I suggest this and hear what your comment is? That if they are not bagged, if the exhibits are not bagged at the location where they are found, at the port, and they are taken to a different place where the bagging and the entry into registers happens, part of the risk that there is, is there is no knowing ultimately whether what was originally offloaded from the container actually is what makes its way to the second location. So there is a risk of loss along the way.

WARRANT OFFICER SANDER: Commissioner, you have
20 got it. You cannot say what was found at point A has ended up at point B.

ADV BALOYI SC: Yes, thank you.

WARRANT OFFICER SANDER: You as a policeman in a box is not going to be a happy day.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Warrant Officer. Now ...[intervenes].

ADV BALOYI SC: Can I just ask slightly related to this? The intelligence operative that tips you off, and you say sometimes they will be on the scene and sometimes they are ghosts because they do not want to be seen, do they eventually get to know that what was offloaded, what they were tipped and what was offloaded is in fact fully accounted for on your SAP13? Does the system permit for
10 that?

WARRANT OFFICER SANDER: Commissioner, I do not work in their environment enough to answer fully, but I have got an idea. So let us say my scenario, for instance. A source gave certain information to the police, so a source claim would then be submitted through their processes. The source claim would have to come to me, because I would have to put a copy of this docket with it to show how the source gave the information or validated that source information.

20 So they would then have an understanding of what I have done with the exhibits because the source gets rewarded on a recovery. The source gets rewarded on a recovery and then a conviction. So at a certain point, they might lose interest in the docket because their intention is intelligence.

So to answer the Commissioner, I think a lot of the information would have been gleaned from the scene, that would suffice to do what they needed to do, and then at some point along, they would keep tabs because they are still talking to their informers and they were doing progress on those matters.

So they do do follow-ups. I have intelligence handlers that speak to me from matters way back because we still talk, and they have not been finalised. So they do
10 check up on matters. They are like a broad forward.

ADV SEGEELS-NCUBE: And insofar as I just want to go back to FSL and any role that they may play on the scene of a recovery, not a clan lab. If an Investigating Officer calls FSL to come to the scene of a recovery to guide his members or her members with taking sampling, with doing sampling, have you ever heard of anything like that occurring, and why would that happen?

WARRANT OFFICER SANDER: Commissioner, I can say no, and I do not know why it would happen.

20 **ADV SEGEELS-NCUBE:** Can you just tell me what is sampling?

WARRANT OFFICER SANDER: I do not know.

ADV SEGEELS-NCUBE: So you would not ever ask FSL to assist you with doing sampling of exhibits?

WARRANT OFFICER SANDER: Commissioner, that is what

I am saying. The word is different to me. It needs to have a context. If I am dealing with illicit chemicals which I suspect to be used in the manufacture of narcotics, there is lots of chemicals. We do not know what they are. How they are labelled as such. I could ask them, you know, do we obtain – do they come and take that stuff, and they will give us advice.

Then usually out of that scenario, Customs gets involved, because Customs can take samples from
10 containers and stuff like that, and they have a laboratory. So they will put a detention on those chemicals. The chemicals get detained, and then an analysis gets done from Customs' side, and then there is a relationship going forward. But personally, Commissioner, I will say I have not had experience in sampling or doing that on the scene.

ADV SEGEELS-NCUBE: Ja, I was very specific to confine it to a recovery scene, so not a clan lab.

WARRANT OFFICER SANDER: No, Commissioner, I have not.

20 **ADV SEGEELS-NCUBE:** And if you, as the Investigating Officer, wanted to know whether what you are dealing with is Cocaine on the scene, what you found, you could do a presumptive test. You would not need FSL to come out to do that.

WARRANT OFFICER SANDER: No, I would do that. A

presumptive test I can do on the scene.

ADV SEGEELS-NCUBE: Thank you.

WARRANT OFFICER SANDER: It is something totally different, Commissioner. Remember, a presumptive test does not come with a 212 statement. It is just an investigative lead. It is a little swab. It is the same as having a dog bark at the drugs. It is not what FSL does. It is a presumptive test just saying to me, yes, you are on the right track, carry on.

- 10 **ADV SEGEELS-NCUBE**: And have you ever requested FSL to enquire from FSL how to go about destroying exhibits if they take time to make storage available for your exhibits?

WARRANT OFFICER SANDER: I have, due to correspondence in matters that I have, and it was requested to me that I correspond, that I can move exhibits to them for destruction. Yes, I have.

ADV SEGEELS-NCUBE: Not for you to move exhibits to them for destruction, where you are asking them how you can destroy drugs.

- 20 **WARRANT OFFICER SANDER**: No, I am not allowed to do that.

ADV SEGEELS-NCUBE: Why do you say you are not allowed to do it?

WARRANT OFFICER SANDER: I have never done it, never heard of that.

ADV SEGEELS-NCUBE: That is different to saying you are not allowed to do it. Why would you not be allowed to do it as an Investigating Officer? What is required in order for drug exhibits to be destroyed?

WARRANT OFFICER SANDER: Commissioners, in the olden days, we used to destroy cannabis, burn it. But that was done with an officer and the Exhibit Clerk and stuff like that. That has all changed now. How I understand the protocols and the methodology behind it, there is only one
10 authorised entity that destroys exhibits, and that is Forensic Science Laboratory.

The Commission showed me the documents the other day, the SAP83, that is the directive and the authorisation to destroy an exhibit. Myself, as an Investigating Officer, or even, I do not want to say further than that, I will stay with myself, I am not authorised to destroy an exhibit.

CHAIRPERSON: Exhibits generally, or are you talking about narcotics? Are you saying any exhibit has to go up to
20 FSL for destruction?

WARRANT OFFICER SANDER: Thank you, Commissioner. If I have a suspect that has left a phone at a scene and the matter is finalised, and nowadays you do not hand the phone back or you do not put them on auction because of all the dots on it, a cell phone is now destroyed. So you

authorise the Exhibit Clerk to have that phone destroyed. How they do it, they squash it, they break it, or they send it to a scrapyard, I do not know. But there is an authorisation that is done to destroy that exhibit. But for narcotics, I can say, I know, there is only one space, and that is Division Forensic Science Laboratory.

CHAIRPERSON: Thank you. I just wanted that delineation.

WARRANT OFFICER SANDER: Firearms are the same,
10 Commissioner. All firearms go to Division Ballistics.

CHAIRPERSON: Okay.

WARRANT OFFICER SANDER: Only they destroy them from there. It is not destroyed anywhere else. They all get processed at one point. We call it a nodal point. I do not know if that is the right word.

CHAIRPERSON: Thank you, thank you.

ADV SEGEELS-NCUBE: Thank you. Warrant Officer, there is just one aspect on the investigation part that I want to ask you about, and then I want to move on to just tie up
20 some loose ends from yesterday to conclude your evidence. In the bundle, the second exhibit bundle, there should be a new page, 611.1.

CHAIRPERSON: You said CJC what?

ADV SEGEELS-NCUBE: 611.1, Chair. It is CJC242.

WARRANT OFFICER SANDER: Sorry, Commissioner,

CJC?

ADV SEGEELS-NCUBE: 244. CJC244, the page after page 610, there is a new page. I am sorry, 611, there is a new 11.1, 611.1. Do you have it?

WARRANT OFFICER SANDER: Yes, I have it.

ADV SEGEELS-NCUBE: This relates to the June 2021 seizure. When we spoke yesterday, you had mentioned the detention by the Department of Health so far as the bone meal is concerned. Can you just explain this document to
10 us, how this document comes about and its effect on the container once this note is received or issued? What happens to the container?

WARRANT OFFICER SANDER: Commissioner, to be complete, there is a few forms missing that I see this now, but it can be explained. When the vessel arrives offshore, it submits a notice to discharge to the Port Authority. In that notice to discharge, it is digital, of course, the notice to discharge includes the container and the commodity as it is classified.

20 So the person that packed this would have given it a classification and a commodity code. The moment, in this case, I see it is bone meal.

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER SANDER: It is bone meal. So it is an animal product. It is a waste product. So there is a system

in place that flags these items automatically. And what it does is it automatically places a detention on that consignment. So that container, at some stage in its life now, while arriving in Durban, has to be inspected. It cannot be released into the market without being inspected. And the detention notice here is the Department of Health, Veterinary Services. Sorry, it is Veterinary Services that put the detention.

ADV SEGEELS-NCUBE: And if I understood what you said
 10 that Veterinary Services and Department of Health, I am assuming, they do not have their own bonded warehouse and whatever. Where would these get inspected? The yard that the shipper has chosen?

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Okay. And then I just want to enquire from Advocate Sello if I need to deal with the SARS detention notice. If I can just ask you then, how does this, if you can go to page 623 of that same bundle? At 611 we have Veterinary Services calling for the detention of, well,
 20 there is a detention notice because they are going to inspect.

And then on 623 you will see that there is a notice of detention from SARS, a SARS detention notice, illicit trade. It is dated the 23rd of June 2021, so that is the day after the seizure. The seizure was on the 22nd of June

2021. Do you know why SARS and the vessel that we, or the container that we are interested in is the one that you see asterisked under investigation? Do you know why SARS would issue a detention notice after the container is already in the yard?

WARRANT OFFICER SANDER: Just the wheels of the system just going slowly, that is all. So SARS has obviously picked up the flagging notice that it is a commodity. We know the Ladour, but I do not think it would
10 have been shipments being monitored on the Ladour. It is a massive vessel.

It would have been, in this case, it would have been the product that would have been flagged. I am surmising, it is hearsay. But if you are asking me how it came after the container was already in the yard, remember the detention notice is placed automatically.

Now they are doing a formal notice, and that is what this piece of paper is. It is a formal notice from the SARS Illicit Trade Group to the import manager, saying we
20 want to look at those 10 containers that you have landed.

ADV SEGEELS-NCUBE: It is not because SARS suspects that there is drugs on these. They are looking for illicit goods.

WARRANT OFFICER SANDER: They are looking for illicit goods, or wrongly declared goods.

ADV SEGEELS-NCUBE: Okay, thank you. Then, Warrant Officer, I just want to deal with the aspects, a few aspects that we dealt with when we were dealing with your history and your experience at DPCI. Chair, if I may just ask the attorneys to hand up documentation that they will put in your files during the tier adjournment, but for present purpose, just to hand it up to you, just for me to place it on record what is being handed up, and then to ask the Warrant Officer some questions on that and to clarify one
10 aspect of his evidence from yesterday as well.

So, Chair, you will have in front of you, I think, is it CJC249? The first two, CJC247 and 248, are just photographs that the Warrant Officer had given us to show the evidence, the bags, the Mandrax in the evidence bag of the February 2020 drug bust because there are not any photographs of the exhibits in the bags at the scene. And then 248 is just a better copies of where the scene was cordoned off at the February 2020 scene as well.

Then Chair will recall that yesterday the Warrant
20 Officer gave evidence about the dispute about the cancellation of his scarce skills allowance when he was transferred to support services and the legal process that he then initiated in order to stop the cancellation.

He has provided us with the letter that he had sent in response to the notice and the notice as well. So, the

order of the notice, it is CJC249. The letter that he received is at page 670. Can you go to that letter? And, Warrant Officer, if you can just perhaps maybe read the letter into the record? I mean, just explain to us, I know you said that your allowance was never formally cancelled, but if you can read the letter into the record.

And at this stage, if I understood what you were saying is that you were at support services at this stage and they were seeking, they notified you that they were
10 cancelling your scarce skills allowance.

WARRANT OFFICER SANDER: That is correct.

ADV SEGEELS-NCUBE: Okay. Please go ahead. You can just read the heading and paragraph 1 and 2.

WARRANT OFFICER SANDER: It is SAP21:

“Cancellation of scarce skills allowance
and service allowance.”

It is my force number, my name, Supply Chain Management Support Services, Directorate for Priority Crime Investigation, KwaZulu-Natal:

20 “According to our records, you are currently placed at Supply Chain Management in the Provincial Office and not performing any operational duties. Kindly note that you do not qualify for scarce skills allowance and service

allowance. Therefore, the
abovementioned allowances will be
cancelled with immediate effect.”

It is dated 2025-07-14, signed, Colonel N Jama. That was
the Acting Head. That is the Head of our Legal Services.

ADV SEGEELS-NCUBE: Okay. And then you responded to
that. This is on the 14th of July 2025. You have already
been at Support Services for over a year.

WARRANT OFFICER SANDER: Correct, Commissioner.

10 **ADV SEGEELS-NCUBE**: And then at page 667, your
response. You can just read it from paragraph 1.

WARRANT OFFICER SANDER: This is my response to the
notification. It was compiled with a bit of assistance from
the legal team.

CHAIRPERSON: Ms Segeels-Ncube, do you not want
perhaps to focus on whatever salient issues you want the
Warrant Officer to deal with?

ADV SEGEELS-NCUBE: Chair, so ...[intervenes].

CHAIRPERSON: I am looking at the length of the letter.

20 **ADV SEGEELS-NCUBE**: Yes. I understand, Chair. It is
just that you will recall that he had given evidence about
the history of the initial complaint. So it deals with that as
well, just to show that contemporaneously there was this
interaction about him not having received feedback on the
initial complaint. That is why I am asking him to.

CHAIRPERSON: Okay. That is in order.

ADV SEGEELS-NCUBE: I will tell you which paragraphs not to read, but you can start with the one.

WARRANT OFFICER SANDER:

“Cancellation of scarce skills allowance
and service allowance.”

ADV SEGEELS-NCUBE: Just from paragraph 1, yes.

WARRANT OFFICER SANDER: Thank you.

10 “On 14 July 2025, I received a written
notice of cancellation of my scarce skills
allowance and service allowance with
immediate effect. The reason given
being that I am currently placed in Supply
Chain Management at the Provincial
Office and not performing any operational
duties. Copy is attached. 13 February
2024, I received a written notice of
temporary placement from Serious
20 Organised Crime pending the outcome of
the investigation of a complaint on
allegations of serious corruption against
myself. On 30 October 2024, I received
a written notice of alleged misconduct in
pending investigation in terms of
regulation 8.1 of the South African Police

Service Discipline Regulations 2016,
conducted under DPCI KZN.”

There is a DL number:

“On or about 26 November 2024, I was requested by Colonel Magudla to submit an affidavit in response to the allocations against me, and I did so on 29 November 2024. A copy of the covering email and affidavit explanation enclosed. Aforesaid
10 notice is dated 13 February and 30 October are attached. On or about 19 December 2024, Colonel Jacob phoned me and informed me that the investigation under case number KZNDPCI/DR4/2024 had been finalised and that he was issuing me with a verbal warning in respect to the allegations against me. Since then, I have received no formal notification of the outcome of
20 the investigation into the initial complaint against me, which gave rise to my temporary placement, nor I have received any further communication or update from anybody regarding my temporary placement, save for the notice of

cancellation of my skills allowance and service allowance with immediate effect. I was temporarily placed at the Provincial Support Services DPCI KZN, pending the outcome of the investigation. In the circumstances, I hereby request immediate written confirmation of the outcome of the initial investigation and the consequent status of my temporary placement. I have never applied for a transfer to or replacement at Provincial Support Services DPCI KZN, nor do I hold or occupy a specific post number at Provincial Support Services DPCI KZN, nor have I received any notice or correspondence regarding any intention to have me placed permanently at Provincial Support Services DPCI KZN. I currently hold a post of Investigator at Serious Organised Crime Durban. I believe that I should be placed back in my position at Durban Serious Organised Crime to perform my usual operational duties as soon as possible with the immediate reinstatement of my scarce

skills allowance and service allowance. I
await your response as a matter of
urgency. In the interim, all of my rights
are reserved.”

Signed by myself.

ADV SEGEELS-NCUBE: Thank you, Warrant Officer. And
then, Chair, just for the record, page 671 is that temporary
placement where we had a photograph. He has now
provided the actual document. Warrant Officer, after your
10 evidence yesterday, I had then asked you whether there
was any other aspect that you wanted to deal with insofar
as the issues of victimisation within the DPCI as
...[intervenes].

CHAIRPERSON: I need some explanation on the letter, the
Warrant Officer's letter. Warrant Officer, the warning that
was given, I am not sure that I follow what exactly it related
to. If we juxtapose that with what you referred to, as I
understand it, the original investigation. By the original
investigation, I assume that you are referring to the open
20 quote, serious, or rather open quote, allegations of serious
corruption, close quote.

WARRANT OFFICER SANDER: Correct, Commissioner.

CHAIRPERSON: And what exactly is this that you were
warned or given a warning about?

WARRANT OFFICER SANDER: I was charged for being

the director of a shooting club. You are supposed to have permission to be part of the police club. I made my representations. It was done, I think I mentioned it yesterday, we did it to preserve the name for the bank account. There was no income reserve, there was no income anywhere else, but I was charged for that.

CHAIRPERSON: I remember that from your testimony yesterday.

WARRANT OFFICER SANDER: Yes, Chair.

10 **CHAIRPERSON**: It is just that in this letter, of course you are writing to someone who has that background.

WARRANT OFFICER SANDER: Correct, Commissioner.

CHAIRPERSON: Now with us, you are suddenly warned and yet you are writing about the allegations of serious corruption, so it all gets mixed up, at least in my mind.

WARRANT OFFICER SANDER: Thank you, Commissioner.

CHAIRPERSON: Thank you, thank you.

ADV SEGEELS-NCUBE: Apologies for that, Chair. So he had addressed it yesterday, the verbal warning was in
20 consequence of the alleged, well, that you failed to declare your directorship in the shooting club.

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay, thanks.

ADV BALOYI SC: In paragraph 8, you say you have not received, or in fact you are requesting confirmation of the

outcome of the initial investigation. This is the Florida Road allegation that you ...[intervenes].

WARRANT OFFICER SANDER: Yes, Commissioner.

ADV BALOYI SC: And you never received anything in writing.

WARRANT OFFICER SANDER: That is correct, Commissioner.

ADV BALOYI SC: As I understood your evidence yesterday, you found out on your own from, I think, Port
10 Shepstone, that there is nothing to it, or that the investigation was closed.

WARRANT OFFICER SANDER: That is correct, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. Warrant Officer, the issue that I had wanted to ask you about related to when we spoke about the victimisation. You had indicated that there were other members that had also been victimised, but the other issue was the protection of certain
20 members at the DPCI who did have serious allegations against them.

WARRANT OFFICER SANDER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Do you want to address that now, or do you choose not to?

WARRANT OFFICER SANDER: I can.

ADV SEGEELS-NCUBE: Okay. What has been provided to us, Chair, is on page 672. It is a news article of two senior Hawks officers that had been arrested, and the Warrant Officer had indicated that he is aware, has personal knowledge of the one investigator, he will deal with the allegations against the officers and what their current employment status is and what happened to the colleague that had reported the incident.

10 **WARRANT OFFICER SANDER:** Thank you, Commissioner. I only became aware of this as I was now working at the Provincial Office. Next to us we have a Priory Crime Management Centre. It is where all our sensitive information gets profiled on our targets, our suspects and our projects, and our undercover operations are run.

One of the ladies there was arrested for extortion or corruption, I stand corrected on the correct charges, along with a fellow Brigadier. What then transpired is that person was released on bail. The person came back to
20 work, nothing happened.

It is difficult to understand it because here a mere email gets presented and you get moved. Here you have got a person that is in a very confidential environment, classified environment. He is out on bail for a serious offence, nothing happens. So, I am aware of the people,

they were not happy with what happened, they work in the same space, and complaints were brought. We can say a whistleblower came forward.

The whistleblower got victimised straight away. The whistleblower has since moved to a totally different environment, but still within the DPCI, but in a different part of the province now. But, as we speak, the other person is still at work, not suspended, not moved. So, there is no impartial behaviour towards employees when there is
10 investigations against them.

ADV SEGEELS-NCUBE: And this colleague that has been arrested and is out on bail for the allegations in the news article that we have been provided, who does that person report to?

WARRANT OFFICER SANDER: Ultimately to the General.

ADV SEGEELS-NCUBE: General Senona?

WARRANT OFFICER SANDER: Correct, Commissioner.

CHAIRPERSON: Immediate?

WARRANT OFFICER SANDER: Commissioner?

20 **CHAIRPERSON:** The immediate person she reports to?

WARRANT OFFICER SANDER: The immediate is obviously the group Commander. It is Colonel Mangole [?]. And Colonel Mangole falls under General Senona.

ADV SEGEELS-NCUBE: Thank you, Warrant Officer. Chair, that is the evidence of this witness.

ADV BALOYI SC: Let me just check something. Yesterday you spoke about the complaint that you laid, and after which you were then moved, or these allegations were made against you. And this is an allegation. The complaint was about the loss of exhibits, as I understood you, and dockets, the disappearance of exhibits. Do you have, or can we have a copy of that complaint?

WARRANT OFFICER SANDER: Commissioner, I do not know how. It is with a member of the Commission.

10 **ADV BALOYI SC:** Is it with the Commission?

WARRANT OFFICER SANDER: It is with the Commission. I do not know how it is being handed in, or where it is, but I still have the original. So if you want it, I can produce it to you in person.

ADV BALOYI SC: And that complaint, you submitted it to who?

WARRANT OFFICER SANDER: That would have been Captain Sibiya.

ADV BALOYI SC: Sibiya. And did you receive a response
20 to it, as in an acknowledgement?

WARRANT OFFICER SANDER: No, you asked me yesterday, Commissioner, and the answer is still no.

ADV BALOYI SC: And to your knowledge, was any investigation conducted into that complaint that you laid? Did anything come of it, as in inquiries even?

WARRANT OFFICER SANDER: Commissioner, there was an investigation, but on different cases, not those cases.

ADV BALOYI SC: Not the ones that you complained about?

WARRANT OFFICER SANDER: The member was eventually found guilty in court, but the member was not dismissed, the member ...[indistinct] discharge.

ADV SEGEELS-NCUBE: But the ones that you referred to?

WARRANT OFFICER SANDER: The ones that I referred to,
10 I cannot tell you what the outcome of the investigation is, to this date.

ADV BALOYI SC: Okay.

WARRANT OFFICER SANDER: It has been handed to other law enforcement agencies because I did not get anywhere with it.

ADV BALOYI SC: Yes.

WARRANT OFFICER SANDER: I can, with the greatest pleasure, hand you that document.

ADV BALOYI SC: Okay. Ms Ncube, will you arrange that
20 we have it?

ADV SEGEELS-NCUBE: Yes, I will.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Good morning, Warrant Officer.

WARRANT OFFICER SANDER: Good morning, Commissioner.

ADV KHUMALO SC: Just going back to the temporary placement letter dated 13 February 2024, it is on 475 of File 2. But in the current one, I think we were given a cleaner copy because the one we had in File 2 was a photo. It was signed by General Senona, correct?

WARRANT OFFICER SANDER: Yes.

ADV KHUMALO SC: And General Senona is coming to give evidence on Friday. Now, in this Commission, we try not to turn the Commission into a forum where people deal
10 with labour issues. So we do not ventilate HR issues between people and their superiors. But the allegation you made is very serious, and it goes to the heart of the terms of reference of the Commission.

Because you implied yesterday that your superiors were moving you out of the way because you were stepping on the toes of the drug traffickers. Now, I want to try to understand that allegation. Is that an allegation you are making against General Senona? And is it something that we must put to him when he comes to give evidence on
20 Friday?

WARRANT OFFICER SANDER: Commissioner, I think it will eventually come out, but the suspects who stole the drugs are known.

ADV KHUMALO SC: Say that again?

WARRANT OFFICER SANDER: The suspects who stole

the drugs are known.

ADV KHUMALO SC: Are known?

WARRANT OFFICER SANDER: They are known.

ADV KHUMALO SC: Known by who?

WARRANT OFFICER SANDER: I was informed by Colonel Jacob personally who they are. But the links to the management are known.

ADV KHUMALO SC: Management of DPCI?

WARRANT OFFICER SANDER: Correct, Commissioner.

10 **ADV KHUMALO SC:** The links of the suspects who stole the drugs to the management of DPCI.

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV KHUMALO SC: Yes.

WARRANT OFFICER SANDER: So the only influence that I can draw, I cannot say to you, Commissioner, I have evidence, is I have done X, Y, and Z. The repercussions are as follows.

ADV KHUMALO SC: No, I do not want you to go into the evidence of who took them. My focus was really on the
20 allegation you made yesterday that you believe that you were temporarily placed in another department because your superiors were moving you out of the way because you were stepping on the toes of the drug traffickers. Now, I just want to be clear, you are saying General Senona amongst others?

WARRANT OFFICER SANDER: No, sir. I said General Senona is the person that moved me.

ADV KHUMALO SC: Because he is the one who signed the letter.

WARRANT OFFICER SANDER: That is correct, Commissioner.

ADV KHUMALO SC: So when you say your superiors, you are referring to him?

WARRANT OFFICER SANDER: I cannot answer it like
10 that, Commissioner. It is very difficult. That is very difficult.

ADV KHUMALO SC: And you are basing that on suspicion, obviously.

WARRANT OFFICER SANDER: Commissioner, I have made some good recoveries. I think I have done a very good job. I do not need anyone else to tell me that. It is in my heart. If I was not doing a good job, I would not have been here.

ADV KHUMALO SC: And you ...[intervenes].

20 **WARRANT OFFICER SANDER:** Sorry, Commissioner. Never have I received an accolade, an appraisal, an award, or a nomination at the Prestige Awards or anything for the work done.

ADV KHUMALO SC: So, let me summarise this because, look, I am mindful of the fact that it is sensitive testimony

you are giving. But the long and short of it is you have reason to believe that the reason you were moved was the reason you explained yesterday. And you cannot think of any other reason why you would have been placed in Supply Chain.

WARRANT OFFICER SANDER: There is no other logical reason, Commissioner.

ADV KHUMALO SC: Okay.

WARRANT OFFICER SANDER: If I was not interfering with
10 someone's activities, they would have left me. But if I was efficient to interrupt their activities, I was targeted.

ADV KHUMALO SC: And you are saying even if there was an initial complaint, you believe that once it was found not to have merit, you should have been returned to your old position?

WARRANT OFFICER SANDER: Correct, Commissioner.

ADV KHUMALO SC: And the fact that you have not been returned suggests to you at least that they do not want you there?

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

ADV KHUMALO SC: Thank you.

ADV SEGEELS-NCUBE: Chair, there is just one matter for clarification with the Warrant Officer regarding the polygraph, his evidence regarding the Port Shepstone polygraph results. Warrant Officer, my recollection is that

you said you were not aware of your results of the polygraph, that you failed the polygraph. I just want you to clarify the position because you had clarified it to me earlier on. It is not that you were not aware that you had failed. You were told that you had failed. It was the first time that you had seen the report that you had failed.

WARRANT OFFICER SANDER: Commissioner, you put the report in front of me yesterday. I even said to you, am I allowed to even see this. It is the first time I have seen
10 that. As far as we were told, is it a myth? Is it a truth? You failed. We must just take it as it is. In the DPCI, if you fail the polygraph, you are supposed to be transferred out or fired or whatever happens. It says so, but nothing happened.

And then yesterday, Commissioner, you put that document in front of me, and it is scary. And then you see your name there, and then you say, hold on, this is the thing that I have been looking for all my life just to say I did not do it.

20 **ADV SEGEELS-NCUBE**: Okay, so it was the report that you were referring to that you did not have knowledge of, but you were informed unofficially or informally that you had failed the polygraph.

WARRANT OFFICER SANDER: Commissioner, the polygraph person, when you are finished, they say to you,

what do you think, did you pass or you fail? And you said, I do not know, you tell me. No, you failed. And then we were told the whole office failed. So that would be different to the report that I saw yesterday.

So we were told from the onset that every single one of us was now corrupt, but the document I see yesterday has exonerated so many people, but they do not know that.

ADV SEGEELS-NCUBE: Ja, so I just wanted to clarify so
10 that it is not suggested that you are saying you did not know that you had failed. What you are saying is the polygraph examiner just said to you, how do you think you have done and said that you failed, but nobody officially communicated the outcome to you. You saw it here for the first time at the Commission.

WARRANT OFFICER SANDER: Correct.

ADV SEGEELS-NCUBE: Thank you for the clarity.

ADV BALOYI SC: Let me just check this. We saw two documents yesterday relating to the polygraph. You saw
20 that. The one, it is the DI outcome and that says deception identified or something. And that is what you are referring to as a failure. But there was a second document which had about three, four names where it says no opinion, something like that. So you say you were told all of you have failed. Were you told anything about the later one, the

other report that says no opinion and includes you in that list?

WARRANT OFFICER SANDER: Commissioner, that is correct. Both of those letters I had never seen. Maybe is it on my file? I do not know. I have never been told I have had something like that put on my file. I have never seen it. Never.

ADV BALOYI SC: Does that mean you are not aware until yesterday that there is a report which said no opinion is
10 expressed about your test?

WARRANT OFFICER SANDER: That is correct, Commissioner.

ADV BALOYI SC: Until yesterday. All right, thank you. Thanks, Ms Segeels.

ADV SEGEELS-NCUBE: Chair, sorry, we do have an answer on the polygraph. We just received it. I want to just get guidance.

CHAIRPERSON: Are you referring to the unsigned document?

20 **WARRANT OFFICER SANDER**: To the explanation ...[intervenes].

CHAIRPERSON: The second document.

ADV SEGEELS-NCUBE: Yes, an explanation of the two documents. It will just take us ten seconds to consult as to whether we can provide the document.

CHAIRPERSON: I will count.

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, my leader has said that I can read this into the record and we will then provide the official document from the Lieutenant Colonel Subsection Commander of Polygraph KZN Forensic Science Laboratory, KZN, who has sent us an email to explain the two documents. And the email came at 09:50. We only saw it now. It says:

10 “The test was conducted by Captain Nel.
All polygraph tests are subjected to two
quality reviews. The first is the technical
review during the polygraph process after
the polygraph charts are generated.
During this process, the result was a DI
deception indicated. The polygraph
result was communicated to the
examinee during the post-test interview.
The results on the summary were
obtained after the tests were done. This
20 is in relation to the first report. Later,
during the administrative review process,
the reviewer went through all documents
and found that the polygraph examiner
had made serious errors during the
polygraph examination process.

Reviewer's report is attached.”

Which is the unsigned one. We will see if it is the signed one now:

10 “A non-conformance was opened and investigated against the polygraph examiner. The test was considered invalid so that the examinee was not prejudiced by the errors of the polygraph examiner. The polygraph examiner in question was stopped from conducting any further polygraph examinations thereafter.”

CHAIRPERSON: So, effectively, the Warrant Officer was exonerated?

ADV SEGEELS-NCUBE: He was, Chair.

CHAIRPERSON: All right. That probably means all of those tests were ...[intervenes].

ADV SEGEELS-NCUBE: This relates only to him.

CHAIRPERSON: Yes, yes.

20 **ADV SEGEELS-NCUBE**: But yes, we will, before all the other witnesses come, we will have to do the same exercise, Chair. Thank you.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: We are done with the witness, Chair.

CHAIRPERSON: Warrant officer, you are excused.

WARRANT OFFICER SANDER: Thank you, Commissioner.

CHAIRPERSON: Thank you. Thank you very, very much for your testimony. At least I am happy that we are at the point where we are adjourning. I see that you are emotional, so you will find time to compose yourself now, now, now. Thank you very much again, Warrant Officer. Let us adjourn and resume at 11:25.

INQUIRY ADJOURNS

10 **INQUIRY RESUMES**

CHAIRPERSON: Good morning, Mr Sikhakhane.

ADV SIKHAKHANE: Morning, Chair.

CHAIRPERSON: Oh, gosh. Oh, yes, it is still morning.

ADV SIKHAKHANE: It is still morning. I am just trying to check whether everything is sorted. But we have got the witness who is the one who is *in camera* or partially *in camera*. And that is Colonel Duma that would be giving evidence. I will be leading his evidence.

CHAIRPERSON: We may start. We may start.

20 **ADV SIKHAKHANE**: What I do want to check is whether he can hear us.

CHAIRPERSON: The rank is Colonel?

ADV SIKHAKHANE: Colonel.

CHAIRPERSON: Colonel Duma, can you hear us? Colonel Duma? Colonel Duma, can you hear us?

LT-COL DUMA: Good morning, Commissioners.

CHAIRPERSON: Good morning, good morning.

LT-COL DUMA: Good morning, yes, I can hear you.

CHAIRPERSON: Will you be swearing or affirming, Colonel?

LT-COL DUMA: Swearing.

CHAIRPERSON: Please state your full names for the record.

LT-COL DUMA: It is Justice Jabulani Duma.

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

LT-COL DUMA: So, help me God.

JUSTICE JABULANI DUMA: (duly sworn states)

CHAIRPERSON: Thank you. Yes, Mr Sikhakhane.

EXAMINATION BY ADV SIKHAKHANE: Thank you, Chair. Colonel, can you hear me, just to clarify?

LT-COL DUMA: Yes, I can hear you advocate.

20 **ADV SIKHAKHANE:** Okay, before you just confirm for me, you should have a file, a small file that has your statement.

LT-COL DUMA: Yes, I do have it, sir.

ADV SIKHAKHANE: And you would have three other files, which are exhibit files.

LT-COL DUMA: Yes, I confirm, I do have it.

ADV SIKHAKHANE: And there is another file that has been delivered to you just now.

LT-COL DUMA: Yes, I do have it.

ADV SIKHAKHANE: We will go to that file later on.

LT-COL DUMA: Yes.

ADV BALOYI SC: Can we just check our own files? You say three exhibit files.

ADV SIKHAKHANE: Yes, it should be. Do you have two or three?

10 **ADV BALOYI SC:** It is two from the last witness.

ADV SIKHAKHANE: Okay, then maybe I am mistaken. Oh, no, no, no, apologies. It is two exhibit files. The one is a statement file. Apologies.

ADV BALOYI SC: It is the same that we had.

ADV SIKHAKHANE: It is the same as you had with the previous witness.

LT-COL DUMA: This was the first.

ADV SIKHAKHANE: Can we then go to your first file, which has your statement?

20 **LT-COL DUMA:** Yes, I have got it in front of me.

ADV SIKHAKHANE: Thank you. What we will try and do is, just in the interest of time, is go through your statement. But I do not think - what we will do is to ask clarity-seeking questions or clarity questions as we go along. And I would request the Commissioners just to take note of that, rather.

That we just ask questions as we go along, rather than letting him finish, because time, I think, is not with us. Could you then start with your paragraph 1, reading it?

LT-COL DUMA: Yes, Commissioner:

“My name is Justice Jabulani Duma. I am a Lieutenant Colonel in the South African Police Service with PERSAL number...”

CHAIRPERSON: Please, skip – no, no, no, please skip
10 your PERSAL number.

LT-COL DUMA: Okay, let me start afresh:

“I am Justice Jabulani Duma. I am a Lieutenant Colonel in the South African Police Service. I am attached to Multi-Dimensional Organised Crime, Durban, Intelligence Collection in Crime Intelligence. And I am a Unit Commander in MPOC, Durban in KwaZulu-Natal.”

20 **ADV SIKHAKHANE:** Okay, can you then just explain to us your position with this Multi-Dimensional Organised Crime? What is the structure? Where does it fit within the command of the police and Crime Intelligence?

LT-COL DUMA: Okay, just a second, Commissioner. Multi-Dimensional Organised Crime deals with serious and

violent crime, which includes armed robberies, robberies, riots, *et cetera*. And its reporting structure is as follows. From the handler ...[intervenes]

ADV SIKHAKHANE: Sorry, sorry, Colonel. Would you just explain?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: You are saying *et cetera*. But I just want you to set out fully what it is that you are involved with. It is important.

10 **LT-COL DUMA:** Okay, okay, basically, we are dealing with Multi-Dimensional Organised Crime, where we investigate syndicates involved in serious and violent crime nature, which is armed robberies, which include CIT's and business robberies and murders.

ADV SIKHAKHANE: Thank you. So, do you deal with narcotics currently?

LT-COL DUMA: No, we do not deal with narcotics.

ADV SIKHAKHANE: Okay, and in terms of the command structure, who do you report to?

20 **LT-COL DUMA:** Okay, I report to my Section Commander, who is a full Colonel, and who reports to the Brigadier, who is the Section Head, who then reports to the Provincial Head, Crime Intelligence. And the next person in command will be the Divisional Commissioner.

ADV SIKHAKHANE: Thank you. And do you interact with

the DPCI? And the leadership structure of the SAPS? And what is the nature of your interaction?

LT-COL DUMA: Operationally, we do interact at the ground level. And at senior level, there is an interaction between CI Section Head, Provincial Head and Provincial Head of DPCI, which will also include National Prosecuting Authority.

ADV SIKHAKHANE: Okay, and on your side, do you interact with the leadership of the DPCI and the police?

10 That is National SAPS?

LT-COL DUMA: No, we interact at the operational level, which will be from our office to their offices. And then from there, the interaction will be on our Section Heads or Provincial Heads at the senior level.

ADV SIKHAKHANE: Okay, so, there is no formal need or structure in which you interact with the leadership of the Hawks?

LT-COL DUMA: No, there is no formal, unless it is something that needs an application where you need to submit when you request whatever, you will be requesting them to assist you with. But operationally, we interact. We have a memorandum of understanding where we interact, where operational members interact with ...[intervenes]

20

ADV SIKHAKHANE: No, I am talking about your leadership.

CHAIRPERSON: You spoke at the same time.

ADV SIKHAKHANE: Oh, sorry.

CHAIRPERSON: There will be transcription problems. Please repeat, Mr Sikhakhane.

ADV SIKHAKHANE: Apologies, Chair and the witness. I wanted to check your interaction with the DPCI leadership and the police leadership. That is what I am interested in, your interaction. I understand operationally, you said you work or you interact.

10 **LT-COL DUMA:** You mean me as a person or as a unit?

ADV SIKHAKHANE: Yourself, as a head of the unit.

LT-COL DUMA: Yes, we do interact with the Operational Commanders within DPCI if we need to operationally apply information, there is that communication.

ADV SIKHAKHANE: Thank you. Then, would you – unless there is anything, can we then go to your paragraph 4? I do not know whether there is a need to go to paragraph 2 in the light of swearing in.

CHAIRPERSON: No, no, you may skip it here.

20 **ADV SIKHAKHANE:** Yes, okay. Is there anything you wanted to add, Colonel?

CHAIRPERSON: Perhaps the last sentence ...[intervenes]

LT-COL DUMA: No, Commissioner, no.

CHAIRPERSON: The last sentence of paragraph 2, I gained – yes, I gained knowledge of the facts. That

sentence, perhaps. Did you hear me?

LT-COL DUMA: Okay.

CHAIRPERSON: Yes.

LT-COL DUMA: Yes, Commissioner, yes, I did hear you.

CHAIRPERSON: Please read ...[intervenes]

LT-COL DUMA: So, if I may interpret that ...[intervenes]

CHAIRPERSON: Please read that into the record. I gained knowledge of the facts.

LT-COL DUMA: Okay:

10 “I gained knowledge of the facts stated in
this statement through intelligence
gathered during the course of my
investigation and personal observations
in the performance of my duties.”

ADV SIKHAKHANE: Thank you. And I just wanted to perhaps just follow on what the Chair is saying. Currently, you are the Unit Commander, correct?

LT-COL DUMA: Yes, that is correct, Commissioner.

20 **ADV SIKHAKHANE**: When you – you have indicated that
you are involved operationally in undercover operations and
such matters where yourself, you are engaging in certain
tasks as an operative.

LT-COL DUMA: Yes, that is correct.

ADV SIKHAKHANE: Okay, thank you. Please go on to read paragraph 3.

LT-COL DUMA: Okay, are we skipping or are we continuing with that one?

ADV SIKHAKHANE: No, no, please read it out.

LT-COL DUMA: Okay:

10 “I matriculated in 1991, joined the South African Police in 1992, before SAP was amalgamated to the South African Police Service in 1995 and appointed as a Constable. I served in the uniformed branch currently known as Visible Policing at Westville SAP. I studied technical assay in Durban, National Diploma, Policing Management, but did not finalise or complete studies. I was appointed to the rank of a Sergeant in 1996 and in the year 2000, I was appointed to the rank of a Warrant Officer.”

ADV SIKHAKHANE: Please proceed unless we interrupt.

20 **LT-COL DUMA:** Okay, paragraph 4:

“In 2009, I was appointed to the rank of a Captain. I joined Crime Intelligence in 2012 and attached to Security Intelligence in Border Security, which is in Crime Intelligence Kwazulu-Natal, and

became an intelligence operative. In 2026-03-01, I was appointed as a Lieutenant Colonel and the Unit Commander of Multi-Dimensional Organised Crime, Durban, intelligence collection. I have gained my knowledge and experience through police training and fieldwork through the years in my ranks.”

10 Okay, the paragraph 5:

“My duties in Border Security and Crime Intelligence included gathering intelligence and supply such intelligence to the relevant units within South African Police Service for operational and investigation purposes. The intelligence gathered is supplied to relevant SAPS members or units available in order to personalise or also investigate.”

20 **ADV SIKHAKHANE**: Okay, can you just elaborate on that for us in terms of gathering intelligence and what prescripts are applicable in your operations?

LT-COL DUMA: Okay, Commissioner, that will be more answered in paragraph 7. I do not know, should I jump to paragraph 7?

CHAIRPERSON: Okay, then perhaps, no, no, no. Perhaps just continue and after you have read paragraph 7, Mr Sikhakhane, then decide if there are other details he still wants. Just continue reading.

LT-COL DUMA: Okay, thank you, Commissioner. Okay, paragraph 6:

10 “The mandate of Division Crime Intelligence is to gather, correlate, evaluate and analyse information to prevent and combat crime. In terms of the National Strategic Intelligence Act 39 of 1994, as contemplated in section 205 of the Constitution, to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the Republic and their property, uphold and maintain the law. The primary focus is to provide Crime Intelligence in support of the operational requirements of the operational components of the SAPS.”

20

Paragraph 7:

“The primary function of Crime Intelligence is the establishment of an intelligence network by way of sources of

information of whatever nature to address specific intelligence requirements as illustrated and defined in the intelligence collection process of transforming crime information into Crime Intelligence through application of identification, tasking, planning and direction, gathering, evaluation, collation, analysis, interpretation, production, dissemination, action, feedback, enclosure. And then I said that I cannot attach any documents about operational processes as all CI documents are classified.”

ADV SIKHAKHANE: Paragraph 8.

LT-COL DUMA: Paragraph 8:

“Intelligence gathered is reduced to writing by the operative and submitted to the commander who will sign off the report. The report is registered and forwarded to the Intelligence Analysis Centre where the reports and the information get disseminated to relevant addresses which are on the reports within Crime Intelligence and all operational

components of the SAPS.”

Paragraph 9:

10 “The *Ad hoc* information does not need any approval from the commander to be operationalised. But it is one of the members' key performance areas to conduct operations. Once the member has submitted the intelligence report to the commander, he continues to personalise the information with the relevant units of SAPS who are responsible, plan operations and make sure that the intelligence supplied is operationalised. Once the operation has been conducted, the feedback report is submitted to the commander. All intelligence reports follow the same process as mentioned in paragraph 8 above.”

20 Paragraph 10 ...[intervenes]

ADV BALOYI SC: Sorry, Colonel.

ADV SIKHAKHANE: Just hold on.

LT-COL DUMA: Yes.

ADV BALOYI SC: What is considered *Ad hoc* information that you say does not need the approval of the commander

to operationalise?

LT-COL DUMA: Commissioners, when we refer to *Ad hoc* operation, we refer to information that is not planned. Information that comes in an emergency way where you just received it and then you have to operationalise. It is not an information that is where maybe you have a progressive investigation that you have been dealing with, but it is information that just comes by the way and then you grab it and then you operationalise it.

10 **ADV SIKHAKHANE:** Okay. Oh, sorry.

ADV BALOYI SC: If an informant tells you that something is going to happen tomorrow or two days from now, two days hence, is that *Ad hoc* information? We call that an *Ad hoc* process. It is not attached to any of your current investigation that you are busy with. Maybe, let us say, our office will be dealing with projects, with operations.

ADV BALOYI SC: Yes.

LT-COL DUMA: So, it is information that is not part of that. Oh, it can be information sometimes that is part of the
20 operation but not maybe in line with the threats that you are trying to address. But it is the information that just comes that needs attention at the time and then you operationalise it.

ADV BALOYI SC: I see. Thank you.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Colonel, just on the point, I wanted you to distinguish in more detail the gathering of evidence or intelligence rather. Distinguish it between first getting the information, one, and processing it and then constructing it as intelligence. Can you just take us through that process and then compare it to what Commissioner Baloyi has said about *Ad hoc* information and how does it get translated into intelligence?

LT-COL DUMA: Okay. Commissioner, basically, we will be
10 going back to our intelligence collection process where we sit, we look at the crime statistics, and we identify the threats that are a problem. It could be within the district or within the province. And then we do identification of the threats by compiling a threat analysis so that we can analyse and look at the statistics of crime that is taking place that is probably one in our communities.

And then based on that, once we have identified the threats and done our threat analysis, we then task our sources on the ground to look into the threats that we face.
20 From there, we plan and we make a direction as to what we are going to do, which will mean by then we will then probably register an enquiry. Not probably, I will just say we register an enquiry based on the threats.

It can be a threat file or an enquiry file, depending on the threats that you are facing at the time. And then

from there, you start gathering information with regards to the threats, where you will identify the causes of the threats, the modus operandi, and who is involved in this threat. And then from there, you evaluate the information and then you put all the information together and then you analyse it.

You hand it to the analyst to analyse it. And then from there, you will know exactly what you are dealing with, which is the interpretation. Interpretation will give you a
10 clear picture as to what is it that you are dealing with. Is it a syndicate or is it people who are operating separately, committing the same crime? And then from there, it is production.

Production is when you reduce into writing. From there, you disseminate it. You disseminate it to your IAC, Intelligence Collection Centre. From there, once you have disseminated your report, it is action, which means you operationalise it. Once you have operationalised it, you get feedback from the operational team. And then from there,
20 you close your investigation. So that is the process that intelligence gathering is about.

ADV SIKHAKHANE: And how long does this process take? And secondly, who is involved in the operationalising of the information? For example, who signs off the operation?

LT-COL DUMA: This process, as I said in the beginning,

you will register enquiry. But enquiry has a time frame to keep it open. So, it will then mean you will have to go to your pre-project, where you will have to apply for an authority to conduct such pre-project, which will probably run for a certain period. And then if you still cannot address your threats, you will then apply for an authority to conduct an uncover operation. So that is a process. That is how far I can explain that process. I cannot go into details as to other issues, but that is the process that we
10 follow.

ADV SIKHAKHANE: And for example, if you get information yourself, who would you interact with within this process, within Crime Intelligence?

LT-COL DUMA: The process is that, as I have explained, which runs from enquiry to pre-project, then to a full-blown project. You will have to have your operational team, which will include DPCI, which will include NPA, and which will also include other offices like your asset forfeiture, and other relevant units within SAPS, your surveillance and
20 everything.

So, it becomes, you will have a team there that will be assisting you. So, in most cases, you will have to engage with the prosecutor to get the guidance going forward, so that you do not go off and focus somewhere else, so that you keep your gathering focused with regards

to the threats that you are dealing with.

ADV SIKHAKHANE: Perhaps, maybe, let me ask my question differently. I am limiting, for this point, within your Crime Intelligence structure. I said, if you get information, right, who do you report the information to? Do you submit it to your commander according to your statement?

LT-COL DUMA: The handler.

ADV SIKHAKHANE: Sorry?

LT-COL DUMA: The handler who collects information. The
10 handler who is a foot soldier. He gathers information, he compiles intelligence reports, he submits to the commander. The commander reads the reports, he signs off the reports.

ADV SIKHAKHANE: Thank you, that is the structure I wanted. So, a handler would then collect the info from their sources, their respective sources, and they would then compile a report, correct?

LT-COL DUMA: Yes, that is correct.

ADV SIKHAKHANE: And that report is then submitted to your commander?

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

ADV SIKHAKHANE: And then your commander has a look at it, and if he is happy, then he signs it off for operation?

LT-COL DUMA: He signs it off, it gets disseminated.

ADV SIKHAKHANE: Okay.

LT-COL DUMA: So, it depends what information you have.

For example, you can get information of a threat of a people are planning a strike, you know. So, then that is an early warning that you are going to be submitting, which must go to the Intelligence and Collection Centre, where it gets disseminated to VISPOL, for VISPOL to plan and be ready so that they do not get caught by surprise.

So, it depends, it depends what information you are reporting on. Is it information, early warning, something that needs attention? Or is it a crime that is about to be
10 committed? Or is it information about, for example, someone else has a bag of guns in his car or in his house, and you need to personalise the information. So, it depends. It always depends. It is not just one process. It depends on what information you are getting and how to deal with it at the time.

ADV SIKHAKHANE: Thank you. And is this process set out somewhere? Because I would imagine it cannot be informal.

LT-COL DUMA: Yes, the processes of Crime Intelligence
20 are set out in Operational Processes of CI, which is a guideline on intelligence gathering.

ADV SIKHAKHANE: Sorry, set out where?

LT-COL DUMA: It is Operational Processes of CI, which are guiding CI with regard to gathering intelligence.

ADV SIKHAKHANE: Sorry, what is the name of the

document?

LT-COL DUMA: It is Operational Processes.

ADV SIKHAKHANE: Yes.

LT-COL DUMA: Of Crime Intelligence.

ADV SIKHAKHANE: So that document - okay, am I interrupting you?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: So, it is Operational Processes of Crime Intelligence.

10 **LT-COL DUMA:** Crime Intelligence, yes.

ADV SIKHAKHANE: Okay, and you are familiar with this process or this document?

LT-COL DUMA: Yes, it is talking about intelligence collection. So, yes, it is not just one page. It is probably, it is the heart of CI, how CI do things.

ADV SIKHAKHANE: But at least you would be available, you would be familiar with the provisions that apply to yourself.

LT-COL DUMA: Yes.

20 **ADV SIKHAKHANE:** Okay, and then in terms of gathering information, so if you are a handler, you would have some sources. What are the type of sources that you would have as a handler in a typical case?

LT-COL DUMA: Sources, you would have sources that you have registered as informants. Sometimes you have

sources that are not registered. You would have contacts, people who provide you information, who are not expecting any financial pay. Yes, those are human sources that you get.

ADV SIKHAKHANE: Okay, and if there is, I think we spoke of a process earlier on in terms of engagement. You said it will depend how long it takes. It will depend on each of these, in each circumstance, how long the process takes and how you operationalise it. Correct?

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

ADV SIKHAKHANE: And when it is *Ad hoc* information, I think that is the question that you had from Commissioner Baloyi, is that it is information that you would obtain in emergency situations.

LT-COL DUMA: Yes, it is information that is not in the planning. Like, for example, if you are running an enquiry, you have a progressive investigation. But something that comes now, for example, there is a wanted suspect, and he is spotted somewhere and then you get a team to go over
20 there and arrest him. That is like something that is quick that comes now that you need to deal with it.

That is what we refer to as *Ad hoc* cooperation. It is something that does not need any investigation, that you must do analyses, you must gather and follow all this process that I have mentioned. It is something that you get

now that you must operationalise now. Maybe you get it today, tomorrow it is operationalised and it is closed. That ends there.

ADV SIKHAKHANE: Okay, please proceed to your paragraph 10.

LT-COL DUMA: Paragraph 10, Commissioners:

10 “Border security is responsible in gathering intelligence to address the threats of all criminal syndicates involved in organised crime related to cross-border crimes in land, air and sea borders. And the following standard operational procedure is followed whilst dealing with containers at the harbour.”

Can I continue?

ADV SIKHAKHANE: Yes, please.

LT-COL DUMA: Okay:

20 “The standard operational procedure, SOP in terms of container operations at the ports of entry. Crime Intelligence procedures. When an operative has information relating to smuggling within containers at the seaports at Durban Harbour, the intelligence operative must brief the commander on the information.

The commander will analyse the intelligence and once all the relevant information is gathered, the commander will then brief the section head of the VPO, Visible Policing and Operations at ORS. ORS is Operational Response Services in Border Police. The intelligence is only shared with the section head to prevent information from being leaked. We retain the intelligence pundit as well. We do not disseminate immediately in order to prevent the information from being leaked.

10 Procedure after briefing the...”

ADV BALOYI SC: Colonel, before you proceed ...[intervenes]

LT-COL DUMA: Durban ...[intervenes]

ADV BALOYI SC: Sorry, Colonel?

ADV SIKHAKHANE: Sorry, Colonel.

20 **ADV BALOYI SC:** Colonel, before you proceed, in that very first paragraph, under ...[intervenes]

LT-COL DUMA: Yes, Commissioner.

ADV BALOYI SC: Under Crime Intelligence procedures, you say the intelligence operative must brief the commander on the information. Is that the same thing that you referred

to earlier as a written report to the commander? Remember in the ...[intervenes]

LT-COL DUMA: That is correct, Your Worship.

ADV BALOYI SC: Is that correct? Okay, thank you.

LT-COL DUMA: That is correct, Your Worship. I mean, sorry, Commissioner ...[intervenes]

ADV BALOYI SC: Commissioner, thank you.

LT-COL DUMA: Sorry, I am saying, Your Worship. Okay, can I continue?

10 **ADV BALOYI SC**: Yes, you may.

ADV SIKHAKHANE: Sorry, just to ...[intervenes]

LT-COL DUMA: Okay, Commissioner.

ADV SIKHAKHANE: Sorry, Colonel. I think just to follow on what Commissioner Baloyi is indicating. So, the first paragraph, you would say that that does not relate to *Ad hoc* information?

LT-COL DUMA: Yes, that is *Ad hoc*.

ADV SIKHAKHANE: Oh, so *Ad hoc* ought to follow the SOP that it set out?

20 **LT-COL DUMA**: Yes, it is *Ad hoc*. It is *Ad hoc*. It works both *Ad hoc* and on operations that are – if it falls under projects that is being run at the time. This is a process you would follow. For example, if you get information on your operation that there is a container coming with counterfeit goods, that is the process you would follow. Obviously, you

would combine your intelligence with what is usual and then you would follow the process of engaging with ORS. Whether it is *Ad hoc* or it is not *Ad hoc*, you still follow the same.

ADV SIKHAKHANE: Thank you. Please proceed.

LT-COL DUMA: Okay:

10 “The procedure after briefing the
 Brigadier at the Durban Harbour. The
 information is retained by the Section
 Head and only a container number is
 given to the ORS profile unit to request a
 detention from the shipping line. The
 profiler will send an email on an official
 detention form and request that the
 shipping line have the container moved
 to a licenced inspection depot. The
 depot is determined by the shipping lines
 as they have their own depots that are
 contracted to the shipping line. Common
20 depots are Green Africa, Freight Station
 SA, CMC, Grindrod, Intermodal and UCD.
 All shipping lines must comply with the
 request of the police. The various
 scenarios, depending on the nature of
 the intelligence will require different

approaches. One, if a container is suspected to be carrying a rip-off containment of drugs the container can be inspected on the vessel out at sea. If the vessel is within 12 nautical miles, 24 kilometres at sea the police or the Directorate for Crime Investigation may use Section 16.3 of the Police Act to board the vessel and conduct a search and seizure. Containers may also be inspected within the container terminal. This is the operational area within Transnet terminals. This type of inspection requires the assistance of Transnet to track and locate the container. The container is placed for inspection at designated sites, known as claims areas, where there are cameras. Sensitive operations may be conducted within this area. Police may contain any container...”

ADV BALOYI SC: Colonel, sorry. Colonel, what constitutes sensitive operations that you say may be conducted in this area? Maybe let me ask again. What is a sensitive operation for this purpose?

LT-COL DUMA: Sensitive operations most probably will be of counter-narcotics that will refer to sensitive information. And then you get other operations where you will have to look at your counterfeit. But more operations that we think are sensitive are operations that involve drugs or counter-narcotics.

ADV BALOYI SC: And the operation that you say happens in this area, what is that operation? What happens in fact? Let us talk about counter-narcotics. What does a sensitive
10 operation in this area entail? What are the elements of it?

LT-COL DUMA: Basically, in operations that are conducted in this area let us say you are getting information of a container that is coming. Maybe your information says it has counter-narcotics. So, you have two ways of doing it. After requesting a stop or arrest to put a stop you can request the DPCI to be present or you can ask the ORS inspection team to open the container for inspection to confirm what commodities are inside or if there is drugs inside. And if there are drugs, if it is positive, then you
20 summon the DPCI to come to the scene.

ADV BALOYI SC: And is this a secure area for this purpose?

LT-COL DUMA: Yes.

ADV BALOYI SC: Thank you.

ADV SIKHAKHANE: Sorry, just to follow up on what you

just said. You are saying that when the information is positive, you then summon the DPCI.

LT-COL DUMA: The DPCI, yes.

ADV SIKHAKHANE: And what constitutes positive? What is the meaning of positive?

LT-COL DUMA: After opening and conducting inspection and then you identify that, yes, indeed, it does contain drugs. Because there the inspection will be done by the inspection team of ORS who will open the container for you.

10 You are not going to open the container as an operative yourself. You will be there to say, this is a container. I have identified. Obviously, they will call you when it is ready for inspection and then you meet them there and you do inspection with them. You observe what is inside. And when they confirm, yes, it is counter narcotics then they will have to conduct the relevant units, which will include the DPCI.

ADV SIKHAKHANE: Okay, so ORS is the one that contacts the DPCI.

20 **LT-COL DUMA:** Yes, ORS has an inspection team. When after opening a container, then they found drugs, they will contact the DPCI. Or you as a handler, you can also contact the DPCI. Because at some stage, sometimes, if you want to be doing this operation sometimes, we do communicate. Then you say, I have got this information. If

they are available, they will come with to the scene to do inspection. Or they can say, go and check with ORS. If it is positive, call us. It depends on each scenario.

ADV SIKHAKHANE: Apologies. So, you are saying, when you say it depends on each scenario what does the process say? Does it say you can use a discretion?

LT-COL DUMA: As I explained, this is the process that we follow when we deal with containers. There is no written process that we can say, this is the office process that was
10 designed. This is what we must do when we deal with containers. So, a handler can decide, here is the information I am getting of drugs. Do I take DPCI with? Or the container is still at the harbour. It must know it is still at the harbour. If it is still at the harbour, it is under the control of ORS.

There is nothing wrong by using ORS before contacting the DPCI. Because you do not know what you are going to find inside the container. You can use ORS to say here is the container let us do inspection. Do not do all
20 the paperwork of placing a stop and making sure to trace the container and have it placed. And then from there, get inspected. Then if it is positive, the DPCI will then be summoned to come. Because it is their mandate to deal with drugs. But if it is negative, obviously, there is no need of calling the DPCIs. Because there is nothing found

inside.

ADV SIKHAKHANE: Okay, please proceed.

ADV BALOYI SC: Can I just understand? When you say ORS will deal with it if it is still at the harbour, is that the limits of ORS's involvement? As long as it is still at the harbour, or once it is out of the harbour, they can deal with it? Is that what it means?

LT-COL DUMA: They can also do inspections when it is outside the harbour. But what I am trying to say, if they
10 have placed a stop, they will deal with it when it is staying in the harbour?

ADV BALOYI SC: Yes.

LT-COL DUMA: Maybe they will open. Let us say, for example, let us move away from drugs now. Let us say it is counterfeit. They will open. Then they will realise, oh, no, here, it is a possibility that these goods are counterfeit. We need to get brand attorneys to be present. And then we need to do a full unpack.

ADV BALOYI SC: Yes.

20 **LT-COL DUMA:** And then that container will be sealed using a polystyrene. They will seal it. And then it should be taken to the depot, where a date will be set for a full unpack of the container, where the brand attorney can then come and take samples to confirm whether it is counterfeit. Then from there, that is where another part of, another unit

of DPCI comes in, which is commercial crime, which deals with counterfeit.

ADV BALOYI SC: Thank you.

LT-COL DUMA: Then they will be notified to take over that investigation.

ADV SIKHAKHANE: And then in terms of the engagement of the DPCI, at what level is that? Is it just a matter of a phone call, or is there a formal process of engaging DPCI?

LT-COL DUMA: You know, Commissioners, at the
10 operational level, it works differently. It does not work with paper all the time. It works with understanding between units which are working operationally. Some of these things, there is no time to say, now here is a container, now you found counterfeit goods, then you must go to your office and write a letter to request DPCI.

It does not work that way. You pick up the phone, you call. The person that you are speaking to, you will say, okay, speak to my commander. You speak to the commander, you explain. Or you speak to a commander
20 who lies with the commander of DPCI at their level, at their seniority. They will liaise this, you know. But if there is a need for an official letter, which we refer to as SAP21, which is the letter that we write when we request any information or any assistance within the police, that will be drawn up.

But on a normal operational process, there is no time to do letters and all those. That gets attended to at a later stage. It is all about communicating personally. Or maybe go have a meeting, go to the office, set up a meeting, discuss and continue. It works as always. Because at the end of the day, we have to work. As long as we know that we are still within the context of the law, we are not doing anything wrong.

ADV SIKHAKHANE: Perhaps just finish the processes and
10 then I will just ask my questions at the end. I think you were ...[intervenes]

LT-COL DUMA: I think that was - number 2.

ADV SIKHAKHANE: Yes.

LT-COL DUMA: Okay, number 2:

“The police may detain any container for random inspection in terms of the customs, based on profiling or intelligence.”

And number 3:

20 “As soon as the container is placed at a depot, ORS inspection team is appointed to conduct an inspection. In the event of the information is provided by Crime Intelligence, the commander of border security will be informed to be present

before any seals are broken. If there is a dual stop by customs, then they may also be present during the inspection. It is also determined that the commodity was – if it is determined that the commodity was false declaration or under declaration, then customs will take over and do the necessary. Where there is a criminal case, for example, illicit cigarettes, drugs, counterfeit goods or precursor chemicals, the police will usually take control of the commodities. Whenever there is information of drugs, DPCI must be informed in order to take over the crime scene for investigation. Some containers may have already been released by customs and may have already left the port. In this instance, ORS does not have control over those containers. However, the police can still request a detention wherever it may be and conduct an inspection of the container. All depots must comply with the instruction to hold or detain the container until the police have inspected

the container. And if they are satisfied that the container is legitimate, then it may be released on instruction. Customs may detain and inspect containers in terms of the Customs Act and do not require the police unless they have detected drugs. In that instance, DPCI must be called out to conduct an investigation. In the case of drug cases, DPCI will have to command and control. The seizure, packaging and forensic processing is controlled by DPCI. The ORS and customs have their own SOP which they follow. This SOP was designed by the Union Commander in Sea Borders and has all along been followed by Border Security through the years. There is no written SOP document available to provide in this regard at the office as we are guided by intelligence operational processes."

ADV SIKHAKHANE: Thank you. I just want to confirm whether I understand properly. This process you have outlined, you are saying that it is not contained in any document?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: So, ...[intervenes]

LT-COL DUMA: There is no signed document that says this is the process we must follow. But it is like, I will put it this way, I will say we can call it a station order which the office must break it down to guide as to what the members need to do in the ground. This is a process you must follow when you stop the container.

ADV SIKHAKHANE: But surely with the kind of prescripts
10 or what it provides, there must be some authority or way to oversee the process, or someone must take accountability if things are not followed. For example, it used perimeter language. There must be someone who takes into account or who ensures that this process is followed. Who would that be?

LT-COL DUMA: In this instance, it would be a commander to ensure that it is followed.

ADV SIKHAKHANE: So, within Crime Intelligence, this thing that you have set up, this process you have set out,
20 this is what everyone understands about seizures. And what happens if you do not follow it?

LT-COL DUMA: I will say, here we are talking about Durban Harbour only. You mean here we are talking about sea borders. You must know now, border security, as I said, is divided into land and sea. This is how you deal

with containers at the Durban Harbour.

ADV SIKHAKHANE: Okay.

LT-COL DUMA: It cannot apply anywhere else. It only applies how you deal with containers in sea borders. Let us say, could it be near Richards Bay Sea Border or Durban Harbour Sea Border. This is the process you need to follow.

ADV SIKHAKHANE: I am saying that would mean that, let us say, within the harbour or sea, if this process is not followed, who would be accountable to it? Who would hold the member accountable? It would be the commander.

LT-COL DUMA: The commander. Yes, the commander.

ADV SIKHAKHANE: Okay, thank you. Please proceed to paragraph 11.

LT-COL DUMA: Okay, paragraph 11:

“Crime Intelligence does not need to issue documents to request a stop and detention of a container to arrest. It can be done verbally or by sending an email to arrest. However, an essay between one letter of request to place a stop signed by the commander can be submitted to ORS if requested to do so.”

So, basically, in this paragraph, the Crime Intelligence, border security, and ORS, they have been working together

for years, even before I came. They have been operating together. There is operational, how can I put it, like a memorandum of understanding between the two offices because we rely on them when it comes to stopping containers and doing inspections because they have teams to conduct inspections.

So, they also rely on us should we pick up information with contraband or illicit goods or whatever the case may be to provide them with operation, I mean, with
10 intelligence so that they can stop those containers. So, it works both ways. That is what basically I am trying to say here. Can I go on to paragraph 12?

ADV SIKHAKHANE: Sorry, just before you go to paragraph 12. So, as matters operate or for as long as you operated within this space, basically, there is no formal process that is adopted or that is written somewhere.

LT-COL DUMA: No, we do not have.

ADV SIKHAKHANE: And basically, whatever information that you have, no matter how you gather it, you can simply
20 approach a depot or a transporter and inspect a container.

LT-COL DUMA: No, I think we were dealing with the processes in the harbour. So, a container that is coming through the port, this is a process that you use to stop that container. That is coming to the port. If you pick up information after the fact, the container has already been -

went through the port and released to go to a depot, it is not in the control of ORS anymore.

It is in a depot where you now as a person that is getting information, you have to liaise with that depot. Should have been a gearing and forwarding was dealing with that container. You contact them. You should contact them to say you have interest in that container being inspected. You want to put a stop on it. Then they will tell you what they will need. If they say they are fine, okay, you
10 can come and inspect it at this time, and then you agree, and then your team is arranged, and you call the inspect.

It is up to them. They can also request something in writing. If they will say they want something in writing, then you must produce something in writing as an operative. Then give it to them which, yes. But normally, I have never come to a depot that will refuse when the police want to do inspection because the quicker inspection is done and the commodity is released, it is good for them. Otherwise, their buying clients, start complaining. So, we have never come
20 across when I was there. I have never come across where the depot will refuse.

ADV BALOYI SC: Can you just explain this part, which I thought I understood, but now I am confused by what you have just said. In where you set out the procedure, in paragraph 3 of that procedure, you say, as soon as the

container is placed at a depot, ORS inspection team is appointed to conduct an inspection. You see where I am reading?

LT-COL DUMA: Yes, I see.

ADV BALOYI SC: Okay, and then in paragraph 5, the first sentence, it says:

10 “Some containers may already have been
released and may have already left the
port. In this instance, ORS does not
have control over those containers.”

Can you just reconcile? And I am asking from a place of ignorance because I do not know much about ports, harbours, and depots. But it seems, and from that place of ignorance, it looks like there is a contradiction. Can you just explain how 3 works with 5, with the first sentence in 5?

LT-COL DUMA: Okay, Commissioners, 3 will be issued if you go back to where we started, where I said procedurally briefing the Brigadier, those containers falls under where a
20 profiler has sent an email on official detention form and requested the shipping line have the container moved to a licenced inspection depot. The depot is determined by shipping lines, and they have their own depot that are conducted.

And I mentioned them there, which is Green Africa,

Freight Station SA, CMC, Grindrod, and some other. All shipping lines must comply with the request of the police. So, number 3, I mean, yes, number 3, as soon as the container is placed, those are the containers that are placed, that are stopped by ORS. They get stopped, then from there they move to these depots, and then as soon as they are placed at those depots for inspection, then ORS will go and inspect them.

Whereas in paragraph 5, here we are talking about
 10 a container that has already been released, that there was no stop on it, and it was released. It comes, it gets cleared by customs, not stopped by ORS, cleared by customs, and then it goes to a depot elsewhere. Number 5, those are the containers that we are talking about where ORS has no control, it is already left.

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

ADV SIKHAKHANE: Thank you. So, I just want to ask you to go to the process, I think in the big file that you would have obtained, the last file, which is, it is not labelled.
 20 Commissioners, can I just request that you go to that file? I apologise. It is the big one, it is not labelled. Oh, is it this one?

LT-COL DUMA: Yes, I have got it in front of me.

ADV SIKHAKHANE: Page 286.

CHAIRPERSON: 286?

ADV SIKHAKHANE: Yes, we are going to deal with the formalities and label it properly in the exhibit, so it is going to form part of the exhibit file or bundle rather. This document, would it have been applicable to the operations at the time in June 2021?

LT-COL DUMA: Can I just have a look at it please?

ADV SIKHAKHANE: No, I am saying this document, would it apply to you in June 2021 and ORS, and border policing rather?

10 **CHAIRPERSON:** I see at the top, Mr Sikhakhane, it says confidential, it will not get onto stuff that we need not deal with publicly. I have no idea I am seeing this for the first time.

ADV SIKHAKHANE: Yes, apologies, I think I conflated myself. So, the reason it is separate, it is going to form part of the confidential exhibit bundle, so that it does not have to be released to the public. Otherwise, I am in big trouble.

LT-COL DUMA: Commissioners.

20 **CHAIRPERSON:** Exactly on the basis of what you have just said, must the content be aired publicly? I have no idea, you have not asked your question that goes to the content.

ADV SIKHAKHANE: They have declassified it.

CHAIRPERSON: Am I pre-empting that?

CHAIRPERSON: They have declassified it for this purpose, but I understand your concern, but I had cleared it with the - but they just said we should not otherwise publicly deal with it or hand it out. I see your concern where it comes from.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: Perhaps, like, let me, let me ...[intervenes]

CHAIRPERSON: But as I say, I have not engaged with the
10 content, I am seeing the document now. Obviously, you have engaged with the document.

ADV SIKHAKHANE: Yes, yes.

CHAIRPERSON: You are better placed to decide whether or not it is something that should be aired publicly, and your leader is right next to you.

LT-COL DUMA: Commissioners, I do not know if I am audible?

CHAIRPERSON: Yes, yes, yes, Colonel.

LT-COL DUMA: Yes, Commissioners, this document that I
20 see, it is visible policing and operations border police, so for us, especially I as myself, I have no insight of this document, I have never seen it. So, this will be – while I had spoken about earlier ORS police have their own SOP, I am sure this is the one of their SOP that they have. We, if I read it here, it is recommended and approved by the section

head, Durban Harbour Policing, which is the uniform, which was in March, it was approved 2021-03-18.

So, I have no insight of this document, I have never seen it. And I do not know what it contains inside. In fact, before I came here, I did, after consulting with your advocates, I did make contact with, via the sea border commander to access this document to see what is in this document, and I did not receive any response up until I see it here. So, it is not Crime Intelligence, it is not a Crime
10 Intelligence document, it is a visible policing document. So, I do not know much what is inside.

CHAIRPERSON: Just a minute, Colonel. I guess Mr Sikhakhane, the answer lies in exactly what the Colonel has just said, which is that he does not know the document, so perhaps we need not engage him on it, or not?

ADV SIKHAKHANE: Can I just ...[intervenes]

CHAIRPERSON: Someone else perhaps who has insights into the content should deal with it.

ADV SIKHAKHANE: Sorry, apologies.

20 **CHAIRPERSON**: Yes, yes.

ADV SIKHAKHANE: So, perhaps what I wanted to check, whether in terms of the processes that are run, in terms of this document, he is aware of those processes, and then we take it from there. Because he says he is never seen the document.

CHAIRPERSON: Yes, yes, yes.

ADV SIKHAKHANE: And it was never actually ...[intervenes]

CHAIRPERSON: It is exactly on that basis that I am saying, perhaps it would not serve much purpose for us to engage him on it, if he basically knows nothing about it.

ADV SIKHAKHANE: Okay.

CHAIRPERSON: I am not sure that your leader agrees.

ADV SIKHAKHANE: I will just leave it at - I will not say we
10 disagree, Chairperson. I will leave it at that, it is fine,
Chair. That is, it, it leaves us ...[intervenes]

CHAIRPERSON: Thank you. Or perhaps we may park this for some later stage, and if you want to engage us further, you may do so. Thank you.

ADV SIKHAKHANE: Thank you. Let me just then proceed to your paragraph 12.

LT-COL DUMA: Yes, Commissioners, we will move to paragraph 12. Okay:

20 "In 2021-06-21, I was holding the rank of
a Captain working at Security Intelligence
in Border Security Durban. During the
performance of my duties, I gained
intelligence about consignment of drugs
in one of the depots. I telephonically
contacted the depot as cargo handling

supply chain, CHC container, private depot, 14 Avenue E, Prospecton in Durban South. I informed the manager that I had received the permission from the transporter and the clearing and forwarding agents to have container number BEAU5955535, placed for inspection, and to be inspected by the members of the SAPS on 2026-06-22. As
 10 it was a container of interest with intention to verify the commodity that was inside the container. The container was secured by the depot manager of our assembly and operational team.”

ADV SIKHAKHANE: Thank you. We can just deal with some questions at this point. You said you gathered the intelligence.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Can you just explain, obviously,
 20 earlier on we dealt with the manner of receiving intelligence.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: When do you get this information? Was it from an informer?

LT-COL DUMA: Do you mean when the dates are received

it?

ADV SIKHAKHANE: Date and how?

LT-COL DUMA: Okay, we deal with sources that we handle and I - the proper information was received on the 21st of June telephonically.

ADV SIKHAKHANE: So, you received information telephonically?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Okay, and did you ...[intervenes]

10 **LT-COL DUMA:** I will say I gathered it. I think we had this engagement, Advocate, when we consulted where I told you and the evidence leader about the risks and the danger that comes with people who provide information and I highlighted to you as to why I had written that paragraph like that and the evidence leader agreed. We all agreed on protecting the original list of information as it may have repercussions when we disclose our source of information.

20 So, I do not know why we stand on that because we did speak about it and I raised my concern with regarding to information handling and the danger that comes with it. And the developments that we have seen in this matter where people have lost their lives even some of the witnesses have lost their lives who have come in and testified. So, I made it clear why I provided information. I wrote it in that way to avoid the question that will follow that

you are going to ask me as to where the information came from. Who was the informant? That is the reason why I wrote it that way to protect. So, I will ask maybe the Commissioners to take note of that.

CHAIRPERSON: Should we not move on to the next question Mr Sikhakhane? Thank you. Thank you.

ADV SIKHAKHANE: So, you obtained this information on the 21st of June. And then you move on to say you then received permission from the transporter.

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

ADV SIKHAKHANE: And you would have contacted the transporter obviously.

LT-COL DUMA: Yes, yes.

ADV SIKHAKHANE: And who ...[intervenes]

LT-COL DUMA: Maybe let me try and explain exactly what happened just to put the Commission in a clear picture. This matter happened some time ago. I do not have details of transporter of glaring forward. I do not have a name as to who exactly I spoke to. But basically, after gathering
20 information and getting a container number, the first thing when you get a container number you need to contact ORS to try and trace where the container is exactly.

Who is the transporter? Where is it transported to and who is the transporter? And who is the clearing forwarding agent? Yes, I knew it was information says that

is at the depot, the specified depot. But it is important that I speak to someone to have a permission for the container to be inspected. So basically, I spoke to the transporter and I spoke to the clearing forwarding agent person and they referred me to the depot manager.

And then I contacted the depot manager. I spoke to her. I did not divulge much about what we are suspecting is inside the container. I just mentioned that it is a container of interest. We just want to check the
10 commodity. I did that to protect the information so that it does not leak that, you know, we lose the consignment. So that is basically how I came about communicating with this information.

ADV SIKHAKHANE: So, am I understanding you correctly that you, because of the passage of time, you do not have the name of the transporter?

LT-COL DUMA: No, I do not have. I do not have. But I am sure, maybe probably, if DPCI made an investigation on the enquiry, maybe they will have the details. But I do not
20 have the details.

ADV SIKHAKHANE: Can I just take you to the exhibit file? There are two files. There is the second one that starts, that says that to 642. Just ask one of the attorneys to assist you.

ADV KHUMALO SC: Page?

ADV SIKHAKHANE: 642.

LT-COL DUMA: Yes, Commissioner's Advocate, I got it in front of me.

ADV SIKHAKHANE: Okay, do you recognise the name Aleta Moschini?

LT-COL DUMA: Eish, not really, no. I do not.

ADV SIKHAKHANE: Because that would have been the owner of the goods that were transported. From Ivan's, if you look at paragraph 2 of that affidavit.

10 **LT-COL DUMA:** Let me just read through. You know, Commissioners, I do not want to say something that I do not know this name. It is possible that I spoke to, but I cannot really tell, because I do not have those records. And it has been quite a while. Unless if you say ...[intervenes]

CHAIRPERSON: Colonel, so, the detail you remember is the container number.

LT-COL DUMA: I remember the container number. I know the manager at the depot that I spoke to. But the transporter and the clearing and forwarding, eish, I cannot
20 remember their details. But I know I spoke to them.

CHAIRPERSON: Okay, yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you. On the telephone call, who did you speak to when you are saying you do not know?

LT-COL DUMA: From where? From the transporter?

ADV SIKHAKHANE: Yes, from the transporter to get permission.

LT-COL DUMA: That is what I am saying, Commissioners. I do not remember.

ADV SIKHAKHANE: Okay, if you go to that ...[intervenes]

LT-COL DUMA: If I remember, I would have put that in my statement. I do not remember. I remember I spoke to someone doing transport, and I spoke to someone. He referred me to the clearing forwarding, and the clearing forwarding then referred me to the manager at the depot. Then I contacted the manager and spoke to him.

ADV SIKHAKHANE: Okay, if you go to the very same affidavit at paragraph 6, I will give you just an opportunity to go through that paragraph.

LT-COL DUMA: Paragraph 6, yes. Okay, can I just have a look quickly?

ADV SIKHAKHANE: Yes, yes.

ADV KHUMALO SC: Mr Sikhakhane, while he is reading paragraph 6, with some of the names, maybe he can just confirm that that is the name. I understood the witness's concern to be that he does not want to mention people's names publicly because it might expose them to risk. So, if he looks at a document and the name is written there, I would be happy if he just says, yes, that is the name I spoke to. I do not know that it is necessary that it be said

publicly.

ADV SIKHAKHANE: Oh, I thought I had asked that question, whether he recognises the name, and he says he does not recall, unless it is a separate ...[intervenes]

ADV KHUMALO SC: No, no, going forward, it would be the same principle.

ADV SIKHAKHANE: Oh, okay, okay. But, say, for the companies, obviously. All right.

LT-COL DUMA: I have read through the document,
10 Commissioner.

ADV SIKHAKHANE: So, you have read paragraph 6?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: And is that the company you spoke to? That is Megafreight?

LT-COL DUMA: Do I mention in my statement?

ADV SIKHAKHANE: No, you did not.

LT-COL DUMA: Yes, let me look at something else.

ADV SIKHAKHANE: So, you did not recall it?

LT-COL DUMA: No, I do not recall them in here.

20 **ADV SIKHAKHANE:** You cannot look at – can you turn to page 611.1 on the same file?

CHAIRPERSON: 611?

ADV SIKHAKHANE: Yes, point 1. 611, if you turn back.

LT-COL DUMA: 611, okay. Yes, I can see it is in front of me.

ADV SIKHAKHANE: Yes, you would see, if you go down at the square at the bottom, you will see a list of containers.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: And I think it is container, the second container.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: That is the container that is subject, or at least you had the information of.

LT-COL DUMA: Yes.

10 **ADV SIKHAKHANE:** And you would agree that it would be from, this is from Megafreight, this is the company that would have been responsible for that container.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: And ...[intervenes]

CHAIRPERSON: Are you referring to where there is a yellow highlight, Mr Sikhakhane?

ADV SIKHAKHANE: No, below the green one. Apologies, it is BEAU5955535.

CHAIRPERSON: Oh, I see, where there is a little green on
20 the side.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: All right, thank you, thank you.

ADV SIKHAKHANE: So, you confirm that?

LT-COL DUMA: Yes, it is their agency's record, yes.

ADV SIKHAKHANE: And just to double check, did they

inform you about any detention on that container?

LT-COL DUMA: No, not that I know of, except that I believe there is an email that came after, on the 23rd, it was after the fact, and it showed that it had SARS detention.

ADV SIKHAKHANE: No, no, that is a different one, but that is the only one you know of SARS.

LT-COL DUMA: So, I do not get you now, can you repeat?

ADV SIKHAKHANE: The one that you saw would have been after the fact on the 23rd?

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

ADV SIKHAKHANE: Okay, and how did you learn of that?

LT-COL DUMA: There is an email that came to me requesting a, it was requesting counter-narcotics to come, but apparently, I believe DPCI went that very same day in the container to continue with the inspection.

ADV SIKHAKHANE: Okay, if then, can you just go to page 595, I will move off that.

LT-COL DUMA: 595?

ADV SIKHAKHANE: Yes, that is an affidavit from
20 ...[indistinct]

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Can you just perhaps read it for yourself, on the process that should have been followed? I will give you just a minute to go through it.

LT-COL DUMA: Okay, do you want me to read it aloud or

read it for myself?

ADV SIKHAKHANE: No, no, to yourself. Can we continue, are you still busy?

LT-COL DUMA: I am still reading, but okay, now you can continue.

ADV SIKHAKHANE: Okay, so the last paragraph in particular, perhaps I can read it to the record, so he says:

10 “In this matter I was not informed of the
 container inspection on the 22nd day of
 June 2021, the day the drugs were
 seized at CHC container depot. I only
 received the instruction to attend
 inspection on the 23rd.”

LT-COL DUMA: Yes.

ADV SIKHAKHANE: So, you agree that you would not have interacted with him on this inspection?

20 **LT-COL DUMA:** No, no, I do not even know who he is, but
 I believe if I had interacted with the depot on the 21st, I am
 sure they would have interacted with him to say the police
 would be coming on the 22nd to do inspection. So maybe it
 would be a fault from the depot or the people I spoke to.
 Yes, but I do not know, his processes that must be followed,
 I do not know them.

 So that is the process that he follows. You know,
 as I said, each person has his own procedure that he

follows. From what I can see here, this is what the standard operation procedure that he follows, which I would have no knowledge of. If the depot was aware of the inspection being conducted on the 22nd, you would have expected that, you would have got a message saying the police would be here to inspect.

ADV SIKHAKHANE: Okay, so, you say, just to confirm that you have never interacted on this seizure with him?

LT-COL DUMA: No.

10 **ADV SIKHAKHANE**: All right.

LT-COL DUMA: As I have mentioned, Commissioners, I do not have details of the two people I interacted with. I cannot really say this is the person I want to call names of people that I am not sure that I spoke to them, or it is what it is.

ADV BALOYI SC: Can I just ask, who must be present when now the container is going to be open? I had earlier understood that ORS has to be there. In fact, you say in paragraph 3:

20 “In the event the information is provided
by Crime Intelligence, the commander of
border security will be informed to be
present before any cells are broken.”

So according to this paragraph 3, the border security commander should have been there when the seal was

broken, according to this paragraph 3.

LT-COL DUMA: Basically, Commissioner, let me just go through so that I can answer you correctly. We are afraid there is a container that has stopped at the harbour. Because if you look at it, you said paragraph 3.

ADV BALOYI SC: Yes.

LT-COL DUMA: I have mixed up my documents.

ADV BALOYI SC: Yes, it is paragraph 3 where you have set out the procedure. So, remember you start off by, the
10 first thing is Crime Intelligence procedures.

LT-COL DUMA: Yes.

ADV BALOYI SC: And then you tell us that the operative will report to his commander, must brief the commander.

LT-COL DUMA: Yes.

ADV BALOYI SC: And then the commander will brief the section head of visible policing and operations, right? You say that?

LT-COL DUMA: Yes.

ADV BALOYI SC: Yes. Operational responsibilities in
20 border police.

LT-COL DUMA: Yes.

ADV BALOYI SC: And then paragraph 3, I know we discussed the first part of it. As soon as the container is placed at the depot, you say this would apply only if it is the ORS that put a stop on the container.

LT-COL DUMA: Yes.

ADV BALOYI SC: But then there is where it says:

“In the event of information provided by
Crime Intelligence, the commander of
border security will be informed to be
present before any cells are broken.”

LT-COL DUMA: Yes.

ADV BALOYI SC: Does that apply, this part that I have
just read now, does that apply to cargo that was not
10 stopped by ORS?

LT-COL DUMA: This procedure I have just explained, the
Commission I did, it deals with the cargo that is detained by
ORS, which is in the harbour, and which get moved to
container.

ADV BALOYI SC: Okay.

LT-COL DUMA: Then when you go there to five, let us say
some have already been released.

ADV BALOYI SC: Yes.

LT-COL DUMA: They may have already left the port. So,
20 the one that you are referring to here is retained, is
released, is no more at the port. Where now, you as a
member now, you are responsible to trace the container, the
order box, and conduct inspection. The commander, yes,
can be there.

ADV BALOYI SC: Yes.

LT-COL DUMA: But those processes are specifically for Durban Harbour, containers that are coming through the harbour. This is a process you need to follow. Sometimes you will find that the container has moved from Durban Harbour, for example, to Cato Ridge. There is a place called Cato Ridge towards Pietermaritzburg. There, it is outside the harbour now.

ADV BALOYI SC: Okay.

LT-COL DUMA: So, you cannot follow the same process of
10 conducting ORS, because it is not under their jurisdiction. It is outside the harbour. You now, as a member, have to liaise with the depots and have those containers inspected.

ADV BALOYI SC: Okay, then let me go back.

LT-COL DUMA: So, in this instance, this one was no more at Durban Harbour. It had already moved to a depot.

ADV BALOYI SC: Okay.

LT-COL DUMA: And there were no police stop, if I am not mistaken.

ADV BALOYI SC: Okay. Then let me go back to my
20 question. When, in the case such as yours, the 21 June operation, when the seal is broken, you have provided the intelligence. You are at the scene.

LT-COL DUMA: Yes.

ADV BALOYI SC: Who is supposed to be there when the seal is broken? As a matter of, whether it is a written or

just the way you operate, as a matter of operating conduct?

LT-COL DUMA: In some instances, you will find that some representatives of that commodity will be there. I have seen that when ORS is conducting those inspections, maybe I am there observing. You will find that they will have, okay, let us put it this way. The container stopped at the depot. Maybe they opened it at the depot, I mean, at the harbour, and then they realised, no, we need to do full unpack, and they sealed it. Then from there, after it has
10 been resealed, then the owners of that container, the clearing whoever is a representative, will be there when it is broken. All the managers of the depot will be there. Then the police will be there, which is the ORS will be there.

ADV BALOYI SC: And in this case of the cargo on the 21st, was ORS there when the seal was broken?

LT-COL DUMA: I know there were ORS members that were there.

ADV BALOYI SC: Yes, we know from other, sorry, we know from other evidence. Sorry, Colonel. We know from
20 other evidence that ORS members, I think, if I am not mistaken, were asked to give a lift to take these drugs to Amanzimtoti Police Station. I think they were ORS, if I am not mistaken. I am asking a different question. When the seal was broken, was ORS present to observe the breaking of the seal?

LT-COL DUMA: If I am not mistaken, yes, they were there, Commissioner.

ADV BALOYI SC: Okay. Is that not something that you would have recorded in your report? Because we do see from your procedure that at the end, you must also submit a report to your commander about this operation. Is that not typically information that you would include in your report?

LT-COL DUMA: I am sure I would have mentioned something.

10 **ADV BALOYI SC:** Okay, if we had a copy of your report, and maybe Mr Sikhakhane will take us there, if we have a copy of your report, we would expect to find that kind of information in the report?

LT-COL DUMA: Yes, Commissioners.

ADV BALOYI SC: All right, thank you. Thank you, Mr Sikhakhane.

ADV SIKHAKHANE: Commissioners, I think can we adjourn for lunch? I think I want to perhaps clarify some issues with yourself.

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

ADV SIKHAKHANE: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Sikhakane.

ADV SIKHAKANE: Thank you, Chair. Good afternoon,

Colonel.

LT-COL DUMA: Good afternoon, Advocate.

ADV SIKHAKHANE: Yes, I will try that we move as quickly as possible.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Just, I just need a few things regarding the processes applicable, that are applicable.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Just on your understanding, at which
10 point if a container is travelling, obviously, or it lands, at which point is it cleared? At what point do we consider it cleared?

LT-COL DUMA: I would say when it is cleared by customs.

ADV SIKHAKHANE: By customs.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: And before that, who would, what would be the process that is applicable when it comes to dealing with inspections of that cargo?

LT-COL DUMA: It depends now ...[intervenes].

20 **ADV SIKHAKHANE:** Is it not the, so, between the process you outlined at paragraph 10 and 11, which one would be applicable?

LT-COL DUMA: Okay, let me go back and have a look. Paragraph 10 and 11.

ADV SIKHAKHANE: Yes, which one would be? I think the

debate you had of the statement, apologies, I think your debate with Commissioner Baloyi was around, I think you were saying paragraph 11 would apply when it is cleared, if I am not mistaken.

LT-COL DUMA: [Indistinct]... paragraph 11, so ...[intervenes].

ADV SIKHAKHANE: Of your statement.

LT-COL DUMA: Are you sure it is paragraph 11?

ADV SIKHAKHANE: So, okay, maybe let me ask you, is
10 paragraph 10 and 11 applicable to the same scenarios?

LT-COL DUMA: Paragraph 10 talk about border security is responsible for ...[indistinct] intelligence. And maybe you mean, because the Commissioner ...[intervenes].

ADV BALOYI SC: Maybe if I can try and assist.

LT-COL DUMA: Yes.

ADV BALOYI SC: Mr Sikhakhane, it was 3 and 5 of paragraph 10.

ADV SIKHAKHANE: Yes, but it follows from paragraph 10. I think I was just dealing with the process that he outlined
20 at paragraph 10 ...[intervenes].

ADV BALOYI SC: Okay.

ADV SIKHAKHANE: And the one he distinguishes at paragraph 11.

ADV BALOYI SC: Okay.

ADV SIKHAKHANE: So I wanted to know which one is

applicable in this scenario.

LT-COL DUMA: In this scenario of this container? In this scenario of this container, you would follow 5. Some containers may have already been released by custom and have already left the port. So in this instance, this one had already left the port. Although there was a SARS stop on it, but it already left the port. That is why we could not use ORS to place a stop, because it has already left the port.

ADV SIKHAKHANE: No, but is it, at that point it is not
10 cleared. It is not the responsibility, it is still part of the port, according to the processes.

LT-COL DUMA: I will say in customs, but in us now, for example, if you want to stop the container, we will ask ORS to put a stop before the container lands in the harbour or when it is in the harbour. But in this case, it has already left the port. If ORS had placed a stop and then the shipping lines agreed that they move it to that depot for them to continue the inspection, they would have continued as so. But if there was no stop placed by ORS you know, it
20 is a different story. Custom operates in their own way. They have their own SOP's that is, I do not know what is their SOP's, but they have their own SOP's. But as far as I know, the only time you say the container is cleared is when it is cleared by customs.

ADV SIKHAKHANE: Okay.

LT-COL DUMA: Although it is cleared by customs, but you can still place a stop as a police official if you believe that it is, there is, it has been used in a commission of an offence, you can still place a stop wherever it is.

ADV SIKHAKHANE: So which one is it, is this one, so this one was not cleared as yet at the time that you, on the 22nd?

LT-COL DUMA: I cannot say it was cleared, but it had already left the port, because Isipingo is outside the Durban
10 hub, so it had already left the port. I cannot be in the position to say it was cleared by customs. That is a process that you ask me to say the first stage is the container cleared, then I said if it is cleared by customs.

ADV BALOYI SC: Sorry, can I ...[intervenes].

LT-COL DUMA: Sorry.

ADV BALOYI SC: Can I just understand. We looked earlier at page 611.1, which contains a detain for State Vet document and that document, in my understanding, is part of a stop ordered by SARS or by the vet. So does that not,
20 if SARS has got that kind of authority, surely it must mean that the container has not been cleared yet by customs. I mean, you have got at 611.1 a document. Firstly, it is date, time to SARS, somewhere up there, 2021-06-14. And then date, time from SARS, 21-06-14. And then next to it, it has a note that says "Detain for State Vet". That is on the 14th

of June. And we are talking about a shipment that lands only on the 21st. In fact, in the next block of that page, there is where it talks about final BOE date. I do not know what BOE stands for, but the date is the 21st, and we know this shipment arrived on the 21-06, or rather 2021, no, sorry, let me read this properly. Estimated date of arrival, sorry, on the third block, it is 2021-06-17. Then that is when this shipment is estimated to arrive.

But already on the 14th of June, there is a stop, a
10 detention notice for State Vet. So from how I have understood an explanation from the previous witness, these things are flagged while it is still out there, and that is how this notice gets to be issued. So by the time it lands, it is been identified for detention. And if detention is by a State Agency, such as the SARS, according to this document, then I do not understand, unless I miss something in your explanation, how this is then considered to have cleared customs on the 21st when it is sitting at CHC.

Can you just hold on? Sorry, hold on, Colonel. Ja,
20 hold on. So there is another document, in fact, at page 623 of that same bundle, and it lists containers, and one of them is your container, and it has a date. I think this was discussed with you on 23-06-2021. It is a SARS document, and your container is one of the listed containers for detention, notice of detention. It surely must still be within

the control of SARS, or reachable to SARS, that SARS is able to issue this notice, even if it is issued on the 23rd, if this date is correct. So how can this container be cleared already on the 21st if SARS on the 23rd issues a notice of detention on it? It suggests that it is still under the control of customs.

LT-COL DUMA: Yes, Commissioner. I fully agree with you, and I understand.

ADV BALOYI SC: Yes.

- 10 **LT-COL DUMA**: If we go back to the procedures, you must remember I was explaining our own design procedure that we follow. And if you go to procedure after briefing the Brigadier, there is that process that we follow, which means when there is a stop on the container before it arrives, it will be moved to various depots, and I have mentioned a few. So depending on the shipping line that they are dealing with, then it will move to a depot. So these are the processes that I was explaining.

- 20 But when it comes to communication between us and customs, customs does not divulge most of their operations. You can provide them information, but they will not tell you anything. They keep it to themselves. So the processes I was explaining was that when it leaves the ports, we can stop the container as us, as SAPS. We can request a stop. So on this one, pardon me if I am mistaken,

I do not remember saying this one was cleared by customs.

ADV BALOYI SC: Well, I think ...[intervenes].

LT-COL DUMA: Even ...[intervenes].

ADV BALOYI SC: Ja, I think you did, Colonel, when I asked why it is that ORS was not involved with this.

LT-COL DUMA: Ja.

ADV BALOYI SC: And your answer was that it is because it had already been cleared and evidence that it has already been cleared is it is sitting in a depot and that means that it
10 has already gone past customs. And if it has gone past customs, then ORS does not have jurisdiction over it or does not have powers over it.

LT-COL DUMA: No, I remember. It was point number 5 where I say some containers may have already been released by customs.

ADV BALOYI SC: Yes.

LT-COL DUMA: Commissioner, I wanted to put in records that if you remember earlier when I gave evidence, then I said I received a notice on the 23rd after the effect. So
20 when I requested a stop, I did not get any notification that SARS was involved in this container.

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

LT-COL DUMA: Ja.

ADV BALOYI SC: Okay ...[intervenes].

LT-COL DUMA: And, ja.

ADV BALOYI SC: No, sorry, carry on, finish off what you were going to say.

LT-COL DUMA: Ja, and as I said, normally SARS conduct their own operations in terms of their customs acts. So they are not obliged to communicate with Crime Intelligence or anyone else unless they pick up something that requires the police, then may on their inspection, they will then say, oh, we found drugs here. Okay, call the Narcotics Squad to come in and continue. I think it is there when we explained
10 at the earlier stage ...[intervenes].

ADV BALOYI SC: Ja.

LT-COL DUMA: How DPCI gets involved, customs and DPCI on the SOP's. So in this matter, if I say that it was released by customs, I would like to withdraw that statement and say that I was not aware that it was stopped up until the 23rd when I received an email, but it was already after the operation has been conducted.

ADV BALOYI SC: Okay.

LT-COL DUMA: So what I was explaining at paragraph 5 is
20 just the process that when it has left, this is what we can do as SCI, we can request to the depots to have them stopped.

ADV BALOYI SC: Okay. All right, so just to be clear.

LT-COL DUMA: Yes.

ADV BALOYI SC: Do we, are we on the same page or in agreement that if it was still under the authority of SARS to

be able to give the detention order, then it has not cleared customs yet. Can we agree on that?

LT-COL DUMA: That is correct, Commissioner.

ADV BALOYI SC: Okay. And then lastly, the depot, the CHC depot, on a quick read of the standard operating procedure of the ORS, in fact, under responsibilities, it includes areas of responsibilities. It includes CHC depot by name, that the ORS has responsibility over CHC depot, Isipingo, Prospecton. Are you aware of that, that kind of
10 prescript? And I am asking because of your earlier evidence that once it is in the depot, the ORS does not have any authority, which is, I think, what you also say in your description of the procedure. But the ...[intervenes].

LT-COL DUMA: [Indistinct]... [cross-talking].

ADV BALOYI SC: The SOP of the ORS includes, specifies, CHC depot, Isipingo as an area of responsibility for the ORS. Are you aware of that?

LT-COL DUMA: No, I am not, Commissioner. I am not aware. I have not gone through the SOP and I requested it
20 before when I was still busy with a statement. On my first consultation ...[intervenes].

ADV BALOYI SC: Yes.

LT-COL DUMA: These are some of the things that were raised by Evidence Leader and the Advocate to say I must go get, but unfortunately, I could not lay my hand on it. So

I wrote my statement without having laid my hand to read through to see what is it that, you know.

ADV BALOYI SC: Ja. Okay, then ...[intervenes].

LT-COL DUMA: That they have in that SOP, yes.

ADV BALOYI SC: Okay, allowing for, you may not have been aware of this, but let us just go back.

LT-COL DUMA: Yes.

ADV BALOYI SC: The procedure that you have described, we have established that the consignment was still within
10 the reach or authority of the SARS because it had not been cleared. So it had not cleared custom, that is one. And then two ...[intervenes].

LT-COL DUMA: Yes.

ADV BALOYI SC: As I have just put to you, that the standard operating procedure says the responsibilities of ORS includes the CHC depot. Knowing that now, are you willing to accept, now that you know all of this, right, are you willing to accept that ...[intervenes].

LT-COL DUMA: Yes.

20 **ADV BALOYI SC:** In fact, ORS should have been notified according to the procedure that you have described here. They should have been there when the seal was broken, according to your procedure.

LT-COL DUMA: I confirm, yes.

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

Sikhakhane.

ADV SIKHAKHANE: Thank you, Commissioner. And you say that you only became aware, so when on the 23rd, that is, and is there any particular reason or what did you do once you knew on the 23rd that the container had been detained by SARS?

LT-COL DUMA: No, then the matter was under DPCI's hands. They were the ones busy with it at the time.

ADV SIKHAKHANE: Okay.

10 **LT-COL DUMA:** It was, after the container was opened, from breaking the seal, I introduced the DPCI, went to a place and pointed it out and met with the manager. Then from there, whatever happened from there, it was in the hands of DPCI to continue with it. So it was out of my hands by then.

ADV BALOYI SC: Colonel, can I just ask this question and I should have asked you much earlier. In the procedure that you have described in your statement, where you inform your Commander and then your Commander will then
20 brief the Section Head of Visible Policing at ORS, what is the purpose of that briefing to ORS? What practical purpose does it serve? This is, remember your procedure is you have received intelligence that there is this consignment ...[intervenes].

LT-COL DUMA: Yes.

ADV BALOYI SC: That is coming and then you inform, you brief your superior and your superior then speaks to ORS. So I am asking about that leg, what is the purpose?

LT-COL DUMA: The purpose, Commissioner, is that the Port Commander who is in charge, he needs to know about operations that are taking place. He is responsible for the port. So whatever information that we want to ...[indistinct] at the hub, it has to go via him. It is a protocol that we follow that it has to go via the Commander.

10 **ADV BALOYI SC:** So would that briefing then to ORS at that stage also include the detail of what is going to happen, in this case, on the day of the operation?

LT-COL DUMA: Yes, it will, you will provide the container number that you have to say this is a container that you have. You suspect it being used in smuggling whatever commodity it is and then you request it to be detained and placed for inspection and ja, you would probably explain the reason why you want to have it stored.

ADV BALOYI SC: Okay, thank you.

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

ADV SIKHAKHANE: Thank you. I think, just in the interest of time, I will just move forward to paragraph, I think of your statement, Colonel, it would be paragraph 13.

LT-COL DUMA: 30?

ADV SIKHAKHANE: 13, one three. Can you just read that

to the record?

LT-COL DUMA: Okay. Paragraph 13, that is one three, ja?

ADV SIKHAKHANE: Yes.

CHAIRPERSON: And continue until you are interrupted.

LT-COL DUMA: Okay. Well, one three, if you remember in our consultation, that is where you said I need to explain the clearing and forwarding and all those things. So that is where I was explaining what, if you are talking about
10 clearing and forwarding, what you are talking about.

“So the clearing and forwarding agent is hired by the importer of the commodities to act as an intermediary, bridging the gaps between themselves, shipping lines, and custom authorities of South African Railway Services. They prepare and submit all necessary documentation, commercial invoices, packaging lists, permits, and make
20 legal customs declaration. They book cargo space on ships or planes, organizing warehousing and hiring trucks to deliver goods to the importer's warehouse.”

And paragraph 14:

“The importer is an individual or business or entity that brings or buy foreign products in bulk in foreign countries into their domestic or local markets to trade, use or sell. Shipping lines owns and operate transport such as cargo, ships, or airplanes. In global trade, they operate vessels and transport large-scale cargo.”

10 I am not sure, I think there is a mix-up somewhere here. Oh, okay, no, no. There is, I am done by the importer. And after the full stop, it is shipping lines.

“Shipping lines owns and operate transport such as cargo, ships, or airplanes. In global trade, they operate vessels and transport large-scale cargo and containers between ports, for example ...”

I just gave the name of one shipping line and many
20 others.

ADV SIKHAKHANE: Proceed.

LT-COL DUMA: Okay, paragraph 15.

“On the 2026-06-22, I contacted Colonel Jacob, who was a Unit Commander of ...[indistinct] Unit, and

Warrant Officer ...[indistinct] from Directorate for Priority Crime Investigation, DPCI, Durban, and provided the intelligence that I had gathered and requested their assistance to conduct an inspection of the commodity on one of the containers that was suspected of being used to smuggle 27 kilograms of Cocaine at CHC Container, Durban, ...[indistinct] Avenue, Isipingo, Prospect in Durban South. Providing this intelligence, I had communicated to both of them and highlighted that there might be a container with a shipment of drugs, and they need to assist in conducting the search. Whilst I was still following up on intelligence gathering, I requested them to be on standby as I will request their assistance."

CHAIRPERSON: Colonel ...[intervenes].

LT-COL DUMA: And paragraph ...[intervenes].

CHAIRPERSON: Colonel, Colonel, Colonel, what informs your choice of the police to whom you divulge the information?

LT-COL DUMA: So, can you repeat the question, Commissioner?

CHAIRPERSON: What informs your choice of the police whom you inform about the information?

LT-COL DUMA: Okay ...[intervenes].

CHAIRPERSON: Or how do you choose those police?

LT-COL DUMA: Okay. It first depends what commodity you are dealing with. If you are dealing with a counterfeit, obviously, you will contact Commercial Crime. If it is drugs,
10 you then go for DPCI Counter Narcotics.

CHAIRPERSON: But within DPCI, for example, there is more than one person, so how would you choose the person that you tell him or her of the information you have, or them, rather.

LT-COL DUMA: Normally, Commissioner, when it comes to that, it depends on the relationship and trust of members. Let us say maybe you have had operations with that member and you were satisfied about the operations and trust, whether you trust that you should liaise information
20 with that person, it will not leak, where you will find that you give information and then when it is time to operationalize information, then you find that by providing such information, you have defeated the object of the operation and it becomes negative.

So it is a common thing that is being done in the

police. It is not only me or I will say the previous witness that testified. I have done some information with him as well, previously, where we have been together working on containers in the harbour. So it is all about trust. That is all I can say. There is nothing special about it. It is all about trust that you, somewhere, somehow, you have to work with people that you trust in order to make sure that your information is safe and secure and is operationalized accordingly.

10 **CHAIRPERSON:** So implicit in that is that there are some police from, for example, within DPCI that you do not trust?

LT-COL DUMA: I would not say that because I have no evidence as to say that I do not trust them. It is just my belief that, okay, these are the members that I have worked with, that I am happy to work with. And I remember, I think after this passed, I had one in Centurion where I traced ...[indistinct] all the way from the harbour to Centurion. I also had to communicate with my Commander, too. That is a person that can help us with the operation, which was the
20 DPCI head office, and it was done successfully. So it is not that there is some ...[end of audio].

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. Colonel Duma.

LT-COL DUMA: Yes, Commissioners.

ADV SIKHAKHANE: Yes, can we just, I think we are going through paragraph 14 to 15. Can we start with your paragraph 15? Just for, you were going through it and then, insofar as it is necessary, we will interrupt, but just go through the paragraphs sequentially.

LT-COL DUMA: Okay. Paragraph 15 is as follows.

10 “On 2026-06-22, I contacted Colonel Jacob, who was a Unit Commander of ...[indistinct] Unit, and Warrant Officer Mpangase from DPCI, Durban. I provided the intelligence that I had gathered and requested their assistance to conduct an inspection of the commodity on one of the containers that were suspected of being used to smuggle 27 kilograms of Cocaine at CHC Container Depot, 14 Avenue ...[indistinct] Prospecton, Durban South. Prior to providing this

20 intelligence, I had communicated to both of them and highlighted that there might be a container with the shipment of drugs that they need to assist in conducting the search. Whilst I was still following up on intelligence

gathering, I requested them to be on
standby as I will request their
assistance.”

ADV SIKHAKHANE: Sorry, can I just get clarity on the
event. So, when did you first speak to Colonel Jacob? Is it
on the 22nd or you had some discussions prior?

LT-COL DUMA: We had some discussions where I went
past their office, if I am not mistaken, and said, I am
expecting there could be a consignment coming, but I do
10 not have the facts yet. I am still gathering. They must just
be on standby, then I will call you when the information is
available to assist. Then on the 22nd, that is when I
contacted them, early in the morning to assist.

ADV SIKHAKHANE: Okay. And when was that discussion
with Colonel Jacob?

LT-COL DUMA: It was one of the days a week before, if I
am not mistaken.

ADV SIKHAKHANE: A week before?

LT-COL DUMA: I do not have, yes, I do not have a
20 specific date, but it was the week before.

ADV SIKHAKHANE: Okay. You will recall earlier you said
you learned of this information on the 21st.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: So, how do you reconcile the two
versions?

LT-COL DUMA: The exact information where I received the container number was on the 21st, but prior to that, it was just a warning that there could be from the source, saying, you know what, there could be something, but I do not have anything at hand at the moment. Then I said, I tasked him to say, you know what, follow up, get more information, and get back to me. Then on the 22nd, he got back to me.

ADV SIKHAKHANE: Okay. So you had at this, on the, at
10 least prior to the 22nd, had discussions with Colonel Jacob about the possibility of this smuggle?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Okay.

LT-COL DUMA: Yes, and as well as Warrant Officer Mpangase.

ADV SIKHAKHANE: Okay. And did you discuss it with anyone else within DPCI?

LT-COL DUMA: No.

ADV SIKHAKHANE: Okay. In particular, did you speak to
20 Brigadier Nyuswa or General Senona?

LT-COL DUMA: No. No.

ADV SIKHAKHANE: Thank you. Please proceed.

LT-COL DUMA: Okay, paragraph 16:

“On the same day, it is approximately
19:20, I met Colonel Jacob with two

members, Warrant Officer Mpangase
and Sibiya.”

I came to know about Warrant Officer Sibiya when
we were at the crime scene. I think it was the first time I
came, I saw him on that day.

“At ...[indistinct] where I briefed them and provided
them with container number BEAU 5955535. After briefing,
I then escorted them to the ...[indistinct] area where I
pointed out the CSC container depot. We arrived at 9:45.

10 Whilst at the depot, the Detective members communicated
with the depot manager to have the container inspected. I
noticed that the bill of lading and other documents
pertaining to the said container indicated that it contained
animal food. The scene was taken over by the members of
DPCI.”

ADV SIKHAKHANE: Sorry, just speak up. I am battling to
hear you, ja. Can we perhaps just start ...[intervenes].

LT-COL DUMA: Yes. Can you hear me now?

ADV SIKHAKHANE: Yes. Can you just start afresh? I just
20 did not get that.

LT-COL DUMA: Okay, pparagraph 16.

“On the same day, it is approximately
9:20, I met Colonel Jacob with two
members, Warrant Officer Mpangase
and Sibiya at Isipingo area where I

briefed them and provided them with the container number BEAU 5955535. I then escorted them to the Isipingo area where I pointed out the CSC container depot. We arrived at 9:45. Whilst at that depot, the DPCI Detective members communicated with the depot manager to have the container inspected. I noticed that the bill of lading and other documentation pertaining to the said container indicated that it contained animal food. The scene was taken over by the members of DPCI.”

Okay, paragraph 17.

ADV SIKHAKHANE: Sorry, just before you go, you say there was a bill of lading and other documentation pertaining to the container. What other documentation was that?

20 **LT-COL DUMA:** No, I cannot remember what documents they were, but what I remember seeing was the bill of lading which I think it is SAD500 which shows what commodity is declared as.

ADV SIKHAKHANE: Okay.

LT-COL DUMA: The other attachments I did not pay

attention to.

ADV SIKHAKHANE: Okay, and then just two questions on that paragraph. In terms of the information you had received, were you now aware where the container might be?

LT-COL DUMA: I was aware that it was in the depot.

ADV SIKHAKHANE: Okay, from your sources?

LT-COL DUMA: Yes. But the container number, I only shared the container number with the detectives on the 22nd
10 when I met them. That is the only time I shared the container number with them.

ADV SIKHAKHANE: Okay. And with the clearing agent?

LT-COL DUMA: I did discuss it with them because to have it stopped at the depot, you have to provide the container number, so I did inform them the container number but I did not mention what we are suspecting inside, is inside it. I said we just need to inspect to confirm what commodity is inside. That is how I tried to cover not to mention that there was drugs inside because I was avoiding maybe if the
20 information leaks.

ADV SIKHAKHANE: Okay, and then in terms, remember earlier on we dealt with the processes, so can I take it that you did not interact with ORS or would I be mistaken?

LT-COL DUMA: You can go back if you want to ...[indistinct].

ADV SIKHAKHANE: Sorry?

LT-COL DUMA: I said you can go back and ask there if you feel there is a need to go back. But if I remember, we, with Commissioner Baloyi we did come to a conclusion that it was under it was still under ORS control as per their SOP which I was in a position of and I did not know about it. So we both agreed that yes it was.

ADV SIKHAKHANE: No, I am asking ...[intervenes].

LT-COL DUMA: And that confirm a bit.

10 **ADV SIKHAKHANE:** So I am saying, so are you saying that you did not interact directly with them with your Commander there?

LT-COL DUMA: No, no.

ADV SIKHAKHANE: Okay, your interaction was with Ms Pillay and the DPCI?

LT-COL DUMA: Ms Pillay, the logistics, Pillay, all I did was to check where the container was. The source says the container is ...[indistinct] but I still have to check as to who the clearing and forwarding and so to get that I will have to
20 contact the ORS to ask you know, there in the profile office to ask as to who this container, who is the transporter, clearing, forward and then that is how I get the name, then I try to trace the telephone numbers and I contact them in order to make those arrangements. And then they then referred me to the Depot Manager of which I conducted and

made those arrangements.

ADV SIKHAKHANE: Okay, and then in terms of your internal processes, who else was aware of this container? Was your Commander aware of this container or this bust or this consignment? Did you report to anyone?

LT-COL DUMA: I did write a report. I did write a report which was submitted and then I went to ...[intervenes].

ADV KHUMALO SC: Before or after?

ADV SIKHAKHANE: I meant before. [Indistinct]...

10 **LT-COL DUMA:** The reports, the reports was written, yes, I think before if I am not mistaken.

ADV KHUMALO SC: Sorry Colonel, the question is, was your Commander aware of the bust that was going to happen before it happened? Did you inform him that there was possibly drugs coming in and the operation that needed to take place to intercept those drugs? That is really the question, not the report ...[intervenes].

LT-COL DUMA: Yes, I did ...[intervenes].

20 **ADV KHUMALO SC:** Not the report that you wrote after the bust.

LT-COL DUMA: Yes. Oh, no, no, no, ja, I remember. The reports after the bust would be a success but there is a report prior to the bust which reports about the information that has been received that went to the Commander.

ADV SIKHAKHANE: So is your answer to Commissioner

Khumalo that you did a report prior or you ...[intervenes].

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Okay.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: And that report, are we able to obtain it from our side if required? You have no issue with us obtaining it?

LT-COL DUMA: No. In fact, it is in your bundle that you shared with me. You know where you attached the SOP of
10 ORS, you should go to 316, you will find it there. It is there.

ADV SIKHAKHANE: So that is the report. You confirm that is the report. Sorry, Commissioners, it is the bundle, the one that has, that I provided to you last, the confidential one.

LT-COL DUMA: Just behind ...[intervenes].

CHAIRPERSON: The one with no labelling on the spine?

ADV SIKHAKHANE: Yes, no labelling. Thanks. 316. So this is the report that you provided.

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

ADV SIKHAKHANE: Okay, thank you. I just want to confirm that the witness says this is the report he had provided. This was now on the 21st, right?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Prior to that you said you had

information that you had learned of the consignment coming on. Did you do any report prior or at least tell your Commander about this prior to the 21st obviously?

LT-COL DUMA: No, there was no request complied. It was just a communication between me and the person providing me with such.

ADV SIKHAKHANE: Chairperson, I just wanted the witness to confirm that report, but that is all we need from it, thank you. Please then proceed to your paragraph 17.

10 **ADV BALOYI SC:** Can I just understand, this is the first report, not the success report?

ADV SIKHAKHANE: Yes, it is a prior report.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: That is what is it.

ADV BALOYI SC: Okay, so at 318 where it says information was received on the 21st, my understanding of your evidence was you got the information before the 21st. Did I misunderstand? At paragraph 11, page 318, it says you received the information on the 21st. Did I

20 ...[intervenes].

LT-COL DUMA: Yes.

ADV BALOYI SC: Did I misunderstand your evidence about this?

LT-COL DUMA: No, you are correct, that is what I said.

ADV BALOYI SC: So where it says 21st, that is not

correct. It should have been before that, a date earlier.
Colonel?

LT-COL DUMA: It is just that Commissioner ...[indistinct]
is basically nothing much to write about since ...[indistinct]
so, but I am sure I did diarise it in the source file of the
source. I did diarised it, and then where I tasked him to
say, go and get now information on this, and then report
back, but there is no ...[indistinct] report as such on it,
except on the 21st, yes.

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

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Thank you. So prior to the 21st
obviously you would have, you only informed your
Commander on the date just before, right?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: So what was the process? Was this
information verified?

LT-COL DUMA: By ensuring that the container does exist,
and it is in the depot, so to me that is a verification that
20 yes, the container number is correct, and it does exist,
because sometimes you can get a container number, but
when you check with the authorities at the harbour, or in the
depot, then they do not have the container. So, you have to
verify, to check that the container does exist which is
exactly what I did.

ADV SIKHAKHANE: Okay, just two follow-up questions from that and obviously when you get information you do not just verify the container number, correct?

LT-COL DUMA: You have to verify the container number but to know exactly what is inside it is impossible to know until you open it.

ADV SIKHAKHANE: Okay, so the information that you had at the time was that there were 27 kilograms of Cocaine and that is the report ...[intervenes].

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

ADV SIKHAKHANE: That you were working on?

LT-COL DUMA: That is all, yes.

ADV SIKHAKHANE: Okay. So there was no way to verify that there could have been more or less?

LT-COL DUMA: No. No.

ADV SIKHAKHANE: All right.

LT-COL DUMA: In most cases when you get an intel it should, let us say we move away from drugs, maybe you will get an intel to say there is a shipment of container coming
20 with counterfeit goods, maybe you get the container number, maybe sometimes it is more than one container number, then you stop. But you would not know exactly as to how many bales are inside and what is the commodity, whether it is Nike or Puma, or you would not have that up until you open the container and see yourself what is inside.

ADV SIKHAKHANE: Can we stick to narcotics in the examples even going forward. So ja, it is just so that we are specific. So in, are you saying that even then you would not be too sure about the source, you would not be sure about how much the consignment is?

LT-COL DUMA: Yes. Yes, Commissioners, maybe just to clarify, I am not a Counter-Narcotics specialist. I do not know much about narcotics, drugs and everything but it is just a matter of working on information when you get it and
10 then you work on it because if I may remember, at that time I was dealing with other threats up north but because it is border security you find yourself bringing information that you get, you have to attend to it whether it is airports or land borders or harbours ...[indistinct]. I am not a specialist in Counter-Narcotics.

ADV SIKHAKHANE: No, thanks. The point I was getting at is obviously the difference between 27 kg and 27 bags is quite high. It is a bit big in terms of the information and that goes to the debate we were having earlier about
20 verifying information. I mean it could be that someone was misleading you in providing you 27 kg's and all of that. So that is what I was trying to get at, but if you are certain that you will not be able to know, then I think let us move to the next paragraph.

LT-COL DUMA: Okay.

ADV SIKHAKHANE: Thank you.

CHAIRPERSON: Before that, Colonel, I am interested ...[intervenes].

LT-COL DUMA: Yes, Commissioners.

CHAIRPERSON: Yes, I am interested to know if Colonel Jacob indicated to you that he was on leave when you contacted him on the 21st of June 2026.

ADV SIKHAKHANE: It was 22nd of ...[intervenes].

CHAIRPERSON: 22nd. I am sorry, ja, paragraph 15, 22nd
10 of June 2026.

ADV SIKHAKHANE: Sorry, Chair, just for the record, 2022, 2021, sorry.

CHAIRPERSON: Oh Nkosiam.

ADV SIKHAKHANE: Yes, yes.

LT-COL DUMA: It is the 22nd.

ADV KHUMALO SC: Let me come to Chair's defence, the statement says 2026. It is not Chair who is making a mistake.

ADV SIKHAKHANE: It is not Chair.

20 **ADV KHUMALO SC:** The statement says 2026.

CHAIRPERSON: But of course, but of course against my interest I should have known because I know when the drug bust was. So, did Colonel Jacob indicate that he was on leave?

LT-COL DUMA: Yes, Commissioner, he did indicate and I

think, Commissioner, when we went offline you were in the middle of a question which the next question was the same question you were asking me. Your statement was giving information, do you just give information to anybody or, and then I was explaining that when we went offline, to say information it depends on the trust, whether you trust the person that you share information with.

CHAIRPERSON: You have answered my question, Colonel.

10 **LT-COL DUMA:** Okay.

CHAIRPERSON: Of course you did talk about trust and you explained when I asked what informs your choice of the police officer.

LT-COL DUMA: Yes.

CHAIRPERSON: But what I want to know is whether the, he and the other person you contacted, Warrant Officer Mpangase ...[intervenes].

LT-COL DUMA: Yes.

CHAIRPERSON: Whether they are the only two officers
20 that you trusted.

LT-COL DUMA: I would not say like that, Commissioner, that from the whole unit I can trust two people.

CHAIRPERSON: Yes, and so you never ...[intervenes].

LT-COL DUMA: But ...[intervenes].

CHAIRPERSON: Yes, yes.

LT-COL DUMA: But I have trusted information with them and expected them to assist me and it is a common practice that ...[intervenes].

CHAIRPERSON: Yes, but, but ...[intervenes].

LT-COL DUMA: [Indistinct]... [cross-talking].

CHAIRPERSON: But you never insisted that Colonel Jacob should assist regardless of whether he was on leave.

LT-COL DUMA: No, no, no, Commissioner. I requested, if I insist, Commissioner, someone must have said no, he
10 cannot assist and then I insist. So I requested that ...[intervenes].

CHAIRPERSON: So, so ...[intervenes].

LT-COL DUMA: I will appreciate.

CHAIRPERSON: If he had said to you I am on leave, you would have moved on to someone else seeing that you are saying that ...[intervenes].

LT-COL DUMA: [Indistinct]... [cross-talking].

CHAIRPERSON: Seeing that you are saying they are not the only people that you trusted, you would have moved on
20 to someone else.

LT-COL DUMA: I would have expected him to arrange someone who can assist since he was the person that is in charge there.

CHAIRPERSON: Thank you, thank you.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Sorry, just to follow up on what the Chair is saying or probing. In one of the statements Colonel Jacob alleges or states that in a sense you got him - maybe let me turn you, give you to, refer you to page 589 of the exhibit files. It should be the smaller of the files.

LT-COL DUMA: Ja, I think I have seen it. Page, I mean paragraph ...[indistinct].

ADV SIKHAKHANE: Yes, it is, but, ja, if you go to Exhibit number CJC243, and then particularly the document and
10 page that I am looking for is page 589.

LT-COL DUMA: Yes, I have got it.

ADV SIKHAKHANE: Okay. Could you just read paragraph 3 for the record, and I beg your indulgence, Chairperson. I know I am pressed for time.

LT-COL DUMA: Okay, the one that is highlighted?

ADV SIKHAKHANE: Entirely, paragraph 3, just ...[incomplete].

LT-COL DUMA: Okay.

20 "I told him I would get back to him and called ...[indistinct] to find out his availability. He indicated that he was made aware of this situation by Captain Duma and he was also ...[indistinct] about Captain Duma's reservation about utilizing other members from the

unit. I told him that I was on leave but I was willing to book on duty if the Provincial Commander gave permission to do so. He said he will brief ...[indistinct] Nyuswa on the situation and get back to me. A short while later he called me and indicated that he had spoken to the Brigadier and that ...[indistinct] was in order with regards to me booking on duty.”

I think here that was a communication between Warrant Officer Mpangase and Colonel Jacob talking about me.

ADV SIKHAKHANE: Okay, that is fine but I wanted to just check on your side, you did not speak to, I think you earlier on you said, sorry I just wanted to be clear, maybe you are correct. Ja, I think you are correct and you did indicate that you did not speak to Brigadier Nyuswa. My apologies. I think ...[intervenes].

20 **LT-COL DUMA:** No, no, I did not.

ADV SIKHAKHANE: Okay. Let us get back to paragraph 17 then.

LT-COL DUMA: Okay, paragraph 17 ...[intervenes].

ADV SIKHAKHANE: Of your statement.

LT-COL DUMA: -:

“On the same date at approximately 10:20 the cell number H19057 ...” [intervenes].

CHAIRPERSON: But, but, I am sorry, I am sorry, Colonel, I think what ...[intervenes].

LT-COL DUMA: Yes, sir.

CHAIRPERSON: What Mr Sikhakhane wanted to draw your attention to actually does appear in the preceding paragraph, because there, that is where on 2021-06-22 ...[intervenes].

10 **LT-COL DUMA:** [Indistinct]...

CHAIRPERSON: Paragraph 2 of the same statement.

LT-COL DUMA: Paragraph 2, ja.

CHAIRPERSON: I want to ...[intervenes].

LT-COL DUMA: That is what Commissioner thought ...[incomplete].

CHAIRPERSON: Sorry?

LT-COL DUMA: That is what Commissioner thought ...[indistinct] that is what I thought Commissioner he was going to go to, that is why I was saying paragraph 2.

20 **CHAIRPERSON:** Ja, he had, let us look at the yellow highlight and I think that is referring to you.

“He had a few weeks prior met with me to discuss the same information, however he did not have any specific details to furnish me with. I explained

to him that I was on vacation leave.”

LT-COL DUMA: Yes.

CHAIRPERSON: Do you want to comment on that?

LT-COL DUMA: I think, Commissioner, it goes back to say I requested him to assist in ...[indistinct] information together because I already discussed with them. So, at the end of the day he would have made a decision maybe to trust someone else but we, when we come from outside like the CI, when we provide information, we share information
10 with people that you have integrity with, that you have trust, that do work. It is in this case most of our guys, not only me, this is how we operate when it comes to information.

Another thing, information like this that involves drugs, if you just share it anyhow there is a possibility that the whole container will go missing or by the time you optionalize it, because you have shared it with so many people then you have already defeated the object of the operation and the search and then you will get nothing and then you will get negative results. This is the only reason
20 that we always prefer people that we have shared with to optionalize it, but it does not mean that if a person is not available then the operation cannot continue.

I am sure a person in charge can make means to have members available for an operation. But it was a request that he assist, because based on trust and that I

have already liaised the information and discussed it, although it was, ja, that basically, there is no hidden agenda about that which made me request that it was just a matter of understanding and how we operate in the field. And it does not only happen with me, it happens with, for example in most operations that have been conducted and ...[indistinct] involves drugs, it is something similar where the Detective from DPCI that dealt with it, he worked closely with someone from CI, especially the previous office
10 I was in. So that is how we have been operating, but there is nothing hidden that there is a hidden agenda with it, ja.

CHAIRPERSON: In fairness ...[intervenes].

LT-COL DUMA: That is how I can explain it.

CHAIRPERSON: In fairness to you, Colonel, this is a matter of detail on something that happened as far back as 2021.

LT-COL DUMA: Yes.

CHAIRPERSON: Of course if anything turns on it, I am not necessarily saying that our decision on it ...[intervenes].

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

CHAIRPERSON: Will turn on the comment I have just made, but it is an observation that I think I should make. Thank you.

LT-COL DUMA: Thank you, Commissioner.

ADV BALOYI SC: Colonel, before you move from this

Jacob statement, can we just clarify. You said earlier when we were discussing your report to your Commander that you reported ...[intervenes].

LT-COL DUMA: Yes.

ADV BALOYI SC: On the day itself, but Colonel Jacob says you informed him a few weeks prior that there was information. You did not have specific details but you told him that you had some information.

LT-COL DUMA: Yes, Commissioner.

10 **ADV BALOYI SC:** Can you just explain that where he says there was a prior discussion a few weeks earlier and yet your statement says you were informed on the 21st.

LT-COL DUMA: Yes, Commissioner ...[intervenes].

ADV BALOYI SC: Your statement, your report, yes.

LT-COL DUMA: Yes, Commissioner. If I believe maybe in the past 20 minutes I discussed it, I was in paragraph 15 where I said prior to that I had met them and I even went as far to say that if I remember very well I had a meeting with them in their offices to say that yes, I am expecting
20 something that might come up of ...[indistinct] but I do not have details at the moment, because I was still following up. I think that question is covered when I explained that, Commissioner.

ADV BALOYI SC: Okay. All right, I apologise if I did not hear that, if I missed that, but in that report, your report,

that same paragraph which I had taken you to at 11.1, it says that you received information about a container that is at CHC container depot.

LT-COL DUMA: Yes, Commissioner.

ADV BALOYI SC: And then you tasked the source to gather information and the source came back to you and gave you the container number. Now the impression in this report, the way you are reporting here, you did not stop the container. The container was already sitting at CHC and
10 you then arranged for it to go and be, and be searched and that is for me an issue that does require clarification because if the container was already sitting at CHC then without fail and without uncertainty it was under the control of customs. It was already put in the depot. You did not put it there. ORS did not put it there. Somebody detained it and that is consistent with the SARS detention notice. All you did was, according to your report, is your source told you there is a container number so and so, it is in the depot. Can you just explain, because up to now the
20 impression that your statement created is that you became aware of the container coming in, you caused it, and I may have misunderstood you, you caused it to be detained. You informed the depot that there is that container, it must stay there, I am coming to search it. And now I am getting a different impression that in fact you were told about a

container that was already sitting in the depot.

LT-COL DUMA: Yes, that is correct, Commissioner. When I received the container, the container was at the depot.

ADV BALOYI SC: Yes.

LT-COL DUMA: Then I had to, if you can remember earlier that I said I had to find out who was clearing and forwarding and transporter to find out, because if it is in the depot it might leave the depot without you getting the help to contact those people and then they said no, it was there
10 and then referred me to the Manager. Then I phoned. At the time I was not aware that SARS had put a stop on the container. The only time that it came to my notice was on the 23rd when the operation was already conducted and it was not brought, I do not know, maybe DPCI it was brought to their attention that SARS had put in a stop, but to me it was not brought to my attention ...[intervenes].

ADV BALOYI SC: No, we know it was not brought to the attention of DPCI, because DPCI becomes involved through you. It is because of your involvement that DPCI is
20 involved.

LT-COL DUMA: Yes.

ADV BALOYI SC: So we know they never knew anything about this.

LT-COL DUMA: Yes.

ADV BALOYI SC: Are you saying that when you speak to

the Depot Manager and say I want to see that depot for inspection, ag, the container, are you saying that the ...[intervenes].

LT-COL DUMA: Yes.

ADV BALOYI SC: The Depot Manager does not tell you that it is in fact under detention by SARS?

LT-COL DUMA: Not that I know of, Commissioner.

ADV BALOYI SC: So you are saying there is no indicator. A container is sitting there, there is no indication
10 whatsoever from anybody, there are no custom officials, Depot Manager, nobody indicates to you and there is no obvious signs that this container is under detention.

LT-COL DUMA: I know, Commissioner, people who will have the documentation will be most probably the depot who will know that there is a SARS detention but on my side, unless I am told, I will know that there is a SARS detention because the way custom operates, they do not come to us and tell us we have stopped such a container. They have their own operation that they run randomly where
20 they stop, detain and search containers. Sometimes you will get ...[indistinct] stop where ORS will stop same containers and then we come on the side as well and then we request detention, but our detention, when we do it at the harbour for containers that are coming through, we are doing it through ORS.

ADV BALOYI SC: Ja.

LT-COL DUMA: Unless we are told, then we will know, but if we are not told we would not come to know that there is a SARS stop on it, because we do not have access to their systems of profiling. We do not have access to profiling of containers.

ADV BALOYI SC: Okay, thank you.

LT-COL DUMA: Thanks, Commissioner.

ADV SIKHAKHANE: And I think you would agree obviously
10 I think that we have done this where you know, this whole thing was not with the interaction with ORS, correct, otherwise they would have known or you would have ...[intervenes].

LT-COL DUMA: Exactly.

ADV SIKHAKHANE: Okay. If ...[intervenes].

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Please turn to the exhibit file. I think it is smaller, it is the smaller of the two. I am interested in CJC244 which should appear at page 609.

20 **LT-COL DUMA:** On the same file?

ADV SIKHAKHANE: Yes.

CHAIRPERSON: Yes, it is, Colonel.

LT-COL DUMA: CJ244.

ADV SIKHAKHANE: Yes.

LT-COL DUMA: No, I have got it.

ADV SIKHAKHANE: Page 609. And are you familiar with that document or any of the contents? Have you seen it before? So that should be my question. And maybe just to explain to, explain, so this is from the company S&N Logistics. It contains special instructions to move the container and the container that is there is your container or the container we are speaking about and this instruction is issued on 19-06.

LT-COL DUMA: No, I am not familiar with this document,
10 Commissioners.

ADV SIKHAKHANE: And this is the only container that when we went earlier with the detention notices in fact from Megafreight, the document, they had about ten containers but we only have this one ...[intervenes].

CHAIRPERSON: Do you say this has an instruction? Mr Sikhakhane?

ADV SIKHAKHANE: No, I am saying under special instructions that is where there is some writing about it, but I think it is because it is faded but it seems to go to CHC,
20 so it is moving from ...[incomplete].

LT-COL DUMA: From the new pier to CHC.

ADV SIKHAKHANE: Yes.

LT-COL DUMA: New pier.

ADV SIKHAKHANE: Yes, you see.

LT-COL DUMA: Yes.

CHAIRPERSON: Do you know what this ...[intervenes].

LT-COL DUMA: No, I am not familiar.

CHAIRPERSON: Or you say you do not know what the instruction ...[intervenes].

LT-COL DUMA: No.

CHAIRPERSON: Was.

LT-COL DUMA: No.

CHAIRPERSON: Oh, okay.

LT-COL DUMA: No.

10 **ADV SIKHAKHANE:** Okay.

CHAIRPERSON: So all what is visible or legible is the MD what? It is MD what? Is that a U or ...[intervenes].

LT-COL DUMA: MDU.

CHAIRPERSON: MDU.

LT-COL DUMA: Ja.

CHAIRPERSON: Then the date and time. What is that about?

LT-COL DUMA: Honestly, Commissioners, I do not know about this document.

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

LT-COL DUMA: But from what I can see it comes from some logistic company. It says sender's name, address, new pier, consignee CHC. And then it has got special instructions, but I have no knowledge of the document.

CHAIRPERSON: Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you.

ADV BALOYI SC: Sorry, can I just ask this. The, ordinarily, just maybe stepping away a bit from this particular operation, ordinarily when you have to inspect, when there is an operation and if you have never had that situation you can say that but where there has been detention ...[intervenes].

LT-COL DUMA: Yes.

ADV BALOYI SC: Instruction on a container by one of the
10 agencies which is not yours, and ...[intervenes].

LT-COL DUMA: Yes.

ADV BALOYI SC: And you want to search because now you have got information ...[intervenes].

LT-COL DUMA: Yes.

ADV BALOYI SC: How does that play out? What happens, because I am assuming that, my question assumes that whoever puts that detention instruction has an interest in being the first one to open that container and you now come, you are the second person, you have an interest in
20 what is in the container, what happens in your interaction with the first person that made a call, the first agency that placed this container under detention?

LT-COL DUMA: Normally under the circumstances like that, let us say for example, Commissioner, I get information on the container as I need to place and stop,

and I contact ORS to say please put a stop on this container for these following reasons, I suspect there is drugs in this container, they will then put a stop to the container and then it should be placed for inspection and inspected but if it is already stopped by, as well by customs they will tell me that no, the container is already stopped by customs, which means in that matter on the operation that I have had where there is a dual stop, SAPS will be there and customs will be there during the breaking of the seal,
10 unless there is been no communication to say there is a dual stop, but normally in normal circumstances where there is a dual stop of containers, I have been to operations where we, ORS is there and SARS is there and the container is opened.

ADV BALOYI SC: In the opening of this when, in this, now we are back in this operation, when the seal is broken there was no customs or veterinarian together with your police people. They were not there. You had only your SAPS, DPCI, the Depot Manager I think you say and, ja, pretty
20 much. There was no SARS people there or customs people.

LT-COL DUMA: Yes, Commissioner.

ADV BALOYI SC: Okay, thank you.

LT-COL DUMA: That is why I said, Commissioner ...[intervenes].

ADV BALOYI SC: Yes.

LT-COL DUMA: On my side it was not brought to my attention that there was a stop from customs. It only came to me after the fact. So if there was a stop I would have expected that I will be told that there is a stop and then would then, I am sure DPCI would have waited for other counterparts to be present if there is a stop, but in this case I do not know if they were informed. On my side I was not informed of SARS detention. The email only came on the 23rd.

10 **ADV BALOYI SC:** All right. Thank you, Colonel.

LT-COL DUMA: Yes. Okay, Commissioners.

ADV SIKHAKHANE: Can I just follow up on that, on that document before we stop, just for the record. So this is the container that was subject to this diversion was the same container which you had an interest on and you would also see that if I look at your statement, but we will go to this paragraph 17 of the statement ...[intervenes].

LT-COL DUMA: Yes.

ADV SIKHAKHANE: It has got the same seal number.

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

ADV SIKHAKHANE: Okay. Okay, and then you say - can I just probe one thing with you.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: In terms of, I think what we can gather is that you, there was a bit of informal processes or

engagements about this information and how the operations were conducted and I think we have gathered about that. What I am interested to know whether it is just by mistake or otherwise that you know of this information weeks in advance, it is not urgent, why do you not put in place a proper process, engage with ORS, engage with the relevant persons, with your Commander much earlier. Is there a reason for that?

LT-COL DUMA: Yes, Commissioner, as I said before, if
10 you do not have a container number there is nothing you can do. You need a container number to be able to, let us say for example if I had a container number two weeks before whilst the vessel was still at sea, I would have requested ORS to stop that container and then they would have put in a detention.

So in this case I am only getting the container number on the 21st and by the look of things even with this document it shows that this container was moved on the 19th, so when I received the information the container was
20 already at the depot. So there was no time, there was no time to engage with ORS to say because the container is already moved, there is no detention by ORS that I know of, so the only detention that it had was customs which was not brought to our attention.

But if ORS had a detention notice, they would have

told us that we have a detention notice on that container and customs have a detention notice and then things would have been done according to how they should have been done involving customs obviously. But in this case I would not have contacted ORS and asked them to stop a container that I do not even have the number of the container because the container number is the key. If you do not have it, you cannot do anything until you get it.

ADV SIKHAKHANE: Perhaps to follow up on that and what
 10 I think the Chair had suggested earlier, well not suggested, was talking about was when you finally get the container number on the 21st right, did you seek any cooperation from ORS?

LT-COL DUMA: If I am not mistaken I did contact them.

ADV SIKHAKHANE: And who ...[intervenes].

LT-COL DUMA: I did contact the profiling office ...[indistinct] Commissioners, it has been a long time. It has been a long time, I cannot really remember who I spoke to but it has been long, 2021, but I did contact to find out
 20 because that is where I managed to get the transporter as to who was the transporter of the container. Then the transporter led me to ...[indistinct] and then from there I managed to get the details of a person that I got to speak to.

ADV SIKHAKHANE: And obviously, I mean I think that is a

very important part, obviously that is not in your statement. Is there a particular reason or it is just a mistake to leave it?

LT-COL DUMA: No, there is no particular reason for it.

ADV SIKHAKHANE: Okay.

LT-COL DUMA: But I had no idea I am going to come across such a question.

ADV SIKHAKHANE: Sure. Then let us go to paragraph 17 of your statement.

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

ADV SIKHAKHANE: Can you read it for the record?

LT-COL DUMA: -:

20 “On the same day at approximately 20 past 10, the seal number H1905754 was broken in my presence as well as of the Warehouse Manager, DPCI, one of the workers working at the depot with the bolt cutter. Prior to the seal being broken, a photo of the seal was taken and it was intact.”

ADV SIKHAKHANE: Okay, and those are the only people that were present at the breaking of the seal, correct? I think you have ...[intervenes].

LT-COL DUMA: I am sure ORS was there as well, it is just, because I remember my other statement that I shared

with you, I had ORS but when I, I must have missed something here, because ORS was there as well ...[indistinct].

ADV SIKHAKHANE: Okay, proceed to paragraph 18.

LT-COL DUMA: -:

10 “When the container was opened
 numerous black canvas bags were
 noticed at the entrance of the
 container. These bags were inspected
 by DPCI in my presence and found to
 contain bricks of suspected Cocaine.
 27 bags were discovered. Due to the
 members of DPCI being actively
 responsible for the scene and the cover
 of the exhibits, exhibits were conveyed
 to Isipingo SAPS by ORS where a
 detailed count was conducted by DPCI
 in my presence.”

20 **ADV SIKHAKHANE:** Okay, just to take you back a bit, if
 you go to the exhibit file.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: The small file, I think you have got a statement that you had prepared earlier in the inquiry, which is CJC243.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Page 599.

LT-COL DUMA: Just a moment. CJ?

ADV SIKHAKHANE: CJC243.

LT-COL DUMA: Okay, just one second.

ADV SIKHAKHANE: Are you there, page 599?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Okay. If you then, just, that is your statement, you confirmed I think, that you had signed on 16 ...[intervenes].

10 **LT-COL DUMA:** Yes, no, it is correct.

ADV SIKHAKHANE: If you go to paragraph ...[intervenes].

LT-COL DUMA: No, it is correct.

ADV SIKHAKHANE: 4, can you just read paragraph 4 out?

LT-COL DUMA: Paragraph 4, okay.

“I wish to say that in terms of my duties

...[indistinct] the depot...” [intervenes].

ADV SIKHAKHANE: Sorry, just read slowly so that, so for the record. Thank you.

LT-COL DUMA: Okay, okay.

20 “I wish to state that on 2021-06-21,
during the performance of my duties, I
telephonically contacted the depot at
...[indistinct] container depot, 14
Avenue Road, Isipingo, Prospecton,
Durban South and informed the

Manager that I had received the permission from the transporter and the Durban ...[indistinct] agent to have container number ...[indistinct] inspection to be inspected by SAPS on 2021-06-22 as it was a container of interest with the intention to verify the commodity that was inside the container.”

10 **ADV SIKHAKHANE:** So you had asked for this and it was a telephonical instruction?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: And how would that process work in terms of the, sort of separating the container from the rest of the cargo or the containers in the depot? How does it get separated for inspection and what is the process?

LT-COL DUMA: The depot would have its own process how they place the container. Basically when you get there, you request the container to be placed for inspection so
20 they would probably choose the place where they place containers for inspection and the crane will go pick it up from the stack where it is and will bring to where the inspection will be conducted and then the inspection will be conducted then.

ADV SIKHAKHANE: And that is exactly what happened.

LT-COL DUMA: Yes, that is what happened.

ADV SIKHAKHANE: And there is some controversy around it so would they put the container, would it be secluded or be part of the main containers?

LT-COL DUMA: The process, it depends Commissioner, when you get to the depot where the container is. In this one, I would not be, we know it has happened also, I would not be exactly sure whether it was brought into where it was placed or it was just there when we arrived. But if I am not
10 mistaken, I am sure it was brought from somewhere within the yard where the other containers were. Normally, in a normal environment when you are going to do inspection, you will find that the container is not on the ground. It is with a stack somewhere outside the depot. Then they will go pick it up, maybe place it where it can be inspected, or if it is in the right place for inspection, they will just take the members where the container is and then the seal will be broken and the container will be inspected.

ADV SIKHAKHANE: Okay, let us go back to your
20 statement. Then I think we are getting to the conclusion. Paragraph 19.

LT-COL DUMA: Okay, paragraph 19:

“The following exhibits were seized by
DPCI members, 26 canvas bags ...”
[intervenes].

ADV SIKHAKHANE: Sorry, just again, just remember, just read out properly.

LT-COL DUMA: Okay, just a second. Okay, Commissioners, paragraph 19:

“The following exhibits that were seized by DPCI members were 26 canvas bags which contained 20 x 1 kg bricks of Cocaine and 1 canvas bag contained 21 x 1 kg of bricks Cocaine. In total, 541 kilograms of Cocaine were seized The estimated street value of the exhibits were about R243 450 million. The bricks were wrapped in black and yellow plastic with TikTok and Jaguar logos on the packaging. The exhibits were entered on SAP13 373 and Durban Central Organized Crime Investigation enquiry CAS 28/06/2021 was opened by DPCI. I have waited for the entering of the exhibit to be computed by DPCI members and I received the exhibit number and enquiry number of which I needed to update the reports for my office. I left SAPS Isipingo, leaving

DPCI members at the station with exhibits. I do not have a copy of my diary to attach as the matter ...[indistinct] the diary has been misplaced.”

ADV SIKHAKHANE: Okay. Just ...[intervenes].

CHAIRPERSON: Just, sorry, sorry. Just for the record, I think on the first line you first said 20 and after a few words you then corrected yourself. I am not sure whether a reader
10 down the line will understand what you were saying. Let me just read that first part and you will confirm.

LT-COL DUMA: Yes, Commissioner.

CHAIRPERSON: -:

“The following exhibits that were seized by the DPCI members were 26 canvas bags contained in 20 ...”

And then it goes on. You confirm that?

LT-COL DUMA: Yes, if I may explain ...[intervenes].

CHAIRPERSON: That is 20 by 1 kg bricks of Cocaine.

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

CHAIRPERSON: I am just correcting the part about 26. I think you said 20 and then went back to correct yourself. I am not so sure that it will read well. That is all I am doing.

LT-COL DUMA: Yes Commissioner. Basically, Commissioner, it is 26 canvas bags containing 20 1kg

bricks, 26 of them. So out of 27 bags, 26 is containing 20 times 1 kg bricks and the other bag which is a 27 one now, it is containing 21 1kg bricks of Cocaine.

CHAIRPERSON: Yes, yes.

LT-COL DUMA: Which means the packaging in 26 bags had 20 on each bag whereas one of those bags had 21 bricks of Cocaine.

CHAIRPERSON: Thank you. Thank you, Colonel.

LT-COL DUMA: Which makes the number to be 27 bags.

10 **ADV SIKHAKHANE**: And obviously this would have been quite, I think we did say it has gone quite far apart from the 27 kilogram.

LT-COL DUMA: Ja, ja, it is fine. So you know, basically when you see that you were expecting, obviously, 20, 27 kg, you look and maybe it will be one bag or something, but when you open, when it is open, when you see these bags lying there, it is shocking.

ADV SIKHAKHANE: Okay, and what was your role at the time, at the scene?

20 **LT-COL DUMA**: My role at the scene was to show the members at the scene where the scene is, and then when I get there, was to observe for my own records to ensure that this operation takes place successfully and the exhibits are recovered.

ADV SIKHAKHANE: Okay.

LT-COL DUMA: That was my role.

ADV SIKHAKHANE: And then you left to, then you left the station, Isipingo.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: And you say you left all DPCI members there?

LT-COL DUMA: I left the DPCI members, except one member that I, Colonel Jacob, that I gave him a lift home.

ADV SIKHAKHANE: Okay.

10 **LT-COL DUMA:** Ja.

ADV SIKHAKHANE: So, okay, he was no longer in charge at the time you left of the scene.

LT-COL DUMA: Ja.

ADV SIKHAKHANE: Okay.

LT-COL DUMA: Ja.

ADV SIKHAKHANE: All right. All right. No, I think, and did you speak to him and the other member, or any other member of the DPCI post that date?

LT-COL DUMA: No Commissioners.

20 **ADV SIKHAKHANE:** Thank you. Please proceed to paragraph 20 then.

ADV BALOYI SC: Maybe, Colonel, before you proceed to paragraph 20, in paragraph 18, you are still at the container, and you say 27 bags were discovered in my presence. You say when the container was opened,

numerous black canvas bags were noticed at the entrance of the container. These bags were inspected. When you say the bags were inspected, what in fact happened? What is that inspection at that point?

LT-COL DUMA: At that point, Commissioner was to, was probably to open, because when the bag is closed, you really have to open to see what is inside.

ADV BALOYI SC: So were all the bags open at the container, at the scene?

10 **LT-COL DUMA:** From what I observed, they did not open all the bags. I think they opened maybe one or two bags, and they realized, no, this is drugs and after that bags were, not all the bags were open at the time.

ADV BALOYI SC: So at this point, you did not know how many bricks there were in total?

LT-COL DUMA: No, we did not know.

ADV BALOYI SC: And you found, you, and I am asking you, you in particular, you only found out when you got to Isipingo Police Station that ...[intervenes].

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

ADV BALOYI SC: That each bag contained 20 bricks, and then another one contained 26, 21 rather.

LT-COL DUMA: That is correct, Commissioner.

ADV BALOYI SC: And ...[intervenes].

LT-COL DUMA: The only thing I could see was in the

container. When you are standing, you can count and see how many are there, but ja, I could not see as to how much is the content that is inside, how much is it.

ADV BALOYI SC: And the container was, apart from, you found these bags right at the front, was any search of that container, any further search of the container done?

LT-COL DUMA: No. No.

ADV BALOYI SC: Okay.

LT-COL DUMA: Not on that day. Maybe some other day,
10 but not on that day. There was no further search done.

ADV BALOYI SC: Not in your presence.

LT-COL DUMA: Yes.

ADV BALOYI SC: So you do not know whether any other bag might have been left somewhere at the back of the truck, of the container, if there was?

LT-COL DUMA: That is correct.

ADV BALOYI SC: You do not know.

LT-COL DUMA: That is correct, I will not know.

ADV BALOYI SC: Okay. Now, from other evidence, we
20 have heard that after the container is opened, the seal is broken, there is a search, and then the container is again sealed. From your statement, it does not seem like that happened. The seal was broken, you took the bags, and you all left, because you are not saying anything about the sealing again of that container.

LT-COL DUMA: Yes, Commissioners, there was no sealing made. I mean, the bags were loaded in the ORS vehicle and transported to the station where the counting was conducted.

ADV BALOYI SC: So the container was left unsealed in the absence of the owner of the container and the clearing agent. There was just the Depot Manager and his employees, basically. That is what you left there with that container.

10 **LT-COL DUMA:** No, from what I observed, Commissioners, after the bags had been removed and placed in the police car, the container was sealed with another seal. If I am not mistaken, it could be a seal from ORS, if not the depot, but it was re-sealed. Only the bags ...[intervenes].

ADV BALOYI SC: Yes.

LT-COL DUMA: Only the bags were removed, and the container was re-sealed again.

ADV BALOYI SC: Okay. You do say earlier, in an earlier paragraph that a photo was taken of the seal before it was
20 broken.

LT-COL DUMA: Yes.

ADV BALOYI SC: We have also seen in other evidence and different operations that once the container is re-sealed, a photograph is taken to show that seal. You did not have that here, because ...[intervenes].

LT-COL DUMA: No, I did not have that.

ADV BALOYI SC: You do not speak of that.

LT-COL DUMA: No, I did not have that because at that stage, DPCI was in charge of everything, so I just stood back and you know, observed.

ADV BALOYI SC: Okay, thank you. And does your answer now mean that you, because the DPCI, you tell us they are now in charge of the scene and the operation, does your answer that you stood back, DPCI was in charge, mean you
10 would expect the DPCI to attend to something like that, to make sure that it is sealed again and take a picture to show that this is how they left it.

LT-COL DUMA: That is correct, Commissioners.

ADV BALOYI SC: Thank you. Thank you.

ADV SIKHAKHANE: I think we are in paragraph 20, and I think that is just a repetition of some of what was contained in the notice you received. But I think, to be fair to you, I think it is the bullet points that you may want to speak to briefly, please.

20 **LT-COL DUMA:** Yes. Okay, I will move into those bullet points where I say:

“I, as a member of Crime Intelligence,
cannot interfere in crime scene during
operations. The operational team
which is in this matter, DPCI Detective,

were responsible for the handling of the crime scene. I did not play any role in the management of crime scene and handling of exhibits because that would be interference, and it was not part of my mandate. I, however, observed in order to prepare my reports for my office, Crime Intelligence officers do not get involved in cordoning off the crime scene, calling of Local Criminal Record Centre or Forensics, conducting searches and making arrests, as this is the duties of the Detectives, which in this instance was the members of DPCI. The duty of an intelligence operative is to provide intelligence and observe during operations to ensure that the information is operationalized successfully. It is the duty of the Detectives to manage crime scene and handling of exhibits. In this matter, DPCI members who were in the scene took charge of the crime scene and made decisions. DPCI have

experience and are experts in handling crime scenes, and it is their mandate to handle the crime scene and exhibits. Although the National Instruction 8/27 is applicable to all SAPS members, including reservists, but some of the units of SAPS do not handle crime scenes and exhibits. The National Instruction gives instructions and procedures to be followed when the member handle exhibits. In the normal police environment, this generally applies to the first member at the crime scene, which in most cases is Visible Policing members, which would be followed by Investigators, which is generally Detectives, which will go on as well as DPCI, as well as Forensics. We have ...”

20 Hold on a second.

CHAIRPERSON: Who are responsible.

LT-COL DUMA: -:

“Who are responsible to cordoning off crime scene, process and sealing off exhibits. When members of Crime

Intelligence are at the scene, they are there to observe and gather intelligence, and in most cases their presence is not known.”

ADV KHUMALO SC: Colonel, can I just make an observation ...[intervenes].

LT-COL DUMA: Yes.

ADV KHUMALO SC: Because in paragraph 20 and the bullet points that follow, you dispute allegations made by
10 General Flynn to the extent that they implicate you.

LT-COL DUMA: Yes.

ADV KHUMALO SC: Am I correct?

LT-COL DUMA: Yes. Yes, that is correct.

ADV KHUMALO SC: But if you go to paragraphs 17 and 18, you confirm your presence at the scene, and the DPCI and SAPS people who were there were called by you. So is it not fair to say you were present throughout, and while you were present at the scene, and the container was opened and the exhibits were taken out, the prescripts of National
20 Instruction 8/2017 were not observed, whether it was by you or the people you called to the scene. But the simple point is that those who handled the scene did not comply with those prescripts, because even your statement seems to suggest that LCRC was not called. Commissioner Baloyi talked about a seal after the container was opened, the

photos being taken. None of that was, none of that happened while you were there. So is it not fair to say, whether it is you or the people you called, the simple point is that the National Instruction was not followed to the letter.

LT-COL DUMA: I confirm, Commissioners.

ADV KHUMALO SC: And that is a fair observation. It may be that it is being attributed to the wrong person because you were not in charge of the scene.

10 **LT-COL DUMA:** No, that is correct, sir, Commissioners.

ADV KHUMALO SC: Thank you.

LT-COL DUMA: Yes.

ADV BALOYI SC: Just to follow up slightly differently on this question. Is there, you know the place very well, you were there on the day. Is there a good reason why these exhibits could not have been processed on that scene? You were there, you know the space on the day.

LT-COL DUMA: Commissioners, if I am not mistaken, it was my second time to go to the depot. The first time when
20 I went there, I went to do inspection. It was already, the container had already been offloaded, unpacked, and the commodity was placed around the depot. So on that day, from what I observed, or my observation, the container was placed, yes. The area where it was placed, to deal with one bag, it would have meant the space most probably would be

enough, but for the number of bags that were there, definitely you needed a bigger space. So in my observation, that would mean you have a situation where you need maybe to seal the container, uplift it, which means you move the crime scene somewhere else where you can break the seal again and open it and do whatever you need to do.

ADV BALOYI SC: Yes.

LT-COL DUMA: So I cannot, in my view, you know,
10 Detectives are there, crime scene manager is there, he is dealing with the matter. I think it was his call to make a decision as to what he should have done on the day. Maybe he is the one who can explain most probably what made him take such a decision to move it.

ADV BALOYI SC: Yes.

LT-COL DUMA: But definitely, I can confirm that there is no way you could have worked there. The only way you could have done is to move the container completely somewhere else or alternatively take the exhibit out.

20 **ADV BALOYI SC:** Ja.

LT-COL DUMA: Take the exhibit out, so somewhere, somehow, a decision had to be made because of where it was placed.

ADV BALOYI SC: Ja.

LT-COL DUMA: Maybe the place where it was placed, it

was not good enough to investigate and to do the unpacking and laying out these exhibits, because even when you were there at the station, they took a whole lot of space in the parking lot.

ADV BALOYI SC: So on your observation, your only possible explanation why this operation was not conducted fully on site is space, you think. Maybe he thought space was small.

LT-COL DUMA: Where the container was placed.

10 **ADV BALOYI SC:** Yes.

LT-COL DUMA: It does not mean somewhere in the depot. Maybe there was not the space. I have not had a walk around the depot to see how much space they have. But where it was placed, it was not conducive to process exhibits.

ADV BALOYI SC: But you say ...[intervenes].

LT-COL DUMA: You needed a bigger space to ...[incomplete].

ADV BALOYI SC: But you say it could have been moved
20 elsewhere, the container, if space was an issue.

LT-COL DUMA: Yes, that is the possible way to do this. Either you move, you leave the container, you see that you move it, or you remove the exhibit. So someone had to make a decision as to what to do.

ADV BALOYI SC: Now, we have been told, and I accept

that you are not responsible for crime scenes or crime scene management ...[intervenes].

LT-COL DUMA: Ja.

ADV BALOYI SC: But we have been told that the crime scene is where you find the exhibits. In this case, you find them in a container, you cordon off the area around the container so that you can work in that space.

LT-COL DUMA: Yes.

ADV BALOYI SC: So Isipingo Police Station is not the
10 crime scene on the evidence that we have received. So I am asking you, you say in your observation maybe the size of the space was not big enough, maybe that is what the person in charge, Colonel Jacob, maybe he determined that the space is not big enough and comfortable to work and that was also your observation, but that is not what he said to you. You are not saying they said that, he said that, right? Can I just be clear about that. You are not saying that is what he said?

LT-COL DUMA: Commissioner, he did inform me. It is just
20 that you asked me about my observation, but he did tell me that he moved them to the station because there is no space. But on my observation, that is why I am saying, Commissioners, there is two choices. The crime scene is a crime scene, it cannot be moved.

ADV BALOYI SC: Yes.

LT-COL DUMA: But if you really want to process the exhibit, you look at the space, what space do you need? Someone else would have come up with a different idea, maybe say okay, let us reseal this container and do it the other way.

ADV BALOYI SC: Yes.

LT-COL DUMA: Or someone would make decisions and move the exhibit. So, of which this is what happened in this instance where the exhibit was removed.

10 **ADV BALOYI SC:** Do you know whether Colonel Jacob looked for alternative, considered alternative space in the depot? It is a yes or no.

LT-COL DUMA: No, not that I know.

ADV BALOYI SC: Not that you know.

LT-COL DUMA: No, not that I know of.

ADV BALOYI SC: Thank you.

LT-COL DUMA: Thank you.

ADV SIKHAKHANE: Please proceed, Colonel, on paragraph 21.

20 **LT-COL DUMA:** 21, okay. Okay:

“On the above-mentioned date, I provided accurate and strategic intelligence to DPCI, which led to the successful operation being conducted and recovery of exhibit as part of my

mandate. My actions were not part of the scheme or design to store them in an unsafe storage to make them vulnerable to theft. I further did not know where the exhibits were stored after the recovery. All I knew was that they were at Isipingo SAPS up until I read about the theft in the news article. I left the police station after receiving the SAP13 number and enquiry number. The rest was for the DPCI to investigate.”

ADV SIKHAKHANE: Please continue.

LT-COL DUMA: -:

“The malicious manner in which my name has been mentioned in the Commission has put my life in danger and at high risk. My name and the unit that I work for has been mentioned without protecting my identity, knowing very well what the drug cartels are capable of and in my belief, this action has compromised me. I have been exposed to all cartels who are smuggling drugs to the Durban harbour

and I request the Commission to assist me by testifying behind camera in order to prevent me from being further compromised to protect my identity, my safety as well as my family.”

ADV KHUMALO SC: Colonel, I take issue with paragraph 22 where you say the malicious manner in which your name has been mentioned in the Commission. It seems to me that all that has happened is that you were the person who
10 was placed at the scene and you were the person who was identified as having called Jacob and the other people and you were present at the scene and at Isipingo when the exhibits were counted and they were booked there. So I am not sure exactly what you regard as malicious.

LT-COL DUMA: I understand, Commissioner, your point. What I am trying to get at here, I will make an example of yesterday's testimony. I am sorry to bring that up, but on the testimony of the Warrant Officer that testified yesterday, he did not divulge the source of information as
20 to who gave information. He protected the identity of a member of CI who provides him with information. So I was expecting the same. It is not that I was not going to testify in the Commission. I was going to testify when I am called. But considering the nature of how drug cartels operate, where already there is some DJ's were killed, who

are associated with this. I expect that my name should have been dealt with in a more way where it is concealed, not because I do not want to come to the Commission, but to think of my safety as well. You know, at the end of the day, my safety is important. So that is the only way. But if it is unacceptable to the Commission, I will withdraw that, Commissioners.

ADV KHUMALO SC: No, no, it is fine. So the issue is not the facts. The issue is you would have wished that your
10 name was not mentioned.

LT-COL DUMA: That is correct, Commissioner.

ADV KHUMALO SC: Yes. No, no, I just wanted to be sure that you were not attributing malice to the Evidence Leaders or the Commissioners. So I just needed you to clarify that. Thank you.

CHAIRPERSON: Or the ...[intervenes].

LT-COL DUMA: Okay, thanks. Commissioner.

CHAIRPERSON: Or other witnesses. And I am sure it is more likely that the malice would have been referring to
20 other witnesses, not the other people that Commissioner Khumalo is referring to, or not?

LT-COL DUMA: Yes. Yes ...[indistinct] Commissioners.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: Thank you. I think that should bring us to the end of your statement. Just to be fair to you,

perhaps, is there anything else that you just want to add that is otherwise not covered in your statement, briefly?

LT-COL DUMA: No, Commissioners. You know, on my side, I tried to do my work, which I did it to the best of my ability on the day and the information provided was positive. The operation was conducted successfully. The drugs were ...[indistinct] in the SAP13, where I wanted them to be and I was happy on that day. In fact, I was excited. You know, I had several operations where I
10 always hit negative results. But on that day in question, it happened to be, you know, my day to come up with a good success, which made my division look operational and I was happy, besides all the discrepancies that are being brought up now, but I was happy with the operation that it was conducted. It was successful and the exhibits were booked in. And then that is where I end it, Commissioners.

As regarding to the theft, I am not part of that. I had nothing to do with that. My duty and my job ended when those exhibits were booked in. Thank you,
20 Commissioners.

ADV KHUMALO SC: Colonel, I wanted to ask you just one thing. I think the one question I wanted to ask was whether you were involved at all in the theft. You have already dealt with that. But seeing that this was your operation in the sense that you are the one who got the

tip-off, and you dispatched the relevant team to go to the depot and recover these drugs, how do you feel that all that work was for nothing, because four months later, the same drugs disappeared while in custody of the DPCI.

LT-COL DUMA: Ja, you know, Commissioners, I do not want to lie to you, I lost the trust, not necessarily to the members that were assisting, but I lost the trust to the DPCI as a component to say in my point of view, or in my knowledge, I thought those drugs were lying in the
10 forensic. So to get stolen like that, and it is not that one or two bricks are stolen, the whole consignment. It brings us back to square one, where we are trying to remove these drugs off the street, and they are going back under the police watch. So it was a sore matter which is a bit disgraceful to the SAPS.

ADV SIKHAKHANE: And just lastly, and you did a close-out report, correct, after that?

LT-COL DUMA: Yes, that is correct.

ADV SIKHAKHANE: Is that the one on the 22nd of June?

20 **LT-COL DUMA:** Yes, that is correct.

ADV SIKHAKHANE: Okay, all right. Just for the record, you know the last file, which is the one that are not labelled at the spine, the confidential bundle, it is page 319.

LT-COL DUMA: Okay, 319?

ADV SIKHAKHANE: Yes, can you turn to that.

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Was that the report you did?

LT-COL DUMA: Yes, that is correct.

ADV SIKHAKHANE: Can you turn to page 321?

LT-COL DUMA: Yes.

ADV SIKHAKHANE: Just out of interest, the people that are written there, in terms of the command structure, can you read them out, is it possible, and the order, and why did they need to know?

10 **LT-COL DUMA:** Okay, there you have Colonel Khan, who was the Section Component Head at the head office of Security Intelligence, and we had Brigadier ...[indistinct] who was our Section Head. I mean, not Section Head, he is, sorry, my apologies. He is a Section Head, Covert Operations, and I made a mistake here. If we can go back, Colonel Khan was Section Commander of ...[indistinct] retired. There you have Major General Khan, who is a Component Head, and then you have Colonel Motale[?] who was at the time an analyst, was in charge of the analysts,
20 and then Major General ...[indistinct] was a Provincial Head.

ADV SIKHAKHANE: Sorry, just one question, and I just need to confirm it with my senior, otherwise I have covered everything. Thank you, that is all on our side.

LT-COL DUMA: Thanks, Commissioners.

CHAIRPERSON: And the witness may be excused?

ADV SIKHAKHANE: Indeed. Thank you, Chair.

CHAIRPERSON: Thank you very much, Colonel, you are excused. Let us ...[intervenes].

LT-COL DUMA: Thank you very much.

CHAIRPERSON: Thank you. Let us take a five minute adjournment, we will come back just now. Let us adjourn.

ADV SIKHAKHANE: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **CHAIRPERSON:** We are shutting down our laptops now.

ADV SELLO SC: I would like to believe so, yes, definitely.

CHAIRPERSON: Thank you.

ADV SELLO SC: The witness is in the auditorium, Chair.

CHAIRPERSON: Thank you.

ADV SELLO SC: So we proceed with the Port Shepstone stream. We hope to lead three very quick witnesses, and they shall be led by Advocate Segeels-Ncube. We needed to confirm that the witness has got his statement. Advocate Segeels will tell us the order of the witnesses.

20 **CHAIRPERSON:** Yes.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Rank and all, please.

ADV SEGEELS-NCUBE: Yes, it is Warrant Officer Setshedi.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. He will be sworn in, and his statement appears at section 6.

CHAIRPERSON: Thank you, thank you. Good afternoon, Warrant Officer.

WARRANT OFFICER SETSHEDI: Good afternoon, Chair.

CHAIRPERSON: Just before we walked in, we were told that you did not have files. Have you been sorted out now?

WARRANT OFFICER SETSHEDI: Yes, Chair.

CHAIRPERSON: I assume all of that is attributable to the
10 fact that this is a graveside shift?

WARRANT OFFICER SETSHEDI: Yes, Chair.

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

WARRANT OFFICER SETSHEDI: So help me God.

CHAIRPERSON: And one important thing I forgot. Please state your full names for the record.

WARRANT OFFICER SETSHEDI: My full name is Bheki
20 Mboweni Setshedi, a Warrant Officer in the SAPS, serving under the Forensic Science Laboratory.

CHAIRPERSON: Thank you, thank you, thank you.

BHEKI MBOWENI SETSHEDI: (duly sworn states)

ADV SEGEELS-NCUBE: Thank you, Chair. Warrant Officer, there should be three files in front of you. The one

file is labelled Consolidated Witness Statements. And if you go to section 6, so there is file dividers numbered 1, 2, 3, 6, your statement is in section 6.

ADV KHUMALO SC: Ms Ncube, we have four files in front of us. Which one must we keep and which ones must we get rid of?

ADV SEGEELS-NCUBE: Commissioner, I do not know which is the fourth one that you have. I have just been dealing with the ...[intervenes].

10 **ADV KHUMALO SC:** The previous witness's file.

ADV SEGEELS-NCUBE: Yes, I will not be dealing with the previous ...[intervenes].

ADV KHUMALO SC: Only one?

ADV SEGEELS-NCUBE: Yes, I will not be dealing with the previous witness file. So have you been able to find your statement? So it is section 6?

WARRANT OFFICER SETSHEDI: Correct, correct, Counsel.

20 **ADV SEGEELS-NCUBE:** And you will see on page 1 it has witness statement. Do you see that?

WARRANT OFFICER SETSHEDI: Correct, Counsel..

ADV SEGEELS-NCUBE: And until page 5, can you confirm that the signature on page 5 is your signature?

WARRANT OFFICER SETSHEDI: Correct, Counsel.

ADV SEGEELS-NCUBE: And the statement was prepared

by you in preparation for your evidence today?

WARRANT OFFICER SETSHEDI: Correct, Counsel.

ADV SEGEELS-NCUBE: Do you confirm the correctness of the statement?

WARRANT OFFICER SETSHEDI: Yes, I confirm.

ADV SEGEELS-NCUBE: Thank you. Warrant Officer, I think we can start by you just reading your statement into the record and where we have clarifying questions we will ask for that, and then thereafter we can go into further
10 aspects of your evidence.

WARRANT OFFICER SETSHEDI: Okay, thanks:

“I am an adult male employed at the
SAPS....” ...[intervenes].

ADV SEGEELS-NCUBE: Can you just raise your voice first, please?

WARRANT OFFICER SETSHEDI: Okay:

20 “I am an adult male employed at the
South African Police Service as a
forensic drug analyst in the Chemistry
Investigation Unit in the Chemistry
Section of the Forensic Science
Laboratory in KZN since 2021. I hold the
rank of the Warrant Officer. I am in
position of a BSc degree in Chemistry
from the University of KwaZulu-Natal with

Chemistry and Physics as major subjects. The Chemical Investigation Subsection for Clan Lab Laboratories is responsible for attending and processing clan lab crime scenes which are classified as Type C cases, and we may also attend to Type B cases which are complex non-Clan Lab cases brought to the lab. I report to Lieutenant Colonel Songca as the Commander of the Chemical Investigation Unit. Cases dealing with illicit clan labs are handled by the Chemical Investigation Subsection team.”

10

Page 2:

“The purpose of the statement is to explain an interaction I had with Lieutenant Colonel Gavin Jacob on 27 October 2021 at the FSL in Amanzimtoti, relating to the 22 June 2021 seizure of 541 kilograms of suspected Cocaine. I have been informed by the Commission that my evidence may be of assistance in the Commission's work regarding the seizure and the subsequent theft of the drugs from the forensic premises of the

20

Directorate for Priority Crime
Investigations, known as DPCI.”

Part B:

10 “On 27 October 2021, I was in my office
at the FSL when Colonel Jacob, who was
a Lieutenant Colonel at the time,
approached me. I had recently been
involved in a seizure in Simbithi where
Colonel Jacob was involved. However,
when he came to my office, he told me
that he had been there to see Captain
Kubheka and wanted advice from me.
Colonel Jacob’s enquiry was in four
parts.

20 First, he asked me for my advice on how
to destroy exhibits. I told him that I am
not involved in destruction and that the
best person to speak to is Colonel
Khuzwayo, the Section Commander for
the Chemistry Section. Secondly, he
asked if destroying the exhibit would
affect the case. He told me his enquiry
relates to samples of exhibits that DPCI
had brought to the FSL. I was not
familiar with these samples. I informed

him that it was essential to have a record of the total mass of the exhibit and if the exhibits are going to be destroyed, the analyst will not be able to establish the total mass of the exhibits that were seized.

10 I explained that in order to determine the total mass, the analyst would need all the exhibits and that he or she cannot determine the total mass with the use of the samples. The analyst will count all exhibits but only weigh a certain number of the exhibits and if there is a big variation between the first weighed exhibit, the analyst would need to weigh more exhibits to determine the total mass of the exhibit. I told him that this was something he needs to discuss with Colonel Khuzwayo because she would
20 know more.

Thirdly, Colonel Jacob asked me if one of the members in my team, the clan lab team, could analyse the case. I told him that since the case, the limited exhibits or samples were brought to the FSL as

opposed to a crime scene analyst
bringing it to the FSL, the case would be
analysed by anyone. Lastly...”
...[intervenes].

CHAIRPERSON: Sorry, sorry. I am not sure of the
distinction you are seeking to draw here:

“I told him that since the case was
brought to FSL as opposed to a crime
analyst bringing it to FSL, the case could
10 be analysed by anyone...”

Can you just explain to me what distinction you are seeking
to draw here?

WARRANT OFFICER SETSHEDI: Okay. The distinction I
was drawing here, Chair, is that the laboratory receives
exhibits in two ways. The first way is when the exhibits are
brought by the station to the lab. The second way is us, the
Clandestine Laboratory team, who go out and attend the
Clandestine Laboratory, which is a chemical investigation
where drugs are being manufactured, being synthesised.
20 Then we bring those exhibits. We take samples and bring
those exhibits to the lab. That was what I was explaining to
him.

CHAIRPERSON: Does the distinction not also relate to
who then does the analysis? Because you say at the end
the case could be analysed by anyone.

WARRANT OFFICER SETSHEDI: Yes.

CHAIRPERSON: Which case, which type of case? Of the two examples you are giving, which case would be analysed by anyone?

WARRANT OFFICER SETSHEDI: The one that ...[intervenes].

CHAIRPERSON: Which case cannot be analysed by anyone? And why the distinction?

WARRANT OFFICER SETSHEDI: Okay. What I was
10 explaining to him is that since the case was brought to the lab by an Investigating Officer, those cases are allocated to analysts, to any analyst that is in the lab. But the cases that we bring as crime scene investigators, we bring in, the lab registers it and allocates it back to us. That was the ...[intervenes].

CHAIRPERSON: So if you fetched, then you analysed?

WARRANT OFFICER SETSHEDI: If I fetched, then I analysed.

CHAIRPERSON: Okay.

20 **WARRANT OFFICER SETSHEDI:** But also, Chair, if they brought, because it is not that you get crime scenes every time. If I am done doing crime scenes, then I go to the lab and then they allocate cases for me.

CHAIRPERSON: But why that distinction? Why must you analyse those that you brought in and those that were

brought by an investigator may be analysed by anyone?
Why can the ones that you bring in not be analysed by
anyone? Why does it matter that you brought those in?

WARRANT OFFICER SETSHEDI: Because at the lab, the
Clandestine Laboratory team, when you – after two years,
you can apply to do clandestine laboratories. Then you get
a different training, an extra training from drug analysts just
to process clandestine laboratories. That is the distinction.
At the lab, there are analysts that does analysis on cases
10 that are brought to the lab by investigators. And there is
the Clandestine Laboratory team that go and do clandestine
processing of synthesis cases. That is discovered
...[intervenes].

CHAIRPERSON: What is clandestine and what is not,
where narcotics are involved?

WARRANT OFFICER SETSHEDI: Okay.

CHAIRPERSON: I would have thought everything is
clandestine.

ADV SEGEELS-NCUBE: Yes.

20 **WARRANT OFFICER SETSHEDI**: No, Chair. Like, at the
lab, when police officers are doing their work, they arrest
someone with 10 capsules, right? They will book those 10
capsules into the 13 and then they bring to the lab for
analysis.

But when we are talking about clandestine, it is

when at a particular house, they were synthesising the substances that are listed in the Drug and Trafficking Act. Then there is chemicals, there are precursors, there is final product. Then that particular type of case is done by us, Clandestine Laboratories. Yes.

ADV SEGEELS-NCUBE: It is clandestine drug laboratories. That is where the manufacturers, where they manufacture illicit drugs.

WARRANT OFFICER SETSHEDI: Yes.

10 **ADV SEGEELS-NCUBE**: And so because it entails chemicals, precursors and that, it requires special skills in order to analyse that. When you attend a scene, as a clan lab analyst, you have those specialities and that skill to identify precursors.

WARRANT OFFICER SETSHEDI: Yes.

ADV SEGEELS-NCUBE: And you would then take them. But not every analyst at FSL has that special skill or training to identify precursors.

WARRANT OFFICER SETSHEDI: Correct. Correct,
20 Counsel.

ADV SEGEELS-NCUBE: And so when Chair asks for clarity on the first part where it says, was brought to the FSL, that would be brought by an Investigating Officer who has made a recovery, such as at a harbour or a depot, and they could bring that in.

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: Yes. And the second one is where you, as a clan lab analyst, you have been called out to a scene because it is identified as a clan lab or suspected clan lab, and you would then bring the exhibits in.

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: So you may continue then. 6.4.

WARRANT OFFICER SETSHEDI: Okay:

10 “Lastly, Colonel Jacob asked if I knew
who attends the destruction. Again, I
refer him to Colonel Khuzwayo. Colonel
Jacob then received a call...”
...[intervenes].

CHAIRPERSON: Just, ja. I want to take you back to the last sentence of paragraph 5. There you say:

 “He said, however, when he came to my
office, he told me that he had been there
to see Captain Kubheka and wanted
20 advice from him.”

Why did he end up seeking advice from you? Was Captain Kubheka not there?

WARRANT OFFICER SETSHEDI: She was there in the office.

ADV SEGEELS-NCUBE: It says advice from me, Chair. He

says he had been there to see Captain Kubheka and then wanted advice from me, so from him.

CHAIRPERSON: All right, all right. So he had been there to see Captain Kubheka for something else?

WARRANT OFFICER SETSHEDI: For something else, yes.

CHAIRPERSON: Presumably.

WARRANT OFFICER SETSHEDI: Yes.

CHAIRPERSON: All right, all right.

ADV KHUMALO SC: Can I just get clarity? Why do you
10 link all of this to the drugs mentioned in paragraph 4?
Because it is not clear to me that the enquiry in 5 and 6 is related to the drugs at 4, even from your statement. Or was it a general enquiry?

WARRANT OFFICER SETSHEDI: It was a general enquiry, yes.

ADV KHUMALO SC: So it was not specific to the drugs in paragraph 4.

WARRANT OFFICER SETSHEDI: Yes.

ADV KHUMALO SC: Because in paragraph 4 you talk
20 about the purpose of the statement is to explain your interaction with Colonel Jacob, relating to, then you mention the 541 kilograms of suspected Cocaine. But then when you get to 5 and 6, you seem to be talking about exhibits in general and not the drugs in 4. So I just want to be clear that when he came to you, he was specifically asking about

the exhibits which form part of the drugs that were seized on the 22nd of June 2021.

WARRANT OFFICER SETSHEDI: No, when he came to me he talked about the samples they brought to the lab.

ADV KHUMALO SC: But were those samples part of the drugs that were seized on the 22nd of June 2021?

WARRANT OFFICER SETSHEDI: No, he did not state that. He did not state that.

ADV KHUMALO SC: He did not state that?

10 **WARRANT OFFICER SETSHEDI**: He did not state that.

ADV KHUMALO SC: Okay.

ADV SEGEELS-NCUBE: Commissioner Khumalo, he does clarify on the last page of his statement that when he found out that the two are connected. Okay, you may proceed. Paragraph 7.

ADV BALOYI SC: Maybe before you proceed, in 6.3 where he said, he asked if one of the members in my team could analyse the case, was it a specific member that he asked about?

20 **WARRANT OFFICER SETSHEDI**: No, he asked that can one of the crime scene guys analyse the case.

ADV BALOYI SC: Okay. And your answer in relation to how you are distinguishing the two where you say the samples were brought in, if they were brought in, you make a distinction between that and where crime scene analysts

have brought in the samples.

What does it matter? Is your team a specialist team that analyses specific drugs? Why would he ask can a member, I am trying to understand how it works and the kind of conversation he had with him. What is it about your team, if at all, or about these samples that he was talking about that it would matter that it is a member from your team or it is allocated to just anybody?

WARRANT OFFICER SETSHEDI: I would say, I was
10 explaining to him that there is no need for us as crime scene guys because most of the time DPCI work with us as crime scene guys. That is what I was explaining to him, that anyone can do a case that is brought to the lab by anyone.

ADV BALOYI SC: So it was not a case of he is looking for a special skill in your team? I am just trying to understand.

WARRANT OFFICER SETSHEDI: No, that is what I was
20 explaining to him, Commissioner, that the case does not need a special skill to be done. Anyone from the lab can do it.

ADV BALOYI SC: But he did not mention anyone in particular?

WARRANT OFFICER SETSHEDI: No, he did not mention anyone.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: You may continue. Paragraph 7.

WARRANT OFFICER SETSHEDI:

“Colonel Jacob then receive a call, and after his call, he informed me that it was Warrant Officer ...[indistinct] regarding the Simbithi case. Thereafter, he said he would contact Colonel Khuzwayo and he returned to Captain Kubheka's office.”

Paragraph 8:

10 “I did not have any serious concern about Colonel Jacob’s destruction question, although I found it strange that he would ask about destroying exhibit when the exhibit had not yet been analysed. My real concern about the conversation was Colonel Jacob’s question about the possibility of one of the team members analysing the case. When a case is assigned to an analyst, the Investigating

20 Officer is not made aware of the identity of the analyst. In fact, if there are enquiries by the Investigating Officer regarding progress of the analysis, the enquiry is made with admin, who would then notify the analyst Supervisor of the

query, and the Supervisor would engage the analyst and report back to the Investigating Officer. This is to prevent undue influence or pressure on the analyst.”

ADV SEGEELS-NCUBE: Can you just elaborate on that? What kind of undue influence or pressure could be placed by an Investigating Officer on an analyst?

WARRANT OFFICER SETSHEDI: The first pressure is that
10 they would ask, when will you issue the analysis report? That is the first pressure. And the other one is to say the progress of the process, where is it now? So that they would say also the court will need to remand the case, then when are you finishing it? So those are the type of pressures that are there.

ADV BALOYI SC: You also mentioned undue influence. How would that manifest?

WARRANT OFFICER SETSHEDI: Undue influence, Commissioner, will manifest by saying, what is the case that
20 we submitted? What is it? Before the report comes out. Which is not the practice of the lab, because the practice of the lab is that the Investigating Officer will only know the results of the case that they have submitted when the 212 statement is issued to them. When the case has gone through all quality checks and everything, then a 212

statement will be given to them. So the undue influence is, you cannot give any information before the case, the 212 statement is issued out.

ADV BALOYI SC: Ordinarily when we speak about undue influence, it is about influencing a party to a particular outcome. That is what undue influence would be. It is improper. If you like, it is unlawful even influence. What you are describing is that they would want information before, it sounds to me like it falls in the category of
10 pressure. That they pressure you to give information as you are working.

Are you sure that when you speak of undue influence in your statement, it is one of the protections that is offered? Because you say it in the context of why Investigating Officers would not speak to analysts. It has to be done through the Supervisor.

WARRANT OFFICER SETSHEDI: Yes.

ADV BALOYI SC: It is to protect the analyst and the institution from being influenced improperly.

20 **WARRANT OFFICER SETSHEDI:** Yes.

ADV BALOYI SC: But you are not describing improper influence. Are you sure that is what undue influence in your environment, as you mean it in the statement, is what you have just explained?

WARRANT OFFICER SETSHEDI: Let me say it like this,

Commissioner. The influence that we are talking about, because the lab has this part of criteria. When you join the lab, you are trained. Then you go to a mentorship. Then you must be able to work independently without influence, even from your superiors in the lab who you report to. They cannot tell you what the results must be. That is the undue influence that I was talking about, which is to work independently.

ADV BALOYI SC: Yes.

10 **WARRANT OFFICER SETSHEDI:** You must be independent in whatever conclusion that you make.

ADV BALOYI SC: That is my understanding too of undue influence. Thank you.

WARRANT OFFICER SETSHEDI: Thanks, Commissioner.

ADV SEGEELS-NCUBE: You may continue.

WARRANT OFFICER SETSHEDI:

20 “Therefore, Colonel Jacob’s enquiry as to whether one of the crime scene analysts would analyse the case did not sit well with me. After my conversation with Colonel Jacob, I contacted my Commander, Colonel Songca, and informed her about my conversation with Colonel Jacob. In particular, his enquiry about a crime scene analyst analysing

the case.

I did not inform her about the destruction of the exhibit because I had already told Colonel Jacob that the correct person to have that discussion with was Colonel Khuzwayo. Colonel Songca told me that since the case had been submitted to FSL, it will be allocated to any analyst, and that is my Commander, she considered the request from an Investigating Officer for a specific analyst to analyse the case to be irregular.

I have since been made aware that Colonel Jacob stated that he had arranged for me to accompany him to DPCI office in Port Shepstone to collect a few exhibits of the 22 June 2021 suspected Cocaine seizure. I deny that I have had a conversation with Colonel Jacob about collecting exhibits which would be irregular. The only conversation I had with Colonel Jacob about the exhibits is the conversation of 27 October 2021. I only found out on 21

January 2022 that the conversation I had with Colonel Jacob on 27 October 2021 was about the 541kg of suspected Cocaine.”

CHAIRPERSON: How did you find out?

WARRANT OFFICER SETSHEDI: Chair, on 21 January 2022, there were guys from DPCI HQ who came to the lab. When they came to the lab, they were looking for Warrant Officer Setshedi. I found them with Colonel Songca. And
10 then they said, we must go to – then we went to Colonel Songca's office. And then when we reached Colonel Songca's office, then they said to Colonel, no, Colonel, it is fine. We just want to ask questions to Warrant Officer Setshedi.

And the first question that they posed is that we want our drugs. And I said, which drugs are you talking about? They said the Port Shepstone drugs. I said the Port Shepstone drugs, the one that is in the media? They said yes. Then I said to them, I do not know anything about
20 them. I have never seen them, the drugs. I have never seen the sample. I have never analysed those drugs. So it is the first time that I am hearing about that, I am part of that, I am an analyst or I have any role in that situation.

CHAIRPERSON: And when those enquiries were made, was Colonel Jacob mentioned?

WARRANT OFFICER SETSHEDI: Yes, they did ask me about Colonel Jacob on the 27th of October. They asked me what happened on the 27th of October. Then I explained what happened.

CHAIRPERSON: Can you say exactly what they said about him?

WARRANT OFFICER SETSHEDI: They said, what was your conversation with Colonel Jacob on the 27th of October? Then I explained the whole story about the 27th of October
10 2021.

ADV KHUMALO SC: Can we then go back to my question because it is still not answered? Colonel Jacob did not say what he is talking to you about on the 27th of October 2021. Is this 541 kilograms of Cocaine?

WARRANT OFFICER SETSHEDI: No, he did not say that.

ADV KHUMALO SC: So he could have been talking about drugs in general or exhibits in general.

WARRANT OFFICER SETSHEDI: Yes, Commissioner.

ADV KHUMALO SC: Thanks.

20 **ADV BALOYI SC:** You say in that paragraph that I deny that I ever had a conversation with Colonel Jacob about collecting exhibits. But before that, you say you have since been made aware that he stated he had arranged for me to accompany him. Where does he state this? You were made aware that he says this where? Where he says he had an

arrangement with you to go and collect the samples. Is it in the Commission?

WARRANT OFFICER SETSHEDI: Some of the, I think, some of the – since the first one was, I was made aware that I am part of this on the 21st of January. The other ones is through the Commission. I think it was the 5th when there was this, I think it was General Flynn who was presenting.

ADV BALOYI SC: Okay.

WARRANT OFFICER SETSHEDI: And then he talked about
10 a plan that had a date of the 15th of November.

ADV BALOYI SC: Okay.

WARRANT OFFICER SETSHEDI: I was made aware through the Commission. I did not know what is happening.

ADV BALOYI SC: Okay. And then you go on to say you deny that you had that conversation about collecting drug exhibits, which would be irregular. It would be irregular because? That you go and collect samples.

WARRANT OFFICER SETSHEDI: No, it would be irregular because, Commissioner, the case was never allocated to
20 me. So what happens at the lab is that for me to be an analyst of the case, they must first allocate the case to me. Then I will be processing the case. But if the case is not allocated to me, then I cannot do anything on the case that is not allocated to me.

ADV BALOYI SC: Thank you.

WARRANT OFFICER SETSHEDI: Thanks, Commissioner.

ADV SEGEELS-NCUBE: And just to be clear, the case was never allocated to you?

WARRANT OFFICER SETSHEDI: Yes, Commissioner.

ADV SEGEELS-NCUBE: The only reason why you were interviewed by the investigators on the theft is because Colonel Jacob had told him about a conversation that he had with you?

WARRANT OFFICER SETSHEDI: Yes, that is what they
10 came with to me.

ADV SEGEELS-NCUBE: Okay. Now, if I could ask you to go to the information note that had been referred to previously, and that would be in the first Exhibit File. So there is a file in front of you that would say Exhibit File 1, and it is CJC232.

WARRANT OFFICER SETSHEDI: Yes, I am there, Counsel.

ADV SEGEELS-NCUBE: Okay. If I could ask you to go to ...[intervenes].

20 **CHAIRPERSON:** Sorry, CJC?

ADV SEGEELS-NCUBE: 232.

CHAIRPERSON: 232, page?

ADV SEGEELS-NCUBE: Page 93, 91.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: This information note had been

referred to previously at the Commission, which is the information note dealing with the Port Shepstone theft. Now, at paragraph 2.3.1 on page 94, there is a reference to your name, and I will just read from the middle of the page where it says, the fifth line:

10 “The FSL was again approached by the IO on the 27th of October 2021 in order to expedite the analysis report. However, Warrant Officer Setshedi indicated that he needed approximately seven bricks of Cocaine from the exhibit seized. He further reiterated that FSL does not have space to store the exhibits. The IO had arranged with FSL that additional bricks of Cocaine from Port Shepstone could be obtained during the week of 15 November 2021.”

20 Now, from this recordal, it suggests where it says that there was an approach about in order to expedite the analysis report, and then your name is referenced. It suggests that you were the analyst that had been allocated this file. How would one be able to establish that you, objectively, that you were not the analyst?

WARRANT OFFICER SETSHEDI: I was not the analyst for this case because at the lab, when you are allocated a

case, they allocate a case through a system called Forensic Exhibit Management. So that case can be tracked throughout. When you are done with it, then the system will, they will ...[indistinct] the case, and then the system will then say the case is completed and give the dates when the case was completed.

And another thing that happened, that happened on the 27th of October during this time, I was the analyst for Clandestine Laboratory that the Durban DPCI discovered in
10 September 2020. And I was the analyst of that case, the case that I referred to as the Simbithi case. I was the analyst of that case at that time on 27 October 2021. And the IO for that case, it was Colonel Jacob.

CHAIRPERSON: Did you at some point get to know about the existence of these samples within SFL?

WARRANT OFFICER SETSHEDI: No, Commissioner.

CHAIRPERSON: Not at all?

WARRANT OFFICER SETSHEDI: Not at all.

CHAIRPERSON: So you do not know who, if they had been
20 submitted, who they would have been allocated to, or who they were allocated to?

WARRANT OFFICER SETSHEDI: No, I would not have that knowledge, Chairperson.

CHAIRPERSON: Who would know? Who would know?

WARRANT OFFICER SETSHEDI: It is case administration

or the Commander.

CHAIRPERSON: Colonel Songca?

WARRANT OFFICER SETSHEDI: No, Colonel Khuzwayo is the Section Command.

CHAIRPERSON: Colonel Khuzwayo, all right. Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. Can I just clarify, Warrant Officer, you do know that the sample was brought, but you only found out after the fact because you and your Colonel and Colonel Khuzwayo looked at the
10 system in preparation for the hearing today. That is what the Chair is referring to, the samples that the Investigating Officer would have brought to FSL.

WARRANT OFFICER SETSHEDI: Yes, when we are doing preparations, yes, because I was also checking that, I was checking myself that which case are they talking about, because what I know from the system is that in 2021, I was only allocated to one Clandestine Laboratory. So I wanted to be sure that the facts that I will present here are correct. Then after we did that exercise whereby we want to check
20 which case are they talking about.

ADV SEGEELS-NCUBE: Yes, I just wanted to clarify for the Chair because I do not want it to be suggested that you do not know. You do know, you did not know at the time whether the samples had been submitted, but in preparation today, you did, and in fact, the document has been handed

over to the Commission, a screenshot of the fact that Colonel Jacob had brought the exhibit as a sample, the samples into the FSL. Correct?

WARRANT OFFICER SETSHEDI: Correct, correct.

ADV SEGEELS-NCUBE: Okay.

CHAIRPERSON: I am basically asking you, as you sit there now, have you since become aware, as you sit there now?

WARRANT OFFICER SETSHEDI: In that case, Chair, yes,
10 I am aware. I thought on the 27th of October.

CHAIRPERSON: No, no, no.

WARRANT OFFICER SETSHEDI: Okay.

CHAIRPERSON: Thank you, thank you very much, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, it was only given to us this afternoon, so might I just hand it up. It is CJC254. It will be inserted in the Exhibit File, and we will also flight it.

ADV KHUMALO SC: Ms Ncube, I wanted to ask about
20 page 93, 228 and 229, but if you are going to do it, I will leave that to you just to clarify whether Setshedi is aware of these facts, 2.2.8 and 2.2.9.

ADV SEGEELS-NCUBE: Yes, that is the one that we are dealing with now, Commissioner. So CJC254, we are going to put it up, and then you should have a hard copy in front

of you. Do you have, Warrant Officer? Or they will hand it up to you.

WARRANT OFFICER SETSHEDI: Okay. Okay, I do.

ADV SEGEELS-NCUBE: Just look for the one that says page 683.

WARRANT OFFICER SETSHEDI: I do have it, Counsel.

ADV SEGEELS-NCUBE: Can you tell us what this document is that we are looking at? Or the screenshot?

WARRANT OFFICER SETSHEDI: Okay. The screenshot is
10 a screenshot of the Forensic Exhibit Management System. We call it FEM at the lab. The enquiry, it is an enquiry summary of a case whereby when we want to get details of the case, we use a function called 8.1, as it is shown there. And then it will have the person who made an enquiry, as the name is shown also there.

The lab number, which is assigned to a case when the case is submitted to the lab. And the lab number of a case linked to exhibit bags that are brought to the lab. And then we have the component, which is Durban Central
20 OCIU, and then we have the reference number, which is the reference number of the case that DPCI registered as.

And then we have dates, registered dates and assigned date. The registered date is the date that the case was registered on when it came to the lab. And the date assigned is the date assigned to the last person who

was assigned that case. So, in this case, the last user was that name that is shown there. And the examination ...[intervenes].

ADV BALOYI SC: Is user the same as analyst, or is it a person who is making this enquiry?

WARRANT OFFICER SETSHEDI: The user is the analyst, the same as the analyst.

ADV BALOYI SC: It is the analyst?

WARRANT OFFICER SETSHEDI: Yes, it is the same as
10 the analyst.

ADV BALOYI SC: Okay.

ADV SEGEELS-NCUBE: And then the examination type?

WARRANT OFFICER SETSHEDI: The examination type is drug analysis KZN. So the examination type changes if it is HQ, Western Cape changes by provinces where the case is registered. This means the case was submitted to KZN, since it has drug analysis KZN.

ADV SEGEELS-NCUBE: And in the next page, unfortunately, the copy that we were given is cut off. But if
20 you can just tell us what is the names that we looked, what are the details that we are looking at there, especially where it says number and then Lieutenant Colonel Jacob. Why would his name be there?

WARRANT OFFICER SETSHEDI: The system captures the IO, the Investigating Officer of the case. When the

Investigating Officer brings the case to the lab, that case, when they bring the exhibit, they also bring the covering minutes of the case. That states the CAS, the SAP13 number, and what they brought to the lab and for what.

Like mostly if they put the charge dealing opposition in the covering minutes, then the admin personnel take that covering minutes and they enter it into the system. So it will show the Investigating Officer's name there. That is why the name is there.

10 **ADV SEGEELS-NCUBE**: And ...[intervenes].

CHAIRPERSON: What comes before number? I see the NG and then officer. I assume that is Investigating Officer. And then there is number. Surely there must be something just before the word number there. What comes before? Or there is nothing? There is nothing, it is just the number only?

WARRANT OFFICER SETSHEDI: At the top I think is the system number ...[intervenes].

CHAIRPERSON: No, no, no, I am looking where there is
20 NG, lowercase NG, and then officer, which I assume is Investigating Officer. Do you see where that is?

WARRANT OFFICER SETSHEDI: Yes, yes, yes.

CHAIRPERSON: So my question is, is there anything that comes before the next line where you see open quote, number, close quote? Why I think there is probably

something before that, I am looking at the alignment.

ADV SEGEELS-NCUBE: It is his PERSAL number.

CHAIRPERSON: Sorry?

ADV SEGEELS-NCUBE: The Investigating Officer's PERSAL number.

CHAIRPERSON: So what is missing is PERSAL number.

ADV SEGEELS-NCUBE: Yes.

CHAIRPERSON: PERSAL number.

ADV SEGEELS-NCUBE: And where it says description is
10 cut off, what is that?

WARRANT OFFICER SETSHEDI: The description will be the, since it says one times evidence bag, so it means the IO submitted one evidence bag. Because if you submit multiple evidence bags, it will state how many evidence bags are linked to this particular case.

ADV SEGEELS-NCUBE: And then the next, where it says Durban Central OCIU, what would be the word just before that to show what we are referring to? It says something reference number. Identification?

20 **WARRANT OFFICER SETSHEDI**: It is identification, which means it is the station that brought the ...[intervenes].

ADV SEGEELS-NCUBE: Okay. And then the PA number, is that the evidence bag serial number?

WARRANT OFFICER SETSHEDI: The PA65 is the evidence bag serial number, is the unique evidence bag

serial number.

ADV SEGEELS-NCUBE: So it is the unique sealed evidence bag.

WARRANT OFFICER SETSHEDI: Yes, it is the sealed evidence bag number.

ADV SEGEELS-NCUBE: Okay. So you would be able to see what was in that. If you punched this in, would there be a description as to what was in that evidence bag? Or where would one go and see what was in the evidence bag
10 that was submitted?

WARRANT OFFICER SETSHEDI: You will only see what was in the evidence bag when it is drawn. The evidence bag is drawn and shown to you, because that is how you are going to see it. When the whole case file of that particular lab number is drawn and given to you.

ADV SEGEELS-NCUBE: Okay. So the only description you have is the serial number, the unique serial number, and that it is one times evidence bag. If we wanted to know what was in that bag, we would have to go and look at the
20 SAP13 where it was logged in at the police station.

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: Then on the third page ...[intervenes].

ADV BALOYI SC: So this last discussion, does it mean that the lab does not keep its own record, apart from this

information on page 684, it does not keep its own record of what, in fact, was brought in? So does the lab have information that tells us how many bricks were in that evidence bag? Or is it what you are saying to Ms Segeels, that if you want to know how many bags were brought in under that seal number, the only place you go is to the SAP13. Is that how it works?

WARRANT OFFICER SETSHEDI: In terms of – I remember, Commissioner, when the evidence bag is brought
10 in, so they punch it into the system. Then the contents of the evidence bag, the person who will confirm the content of the evidence bag is the analyst when he is doing the 212 statement, that this particular evidence bag came to me sealed, undamaged, and these are the contents that were in the evidence bag.

ADV BALOYI SC: Okay.

WARRANT OFFICER SETSHEDI: So when the case is submitted, administration, they just give it a lab number, they create a case file for it, and then they put it. When it
20 is time for allocation to the analyst, they take the case file, then they give it to the analyst. Then the analyst, when the analyst opens the case, since I said the IO when it brings, when it submits to the lab, his submission has covering minutes.

Then as an analyst, I look at the covering minutes,

how much is inside the evidence bag. Then I do my counting before analysis to confirm that the number of items that they are saying is in the evidence bag is really in the evidence bag. Then I will continue with the process of analysing.

Then when I issue my 212, I will issue my 212, which states that this is what I have got, and the evidence bag was sealed, it was undamaged, I am the person who break the seal, in terms of during the analysis.

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

WARRANT OFFICER SETSHEDI: Thank you.

ADV SEGEELS-NCUBE: Thank you. Warrant Officer, then just back to the information note on page 94 of the exhibit. Sorry, page, the last page, my apologies. The last page of exhibit CJC254, which is page 685. Can you just tell us what information is contained on that screenshot?

WARRANT OFFICER SETSHEDI: In the screenshot, there is a lab number, there is an entry number, which means entry one. Entry one means that that particular case, or
20 that particular reference, it has one entry. It does not have multiple entries on that particular case. There is only one, this is the first entry that they have submitted.

ADV SEGEELS-NCUBE: Is entry meaning activity, something that has happened through the exhibit, an analysis, what?

WARRANT OFFICER SETSHEDI: No, it is like entry means, you see, when police officers work, I will make an example with DPCI, there is this process that they call during their investigation, they call buying, whereby they are building an investigation.

So if there is a CAS that is registered, then they submit their first evidence bag, or first exhibit to the lab. Then that first exhibit will be entry one of that CAS. Then if they submit this, if they do their operation and get
10 something that relates to that CAS number, then they will submit it. And then that number, remember the lab will generate one lab number. And that one lab number is also linked to the CAS. It links to the evidence bag and to the CAS.

So when they bring the second evidence bag number, the lab number will be the same, but what will change is the entry number, which will become the second entry. If they also bring more entries, it will change just like that. And then the reference number is like the CAS
20 number that is generated by the CAS system in the SAPS.

And then we have the exhibit summary. The exhibit summary, there it states flooded case 2022. And then the exhibit status, it is B. B means it is completed. So the number of exhibits, which is one, refers to the bag number. So it means this particular exhibit or that exhibit that was

brought to the lab, it has flooded. That is why we have that flooded case 2022. But the best person to explain that is the Section Commander.

ADV KHUMALO SC: Warrant officer, there is something I do not understand.

WARRANT OFFICER SETSHEDI: Yes, Commissioner.

ADV KHUMALO SC: If I recall correctly, the KZN floods were around May 2022. Right?

WARRANT OFFICER SETSHEDI: I think it is February.

10 **ADV KHUMALO SC:** February?

WARRANT OFFICER SETSHEDI: Yes.

ADV KHUMALO SC: Because in your statement, you said they came to see you in January, 21 January 2022.

WARRANT OFFICER SETSHEDI: Correct.

ADV KHUMALO SC: They asked you about the samples. So on the 21st of January 2022, because this is before the floods, those samples should have still been at the FSL. Why could FSL not give the samples back because they were still there? Because if they were damaged in the
20 floods, that would have been much later.

WARRANT OFFICER SETSHEDI: I do not know that information.

ADV KHUMALO SC: This is what worries me. These exhibits could have disappeared at FSL long before the floods, and the floods are just being used as an excuse to

hide the fact that the exhibits were no longer there when the floods happened. Because if somebody came to FSL in January 2022 to ask for their exhibits, the exhibits should still have been there. Even if they were not dealt with by you, they were dealt with by another analyst. Somebody should have gone to the system and said, it is Analyst Khumalo who dealt with these exhibits. Here they are, and you give them back.

WARRANT OFFICER SETSHEDI: I think it is management
10 that can answer that.

ADV KHUMALO SC: No.

WARRANT OFFICER SETSHEDI: In terms of, because what I would say, Commissioner, is that the FSL has a process whereby we call it urgent cases, which is managed by Case Administration. So when a case is urgent, they do allocate it to an analyst. So in this case, I would not know what happened.

ADV KHUMALO SC: And just to be clear, I am not suggesting that it is you. Because you are sitting here and
20 you are dealing with these documents.

WARRANT OFFICER SETSHEDI: No.

ADV KHUMALO SC: I just wanted that clarity from you that when somebody came to you in January to say, we are looking for our seven bricks that were sent to FSL for analysis, you knew nothing about it, and you could say, they

were not given to me, I was not the analyst. But surely somebody at FSL should have said, yes, here they are, this is the analyst. If you want your things back, you can have them back, or the analysis has not been done.

WARRANT OFFICER SETSHEDI: Correct.

ADV KHUMALO SC: And there seems to be a gap between the year before in July, 5 July, and the day of the flooding, which is much later in 2022.

ADV SEGEELS-NCUBE: Commissioner Khumalo, can I just
 10 clarify, the seven bricks were never brought to FSL. This relates only to the one bag that Colonel Jacob speaks about. It was a small amount for sampling. So it was not the seven bricks that he alleged he was going to take the Warrant Officer to go to their offices to collect before the theft. It was the small bag that they brought for sampling to see whether it is Cocaine. That was in July of 2021. And when they were confronted with questions in January of 2022, it was about where are our drugs, meaning where is the 541kgs, not where is the small ...[intervenes].

20 **ADV KHUMALO SC:** Not the samples.

ADV SEGEELS-NCUBE: Yes.

ADV KHUMALO SC: Not the samples?

ADV SEGEELS-NCUBE: Yes.

ADV KHUMALO SC: So when they were asking you in January 2022, they were asking you about the 541

kilograms.

WARRANT OFFICER SETSHEDI: Yes.

ADV KHUMALO SC: Not the samples?

WARRANT OFFICER SETSHEDI: Not the samples. They were asking about the Port Shepstone, I think it is Port Shepstone Cocaine.

ADV KHUMALO SC: Okay.

WARRANT OFFICER SETSHEDI: Yes.

ADV KHUMALO SC: But it still does not explain what
10 happened to that sample that was brought in July and why that could not be accounted for until the flood.

ADV SEGEELS-NCUBE: Well, are you aware of whether anyone at FSL was asked if the sample is there in January 2022 when you were interviewed? Were you aware that there was a sample that had been brought? Because you knew Colonel Jacob had the conversation with you in October 2021, but you did not know it was about the 541 at the time of the conversation.

WARRANT OFFICER SETSHEDI: I will say in January
20 2021, what the ...[intervenes].

ADV SEGEELS-NCUBE: 2022.

WARRANT OFFICER SETSHEDI: Sorry, 2022. What the Investigating Officer from DPCI said to me, they said, where is our drugs? I said, I do not know them. And then they said prove it that you do not know them. I said, okay. If the

drugs were said they were submitted to the lab, there is a receipt called acknowledgement of receipt, and in that receipt there is an evidence bag number.

Because after the admin received the case, they stamped that receipt with the forensic stamp, which will have the date when the case came. I said give me that, I will go to the administration to check that this evidence bag is here.

ADV KHUMALO SC: Let us just make sure that we are on
10 the same page because what you are saying now is different from what Advocate Ncube said. So when they came to you in January, they were asking you about the exhibits that were brought to FSL. That is why you were telling them about evidence bags.

WARRANT OFFICER SETSHEDI: I said I do not know about, I have never seen those drugs. I never seen them. Then they said I need to prove that I have never seen them because in their minds is that I was the analyst of the case.

ADV KHUMALO SC: Yes.

20 **WARRANT OFFICER SETSHEDI:** Yes, and then what I did to prove that the case was not allocated to me, I said they must give me the acknowledgement of receipt to go and check the evidence bag, that the evidence bag was at the lab. Then they gave me that. I went to administration. Then administration checked that the evidence bag was

there. Yes, the evidence bag was there, but it was in the safe of the lab.

ADV KHUMALO SC: Warrant Officer, you and I are on the same page then. They were not asking you where are the 541 kilograms of Cocaine stolen at Port Shepstone. What they were asking you was the exhibits that were brought to FSL, where are they? The sample.

WARRANT OFFICER SETSHEDI: You see, what they wanted me to prove, Commissioner, is that I have nothing to
10 do with the case because I did not know what they want, because I did not know anything about the Port Shepstone case. So the only way to show them that I have nothing to do with this because I am not the analyst is to go and confirm that this particular evidence bag, where is its status? Its status at that time was the e-status, which is the big safe lab where they keep the cases that they have received from them.

ADV KHUMALO SC: I get you.

CHAIRPERSON: And it was not allocated.

20 **WARRANT OFFICER SETSHEDI:** At that time it was not allocated.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you. Can we then maybe just close this off and go to Colonel Jacob's statement? It is in section 3 of the witness Statement Bundle. Section 3,

so you have to look at the bundle where your statement is, but go to section 3. Do you have it, section 3?

WARRANT OFFICER SETSHEDI: Yes.

ADV SEGEELS-NCUBE: And then go to page 6 in section 3. Page 6 in section 3. Do you see paragraph 33?

WARRANT OFFICER SETSHEDI: Yes, I see.

ADV SEGEELS-NCUBE: I am going to read it. Chair, do you have it? Thank you. So this is what Colonel Jacob says at paragraph 33:

10 “Since the FSL had no space for us to
forward all the exhibits, the next logical
step to take was to forward samples to
confirm indeed that if what we had was
Cocaine. I called Colonel Khuzwayo,
who is the Head of Chemistry at the FSL
Amanzimtoti and sought guidance in this
regard. I cannot recall exactly what her
instructions were, but it involved taking
samples from a few bricks and placing a
20 minute amount of powder into a small
exhibit bag meant to accommodate these
samples. This would then be conveyed
to the FSL for analysis.”

And then if you go to the next page, on page 7, at paragraph 37, he says:

“On 5 July 2021, I took these samples to the FSL Amanzimtoti for analysis. It is only when an analysis report is received from the FSL can the exhibits be destroyed more, especially for matters under investigation.”

So what he took to the lab on the 5th of July 2021 was the small exhibit bag with minute amounts from various bricks.

WARRANT OFFICER SETSHEDI: If it samples it, it means
10 that is small amounts.

ADV SEGEELS-NCUBE: Yes. And so what you are saying is when you are confronted in January 2022 with the question about prove that you do not have our drugs, you go on to the system to see if there was anything that was registered on to the system, and what was registered was that one exhibit bag.

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: Thank you. When you, so that is the first time that you now confronted with the Port
20 Shepstone theft. It is in January 2022. You prepared a statement for purposes of that investigation.

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: Okay. And in that statement, did you deal with the fact that you were asked by Colonel Jacob about destruction?

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: If we can just go to that statement to confirm? It will be in the second Exhibit File. It is on page 639. It is part of CJC244. CJC244, and it is page 639.

WARRANT OFFICER SETSHEDI: Yes, I am there, Counsel.

ADV SEGEELS-NCUBE: Do you have it?

WARRANT OFFICER SETSHEDI: Yes.

10 **ADV SEGEELS-NCUBE:** It is 639 and 640, and there is a signature and date of 25-01-2022. That seems to be the date, but you mentioned 20, that you were with them on 21 January. That is when you found out.

WARRANT OFFICER SETSHEDI: Yes.

ADV SEGEELS-NCUBE: Why is your statement dated 25?

WARRANT OFFICER SETSHEDI: They said that we must write, I must write my statement. They will come back and collect it.

20 **ADV SEGEELS-NCUBE:** Okay. And then somebody came and collected it?

WARRANT OFFICER SETSHEDI: Yes.

ADV SEGEELS-NCUBE: So you prepared it on the 25th of January 2022?

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: Okay. I would like to go to

Colonel Jacob's statement just to deal with certain allegations that he makes regarding his interactions with you for you to comment on. Okay. So if we can go back to section 3 of the Statement Bundle, and if we can go to the first paragraph, I want to deal with page 8, on page 8, paragraph 44.

So there he deals with the same interaction that you had with him on the 27th of October 2021, and what he says here is that you are an analyst that normally attends
10 their scenes, and has the FSL standby cellular phone. You have already indicated to us that you have worked with him previously. And in fact, in October 2021, you were the analyst on one of the matters that he was, one clan lab matter that he was the Investigating Officer.

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: Now, what is the FSL standby cellular phone?

WARRANT OFFICER SETSHEDI: The FSL standby cellular phone is the cell phone that rotates among the team,
20 because at FSL, the FSL KZN, the Clandestine Laboratory team, we are four.

Then we rotate on the phone being on standby. So the rotation is weekly, and any person within the phone, within the standby team, carries the phone on that week. So that standby phone, its function is to, when there is a

Clandestine Laboratory, they will call the phone directly, and we are on standby for 24 hours.

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

ADV BALOYI SC: You were on standby on the 27th of October 2021?

WARRANT OFFICER SETSHEDI: No.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: He then says:

10 “I asked him about expediting the
 samples we had sent for analysis so that
 we could receive our analysis report.”

Did he ask you about that?

WARRANT OFFICER SETSHEDI: No, Counsel.

ADV SEGEELS-NCUBE: Because you were not the analyst, and he knew you were not the analyst.

WARRANT OFFICER SETSHEDI: No, I was not the analyst.

ADV SEGEELS-NCUBE: He says:

20 “This would in essence mean that at least
 they could be destroyed since the
 formality of the analysis report would
 have been addressed.”

So, now, can you just explain to us why he would need the analysis report from a sample before you can destroy the exhibits? And here, when you refer to exhibits and

samples, is it the same thing?

WARRANT OFFICER SETSHEDI: What I know is that Investigating Officers cannot take samples. That is what I know. Because sampling itself is done at the lab by trained analysts. So, and what I know about destruction is that destruction happens when SAP83(a) is issued out, and that means the report was sent to the court and then the decision is taken. So, I do not know that an exhibit can be destroyed before an SAP83 is issued, because most of my
10 matters of Clandestine Laboratories, they are destroyed when the exhibit, the SAP83 is issued.

ADV SEGEELS-NCUBE: Okay. So, if a Investigating Officer brings a sample to FSL, do they say that it is a sample of a bigger exhibit body, or do they say that it is just an exhibit? How do you know that there is not something bigger behind what they have brought to the lab?

WARRANT OFFICER SETSHEDI: It never happened. It never happened. What we know is that Investigating Officers bring everything to the lab. What they found from
20 the suspect, they bring it to the lab. It never occurred that an Investigating Officer will bring a sample that I know of.

ADV SEGEELS-NCUBE: Well, my question is, how would you know that what he is bringing is a sample of a bigger body of exhibits?

WARRANT OFFICER SETSHEDI: The Investigating Officer

has to state that this is a sample of this bigger exhibit.

ADV SEGEELS-NCUBE: He would have to tell you that there is more. So, what he has brought to you is just a sample of exhibits. So, if he was bringing samples of 541kgs of suspected Cocaine, he would say to you, this is just a sample?

WARRANT OFFICER SETSHEDI: Ja, he has to state that this is a sample.

ADV SEGEELS-NCUBE: But what you are saying is he
10 would never do that because it never happens.

WARRANT OFFICER SETSHEDI: It never happens. Not the Investigating Officer.

CHAIRPERSON: It is not supposed to happen.

WARRANT OFFICER SETSHEDI: It is never supposed to happen, Chair, because I think even the National Instruction stated that they can only do sampling in Cannabis and Cat only. So, exhibits, because the National Instruction states that all exhibits, so, which means Cocaine, Heroin, Mandrax, all of the other drugs that are not plants, they
20 must bring everything to the lab.

ADV KHUMALO SC: But in this case, it did happen that they brought a sample because the documents you showed us reflected that in the system, it shows that in July of 2021.

WARRANT OFFICER SETSHEDI: Yes, that is why I am

saying, Commissioner, I do not know what happened, because I know that the National Instruction stated very clearly that all exhibits must be brought to FSL.

ADV KHUMALO SC: I think we have come to accept from every officer that has testified here that each of them has their own interpretation of that instruction, and they use their discretion many times.

ADV SEGEELS-NCUBE: Warrant Officer, do not be so quick to concede. Is it not that you do not know that he
10 brought a sample? The lab does not know that he brought a sample. As far as the lab is concerned, he brought an exhibit.

WARRANT OFFICER SETSHEDI: Yes.

ADV SEGEELS-NCUBE: And an exhibit could also be just a small package of Cocaine that he found.

WARRANT OFFICER SETSHEDI: Yes, yes.

ADV SEGEELS-NCUBE: You do not know, as the lab, that what is being brought by the IO is a sample. When you get it, it is an exhibit for you.

20 **WARRANT OFFICER SETSHEDI:** Yes, it is an exhibit.

ADV SEGEELS-NCUBE: Okay. So, your record that we looked at, CJC254, nowhere does it indicate that it was a sample that was brought. It is always referred to as an exhibit.

WARRANT OFFICER SETSHEDI: Yes, it is an exhibit

because it is in the exhibit bag.

ADV SEGEELS-NCUBE: Only Colonel Jacob and his team that is involved in the investigation would know that it is a sample.

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: Or if he told somebody at FSL that this thing that I brought in is a sample, it is not the full exhibit.

WARRANT OFFICER SETSHEDI: Yes.

10 **ADV SEGEELS-NCUBE:** Okay.

ADV BALOYI SC: Moving from this paragraph?

ADV SEGEELS-NCUBE: You can go ahead.

ADV BALOYI SC: Okay. I mean, that paragraph 44 where Colonel Jacob discusses with you about a sample to speed it up so that at least they could destroy the exhibits after the analysis, you have explained that you did another bust with him. You did the CBT, I think you refer to it.

WARRANT OFFICER SETSHEDI: Correct.

20 **ADV BALOYI SC:** And we know from a mention of his name that he is quite senior and familiar with the environment. SANEB, I think he is SANEB at some point.

WARRANT OFFICER SETSHEDI: Yes, Commissioner.

ADV BALOYI SC: Do you, I am trying to think how to ask this question. Would you expect, maybe let me put it that way, would you expect that Colonel Jacob knows how things

work? That he cannot destroy – firstly, that the FSL would require all the exhibits, all the exhibits must go to FSL, that it does not work on the basis of a sample, and that on the basis of a finalisation of a sample, the rest of the exhibits would be destroyed. Would you expect that he knows that kind of process?

WARRANT OFFICER SETSHEDI: Yes.

ADV BALOYI SC: You expect he does?

WARRANT OFFICER SETSHEDI: Yes.

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

ADV SEGEELS-NCUBE: Thank you, Commissioner. Can I then just go to page 6 of Colonel Jacob's statement so that you can perhaps call us about what sampling actually is and tell us whether what Colonel Jacob is describing in his statement is what you understand sampling to be. So at paragraph 33, which I have already read, but just to repeat for the purpose of this exercise, he says:

20 "I cannot recall exactly what her instructions were, but it involved taking samples from a few bricks and placing a minute amount of powder into a small exhibit bag meant to accommodate these samples. This would then be conveyed to the FSL for analysis."

Then 34:

“There is no training or specialised skill involved in doing this. The samples are merely forwarded to the FSL by the member for chemical analysis by an analyst at the Chemistry Section.”

Is what he is describing there what you understand sampling to be, and if not, can you explain to us what sampling is?

WARRANT OFFICER SETSHEDI: Sampling is the first
10 point of ...[intervenes].

ADV SEGEELS-NCUBE: Warrant officer?

WARRANT OFFICER SETSHEDI: Yes.

ADV SEGEELS-NCUBE: Is what he is explaining as sampling, is that sampling?

WARRANT OFFICER SETSHEDI: No.

ADV SEGEELS-NCUBE: No?

WARRANT OFFICER SETSHEDI: No.

ADV SEGEELS-NCUBE: What is sampling?

WARRANT OFFICER SETSHEDI: Okay. Sampling is when
20 you have a population. The population characters must be homologous, which means it must be the same. From there, then you take a representative sample from the homologous population. You take a representative sample from them, and then that representative sample will tell you what the population contains.

I will make an example if I may, Counsel. If I bring a packet of 10 muffins in the room, then I give the three of you, I give you each a muffin, right? Then I ask you that does the flavour of the muffin that I gave you, it is an All-Bran muffin. Since the 10 contains all of them, they are brown, and I am of the view that they are All-Bran.

But if all the three of you confirm that the muffins are All-Bran, it means that what is in the bag, the remaining ones, the seven, it means they are All-Bran. That is what
10 sampling means, which means it is the representation of the total population of a population with the same characteristics.

Because the first part of sampling is characteristics, which must be homologous. You cannot take a sample on a heterogeneous population. If the population is heterogeneous, which means the population is different, then you need to separate, you take each sample as a representative of the homogeneity within the samples.

ADV SEGEELS-NCUBE: And you indicated that the first
20 step in sampling is to count.

WARRANT OFFICER SETSHEDI: The first step in sampling is the visual identification, where you are speaking to the characters, that the characters are homologous. Then the other step in sampling is to count the population, because the lab uses a sampling plan called

a hypergeometric sampling plan. The hypergeometric sampling plan is a sampling plan designed from statistical principles that the lab uses.

So in that hypergeometric sampling plan, it tells you that if you are having a population with this certain number, that population can be represented by this particular number. For instance, if you have a population of 10, the population can be represented by three samples. But if you have a population of 100, the population of 100
10 can be represented by five samples.

So the hypergeometric sampling plan is an international sampling plan that is used by the lab. So it guides you. If you have this population, then these numbers you must get. So without counting visual analysis, and without counting the whole thing, because for you to count, you are determining the number, the population number of the exhibit that you are dealing with.

ADV SEGEELS-NCUBE: So you would need the entire exhibit. You would need all the exhibits.

20 **WARRANT OFFICER SETSHEDI:** Yes, you would need all the exhibits.

ADV SEGEELS-NCUBE: So if you were doing sampling of the 541 kilograms of suspected Cocaine, how would you have gone about doing it?

WARRANT OFFICER SETSHEDI: The first thing I want to

ask, because what confuses me is that it is the 541 kilograms. So I do not know that that 541 kilograms, does it mean that it is 541 units where each unit weighs one gram, or what does it mean?

ADV SEGEELS-NCUBE: Yes, we are going on what we have been told, but of course you are the expert. So let us say it was 541 bricks, which each one is suspected or estimated to have been a kilogram each, but we do not know that information. We just know it was 541 bricks.

10 **WARRANT OFFICER SETSHEDI:** Okay. So the first thing that I would do if it is 541 bricks, I would arrange the bricks. I would count the bricks. In my counting, it means I must group each by 100, 100, 100. First, then it is 500. Then the 41, then I will put amongst. Then I will do a random sampling whereby when I check the hypergeometric sampling plan, it will say I must take five. Then I will take five within the bricks.

But the first thing that I must assure myself of is that all these bricks are the same, which means they are
20 homologous. Then I will do the sampling.

ADV SEGEELS-NCUBE: Which means you have to unwrap it from the wrapping.

WARRANT OFFICER SETSHEDI: Yes, if they are wrapped.

ADV BALOYI SC: Does the Investigating Officer play a role in the sample size, in deciding the sample size, and

from which groups, as you say, you say you would have grouped it in 200 bricks each. Does the Investigating Officer play any role in the sampling decision, let me say?

WARRANT OFFICER SETSHEDI: No, he does not.

ADV BALOYI SC: He does not?

WARRANT OFFICER SETSHEDI: He does not.

ADV BALOYI SC: Okay. And your superior, Khuzwayo, would have known that, that the Investigating Officer does not get to pick what to sample.

10 **WARRANT OFFICER SETSHEDI**: Correct, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Now, Colonel Jacob does have a BSc and majoring in chemistry and biochemistry. Would he be able to do sampling on his own? Forget about his role, but from a technical point of view, would he be able to do it? Would he know what you know?

WARRANT OFFICER SETSHEDI: At the lab, when you join the lab, you are taken to training on how the lab operates. And sampling is like a module within that training because it
20 is what the lab mostly uses. So when you join, you get trained on how to do the sampling according to the Forensic Science Laboratory operations.

ADV SEGEELS-NCUBE: Now, the process that you explained now for sampling means, as I understand it, you have to unwrap each brick.

WARRANT OFFICER SETSHEDI: Correct.

ADV SEGEELS-NCUBE: Can you do that at the scene of the seizure?

WARRANT OFFICER SETSHEDI: No, because there would be contamination, cross-contamination.

ADV SEGEELS-NCUBE: Just elaborate on that.

WARRANT OFFICER SETSHEDI: So when we talk about cross-contamination, we talk about each item you must treat it independently because you do not want the results being
10 affected by the – if it is powder, if it blows, then it means the whole environment will be contaminated.

So you must treat each item independently because if there is cross-contamination, it means you will not get the correct results. It means the other results is affecting the other one, which means within your sampling procedure, the sampling is not independent because each item must be independent. Then you will know that you have collected the correct data, and then whatever results you get, you know that is correct.

20 **ADV SEGEELS-NCUBE:** Now, if FSL is called by DPCI on a bulk bust like 541 bricks to come and guide them on sampling at the scene, is that even a feasible – never mind irregular – is that a feasible request to make? Can you do that?

WARRANT OFFICER SETSHEDI: No.

ADV SEGEELS-NCUBE: Because of the practicalities that you have indicated?

WARRANT OFFICER SETSHEDI: Yes.

ADV SEGEELS-NCUBE: And from a regulation point of view, are you allowed to go out and guide Investigating Officers on sampling?

WARRANT OFFICER SETSHEDI: No, we are not allowed to guide Investigating Officers on sampling.

ADV SEGEELS-NCUBE: Then if we can continue with
10 Colonel Jacob's statement at paragraph 47, this relates again ...[intervenes].

ADV BALOYI SC: Before you do that, I had meant just to clarify this. In paragraph 46, he refers to Advocate Ramkalawan. Is that someone in the FSL? Paragraph 46?

WARRANT OFFICER SETSHEDI: No, I do not know.

ADV BALOYI SC: It is not a person that you know?

WARRANT OFFICER SETSHEDI: I do not know.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: I think it is somebody from DPP.
20 Paragraph 47, Colonel Jacob refers to a conversation that he had with Lieutenant Colonel Prinsloo, the Acting Unit Commander of Port Shepstone, where he indicated to him that you would come from FSL and you would go with him to go and take seven to 10 bricks to FSL for weighing. Can you comment on whether you ever made an undertaking of

such a nature?

WARRANT OFFICER SETSHEDI: No, it never happened. I have never made any plan to go to Port Shepstone. I have never made any plan with Colonel Jacob to go to Port Shepstone.

CHAIRPERSON: But did you ever go on a wildlife workshop from 8 to 12 November 2021?

ADV SEGEELS-NCUBE: Chair, that is Prinsloo.

CHAIRPERSON: Who was?

10 **ADV SEGEELS-NCUBE:** That was Lieutenant Colonel Prinsloo, yes.

CHAIRPERSON: It is very late in the day.

ADV SEGEELS-NCUBE: Yes, it is, Chair. We are all forgiven. So the seven to 10 bricks, he is really referring to the advice you gave him when he told you how do you go about destructing. And you say, well, how would they even go about doing that because they would have to get the weight and for that you would need a certain amount of bricks in order to determine the total weight and that. That
20 could be the only reference to that amount of bricks.

WARRANT OFFICER SETSHEDI: I have never, there was never a number because my advice to him was to bring the whole thing. The whole thing will be needed in order to determine the weight of the exhibits.

ADV SEGEELS-NCUBE: Yes, but when you were saying to

him how do you even go about destructing, destroying these exhibits because in order to destroy the exhibits they would need to weigh before. You would need to weigh the, well, before you destroy, if you want to do an analysis, they would have to know what the total weight of the exhibits are. And that is done, the process of weighing that, they would take bricks, they would see whether the – how many, I think you said five bricks or something like that, that would be weighted. Do you recall that?

10 **WARRANT OFFICER SETSHEDI:** So what I was explaining there is that what he said they brought, which is it is the sample because I was saying the analyst would weigh what is in the evidence bag, yes.

ADV SEGEELS-NCUBE: Because you did not know how much he is talking about, you did not know.

WARRANT OFFICER SETSHEDI: Yes, I did not know how much he was talking about.

ADV SEGEELS-NCUBE: But that conversation about you going with him to get bricks or him even bringing bricks to
20 FSL never happened.

WARRANT OFFICER SETSHEDI: It never happened.

ADV SEGEELS-NCUBE: Then if we can go to paragraph 56. Your name is mentioned again at paragraph 56, and this relates to a Brighton Beach matter. And what Colonel Jacob there says is that you were an analyst and that you

had acquired samples of the precursor chemicals stored at Brighton Beach and you conducted this exercise with an Investigating Officer from your office. And so what he seems to be suggesting there is that it is not untoward for you as an analyst to work with an Investigating Officer to collect samples at the scene, and this is referring to the Brighton Beach matter. Can you tell us whether he is correct about this and if not?

WARRANT OFFICER SETSHEDI: No, the Brighton Beach
10 matter is a Clandestine Laboratory. That is how it differs with the bricks. It is an Clandestine Laboratory. As an Clandestine analyst, I must go there and do samples.

ADV SEGEELS-NCUBE: So you are doing it at the scene?

WARRANT OFFICER SETSHEDI: At the scene, yes.

ADV SEGEELS-NCUBE: And then if we can go to paragraph 58. Colonel Jacob speaks about a conversation that he had with you and, is it your section or unit Commander? I think it was the 19th of May.

WARRANT OFFICER SETSHEDI: Yes, it is the Subsection
20 Commander.

ADV SEGEELS-NCUBE: Subsection Commander.

WARRANT OFFICER SETSHEDI: My immediate Supervisor, yes.

ADV SEGEELS-NCUBE: Okay. Can you tell us, he says that:

“It became apparent that the investigation team had obtained statements in respect of my interactions with them.”

And these statements he is referring to is from the Port Shepstone theft investigation, correct? The ones that we had dealt with in your January 2022 statement.

WARRANT OFFICER SETSHEDI: Yes.

ADV SEGEELS-NCUBE: Okay. At paragraph 59, he says
10 the following:

“Warrant officer Setshedi admitted to being intimidated by those members that acquired his statement. He indicated that he was first accused of stealing the drugs before the interview began. In no uncertain terms, he made it known that his statement was made under duress. I enquired from him regarding our discussion on 27 October 2021 when he
20 agreed to assist with the obtaining of seven to 10 bricks of Cocaine for weighing purposes. He was reluctant to even confirm this conversation with me. During this meeting, he fetched his statement that he had furnished to

General Flynn's team in order to refresh his memory. When reading it out, I noticed that he had stated that on 27 October 2021 that I had told him that people were planning to break into Port Shepstone office to steal the drugs, when in fact I had told him that Brigadier Nyuswa had informed me that there was attempted break-in at Port Shepstone office.”

Tell us about what transpired here and when did this happen?

WARRANT OFFICER SETSHEDI: What happened is that on the 11th of May 2026, the Colonel was communicating with my immediate Supervisor.

ADV SEGEELS-NCUBE: When you say the Colonel, you mean Colonel Jacob?

WARRANT OFFICER SETSHEDI: Colonel Jacob was communicating with my immediate Supervisor, Colonel Songca, and he requested to see me so that I can remind him what we talked about on the 27th of October 2021. Then I told the Colonel that, Colonel, I am not comfortable to talk to Colonel Jacob alone because I am in this Port Shepstone thing that I do not know how did I get into it.

So, then the Colonel said Colonel Jacob must send

the questions that he wants to talk to me about. Then the questions were sent to Colonel Songca's phone and then the Colonel read it.

Then on the 19th of May, he called again, called my immediate Supervisor and said, Colonel, I really, really want to see Setshedi. Then the Colonel said Setshedi is not available because on the 20th, I was going to a police station where I do, because I am from a basic training, so there are hours that I need to do at the police station.

10 Then he said on the 20th, Colonel Songca said on the 20th, Setshedi is not available. Then Colonel Jacob said, can I come now, now, now? Then the Colonel said, okay. Then the Colonel came to me and said the guy said he was contacted by the Commission, so he needs you to remind him on what happened on the 27th of October 2021.

I said, but that meeting cannot take place with me and Colonel Jacob, because I am afraid that he will twist whatever is said in that meeting. Then the Colonel said to me, no, I will be there, and we will get another person to be
20 there.

And then the Colonel Jacob arrived with Lieutenant Colonel Sibiya. They came to the lab. When they came to the lab, then the Colonel, we went to, it is a new laboratory at Mayville, and then we went to a lab, and then we sit there and then he asked that ...[intervenes].

ADV SEGEELS-NCUBE: Before you get to who all was present in the meeting, so we know it was Colonel Sibiya and Colonel Jacob, yourself?

WARRANT OFFICER SETSHEDI: Colonel Songca and myself, and Colonel Songca asked another Warrant, Warrant Officer Nkosi to be present.

ADV SEGEELS-NCUBE: Melusi Nkosi?

WARRANT OFFICER SETSHEDI: Melusi Nkosi, yes.

ADV SEGEELS-NCUBE: Okay, continue.

10 **WARRANT OFFICER SETSHEDI:** Yes, and then when he came, he said, hey, they are accusing me of stealing drugs. I did not do it. I do not know what they are talking about. Setshedi, what did you say to the guys who came in 2022, the investigation? Then I said to him, I issued a statement. That is what I have done.

Then he said, do you have a copy of that statement? I said the same copy I have submitted. Then I went to my diary and checked the old statement, the one that is the same as the one that I submitted in 2022. And I
20 gave it to him, and then he said, he read it, and then he said, Setshedi, you do not remember the plan about going to Port Shepstone?

I told him that, Colonel, do not come with stories here. It never happened. The only discussion that me and you had, it is me guiding you, telling you that destruction,

who you must talk to if you want to talk about destruction, which is Colonel Khuzwayo. When you talk to Colonel Khuzwayo, please put the point of total mass discussion with Colonel Khuzwayo so that you can also understand what I am talking about. There was no plan that I made with you to go to Port Shepstone.

So you see, and then he said to me, come on, Setshedi, come on, remember something. I said there is nothing, it never happened. If it never happens, I cannot
10 remember anything.

ADV KHUMALO SC: Warrant Officer Setshedi, the affidavit from January 2022 in File 2, your affidavit. Now, this is before anybody knew that there was going to be a Commission of Inquiry. On page 639, there you seem to be confirming parts of Jacob's version because you do say when he spoke to you on the 27th of October, he asked you about samples that had been brought to the lab.

So there was a discussion about these samples that were brought to the lab. And he explained that he feared
20 that people were going to break into the place where the drugs were stored, and he asked about the destruction of exhibits. So the discussion was not just about destruction of exhibits. It was also about the samples that had been brought to the FSL and him wanting that process to be expedited.

And that is in paragraph 3 on 639, and that seems to me to be consistent with what he says in paragraph 44 of his statement or affidavit. Because he says in paragraph 44:

“I asked him about expediting the samples we had sent for analysis so that we could receive our analysis report. This would, in essence, mean that at least they could be destroyed since the
10 formality of the analysis report would have been analysed.”

Whether that is the correct process or not, let us leave that aside. But your affidavit on 639 seems to confirm that he came to ask about samples that had been brought to the lab. Let us look at paragraph 3 on 639.

WARRANT OFFICER SETSHEDI: Yes, Commissioner.

ADV KHUMALO SC: And it goes back to my earlier question, when did you know that what they were talking about is the drugs that were seized, the 541kg? It seems to
20 me that there was that discussion in October. The discussion was not just about how do I destroy drugs in general.

WARRANT OFFICER SETSHEDI: No, the discussion was about, it was not about the – because the 549, I knew in 2022, the 21st of January. So, on the 27th, he was talking

about samples, I was advising him about weight, that how does it work. Because the question that he posed to me is that he asked if destroying the exhibit will not affect the case.

ADV KHUMALO SC: Let us not go there first, let us start with the first sentence. Colonel Jacob said it was about the case whose samples have been brought to the lab.

WARRANT OFFICER SETSHEDI: Yes.

ADV KHUMALO SC: Now, the case whose samples have
10 been brought to the lab is the Port Shepstone case.

WARRANT OFFICER SETSHEDI: At that time, I did not know that it is the Port Shepstone case.

ADV KHUMALO SC: But at least you knew that he was asking about samples that had been brought to FSL, according to your affidavit.

WARRANT OFFICER SETSHEDI: Yes, because he told me that they brought samples to FSL.

ADV KHUMALO SC: And you never asked him what that was about, because according to you, it is not allowed that
20 samples should be brought to FSL.

WARRANT OFFICER SETSHEDI: I have never asked him.

ADV KHUMALO SC: You did not have that discussion?

WARRANT OFFICER SETSHEDI: We did not have it.

ADV KHUMALO SC: Okay.

WARRANT OFFICER SETSHEDI: We did not have.

ADV KHUMALO SC: And I am only doing this to be fair to you, because when he comes here and he refers to this paragraph, we will not have the opportunity to call you back to clarify this. So because you are here now, it is only fair that I take you through this, so that when he refers us to this, I will at least know that you got the opportunity to answer this part. I am not trying to catch you.

WARRANT OFFICER SETSHEDI: No.

ADV KHUMALO SC: So please do not think I am trying to
10 catch you. I know he is coming, and when he comes, when he refers to this, I want to make sure that you have been given the opportunity to deal with this.

WARRANT OFFICER SETSHEDI: Yes.

ADV KHUMALO SC: Because this seems to be his position that we had the discussion about the samples, we had the discussion about the distraction, and if you go further down that paragraph, it talks about the number of exhibits. It says, for example:

20 “I also said that the analyst who will be
 doing the analysis of the case will need
 the actual exhibits to determine the
 weight of the total mass, and the analyst
 will need to count all exhibits and weigh
 a certain number from the exhibits.”

And then it continues. That part is basically what you are

saying that you needed all of them.

WARRANT OFFICER SETSHEDI: Yes.

ADV KHUMALO SC: Ja, but I must say that FSL confuses me, because your superior says we did not have storage for all of those. There is no way they could have come to FSL. So it makes me wonder, how else could you, that analyst, accept a sample? Because if your superior says there is no way we could have accommodated 540 kilograms of Cocaine at FSL, how else then would one have done that analysis?

10 **WARRANT OFFICER SETSHEDI:** And if you do not know, your superior maybe will talk about that. But it seems to me that the only way you could do it in the circumstances was a sample.

WARRANT OFFICER SETSHEDI: No. My comment is that they should have brought everything to the lab. That is what I know.

ADV KHUMALO SC: All 554 kilograms?

WARRANT OFFICER SETSHEDI: Yes, they should have brought it to the lab.

ADV KHUMALO SC: To FSL?

20 **WARRANT OFFICER SETSHEDI:** That is what I know.

ADV KHUMALO SC: But your superior says we did not have storage for 541 kilograms of Cocaine at FSL. So how could they have brought all 541 kilograms? I just do not get that. And it is not you, I am just, you know?

WARRANT OFFICER SETSHEDI: Yes, I do not know how

the superior has reached that decision.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: What are the other options, that they would have taken the stuff to Pretoria, or keep it until there was space in your lab?

WARRANT OFFICER SETSHEDI: I will also say, Commissioner, also, me as a Clandestine Laboratory, if I have a large quantity of exhibits, I will call my Supervisor while I am on the scene and then my Supervisor will start
10 arrangement for storage. If the storage, the lab does not have the space, then the Supervisor will say to me, no, you need to go to Pretoria. Then we start preparation for that. Then after processing the scene, then we take everything to Pretoria.

ADV SEGEELS-NCUBE: Warrant Officer, when you had the conversation with Colonel Jacob on the 27th of October 2021, forget about what is stated in your statement because your statement comes in January, does he tell you, as you say, does he say to you the case I want to discuss with you
20 is about samples that we brought? What is the language that he is using in October 2021?

WARRANT OFFICER SETSHEDI: Yes, he said the sample that they brought to us.

ADV SEGEELS-NCUBE: He says that?

WARRANT OFFICER SETSHEDI: Yes.

WARRANT OFFICER SETSHEDI: So when he says to you he wants to have a conversation with you, he comes from Captain Kubheka's office, he comes to you and he speaks to you. Does he say to you he wants to expedite an analysis?

WARRANT OFFICER SETSHEDI: No, he said it was about destruction, nothing we talked about expediting an analysis.

ADV SEGEELS-NCUBE: Thank you. And the issue that he raises in his statement about you being intimidated and preparing your statement, the January 2022 statement
10 under duress, can you comment on that?

WARRANT OFFICER SETSHEDI: No, it was not under duress.

ADV SEGEELS-NCUBE: Did you tell him during the meeting that it was?

WARRANT OFFICER SETSHEDI: No, I did not.

ADV SEGEELS-NCUBE: Okay. Did you mention anything about intimidation or being under duress?

WARRANT OFFICER SETSHEDI: No, I did not mention anything.

20 **ADV SEGEELS-NCUBE:** Okay. Thank you, Chair. There are no further questions for the witness.

CHAIRPERSON: Thank you very much, Colonel. You are excused.

WARRANT OFFICER SETSHEDI: Thank you, Chair.

CHAIRPERSON: May we just quickly go out? We will

come back when we indicate.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE: The next witness is Lieutenant Colonel Songca.

CHAIRPERSON: Good evening, Lieutenant Colonel Songca. I think it is the first time in greeting a witness I have ever said good evening. Will you be swearing or affirming?

10 **LT-COL SONGCA:** Swearing, Commissioner. Thank you.

CHAIRPERSON: Please state your full names for the record.

LT-COL SONGCA: I, Patience ...[intervenes].

CHAIRPERSON: No, just your full names.

LT-COL SONGCA: Okay, Patience Nokwazi Songca, Commissioner.

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

LT-COL SONGCA: So help me God.

PATIENCE NOKWAZI SONGCA (duly sworn states)

CHAIRPERSON: Thank you.

EXAMINATION BY ADV SEGEELS-NCUBE: Thank you, Chair. Colonel, in front of you are three files. The file I am

focusing on is the first file, which says “Consolidated Statement”. Do you have it there? It should say “Consolidated Statement, file 1”.

LT-COL SONGCA: I do.

ADV SEGEELS-NCUBE: And then if I could ask you to go to section 4, which is a file divider 4, which should contain your statement. Just confirm once you have it.

CHAIRPERSON: And Ms Segeels-Ncube, the time is 18:51.

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

CHAIRPERSON: So I will hold you to your undertaking.

ADV SEGEELS-NCUBE: Noted, Chair. Do you have it?

LT-COL SONGCA: Yes, Counsellor.

ADV SEGEELS-NCUBE: Okay, thank you.

LT-COL SONGCA: Thank you.

ADV SEGEELS-NCUBE: Could I ask you to confirm that it is your statement and that the signature on page 5 is your signature?

20 **LT-COL SONGCA:** Page 5 of 5 it is my signature, Counsellor. Thank you.

ADV SEGEELS-NCUBE: And you confirm the correctness of the statement?

LT-COL SONGCA: Yes, Counsellor.

ADV SEGEELS-NCUBE: Okay. Can you then read the statement into the record from page 1.

LT-COL SONGCA: Introduction, under A.

“I am an adult female employed at the South African Police Services, SAPS, as a Subsection Commander for Chemical Investigation under Chemistry Section in the Forensic Science Laboratory, FSL, in KwaZulu-Natal. I hold the rank of Lieutenant Colonel.”

10

Number 2:

“I am in possession of a BSc degree majoring in Chemistry and Botany from the University of Transkei, a BTech in Chemistry from PE Technicon, a BTech in Quality Management from Durban University of Technology, a National Diploma in Project Management and an MBA general from Regent Business School.”

20

Number 3:

“I have been a Commander of Chemical Investigation Subsection since 2013. The Chemical Investigation Subsection for Clandestine Laboratory, clan lab, is responsible for attending and

processing clan crime scenes, which are classified as C-type cases. The members also attend B-type cases, which are complex non-clan Lab cases brought to FSL. It is important to note that in B-type cases, the members do not attend the crime scenes to collect or to assemble. The case is brought to the FSL. I report to Colonel Khuzwayo as the Chemistry Section Commander, and she reports to Brigadier Maluleke, who is the Regional Head of FSL, KwaZulu-Natal.”

Number 4:

“Cases dealing with illicit clan labs are handled by the Chemical Investigation Subsection team members headed by me. This subsection is responsible for attending and processing clan lab crime scenes and analysing of clan lab exhibits.”

Number 5:

“The purpose of this statement is to explain my limited role in what is referred to as the seizure of 541

kilograms of suspected Cocaine on 22 June 2021 in KZN. I have been informed by the Commission that my evidence may be of assistance in the Commission's work regarding the seizure and the subsequent theft of the drugs from the Port Shepstone premises of the Directorate of Priority Crime Investigation, DPCI. Before I

10 deal with my involvement, it is important for me to highlight that FSL's operation at the time was subject to National Instruction 1/2015, National Instruction 8/2017, and the Protocol on the Search, Seizure, Handling, Processing, and Disposal of Illicit Drugs, the Protocol. I was advised that these documents have been already being placed before the Commission.”

20 **ADV SEGEELS-NCUBE**: Thank you, Colonel. Can I then just ask you, instead of reading the next page, if you could tell us about the events of 23 June 2021 in your own words, not reading into the record, if you can tell us what happened.

LT-COL SONGCA: Thank you, Counsellor. On 23 June

2021, firstly, I was on vacation leave. And on that day, in the morning, around 8 o'clock, I received a telephone call from one of the team members on the clan lab. They are standby duty members of two members per time. So on that day, I received a telephone call from Warrant Officer Nkosi, and he informed me that he has received a call from Colonel Khuzwayo, whom I have identified her as my direct Commander. Colonel Khuzwayo, from the member, he indicated that Colonel Khuzwayo requested my clan lab
10 team members to go and assist Brigadier Nyuswa's team at Isipingo for a Cocaine case, and to guide Brigadier Nyuswa's team on how to sample.

And from that, I have informed the member that I will call back Colonel Khuzwayo and explain how my subsection works, and come back to the member to explain the directive for how are they going to respond to a request from Colonel Khuzwayo. Just after I was busy speaking to the Warrant Officer Nkosi, I received a call from Brigadier Maluleke, who is the Regional Head for Forensic Science
20 Lab, KwaZulu-Natal, and Brigadier Maluleke indicated to me that he requested my team members for clan lab KZN to go to Isipingo to assist Brigadier Nyuswa's team and guide them on how to sample in a Cocaine case.

And I responded to Brigadier Maluleke the same response I gave to Warrant Officer Nkosi that we do not

assist DPCI in sampling. Sampling is a forensic lab type to do. So I clearly defined and explained to Brigadier Maluleke that clan lab team do not assist. They are forensic expert. DPCI, if they have got any need from the forensic lab, they specify either they are information seeking or they want my team to attend clan lab. So I explained to Brigadier Maluleke that we do not assist DPCI or investigating officer on guiding them on how to sample because that is a forensic lab work to be done and Brigadier
10 cut the call.

Just after I spoke to Brigadier Maluleke, I received another call from my direct Commander who is Colonel Khuzwayo. She said to me, she request my team to go and assist Brigadier Nyuswa's team to guide them on how to sample a Cocaine case at Isipingo. I responded the same way I have responded to Brigadier Maluleke to Colonel Khuzwayo and explained to her why my members cannot attend and Colonel Khuzwayo was understanding and the call ended. That was all I was involved on the 23rd of June
20 2021, Counsellor.

ADV SEGEELS-NCUBE: And did any of your members go out to go and assist Brigadier Nyuswa's team?

LT-COL SONGCA: No, Counsellor.

ADV SEGEELS-NCUBE: Okay. And then page, so that takes care of page 3 and 4 of your statement. On page,

still on page 4 ...[intervenes].

ADV KHUMALO SC: Advocate Segeels, do you mind if she reads paragraph 10, only 10?

ADV SEGEELS-NCUBE: Okay, can you read paragraph 10 on page 4?

LT-COL SONGCA: Page 4 or 5?

ADV SEGEELS-NCUBE: Yes, page 4, paragraph 10.

LT-COL SONGCA: -:

10 “It is important for the Commission to
understand that in terms of the
protocol, all drug exhibits except
Dagga and Cat must be submitted to
the FSL immediately, but not later than
seven days. Once the exhibits are at
the FSL, the exhibits are registered,
stored in the safe, awaiting allocation
to any available analyst. My members
do not attend non-clan lab crime
scenes to collect samples of exhibits
20 that are stored or will be stored
elsewhere.”

Thank you, Counsellor.

ADV BALOYI SC: Can I just ask, this request from Colonel Khuzwayo and Brigadier Maluleke, does it mean they do not know this which you have had to explain to them, that your

members do not go out to, I think they are called type B, since they go only to clan labs? I am trying to understand such a request being made to you by these two senior people. On the face of it, it suggests they do not know this protocol that you have had to explain to them.

LT-COL SONGCA: Commissioner, it may happen they do not know or they forgot, but I did my extent to explain to them my restriction as a clan lab manager so that they understand clearly even to the person who have phoned
10 them to request. And I even further explained to them, if you have got any challenges to the requestee, you can ask him to call me back because I have got a good relationship with DPCI. They call me directly for information seeking and even for assistance. So we may not know, but I gave them that benefit of the doubt. Thank you, Counsellor.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: And you say that your members do not attend non-clan lab crime scenes to collect exhibits. In fact, they do not attend non-clan lab crime scenes. How
20 did you know that what was being requested, the assistance that was being requested by Brigadier Nyuswa's team was a non-clan lab crime scene so that your members do not go out?

LT-COL SONGCA: From the information that I have requested from the three people that have communicated to

me, because I even asked from Colonel Khuzwayo, what is there that the members, they are going to do? He said, they are just going to assist them and guide them on how to sample. Then I said, it is not within my restriction for my members to guide the investigating officer because they do not have the training for sampling.

ADV SEGEELS-NCUBE: If Colonel Khuzwayo had said to you that the request from Brigadier Nyuswa is for your clan lab members to go out and do sampling, not to guide, but to
10 do sampling, would that still have been, you still would not have sent your members out?

LT-COL SONGCA: If she indicates it is a clan lab, I further go in details because I have to minimise my members to go out where there is no need for that. I will request, because if they were phoning me in a state phone, I would request Colonel Khuzwayo to provide me the details of the investigating officer so that prior releasing my members, I contacted the investigating officer of the matter to find out the details of the actual area that is involved.

20 This includes whereby they will even send me the photos and we can talk about the clan lab to see whether it fit in with the criteria because we had instances before that members end up going to attend something that does not fit the criteria. So we have gone to the extend that I have a direct contact with the investigating officer to see that

where my members are going to go, it actually meets the criteria. So even if Colonel Khuzwayo can say it is a clan lab, I will request a further communication with that investigating officer before I release my members, Counsellor.

ADV SEGEELS-NCUBE: If I can then just understand the sequence. Brigadier Maluleke calls you first.

LT-COL SONGCA: Yes, Counsellor.

ADV SEGEELS-NCUBE: You explain and does he accept
10 your explanation as to why your members are not going out?

LT-COL SONGCA: He said, okay, Colonel.

ADV SEGEELS-NCUBE: And then you receive a few minutes later a call from Colonel Khuzwayo.

LT-COL SONGCA: Yes, Counsellor.

ADV SEGEELS-NCUBE: Does she tell you why she is calling you with the same instruction? Did she know that Brigadier Maluleke had just called you? I cannot be sure of that, Counsellor. Only thing that I did, I responded to her
20 request and give clarity.

ADV SEGEELS-NCUBE: But when she speaks to you, she says to you that Brigadier Nyuswa called her as well, or does she say she got a call from Brigadier Maluleke to approach you? She did not indicate who called her, Counsellor. She just said, can my team members go and

assist. So she did not indicate who actually requests.

ADV SEGEELS-NCUBE: Okay. And was there, did you not find it strange that your two seniors are calling you in succession about this request? Should they not have known, as Commissioner Baloyi is saying, should they not know the protocol that FSL members, clan lab members do not go out to assist or guide on sampling?

LT-COL SONGCA: It may be, Counsellor, but I would give the benefit of the doubt because this is not their field of
10 expertise. At least they phoned me so I can give them directive and clarity. Then it is sounding better on my side because I have informed them or update them from what is actually happening.

ADV SEGEELS-NCUBE: Okay. And you did not receive any direct communication from Brigadier Nyuswa?

LT-COL SONGCA: No, Counsellor.

ADV SEGEELS-NCUBE: Have you ever been requested by DPCI directly to send your members out?

LT-COL SONGCA: A lot of time, Counsellor.

20 **ADV SEGEELS-NCUBE**: But not to go and guide on sampling?

LT-COL SONGCA: No, Counsellor.

ADV SEGEELS-NCUBE: For clan labs?

LT-COL SONGCA: For clan lab. Even if it is not clan lab, if they have got any consignment, they call me for clarity.

That is why I even request them to send me photos so whatever communication I give and guidance it is for something that I see of. So we have got a good relationship working with them. So it was shocking for me now that I received a call from a senior but I am working with them. Almost they are my primary customers when it comes to clan lab.

ADV SEGEELS-NCUBE: Okay. Would you have expected Brigadier Nyuswa to call you directly or somebody from his
10 team?

LT-COL SONGCA: Yes, Counsellor.

ADV SEGEELS-NCUBE: Because they know you are the person that gives that instruction?

LT-COL SONGCA: Yes, Counsellor.

ADV SEGEELS-NCUBE: Okay, thank you. Then if you can continue with your statement at page 4, the October 2021 incident. Again there if you could just tell us in your own words rather than read what happened on the 27th of October 2021.

20 **LT-COL SONGCA**: Firstly, Counsellor, under my clan lab, I have got four members who partner up in two pairs. One of the members is Warrant Officer Setshedi. So on this day, Warrant Officer Setshedi, around 11:20, he called me and he informed me that he had a conversation with Lieutenant Colonel Jacob of DPCI, who I usually work with him also,

because at that time, Warrant Officer Setshedi was having a ...[indistinct] case whom Lieutenant Colonel Jacob was the investigating officer. So there was nothing funny with me because I know exactly there will be some communications between the members and the investigating officer.

But now the shocking part is, every time when the investigating officer wanted to communicate with me or wanted to communicate with my members, they via me, then they speak with a member with me knowing exactly what is
10 expected. So on this day, Warrant Officer Setshedi telephonically called me and say, Colonel, there was Lieutenant Colonel Jacob in the office and he came and enquire from me to find out about there was information. Can I refer from my statement to be a little bit specific on information?

ADV SEGEELS-NCUBE: Yes, sure. Yes.

LT-COL SONGCA: So Warrant Officer Setshedi informed me that there was Lieutenant Colonel Jacob early this morning and Lieutenant Colonel Jacob asked him if it is
20 possible that the case that the DPCI sampled and forwarded to FSL lab for analysis could be analysed by one of the crime scene analysts, which means on those words, he was meaning my team members, can assist since, I think the background was that Lieutenant Colonel Jacob know my team because he has been working with, so he wanted to

know whether is it possible that those team members can address that case that he has forwarded to the lab.

And I responded to Warrant Officer Setshedi that procedurally, the IO do not pick up the analyst to analyse a case. And secondly, this case that Lieutenant Colonel Jacob was referring to was the case that was brought directly to the lab. So it was already within the FSL system, which is out of my restriction as a clan lab. So they indicated to Warrant Officer Setshedi that procedurally,
10 investigating officer, they do not pick an analyst to analyse a case and that will not be done, and that was then.

ADV SEGEELS-NCUBE: And then, something that is not contained in your statement, but that we became aware of after the fact in consultation with you, was a meeting ...[intervenes].

CHAIRPERSON: May I, sorry, may I just quickly, quickly ask this. You say, he informed me that, oh no, let me start a line down.

20 “He said that Lieutenant Colonel Jacob asked him if it is possible that the case that DPCI sampled and forwarded to FSL for analysis could be analysed by one of the crime scene analysts, in other words, by one of my members. I told Warrant Officer Setshedi that if the

case had been submitted to FSL, it will be allocated to any analyst, and that as his Commander I informed him that it is irregular for any investigating officer to request or choose a specific analyst to analyse a case.”

My understanding is that all exhibits should be brought to FSL, and the sampling should be done by FSL. Why did you say that, that is to Warrant Officer Setshedi,
 10 that the case would have to be allocated to any analyst? Why did you not say, we will not do that, because we cannot analyse what has been sampled and brought as a sample by the DPCI, because here you seem to be accepting that you would do the analysis, but that they could not choose which analyst should do it. So you are receptive to the idea of doing the analysis, even though DPCI had done a sample for you. Why did you not say, we are not going to do that, because they cannot sample for us?

LT-COL SONGCA: Counsellor, firstly, not all
 20 ...[intervenes].

CHAIRPERSON: I was a Counsellor before.

LT-COL SONGCA: My apology, Commissioner.

CHAIRPERSON: Let us leave it. Let us just say more than a decade ago.

LT-COL SONGCA: My apology, you are growing younger

to me. Okay, Commissioner, firstly, not all the exhibits come to the FSL, because there is my subsection that goes out there to collect exhibits. And secondly, the issue of sampling, I do not have the details whether sampling or they analyse or they brought it the wrong time, because I know nothing about this. The only information I know about this case is when I got the call while I was on vacation in June. So I do not know what transpired after that call. So I will either assume they are giving incorrect terminology or
 10 either. So that is where my position is. So the actual position that I was, was to address the position of selecting an analyst to assist. Thanks, Commissioner.

CHAIRPERSON: So had you known that they had actually sampled and brought a sample themselves, you would have rejected that?

LT-COL SONGCA: Yes, Counsellor.

CHAIRPERSON: All right, thank you.

LT-COL SONGCA: Yes, Commissioner, my apology.

CHAIRPERSON: Thank you.

20 **ADV SEGEELS-NCUBE:** Thank you. Colonel, then an issue that you did not deal with in your statement, because you only informed us about it after in preparation for your evidence, is a meeting that took place on the 19th of May 2026. Can you tell us what happened, how that meeting came about, and what happened in the meeting?

LT-COL SONGCA: Thank you, Counsellor. Can we go back first?

ADV SEGEELS-NCUBE: Yes.

LT-COL SONGCA: Before the 19th. On the 11th of May, I received a telephone call from Colonel Jacob ...[indistinct] and he requested from me to speak to Warrant Officer Setshedi and see what did he write on his statement. And I said, what do you want to know from Warrant Officer Setshedi? He said, I just want to remind myself, my
10 apology, of what Warrant Officer Setshedi wrote while the investigating officer came. I said, can you please send me in my phone the question that you wanted to address with Warrant Officer Setshedi so that I can view them and discuss with him so that when you come, we are already prepared.

Then he sent me a WhatsApp message because I was out of office also. He sent me a WhatsApp message and he was using Durban KZN Young. I can confirm from my phone, but it is not his number that we usually
20 communicate. Then I took those, it was about six questions, then I took those questions and discussed with Colonel Khuzwayo and say these are the questions I have received from Colonel Jacob, he wants to meet with my member. But when I read these questions, it is not about Warrant Officer Setshedi because in my knowledge, I

thought the question he is going to address is the cases that Setshedi has done that are his. But when I read these questions, it is what asking about destruction, which is out of Setshedi's matter. Then I said, Colonel, these questions are awkward for Setshedi. I do not know why Colonel Jacob wants to discuss such questions because these operational questions, which also myself as his Commander is not involved. I am not involved in destruction. I am not involved about case management. I do not understand why
10 he wanted to know that.

Then we discussed the question. I said, I will hear from him when he calls back again so that I can enquire if there is anything further than it, but all of these questions, they do not involve Warrant Officer Setshedi. Then I just keep myself busy with other things.

Then on the 19th, he called me again. The 19th of May, he called me again, insisting, Colonel, please, can I see Warrant Officer Setshedi? I wanted to remind myself, what did he say in his statement? I said, Warrant Officer
20 Setshedi is in the office today, but 20th and the 21st, he will not be in the office because he is doing the police, what we call it, after the college. So you have got two days where you need to serve in the police station. I said, today, Thursday and Friday, he will not be there. So if you want him urgently, you can come today while I am also here and

he is here so that we can address actually your concerns because the questions you sent me, they do not involve Warrant Officer Setshedi. He said, we are coming now.

Within about 20 minutes, he was at the lab going with Colonel Sibiya. I do not know if it is KG. I cannot remember his initials. They came to the lab and I was called at case reception. I went and collected them and they went in the lab opposite my office because my office is small ...[indistinct]. Then I informed him that I am going to
10 be part of your discussion as a supervisor for Setshedi. And I called another member to come as a third party to hear actually what is being inquired by Colonel Jacob because I could not understand.

And Colonel Khuzwayo was busy with some information so she could not manage to join us. So I grabbed another analyst as a third party to listen. And Colonel Jacob requested to, he requested first to find out what did Setshedi wrote in his statement and what did he said. Then Setshedi said, I will go and collect my statement
20 because I cannot remember everything. Then Warrant Officer Setshedi went out to their office and collected an unsigned statement. And he showed him, he said, this is the statement. He gave it to me. Then I said, Colonel, there is a statement, you can read for yourself and remind yourself.

Then he was reading every passage and questioning every paragraph. Can you remember something, Warrant Officer Setshedi? And Warrant Officer Setshedi said, this is all we have communicated about and this is all I know. And he was insisting, can you please remember what we have discussed? And this instance, I was not there when they discussed, it is only the two of them. And Setshedi said, this is all I know, Colonel, nothing more about that. And he was really furious that

10 Setshedi is supposed to remember something, say, please remember, remember please what we have talked on that day. And Setshedi was saying, no, this is all we have talked about, Colonel.

Then they decided, they go. Colonel Jacob said, he wanted to see Colonel Khuzwayo. And Colonel Khuzwayo was up and down those week, we were preparing for audits. So he could not manage to meet Colonel Khuzwayo, then they left. So that was a little bit concerning to me because he was continuously persisting to meet with

20 Setshedi. So that is why I also wanted to hear, what is it that is so important they want to discuss about? That is all, Counsellor.

CHAIRPERSON: Do, Ms Segeels-Ncube, do we have the phone record?

ADV SEGEELS-NCUBE: Phone record of what, Chair?

CHAIRPERSON: Remember Colonel Songca
...[intervenes].

ADV SEGEELS-NCUBE: No, we do not have.

CHAIRPERSON: Oh, you know ...[intervenes].

ADV SEGEELS-NCUBE: She has not provided
...[intervenes].

CHAIRPERSON: You know what I am referring, you know.

ADV SEGEELS-NCUBE: I hear it for the first time that the
questions were actually sent to her.

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

ADV SEGEELS-NCUBE: So we will engage her on that.

CHAIRPERSON: All right, all right. Thank you.

ADV SEGEELS-NCUBE: Yes, thank you.

CHAIRPERSON: You can share that with the Evidence
Leaders. You remember what you referred to about the text
that was sent to you by ...[incomplete].

LT-COL SONGCA: The text that was sent, Commissioner,
it is set for, I do not know what they call the technology,
whereby the message is staying for a certain timeframe. I
20 did not know either, but in my phone it is still indicating that
the message came on the 11th May 2026. And at least on
that day when I received the message, I went to Colonel
Khuzwayo and we discussed it. Now when we are
preparing, I want this message, it is no longer there. But
the contact that he sent the message with is still with him,

my phone and it was a WhatsApp communication.

ADV SEGEELS-NCUBE: So it will show that it is a disappearing message on the 11th, that was sent on the 11th of May.

LT-COL SONGCA: Yes, Counsel.

ADV SEGEELS-NCUBE: Okay. And you say that you did tell Colonel Khuzwayo contemporaneously about what happened, the messages that you got.

LT-COL SONGCA: Yes, we even discussed the questions
10 that I have received, Counsellor.

ADV SEGEELS-NCUBE: During the meeting of the 19th of May, did Warrant Officer Setshedi say anything about him being intimidated by the investigators of the Port Shepstone theft in January, 2022, when they were asking for a statement and interviewing him?

LT-COL SONGCA: No, Counsellor.

ADV SEGEELS-NCUBE: Did he mention anything about having prepared his statement under duress during that meeting?

20 **LT-COL SONGCA:** No, Counsellor.

ADV SEGEELS-NCUBE: Okay. What was Colonel Jacob's attitude towards Warrant Officer Setshedi insofar as when he did not recall what Colonel Jacob wanted him to recall? And do you have a specific issue that they were discussing that he was upset about that was not being recalled?

LT-COL SONGCA: He was furious about. Can you remember about us making arrangement for the seven blocks in Port Shepstone? Can you remember something? They said I stole exhibit, please remember. That is all I can remember, Counsellor.

ADV SEGEELS-NCUBE: Okay, thank you. Chair, no further questions for the witness.

CHAIRPERSON: Thank you, Ms Segeels-Ncube. Thank you very much, Colonel Songca, you are excused.

10 **LT-COL SONGCA:** Thank you, Commissioner.

CHAIRPERSON: Thank you. Who do I look to now?

ADV SELLO SC: Thank you, Chair. I think that just might be enough for the day.

CHAIRPERSON: During some of the informal discussions outside and indication was made, to start at 9, I have practical difficulties. I cannot make 9 o'clock.

ADV SELLO SC: No, Chair, having considered the next witness, the statement is in the file, and it is fairly brief as well. So there will not be any need to start earlier than
20 normal. So we do not have to start at 9.

CHAIRPERSON: How long do you think it would take to ...[intervenes].

ADV SEGEELS-NCUBE: 30 Minutes.

CHAIRPERSON: Three zero? Let us do it now.

ADV SELLO SC: Do it now?

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: I did stick to my 30 minutes.

ADV SELLO SC: Well, she stuck to her 30 minutes. She is giving you an undertaking of 30 minutes again.

CHAIRPERSON: Let me look. I do not trust that.

ADV SEGEELS-NCUBE: We did, Chair.

ADV SELLO SC: Then we can.

ADV SEGEELS-NCUBE: Yes, she will be even briefer, I think.

10 **CHAIRPERSON**: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: She will be relieved.

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, the next witness is Colonel Khuzwayo. Her statement appears in section 5.

CHAIRPERSON: Good evening, Colonel.

COLONEL KHUZWAYO: Good evening, Commissioner.

20 How are you?

CHAIRPERSON: Well, thanks. How are you?

COLONEL KHUZWAYO: I am good, thank you.

CHAIRPERSON: Thank you, thank you. Will you be swearing or affirming?

COLONEL KHUZWAYO: Swearing.

CHAIRPERSON: Do you swear that, oh, first, please give us your full names for the record.

COLONEL KHUZWAYO: Nonkululeko Promise Kuzwayo.

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

COLONEL KHUZWAYO: So help me God.

NONKULULEKO PROMISE KHUZWAYO (duly sworn

10 states)

CHAIRPERSON: Thank you.

EXAMINATION BY ADV SEGEELS-NCUBE: Thank you.

Colonel, there should be a file in front of you that says Consolidated Witness Statements, and if you go to section 5, your statement should be there of that file.

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: I think they have already opened it for you. Page 1 to page 6, if you can confirm the signature on page 6, that it is yours.

20 **COLONEL KHUZWAYO:** Yes, it is mine.

ADV SEGEELS-NCUBE: And do you confirm that this is the statement that you prepared for purposes of your evidence before the Commission?

COLONEL KHUZWAYO: Correct.

ADV SEGEELS-NCUBE: And you confirm the correctness

of the contents of the statement?

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: Can I ask you to go to page 1, and if you could read your statement into the record, please.

COLONEL KHUZWAYO: -:

10 “I am an adult female in the employ of
the South African Police Services as
the Section Commander of the
Chemistry section in the Forensic
Science Laboratory in KwaZulu-Natal.
I hold the rank of Colonel. I hold a
Bachelor of Science degree in
Chemistry. I also have an in-house
training on the analysis of illicit drugs
and medicine exhibits. Before my
promotion to Section Commander of
the Chemistry section, I started as an
Assistant Forensic Analyst in FSL from
20 2002 with the rank of Sergeant. In
2005, I was promoted to a Forensic
Analyst responsible for technical
management in the section until I was
promoted in 2009 to Supervisor with
the rank of a Captain. I was promoted

to Section Commander in 2013. In 2001, I reported to Brigadier Maluleke, who is the Regional Head of FSL for KwaZulu-Natal and parts of Eastern Cape and the Free State. As a Section Commander, I am responsible for the Chemistry section, which deals with cases such as suspected illicit drug and fire investigation. This Chemistry section includes subsections such as chemical investigation, chemical analysis, case management, as well as archives and disposals. The chemical investigation subsection is headed by Lieutenant Colonel Songca. This subsection is responsible for attending to, amongst others, clandestine drug laboratory cases.

The purpose of this statement is to explain my limited role in the evidence surrounding the seizure of 541 kilograms of suspected Cocaine on the 22nd June 2021 in KZN. I am advised that my evidence may be of assistance in the Commissioner's work regarding

the seizure of the subsequent theft of the drugs from the Port Shepstone premises of the Directorate for Priority Crime Investigation.

Before I deal with my involvement, it is important for me to highlight that FSL's operations at the time were subject to National Instruction 1/2015, National Instruction 8/2017, and the Protocol of search, seizure handling and processing of disposition of illicit drugs, which is the protocol. I am advised that these documents have already been placed before the Commission.

The events of June 2021. On the 22nd of June 2021, I received a call from a member of DPCI, KZN. I do not recall who called me, but I do recall speaking to Colonel Gavin Jacob, and Brigadier Nyuswa, however, I do not recall who of the two called me on the 22nd of June 2021. What I recall is that I received the call in the early afternoon, and I was requested to make members

of FSL available to assist the DPCI members for a crime scene the following day. I was informed that it is related to drugs.

After the call, I contacted Warrant Officer Nkosi of the FSL Chemistry Investigation Section. If I recall correctly, he was the officer manning the standby phone at the time.

10 Usually, law enforcement agencies such as DPCI will contact the standby phone when they require FSL assistance. I told Warrant Officer Nkosi that the members will be needed the next day to attend the DPCI team. At this stage, I was not given any information regarding the nature of the crime scene. I assumed that it was a CDL, which is the clandestine drug
20 laboratory, or it is also referred as a clan lab.

In terms of the protocol, FSL members are only required to attend CDL crime scenes. They do not attend crime scenes such as harbour or the port

seizures, which I refer to as non-clan
lab crime scenes. On the 23rd of June
2021, I received a call asking me to
arrange for FSL members to go to the
crime scene. I do not recall who called
me. I noticed from my May 2022
statement that I stated I received the
call from Brigadier Maluleke.”

I think I did speak to you, Counsellor, about this,
10 that I remember that it was Brigadier Maluleke that I spoke
to.

ADV SEGEELS-NCUBE: Yes.

COLONEL KHUZWAYO: Which was not DPCI members.
So Brigadier Maluleke, he, I was asked, he asked me, he
was ...[intervenes].

ADV SEGEELS-NCUBE: I see ...[intervenes].

COLONEL KHUZWAYO: -:

20 “During the call, I was asked to send
the members in order for them to assist
with sampling exhibits that were to be
sent to the FSL for analysis. I called
Warrant Officer Nkosi again and
informed him that the FSL members
must attend the crime scene to assist
DPCI members.

During this conversation, Warrant Officer Nkosi told me that he will speak to Colonel Songca because as far as he is aware, they cannot attend the sampling and collection of samples. Later the same morning, I spoke to Colonel Songca to find out if the members had gone to the scene as requested.

10 During this conversation, Colonel Songca informed me that the scene we were requested to attend was not a clan lab crime scene and as such, her members could not attend the scene. She also indicated that FSL does not attend non-clan lab crime scenes to assist in sampling or do members attend non-clan lab scenes to collect exhibits. It sounded to me as though

20 Colonel Songca had more information about the nature of the crime scene because she knew that it was not a clan lab crime scene, whereas this was not disclosed to me during my conversation with the DPCI. I accepted

and agreed with her response. Thereafter, I contacted Brigadier Maluleke and informed him that we could not send members for the reasons mentioned by Colonel Songca during our call.

10 I had no further involvement in this seizure. I have been informed that Colonel Jacob stated that he contacted me or the standby number on the 22nd of June 2021 and he was informed that FSL would not attend the scene as it was not an active clan lab scene and the FSL did not have space to store the exhibits. I do not recall telling Colonel Jacob that FSL do not have space to store the exhibits. As far as I recall, I did not have any discussion with anyone regarding the FSL's capacity to
20 store the exhibits.

As previously stated, the request from DPCI was to send FSL members to assist with sampling of the exhibits, which would be analysed at the FSL. I do not see how a discussion about a

request for sampling would lead to me
telling anyone that FSL does not have
capacity to store the drugs. In fact, at
this stage, I did not know the quantity
of the drugs. At the time ...”
[intervenes]

CHAIRPERSON: Sorry, sorry, Colonel.

COLONEL KHUZWAYO: Yes.

CHAIRPERSON: I recall that we were told that you did not
10 have, or rather FSL, Amanzimtoti did not have storage
capacity for 541 kg of Cocaine and that this had to do with
the fact that there had been floods, which if my recollection
is correct, it affected your storage capacity. Is that correct?

COLONEL KHUZWAYO: It is correct, Commissioner.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Sorry, Chair, you had said
because of the floods. I was not clear what you had
indicated.

CHAIRPERSON: Oh, it had nothing to do with the floods.
20 They just did not have enough capacity for 541 kg?

ADV SEGEELS-NCUBE: Yes.

CHAIRPERSON: Or what was the factual position?

ADV SEGEELS-NCUBE: Yes, because this is June 2021.

CHAIRPERSON: June 2021. But in what context were
floods mentioned then, because floods were mentioned with

regard to storage capacity, do you know? In what context the floods would have been mentioned?

COLONEL KHUZWAYO: Commissioner, the challenge is our lab in Amanzimtoti was situated at a flood plain zone. So whenever there is heavy rains, we normally experience such flooding. So our safe, the in-safe where the new exhibits comes in, it is on the ground floor. So that is the most affected area. So by us seeing that most of the time we lose some exhibits because of that, we did not use the
10 safe now, the safe at the ground floor into full capacity because we wanted to lift most of the things higher. So the lower parts was not in use.

So with that, the floods also contributed in us having limited space now in our safe. So we will not be able to take a big contents, because we will not have space to keep it there. What I was trying to explain here when I said I did not speak to him about it, I was referring to ...[intervenes].

CHAIRPERSON: No, I understand. No, I understand what
20 you are saying here.

COLONEL KHUZWAYO: All right.

ADV SEGEELS-NCUBE: Thank you, Chair. Paragraph 12.

COLONEL KHUZWAYO: 12, okay.

“At the time, it was well known that
FSL Amanzimtoti simply did not have

the space to store such large quantity of drugs. Therefore, if I was told that DPCI needed the members to collect the exhibits, not just to assist in sampling, I would have informed DPCI and that FSL Amanzimtoti did not have a space and had I been told about the quantity. If in any event, DPCI members already knew that FSL Amanzimtoti does not have the capacity to store such large quantities, the safe is not big enough. However, there was never a discussion about FSL receiving exhibits. The discussion was only about sampling.

Usually, when a request for storage of such large quantity is made, FSL Amanzimtoti will contact FSL Pretoria to ascertain whether they have space because there is a large exhibit ...”

Can I start again?

ADV SEGEELS-NCUBE: Yes.

COLONEL KHUZWAYO: -:

“FSL Amanzimtoti will contact FSL Pretoria to ascertain whether they have

space because that is where large exhibits are sent. DPCI members would also make arrangement directly with FSL Pretoria for exhibits to be stored in Pretoria.

10 C: Forensic Science Laboratory Operations. As stated above, FSL Amanzimtoti did not have capacity to store large illicit drug exhibits. FSL also could not send members to a non-clan lab crime scene. FSL operations are governed by the aforementioned National Instructions and the Protocol. FSL members only attend clan labs where preparatory material to produce drugs and end products are found. The FSL members attend the scene to assist in processing the scene, collecting exhibits in order for the
20 exhibits to be analysed at the FSL. Where the crime scene is a non-clan lab scene, FSL is responsible for performing analysis of the exhibits. FSL does not attend the crime scene or the police station where the drugs are

stored for safekeeping to collect samples, nor does FSL receive samples collected from DPCI or other investigation teams for analysis. All exhibits must be sent to FSL for analysis, storage, and destruction. The only exception are Dagga and Cat, where samples are received, not all exhibits for FSL to analyse.

10 The request made on the 22nd and 23rd of June for FSL to assist with sampling and exhibits was not in accordance with our prescripts. I was not aware at the time that the request related to a non-clan crime scene. In fact, I did not know that the exhibits were no longer at the crime scene and had been moved to the DPCI's office in Port Shepstone when I received the call on

20 the 23rd of June 2021. Colonel Songca's decision not to send her members was correct.

After the theft of the exhibits in November 2021, I was made aware that DPCI had enquired from FSL whether

DPCI could destroy the exhibits instead of FSL. This request is highly irregular as only FSL is permitted to destroy exhibits and the process is quite involved. In my view, if there was a concern that the exhibits may be stolen, the DPCI members should have escalated their request for storage with FSL Pretoria or found a more secure storage space at a police station.

10

I did not receive any request from DPCI to assist with engaging FSL Pretoria to make storage space available on an agent basis. I trust that my evidence will be of assistance to the Commission.”

ADV SEGEELS-NCUBE: Chair, there is just three clarifying questions that I have for the Colonel. Colonel, in paragraph 8 on page 3 of your statement, you initially indicated when the statement was prepared that in your May 2022 statement, you had said that you received a call from Brigadier Maluleke, but then you said you were not positive even then whether it was Brigadier Maluleke. You now say that you do recall that it was him that called you.

20

COLONEL KHUZWAYO: That is correct.

ADV SEGEELS-NCUBE: That was on the 23rd of June.

COLONEL KHUZWAYO: Of June.

ADV SEGEELS-NCUBE: When he called you, did he tell you that he had already spoken to Colonel Songca about the request, DPCI's request?

COLONEL KHUZWAYO: No, no, we did not say anything about Colonel Songca. He was asking me whether the members attend because he was getting a call from Brigadier Nyuswa for our members to attend.

10 **ADV SEGEELS-NCUBE:** But did he know that, okay, so he did not tell you anything about that he had that conversation with her earlier?

COLONEL KHUZWAYO: No.

ADV SEGEELS-NCUBE: Because according to her, she received a call from him first, and thereafter, you call her immediate, a few minutes after he called her.

COLONEL KHUZWAYO: Okay.

ADV SEGEELS-NCUBE: Were you, so you were not aware that he had spoken ...[intervenes].

20 **COLONEL KHUZWAYO:** I am not aware of the sequence of telephone calls because we were phoning her like it is about the same time, because we ...[incomplete].

ADV SEGEELS-NCUBE: But you only spoke to her once?

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: Okay. And when Brigadier

Maluleke speaks to you, he is asking you, did the members go out?

COLONEL KHUZWAYO: Yes, I think Brigadier Maluleke started to call me before he went to Colonel Songca.

ADV SEGEELS-NCUBE: Yes, but he did not get hold of you. He only spoke to you once?

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: And he spoke to her.

COLONEL KHUZWAYO: Yes.

10 **ADV SEGEELS-NCUBE:** As well?

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: When he speaks to you, he does not mention that he spoke to her?

COLONEL KHUZWAYO: Ja, no, he did not. It is me who phoned him to inform him that Colonel Songca said this, so he said it is fine. But he did not say that he has already spoke to her.

ADV SEGEELS-NCUBE: No, no, I am talking about your statement where you say you received a call from him in
20 paragraph 8.

COLONEL KHUZWAYO: 8.

ADV SEGEELS-NCUBE: Not that you called him. So, I just want to get clarity on that.

COLONEL KHUZWAYO: I received a call from him when he was telling me that he just received a call from Brigadier

Nyuswa to send our members.

ADV SEGEELS-NCUBE: Okay.

COLONEL KHUZWAYO: Thereafter that, I phoned Nkosi to check whether did you go and then Nkosi said he is still going to speak to Colonel Songca to go, whether they can go or not. And thereafter, I phoned Colonel Songca as well, just to check on her. Then, that is when Colonel Songca explained why the members are not going to attend the scene, and then I went to Brigadier Maluleke to say what
10 Colonel Songca was saying to me.

ADV SEGEELS-NCUBE: But when you spoke to her, did she not say to you, but Brigadier Maluleke just called me now and I already told him that my members are not going?

COLONEL KHUZWAYO: No. I cannot recall her saying that, no.

ADV SEGEELS-NCUBE: So, you do not recall her saying that to you. So, when you report back to him to tell him what she had told you, he does not say, no, she told me the same thing?

20 **COLONEL KHUZWAYO:** No, I did not even know that they have already spoke.

ADV SEGEELS-NCUBE: Okay.

COLONEL KHUZWAYO: So, I am not sure.

ADV SEGEELS-NCUBE: Now, there is just some statements that are made by Colonel Jacob about a

conversation that he had with you. If I could ask you ...[intervenes].

ADV KHUMALO SC: Exhibit file 2 - that would have been my question, so go ahead, please. [Indistinct]... [microphone off] further one?

ADV SEGEELS-NCUBE: No, I am going to Colonel Jacob's statement, so you can.

ADV KHUMALO SC: Yes ...[indistinct] [microphone off].

ADV SEGEELS-NCUBE: No, I am going to the one in
10 section 3, the one that he submitted to them.

ADV KHUMALO SC: Advocate, maybe go first, because it may be the same question. In the affidavit of November 2021, Jacob deals with his conversation with Colonel Khuzwayo on the 23rd of June 2021. So, and you find that on page 591, paragraph 13. So if it is the same issue, maybe deal with it. If it is different, I will deal with it after.

ADV SEGEELS-NCUBE: Okay, so it has to do with the sampling issue. Is that the one you wanted to address with her?

20 **ADV KHUMALO SC:** Yes.

ADV SEGEELS-NCUBE: Okay, you can go ahead.

ADV KHUMALO SC: Colonel, please go to Exhibit file 2. Let us start on page 589.

COLONEL KHUZWAYO: Which page?

ADV SEGEELS-NCUBE: 589.

CHAIRPERSON: Somebody must have stolen my file 2. Now I have four file 1's. I suspect my co-Commissioner, Commissioner Khumalo. Thank you. Thank you, Commissioner Khumalo.

ADV KHUMALO SC: Colonel, let us start at the back so that I tell you what this document is. On page 592, you see that the date is 9 November 2021. That is when the affidavit was deposed to by ...[intervenes].

COLONEL KHUZWAYO: 592?

10 **ADV KHUMALO SC:** 592, yes.

COLONEL KHUZWAYO: Yes.

ADV KHUMALO SC: By Colonel Jacob.

COLONEL KHUZWAYO: Yes.

ADV KHUMALO SC: And if you go to 589, you will see that it is him. Those are his names, I, the undersigned, and then he confirms that he states under oath.

COLONEL KHUZWAYO: Yes.

ADV KHUMALO SC: But the section I want to take you to is on page 591, in paragraph 13.

20 **COLONEL KHUZWAYO:** Yes.

ADV KHUMALO SC: So I will read from halfway down that paragraph. He says:

“The following day on the 23rd of June
2021, he informed me ...”

He is talking about Mpangase. But later on, he

says, according to my knowledge, this was done on the 24th is the issue of the SAP 13. Here is the important part.

10 “I also requested him to take samples
 of the exhibits to forward to the FSL.
 According to my knowledge, this was
 done by Warrant Officer Mpangase on
 the 23rd of June 2021. The procedure
 of obtaining samples was explained to
 me by Colonel Khuzwayo, whom I had
 spoken to telephonically. I then
 conveyed this information to Warrant
 Officer Mpangase telephonically.”

 So can you just comment on that paragraph and
whether that discussion took place with you, and whether
you confirm that they can take samples and send them to
FSL?

COLONEL KHUZWAYO: No, I have never spoke to him
about any sampling.

20 **ADV KHUMALO SC:** So the phone call on the 23rd of June
2021, what was it about, because in your statement, you
say there was a call on the 23rd of June 2021.

COLONEL KHUZWAYO: It was not about sampling. It was
about members who attend the crime scene.

ADV KHUMALO SC: Yes, but the crime scene was the day
before.

COLONEL KHUZWAYO: No, the 22nd was him telling me that the members would be needed the following day, which is the 23rd.

ADV KHUMALO SC: Yes.

COLONEL KHUZWAYO: Yes. So again, the call came in the morning on the 23rd, but that one, that call now on the 23rd was Brigadier Maluleke.

ADV KHUMALO SC: So the call on the 23rd, what was it about, the call on the 23rd of June?

10 **COLONEL KHUZWAYO:** It was from Brigadier Nyuswa telling Brigadier Maluleke for our members to go and attend the scene.

ADV KHUMALO SC: The crime scene?

COLONEL KHUZWAYO: The scene, ja, the crime scene, because the previous day, that is what they said, there is going to be a crime scene the following day.

ADV KHUMALO SC: Okay. And this is where it all gets confusing. And then paragraph 14 is not really you, but here he recounts what happened on the 27th of October
20 2021 and his conversation with Warrant Officer Setshedi. You would not know anything about that?

COLONEL KHUZWAYO: No. No, I do not know anything about it.

ADV KHUMALO SC: Thank you.

ADV SEGEELS-NCUBE: So I just want to clarify again, on

the 22nd of June, you received a call from Colonel Jacob or Brigadier Nyuswa telling you to get the members ready.

COLONEL KHUZWAYO: Yes, that is what I said, I cannot remember between the two who it is, but it was a member from DPCI.

ADV SEGEELS-NCUBE: Okay, so it could have been ...[intervenes].

COLONEL KHUZWAYO: Telling ...[indistinct] [cross-talking] ready for the following day, yes.

10 **ADV SEGEELS-NCUBE:** So it could have been Colonel Jacob?

COLONEL KHUZWAYO: Ja, it could have been him.

ADV SEGEELS-NCUBE: Okay. And in that conversation, you are told that they will need members from FSL to assist with the crime scene, to guide on something in the crime scene.

COLONEL KHUZWAYO: That one was from the following day now, the second call where Brigadier Maluleke says Brigadier Nyuswa wants our members to go and assist in
20 sampling and guiding and all those things.

ADV SEGEELS-NCUBE: So on the 22nd, the DPCI member that called you, either Brigadier Nyuswa or Colonel Jacob, does not tell you that they are going to need guidance on sampling. They just say they will need FSL members ...[intervenes].

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: To be available ...[intervenes].

COLONEL KHUZWAYO: To be available, yes.

ADV SEGEELS-NCUBE: For a crime scene.

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: And this is on the 22nd in the afternoon.

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: On the 23rd, it is in the morning of
10 the 23rd.

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: At that stage, they tell you that they needed, did they tell you where they would be needed to assist with the sampling?

COLONEL KHUZWAYO: No, they did not. They were not specific. I just called the members to tell them that the DPCI, they need them. I know that members, normally they communicate with them directly. So they were going to phone them to get all those details. So it was not for me to
20 get those details for them.

ADV SEGEELS-NCUBE: Okay.

COLONEL KHUZWAYO: Ja.

ADV SEGEELS-NCUBE: On the 22nd of June, are you told that it is going to be at Isipingo, the crime scene? Where is the crime scene?

COLONEL KHUZWAYO: I cannot remember. I cannot remember whether Isipingo was mentioned on that day.

ADV SEGEELS-NCUBE: Yes.

COLONEL KHUZWAYO: Ja, okay, maybe that is the only thing that I have there, Isipingo.

ADV SEGEELS-NCUBE: Okay.

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: But when you get the call on the 23rd from Brigadier Maluleke, he does not say where the
10 members would have to go.

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: And you do not know at that stage that the exhibits have gone to Port Shepstone already?

COLONEL KHUZWAYO: I did not know.

ADV SEGEELS-NCUBE: Okay. And on the 23rd of June, did you speak to any DPCI members?

COLONEL KHUZWAYO: No.

ADV SEGEELS-NCUBE: Okay. So the only time you
20 spoke to DPCI members was on the 22nd of June.

COLONEL KHUZWAYO: 22nd, yes.

ADV SEGEELS-NCUBE: To get the members ready. On the 23rd, your conversation was with Brigadier Maluleke about what he had been told by Brigadier Nyuswa.

COLONEL KHUZWAYO: Yes.

ADV SEGEELS-NCUBE: Okay. Thank you. Thank you, Chair, that is it for this witness.

CHAIRPERSON: Thank you, Ms Segeels-Ncube. Thank you very much, Colonel, you are excused.

COLONEL KHUZWAYO: Thank you.

CHAIRPERSON: I am sure that is the end for today.

ADV SELLO SC: I can confirm that, Chair.

CHAIRPERSON: Thank you. Let us adjourn and resume at 9:30 tomorrow.

10 **INQUIRY POSTPONED TO 3 JUNE 2026**

INQUIRY ADJOURNS

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