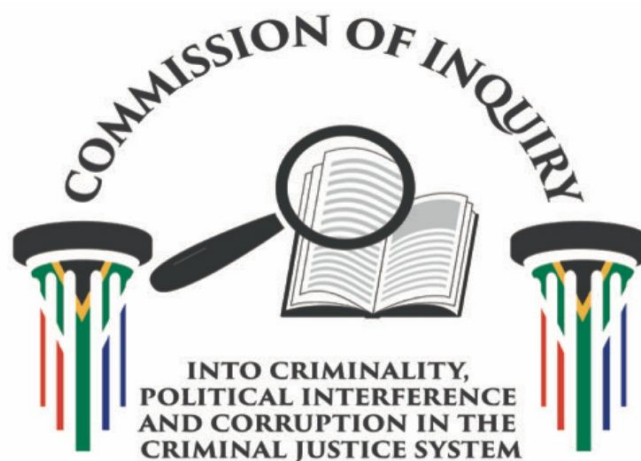


JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

19 JUNE 2026

DAY 122



PROCEEDINGS ON 19 JUNE 2026

CHAIRPERSON: Good morning, Ms Sello. Good morning, Mr Mpofu.

ADV SELLO SC: Good morning, Chair. Good morning, Commissioners. Today we ...[intervenes].

CHAIRPERSON: Let us finalize the greetings first.

ADV SELLO SC: Oh, you are still on the greetings. My apologies.

ADV MPOFU SC: Yes, thank you. Good morning
10 Chairperson, Commissioners and colleagues. Good morning.

CHAIRPERSON: Thank you. Good morning, General.

MAJ-GEN SENONA: Morning, Commissioners.

CHAIRPERSON: Thank you. Yes, Ms Sello.

ADV SELLO SC: I am glad that the Chair has realised that Mr Mpofu has decided to join us this morning as part of General Senona's legal team, so previously Ms Tulk, Advocate Tulk was addressing you, so I take it, it will be ...[intervenes].

20 **CHAIRPERSON:** I whispered to Ms Tulk outside that you decided to reinforce today.

ADV TULK: On instruction, Chair.

ADV SELLO SC: Thank you. Good morning, General.

MAJ-GEN SENONA: Good morning, SC.

ADV SELLO SC: Perhaps, Chair, before we start

...[intervenes].

CHAIRPERSON: Ja, because there has been, or a lot of time has elapsed.

ADV SELLO SC: Yes.

CHAIRPERSON: I think we should do the oath again and I think you are starting on something else anyway. Do you, did you take an oath or did you affirm, I have forgotten now?

MAJ-GEN SENONA: Good morning, Commissioners. I
10 took an oath.

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".

MAJ-GEN SENONA: So help me God.

LESETJA SENONA (duly sworn states)

CHAIRPERSON: Thank you, General.

EXAMINATION IN CHIEF BY ADV SELLO SC: Thank you, Chair. General, there may be a number of files around you.
20 For the moment, I would ask that you do not bother yourself with them. As and when they become relevant during the course of your testimony, I shall duly direct you there. What I need you to have before you is a file marked your name, supplementary statement and annexures. Do you have that?

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: If we could then open that file and confirm that you have filed a further supplementary statement for purposes of your testimony before the Commission, and that appears from pages 1 to 11, and do you so confirm?

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: And if you turn to page 11 of that statement, there is a signature and it is dated the 2nd of
10 June 2026. You confirm that that is your signature?

MAJ-GEN SENONA: I confirm that, Commissioners.

ADV SELLO SC: And do you confirm the correctness of the contents of the statement and that you stand by what is stated therein?

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: As part of your statement, you have an Annexure LS1. It appears from page 12. And you have referenced this particular annexure in your supplementary statement and these are specific responses, or these are
20 your responses to specific questions posed to you in the Regulation 10.6 notice. Do you confirm?

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: For purposes of the record then, I suggest that your supplementary statement be considered as both the freestanding statement and the specific

responses to questions. Would that work for you?

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: We are then ready, would be ready to turn to your statement, starting at page 1. And as is tradition in this Commission, when there is a statement, the witness has an opportunity to have “free time” to speak to and summarise the content of that particular document. However, Commissioners, during this morning, before we started, and in my engagement with General Senona and his
10 legal team, Advocate Mpofu had expressed a desire to address you and perhaps this might be an opportunity for him to do so through you, Chair.

CHAIRPERSON: Yes, Mr Mpofu.

ADV MPOFU SC: Thank you very much, Advocate Sello and Chairperson and Commissioners. Yes, mine is not going to be a long Chair. My remit was really to place on the record certain concerns, shall we say, which have been expressed by the General, which we wanted to put up front, and so that his evidence could be seen in context, because
20 these are issues that may arise from time to time, or which might hamper the flow of his evidence.

And we would like those issues, I have been specifically instructed to put them on the record for consideration by this forum, or any other forum, should it become ever relevant, and so that we are not accused of

raising those issues at a particular time, maybe because there are certain adverse findings or something. These are concerns that were raised, even if they will be favourable or neutral or adverse findings. Chair, what I will do is, so that we do not waste time, I will just really do a high level presentation of these issues.

If the Commission would like us to present later a more detailed outline of the same issues, then we will be happy to do so, but for now, I do not want to get into too
10 much of the minutiae. But the first issue, Chair, is the, maybe I should just say that the general heading really of all what I am saying is concerns regarding what the General feels has been unfair treatment by the Commission, and that is on the basis that the Commission is enjoined to treat witnesses and everyone fairly, and I think that is common cause, nobody can quibble with that.

So the first of those topics, then, is the serial refusal by the Commission to furnish information upon request, and again, we are happy to furnish the detail and
20 the chronology, the blow by blow of we wrote this letter, we got this nonchalant response, or no response at all, or an unreasonable response, there are many examples of that, but that is the broad area of concern.

In fact, without getting into much detail, one of those responses was something like, well, you do not have

to know what other people have said about you, just say what you know, kind of thing, and it would be hard to believe that that is a policy of this Commission, because as we know, people have a right of reply, and that is one of the most fundamental rights under the broad rubric of *audi alterem partem* and in our view, that is why the Commission is populated by legally trained people all around, so that those trite issues of fairness can be observed.

The second issue is related to the first one, which
10 is this issue of right of reply. There are various, we understand the difference between, you know, being called here on specific accusations and therefore being entitled to the documentation, and being asked to assist the Commission and all that.

We are not dealing with this at that technical level, but whichever category one falls in, they surely have a right to, at the minimum, to know, to face their accusers, to use the colloquial expression, and facing the accusers does not mean literally facing them, it just means knowing what it is
20 that is going to be said, which you might have to respond to.

The next issue, which is the third in my list, is that one of the things we have been asked to do is to ensure that there will be no straying outside of the subpoena that has brought us here, and the specific issues that are raised

there, and that is probably related to what might be the next issue, so I might as well raise it in combination, Chair, just to save time, which is the feeling of the General and us that the issues that he has been asked to deal with have actually been dealt with in his first appearance here.

We might be wrong about this, but on our unscientific analysis, he is probably been the witness who has been called back more than anyone else to come back here, despite the fact that he testified for three days in
10 January. And ...[intervenes].

CHAIRPERSON: There is a witness that testified for eight days.

ADV MPOFU SC: Ja.

CHAIRPERSON: The days may have been consecutive, I am not sure, but they are still eight days, so far more than the General did.

ADV MPOFU SC: Chair, I do not want to be nitpicking, ours is not about the number of days so much as the toing and froing, and being called, and then called back, and then
20 called back, but I take your point, Chair. The, so if we do not have the gold medal in that, we will probably have the silver. So, we are still ...[intervenes].

ADV BALOYI SC: Mr Mpofu, can you just repeat the fourth point?

ADV MPOFU SC: The fourth point ...[intervenes].

ADV BALOYI SC: Yes.

ADV MPOFU SC: The fourth point is, I was saying I am merging it with the third point, that was about repetitive questions. Ja, so it is, if you like, it might be a subset of the third point. It covers, Commissioner Baloyi, it covers two issues, one is my original statement that the issue of the break-in, theft, whatever you call it, in Port Shepstone was, as you might remember, I think it was the last topic for his January testimony, and it was covered extensively.

10 The result of that is that you will find that when you read the statement that was identified by my colleague, Ms Sello, which is LS1, that is where we respond to the specific questionnaire, you will find that maybe on more than, if there are 10 questions, and I think there are more than that, there are about 15, but more than 50% or even 60% of those questions, you will find that we actually just refer, the answer is to refer you back to the transcript on many occasions.

 And that is because the same thing that was asked
20 then is being asked now, and we do not understand why that same information has to be solicited at great expense for the second time, because it does not change, and that is why we literally quoted, it was not out of disrespect, but we just quote exactly verbatim what was said before.

 We do take the point, of course, that since he

testified, there has been further evidence around the same issues, so I am not quibbling with that, but the issue is that it is quite oppressive to the General to have to repeat himself. And then maybe the one issue, maybe let me start, I will come to this one last.

Related to this issue of repetition or covering the same ground is an issue which, you know, to the naked eye might not seem important, but it is the expenses to which the General is subjected because of what he might perceive
10 to be repetition of the same ground. You would appreciate Commissioners, Chairperson and Commissioners, that every time he has to come here or every time he has to deal with a subpoena or a set, and then there is even an instance where the subpoena was literally exactly the same as the one that had been given last year, and then we pointed that out and there was duly an apology.

Well, maybe not a, maybe I am putting it too strongly, but the Commission said, no, sorry, that was a mistake, here is the correct one. But that mistake means
20 that he has now to consult on that wrong document, and when it is discovered that it is the wrong document, a letter has to be written and then the apology which we accept is issued. But that does not change the discomfort or inconvenience, and that is just one example and therefore it is a very costly exercise.

I have not done the count, but my learned friend, Ms Tulk, assures me that the General has had to be doing this to-ing and fro-ing about six times now, or that this is his sixth appearance, and I am sure that also includes the times when he did not actually testify. And I know it also includes the time when the legal representative was not feeling well, so I am not piling all of that onto the Commission. I am simply saying that it is quite an expensive exercise.

10 Now, the last point which is quite worrying is, I will call it for lack of a better word, the issue of relevance and this is an issue which the General feels very strongly about, and I hope it will be taken in the spirit in which it was intended. We are not objecting in the sense of saying he is not going to assist, because he is very willing to assist the Commission, and he will just now do so.

 But he just wants to, for it to be known that he is doing so under some serious protest. What do we mean by relevance? The view which we hold, with respect, is that
20 the Commission is, shall we say, confined, legally confined, to the terms of reference and its mandate, and I do not have to motivate that to the people that I am addressing. Everyone would accept that at face value.

 But what is the relevance of that to my address? It is the fact that, and this is also related to the fear that they

might be straying outside of the questionnaire. Our understanding, Chairperson, is that this Commission is not some surrogate disciplinary committee of the police, where, you know, we have to interrogate whether this one or that one is a good policeman or a bad policewoman, or in the general sense, in the HR sense of the word.

But those issues might be relevant, of course, to the core mandate of the Commission, which is criminality, interference, and all that is defined in the terms of
10 reference that we concede. But surely there is a line between that sometimes inevitable overlap and actually focusing as if this is a beauty parade about who is the better manager, or a kind of performance assessment. So that is the issue.

To the extent that the performance or lack of performance might be relevant, and maybe I should interpose, almost arguing against myself, but by saying we accept implicitly that, let us take this issue about this theft. The Commission is entitled, of course, to say we have to
20 probe whether this theft was a matter of sheer incompetence or criminality.

That we accept. But there is a difference between that, as I say, inevitable overlap, and then simply going on for days with a witness like the General, but, you know, why did you not follow this prescript or that prescript. Well, he

did not, but is that relevant to the terms of reference, or might that show that he could have been a better manager? So it is that kind of, it is not a bright line, but that we accept, but we are concerned about ...[intervenes].

ADV KHUMALO SC: Just to point out, Mr Mpofu.

ADV MPOFU SC: Yes.

ADV KHUMALO SC: In the terms of reference, they say we must look at X or omissions, and whether X or omissions may have contributed.

10 **ADV MPOFU SC:** Absolutely.

ADV KHUMALO SC: So ...[intervenes].

ADV MPOFU SC: Absolutely.

ADV KHUMALO SC: To the extent that conduct constitutes an omission, we would have to look into that.

ADV MPOFU SC: No ...[intervenes].

ADV KHUMALO SC: I am not debating it, I am just pointing that out.

ADV MPOFU SC: No, no. I accept that, Commissioner Khumalo. I accept that. I would never quibble with that. I
20 accept that in the process of probing, you know, let us say the disappearance of this bottle, you might say, well, I omitted to take it during the tea time. I accept that. The commission or omission, like in criminal law, you can be liable for a positive act or an omission. That I accept.

I am making a different point, which is that in the

probing of the commissions or omissions, the feeling that we have, particularly from this last round of questionnaire, is that the focus is more on, well, would it not have been better to go to Isipingo or to go to Port Shepstone and so on. And we accept that that might be relevant, but that is not the core mandate of the Commission, to put it crudely, as to whether it would have been advisable to drive on the N2 or to take another route. That may be relevant in the question, the ultimate question, as to whether the taking of
10 the other route was a corrupt act or to go and meet some gangsters or whatever.

We accept that. But in and of itself, whether they took this route or that route, it really has got absolutely nothing to do with the Commission. It might have something to do with some performance assessment panel of the police as to whether, you know, so-and-so is a good manager or a bad manager.

I think it is that nuance. But I accept that. That is why I was saying there is no bright line and the mission is
20 not to confine or straitjacket the Commission. Obviously, the mandate is wide. But we should all be careful not to overdo the performance assessment.

Yes, those are the issues that we wanted to raise and as I say, there are specifics. We have a detailed chronology, for example, of the correspondence between, or

the detailed chronology of the correspondence between the Commission and my attorneys. I do not want to get into those kinds of specifics for now. I think as long as I have highlighted the areas of concern.

And by the way, some of these are raised in the general statement, in the main body of the statement, not the Q&A part. Thank you. I am indebted to the Commission for the indulgence.

CHAIRPERSON: Thank you, Mpofu. Yes, Ms Sello.

10 **ADV SELLO SC:** Thank you, Chair. Chair, I perhaps will not address every issue raised by Mr Mpofu for two reasons. One, it is, some of these issues will be elaborated upon by the General himself, because they form part of his statement. So perhaps that might be the appropriate time to engage with them.

But secondly, because to a large, to some extent, Mr Mpofu takes issue with the processes of the Commission and the relevance of what the Commission is pursuing, insofar as this particular witness is concerned. I can put up
20 an argument as to why we consider the witness relevant, but perhaps as a general point, that would be best placed with the Commissioners to engage with. So if I do not address everything, I want to effectively put on record that it is not due to a lack of answer on my part, but I choose to limit my answer on the two bases.

However, there are certain things that I believe I must address because this would be strictly within the knowledge of the Evidence Leaders and not necessarily the Commissioners. The first complaint is a serial refusal to produce documents. I would like to place on record that the General, even in his statement, does not make such an allegation.

There is not a single document that the Evidence Leaders have been required to produce and have failed to
10 produce. To the extent that there might be oversight on my part, personally, on that, I would be happy to be directed thereto, and I will try and establish why that is the case.

The only issue that the General raises in his supplementary statement are documents relating to the testimony, I think of, I will get the ranks wrong, I apologize, it is Colonel Prinsloo and another, and he claims these were provided to him two days before his statement was due. When General Senona's appearance was postponed the last time, these issues were specifically dealt with when my
20 learned friend, Ms Tulk, addressed the Commission, and it was highlighted that precisely those documents were provided on the basis of a request from General Senona. The request came in that week, and by the 29th, the documents were provided. So, it becomes challenging for me to appreciate exactly which documents we are said to

have refused to produce on a serial basis, and Commissioners, I dare say that there is none.

Secondly, and once again, General Senona will address these issues, I do know that Mr Mpofu says they appreciate the distinction between what we would term a Rule 3.5 notice and a Regulation 10.6, but my understanding of, and I put this in inverted commas, of his, and by his I mean the expanded definition plural, complaints seems to blur the distinction between the two.

10 If one has regards to General Senona's statement, his complaints stem largely from a view that we have failed to serve him with a Rule 3.5 notices. And these are notices that we issue based on testimony that is received and evidence by the Commission on the basis of which we conclude that it would appear somebody is implicated.

 The witnesses he references, in our understanding, and I do accept that our understanding may very well have been wrong, have not implicated General Senona. Those witnesses have testified to what they know about the facts
20 that they were called upon to testify on. There may be a difference in response to the same question in that General Senona would have given a different response, but that does not in itself imply that he is implicated.

 So technically it would sound like, and again I am subject to correction, that there is an invitation that we

issue Rule 3.5 notices because each time General Senona's name is mentioned by the witnesses who have appeared before you, that constitutes implication, not in our view, not in the manner that that term is dealt with in the rules. Once a witness is implicated, we are under obligation to issue a Rule 3.5 to bring that to their attention and to afford that person the opportunity to deal with the implication.

We have found none and no Rule 3.5 notices have been issued. What instead has been issued is a Regulation
10 10.6, which once again is a document that is generated by Evidence Leaders based on the evidence and testimony before the Commission where we believe, in terms of the regulations and the rules, that a specific person may be able to shed more light.

In that context, specific questions are posed to the potential witness and they are invited to answer. So it becomes a challenge when we are confronted with an allegation that we do not afford witnesses, in particular General Senona, the right of reply. His right of reply as I
20 understand would arise where he is implicated. Where he is not implicated, his right of reply does not arise.

In any event, on a proper reading of the rules, any witness who believes that they may be of assistance to the Commission, either by providing a contrary position or testimony, is entitled to make application. So to the extent

that it is considered that we have failed to issue Rule 3.5 notices, which I contend it is not correct, none was due to General Senona on our assessment, then it was still open to General Senona and his team to apply, to testify on those matters.

Thirdly and most importantly, notwithstanding the fact that General Senona has specified which witnesses implicated him, one, in his supplementary statement he has failed to articulate that implication, the extent thereof. And
10 secondly, has failed to take opportunity to deal with that which he considers to be an implication.

Now, I understand and I think we all do the basic legal principle of everyone's right to face their accusers. I am just at a loss at, you know, with who in this context are the accusers. There are no accusers to General Senona. Lastly, it is important to bear in mind that General Senona was scheduled to appear on the 8th of May 2026. He was part of the DPCI KZN management, from the management of Port Shepstone, DPCI, Colonel Prinsloo and them, to
20 Brigadiers Nyuswa, his direct report, and eventually himself, the one person who is responsible for DPCI KZN. That was the stream that was scheduled to start from on the 8th.

Together with that were the people who were involved in the actual seizure and subsequent storage of

the drugs. We are here today on the 19th of June, six weeks later, in part due to General Senona's own application to postpone his testimony, firstly from the 8th of May up until the 1st of June. He presented himself on the 1st of June. Due to the Commission's own scheduling challenges, he had to be stood down to the 5th of June. Came the 5th of June, we accepted that his legal representative was indisposed and there was a further extension.

10 So the six counts of appearance do not seem to tally with my record. The request that he come only after everybody has testified on the Port Shepstone drug bust presupposes that those witnesses implicate him and there is no fact that even points to that. He was never intended to be engaged on the matter as an implicated person. The thinking has always been to engage him as head of DPCI-KZN, who I assume, perhaps wrongly, at the end of the day would, except that the buck stops with him.

20 So the toing and froing of correspondence has always been to try and clarify this challenge. Why General Senona believes that he can only offer his version of the events and the questions posed after everybody has spoken. There are rules as I read them and the regulations do not allow for that. And it is in that context that the response eventually to his attorneys was that they need not

worry about what others would potentially say. He is required to address himself to the questions posed both in the regulation 10.6 and the subpoena to the extent that he is able to do so.

Should another witness come forward after he has testified to contradict him, then that is for the Commission to engage with and to determine whose version is acceptable and on what basis. I do not know how other Commissioners intend to deal with this, but to the extent
10 that I properly understood, my colleague Mr Mpofu sounds like he wants assurances that there will be no straying outside the subpoena.

I do not know what that means, but I can assure him that subpoenas are issued, regulation 10.6's are issued, and in the course of engagement with the witnesses, there are issues that arise from the question and answer session and for lack of a better term, I will call them offshoots and I do not know if it is the offshoots that he would deem constitutes straying outside the subpoena, but
20 that might be an issue with my understanding.

Did the General speak to some of these matters at his previous appearance in January 2026? Yes, he did, and we are truly aware of that. However, since his appearance in 2026, the Commission has been placed in possession of significant documents that are relevant to the issue. Other

witnesses have testified and, too, produced documents before the Commission. As the head of the KZN DPCI, we believe that it is necessary to engage him based on what has since come to light. I do not see that to be a challenge, and it does not, as far as I am concerned, constitute toing and froing. It is assisting this Commission to arrive at a correct factual position as regards matters that fall within its terms of reference. The relevance, we maintain that they are relevant. The rules and regulations tell us so.

10 At the risk of stating the obvious, amongst other things, what this Commission is mandated to interrogate is whether criminal syndicates, including but not limited to drug cartels, have infiltrated or exerted influence over a range of entities, including the SAPS, of which the DPCI is a part, and then, to consider the adequacy of current legislation policies and institutional arrangements in preventing such infiltration, and then to make recommendations where necessary. I do not understand the contention that where he admits he did not follow
20 prescripts, that that is where the issue must die for purposes of the terms of reference for this Commission.

ADV KHUMALO SC: The one I had in mind, Ms Sello, was 3, which says the role of senior SAPS members in aiding or abetting criminal activity ...[intervenes].

ADV SELLO SC: Indeed.

ADV KHUMALO SC: Either through act or omission.

ADV SELLO SC: I fully agree, and Commissioner Khumalo, thank you. So, the challenge I have is what comes across as a position that says, notwithstanding the wording of the terms of reference, the purpose of the Commission, that the head of the institution that was responsible for precisely these drugs cannot be engaged more than once and cannot render assistance to this Commission.

10 And if I recall, our rules require that a witness becomes available and answers the questions to the satisfaction of the Commission. To the extent that the Commissioners remain unsatisfied, I submit that the Commissioners are entitled to recall a witness to assist them in determining the correct factual position. I do not believe, as Mr Mpofu suggests, that this Commission is attempting, as he says, to be a surrogate disciplinary process or committee of the police.

20 On the contrary, and particularly on the basis that Commissioner Khumalo highlights, the role of senior officials in SAPS, including KZN, remains a pivotal question before this Commission and must be answered and the only person who can answer precisely those questions are those who are deemed to be senior officials within SAPS. It is not a performance assessment, but there will be interrogation

about the knowledge, the application, and approval of conduct by the Head of the KZN DPCI of members that resort under his authority and that engagement must be heard to understand, as my learned friend correctly pointed out, whether it was, he says whether it is incompetence or it is deliberate.

To answer that question, we must first understand what the understanding was, the appreciation for applicable prescripts and the like, to enable the Commissioners to
 10 make a determination as to exactly what transpired. An interesting point was made by Mr Mpofu, where he states that it is unnecessary to recall the General, particularly where he admits that he did not follow prescripts.

I am not aware of such an admission. I am not aware of him so admitting in his first statement, during his first appearance in January, in the supplementary statement, nor in the responses to regulation 10.6. I see Mr Mpofu vigorously shaking his head, so I take it that he means I completely misunderstood him.

20 I will take that, that the misunderstanding is mine, but I just wanted to clarify that precisely what the prescripts provide for and the extent to which they were complied, is a legitimate conversation to have with the General, and that has not to date been had. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Sello. Yes, Mr Mpofu?

ADV MPOFU SC: Thank you, Chair. Again, I will endeavour to be brief. Chair, well, it looks like my learned friend, there is a lot of things that she says she does not understand or she is at a loss at sea or whatever. I will try my best to assist. Chairperson, we are not, this is not some quibbling about technicalities. We understand very well the difference between 10.6 and 3.5, as I was at pains to point out in my address.

But, you know, those are just lawyers' things. We
10 are saying that if a person is going to be, if some negative or adverse information is going to be given about me, whether it is under 10.6 or 10.20 does not matter. I am entitled to know about that in good time so that I can respond to it. So I do not want to get into legalese here. The issue of the matter is that, I think it was Warrant Officer Sander, Brigadier Nyuswa, Lieutenant Colonel Jacob and somebody called Witness H, to some extent, maybe the word implicate is too strong, but there is nobody who can genuinely deny that adverse statements were made about
20 the General by those persons.

And that is all we are asking for. We are saying if there is going to be adverse information, which might not rise to the levels of implication or whatever to a lawyer's mind, but which is adverse to his interest, he is surely but surely entitled to have that information. Now, we ask for

information. Just as an example, there is a letter dated the 1st of June 2026 from my attorneys, which I am using this as an example. I was saying I do not want to get into the minutiae. But the response to that letter comes from a Geraldine Burger from this Commission, and I will just read the first paragraph.

10 “With reference to your letter dated 1 June 2026, we wish to remind your client, that all witnesses are called to testify on their knowledge of any fact. It is important to mention and place on record that their knowledge is not dependent on whether others who testified before them, implicate them.”

And surely that can be true.

 “Your client's statement that was called for through relevant notices cannot in any way be implicated by someone else's version of the truth.”

20 This is like an arrogant response, I am sorry, which is ...[intervenes].

CHAIRPERSON: What was the nature of the request there ...[intervenes].

ADV MPOFU SC: The request, yes.

CHAIRPERSON: On that letter of the 1st of June.

ADV MPOFU SC: Yes, again, yes, Chair, again I will not bore you with a long, the whole letter. I will just pick up one paragraph, just so that you get the gist.

ADV KHUMALO SC: 27.

ADV MPOFU SC: Paragraph 3. Sorry?

ADV KHUMALO SC: It is on page 27.

ADV MPOFU SC: Yes, 27. Thank you, Commissioner Khumalo. Chair, I will just read one paragraph. I am sure everyone will then get the gist here. So it says we refer to
10 the Chairperson's ruling on 1 June and so on and so on.
Then the paragraph says:

“Equally, we are also instructed to request the statement of Warrant Officer Karl Sander, who in his testimony of 1 June made certain allegations against Major General Senona.”

And if I may pause there. That is what we mean when we say made allegations against. As I say, it may or may not rise to the levels of implication in terms of the
20 technical interpretation.

“And which allegations our client wishes to respond to.”

Well, if he wishes to respond to, he wishes to respond to. Nobody can take that away from him.

“Had our client been aware of Warrant

Officer Sander's appearance, our client would have requested for copies of his statement and annexures before being excused by the Commission earlier today."

That was the 1st.

"Our client was made aware by the media that he was implicated in today's proceedings of the Commission."

10 I am just reading that paragraph as an example. So it was that kind of request. Then there is another one in the next paragraph about Lieutenant Colonel Duma and so on and so on. And then we got the response that I just read out. And then the rest of that letter of the response, that is what my learned friend, Ms Sello, is just doing about educating us about regulation 10.6 and 3.5. So you will see that the last paragraph say:

20 "To the extent that he may in time be implicated, he shall be duly served with a 3.5 notice and afforded an opportunity to deal with such an implication. Currently, there is a ruling requiring him to file a statement before midnight and is expected to do so, to abide thereby."

And there is a veiled threat that if he does not do

so, obviously the consequences would follow. So, Chair, I am really trying not to make this into a technical issue about the meaning of 3.5 and 10.6 and the word implicated and so on and not to be technical, as Ms Sello rightfully pointed out. If we want to go that route, well, we would be happy to do so.

And let me, if I do not make one thing clear, let me make this clear. We do not quibble with widening the scope so as to reach the terms of reference, the issues in the
10 terms of reference. Ms Sello made a good example of that. I thought I had made that concession a long time ago.

But what we are saying is this, maybe it is much more nuanced than that, and that goes to, I think, General Khumalo, to Commissioner Khumalo's issue as well. Commissioners, if anyone understands me to be saying that the Commission must simply technically just look at the terms of reference and straightjacket themselves to that, that is not what I am saying.

At least two of the Commissioners and Ms Sello
20 and I were once in a Commission where that was important. Almost every witness was asked about regulation this and regulation that. But it was not an end in itself. It was for the purposes of determining whether whatever the terms of reference of that Commission were, were complied or not. That is really what I am saying.

So let me make a silly example. If we are going to be saying that General Senona was always coming late at work, right. It might be very interesting and dramatic for television that you know, he came late a thousand times. But the answer is so what, because that can only be relevant if, as Commissioner Khumalo says, that was in aid of aiding and abetting and all those things that are in the terms of reference. Then it is clearly relevant.

But if it is an end in itself, that is a serial late
10 comer, well, who cares? That is the issue about marrying those peripheral issues to the terms of reference. That is really, as I say, maybe it is a more nuanced complaint that we are having, but there it is. We just want to place it on the record. We do not want to, we do not need to agree or disagree with the Evidence Leaders about it.

The last point is this. We all know the legalese about implicating yourself and incriminating yourself. I do not want to go there, but, and that is where I make this issue about HR and distinguishing this Commission from
20 that. Let me give you a live example. On the 31st of January, two days after the last appearance of the General here, he was served with a disciplinary notice by the police and it said in so many words, you are being suspended because of what you said at the Madlanga Commission. Just as plain as that. It was not even hidden.

So it was a direct, so somebody was sitting in some HR office watching the proceedings here and taking notes and then they say, okay, now you are being charged. Now, I do not want to get into the legalese about incriminating yourself, but that is just a live example. By the way, that suspension lapsed because in 60 days' time nothing had happened. We all know, again, of the inappropriately named Madlanga unit in the police.

CHAIRPERSON: Let me on record say in so many words
10 that I objected strongly to that.

ADV MPOFU SC: I know, rightfully so.

CHAIRPERSON: I immediately engaged the National Commissioner and he agreed that it was named wrongly.

ADV MPOFU SC: Rightfully so.

CHAIRPERSON: But unfortunately he was suspended before he could do anything.

ADV MPOFU SC: Yes.

CHAIRPERSON: I later engaged the ...[intervenes].

ADV MPOFU SC: Yes, yes.

20 **CHAIRPERSON:** [Indistinct]... [cross-talking].

ADV MPOFU SC: Yes, yes. No, I appreciate that, Chair. In fact, to be honest ...[intervenes].

CHAIRPERSON: Even the latest name is still unfortunate because it still has Commission in it.

ADV MPOFU SC: Exactly. But, Chair, I accept, just to, in

your defence, Chair, I also became aware of it when you raised the objection and it was a well-timed one because it could have gotten into the minds of the nation wrongly.

CHAIRPERSON: It gives the impression that I am going around arresting people.

ADV MPOFU SC: Absolutely. Or feeding some unit with information. But be that as it may, Chair, and we accept implicitly that that is not the case. But clearly there are people, whether in the inappropriately named unit or
10 whatever its name is, its new name is, or the HR offices of SAPS, who see their task as quite laziness, to be honest, as just sitting here and watching here and then making notes and then pouncing on people. That might be, shall we call it, an inherent danger in proceedings like this.

We accept that, but all we are saying is that we should not be playing into that here, in whatever way. I think that is, let me just check my notes, Chair. Yes, the point about the repetitive nature of the questioning is not a feeble point. My learned colleague, Ms Sello, says, I am
20 quoting her verbatim. The Commission has been placed into, has since been placed into possession, since he was here in January, has since been placed into possession of further information on what has since come to light. In the same breath, she is at a loss as to what we are complaining about. This is what we are complaining about.

If the Commission has been placed into possession of further information, and that has necessitated for him to be called, then we should be placed in the same possession, with the greatest respect. That is this. One does not have to be a lawyer to understand that, that all we are saying is that, yes, we accept that some new things might have come to light.

They might have necessitated him being recalled. But what is wrong with placing us in the same position as
10 the Commission in respect of those new things that have since come to light, so that we are in a position to assist you. That cannot be so difficult to understand.

And, ja, I do not want to get into, this thing about the buck stops with him, quite frankly, it does not cut, does not make the cut, because it does not work like that. We know that he was the head in KZN, but how far do you take this buck, proverbial buck, you know? Then it means this Commission should only have two witnesses, the Minister and the National Commissioner, or the President, because
20 the buck stops with them.

It does not work. I understand that there is a hierarchy and maybe other small bucks along the way, but it cannot be that simply because I am overall in charge, then I am expected to know every little detail about every room in SAPS in the whole country. Surely, that is not what the

buck stops here means.

CHAIRPERSON: On your penultimate point, Mr Mpufu, about Ms Sello's submission, that the General must respond to questions or testify today because the Commission has since been placed in possession of new information, on that, and you then say that it is exactly because of that that the General must also be placed in possession of that information. You did give, or rather referred to the one example from the letter.

10 As we sit here now, are you in a position to itemize the information that the General has not been furnished with? I am asking that so that, so as to see whether engagements between you and Ms Sello cannot resolve ...[intervenes].

ADV MPOFU SC: Can resolve the issue.

CHAIRPERSON: Resolve that issue, yes.

ADV MPOFU SC: Chair, yes, we are in such a position, but again, I am at pains to say that we do not want to delay the testimony.

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

ADV MPOFU SC: We simply want to qualify ...[intervenes].

CHAIRPERSON: Yes.

ADV MPOFU SC: So that if we get to a stage where the General, for example, says, I cannot answer that because I am being ambushed, or I am hearing about it for the first

time, then at least this background must be taken into account, not really, but ...[intervenes].

CHAIRPERSON: That is, thank you for that. That is a very practical approach.

ADV MPOFU SC: Yes, practical approach, Chair, but it will also assist. Remember, my first qualification was that should it become necessary, we will itemize these things, because if you do it now, it will just take a long time. That is why I was just giving the highlights.

10 **CHAIRPERSON**: All right.

ADV MPOFU SC: Chair, let me just make, at the expense of speaking against what I have just said, I will just give you another practical example. We have been asking for the statement, the Commission's statement of, what is it, Brigadier Nyuswa, just as an example, and we have not been furnished with that.

Now, it turns out two days ago, I am sitting at home watching the Commission at night. I can only watch the repeats here. And the following question is put to, or not
20 even a question, it is an answer coming from General Nyuswa. If I am not mistaken, it is paragraph 43 of his statement.

He says, you know, I was made to understand that General Senona has a problem with this. And one of the Commissioners, I am not sure which one, says, we were

made to understand by who? And he says, by the Evidence Leaders. That is, you will find that literally the whole nation was watching it. Now, what does that say to me? It says that when Brigadier Nyuswa was being recognized or preparing for his statement, he was told what the version of General Senona will be on that particular point. It is not important for now, whatever the point was.

Now, all we are asking is for the same courtesy with respect, that when General Senona was also doing his
 10 statement, it would have been very nice that he knew what the contrary versions, or whatever it is, of whoever it is, to the extent that they were available.

We accept that the Evidence Leaders are not magicians or clairvoyants who would know what someone is going to say in the future but to, or sangomas. But to the extent that the information was known, it would have been appropriate, let me put it like that, not just nice, it would have been appropriate, legally speaking, for him to be placed in the same position that the Evidence Leaders
 20 chose to put Brigadier Nyuswa, just on that point. As I say, the point itself is not important, but it is the principle that I am addressing. Thank you.

ADV SELLO SC: Chair, through you, if I may just address the last point, and I do not want to have ...[intervenes].

CHAIRPERSON: Perhaps we should ...[intervenes].

ADV MPOFU SC: By the way, I am ...[intervenes].

CHAIRPERSON: Let me give you an opportunity to respond to that one issue.

ADV SELLO SC: Just specifically that one.

CHAIRPERSON: No, no, let Mr Mpofu finish ...[intervenes].

ADV MPOFU SC: Ja.

CHAIRPERSON: And then I will give you an opportunity to respond.

ADV SELLO SC: I assumed he had finished. I saw his mic
10 go off, so I made certain assumptions there.

CHAIRPERSON: When he said thank you, I also thought so too.

ADV MPOFU SC: No, I was just being courteous, Chair. I have lost my train of thought now. I was saying, Chair, that the, what we require is to be placed in a position where we can maximally assist this Commission. Really, that is really all I was saying. It is all very well, if people want to come here and then say things, and then say, no, I am hearing about that for the first time, so that we can come again,
20 which is exactly what we want to avoid, for him to come for the seventh time, or the sixth time, whatever the number is, simply because, as you say, Chair, let us say, for example, I was going to give you this catalogue of things now, and give it to Ms Sello, and it turns out that they were deserved to be given anyway, what will be the result of that?

It will be that he must now be given that opportunity to come here again next week, or next month, and so on. We do not want that, because he does not have the means to do that. Every time he comes here, he has to pay lawyers, he has to, this is a person who is not a person of means and it is, but at the same time, he does not want to face the risk of being pounced upon by that unit whose name we will not repeat after he has been here. So the risks are real. They are not speculative, as I have indicated
 10 with the question of the suspension and so on. Thank you, Chair.

CHAIRPERSON: Thank you, Mr Mpofu.

ADV BALOYI SC: Mr Mpofu, I think in fairness to Ms Burger, because of how you have characterized her response, and she does not have a right to respond in this platform, I think in fairness to her, this must be placed on record. The context of the letter of the 1st of June from your instructing attorney, what that letter does in the penultimate, in the last paragraph, in fact, in paragraph 4
 20 and 5, 4 and 5, what, in fact, maybe let me first say, the context of the letter is earlier in the day there had been a ruling by the Chairperson, as you correctly say, that General Senona should file a statement.

Now, this letter from the attorneys in paragraphs 4 and 5 seeks a postponement of the filing of that statement

and that postponement is sought on the basis that other witnesses are still going to testify, there are other statements, I should first see those statements and I should not testify first before the other witnesses, that I want to hear what they are going to say, I need to see in their statements what they say about me.

The response of Ms Burger that you have described in the way that you have characterized, in the way that you have, is to say that General Senona, there is a ruling, you must abide by that ruling, and you cannot get a postponement, basically, you have been given a date. So, what you characterize as arrogant is really a restating of the position and I think it should be seen in that context and I think it is important that the context should be put out.

ADV MPOFU SC: Yes.

ADV BALOYI SC: That is all I wanted to say about it, that in fairness to her.

ADV MPOFU SC: Thank you, Commissioner Baloyi.

ADV BALOYI SC: Yes.

20 **ADV MPOFU SC:** We accept that the intention might have been innocent.

ADV BALOYI SC: Yes.

ADV MPOFU SC: I am simply stating to the Commission how it was received by the General.

ADV BALOYI SC: Yes, okay.

ADV MPOFU SC: And you know, there was one, for example, that said, no, you must ignore that subpoena, some subpoena, I think one of the wrong ones. It is all very well to say that to a person, you must ignore a subpoena, but we all know what the implications are of ignoring a subpoena.

ADV BALOYI SC: Ja.

ADV MPOFU SC: So, you can only do that, really, once you have been told to do so, but ...[intervenes].

10 **ADV BALOYI SC:** Yes. No, no, I was just dealing with this because I thought it is important in fairness to her.

ADV MPOFU SC: I accept, we accept at face value that maybe it was not meant as, you know ...[intervenes].

ADV BALOYI SC: Yes.

ADV MPOFU SC: Just take a hike or whatever, however it was understood, but that is how we read it.

ADV BALOYI SC: Yes.

ADV MPOFU SC: Because in the end, it does not matter what the tone or whatever, in the end, we were not given
20 that information. That is really our complaint, not the tone of the letter as such.

ADV BALOYI SC: Ja. And maybe the other thing to say about it, you know, the response is a response, this is about the internal workings of the Commission. So, when a letter like this comes, it is not Ms Burger who responds of

her own accord and initiative. Something like this comes to the Commissioners, that you gave a ruling, we now have this letter. So, where she says you are required to comply, it is a communication that comes from the Commission, and I think that should be clear.

ADV MPOFU SC: I accept that.

ADV BALOYI SC: The second issue, and the second one I mentioned only so that General Senona does not, if he is under that impression, it is clear that he is not targeted as
10 such. This is about statements that he asked for this, he was told about what General, Colonel Nyuswa, I think Brigadier Nyuswa ...[intervenes].

ADV MPOFU SC: Brigadier.

ADV BALOYI SC: Yes, when in fact he had not been given his statement, the Commission, in the Commission, no witness who comes to testify has been given statements of witnesses that have, who were yet to testify. We have not done that with any witness. In fact, the practice is, statements of witnesses do not go out. We do not even
20 publish them, we do not give to the media, we do not put them on the website until the witness has testified.

So, insofar as he may have requested statements of witnesses yet to testify, the answers he got are answers that apply generally, which is, statements do not go out until a witness has testified. And I say that only to dispel

any idea that he alone may be treated unfair. If it is unfair, it is unfair to everybody who has had to testify here.

ADV MPOFU SC: Ja, thank you. Chair, very quickly, again, without any qualification, we accept the assurances about the intentions and the patterns of the Commission. We have nothing to say about that. The issue we are raising, the fact that no witness has been given information before does not make it right, with respect. If it is wrong, it is wrong. Whether it is been done throughout, then so be it.

10 Maybe those witnesses did not make the requests, repeated requests that we made, or maybe they did not need the statement. We do.

ADV KHUMALO SC: Mr Mpofu, the practical and logical point is this, that witnesses often have to confirm when the oath is administered, that this is my statement and that is my signature.

MAJ-GEN SENONA: Ja.

ADV KHUMALO SC: And often they have to correct those statements and say, no, no. So you can understand how
20 impractical it is before a witness has confirmed that that is his final statement to distribute it.

ADV MPOFU SC: Fair enough.

ADV KHUMALO SC: Because if a witness then, when they take the stand, they say, well, actually, as happened with Brigadier Nyuswa ...[intervenes].

ADV MPOFU SC: [Indistinct]... [cross-talking].

ADV KHUMALO SC: I discard my previous statements and I am now relying on the one that I finalized this morning ...[intervenes].

ADV MPOFU SC: Yes.

ADV KHUMALO SC: It would have been prejudicial to your client ...[intervenes].

ADV MPOFU SC: Absolutely.

ADV KHUMALO SC: If the ones that Nyuswa had
10 discarded were the ones given to him.

ADV MPOFU SC: Yes.

ADV KHUMALO SC: So there are practical considerations that inform some of these processes.

ADV MPOFU SC: Yes.

ADV KHUMALO SC: So do not dismiss them as being unworkable. They are there for a reason, these processes.

ADV MPOFU SC: Yes. No, Chair and Commissioners, that is Commissioner Baloyi's second point that you have just amplified. And again, we accept that. I am not dismissing,
20 I am simply, I do not expect the Commission, I am not, I do not want to be in some debate with the Commissioners trying to justify some unjustifiable things here. I am saying here, I accept that you may not, it is been explained to me now by the two Commissioners and I accept it, that it might not be a practical thing to do to give somebody's statement

prior to their testimony, but I have given you examples where that, what you have just told me does not apply. So where is the statement of Sander then, if what you, the two Commissioners are saying, because he has already testified, he has already owned his statement. So that explanation does not assist me, as it might assist with another witness yet to come, but it cannot answer my complaint about witnesses that have already complained, rather testified. Thank you.

10 **CHAIRPERSON:** Ms Sello, there was the point you wanted to respond.

ADV SELLO SC: Yes, yes, thank you, Chair. I think to a large extent, Commissioners Baloyi and Khumalo have addressed this point, and I wanted to address it for the benefit, perhaps, of all future witnesses. If one has regards to the very letter that Mr Mpofu has referenced from General Senona's attendance at page 27, if one has regards to paragraph 4, that his legal representatives state, to the extent that Lieutenant Colonel Duma's testimony may
20 implicate General Senona, it will be prejudicial for their client to file an incomplete statement, which is silent on allegations which may be made against him by Colonel Duma.

This was drafted prior to Colonel Duma presenting himself before the Commission. Now, the challenge is

whether or not his testimony may implicate him, and I think Mr Mpofu correctly acknowledged that we do not have a crystal ball. What we have at any given time is a statement by a witness and that is where Rule 3.5 kicks in. If that particular statement already implicates somebody, a Rule 3.5 should go out and setting out the extent of the implication.

But when the statement does not, then the Rule 3.5 notice is not issued. But in the course of testimony, the
10 witness may expand on his statement and in the course of doing so, implicate. That is not the original statement, that implicate. It is important that anyone who will be called to appear understands that.

And the point Commissioner Baloyi made, Brigadier Nyuswa is a Brigadier, testified on Wednesday, the 17th. Technically, the 17th of June, by the 1st of June, General Senona's team wanted a copy of his statement and as the Commissioner points out, the Commission does not release any statement until the witness has confirmed it.

20 So I do not know how we can potentially assist General Senona, but I think it is important to point out that it is not a decision that is necessarily prejudicial to him. It is prejudicial to all, so it cannot be claimed that we are being particularly harsh to General Senona. There is no basis for such conclusion. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Sello. I forgot to thank you at the end of your reply, Mr Mpofu. Thank you.

ADV MPOFU SC: [Indistinct]... [microphone off].

CHAIRPERSON: Thank you.

ADV MPOFU SC: I am sorry. Yes, I think it would be best to leave it there, Chairperson. We really appreciate the opportunity to place those concerns on the record.

CHAIRPERSON: Thank you.

ADV MPOFU SC: Thank you.

10 **CHAIRPERSON:** What you said when I raised the issue of what outstanding information you still required, I think charted the way forward in the sense that you said, let us go ahead. So I accept that, let us start with the testimony. Let us go ahead. If anything arises at whatever point, it should be dealt with at that stage. That is, as and when it does arise.

ADV MPOFU SC: Thank you. Thank you, Chair. Just a correction for the record.

CHAIRPERSON: Yes, yes.

20 **ADV MPOFU SC:** I understand that the protocol is to refer to people with their titles. So to the extent that I said Sander, I meant Warrant Officer Sander. Sometimes I get confused with these ranks, but it was not out of disrespect.

CHAIRPERSON: I also do that from time to time. Not so much just referring to the surname, but I forget the ranks.

ADV MPOFU SC: The ranks.

CHAIRPERSON: And I do something that I know is technically incorrect, I just say officer, for example, Sander.

ADV MPOFU SC: Yes.

CHAIRPERSON: But officers are commissioned officers.

ADV MPOFU SC: Yes.

CHAIRPERSON: Not every police.

ADV MPOFU SC: Thank you, Chair.

CHAIRPERSON: Thank you, thank you.

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

CHAIRPERSON: Ms Sello.

ADV SELLO SC: We are ready to begin.

CHAIRPERSON: Yes, yes.

ADV SELLO SC: General Senona, as you have confirmed, you have filed a supplementary statement and we have confirmed it is yours. It goes up to page 11. And as is practice in the Commission, any new statement that is filed, the witness is afforded an opportunity to speak to the contents thereof, either by reading the statement or
20 highlighting certain aspects within the statement and paraphrasing without undue interruption and I would like to give you this opportunity, perhaps, to do so. Which parts you choose to read and which you choose to summarize will be at your discretion. Thank you.

MAJ-GEN SENONA: Thank you.

CHAIRPERSON: Yes, General.

MAJ-GEN SENONA: Thank you, Commissioners.

10 “I, the undersigned, Lesetja Senona, do
hereby make an oath and say that I am a
Major General in the South African Police
Service. I am currently employed as the
Provincial Head of the Directorate for
Priority Crime Investigation in KwaZulu
Natal. I must also emphasize that
although I am still employed with the
DPCI, I am currently placed on
suspension.”

And the suspension talks to the issues of, in the
suspension letter, they say because of the storage and the
theft of exhibits, which emanated from the Commission, as
my Senior Counsellor has alluded to earlier, before the
Commissioners.

CHAIRPERSON: Did the suspension not lapse, or did I
misunderstand?

20 **MAJ-GEN SENONA:** Commissioner, if you allow me.

CHAIRPERSON: Yes.

MAJ-GEN SENONA: What happened after I have testified
here, I was taken out of my office at gunpoint and on the
31st of January. I raised the issues of safety, but a ruling
was done. I was taken out of my office, escorted with

firearms, and I was told not to come back to the office. My tools of trades were taken.

Although it is not in my statement, I am just bringing that under your attention that sometimes we come and testify here, when we request for safety, what is it that we are facing. And ever since that day, I am not 100% well in terms of safety, my safety and that of my family. And the suspension that I got ...[intervenes].

CHAIRPERSON: I just want to, sorry, sorry, General, I just
10 want clarity on whether the suspension has not since lapsed.

MAJ-GEN SENONA: I am going to take ...[intervenes].

CHAIRPERSON: I think even Mr Mpofu touched on that ...[intervenes].

MAJ-GEN SENONA: Ja.

CHAIRPERSON: And said because nothing happened over the specified period of time, it lapsed. Now you are saying you are under suspension.

MAJ-GEN SENONA: Yes.

20 **CHAIRPERSON:** It is because of that that I wanted to get clarity on whether ...[intervenes].

MAJ-GEN SENONA: I was ...[intervenes].

CHAIRPERSON: On whether it has lapsed, it has since lapsed.

MAJ-GEN SENONA: Commissioner, it is two suspensions.

CHAIRPERSON: Oh, okay.

MAJ-GEN SENONA: The first one, I was provided with, I was suspended, and because evidence was given at the Commission under oath, when you are suspended in the police within 60 calendar days, a disciplinary hearing must have commenced. And then on the 22nd of May, it was 77 days after I was suspended, the suspension was uplifted, of which it was uplifted by my supervisor who did not have the powers to do so because the regulation talks about the
10 Chairperson who must either uplift or extend it by 30 days. If the disciplinary hearing is not finalized, it must be uplifted automatically. It is an automatic upliftment.

On the 3rd, after I have appeared here, on the 3rd of June, I was called to the, I went to the office here in Pretoria, met with my supervisor. I was provided with another suspension. The second suspension that I am on now talks to the issues of theft and storage of drugs at Port Shepstone.

CHAIRPERSON: All right, thank you ...[intervenes].

20 **MAJ-GEN SENONA:** And today, I must bring it under ...[intervenes].

CHAIRPERSON: Sorry, sorry, continue.

MAJ-GEN SENONA: I must bring it under the Commission's attention that I am more than willing to assist this Commission. I am here but the date the Commission

gave me, already, there was a date for me to attend another disciplinary hearing today, at 10 o'clock, it is currently ongoing. To show that I am willing to assist the Commission, I opted to come here, not to go that side. Thanks, Commissioner.

CHAIRPERSON: That answers me. Thank you, thank you, General.

MAJ-GEN SENONA: Can I continue, Commissioner?

10 “I have previously filed statements with
the Commission and testified to the
Commission on the 27th, 28th and 21
January 2026. I file this further
statement at the direction of the
Commission in terms of the summonses
of 29 April 2026 and I am duly authorized
to dispose to this statement. The facts
set out in this statement are within my
personal knowledge, unless otherwise
stated or indicated by the context
20 alternatively obtained through reports
made to me in the course of my duties by
the various functionaries within the DPCI
KZN. Further, alternatively, to the extent
possible or feasible, I will attach any
documents I rely on in substantiating of

the amendments I make herein.

This statement. This statement is filed in response to the Regulation 10.6 notice of 24 May. In that notice, the Commission called upon me to answer certain questions relating to the seizure of 541 kilograms of drugs (Cocaine)“

I want to add the word suspected Cocaine.

10 “At the CHC depot, Avenue East, 14th Avenue, East Isipingo Prospecton, Durban Harbour, on the 22nd of June 2021, which was booked at Isipingo under reference number SAP13/373/2021. The Regulation 10.6 notice issued pursuant to the subpoena of 29 April directs that I comprehensively address the seizure of 541 kilograms of drugs (Cocaine).”

I want to also add suspected Cocaine.

20 “At the CHC depot, 14th Avenue, East Isipingo Prospecton, Durban Harbour, on the 22nd. I have attached my answers to the Regulation 10.6 as LS1. It forms part of my sworn statement. In the body of this sworn statement, however, I address

certain challenges on the management of my evidence at the Commission.

Issues concerning the management of my evidence.”

I think some of these issues, it will be a repetition. My Senior Counsellor has addressed the Commission in respect of that.

10 “On the 29th of April 2026, the Commission issued a summons calling me to tender certain evidence. Notably that summons did not raise any new issues. I communicated as much to the Commission through my attorneys of record on the 4th of May, when I also requested that in the event that there are additional documents and or information the Commission intends to make use of during General Senona’s further appearance, we request that he be
20 finished with information (documentary and or otherwise) timeously to enable adequate preparation. A copy of this correspondence is attached as LS2. The request has not been met. At least three witnesses have given evidence

implicating me in the drug seizure and storage of 22 June 2021. A fourth is set to tender evidence via audio link and *in camera*. The first of these witnesses to testify was Major General Flynn. His statement was filed on the 4th of May 2026 and he gave evidence at the Commission on the 5th and 6th May 2026. The second witness was retired
10 Lieutenant Colonel Prinsloo. To date, the date of his redacted ...”

So I do not know when his statement was filed with the Commission, so which means the date he disposed this statement, I am not aware of it.

“In any event, he testified on the 7th, 11th and 18th May 2026. The Commission only furnished me with the statements late afternoon on Friday, 29 May 2026, a mere two days before my sworn
20 statement had to be filed with the Commission on the 1st June 2026. What is more, I was also called upon by the summonses of the 29th of April 2026 to testify on the 8th of May 2026 and then postponed to 1 June, although I was

advised that my testimony may stand down to the 5th of June 2026. As an aside, I have several concerns regarding my evidence tendered by Colonel Prinsloo. This include his failure to disclose to the Commission that he informed the District Commissioner in that district about the storage of the drugs and that he requested Visible Policing patrols in the area. He alleges that I instructed that no one be informed about the storage, but he never requested additional assistance from my office.”

ADV KHUMALO SC: Sorry, General Senona, just to be clear, you are still referring to the suspected Cocaine, not another storage?

MAJ-GEN SENONA: 100%, Commissioner. Apologies for my oversight. I think it will happen oftenly, but I apologize upfront if it is allowed, Commissioner. Thank you. Where was I?

“I instructed that no one be informed about the storage, but he never requested any additional assistance from my office. Reference is made to

paragraph 7 of his affidavit disposed to
shortly after the incident.”

I am not sure if that statement is here, Commissioners. I want to check so that I can read the paragraph, but it is not here, but we submitted it previously in January.

ADV SELLO SC: If I may be of assistance, that is what we are trying to establish. There are actually two statements by Colonel Prinsloo. There is one, you said immediately
10 after the incident. There is one of the 23rd of November 2021, and another of, I think, the 25th of November 2021. And I mention this perhaps just to ask your attorneys or your representatives to guide us specifically which statement they are referring to, and we will be able to locate it, and then you can have regard thereto.

MAJ-GEN SENONA: It is a statement that he made immediately after the incident where we were requested by Lieutenant General Mosikili to provide affidavit of the incidents.

20 **ADV SELLO SC:** Hence, I say there are two, two days apart. The one is the 23rd of November, the other one is the 25th of November.

MAJ-GEN SENONA: If it is presented before me, because it is a long time ago, I will be able to say this is the one. I think in January, we did talk to the statement. It was

handed in before the Commission. I am referring to that one that we were dealing with in January.

ADV SELLO SC: I think Advocate Tulk might be able to assess. In the meantime, if it does not disturb your flow, you may continue while we try and locate the actual statement.

MAJ-GEN SENONA: Thank you very much, Commissioners.

10 “Lieutenant Colonel Prinsloo also failed
to disclose the visit to me by Brigadier
Naicker, who is from head office, and the
two Warrant Officers at Port Shepstone
offices.”

Commissioners, my office never received any report or feedback concerning such visit or inspections. Reference is made to paragraph 10 of Lieutenant Colonel Prinsloo's statement that he deposited immediately after the incident. I am saying this, Commissioners, because when head office visit any of the provincial offices, the protocol
20 will be that you report at the provincial office your presence, and then that I am visiting this office.

If it is investigation of a sensitive nature, you just report your presence and you go do your investigation. And I have never received any report from national office or any document in respect of such a visit, as well as the outcome

of the inspections that was conducted there.

“He indicated that he could not ...”

[intervenes]

ADV BALOYI SC: Sorry, General.

MAJ-GEN SENONA: Yes, Commissioner.

CHAIRPERSON: Is the point, I am trying to understand the point you are making here at 12.2. Is it that you dispute that there was such a visit that he speaks to in paragraph 10, as you say, in paragraph 10 of that affidavit, or you
10 accept there was such a visit, but the only issue you are taking is it was never disclosed to you? And I am trying to understand that I do not lose the significance of what you are saying.

MAJ-GEN SENONA: Yes, Commissioner, you are 100% correct. I am not disputing the visit.

CHAIRPERSON: Yes.

MAJ-GEN SENONA: However, I am indicating to the Commissioners, although I did not put it here, that the visit initially was never brought to my attention. And thereafter,
20 even a report of such an inspection was never brought or sent to my office.

ADV BALOYI SC: Okay, thank you.

MAJ-GEN SENONA: Thank you, Commissioner.

“He indicated that he could not smell anything suspicious, despite another

member allegedly observing a burning smell. Although he testified about the security concerns and challenges at the offices, he failed to escalate these concerns directly to my attention after his alleged unsuccessful attempts with Supply Chain Management. At no stage were the security concerns at Port Shepstone brought to my attention prior
10 to the storage of these drugs there.”

I think I also testified to that effect in 27 until the 29th. I did highlight this, Commissioners.

“He also failed to complete the relevant document to the handing over and control of the safe keys, despite him being aware of the applicable procedures. These procedures were not within my knowledge, and I have never dealt with the same before, even in relation to the
20 safe in my office.”

Commissioners, here I am saying I am not an expert in the Supply Chain Management issues. There was a document that was presented before this Commission by Lieutenant Colonel Prinsloo, the handing over of the safe keys and so forth. It was the first time I saw it. I do not

know everything in the South African Police Services. When the keys were handed over, I would have expected him to say, let me complete this relevant document in order for you to sign.

ADV SELLO SC: Are you, sorry, sorry, sorry to interrupt you, General. Are you talking about the instance where the keys were handed over to you after the suspected container had been placed inside this strong room, whatever it is called?

10 **MAJ-GEN SENONA:** Correct, Commissioner.

CHAIRPERSON: All right, all right, thank you.

MAJ-GEN SENONA: Unless, because he never testified that I tried to complete that and so that they must sign for the keys or so. It never happened and he never testified in that instances. Although I am saying before this Commission, that document, I saw it for the first time before the Commission. I do not know everything in the police, Commissioners.

20 “He failed to properly inspect the office premises during the afternoon of the Sunday on the 7th of November 2021 and the morning of Monday, 8 November 2021, despite observing that lights were on at the ground floor, which he considered abnormal. No occurrence

book entries were made in this regard.”

All I am trying to highlight here, Commissioners, I testified previously that they were instructed to do the after-hour visit and I consider this visit of Sunday as one of the after-hour visit as per my instruction after the storage. But if you do that, you must go and patrol the entire office and check if everything is still intact.

What is significant, he knew what was stored there, but he never went down. In his testimony, he said he only
10 went into his office and did what he did and from there he left, of which, it leaves a vacuum in my mind why he never did that.

“He further failed to disclose the visit by Brigadier Nyuswa to the Port Shepstone offices on Tuesday, the 2nd of November 2021, shortly before the theft occurred.”

I can confirm, Commissioners, that Brigadier Nyuswa also testified here and he confirmed that he did visit the office on the 2nd of November 2021. But from
20 where I am sitting, I have never visited that office ever since those drugs were stored at Port Shepstone.

“In any event, I appeared before the Commission on the 1st June 2026, and my evidence was stood down to 5 June 2026. In the meantime, while I was

preparing this statement and consulting on the 29th April summonses, the 24 May Regulation 10.6 notice and the statements of ...[indistinct] ...”

I mean, I will say General Flynn and Lieutenant Colonel Prinsloo.

10 “The Commission led the evidence of Warrant Officer Karl Sander and also ruled that Lieutenant Colonel Duma's evidence, which also relates to the theft of the Cocaine, could be led via audio link while shielding his identity from the public. At this point, my attorneys wrote to the Commission requesting that my evidence be stood down and my statement filed at a later date after all the evidence implicating me was led. In this way, I could provide a complete answer to the Commission, which

20 necessarily include answering any allegations made against me in the seizure of the drugs and their storage. The letter is attached as LS3. The Commission responded via emails contending that I was only required to

respond to the issues in the subpoena and the Regulation 10.6. The Commission's Ms Geraldine Burger, stated that is what constitute his testimony to the Commission and that if all that is all that is required of him now. She goes on to state that I will be served with the Regulation 3.5 notice and afforded an opportunity to deal with my
10 implication, but records that my statement is not impacted by someone else's version of the truth. The email is attached as LS4. Her opinion was in the end proven wrong when Warrant Officer Sander took the stand again on 2 June 2026. Insofar as Warrant Officer Sander is concerned, he was questioned by Commissioner Khumalo on his temporary placement letter that was signed by me.
20 Commissioner Khumalo noted that I am coming to give evidence on the 5th of June 2026, and Commissioner Khumalo stated that 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 superior were moving you out of the way because you were stepping on the toes of the drug traffickers now I want to try and understand that allegation. Is that an allegation you are making against General Senona? And is it something we must put to him when he comes to give evidence on Friday? Warrant Officer Sanders responded, Commissioner, I think it will eventually come out that the suspect who stole the drugs are known. When asked by Commissioner Khumalo, known by who, he said, I was informed by Colonel Jacob personally who they are, but the links to the management. Commissioner Khumalo then interjected and said, the links to the management of DPCI, and Warrant Officer Sanders agreed. He went on to say that the only inference he can draw is that he suffered repercussions. It was then put to Sander by Commissioner Khumalo that Warrant Officer Sander believed that he was

placed in another department because his superiors were moving him out of the way because he was stepping on the toes of the drug traffickers. Commissioner Khumalo then said, I just want to be clear. You are saying General Senona among others, to which Warrant Officer Sander responded, no, sir, I said General Senona was the one who moved me.”

10 I am going to continue. I want to explain something after this.

“The distinct impression he had already been created that first, I transferred Sander, and second, that I did so for nefarious reasons, this is just not true. I have attached a letter as LS5, an email that I received from Lieutenant General Lebeya, the then National Head of the Directorate for Priority Crime
20 Investigation, and or Major General Surajbali, who is the DPCI Head of Executive Support Services, dated 5 February 2024, directing my office to engage with the complaint and provide the National Head with feedback by 23

February 2024. The complainant's email was addressed to the National Head and others, not to myself. I only became aware of the complaint when I received the instruction from the DPCI National Head. I later received a further instruction from General Surajbali to temporarily place the member at another post pending investigation, which instruction I carried out. I do not remember the exact date of this email. I have no recollection of subjecting the member to a polygraphic test relating to the theft of a coffee machine. I should not have to answer this allegation in this statement. I do so out of caution and attach the emails from Lieutenant General Lebeya because of the very real prospects that these questions may be directed at me, even though I have not received the requisite notices and additional documents from the Commission."

Commissioners, I want to add that on these paragraphs, the placement of Warrant Officer Sander, the

complaint, it was very serious. I think the Commission has also this document, which they provided to us later, I think in the early hours of yesterday. They have this complaint whereby there was a serious allegations of Warrant Officer Sander and other members involved in the theft of Cocaine at the harbour and selling it to a specific gang.

I am just worried to say names of other people that never came here because the last time I was caused to say certain names and I am on litigation for information,
10 Commissioner, as we speak.

“Now, based on the allegations, they were of a serious nature that warranted that. In that process, if my memory serves me well, Colonel Jacobs was the Acting Provincial Commander. Brigadier Nyuswa was not there. The process that I followed, I called Colonel Jacob to come with Warrant Officer Sander. I wrote a letter. I signed it. It was flagged
20 here. I saw this is my signature, but it was redacted. I placed him at Supply Chain Management until the investigation is finalized. It is a process that we do in the police. Like myself now, my supervisor ...”

It is an example I am making.

“My supervisor has suspended me. He was placed elsewhere. Mine is worse because evidence was given under oath before this Commission and I was suspended. So it is a process when there are allegations against you that relates to what you are doing you will be either placed elsewhere or suspended.

10 He was never suspended and he never lost any income. He got his full salary, his danger allowances and the scare skills allowance.”

So the issue of the coffee machine Commissioners, in that office where he was placed, I do not remember him because I was watching the Commission on that day, I do not remember him, I might be wrong, informing the Commission that actually in that office there were four thefts. It is in the provincial office. Nobody will just come

20 in there. A member of the public, even your good self, you will never come in. You will be escorted into the building if you are not working there.

There was a theft of a camera of the state. There was a theft of a state laptop which possesses sensitive information in that office. There was also a theft of a

laminating machine. His coffee machine was the last one. The person who initiated and applied for these members that are employed in that Supply Chain Management where this Sander was placed, was initiated by Brigadier Nyuswa. I was out of office by then.

The only thing I did is to sign the call-up instruction and say all these members must go for polygraph test because there was no break-in, but things are disappearing. And I believe that was done *bona fide*, not to punish any
 10 person, Commissioners. So those are the issues that I wanted to address, although they are not in the Regulation 10.6 or on the subpoena, just to give the Commissioners a clear picture as what happened.

He comes here and cry and say, I subjected him to the, what you call, a polygraph test for the theft of his coffee machine. That is not correct. Maybe for lack of a better word, it is insane of me to shall have done that, Commissioners. If you are a victim, then I put you on a polygraph test. That is wrong. He misled the Commission.
 20 I want to pause there and continue with my statement.

CHAIRPERSON: Sorry, General, I am not sure I follow that. What exactly is not correct?

MAJ-GEN SENONA: It is not correct that he was subjected to polygraph examination because of the theft of his own coffee machine that was stolen in that office. It was not

only him. The person who initiated everything and made arrangement is Brigadier Nyuswa. I only signed the call-up instruction and I believe the Commission is in possession of those documents. I do not have my tools of trade since they were taken when I was taken at gunpoint out of my office. My laptop, my gun, my laptop is gone, and then documents that I was supposed to prepare for my disciplinary, I was taken out of my office like somebody I do not know for lack of a better word, like a dog. And that
 10 thing is still a pain here and it caused me to lie in hospital for two weeks.

Now, I am telling the Commission here to show certain implication. I am not requesting for any mercy, but I want to assist this Commission. Now, Commissioner Khumalo, I hope I answered you, Commissioner.

CHAIRPERSON: Yes.

MAJ-GEN SENONA: Chair, Chair.

CHAIRPERSON: Yes, you have.

MAJ-GEN SENONA: Pardon me, I am addressing all of you
 20 as Commissioners, but if I have to say Chair, I will try and rectify.

CHAIRPERSON: No, no, I am a Commissioner.

MAJ-GEN SENONA: Okay.

CHAIRPERSON: Thank you. Please continue.

MAJ-GEN SENONA: I wanted to say Justice.

“Commissioner Khumalo also interposed at some point, stating that this was integral to the Commission's terms of reference and enquired whether the evidence would have to be put to me. So it is indeed so that any statement I give is twofold. It is in the first instance, my recordal of facts as I know them, and second, my response to the averment made about me in the Rule 3.5 notice that I received contrary to Mrs Burger's opinion. I say with respect that my treatment at the Commission has been unfair and I am a civil servant with 38 years of service now. My means are limited and the piecemeal manner in which my evidence is being managed is materially impacting my ability to protect my rights and interest at the Commission.

I am not asking for any unique or irregular, simply that the evidence implicating me is led and thereafter I respond thereto. As matter stand, I have had to prepare this statement at short notice and as it turns out, may very well

have to file another statement to deal with Sander's and other witnesses' evidence. It certainly cannot be that Sander's and others' evidence, controversial as it is, and which paints me as having irregular transferred him can go unchallenged. It also cannot be that the evidence as stated by Commissioner Khumalo must be put to me as I was not served with the Regulation 3.5 statement and a Regulation 10.6 notice or any other material documents. I have simply been advised by Ms Burger that this will transpire. This process is called for in the rules of the Commission itself to protect the rights and interest of witnesses who appear before it."

I want to also add the following in my evidence in chief that when Warrant Officer Sander was placed back to his office, these were my words. These were my words, Commissioners. I informed Brigadier Nyuswa that Warrant Officer Sander, because this investigation is taking too long, someone from the Legal Services wanted to stop his allowances and then if it is the employer who placed you

elsewhere, you cannot do that.

And then as the investigation was continuing, the only thing that was found at that stage was the misconduct of him not declaring the directorship of a shooting practice company. However, I think the investigation is ongoing of those allegations because they are of a serious nature. I do not know what is the status at this stage, but I said Warrant Officer Sander can go back to SOCI. SOCI is Serious Organized Crime Investigation.

10 I have never specified that he should not be placed where he was. I said he can go back to SOCI. SOCI is where he came from. And as far as I am concerned, he was supposed to go back to his normal duties. I do not remember writing a letter, writing specifically that he must be placed at EPR as it was said by Brigadier Nyuswa.

I do not recall, I do not have a recollection of me doing that, but my recollection is he can go back to Serious Organized Crime Investigation in Durban office where he was working before. I wanted to bring that under the
20 attention while I am still under oath.

ADV BALOYI SC: Can I just understand, when you say you do not recall, is that equal to saying you never gave such an instruction because Brigadier Nyuswa was quite firm about it that it was your instruction and he followed your instruction that he goes to EPR?

MAJ-GEN SENONA: Commissioner, I have never given that instruction. If I have given it, I would have maybe, or the Commission would have got a document as much as I placed him in Supply Chain Management. Certain things we do them in writing in the police. This verbal instruction, it is out of necessity to do verbal instruction because of the situation we are facing with. This one, it was not an urgent thing, Commissioner. So you are correct, I never gave Brigadier Nyuswa that type of an instruction that he must
10 not go back there, he must go there.

ADV BALOYI SC: On the back of that explanation, should we, there must then be, given the explanation you are giving, that you do things in writing, there must then be a letter where you say he should be taken back to SANEB.

MAJ-GEN SENONA: I believe so, Commissioners. However, as I said, my tools of trades were taken by force.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: On the 31st of January, my laptop and everything, I do not know what happened there. Even now,
20 trying to get certain information to assist the Commission, it was a serious mountain to climb.

ADV BALOYI SC: Thank you, General.

MAJ-GEN SENONA: Thank you, Commissioner.

CHAIRPERSON: Sorry, General, you say the investigations are ongoing, that is, investigations in respect of the serious

allegations concerning Lieutenant Colonel Sander.

MAJ-GEN SENONA: Warrant Officer.

CHAIRPERSON: Warrant Officer, oh, I am promoting him, sorry about that. If I am not mistaken, I think his testimony was that those investigations had come to an end. Somebody told him so. I forget the detail around that, but that is the distinct impression he created. Perhaps, in fact, more than just an impression, I think he said so in so many words. Now, do you know anything about that?

10 **MAJ-GEN SENONA:** Commissioner, as I have indicated, since 31 January, I was never at work. There is ...[intervenes].

CHAIRPERSON: No, before, before. My sense was that this was a matter of a few, few months, which would mean, if correct, you were still there. So it was before your suspension. That was my sense.

MAJ-GEN SENONA: Ja, I do not have a proper recollection of that, Commissioner, but as far as I am concerned, it is not easy to close that type of investigation
20 at a very short space of time the way it was dealt with, because also the DPP was involved guiding that investigation.

CHAIRPERSON: And I see here that this was signed, the letter, the letter that moved him to another section, it was, I am looking at page ...[intervenes].

ADV KHUMALO SC: File 2, exhibit bundle, Port Shepstone, page 475.

ADV SELLO SC: CJC239.

CHAIRPERSON: I am referring to the letters. Oh, you have got it, General. Ja, you see the date there on the letter that moved him to Supply Chain.

ADV KHUMALO SC: Just a moment.

ADV SELLO SC: Oh, we will just ...[intervenes].

ADV MPOFU SC: [Indistinct]... [cross-talking] oh yes, I
10 think it is flighted. It will assist. We will arrange over the break. Thank you.

CHAIRPERSON: The date on there, General, is the 13th of February 2024. It is more than two years now. Have you been receiving any reports at all about the investigation? That is prior to your suspension, of course.

MAJ-GEN SENONA: I can recall that I was receiving progress report. I think Lieutenant Colonel Mtshali, he is now Colonel, was appointed to investigate. And then when he write the progress report, he will write it to Brigadier
20 Nyuswa. Brigadier Nyuswa will forward the email to me, and then I will read it, when I am happy, because my main function as the Provincial Head is to receive report, read them, and report to head office. Some, I will receive reports seeking my advice, I will provide an advice where it is necessary. And I recall receiving progress reports

sending them to head office.

CHAIRPERSON: And would this be indicating that the investigation is ongoing, or what would they be saying about progress on the investigation or progress about the investigation?

MAJ-GEN SENONA: They were talking about profiling, if I recall. I am just talking out of experience, Commissioners ...[intervenes].

CHAIRPERSON: Yes.

10 **MAJ-GEN SENONA:** Because I do not have those reports here. But it is a question of what processes were followed during that investigation, and what was outstanding. Those are the reports we were reporting at national office at that stage. I confirm that this is my signature. This is the letter that I signed, I placed him there, based on the complaint and advice by head office.

It is a pity they only send us, when we request through my attorneys, they only send us the complaint. But that email that they said, I must consider, I must make sure
20 I place the member elsewhere, they never provided us with that, the national office, and of which I am on suspension, I cannot force them. There is nothing I can do. I am not even allowed to go to any offices of the DPCI.

CHAIRPERSON: Thank you, General.

MAJ-GEN SENONA: Thanks, Commissioner.

ADV SELLO SC: Chair, if it may assist, I see it is already 11:28. Perhaps during the tea break, the General may have regard to CJC282. That is from page 1003 and ...[intervenes].

MAJ-GEN SENONA: 1?

ADV SELLO SC: 1003. I say perhaps we do that over the tea break. That is the documentation relating to the suspension that the Chair is engaging the General on. The complaint is part of his statement, but the remainder of the
10 documents is not.

CHAIRPERSON: When we break, if you could engage Mr Mpofu and the General ...[intervenes].

ADV SELLO SC: Indeed, indeed.

CHAIRPERSON: As to the exact file. Ja, thank you.

ADV SELLO SC: I will do so, Chair.

CHAIRPERSON: And perhaps let us, oh, yes Mr Mpofu?

ADV MPOFU SC: No, I am covered, thank you, Chair.

CHAIRPERSON: Oh, all right, thank you. Let us take the ...[intervenes].

20 **MAJ-GEN SENONA:** Commissioner.

CHAIRPERSON: General, yes.

MAJ-GEN SENONA: I have got a request.

CHAIRPERSON: Yes, yes.

MAJ-GEN SENONA: It is only one paragraph then my statement is done, then it is my humble request that I finish

this one paragraph ...[intervenes].

CHAIRPERSON: Oh, that ...[intervenes].

MAJ-GEN SENONA: And then when we come back ...[intervenes].

CHAIRPERSON: That makes practical sense.

MAJ-GEN SENONA: We deal with 10.6.

CHAIRPERSON: Okay, please continue.

MAJ-GEN SENONA: I humbly request that, Commissioner.

CHAIRPERSON: No, no, no, no, no.

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

“There is no reason that I should be treated differently and expected to give evidence in the absence of this document. There is also no reason why my evidence must be elicited in a piecemeal fashion. There is nothing unreasonable in seeking that all the evidence against me is led first and then that I respond thereto after receiving the requisite Rule 3.5 statements, annexures and Regulation 10.6 notices where applicable. It is imperative that I provide comprehensive evidence, but I cannot do so when I am faced with unreasonably short time periods to file my statement,

20

and while when I am preparing these statements, further damning evidence is led against me. Nevertheless, since I am under the subpoena and want to assist the Commission, I tender with this statement my answers to the 25 May 2026 Regulation 10.6, but record that I will be materially prejudiced should I be expected to testify on anything tendered

10 by Duma and/or Sander on 5 June. As I indicated, I have elected to attach my responses as an annexure. It is filed as LS1.”

That is what I wanted to highlight, and then I will go to the questions after the break. Thank you very much for the permission, Commissioners.

CHAIRPERSON: Thank you, General. Let us adjourn and resume at midday.

INQUIRY ADJOURNS

20 **INQUIRY RESUMES**

ADV SELLO SC: Thank you, Chair. Chair, we have located the statement by Colonel Prinsloo that the General references in his statement. It has been copied and he would like to make direct reference thereto. It should be with us shortly. Perhaps then before, we might take this

opportunity to, and secondly we have provided his legal team with the full exhibit files, so that each time reference is made to any particular exhibit they have a full set with them.

CHAIRPERSON: Which file is it again and CJC what?

ADV SELLO SC: The combined exhibit files for Port Shepstone. They should now be in about three or four files. The statement, the Prinsloo statement that the General references in his statement is being copied and shall be
10 made available. I was going to propose that in the interim, we then deal with the second part of the issues he had covered and regarding the complaint against Warrant Officer Sander and now that we have all our files I had indicated I think it starts actually from page 1001, CJC281. That would be file number 4, file number 3. CJC282, page 1001, in fact CJC281, that is where it starts.

ADV BALOYI SC: It is a Jacob file, I think that is what it says on this file.

ADV SELLO SC: It is the Jacob file, ja.

20 **ADV BALOYI SC:** Did you say CJC?

ADV SELLO SC: CJC281.

ADV BALOYI SC: 281.

ADV SELLO SC: And that should be at page 1001 and following, you will recall that the General indicated that he had received a complaint from the member of the public

regarding Warrant Officer Sander's conduct and that complaint, the original complaint as the General has it, as NS5, page 30 of his statement. He indicated he only has the statement but not the remainder of the documents relating to that complaint and the investigations. So, I pointed out that those will be found in the exhibit files and how the matter progressed. Do you confirm that is what you have, General?

MAJ-GEN SENONA: Page 1004, Commissioners?

10 **ADV SELLO SC:** Starting from 1001.

ADV KHUMALO SC: He is referring to the actual complaint, I think. It is 1004, that is where you were.

MAJ-GEN SENONA: 1001?

ADV BALOYI SC: 1004.

MAJ-GEN SENONA: 1004, Commissioner.

ADV SELLO SC: The actual complaint.

ADV KHUMALO SC: The actual complaint.

MAJ-GEN SENONA: I confirm this is the complaint I received from the National Head Office.

20 **ADV SELLO SC:** And I say then the documents following are reports, ought to be reports relating or submitted in respect of this complaint. If I may just cross-check.

CHAIRPERSON: What comes after is a handwritten document.

ADV SELLO SC: I see that. I see that. We are looking for

page...

MAJ-GEN SENONA: Is it the information note 1082?

ADV SELLO SC: It is the information note CJC289. I apologise, it would appear they are not exactly filed in order in the exhibit files. So, General, you have located the actual complaint.

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: And then if you go forward to page 1088, then it should be the information note regarding the
10 investigation into Colonel Sander and following.

ADV BALOYI SC: What is 1056?

ADV SELLO SC: 1056 should be, CJC289 is a couple of documents. It runs from 1050 to 1105. So it is a series of documents relating to that complaint.

ADV BALOYI SC: So 1051 would be an information note on the same matter and then carrying on.

ADV SELLO SC: And then carrying on until 1105, Commissioner. I was pointing that out for the General to remind himself regarding what happened with this
20 complaint. Because he said since his suspension, he did not have access to his gadgets and whether he is able to respond to a question from the Commissioners about what eventually became of this complaint prior to his suspension as I understand it in January of 2026. Would that assist you, General?

MAJ-GEN SENONA: Yes, thank you, Commissioners. I think what has just happened is what my senior counsellor was addressing the Commissioners about in his opening remarks regarding documents that I did not have prior to me coming here. This, I am seeing it for the first time here, receiving it for the first time from the Commission. However, I can see the document. I recall the document. But for the purpose of assisting the Commission, I will respond. I will indicate that in these documents, I am not
10 sure what was the question, if it can be repeated so that I can be able to respond appropriately.

CHAIRPERSON: Mr Louw says this arises from a question that I asked, which was your knowledge as to the fate of the investigation. What...

MAJ-GEN SENONA: The finalisation?

CHAIRPERSON: Whether finalised.

MAJ-GEN SENONA: Yes, yes, yes.

CHAIRPERSON: In fact, yes, I introduced the question by referring to the fact that Warrant, no, no, no, who was it
20 now?

MAJ-GEN SENONA: Okay, thank you, Commissioner.

CHAIRPERSON: Ja, Warren Officer Sander said that this had been finalised.

MAJ-GEN SENONA: Commissioner...

CHAIRPERSON: That is, ja, it arose from that. And then

there was one or two follow-ups.

MAJ-GEN SENONA: Thank you, Commissioner.

CHAIRPERSON: Yes.

MAJ-GEN SENONA: When you look at the report, this report was compiled for head office by me after I was provided the information by my subordinates. They wrote it, I read it, and then I was happy. But, Commissioners, when you look at page 1089 of the same document, there is a paragraph 3 that talks about evidence already obtained.

10 And then, I do not want to waste time, and then you go to page 1090. It will say progress report, and then it talks about the tuck shop and all the stuff.

You see, when we conduct investigations in the DPCI, there are different things that we do. You will realise that on paragraph 4, it talks about the investigation that was conducted in line with the FIC, Financial Intelligence Centre. When we conduct investigation, that office assist is, one, part and parcel of our stakeholders that is assisting us and then there were also recommendations by the FIC in
20 terms of this report.

And then when you go to page 1091, there is the outcome of a specific investigation whereby the paragraph 7, that talks to him not declaring the directorship of this spotting, this company of his. Then, that part of the investigation, we have a Risk and Integrity Management

section that also assisted in this investigation. Not necessarily the criminal part of it. Look, it is a wide scope that they do when we do investigation and they are the ones who came with these recommendations of the disciplinary issue met against the Warrant Officer Sander.

Then I signed it, I sent it. These issues that I hear does not necessarily indicate that the criminal conduct as it is depicted in the complaint, it has been finalised. The certain sections that are directing us towards that were
 10 finalised, but not the actual criminal conduct as per the original complaint, Commissioners.

ADV BALOYI SC: Can I just, just to check this without probing, that from your earlier evidence that you directed Brigadier Nyuswa that the member must return to his original position. From that, it surely must mean that at that point, when you gave the direction that you say you gave, you had formed the view that there was no concern with him returning to SANEB. It seems to me that it can only mean that if you have made that decision.

20 **MAJ-GEN SENONA:** My decision was that he must go back to SOCI, Serious Organised Crime Investigations.

ADV BALOYI SC: Not that he should go back to his original position. I may have misunderstood you earlier because I thought I understood you to say.

MAJ-GEN SENONA: It might be a mistake not to say SOCI

SANEB, but I said SOCI. SOCI is Serious Organised Crime, and Serious Organised Crime is divided into three subsections. The NPVC, National Priority Violence Crime, SANEB, South African Narcotic Enforcement Bureau, and the EPR. So, my directive as far as I am concerned, or as far as I can recollect, I said he must go back to SOCI.

ADV BALOYI SC: And, again, it is to try and understand properly what that evidence means. That Brigadier Nyuswa could have returned him to SANEB, and you would not have
10 considered it to be in defiance of your direction.

MAJ-GEN SENONA: Come again, Commissioner?

ADV BALOYI SC: SOCI has three units that you have listed.

MAJ-GEN SENONA: Yes.

ADV BALOYI SC: One of them is SANEB.

MAJ-GEN SENONA: Yes.

ADV BALOYI SC: If Brigadier Nyuswa had placed him at SANEB, where he originally was, instead of EPR, that would still have been in compliance with your instruction that he
20 must return to SOCI.

MAJ-GEN SENONA: Correct.

CHAIRPERSON: Okay. Thank you. Thank you.

ADV KHUMALO SC: It is one issue. I had understood, I cannot recall which document it was and which witness gave this evidence. But I had understood that the complaint

was investigated, the very complaint we are talking about. They could not get hold of the complainant because either the email was bogus or it did not exist and that is as far as they could take it. That was my understanding, and I could be wrong. So what I am asking you is really confirmation of your understanding. Do you have similar understanding, or you cannot respond because you are not sure what the facts are?

MAJ-GEN SENONA: Thank you, Commissioner Khumalo.

10 Although it is not raised in the Regulation 10-6, but I will assist. When I ...[intervenes]

ADV KHUMALO SC: Can I just say something, because you keep repeating this issue. Can I just say something? You get 10-6s from the evidence leaders and the attorneys. When Commissioners are sitting here, they might look at a file and see a document and if they consider that document to be relevant, they will ask you a question on it. So I hope you will not keep saying, well, because it is not in a 10-6, I take issue with the question that is being asked. Because

20 we are here to establish facts.

And in a 10-6, I can tell you now, you cannot put everything that is in all these files, otherwise your 10-6 will be 50 pages long. You are given the substance of what you will be questioned on. But the actual detail, as I look at this document, for example, I recall something that somebody

said. I may be the only person who recalls it and then I ask you to clarify that issue. So there I do not see why you would say, oh, but it is not in a 10-6. So I just wanted to clarify that.

MAJ-GEN SENONA: Commissioner, I was just putting on record that I am going to respond to the Commissioner's clarity-seeking question. It is just certain things need to be placed on record. I was legally advised that the Commission findings might be put on review. Hence, I am
10 putting certain things ...[intervenes]

CHAIRPERSON: I already saw that from Mr Mpofu's opening remarks.

MAJ-GEN SENONA: Ja, so hence, I want to put it on record. Because it might come back and say, why you never said 1, 2, 3? But to respond to your clarity-seeking question, Commissioner, I want to indicate that in the execution of our duties as members of the South African Police Services, yes, there are instances where you find out that a person who lodged a complaint, you cannot find him.
20 There are instances whereby people report things on an anonymity basis, like your so-called whistle-blower.

So what you are saying, if you say somebody said that, I will not say it is incorrect or correct, but there is a probability.

ADV KHUMALO SC: In fact, I am reminded by my co-

Commissioner that in the very document that you say you signed, the information note on 1082, paragraph 2.2.

MAJ-GEN SENONA: 10?

ADV KHUMALO SC: 1082, paragraph 2.2. Also, I think the information notes are similar. The other one is from February, the other one is from October. So even if you look at the October one on 1088, you will find that.

MAJ-GEN SENONA: 1088?

ADV KHUMALO SC: Ja.

10 **MAJ-GEN SENONA:** Hence, Commissioner, I said, I did not have access before I came here with this thing. So I am going there to have a look. And my response was, it happens sometimes that you do not happen to find the complainant. Because when you are doing your investigation, there are instances where the complainant must clarify certain things for you in order to continue. Sometimes you do not find this complainant. And then there are issues that relate to the so-called whistle-blowers. So if it is contained in this report, I am trying to find the
20 paragraph the Commissioner is referring to.

ADV KHUMALO SC: 2.2. On 1088.

ADV BALOYI SC: The very same report you were looking at, General. 1088.

MAJ-GEN SENONA: Ja, I see that it was written, we wrote that, I must read it:.

“An email was sent to the complainant...”

Sorry, I am not going to say names, Commissioner, please bear with me. That, to him;

“...that Port Shepstone Serious Organised Crime Unit was investigating the matter, but he never responded. As a result, an interview was never conducted with him.”

Which means, we were aware that the complainant is a he, because of the names at the bottom. But this, it was a
10 progress report. Once you receive a complaint or a docket to investigate, they say, General Senona, this is your docket. The first thing that you do, you must interview the complainant and introduce yourself as the person who will be leading that investigation.

ADV KHUMALO SC: I think you have answered me, General. I just wanted to clarify if you are aware that this was the position.

MAJ-GEN SENONA: I am reminded now.

ADV KHUMALO SC: I was also reminded because I did not
20 have the reference, so thank you.

MAJ-GEN SENONA: Thank you, thank you, Commissioner.

ADV SELLO SC: Thank you, Commissioners. I trust that takes care of the issue that arose. Before we leave this topic, General, there was a discussion about the suspension of Warrant Officer Sander and to that end, you were

referred to page 475. That was the letter you signed, dated the 13th of February. You recall that? If you want to go there, CJC239, page 475. We flighted the letter you confirmed you signed that letter.

CHAIRPERSON: Page?

ADV SELLO SC: 475, CJC239.

MAJ-GEN SENONA: Correct, Commissioners. This is not the suspension. It is a temporary placement.

ADV SELLO SC: My apologies. You are quite correct.

10 Yes. I used a wrong term there. If I gave the Commissioners an opportunity. Thank you. We had previously looked at this letter. And you indicated that the person acting at the time was Colonel Jacob, correct? Because it is addressed to the acting Provincial Commissioner.

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: And you testified this morning that both of you called Warrant Officer Sander into your office, if I understood you correctly, where you engaged him on these
20 issues and that is temporary transfer.

MAJ-GEN SENONA: I called Colonel Jacob to come with Warrant Officer Sander.

ADV SELLO SC: Yes.

MAJ-GEN SENONA: After I received the complaint.

ADV SELLO SC: Indeed.

MAJ-GEN SENONA: Into my office.

ADV SELLO SC: Okay. I raise this with you because during his testimony, Warrant Officer Sander, no, Colonel Jacob, was referred to this letter. He was asked who was the acting Provincial Commander at the time and he testified that he does not remember and that he does not know anything about this temporary transfer and this, for reference purposes, will be transcript... we do not have to go there, trust me to read it, of the 4th of June 2026, from
10 page 223 to page 226.

That is where the engagement is taking place. So firstly, he suggests that he does not know who was acting. And secondly, that he was not part of a meeting where Warrant Officer Sander was informed of the complaint and their transfer. Do you have a comment as to why that would be the case?

MAJ-GEN SENONA: If he says he does not remember, I cannot answer on his behalf. But as far as my recollection is, he was there in my office with Warrant Officer Sander.
20 As far as my recollection is. So I would not ...[intervenes]

ADV SELLO SC: Yes, but...

MAJ-GEN SENONA: Sorry?

ADV SELLO SC: My apologies. Go ahead.

MAJ-GEN SENONA: No, I am fine.

ADV SELLO SC: Okay. And in fact, there is a letter

addressed to him, appointing him as the Acting District Commander for that period. Signed by you.

MAJ-GEN SENONA: Acting what?

CHAIRPERSON: Provincial.

ADV BALOYI SC: Provincial.

ADV SELLO SC: Provincial Commander. I get the titles wrong. I will start again. You appointed him Acting Provincial Commander for the period Brigadier Nyuswa was on leave. Which is the period of when this complaint was
10 received and acted upon.

MAJ-GEN SENONA: Commissioners, is that ...[intervenes]

ADV SELLO SC: Before...

MAJ-GEN SENONA: Sorry, before I respond.

ADV SELLO SC: Just to assist you. And that would be found at CJC290, page 1106. That would be the last bundle.

MAJ-GEN SENONA: I must close the first one?

ADV SELLO SC: You may for the moment.

ADV KHUMALO SC: So page 1106?

20 **ADV SELLO SC**: 1106. Is my numbering correct?

MAJ-GEN SENONA: I can confirm on 1107 this is my signature.

ADV SELLO SC: Yes.

MAJ-GEN SENONA: And although I might have seen this document by then, but for the purpose of the Commission, I

am seeing it for the first time here. I want to just put it on record, but it is him, Colonel Jacob, Colonel G Jacob.

ADV SELLO SC: And you appointed him to act in that period, January to sometime in February.

MAJ-GEN SENONA: The date of appointment, it says, from 29 January until 18 February 2024.

ADV SELLO SC: Yes. So I did not quite understand. What are you seeing for the first time in the Commission?

MAJ-GEN SENONA: I am saying by then, in 22 January
10 2024, because I have attached my signature, I might have seen this document by then, I confirm. But for the purpose of me coming to talk about it on the Commission, I have just seen it now.

ADV SELLO SC: Okay. But now, on seeing it, it draws your memory. It is your signature. You definitely did appoint him.

MAJ-GEN SENONA: Absolutely correct. It is my signature. It is Colonel Jacob who was appointed to act in that period, which confirms my evidence-in-chief.

20 **ADV SELLO SC:** And I point these out to you because in his evidence, as I say, pages 223 to 226, firstly, he says he does not know who was acting in that period. He discounts the possibility it was him. He testified that he did not know of when Warrant Officer Sander was temporarily suspended, transferred is the word, as you testified, and he

categorically denied that he was a part of that meeting. I am inviting you for a comment because earlier today you testified that you instructed him to call Warrant Officer Sander to your office at which you informed Warrant Officer Sander of all these developments and the complaints and the decisions taken. Do you have a comment?

MAJ-GEN SENONA: Commissioners, just pardon me with respect. I do not want to answer issues of Colonel Jacob. But my answer is, this letter was signed by me. He was
10 there. If he denied it or whatever, please allow me not to respond upon his answers or whatever. But this letter was signed by me. I testified earlier under oath, I am still under oath, that I called him because he was acting to come with Warrant Officer Sander to my office and that is where I effected this letter on page 475.

ADV KHUMALO SC: General Senona, I believe the letter is being produced to point out that it supports your version.

MAJ-GEN SENONA: I thank you very much for that, Commissioner.

20 **ADV KHUMALO SC:** I think your counsel nods because he appreciates. So you are not being caught out. It is simply to confirm that what you told the Commission this morning, the Commission has obtained a document that is favourable or supports your version.

MAJ-GEN SENONA: Okay, sir.

ADV BALOYI SC: In fact, General, I think you should also be alerted that at least according to my note, Warrant Officer Sander does put Jacob in the room. He says Jacob was present when you called him in.

MAJ-GEN SENONA: As far as my recollection, yes, Commissioners.

ADV SELLO SC: And staying then on that complaint, which we have attached as LSF5, you deal with that in paragraph 18 of your supplementary statement. And you
10 recall that we looked at the documents relating to that complaint and how it was handled just shortly.

MAJ-GEN SENONA: You said paragraph?

ADV SELLO SC: Paragraph 18 of your supplementary statement, the statement we dealt with this morning.

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: Now, that is where you introduced this complaint.

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: It might help perhaps if we go, maybe let
20 me pose my question, we may have to go there. At paragraph 18, bottom of page 8, you state, that is the middle of that paragraph, you received an email from General Libiya or Major General Surajbali, I apologise if I mispronounce, directing your office to engage with the complaint. Then you, further down to the bottom of the

page, you state:

“I later received a further instruction from Major General Surajbali to temporarily place the member at another post pending investigation, which instruction I carried out. I do not remember the exact date of the email.”

I point this out to you because the documents we have just looked at, starting with the complaint itself of 5th of
10 February 2014, in that email chain, I cannot find where Major General Surajbali instructed you to place Warrant Officer Sander on temporary placement at a another post. I do not have that email, I have a series of all these emails, starting with the complaint instruction to you, and progress reports from time to time. But that particular email, where General Surajbali so instructs you, is not to be found. Are you able to explain perhaps?

MAJ-GEN SENONA: I went to head office the day I was suspended to request this information and then I indicated
20 they must send it to my attorney, all this information. They only sent us the complaint. So what the Commission is in possession of, I do not know how the Commission got hold of it. But all I am saying, I was complying with the directive from national office. I cannot fail to comply with the directive from head office, because that might result to a

serious misconduct or disregarding instructions of your senior, so ...[intervenes]

ADV SELLO SC: So, if I understand you correctly, the suspension of Warrant Officer Sander was not entirely your decision. You were acting on the instruction of head office to temporarily place him in another post.

MAJ-GEN SENONA: Correct, it is not the suspension, it is the temporary placement pending the outcome of the investigation.

10 **ADV SELLO SC:** I will restate that, so that temporary placement was not your decision.

MAJ-GEN SENONA: Correct.

ADV SELLO SC: You executed an instruction from General Surajbali.

MAJ-GEN SENONA: Remember, Commissioners ...[intervenes]

ADV SELLO SC: I am trying to understand what you are saying so I do not misquote you.

MAJ-GEN SENONA: I am clarifying to you, Counsel.

20 **ADV SELLO SC:** Thank you, please do.

MAJ-GEN SENONA: Commissioners, at national office DPCI, in the office of the National Head, there is a post called executive support at the level of a Major General. General, the national head of the DPCI does not sit and write letters and do correspondences and everything. The

person holding this post will do those type of correspondences and everything through the directive given by the National Head.

It is like, I will give you an example, in my previous office, I cannot call it my office now because I am placed on suspension, I am having a staff officer. I will tell a staff officer, let us compile a letter to do 1, 2, 3. The staff officer will type the letter, bring it to me, and then I will read it. When I am happy, I will sign it. It goes out to
 10 wherever it is supposed to be going. So here, I did receive that directive and I did comply with it.

ADV BALOYI SC: So the directive, on this explanation you are giving, and the position of this Major General, the directive then would have come from General Libya. Not from this person, if all she is, or he is, is an executive assistant to General Libya.

MAJ-GEN SENONA: Ordinarily, yes, Commissioner.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: I agree because ...[intervenes]

20 **ADV BALOYI SC:** So the correct way to read, or how you should have expressed it, if what I am saying is correct, what you should have said, or what you would have said, is, I later received an instruction from General Libya. And if you like, you could have added, through Major Surajbali. But the instruction has to be from General Libya, not the

Major General. Because she does not have authority to give instructions.

MAJ-GEN SENONA: Commissioner Baloyi, you are hundred percent on the dot.

ADV BALOYI SC: All right, thank you.

MAJ-GEN SENONA: I apologise for not wording it properly and causing this confusion for the Commission. But you are hundred percent on the dot.

ADV BALOYI SC: Thank you.

10 **ADV SELLO SC**: Thank you, Commissioner. Perhaps if we go to page 103 and 104 of the same file, we still have the same challenge, whether the instruction came from Major General Surajbali or General Libya, because that email chain does not reflect such. If you go to page 1003 and 1004, that email correspondence starts at page 1004 and as you know, with email slides, we read from the back. There is the complaint, dated the 5th of February, on page 1004.

And on the same date, Major General Surajbali directs this to you with a request that your office engage
20 with the complainant and to provide feedback. If you go to 1003, then it is subsequent communication up until the 29th of April or February 2024. And nowhere in that chain of emails is there an instruction that Warrant Officer Sander be placed on, be temporarily transferred. You do confirm that is the case?

MAJ-GEN SENONA: I confirm on this document it is not there. But as far as my recollection, I was given that instruction and an email was sent to me. So why it is not here, I am unable to assist the Commission. But it was given.

ADV SELLO SC: Thank you. To the extent that it exists and we have not been provided, I am sure the Commission can address a request to Major General Surajbali or her office to provide it.

10 **MAJ-GEN SENONA:** Thank you, thank you, Commissioners.

ADV BALOYI SC: Can I just check? I mean, if the instruction, if you were acting on the instruction from head office, which is General Libiya, surely the decision to restore or to return Warrant Officer Sander to SOCI, as you say you gave that instruction, could also not be your decision. Because first you removed him on the basis of an instruction, we have established now it would have been an instruction from General Libiya, that is how you placed him
20 somewhere else.

The return, it seems to me, that the overturning of that instruction also has to be based on an instruction from head office. And in your evidence earlier, you did not speak that way. You spoke as it being your decision when certain circumstances happened. You made the decision

that he should be returned. Can you just explain that?

MAJ-GEN SENONA: Thank you, Commissioner Baloyi. There are issues that necessitate certain actions, as the Commissioner was talking to me. Instruction was that placed him temporarily elsewhere until the finalisation of the investigation. But as we were proceeding, the investigations were proceeding, we could see that from where I have seen the last reports, I think, the challenges that we had, whatever was found, and then I took it upon
10 myself.

I did not go back and request that, can I place him back? I took it upon myself to place him back. I did not request. Maybe I might have contravened the senior's instruction in doing so, but I took it upon myself as the investigation was progressing because the instruction was pending the outcome of the investigation.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: Before we leave this, I think it was Brigadier Nyuswa who said he came to you with a request
20 from Warrant Officer Sander that he should be returned to his previous position and you did not want him returned to his previous position, you wanted him to go to the Economic Crimes Unit, and he never asked you for reasons why, he just accepted your decision. And I think, to be fair to you, I must put that to you, so that you can respond to it, because

it obviously contradicts the version you are giving today.

MAJ-GEN SENONA: Commissioner, even if you say it contradicts my version, me, I am telling you the truth. To supplement that I am telling you the truth, as far as my recollection came, earlier I indicated that Colonel Jacob, I called him to bring Sander. You assisted me with the letter here. Now, I am saying, I do not recollect Brigadier Nyuswa coming and telling me that Sander requested to be placed back, because at some stages a decision needed to be
 10 taken therein, Commissioners. So, him saying Sander requested to be transferred back, no, I recall saying to Brigadier Nyuswa that the member must be taken back to SOCI.

And then when we talk about SOCI, Serious Organised Crime, the provincial commander who is responsible for Serious Organised Crime units, which are five in the province, is Brigadier Nyuswa. So, if he decided to place him at the EPR, he should have provided reasons why he did that. Because, I must say, we comply with
 20 instructions, and if you are not happy with it, you comply and complain. That is the culture of the police. You comply, then you can put a complaint, if you are not happy with it.

And I want to also indicate that I am still under oath, then it is just that I am being probed with this. If

members are not treated fairly, like Warrant Officer Sander said, before this Commission, in relation to that he was trampling on other people's toes, the correct process is to be followed, he should have went to the DPCI judge and laid a complaint.

ADV KHUMALO SC: Let me just correct myself, just to be fair to you. This is what Brigadier Nyuswa has said, and I am reading from paragraph 55 of his statement.

10 “At some point, Warrant Officer came to
 speak to me about returning to SOCI.”

That is the correction I wanted to make.

 “I told him that I would speak to General
 Senona, who agreed that Warrant Officer
 could return to SOCI, but not SANEB.
 General Senona said Warrant Officer
 Sander must go to EPR.”

20 **MAJ-GEN SENONA:** Commissioner, allow me not to
 respond to Brigadier Nyuswa's issues, because I do not
 have that type of an affidavit. The one I am having, when I
 respond to the questions on 10-6, I will demonstrate what
 transpired there with Brigadier Nyuswa, but I do not recall
 me telling him that he must go to EPR. It is me who took a
 decision to put him at Supply Chain. I was instructed to
 place him somewhere, pending the finalisation of the
 investigation.

I agree, it is me who wrote that letter that you be placed here. But when we say going back to your office, interchanging things is not me. Because we cannot transfer people without the authority. The person who has got the authority to transfer people is the National Head.

ADV BALOYI SC: Can I say, though, that if what happened is as you describe it, which is there was an investigation around allegations of drugs, that the Warrant Officer Sander is involved in the distribution of drugs, and you say, as far
10 as you know, that investigation has not been concluded, as in he was not cleared. It would be strange to me that when you say he must come back to SOCI, you actually are happy for him to go back to SANEB. It would be very strange to me that you have referred to what you say as a very serious complaint, and on the face of it, of that email, it does look like a serious complaint. And then head office, you say, says to you, remove him pending investigation.

That investigation, we see from the last progress report, it does not clear him. The only reference it makes
20 to that allegation is we tried to get hold of the complainant, and we have not found the complainant. We have emailed the complainant, and then it then discusses he is holding interest in other companies, and you recommend he be disciplined for that. Nothing to do with the original complaint. So as per that report, he is not cleared, and

your evidence at the end of the day was that investigation, as far as you know, is still continuing.

It is strange to me and inconsistent, the inconsistent that you would be happy for him to return to SANEB when he has got this serious allegation against him. And my saying is inconsistent is to lead to the probability that it suggests is that you would have said he should go somewhere else because he is still the subject of investigation, even if he returns to SOCI. You would not be
10 happy for him to go back to SANEB because he is still the subject of investigation.

So there is that inconsistency in, on your version, how you dealt with this. If your version is the correct version, then it is inconsistent in how you dealt with it, that he is not cleared, and then you say, well, he can go back to SANEB. I am okay with that, especially because you are not acting on instruction. If you were saying head office said I must take him back, then I left it to you, sir, where to place him, I would understand. It is your decision to return
20 him, and you say to us he could have returned to SANEB. I do not understand it. Do you want to comment on that?

MAJ-GEN SENONA: Commissioner, I get what the Commissioner is saying, but I think I remain with the explanation I have provided. I hear what you are saying. To the Commissioner it does not make sense, but as we are

continuing with an investigation, you see the complainant cannot be reached out. You are able to make a deduction as things are going forward, as the investigation is unfolding.

So maybe to the Commissioner it does not make sense, but to me at that stage it made sense that he must go back. And I must also bring to your attention, Commissioners, that in terms of the capacity of human resources, we have a serious shortage in the DPCI. So I
10 took that decision, and then if I made a mistake, I will accept my mistake, but I did take that decision, Commissioner.

ADV BALOYI SC: Maybe then, thank you for that, it is your answer, thanks, General. Maybe then we can complete this discussion without putting this to you for your comment. Warrant Officer Sander, you obviously have followed his evidence, that is why you are able to quote the engagement, his engagement with Commissioner Khumalo. So you would be aware that where he spoke about this
20 issue, he mentioned also that, and it was on probing, when he said I was stepping on people's toes, he mentioned that he lodged a complaint, I think, a complaint about exhibits getting lost against certain people.

And he had listed in that complaint, I think the specific person was, I do not remember his title, but

Hussein, if I am not mistaken. And then in that complaint, the document that is before the Commission, there is a whole list of people who he says they removed, they came in, removed an item from the exhibit room, and then later on it is not fully accounted for. Now, the main person, Hussein, I think was disciplined for that.

But in the long list, there are a number of people that I do not remember, but one of them, I suppose it stood out because the person came to testify, it is Colonel Jacob,
10 one of the people against whom he was saying they took exhibits out, and the next thing, those exhibits were not fully accounted for. Did you become aware of that complaint against, maybe the general complaint about the loss of exhibits that was laid by Colonel Sander before he was removed from this position to Supply Chain?

MAJ-GEN SENONA: Commissioner, I am aware that there was a Warrant Officer who was charged, who received exhibits, who was supposed to send them to forensic, and he never sent them. He did whatever he did with them, and
20 then an investigation was conducted. That person was charged criminally. I am aware of that person. But the list of people that the complaint was laid against, I cannot remember now, because all I am aware of is this one person who was criminally convicted, and also consequence management was done by the line manager against that

same person.

ADV BALOYI SC: Did you become aware that that complaint was laid by Warrant Officer Sander? I am just trying to find out how much you knew about that complaint.

MAJ-GEN SENONA: I cannot remember that one, Commissioner, whether it was by him, or they established it when they did the inspections. I am not aware.

ADV BALOYI SC: All right, thank you. Thank you, Ms Sello.

10 **ADV SELLO SC:** Thank you, Commissioner Baloyi. Just to close up on that, and then based on your testimony that you actually supported his return to his previous post, SOCI/SANEB, would you, today as you sit here, if you are able to, would you support and motivate for his return to his previous post? That is Warrant Officer Sander. Or have you changed your mind from when you first supported that chair?

MAJ-GEN SENONA: As far as I am sitting here, I do not have authority to be a policeman. There is nothing I can
20 do.

ADV SELLO SC: I am not asking about authority, General. I am just enquiring whether if you had the scope to, would you support and motivate for his return?

MAJ-GEN SENONA: I will not have a problem that he goes there, because I said he must go back to SOCI. My

understanding was to his old, his post, because when you are placed at a place, at a specific area, you have a post number over and above the issue of your service number, but there is a post reference number to each and every member.

ADV SELLO SC: Is it fair to take it when you say you would not have a problem, you mean, yes, you would motivate if you could?

MAJ-GEN SENONA: Look, this investigation against him is
10 almost two years, as the Commissioners also advised me, and nothing at this stage positively came out in relation to that investigation. Yes, I will not have a problem if he goes back there.

ADV SELLO SC: Okay. Then, the other issue that you wanted to, and I am moving off this topic, the other issue you wanted to engage with during your free time was related to statements by Colonel Prinsloo, I hope I have the rank right, which you said he made shortly after the theft, if you recall. You deal with that at your paragraph 12.1 and
20 12.2. I have extracted two of his statements. They are both dated November 23 and 25, respectively. You should have a blue folder, a small folder in front of you. I have showed you these documents during the tea break. These are the documents that you want to have regard to, correct? The first one you will see...

MAJ-GEN SENONA: In the blue folder we have...

ADV SELLO SC: The little blue folder there are two documents.

CHAIRPERSON: It looks like there is one.

ADV SELLO SC: They should be at the top there. One should read in manuscript A24 and the other one A25.

MAJ-GEN SENONA: I also have A24. This is the correct one. This A24 is the correct one.

ADV SELLO SC: A24 is the correct one.

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

ADV SELLO SC: I think in copying, you actually then should have two bundles. They put them in separate sleeves, but he maintains that it is A24 you want us to have regard to.

MAJ-GEN SENONA: Correct, Commissioners.

CHAIRPERSON: Is this the one in respect of which you were referencing paragraph 7, General?

ADV SELLO SC: Yes.

MAJ-GEN SENONA: Yes, Commissioners.

20 **CHAIRPERSON:** All right.

ADV SELLO SC: So we have A24. Then take us to paragraph 7 and highlight what you wanted to address.

MAJ-GEN SENONA: I wanted...

ADV SELLO SC: Second page of his statement.

MAJ-GEN SENONA: Sorry for interruption.

ADV SELLO SC: Go ahead, go ahead, General.

MAJ-GEN SENONA: Can I go ahead?

ADV SELLO SC: Please.

MAJ-GEN SENONA: Thank you, Commissioners. I wanted to bring to the attention of the Commissioners that while the mind of this Colonel was fresh, when we look at paragraph 7, the pages are not numbered. But he said:

“During the looting in July, I received a call from the District Commissioner...”

10 Pardon me for not calling the name;

“...to enquire if our dockets are secured as there was widespread looting on the coast. I informed her that they were secured. I then informed her that we had a large quantity of drugs stored in the office, and I requested that VISPOL members patrol after hours.”

This paragraph, when I look at the statement that the Commission has given us, I have never come across
20 anywhere where the Colonel is talking to this paragraph. Then the next paragraph that I wanted to address the Commissioners is paragraph 10 of the same statement. Maybe before paragraph 10, let us check paragraph 8. My glasses are running away. Paragraph 8 is line 1, 2, 3, 4 from the bottom of paragraph 8, Commissioners.

“General Senona requested us to have regular visits to the office after hours.”

I think I testified previously with regard to this. I read it on record.

“The members then left.”

So I wanted that sentence to come again on record. Then we go to paragraph 10. He says:

“On 2021-11-0...”

Did I say paragraph 10 in my statement?

10 **ADV SELLO SC:** Yes, you said paragraph 10. You say so at your paragraph 12.2, where you reference Lieutenant, Brigadier Naicker and Warrant Officers.

MAJ-GEN SENONA: Ja, I think I might have made a mistake regarding the paragraph, but I want to look for it. There is a paragraph that he talks about... I said he never informed. Maybe I made a mistake. Apologies for that, Commissioners.

ADV SELLO SC: No, if I may assist, and that is where the confusion arose and it was necessary for me to talk to you.
20 That paragraph 10 is not in that statement. It is in the second statement now, where reference is made to Brigadier Naicker and the two Warrant Officers.

MAJ-GEN SENONA: Ja, but...

ADV SELLO SC: You have the second statement?

MAJ-GEN SENONA: I do not have it here before me.

ADV SELLO SC: A25. At paragraph 10, that is where it is introduced. Your supplementary statement reads as if they come from the same document, but it is a different documents.

MAJ-GEN SENONA: Commissioners, there is a problem here. When you look at both statements, A25 and A24, for me it looks like it is the same, but when you go to paragraph 10, there are two paragraph 10s. My paragraph 7, I think I made a mistake when I said A24 is the correct
10 one. Look at paragraph 7 of A25. It is exactly the same narrative on both statements. I think I am picking up an error here that I confirmed that this is the correct statement, but the one I was referring to, I want to correct that. It should be this A25, not 24.

ADV SELLO SC: Okay.

MAJ-GEN SENONA: And apologies for that, Commissioners.

ADV SELLO SC: For the record, A24 is dated 23-11-2021. That is the last page. You see that?

20 **MAJ-GEN SENONA:** I see that.

ADV SELLO SC: A25 is dated two days later, and that is 25-11-2021. Now, I pulled up both because they are two days apart, and you said it is a statement made shortly after the theft.

MAJ-GEN SENONA: Correct, Commissioners. I still

maintain that it is shortly after the incident.

ADV SELLO SC: I do not have an issue with that, so we settle on A25.

MAJ-GEN SENONA: Ja, when we read paragraph 10 of A25, it talks to what I have testified about in that on the – can I read it on record, Commissioners?

CHAIRPERSON: Yes, General.

MAJ-GEN SENONA:

10 “On 20-21-07-29, Brigadier Naicker visited Port Shepstone as he needed to inspect certain SANEB dockets. He was accompanied by two members of Pretoria SOCI SANEB.”

I am not going to say their names.

20 “Brigadier Naicker then spoke to me privately about the consignment of Cocaine that was stored in the safe at my offices, and it was clear that he knew it was stored by us. I informed the Brigadier that I was not comfortable with it being stored in my office as the security of my office is not up to standard.”

ADV SELLO SC: General, can I take you back to your statement, which is what led us to A25, and in particular 12.2? You set that up as a complaint at paragraph 12.2 of

your supplementary statement.

MAJ-GEN SENONA: Paragraph?

ADV SELLO SC: 12.2.

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: And at page 5 of this supplementary statement, you conclude that by saying:

“My office never received any report or feedback concerning such a visit or inspection.”

10 **MAJ-GEN SENONA**: Correct.

ADV SELLO SC: And you reference paragraph 10.

MAJ-GEN SENONA: Correct, Commissioners.

MAJ-GEN SENONA: Now, my question is, what relevance does that inspection have to the drug bust?

MAJ-GEN SENONA: If you read it, they are talking about the drugs here. These drugs that are stored there is the drug bust. It is the very same drug, alleged Cocaine.

ADV SELLO SC: But the inspection is in regard to certain SANEB dockets.

20 **MAJ-GEN SENONA**: But can I read the sentence here, Commissioners?

ADV SELLO SC: Yes, please.

MAJ-GEN SENONA: 1, 2, 3, the third line.

“Brigadier Naicker then spoke to me privately about the consignment of Cocaine

that was stored in the safe at my office.”

That is why, that is the reference I am making.

ADV SELLO SC: Is that an inspection?

MAJ-GEN SENONA: No.

ADV SELLO SC: You call it an inspection at 12.2. That is my confusion, General.

MAJ-GEN SENONA: Remember, I might have made a mistake in my, in compiling this, but all I am trying to bring to the attention of the Commissioners is that this Brigadier
10 was there, and Prinsloo confirmed it, he was there. He came with two Warrant Officers to do inspections on certain SANEB cases.

ADV SELLO SC: Yes.

MAJ-GEN SENONA: Over and above that, they went aside and discussed the issue of the storage of drugs that were there and he never informed the Commission while he was here.

ADV KHUMALO SC: Just so that I understand, is your point that other people came to know about the drugs and
20 the fact that they were stored at the exhibit office?

MAJ-GEN SENONA: Exactly, Commissioner. Absolutely true. And how did they happen to know, I do not know.

ADV KHUMALO SC: Prinsloo told them, is that...?

MAJ-GEN SENONA: Yes. I do not know, because he should have informed. You know, when we come here, we

say we want to tell the truth, we take an oath. But people choose to say certain things and choose to withheld others. But here, in his statement that the Commission gave us, the one he compiled for the Commission purposes, he is not talking about these two Warrant Officers. He is talking only about the Brigadier. Why are you putting these ones aside? For what good reason?

ADV KHUMALO SC: But the same thing could be said about the SAP13 people at the Port Shepstone police station. Because if these exhibits had to be logged or recorded on the 23rd at the, in the book, the SAP13 at Port Shepstone, then it means anybody who has access to that also knows that the drugs are stored at the DPCI Port Shepstone office.

MAJ-GEN SENONA: Commissioner, it is possible, but if you book things, you sign for them. In the SAP13, when I tried to recollect, it is either you take them to forensic or what. I do not know what they wrote there, but what you are saying is probable.

20 **CHAIRPERSON:** I just want clarity on a response you gave to my co-Commissioner, Commissioner Khumalo. Commissioner Khumalo asked if you are saying it must be Colonel Prinsloo, who may have informed Brigadier Naicker about the presence of the suspected Cocaine. I thought you said yes. Did you say yes to that?

MAJ-GEN SENONA: I did not get the question, Commissioner, please.

CHAIRPERSON: I am saying in response to a question by Commissioner Khumalo as to whether you are saying it is Colonel Prinsloo who may have told Brigadier Naicker about the presence of the drugs there. I understood you to be, or rather, did you say yes in response to that? I am asking that because I would find a yes to be strange, because Colonel Prinsloo says here, it was clear that he knew it was
10 stored by us. So it is more about what Brigadier Naicker knew, which appears from this not to have had anything to do with Prinsloo.

MAJ-GEN SENONA: Correct, Commissioner.

CHAIRPERSON: Ja, in this paragraph 10, there is no suggestion that it was Colonel Prinsloo who told or who might have told Brigadier Naicker that there is suspected Cocaine in here.

MAJ-GEN SENONA: No.

CHAIRPERSON: So your answer, your correct answer to
20 Commissioner Khumalo would be no, that is not what you were saying.

MAJ-GEN SENONA: Yes, it is not Colonel Prinsloo who informed Brigadier Naicker.

CHAIRPERSON: Yes, yes.

MAJ-GEN SENONA: Because I am talking out of this

paragraph.

CHAIRPERSON: Yes, yes, yes. I thought I should clarify that because I thought maybe you might have misunderstood Commissioner Khumalo's question.

MAJ-GEN SENONA: Yes, Commissioner. It is Colonel Prinsloo who says Brigadier Naicker talked to him aside and informed him about the consignment, that is it still here.

CHAIRPERSON: Yes. And then Colonel Prinsloo made the observation that it was clear that he knew it was stored by
10 us.

MAJ-GEN SENONA: Correct. Correct, Commissioner. Now, all I am trying to highlight to the Commissioners, to assist them, is that although immediately after the incident of the theft, this is what happened. He does not say the Brigadier when he was there, he came with two Warrant Officers. Now the question is, I am saying there is a probability that also these two Warrant Officers might know, might have knowledge of it, because he was travelling with them. Now, why he never informed the Commission? I do
20 not know, but I am just putting it before the Commission.

It is like paragraph 7, he never informed the Commission about what transpired between himself and the District Commissioner. He never informed the Commission. Then the question is, why? Because in his evidence-in-chief, Commissioner ...[intervenes]

CHAIRPERSON: Oh, finish the sentence, General, finish the sentence.

MAJ-GEN SENONA: In his evidence-in-chief, he said he reported over and over the issues of the safety to Brigadier Nyuswa, but he said if he reported it to head office, he was going to be charged in this and this and this and that.

CHAIRPERSON: At some point you should stop because I see that your counsel wants to say something.

MAJ-GEN SENONA: Okay. No, thank you.

10 **ADV MPOFU SC:** No, Chair, I just wanted to assist where I think the confusion came from. It is where the Chair is saying that he said yes to that question. He did not. He said no.

CHAIRPERSON: No, no, no, no, no. I was correcting what came out of the engagement between Commissioner Khumalo and the General.

ADV MPOFU SC: Yes.

CHAIRPERSON: And I think I captured what is in the statement correctly because indeed the General confirmed
20 what I was suggesting to him, which comes directly from the statement.

ADV MPOFU SC: No, hundred percent, but what does not come from the statement is that you did premise it by saying maybe you are mistaken, that he had said yes, it was Prinsloo. He did not say that. He said, I do not know. That

is all I wanted to clear.

CHAIRPERSON: I thought he did so much that he did not even, even, even...

ADV BALOYI SC: No, I think what happened, Mr Mpofu, is there was a quick exchange and there was a yes and I do not know [indistinct] ...[intervenes]

ADV MPOFU SC: But the answer was I do not know. I think that is where the confusion stems from, ja. He never suggested that it must be Prinsloo who had...

10 **CHAIRPERSON:** Mr Mpofu, I will tell you this. I understood, which is why I even sought the clarity. I understood that the General could never have meant to say that.

ADV MPOFU SC: Yes.

CHAIRPERSON: That is exactly why I just wanted to put that beyond question. Thank you.

ADV SELLO SC: Chair, I am away of the time, but perhaps just to close on this issue so we can put away this particular document. If I could invite the General once
20 again to your paragraph 12.2. And for the record, I do not, I think now we have resolved the issue of paragraph 10. For the record, you accept that the visit by Brigadier Naicker and the two officers and the failure to provide your office with any report back, or any report or feedback concerning such visit or inspection is irrelevant for

purposes of this Commission. That, because the purpose of their visit was to inspect certain SANEB documents.

MAJ-GEN SENONA: It is not irrelevant, Commissioners.

ADV SELLO SC: Okay.

MAJ-GEN SENONA: It is relevant. Because you, for example, here is a department in a province, you have a Provincial Commissioner. And then inspectorate from head office send a delegation to inspect one of your police stations. Even if they do not do everything, they do specific
10 things. They must give you a report so that whatever shortcomings have been identified, you must be able to deal with that. It is relevant because the Commission is probing allegations of corruption, interference, what is the other one? Interference, corruption in the criminal justice system. So, this paragraph, for me, is very much significant. And a person from Pretoria comes and tells a person at Port Shepstone about the storage. I just want to, I am making this statement for the Commissioners to take note of that. I am not saying any suggestion or whatever,
20 but that is the relevancy. Thank you, Commissioners.

ADV BALOYI SC: General, that is why much earlier when you were reading, I asked you, what in fact is this paragraph about? Because I was trying to understand, what are you seeking to convey? Is it just a complaint about I did not receive a report and that is all it is? In which case,

the evidence leader would be correct to say, but it is not relevant. But if there is more to the complaint that you did not receive a report, or to the fact that you did not receive a report, if there is more to it, if you are saying more than just that, then we need to understand.

I say this mindful that the last thing you say is, I am not suggesting anything. I leave it to the Commission. If there is an underlying text to your complaint that I did not receive a report, and you think that underlying text is
 10 relevant in terms of reference, I think it is helpful to the Commission that you say what is the text behind those words. Much earlier, you said Prinsloo does not say anything about this visit. The question is why. And I thought that the question is why may well be really what you want to speak to.

And I was going, I had intended to ask you, what is your suggested answer to the why, so that we know what we are working with. If we need to probe it further with another witness, then we do that. Otherwise, on its face, it looks
 20 irrelevant on its face until you tell us what, in fact, are you conveying about it.

MAJ-GEN SENONA: Commissioners, let me leave it there. Thank you.

ADV BALOYI SC: All right.

CHAIRPERSON: Let us adjourn and resume at 13.15. No,

14, 14.15.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SELLO SC: Thank you, Chair. General, I would like to invite us to now turn to your Annexure LS1, which is the annexure to your supplementary statement, where you respond to all the questions posed to you in the Regulation 10(6). Do you recall that? Do you have that before you?

MAJ-GEN SENONA: Yes. Thank you, Commissioners.

10 Maybe before I go to where the Advocate is referring to me, I therefore request permission to address the Commissioners, in that when I was sitting, eating, I was looking at this document, where Commissioner Baloyi was asking me about what is the significance of that paragraph.

Actually, it is to show that even though I said very limited people must know, but it sounds that a number of people know about the storage. I just wanted to clarify that. And then the second point is that I indicated when I started to give testimony that I was double-booked.

20 During lunchtime, Commissioners, I received the good news. The disciplinary that was instituted against me, I was found not guilty and discharged on all charges. However, I am worried because always when I leave here, I get either a new disciplinary case investigation or suspension. But I thought I must share this with the

Commissioners that it was a good decision of me not going there, coming here. So I am exonerated, Commissioners. Now, my full attention is here because of that. Thank you for offering me that opportunity to address the Commissioners.

CHAIRPERSON: Thank you, General.

ADV SELLO SC: Thank you, General. If I may then invite us to go to your supplementary statement, Annexure LS1 ...[intervenes].

10 **MAJ-GEN SENONA:** Page 12.

ADV SELLO SC: Starting at page 12, yes.

MAJ-GEN SENONA: Thank you, Commissioners.

ADV SELLO SC: Now, from page 12 onwards to page 23, you respond to the specific questions, 15 in all. I would suggest that we will end up dealing with all questions, but not necessarily in the order they appear. But we will address all questions and give you an opportunity to state how you have responded to each question. Okay?

MAJ-GEN SENONA: Thank you, Commissioners.

20 **ADV SELLO SC:** I would want to – I think when we started, Advocate Mpofu, or was it you, I am not sure, but between the two of you, one of you raised the issue of a risk of ambush, and I would like to avoid that as much as is possible.

So, to do that, I suggest we start rather with a

document you would be familiar with. You should have before you a bundle prepared specifically for you that you received from the Commission that was shared with your legal team, the General Senona's Bundle. Do you have that?

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: I would like you to turn to page 430 of that bundle.

MAJ-GEN SENONA: 430?

10 **ADV SELLO SC:** Yes.

CHAIRPERSON: CJC?

ADV SELLO SC: The bundle that I have referred General Senona to, that he has, has, I learn now, not been duplicated for you. It is extracted from the various exhibits in the Port Shepstone drug bust. It would be document 1, page 101 of your exhibits. So, General Senona is working off his own bundle, which is 430, for your purposes ...[intervenes].

20 **CHAIRPERSON:** And what is written on the spine of our one?

ADV SELLO SC: It is electronic. It should be File 1 of the exhibits.

CHAIRPERSON: File 1. I have noticed that I have more than one File 1. What is written at the top?

ADV BALOYI SC: Maybe try, you say page?

ADV SELLO SC: It is page 101. It is numbered 101.

ADV BALOYI SC: Let us see.

ADV SELLO SC: And then, it is a report by General Senona to General Mosikili about the bust.

ADV BALOYI SC: Ja, let us see.

ADV SELLO SC: Rather, about the subsequent fact.

ADV BALOYI SC: It is the Port Shepstone drug bust.

ADV SELLO SC: Yes.

ADV BALOYI SC: Exhibit Bundle 1.

10 **ADV SELLO SC:** 1. Correct.

ADV BALOYI SC: And to answer the Chair's question of CJC232.

ADV SELLO SC: 232?

ADV BALOYI SC: Ja.

ADV SELLO SC: Thank you, Commissioner Baloyi. Is that the document you have before you, General?

MAJ-GEN SENONA: Correct, Commissioners. The document I am having is page 430.

ADV SELLO SC: Yes, on your files?

20 **MAJ-GEN SENONA:** Yes.

ADV SELLO SC: Because you are working off the bundle that was made for you?

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: So, this document runs into some six pages, seven pages. It is dated the 9th of November 2021

at the last page, and it is signed by you. Correct?

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: And this is a document, as I understand it, that you prepared for General Mosikili following the theft of the drugs at Port Shepstone.

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: Now, I suggest that this might be a logical starting point because you are the author of this document, and when it was shared with you this week, it
10 would have been fairly easy for you to reacquaint yourself with its contents. And I say so, mindful of the fact that under your watch in KZN, there have not been, I am not aware of many stolen drugs, so this was a peculiar kind of report. So you would recall its contents. Is that a fair assumption?

MAJ-GEN SENONA: I will not recall all the contents because some I will, some I will not. I will have to be referred to.

ADV SELLO SC: Absolutely, we will work through it page
20 by page to the extent that is necessary. So I suggest that this be the starting point, and then while we look at it, we will consider your answers to the 15 questions that were posed to you.

As a matter of interest, before we start, the facts that you set out in this document, and you call it a factual

report, where did you obtain those facts from, regarding both the seizure and the subsequent theft of the drugs?

MAJ-GEN SENONA: My Brigadier, once I was requested to provide a factual report, I requested him to get me the information, and he gave me a draft. And then out of the draft, I did rectify whatever I had to, and then I read it. I was satisfied, and then I sent it to the Deputy National Head by then.

ADV SELLO SC: So you did not see the actual documents
10 from which he extracted the so-called facts?

MAJ-GEN SENONA: Come again?

ADV SELLO SC: You did not see the documents from which he extracted the facts to prepare the memo for you?

MAJ-GEN SENONA: Who? Brigadier Nyuswa?

ADV SELLO SC: You said Brigadier, I did not know which one.

MAJ-GEN SENONA: Nyuswa.

ADV SELLO SC: Nyuswa, yes.

MAJ-GEN SENONA: Ja. Look, I did not know where he
20 got other information that he assisted me in compiling this report, but he will be the better person to respond to that, but he prepared the report for me, and then I read it. Wherever I needed to make corrections, I made them, then I was happy. I signed it, and forwarded it to General Mosikili.

ADV SELLO SC: I ask because the report is full of factual

inaccuracies, and you signed it, and you submitted it to General Mosikili. So we are going to work through those inaccuracies, and I am going to invite your comment thereto. There is some effect would be unwittingly then, on the basis of your explanation, you to some extent misled General Mosikili as to what transpired on the 22nd of June 2021, and the circumstances under which that happened, and the subsequent theft. Would you accept that?

MAJ-GEN SENONA: I never misled any person.

10 **ADV SELLO SC:** Okay.

MAJ-GEN SENONA: I disagree with the fact that I misled the General.

ADV SELLO SC: Okay. Now, at that document, paragraph 1.2, your last sentence, you state that:

“The seal, that is the seal to the container on the 22nd of June, was broken in the presence of DPCI members, ORS members, and warehouse security and staff.”

20 You see where I am reading?

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: I do not know whether you will recall, we do not have to go there, but I will give you the reference number. In your statement in January to this Commission, at paragraphs 80 and 81, just for the record, you indicated

that the information received from Crime Intelligence was of an exigent nature, and members of the DPCI and ORS proceeded to the depot to inspect the container. Who are these members of the ORS that went to inspect the container together with members of DPCI?

MAJ-GEN SENONA: Commissioner, Commissioners, what happens is that when members are receiving information at the harbour itself, the harbour is managed by members attached to the ORS. ORS is Operational Responses, a
10 division within the South African Police Services.

So the harbour is, all the port of entries are managed by the ORS. So I am not in a position to give you the names of those people of ORS, because there are members that are stationed there on a permanent basis, policing the harbour.

ADV SELLO SC: I ask for two reasons. One, in your statement, you list the DPCI members. You then say they went with ORS members, but you do not list the ORS members. So it becomes interesting who of the ORS
20 members took part in the seizure.

MAJ-GEN SENONA: It is because at that stage, when we write this report and when I write my statement, I did not know. Even now, I do not think I am aware of the names of those ORS members, Commissioners.

ADV SELLO SC: During the testimony of Colonel Jacob,

we established that the so-called ORS members he relied upon were actually not part of the operation. I would invite you, for that purpose, to CJC261. That is starting at page 777. CJC261 is the statement of Sergeant Kubendren Govender.

MAJ-GEN SENONA: CJC261?

ADV SELLO SC: 261.

MAJ-GEN SENONA: Okay.

ADV SELLO SC: Do you have the statement before you?

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

ADV SELLO SC: You will notice in that statement that Sergeant Govender states that he was called by Colonel Jacob after the container was opened, and it was for purposes of requesting assistance to transport the drugs. Were you aware of that?

MAJ-GEN SENONA: It is the first time I see this statement when the Commission provided it to us. And when you write the report as the Provincial Head, Commissioners, you are provided with information. And for me, it is to read the
20 report and dispatch it. But I do not go and confirm and check who was there, who was not there, and everything. It is not within my responsibilities.

My responsibilities are at a strategic position, where I receive the reports, read them, when I am happy, I dispatch them. This statement, I saw it when the

Commission sent the documents to us. I think it is yesterday morning around 1 o'clock, 20 past 1 in the early hours of the morning.

Then around 9, 10 o'clock when we read this thing with the click that you open it, then I saw a lot of the statements of people that I do not know who they are. The only people I knew here, when I read the document of 437 pages that the Commission has sent to us, I think it was, I saw Brigadier Nyuswa, I think, if I remember very well. I
 10 saw my statement that I made immediately after the theft. Then I saw the copies of my police diary and some other things. But these very few things that I was able to recognise in that bundle of documents. So I cannot say anything to you, Commissioners, in relation to this statement.

ADV SELLO SC: My question was really in relation to the claim you made in your report to General Mosikili that at the operation when the seal was broken, that happened in the presence of DPCI members and ORS members. And I say
 20 that is factually incorrect.

MAJ-GEN SENONA: As I have indicated, Commissioners, I receive the reports, I read them and dispatch.

ADV SELLO SC: Okay.

MAJ-GEN SENONA: I never went and did my own research and investigation and wrote the report. I said Brigadier

Nyuswa wrote it to me and then I checked it. Then I was happy with it. Because my job is not like a job of an investigator who goes and interviews everybody and obtains statements and checks and balances. I was required to provide a factual report. Then I said, Brigadier, come, prepare a draft, let us have a look at what transpired. Then I prepared that report and sent it.

ADV SELLO SC: So ...[intervenes].

MAJ-GEN SENONA: So, I did not want to agree with the
 10 issue, the statement that the SC is saying that I misled General Mosikili. I gave her what I was given.

ADV SELLO SC: I maintain that you misled her and it may very well be that you were misled and as a consequence you misled her. And I maintain you misled her because that is factually inaccurate, what you have set out in the report about presence of ORS members. That was conceded before this Commission by Colonel Jacob himself, who relied on those two ORS members to say they were part of the operation, and I show you that their own statements say
 20 they were not ...[intervenes].

CHAIRPERSON: Sorry for clarity, Ms Sello. Are you making any differentiation between presence and being a participant in the operation?

ADV SELLO SC: It says here in his statement that he ...[intervenes].

CHAIRPERSON: I am asking that because earlier you took the General to a paragraph that spoke about presence only and not necessarily participation or being a participant in the operation. But now the last statement ...[intervenes].

ADV SELLO SC: The comment.

CHAIRPERSON: The comment you made just before I came in, now spoke about being a participant or being participants.

ADV SELLO SC: Let me take a step back. The report
10 does reference to presence.

CHAIRPERSON: Yes, yes.

ADV SELLO SC: And I am going to get to the question of presence.

CHAIRPERSON: Yes.

ADV SELLO SC: His statement to the Commission at paragraph 81 says DPCI and ORS members proceeded to the depot to inspect the container.

CHAIRPERSON: Proceeded.

ADV SELLO SC: That is General Senona's statement at
20 page 23 of his January statement at paragraph 81. And it is either one of two things. The correct factual position is, as he explains in his report to General Mosikili, alternatively under oath to this Commission at paragraph 81. They are mutually exclusive. That is why I read them to mean the same thing, that he did not intend to express himself

differently in both documents. He is the author of both.

CHAIRPERSON: Okay, please continue.

ADV SELLO SC: Thank you. And it is put up for your benefit. That is your paragraph 81 in your original statement. So that as well is incorrect.

MAJ-GEN SENONA: Commissioners, the SC is picking up these mistakes. When I compiled my affidavit, I used certain documents that were in my possession. And this report that the SC is referring to, I am provided with a
10 report with information. I read it. I do not go and verify certain things.

And then I will never, ever come and mislead my superior. I will write what I am told. Because at that stage, I did not have any reason to doubt whatever report was provided to me because, number one, I never visited the crime scene. I was not at the crime scene when these things were found. I was informed.

If there is any misconception or some things that are not correlating, it is not what I went and observed. A
20 report was provided to me, Commissioners. And as a result of that, I do not think that I will sit and intentionally mislead my superior or come here and lie before the Commission.

ADV SELLO SC: That statement by the Colonel Govender, Sergeant Govender, also clarifies that the seal was not broken in their presence. In a sense that, he says, when

they were called to the scene by Colonel Jacob, the seal was already broken and the container was open. So, even on the claim, on the basis that it happened in their presence, as expressed in the report, is not factually correct, if they are to be believed.

MAJ-GEN SENONA: It is either way, Commissioners. Maybe this Sergeant is lying, or the information that was provided to compile this report is incorrect, but it is not me who intentionally misled. I did not mislead any person. I
10 submitted a report that was presented to me, to my superior, and I took it that this is the correct version of events, because I was not there. How do you expect me to respond to something that I was not even there? And even this Sergeant Govender that the SC is referring to, I do not even know this person.

ADV SELLO SC: I suggested to you that to the extent that you misled General Mosikili, would be due to the fact that you, in turn, were misled because the report was prepared for you.

20 **MAJ-GEN SENONA**: You are suggesting, but I have never, I did not mislead the General.

ADV SELLO SC: Okay.

MAJ-GEN SENONA: Now I am seeing this thing. If I misled the General as the SC is saying, Commissioners, why do I have to do that? I have got no reason to mislead

the General. All the reports that leave my office are prepared by people who are reporting to me. They are brought to me, I read them.

I will give you a simple example, Commissioners. Your correspondences to my counsel, it is not you who is writing that. Another one, another employee in the Commission is writing that report. One of the Commissioners read it, and somebody signs. And then, if you are happy with that. If there are mistakes, it is not that
 10 there was an intention to mislead any person. I think that is my response to this question, Commissioners. Thank you very much.

ADV SELLO SC: For the record, I want to say, I am not saying that there was an intention to mislead, no. That is not what I am saying.

MAJ-GEN SENONA: But, Commissioners, if the SC is saying I misled my superior, I took it very serious, this thing. I took offence very serious because I did not. If it is me who sat down and write this report on my own, although
 20 I appended my signature, I will say, ja, but it is not me. It is my subordinates who prepared this report, who had information to assist me to report to my superiors. So, I vehemently not to agree with the SC in terms of misleading my superior.

ADV SELLO SC: General ...[intervenes].

ADV BALOYI SC: Can I just? I mean, I thought it had been cleared that you have said that you did not, if he was misled, you did not do so intentionally. Maybe if it is put differently. The statement that you put in the report, that members of ORS, let us take the second one. The container was open. The seal was broken in the presence of ORS members.

We now know from other evidence, including that statement of Govender, but we also know from Colonel
10 Jacob who has accepted that ORS members were not present when the seal was broken. A statement that says to General Mosikili the seal was broken in the presence of ORS members is an incorrect statement, right? Fact. Objectively, on the basis of the evidence that we say has now been established, that statement is incorrect factually, because members of ORS tell us in their statements, and Jacob accepts that, that they did not witness the breaking of the seal.

They were just brought in to transport, to provide
20 transport. That is what has been established now. So I think the simple point that has been made to you is that the statement to Mosikili in your report, to General Mosikili, in your report, is not a correct statement. You give an explanation where you take that statement from.

You say Nyuswa, I think it is, gave you a report,

and that is what he said, and that is where you get that statement. Can we agree that is fine?

MAJ-GEN SENONA: Commissioner, the way you put it, it is much better the way the SC put it.

ADV BALOYI SC: Okay.

MAJ-GEN SENONA: You see, the words you are using, you say incorrect information, vis-à-vis misleading. *Auwa*.

ADV BALOYI SC: Okay, Ms Sello, I used incorrect. Thank you, General.

10 **ADV SELLO SC**: I will go for incorrect information.

CHAIRPERSON: Thank you. Yes, Mr Mpofu wants to say something.

ADV MPOFU SC: Thank you, Chair. Maybe I will just assist on this. You know, it might look trivial or even amusing to some people, but the issue here goes back to what we were saying, Chair ...[intervenes].

CHAIRPERSON: No, we laughed at him because about the *auwa*.

20 **ADV MPOFU SC**: No, so did I, so did I. I am just putting it in perspective, Chair. And I am grateful to Commissioner Baloyi for that clarification. I am just saying it might look like just a semantic debate, but if you bear in mind what we said in the morning that in our experience, somebody in some dark room is sitting watching this, as they did in January, waiting for, as General just was scared of, on

Monday, he might be slapped with a suspension note.

And that suspension note will say because you admitted to the Commission that you misled your superior. That is a serious thing. It is not just a small mistake. If I come here as a lawyer and I mislead this Commission, that is a major issue. But if I make a mistake on some factual issue, everybody makes mistakes. But if I literally mislead the Court or mislead the Commission, that connotes a very serious misconduct. Thank you.

10 **CHAIRPERSON**: Thank you, Mr Mpofu.

ADV SELLO SC: Thank you, Chair. And perhaps I should clarify to General Senona and his team that the statement as couched creates an impression that the operation involved ORS members. And I am saying from the evidence tendered before this Commission, that is factually incorrect.

MAJ-GEN SENONA: That one, the way you have put it, SC, remember, I receive reports. I can go with it, but not that I misled my superior. I might be suspended or expelled. I have experienced a lot of disciplinary cases
20 since I came here. And, Commissioners, 28th of this month, I am 60 years old and I want to exit the police honourably. And I am an honest person. Me and lies, we lie parallel. So I do not want to be expelled before I go on pension for things that I did not do.

I have just been cleared. I have informed the

Commissioners that I am also afraid I might be getting another one Monday or they might come to my house over the weekend and give me another one. What have I done by me coming here? I do not know, but I just want to bring this under your attention. I am very careful not to make admissions that are not correct.

If it is correct, I will, as Commissioner Baloyi has put it. I agree with that narrative of Commissioner Baloyi. But this thing of misleading, it is another thing that I cannot
10 be compelled to agree to that. I receive reports like your lawyers, Commissioners, that you have employed here to write to each and every person and issue those subpoenas. They are working on your behalf. You do not sit and write those things, you as Commissioners.

Other people are assisting you. And when a mistake has happened, it must be put that it is a mistake. Not that a person has misled another person. It is totally incorrect, with respect, Commissioners.

ADV SELLO SC: I know that, General. Question 2.1 asked
20 you to state the extent of the involvement of DPCI officers and your role as the Provincial Head in the seizure of the 541 kilograms. I am reading from page 12. But in summary, the question and your response was you did not personally attend the scene, nor did you participate in the operational handling or processing of the seizure. I am

reading the answer to your paragraph 2. Do you see where I am?

MAJ-GEN SENONA: Correct.

ADV SELLO SC: You then proceeded to say:

“My involvement was limited to oversight and administrative decisions after being briefed by Operational Commanders.”

Now, on that score, I accept you did not personally attend the crime scene and that you did not participate in the
10 operational handling or processing of the seizure.

I would like to engage you or to obtain comments from you about how the scene was handled and, as the Head of the DPCI, to express a view whether that is compliant in your view. You understand what I am saying?

MAJ-GEN SENONA: I hear you, Commissioners.

ADV SELLO SC: You are aware of a protocol called Protocol on Search, Seizure, Handling, Processing and Disposition of Illegal Drugs. It is a document that is used and relied upon by SAPS in general and DPCI included. If
20 you would like to remind yourself, it is CJC231 from page 81. But considering your extensive experience in DPCI from Pretoria and now to KZN, it is a document you would be familiar with, that there are certain prescripts that must be followed in the search, seizure, handling, processing and the disposition of drugs.

MAJ-GEN SENONA: Is that page what, Commissioner?

ADV SELLO SC: It will be CJC231 starting at page 81.

MAJ-GEN SENONA: I am on page 81, Commissioner.

ADV SELLO SC: You have located the document?

MAJ-GEN SENONA: Correct, Commissioner.

ADV SELLO SC: You are aware of its contents. It is a document that is applied to all search, seizure, handling and processing of drugs.

MAJ-GEN SENONA: Commissioners, I have seen this
10 document when I was here in January. Part of it, I am aware of the content, part of the content, but not the entire document. It must be noted that I attended the detective course when I was appointed as a Detective in 1989. And this document was not there.

The National Instructions that are here were not there. I was office-bound since 2011. Being a manager, overseeing things, not attending to crime scenes or dealing with certain things. Managing people. If the Commissioner can allow me to just illustrate the structure?

20 In a unit, you have a Unit Commander. Under that Unit Commander, as we were talking about three sections in SOCI, I will give that example. There is a Colonel here. There is a Lieutenant Colonel, Lieutenant Colonel, Lieutenant Colonel. Under this Lieutenant Colonel is Captains, Warrant Officers, Sergeants, and Constables.

These are the operational members that deals with the crime scenes and everything and so forth.

The Unit Commander will report, provide reports to the Provincial Commander, who is a level of a Brigadier. A Brigadier will read once he is happy, he reports to me. I receive reports. I will read it. If I need clarity seeking questions, I will send it back. They will rectify and then I sign it.

So part of this, I saw that during those years, in
10 terms of processing the crime scenes, we know the crime scene must be cordoned off and you must call the LCRC and all those kind of stuff. It is something that is in the curriculum of the current course that is called Resolving of Crime Course. All the members of the DPCI underwent that type of training.

As the head, I expect the members to know their job because they were trained. Unless if you were never trained, it is another thing. It is the responsibility of whoever is trained at the scene to ensure that things are
20 being complied with. Thank you, Commissioners.

ADV SELLO SC: Thank you, General. I call upon this document when precisely because I am relying on your extensive experience in DPCI, precisely in management positions. You manage the people who handle these scenes. I depart from the premise that if my recollection of

your CV is correct, already from 2011 you were in these management positions, that you are familiar with the applicable prescripts. I think you have assured the Commissioners that you are.

MAJ-GEN SENONA: Commissioners, I said some of the contents, not the entire. And I must also put it on record that you will realise that from time to time you get this thing called National Instructions. It is a policy directive. Some of them we do not have that ample time to go sit and read.

10 It is not all of them that I read and I know each page. I will know specifics in that report, but not every document, Commissioners. And honestly, I have responded that some of these things here, I am aware of them. Some, no.

ADV SELLO SC: And I would like then to establish what it is you are aware of. And perhaps best, when we work through it, through my questions ...[intervenes].

CHAIRPERSON: Sorry, Ms Sello. You will correct me if I am wrong, but my understanding is that the police officers, I do not mind if I am using officers incorrectly here. The
20 police officers who conducted the operation actually admitted or accepted that they had messed up with regard to the handling of the scene and indeed even beyond. For example, going to Isipingo, how the registration of the exhibits took place, taking place without the exhibits being placed in the exhibit bags and even the question of where

they were stored. They basically, in the end, accepted that they messed up. So I am trying to understand if the General's responses on this aspect are going to advance whatever it is we are about now.

ADV SELLO SC: I will try and articulate why I am going down this route. I am speaking to the General as the head of the very DPCI members who have made the admissions. I do not depart from the premise that he is aware of the admissions made. This afternoon, the General comes back
10 into the Commission to inform you that the disciplinary process that he was subjected to has cleared him, which I would expect would result in him going back to the position that he held.

Now, the question that would arise is steps that he would take pursuant to learning what his members did on the day if he was not aware at the time. And it is for that purpose that I am bringing these facts to his attention.

CHAIRPERSON: Thank you, Ms Sello. Yes, Mr Mpofu?

ADV MPOFU SC: Thank you, Chair. Two things. One is,
20 just in case we are accused of misleading the Commission, just to clarify that the DC in respect of which the General was cleared is not the one about the – what is it called? Drug bust. Ja. So, ja, and if he gave that impression, then we, I think, General Khumalo, Commissioner Khumalo, maybe also wanted to assist me in that regard. That is the

one thing.

The other one, Chair, is, and I do not want to venture to try and say how the evidence leaders should leave their evidence, but I am just taking advantage of your intervention. That, really, to save time, it might just be easy to say, does the General accept all the confessions, I am using the word loosely, that the scene was messed up?

And I am sure he will, and there is no-one, a living eye who have not been watching everything. We will accept
 10 that and then we will move on. Otherwise, all he is saying is that he relied on other people. If they messed up, I do not think he is here to defend them. And Ms Sello will find that, actually, that is not the case. It is not his evidence. I can assure you that everything was done according to the book and every little prescript was followed.

CHAIRPERSON: Thank you, Mr Mpofu.

ADV SELLO SC: Chair, interestingly, if I had posed the general question to General Senona, whether he accepts all, as Mr Mpofu says, quote-unquote confessions of
 20 noncompliance by his members, whether he accepts that, chances are that it would have been deemed to be an unfair question to General Senona.

So this was an attempt to make him understand the extent of noncompliance and to seek his views on the level of noncompliance. Now, it may very well be for his own

benefit, should he resort to that position, and/or the benefit of whoever takes over to deal with precisely these issues of noncompliance.

I know General Senona was not on the scene. I am not attributing responsibility of the scene to him, but in light of the expressions he made to General Mosikili about the handling of the scene, I depart from the premise that he is aware of the prescripts, applicable prescripts, as to how the scene should be managed, and that there were failings in
10 that regard.

CHAIRPERSON: In the light of, because you said perhaps if you had posed the question that Mr Mpofu ...[intervenes].

ADV SELLO SC: That Mr Mpofu is inviting me to ...[intervenes].

CHAIRPERSON: That there might have been an objection to that. Now we know there will not be an objection to that. Would you be willing, perhaps, to shorten this to ...[intervenes].

ADV SELLO SC: It is too general. I can shorten it, but not
20 as general as ...[intervenes].

CHAIRPERSON: Not necessarily. We can never be prescriptive to you as to how you do the questioning. But of course ...[intervenes].

ADV SELLO SC: General Senona's concern might very well be that there are people listening and drafting the next

suspension letter. So my questions to him must be fair to him, so that he can answer. If he accepts all confessions, I do not know what ramifications that will have for him as their boss, because technically he is still in the position.

CHAIRPERSON: Yes.

ADV SELLO SC: So what I will undertake to do is perhaps not be as detailed and deal with the generalities, and then invite his comment.

CHAIRPERSON: In the light of the point I made right at
10 the beginning, which is that the people have already accepted that they messed up.

ADV SELLO SC: Yes.

CHAIRPERSON: Basically throughout.

ADV SELLO SC: I would invite – I will pose a different question to General Senona. General Senona, are you aware of the extent to which the applicable prescripts, including the National Instruction 2017 of Property and Exhibit Management, the Protocol on Search and Seizures of Drugs and related, are you aware of the extent of
20 noncompliance with those prescripts during the seizure and storage of these drugs?

ADV KHUMALO SC: Before he answers, is the question, was he aware then or sitting here now, is he aware? So that we do not get different answers depending on the time period you are referring to.

ADV SELLO SC: Well, I will take it, is he aware now? He was not, hence he expressed himself in the manner that he did in his report to General Mosikili. So it is in the now.

MAJ-GEN SENONA: Thanks, Commissioners. I am aware now. And the implications is that even if you arrest people, that thing will create gaps in ensuring the admissibility of the evidence. Handling the crime scene is a delicate thing. We call it a holy place. And the person in charge of the crime scene, irrespective of rank, even if I go to a crime
10 scene, Commissioners, as a General, and a Constable is entry level, is in charge of the crime scene, that person is in charge.

I will give you an example. A lot of crime scenes, you will see the Minister of Police, the National Commissioner, the National Head, they go to the crime scenes. Their sole purpose of going there is to get facts and congratulate the members for their good work. And they expect that those protocols must be followed. The same applies to me.

20 But I can tell you that if the members have confessed or made admissions that they did not follow the protocol, consequence management needs to apply. That is my response, Commissioner.

ADV SELLO SC: And I am happy to leave it at that. And I take it perhaps through appreciating the fullness of time,

the extent of the admissions that they have made. So you will not tomorrow say because of a response you gave at Madlanga Commission that you then were faced with a suspension ...[intervenes].

MAJ-GEN SENONA: Commissioners ...[intervenes].

ADV SELLO SC: Then I will not unpack.

MAJ-GEN SENONA: Commissioners, I think the SC is not aware what I am going through. I am going through, for lack of a better word, and apologies upfront, I am going
10 through hell because of me coming here and testifying. That is a possibility. The last time I raised issues of safety, a decision was given for me to read people's names. I am having litigation now. Over and above that, I was suspended and say evidence was given under oath before the Commission.

Currently, the other one, I have a new one that I received after when I appeared here on the 1st. They say I am being charged because of the storage and theft of the drugs. I testified in January. Is it not one and the same
20 thing? Is somebody not abusing his powers to try? I do not know what have I done to these people. But I want to assist the Commission. That is why I came back.

CHAIRPERSON: General, in the interest of time, I think we note your concerns. Please answer the questions. If we keep going to your DC issues, we will not finish today.

MAJ-GEN SENONA: It is because it emanates from this.
That is why ...[intervenes].

ADV KHUMALO SC: I appreciate that. I think you have
made the point, but let us not repeat it.

MAJ-GEN SENONA: Thank you.

ADV KHUMALO SC: Because you made it earlier also.

MAJ-GEN SENONA: Thank you, Commissioner.

ADV KHUMALO SC: So, I think in the interest of time, and
I know you do not want to come back several times, so in
10 the interest of time, let us answer questions and see how
far we go.

MAJ-GEN SENONA: Thank you, Commissioner. I will do
so.

ADV SELLO SC: Thank you, Commissioner Khumalo.
Staying with your page 12, you say your involvement was
limited to oversight and administrative decisions, but you do
not unpack the administrative decisions. Are you able to
just in summary say what those administrative decisions
were?

20 ,Administrative decisions is when a report is provided
before me. I read it when I am happy. I sign it. I dispatch
it to the relevant offices, Commissioners.

ADV SELLO SC: Is that a decision, or am I ...[indistinct]?

MAJ-GEN SENONA: When a report is prepared before me
and I sign it, which means I am comfortable with the content

that was prepared for me. Then I sign it. It goes. Other administrative issues are not related to the issues of the Commission. Like if there is a shortage of manpower, shortage of vehicles, shortage of cell phones. Those are administrative issues that I must engage Head Office and say I am unable to reach my objective or targets because these are administrative issues that I need your assistance. Thanks, Commissioners.

ADV BALOYI SC: Maybe let us confine it to this incident.

10 What are the administrative decisions that you made relating to this incident that we are concerned about?

MAJ-GEN SENONA: To the drug bust?

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: I want to indicate, Commissioners, that Brigadier Nyuswa called me and informed me about the bust, and then I was happy. I was thumbs up. I said prepare a report so that I can report to my principal. Over and above that, he told me Isipingo does not assist us. They say they do not have capacity to store this drug bust.

20 Also, he himself called the Forensic Science Laboratory. He said Toti, but when I checked, it is Amanzimtoti, and who said they do not have space because they have problems with flooding. He suggested and said, General, we can take these things to Port Shepstone because on a previous occasion, we did store Hashish until

the investigation was finalised.

On a previous occasion, we did store the Mandrax until the case was finalised, and we did not have a problem. Commissioners, this person who is advising me about this has got more than 30 years of service in the same province working there. He was a Commander of that unit for more than 10 years. He knows the in and out and he resides in that side.

At that stage, I did not have any reason to doubt
10 his recommendation. Then I said, you having said that, it is fine, we can do it. I must say because this response that I am giving, Commissioners, it also answers some of the questions on the 10(6). As a result of that, that is an administrative decision upon recommendation by somebody who knows the place better than me.

When I took up my office, I am trying to save time, Commissioner Khumalo. I need to explain this. When I took up office, it was the 4th of September. It was a Monday when I took up my post. The appointment is 1 August, but I
20 took up office 4th of September. No one orientated me about the KwaZulu-Natal.

Even today, there are other police stations within the vicinity that I cannot drive and show you that this is the police station and the name. So, a person with more than 30 years in that area, you ask me about Pretoria, it is easy

for me. I will tell you there, there, there, there, there. But if you are advised by your deputy at the level of a Director, a Brigadier, I did not have any reason to doubt him. Those are administrative decisions that you are taking upon recommendations by your people that you are working with. Thank you, Commissioners.

ADV BALOYI SC: So, that is one administrative decision on recommendation. You made that decision. Any other administrative decision that you made related to
10 ...[intervenes].

MAJ-GEN SENONA: To this thing?

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: The other administrative decision, Commissioners, upon the theft, General Senona made a decision that the Detective Services must investigate this case. You cannot be a victim and then at the same time you investigate your own, yourself. And for some other reasons, Head Office decided to establish a team and took the investigation from General Detective to Head Office DPCI.

20 Me, I took a decision that let the district do the investigation. Should they need any assistance, we shall assist. You will recall in January I said we did the data dumps, I do not want to talk too much about these things because they will expose our strategies. There were initial investigations that were done, however, at the same month,

a call-up instruction came, it cut me off of those things, and then I stood back.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: Those are administrative decisions that I have taken, Commissioners.

ADV BALOYI SC: Thank you. Thank you, General.

ADV KHUMALO SC: Just in response to Commissioner Baloyis' question, whether the issue of the keys and where they should reside.

10 **MAJ-GEN SENONA:** Thank you. Thank you for reminding me, Commissioner. I think it is part and parcel of the responses here. The issue of the keys, Commissioners, as I have indicated in my evidence-in-chief that there is a document that I was supposed to sign that I did not know about.

But what I did, I told the Brigadier, I said, you know, these things, we cannot leave the keys here. It is a precautionary matter. And then the keys were kept in my office because I had a safe. It is a one square metre top
20 around, like, as I am indicating on this table, like this. Four people will never carry it.

So, because the Brigadier did not have a safe at that time in his office, and the keys ended up with me under lock. And another administrative decision that I took regarding this, when the investigator that I did not have any

doubt whether he is corrupt or not, came to request the keys, I let him sign. I think I submitted copies of my diaries.

He went to do whatever investigation that he was guided by his supervisors there, and then he brought the keys back. I locked them in, and the following day, twice, I think it is 23 and 24 June. So, I kept the keys. I said, it is fine, I will keep them for the sake of safety.

Another one, if I want to think about, is the issue of
 10 applying for a polygraph test for everyone who was there. I was asked by the Commissioner, why are you not volunteering? I said, my supervisor is the one who must subject me to that, because sometimes you go, they say I am available, make a polygraph test to me. It might sound otherwise, that why is he coming here? But I heard what I was advised in January. So, basically, those are the few that I can recall and mention to the Commissioners.

ADV SELLO SC: Thank you, Commissioners
 ...[intervenes].

20 **ADV MPOFU SC:** Chair, I am sorry to interrupt Ms Sello. Just for the record, I just wanted to indicate that the diary entries that the General is referring to will be found at page 796 and 797 of the Exhibits Bundle. That is when the, I think it was Mpangase, Warrant Officer Mpangase that requested the keys and returned them.

CHAIRPERSON: CJC, what? Or you do not have the ...[intervenes].

ADV MPOFU SC: I do not have the CJC numbers. It is 796 of the red pagination.

ADV SELLO SC: If it would assist, it is in relation to another question. We will get to those.

CHAIRPERSON: Yes.

ADV MPOFU SC: Okay, thank you.

ADV SELLO SC: Yes. That is our ...[intervenes].

10 **CHAIRPERSON**: So long Commissioner Baloyi already has it, let us just mention it quickly. CJC266.

ADV SELLO SC: Yes, that is correct.

CHAIRPERSON: Thank you.

ADV SELLO SC: So what we are dealing with was his response to the first question, which was his role, if any, and his members at the seizure. And that is where he says he took administrative decisions. His response now is broader than the question. So it is all administrative decisions he took in relation to the drug bust, including the
20 theft. So the answer is much broader.

But we will get to the aspects of the broadened answer that you have given. Now let us turn then to your second question. The second question is at page 13. The question required you to state whether there were other suitable facilities available for the storage of the seized

drugs. Do you see where I am reading?

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: And your answer speaks to the fact that you were informed by operational members that SAPS Isipingo did not have adequate storage facilities and the last paragraph before the next question that you were informed that KZN FSL laboratory also lacked adequate facilities. The question though was whether or not there were other suitable facilities, and that question remains
10 unanswered.

Were you aware of the facilities in and around the area that could have stored the drugs before they were shipped to Port Shepstone? And in this regard, I am asking about the Maydon Wharf Police Station, is it Umbilo, and all these are stations dealt with, if you will recall, in your Annexure S2 that you attached to your previous statement, which was a report of drug seizures, I think for the period 2020 to 2024.

So the question wanted to establish from you
20 whether or not you satisfied yourself that there were no other suitable facilities when you were informed by Brigadier Nyuswa that Isipingo will not accept them.

MAJ-GEN SENONA: Thank you, Commissioners. I was not aware. Brigadier Nyuswa just came and briefed and suggested to me, and I have already responded to this

question that you are asking me when Commissioner Baloyi say other administrative decisions.

Hence I said I was not even orientated about KwaZulu-Natal. I do not know where is Maydon Wharf. You say Maydon Wharf or Waden Wharf, I do not know, Commissioners, but I do not know where it is. You ask me about Pretoria, I will take you to each and every police station, but there...

ADV SELLO SC: So do I understand you correctly that
 10 since August 2020 when you took office until June 2022, you did not acquaint yourself with the environment and the facilities available and the police stations you may have to work with, particularly in the exercise of your duties as DPCI? You did not familiarise yourself with that?

MAJ-GEN SENONA: Commissioners, I visited my offices. I visited New Castle. I am having an office of SOCI in Newcastle, to address my members meet and greet. I visited my office in Richards Bay to do the meet and greet. I visit – it is a SOCI office. I visited a SOCI office in
 20 Pietermaritzburg to do the meet and greet. There are two offices in Pietermaritzburg. It is a SOCI and Serious Commercial Crime Investigations.

I visited my offices at Durban Organised Crime where SOCI is SOCI at 136, I cannot remember the name of the street, and then I visited a Commercial Crime offices. It

is in, what is this building? It is in Durban, and then I did the meet and greet of my people. I visited the Serious Corruption in a Commercial City Building. So the other one, ja, is John Ross building in Durban.

But the issue of police stations, I was going there. I went to a police station, I think when the Minister visited there where there is a lot of murders. I cannot remember – Inanda, because I was invited to go there by, actually the National Head instructed me to go and represent him.

10 But my own people that I found there who have more than 30 years of service never took me and said, General, let us take you around so that you can know your area. Even today, I cannot tell you about all the – maybe I know two or three that I have visited, but some that I visited, like here in the border of Mozambique and South Africa, I cannot remember that place there.

Ja, we went there, but I cannot take you there again because I got lost very seriously when I went there. They were opening a police station when we were dealing
20 with also an operation of the cross-border operations of theft of these Toyota bakkies that were crossing into the Mozambique. But the others, whenever I was never taken or the job did not force me to go there, I do not know about it, Commissioners.

ADV SELLO SC: My difficulty is, it sounds like you are

only familiar with what happens inside your office, but not in the area over which you have authority. You are the head of DPCI KZN. As I indicated, you submitted a document in January, your Annexure S2, that gave a full account of all DPCI-related drug busts. You called it the major Heroin and Cocaine.

And in that document, which is an extensive document, it references all these facilities, and I am surprised to hear that you say today that you do not even
10 know Maydon Wharf.

MAJ-GEN SENONA: I was never there, Commissioners. And I must say, after the theft, everybody was able to house the drugs, the busts that we have made, in that document that the SC is referring to. At one stage, we were assisted to take drugs that we busted to Cape Town with the private jet. After the theft, everybody was there to assist. Before the theft, I was relatively new. I did not even finish 12 months in my office.

I do not know, under normal circumstances, a
20 person in my position will never know those things in a very short space of time. However, my offices, as you were saying, SC, Commissioners, my own offices that I have authority over, I know where they are, I can take you. But police stations, no.

It is the Provincial Commissioner who is in charge

of the police station, not me. I have listed my offices that I visited, that I have authority over just a minute ago. Thank you, Commissioners.

ADV SELLO SC: I struggle with the answer, and I just want to make one comment. I am not suggesting you own the police stations. Your own prescripts provide that once there are seizures, they must be booked into SAP13s, and those are founded police stations. I would have thought that is a matter that would interest you, to know, based on
10 S2 and the volume of Heroin and Cocaine you seize, that you would at least acquaint yourself with whether or not there are sufficient facilities. But from what you say, you know nothing about police stations and such storage facilities.

MAJ-GEN SENONA: Commissioners, allow me to go back a little bit and tell you something. On this document, I do not know what is indexed to additional annexures received that were provided by me. You go to page 62, if it can be flagged.

20 **ADV SELLO SC:** Yes, we are trying to. 6-2, you said.

MAJ-GEN SENONA: 60, ja, from page 60.

ADV SELLO SC: Okay, it is in there with a statement to the supplementary statement, the article.

MAJ-GEN SENONA: Ja. Now, when you look at that article on page 60, there are pictures of individuals. Some

are senior members of the police. When you go to page – on that page 62, I see there is General Sithole, the former National Commissioner. I see there is General Mkhwanazi. I see the former Minister General Cele. I see the former National Head General Lebeya.

If you go to page 62, flag page 62. Thank you. You see that that space there, Commissioners? I talked about this in January. When you look at that space there, inside there where these photos were taken, there is
10 General Cele, the former Minister. There is General Mkhwanazi. There is General Lebeya. There is General Sithole, the former National Commissioner.

Do you see what is happening there, Commissioners? Those are Mandrax. Are they in forensic bags? And that place is the place where the drugs were stolen, this 541kg. Hence, I agreed to the suggestion of my Brigadier, because here is evidence that I have presented before, and I am presenting it again, that it was not the first time.

20 And the senior members that are there are far much senior than me. So, Commissioners, if I knew about any other places other than the forensic and that police station they were telling me about, I believe I would have said, no, we cannot go there, let us go to this police station. If you look at that picture, those things are not exhibit bags. The

senior managers are holding them. It is unfortunate some of them are no more in the service.

But now, I am now charged, investigated, and suspended, because these things were not, the handling of the crime scene and the theft, the storage and the theft. So, Commissioner Khumalo, I understand what you said, but these things are hitting sometimes when you look at this picture, and then you look at what I am going through.

I am trying to respond to the SC's question that I
10 did not know. I do not have any other better answer than I was not aware of any, but my own offices that were resorting directly under me, I knew where they were located.

ADV KHUMALO SC: General, just to be clear, I was not limiting you as far as the questions. I was saying the HR issues, let us leave them there.

MAJ-GEN SENONA: Yes.

ADV KHUMALO SC: Ja. So, let us leave the HR issues where they belong, but you can answer the questions
20 relating to what you are being asked.

MAJ-GEN SENONA: Thank you.

ADV KHUMALO SC: So, do not feel like I was gagging you.

MAJ-GEN SENONA: Thank you, Commissioner. So, I wanted to depict these pictures, because it seems – and

when you go back to, when you go to page, I think it is page 68. Ja, page 68.

ADV SELLO SC: Yes?

MAJ-GEN SENONA: A group of people, between 10 and 15, attacked the Forensic Science Laboratory in Pretoria. They held the security guards, tied them. A bakkie, by chance, passed there. When the police were trying to establish what is happening, one policeman, officer, was shot by this group. Unfortunately, they could not take, steal
10 the drugs there, because according to the articles, they went there to steal the drugs.

And I want to also go to page, where is that other thing? Police stations, in page 75. They were attacked while there are 24-hour police officials in the police station. And maybe to save time, I want to go to another report here. Where is that report? It is last year, October. I am looking for that report, Commissioners.

My office at Richards Bay went and seized 14 bags, big bags of Dagga. They were booked in the SAP13, there
20 in ...[indistinct] police station. After a week, when they went there to take samples to send to forensic, nine of the bags were missing. A docket was opened.

All I am trying to, why I am putting this picture before the Commission is that the decisions, administrative decisions I took upon recommendations, they were *bona*

fide. There was no *mala fide*. I know I will be asked, you decided to take these things there because there was no security guard guarding the office and everything. But those securities, they were not static at Port Shepstone. They were activated by an alarm.

It is as much as we say my people must come and do what? The patrols at the offices and make OB entries between 18:00 and 12:00 midnight, between 2 o'clock and 4 o'clock during the day. I am trying to save the
 10 Commissioner's time because I am trying to wrap up these questions that have been listed in the 10(6), but I am willing to respond to any clarity-seeking questions, Commissioners. Thank you.

ADV SELLO SC: If it is okay with you, General, I would prefer that you do not wrap up and we deal with each question and answer. So if we could, you took us to your page 60, which is that article. And I looked at it, and if you go back to that picture, it says, below the picture is written, Police Minister Bheki Cele at the underground lab in
 20 Harding.

And if you go to page 60, this is about what is called a massive Mandrax manufacturing lab that was found. I am not sure I understand what relevance does this have, this particular article have to whether or not you were aware of facilities available to your members once they

have seized these drugs and Heroin around Durban.

MAJ-GEN SENONA: I am trying to say I was advised and suggested by a Brigadier with more than 30 years. And then you see this one is the drug bust of the Mandrax. If you go to 62, that 62, inside there is the safe where these drugs were stolen. There is 541kg. I am trying to show that it was not the first time. It confirms the recommendations of Brigadier Nyuswa to me that it was not the first time.

ADV SELLO SC: So then that the line below the picture
10 has got to be wrong, because it says Minister Cele at the underground lab in Harding.

MAJ-GEN SENONA: Which one? Which picture? This one ...[intervenes].

ADV SELLO SC: That very picture you have. It suggests this is Minister Cele at the underground lab in Harding. Hence I say I have a challenge in understanding what relevance this has to Port Shepstone offices.

MAJ-GEN SENONA: These drugs and this room is the storage facility, that strong room. I am trying to show that it
20 was not the first time. The very same drugs were stored there to the value of R250 000 000.

ADV SELLO SC: Then I will take it that article is misleading because it suggests this is the lab itself, the underground lab in Harding. The article is wrong. It cannot be both. Now you go further and you reference other

articles about police stations being held at gunpoint and robbed. Do you do so with a view to justify the decision to store these at Port Shepstone, or is that for another purpose?

MAJ-GEN SENONA: I am just showing that even if I told my members to patrol and do that, while they were patrolling and doing the OB entries, if somebody knew they want to come and steal, they can also attack our people or the security company if it was there. Although we know,
10 according to certain documents here that that security did not come, but the alarm was still working.

ADV SELLO SC: That is not the evidence of Colonel Prinsloo, if it is Colonel. The evidence of Colonel Prinsloo and Brigadier Nyuswa, to whom requests were being made, has established that the alarm system was not operational.

MAJ-GEN SENONA: It is a pity, Commissioners, the SC was not here when Commissioner Baloyi outlined it in January, that Colonel Prinsloo said I armed the alarm. If a person says I armed ...[intervenes].

20 **CHAIRPERSON**: I think, I may not be sure of the timing as to what happened when, but what I remember distinctly is that the alarm was not connected to any armed response.

MAJ-GEN SENONA: Correct.

CHAIRPERSON: So even if it were to just make noise, noise, noise, then who would care about it?

MAJ-GEN SENONA: Commissioners ...[intervenes].

ADV BALOYI SC: I think the second part to it, General, was that because of load shedding, the alarm, I do not know the right word, but it ...[intervenes].

MAJ-GEN SENONA: It could not work.

ADV BALOYI SC: Ja, because of load shedding ...[intervenes].

MAJ-GEN SENONA: Yes, I agree that ...[intervenes].

ADV BALOYI SC: So for that reason, there was no alarm
10 system on the day.

MAJ-GEN SENONA: I agree with the Commissioner, but the fact is the alarm was armed, although it was not linked to the security company. It was armed. I am trying to look in his statement where he said so, because we deliberated at length about this in January.

CHAIRPERSON: You seem to be emphasising that if it was not linked to an armed response system, was it of much use, General?

MAJ-GEN SENONA: Yes, because as a Unit Commander,
20 when you have a security company that is having that alarm that must activate them, the Unit Commander's phone must also be linked so that once something happens, while those people are trying to call him, he must also get a notification because it happened with me while I was still a Unit Commander ...[intervenes].

CHAIRPERSON: That goes exactly to the point of it being linked. So what you are saying happens if it is linked. The point here is that it was not linked and that several attempts, that the linking required a procurement process and that came to naught. Attempts to have that revived came to naught, so it was not linked. So what you are saying would not have happened. Do you follow me?

MAJ-GEN SENONA: No, Commissioner.

CHAIRPERSON: General, you may have the contraption in
10 your house that works as an alarm, that gets triggered, that makes the noise, but that alarm system may not be linked to an armed response service.

MAJ-GEN SENONA: Yes.

CHAIRPERSON: So it will just make noise at your house and the closest houses to yours, but nobody will respond because there is no arrangement with an armed response service. So it just makes noise and it ends there and the neighbours usually do not care about an alarm system going off at some premises. So do you follow me now?

20 **MAJ-GEN SENONA**: I follow you, Commissioner.

CHAIRPERSON: Yes, it was not linked to an armed response system. Yes, yes. So basically, it was as good as not there. It would be of use if someone, one of the whole DPCI members happened to be passing there, oh, our alarm has gone off. That does not change the point that it was

not ...[intervenes].

MAJ-GEN SENONA: From that office, Commissioner, there is a garage, it is not far. There is an Engen garage. It is not far from that office. And here, I am going to read in A25 of the one of Colonel Prinsloo, I am going to read in paragraph 8, one, two, three. He said the members, from the bottom, one, two, three, he said:

10 “The members then left and Warrant Officer Van den Berg secured the back security door by the kitchen with chain and padlock and he made an OB entry. We then activated the alarm and locked the office.”

That is what I am referring to, Commissioners ...[intervenes].

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

MAJ-GEN SENONA: [Indistinct – cross talking]... assisted Commissioner Baloyi in January.

20 **CHAIRPERSON**: That still goes back to the point I made. It does not change the point that they may have set it just to make noise.

MAJ-GEN SENONA: Thank you, Commissioner.

CHAIRPERSON: But it is not linked to an armed response system.

MAJ-GEN SENONA: I have taken note, Commissioner.

CHAIRPERSON: Thank you, thank you.

ADV KHUMALO SC: Can I just quickly, this is what Colonel Prinsloo said. He said the contract with the armed response company expired in March 2020. He says that in paragraph 28 of his statement. And in paragraph 27, he says if there was electricity or load shedding issues, it will not work. And he says, basically:

10 “Further, even if it got triggered and made noise, no one would know as the office would be closed and nearby business would also be closed. Basically, the alarm would just ring until somebody comes in the following workday. If it went off on Saturday, for example, and assuming there was no interruption of electricity supply, it would be deactivated or disarmed by the first person at the office on Monday.”

CHAIRPERSON: Or it would have gone off ...[intervenes].

20 **MAJ-GEN SENONA:** Commissioner ...[intervenes].

CHAIRPERSON: I am testifying from the bench now.

MAJ-GEN SENONA: I am in agreement 100%.

CHAIRPERSON: Yes.

MAJ-GEN SENONA: However, I want to raise this point. In that paragraph 7, where in July, it is before the theft,

where he said he requested the District Commissioner to inform his members to patrol. So, you know, people sometimes they want to come and shift certain things to other people, but it is important sometimes to take responsibility of issues.

But here, if it goes over the weekend, and he did that request, indeed, the patrols will pick it up. They are on the instruction I gave them to visit the office. They will pick it up. Hence, I raised in my opening affidavit today,
 10 Commissioners, that he went there on Sunday. He failed to go down and doublecheck if everything is still fine. Hence, I did that.

And I want to emphasise again that Monday, he is the first person in the office. He saw something that is not normal. The lights are on. Still, he does not go down and check those type of things. So, it is difficult to understand certain narratives that he has done on his statement. But I want to pause there, Commissioners.

ADV SELLO SC: Thank you, Commissioners. General,
 20 then in response to question 2.2, you deal with the SAP13 register, Isipingo, but I am more interested in the Port Shepstone SAP13.

MAJ-GEN SENONA: Question?

ADV SELLO SC: When dealing with question 2.2 at page
 13.

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: And I say in response to that question, you deal with SAP13, but your response to the Commission in 29 January '26 confined itself to the Isipingo SAP13.

MAJ-GEN SENONA: Correct.

ADV SELLO SC: Okay. So, I am saying that I want to go beyond that, and that is captured in question 2.3, because it speaks to the storage at Port Shepstone.

MAJ-GEN SENONA: Do you want me to respond to
10 question 2.3?

ADV SELLO SC: I say it leads us to question 2.3, because I want to confine my question to the Port Shepstone storage.

MAJ-GEN SENONA: I do not understand the question.

ADV SELLO SC: Okay. 2.3 speaks about the storage of the exhibits at Port Shepstone between June and November 2022. You see that?

MAJ-GEN SENONA: 2.3. Correct.

ADV SELLO SC: 2.3. And I was saying 2.2, in 2.2 you
20 confine the answer only to the Isipingo SAP13.

MAJ-GEN SENONA: The question says:

“Whether or not there were any other suitable facilities available for storage of the seized drugs, and the reason why they were discounted or not considered.”

ADV SELLO SC: Yes.

MAJ-GEN SENONA: Ja. Remember, I am saying at page 129 of – the issue was addressed during my testimony before the Commission at page 129, I think of 213 of the transcripts dated 29 January 2026, and it was recorded as follows:

10 “Commissioners, as I have testified that
 there were drugs seized there, it is a
 police station called Isipingo, and that
 the members went to Isipingo to book the
 exhibits at SAPS Isipingo. And I was
 informed by members that Isipingo said
 they do not have storage facility, but
 seizure can be written into the SAP13.”

I was responding to a question that was asked in January.

ADV SELLO SC: Indeed, I agree with you, General.

MAJ-GEN SENONA: Ja, so ...[intervenes].

ADV SELLO SC: And the point I am making is in response in January, you confined yourself to SAPS Isipingo.

20 **MAJ-GEN SENONA:** It is because the question was asked about Isipingo.

ADV SELLO SC: I accept. Except the question now in the Regulation 10(6) stated, were there other suitable facilities? That question you do not answer.

MAJ-GEN SENONA: I responded, Commissioner.

ADV SELLO SC: No, no, not in writing.

MAJ-GEN SENONA: I responded here, now, two minutes ago.

ADV SELLO SC: Please show me where you have written it.

MAJ-GEN SENONA: I did not written it, but I responded, Commissioner ...[intervenes].

ADV SELLO SC: Hence, I am saying to you, let us leave 2.2 because you have confined yourself to Isipingo, and we
10 are now in Port Shepstone, which is dealt with in 2.3
...[intervenes].

MAJ-GEN SENONA: Commissioners, before
...[intervenes].

ADV SELLO SC: I am inviting ...[intervenes].

MAJ-GEN SENONA: Before the SC asked me this question, I have responded before this question was posed to me, while we were dealing with the first question. I have responded, and then I was cautioned that do not summarise. Wait for me to ask you questions one by one.

20 **ADV SELLO SC:** Yes, I did.

MAJ-GEN SENONA: Ja. So I did respond.

ADV SELLO SC: And in asking you questions one by one, I am now at 2.3 because I want to talk about Port Shepstone.

MAJ-GEN SENONA: Thank you, Commissioners.

ADV SELLO SC: Okay. Now, for that purpose, I would like to invite you to page 30. There is a particular protocol I am interested in. That is a National Instruction 8 of 2017. It is CJC230, starting at page 18. And I ask this question mindful of the fact that you say you accept all concessions and admissions made in regards to the handling of these drugs by those who came before you and were directly involved in this handling, in the seizure of the drugs. My first question is, you confirm you were present when these
10 drugs were handed over at Port Shepstone?

MAJ-GEN SENONA: Correct ...[intervenes].

ADV SELLO SC: Yes, and ...[intervenes].

MAJ-GEN SENONA: I went there. I went there at Port Shepstone when the drugs were stored there.

ADV SELLO SC: And you went precisely because you and Brigadier Nyuswa drove firstly to Isipingo and then to Port Shepstone following this seizure.

MAJ-GEN SENONA: We never reached Isipingo.

ADV SELLO SC: You were headed there, but you never
20 reached Isipingo.

MAJ-GEN SENONA: We headed there. We never reached there because he was talking on the phone, and then we diverted to Port Shepstone.

ADV SELLO SC: Now, and what was your purpose for going to Port Shepstone on the day?

MAJ-GEN SENONA: The purpose for me to go to Port Shepstone was to also satisfy myself about the strong room. The strong room. Because when I did the visit, I spoke to the members, and then I never inspected the facilities. I was addressing the members, introducing myself, and then I left. When we went there, it was the first time I saw those safes there.

ADV SELLO SC: Okay. Now we understand why it is you went there. Why in your statement in November, you said
10 you were in Port Shepstone for a meet and greet?

MAJ-GEN SENONA: I was in Port Shepstone for the meet and greet in December 2020. The second time I was there, it was when we took these things there.

ADV SELLO SC: But that is not what your statement in this inquiry, if I may finish, and investigation states. Your statement appears at page 793, and in particular, I am interested in paragraph 8.

MAJ-GEN SENONA: Paragraph 8 of my statement?

ADV SELLO SC: Of the statement that the gentleman is
20 locating for you. If we scroll to the end of that statement, you will get the date.

MAJ-GEN SENONA: This one?

ADV SELLO SC: Correct.

MAJ-GEN SENONA: This one that is ...[indistinct], Commissioners?

ADV SELLO SC: Yes.

MAJ-GEN SENONA: I see.

ADV SELLO SC: If we scroll further down, you will see the date. They are highlighted as the 2nd of December 2021. So that is when you deposed to that statement. Now let us go back to paragraph 8. This statement is dealing with the seizure and storage. I am just curious to note at paragraph 8, you say you were there, and during your meet and greet visit at Port Shepstone, you instructed them to visit between
10 18:00 and 00:00.

And in your testimony, and as we know, those are the instructions you gave on the 22nd, the day they were being stored. So I am just curious why you called it a meet and greet visit.

MAJ-GEN SENONA: It was the second time. Yes, Commissioners. If you are fine, can I respond?

ADV SELLO SC: Okay, please ...[intervenes].

MAJ-GEN SENONA: Yes, Commissioners. During the meet and greet, there are certain things that you will tell the
20 members to do. It is not that you come and say, I am General Senona, you leave it there. Because what I have realised, why have I given this one instruction during the meet and greet?

We are not allowed to take vehicles and do the work and park them or use them for transport purposes.

And then, this is a good practice that I was doing while I was working in Pretoria. So while I was doing the meet and greet, I informed them, not only Port Shepstone, but all the offices during my meet and greet with them, that it is important that we must safeguard our own dockets and properties as the members. When we booked vehicles out, an OB entry must be effected. That must depict the safety of the offices.

It was this paragraph 8. It was not talking to the seizure, I mean the theft itself. It was talking to my meet and greet. I did give this instruction. In June, it was the second time for that office, for me, to give them the very same instruction.

ADV SELLO SC: I ...[intervenes].

CHAIRPERSON: Let us adjourn. We will indicate when we will come back.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Thank you.

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

CHAIRPERSON: Yes, Ms Sello.

ADV SELLO SC: General, before the break, we had turned our attention to question 2.3. You remember I said we are now going to deal with the issue of storage at Port Shepstone.

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: Now, question 2.3 enquired about specific security arrangements. You answered it together with 2.4, which required you to address how you manage the safety of the drugs.

MAJ-GEN SENONA: Correct.

ADV SELLO SC: And at pages 13 and 14 of LS1. And if I understand, in response thereto, you stated paragraph 2 that you manage the safety of the drugs by taking the keys
10 and placing them in your safe at the office and requesting and instructing the Unit Commander to ensure members visit the offices at intervals, as stated there.

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: That is all you did.

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: As a matter of interest, did you not consider it necessary to deploy further or to at least instruct that they deploy further manpower or patrol units to guard the offices because now the safe contains this huge
20 seizure? You did not think it necessary at the time?

MAJ-GEN SENONA: The directive I gave for the visit, at that stage for me it was sufficient enough unless if Colonel Prinsloo indicated that he needed additional, I would have done that. But he never, there was no stage where he requested additional manpower.

ADV SELLO SC: So you relied on Colonel Prinsloo to indicate whether or not there was sufficient security. And I ask this because you were present when they were stored. So I hear the point you make about Colonel Prinsloo, I am asking about you. Based on your experience, you considered it enough and sufficient?

MAJ-GEN SENONA: It was enough and sufficient. And, Commissioners, I want to say, you see, that safe, and this is very much crucial, and the narrative that someone went
10 there, opened with a key, and thereafter grind the safe, it is very much insane.

Maybe for lack of a better word, please bear with me, somebody without description will do that if it is easy for you to open with a door, with a key. Number one, why do you go and take such a high risk of cutting two holes on a steel that is 20 millilitres thick? You risk being arrested or being attacked by the police who might visit there.

And also during the night, the sound of a grinder, it makes a lot of noise. It will make a lot of noise because it
20 is quiet during the night. I think that narrative, one is taking serious offence about it because the keys were in my possession, but there was a narrative that was said before the Commission that a key might have been utilised and then this thing was staged.

There is no staging, Commissioners. Why am I

saying this? In response to this question, I want to refer the Commissioners to their photos here of my bundle of documents, I cannot recall. I will show you, I want us to go to the pictures of the safe itself.

ADV SELLO SC: General, before we do so, may I ...[intervenes].

MAJ-GEN SENONA: I think I have got the right to explain ...[intervenes].

ADV SELLO SC: No, you do have the right. It is a
10 question of at what point you exercise that right. We had agreed that we are now going to the storage of the drugs in Port Shepstone. The issues you are referencing arise after the storage. So I am suggesting you park that issue. You will have every right to refer to your pictures, but at the appropriate time.

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: Thank you.

CHAIRPERSON: But seeing that you have made the point about the noise, let me raise an issue I want to raise around
20 that now. You are talking about noise and the fact that it would be noisy to use the grinder. But that applies to whether the door was open or not open. So I do not quite follow the point you are making about the noise.

MAJ-GEN SENONA: The noise?

CHAIRPERSON: Yes. Noise made by the grinder or the

use of the grinder.

MAJ-GEN SENONA: Yes.

CHAIRPERSON: I do not quite get the point.

MAJ-GEN SENONA: Somebody was repairing a gate at my house ...[intervenes].

CHAIRPERSON: No, no, no, no, no, no ...[intervenes].

MAJ-GEN SENONA: I am trying to ...[intervenes].

CHAIRPERSON: No, no, no, no, no. I am not querying the fact that a grinder or the use of a grinder would make noise.

10 But what you say in saying that the idea about this having been staged and the door having been open and only cut afterwards, and you say but the grinder would make a lot of noise, sort of suggesting that it would make a lot of noise if the grinder was used when the door was already opened. So what I am saying is to my mind it makes no difference whether the door was open or closed or locked when the grinder was used. So I am saying I do not quite follow your point about the noise. Do you get me now?

MAJ-GEN SENONA: I get you, Commissioner.

20 **CHAIRPERSON:** Yes. So what is the point?

MAJ-GEN SENONA: The point I am trying to drive to is that there are several aspects including the noise in ...[intervenes].

CHAIRPERSON: Let us just focus on the noise, yes.

MAJ-GEN SENONA: You know, when you use a grinder, it

will make a noise.

CHAIRPERSON: That I get.

MAJ-GEN SENONA: And that noise, if a person is using a key to open, it is an easy thing. You go in, you take, you leave. Why you cut? And then why are you cutting the safe twice? When we come to that question, I will show the Commissioners the safe was cut twice and the safe was cut from outside. That narrative is very much offensive to suggest that because the keys were in my possession, then
10 a key was used and then thereafter the cutting. Hence, I am trying to put this on record before the Commissioners.

CHAIRPERSON: So your point is that if you had the keys, could use them to open, why not just open and take the suspected Cocaine without cutting? You just take the suspected Cocaine, you leave ...[intervenes].

MAJ-GEN SENONA: Correct, Commissioner.

CHAIRPERSON: Without ...[intervenes].

MAJ-GEN SENONA: 100% Commissioner.

CHAIRPERSON: So I follow the point about – yes. And
20 about you, supposedly, based on what you have just said, supposedly being the only suspect if there was, and underline if, if there was any staging at all. That is not necessarily so. It is not necessarily that you would be the suspect because the key was given to other people. It was not ...[intervenes].

MAJ-GEN SENONA: Yes, Commissioner.

CHAIRPERSON: With you only, if you see what I mean.

MAJ-GEN SENONA: I agree with you, Commissioner, because someone came and signed for the key. But another thing that is significant, I saw a clip, evidence was provided here where people who stole the drugs are known. I am just concerned. Why? Those people should have been arrested? Why are we always now talking about this theft thing whereas somebody came here and say they are
10 known? I will be happy if they are being arrested. I will be happy. I will be able to sleep very tightly and say at least I am cleared.

CHAIRPERSON: Thank you.

MAJ-GEN SENONA: Thank you, Commissioners.

ADV SELLO SC: Thank you, Chair. Then I want us to talk about the storage at Port Shepstone, and that will take care of question 2.3 and 2.7.

MAJ-GEN SENONA: 2.7?

ADV SELLO SC: 2.7, both questions. It will take care –
20 my next line of questions will take care of those.

MAJ-GEN SENONA: Two?

ADV SELLO SC: Those two questions. Okay?

MAJ-GEN SENONA: Yes, Commissioner.

ADV SELLO SC: You were present when they were being stored at the Port Shepstone offices. I would like to refer

you to the National Instruction at page 30. Let us use page 83, CJC230. CJC230, starting at page 18. That would be the National Instruction. And in particular, I would like to go to page 30.

MAJ-GEN SENONA: 3-0?

ADV SELLO SC: 3-0. And I am interested in paragraph 12.

MAJ-GEN SENONA: Paragraph?

ADV SELLO SC: 12, 1-2.

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

ADV SELLO SC: I take it that you are familiar with what is set out in paragraph 12. And 12.1 provides that:

“Specialised units resorting under the Directorate of Priority Crime Investigations, DPCI, and the Division Forensic Services may, with the consent of the Divisional Commissioner or Head, DPCI, keep separate SAP13 property registers to record exhibits.”

20 You are aware of that provision. You are aware of that provision?

MAJ-GEN SENONA: As I indicated earlier that some of the things I am aware, some I am not. But this one, in terms of the permission and what I was not aware. I am seeing it and then I am taking note of it, Commissioners.

ADV SELLO SC: I think you testified to it during your January appearance. I can take you there if you want me to, where you appeared to at least show an appreciation for that provision.

MAJ-GEN SENONA: Commissioners, I think it was a question. There was a Colonel who wrote a statement and quoted this National Instruction in January. I was questioned about it. I responded. It is just that I cannot recollect 100% how I responded to that question, but I am
10 seeing it now. I am taking note of it.

ADV SELLO SC: On the second day of your testimony, at page 118, following engagement with Commissioner Baloyi, you state from line 12:

“For record purposes, I also want to say
that the issue of storage there, bring
under your attention that in relation to
the storage there, I think there is a
National Instruction that the DPCI, with
the approval of the head, can store these
20 things. Can store the exhibits at a
facility that is South African SONS.”

Though written S-O-N-S. I think it is S-O-N-O-S, and then you say South African National Standards. Do you recall that, saying that?

MAJ-GEN SENONA: I never read that one, but if it is there

on the transcript, the way you read it, I think there is a National Instruction. Then I am fine with it ...[intervenes].

ADV SELLO SC: It will be projected soon, because it is important for me to know that you have that understanding. If you could just give me two seconds? It will be flighted soon. It is your testimony of 27 January at page 118. Page 118 and from line 12, where it reads, Major General Senona.

I think we have found our place. You see where it
10 indicates line 10 against the name Advocate Baloyi SC? Do you see where I am? If you look to the left of the page, there is the number 10, 1-0, against the name of Advocate Baloyi SC.

MAJ-GEN SENONA: I see, Commissioners.

ADV SELLO SC: What I was reading ...[intervenes].

CHAIRPERSON: Sorry, sorry, Ms Sello. Yes, Mr Mpofo?

ADV MPOFU SC: Sorry, Chair. Just for the record, it is not page 118, it is page 117.

ADV SELLO SC: Yes, we have corrected that. On the
20 screen, it appears as 118, but it is paginated 117 on the actual transcript.

CHAIRPERSON: Thank you.

ADV SELLO SC: The response that would then start at paragraph 12, line 12, rather, is what I read into the record as what you had stated.

MAJ-GEN SENONA: I see. I said, I think. Can I be allowed to read this?

ADV SELLO SC: Yes, please.

MAJ-GEN SENONA: I said:

“Now I also want to say that the issue of the storage there, bring under your attention that in relation to the storage there, I think there is a National Instruction.”

10 That is what I was thinking, there is a National Instruction that says the DPCI with the approval of the Head can store these things. You know, I did not say with certainty, but I said I think there is. Now that you are showing and referring it to me, then I agree with you, this paragraph.

ADV SELLO SC: But you cannot just have thought it out of the air. That thinking came from somewhere. You cannot have just decided that you think that there is such a National Instruction only to find that in truth there is.

MAJ-GEN SENONA: I say ...[intervenes].

20 **ADV SELLO SC:** So it is information I suggest you previously had and you knew. That is why you responded. I interpret your words to say, I think, to indicate perhaps lack of certainty over something or other, but not that there is a National Instruction that so provides. You might not recall its words in full detail, but you know it exists, the

requirement that the DPCI Head approve the storage.

ADV MPOFU SC: Chairperson?

CHAIRPERSON: Yes, Mr Mpofu.

ADV MPOFU SC: No, I am sorry, honestly. I do not know now what the witness is supposed to do. Is it being suggested that I think is the same thing as I know? Because that is what this, what is really just being said now. It can be.

ADV SELLO SC: If I may say, no, it is not being
10 suggested. I am telling the General that he knew. The probability that he will say that I think there is a National Instruction that so provides and in truth exists and relies simply on guesswork is simply zero. Yes, that is what I am suggesting. So, if we then turn to the actual National Instruction. Yes.

ADV KHUMALO SC: Before you go there, General, do you remember that you sent a report to General Mosikili relating to this theft of the drugs?

MAJ-GEN SENONA: Correct, Commissioner.

20 **ADV KHUMALO SC:** And there was an investigation at national level and there was a report with a recommendation that certain people be charged. Are you aware of that report?

MAJ-GEN SENONA: I saw that report through the Commission. I was not aware.

ADV KHUMALO SC: But at the time when you testified in January, were you aware of that report?

MAJ-GEN SENONA: I cannot recall if it was part and parcel of the bundles, but I saw that report that was declassified somewhere in January. I saw it in this document. I ...[intervenes].

ADV KHUMALO SC: Because the reason I am asking you this is that in that report, the General refers to the National Instructions. So, if you had seen that report before you
10 testified.

MAJ-GEN SENONA: I am not 100% sure, Commissioner, if I have seen it before I testified. I am not sure when was it provided to us, but with this statement of General Flynn, that report is there. But before, I do not recall seeing that report.

ADV KHUMALO SC: You are not sure?

MAJ-GEN SENONA: I cannot say with certainty, Commissioner.

ADV SELLO SC: Thank you, Commissioner. And I raise
20 this mindful of, I think, what you had brought to the Commissioners' attention, that you know of many, or maybe most, of the prescripts, but you may not know them chapter and verse. You are not able to recite them. And I accept that. That is the caution you had put forward. Correct?

CHAIRPERSON: My sense was that you know some, not

necessarily many or most.

ADV SELLO SC: You know some?

MAJ-GEN SENONA: Some. Correct, Commissioner.

ADV SELLO SC: And I think he did reference National Instructions. Would it be fair to assume that, considering the position you hold, you at least would familiarise yourself with all National Instructions, particularly one as old as 2017? By 2021, you would have had sufficient time to familiarise yourself, or is that an unfair assumption?

10 **MAJ-GEN SENONA:** It is an unfair assumption, Commissioner, for one reason. I can say Chapter 6, section 17 of the South African Police Service Act, section 17(22). Then I am asking a lawyer, what does it say? A lawyer will not be able to tell. He must go and read it so that he can be able to tell.

Hence, I am saying, as a human being, you will not know everything. I am just making this example, Commissioners. With due respect, I am just making this example that I will not be able to know everything and I will
20 not be able to read everything.

Because most of my job that I was doing, Commissioners, is to ensure that we reach our targets in terms of performance and go and account to the National Office and prepare reports and everything as it is required at National Office. And my people that are working with me

are assisting me to prepare these reports. So ...[intervenes].

CHAIRPERSON: How do you hold those over whom you exercise oversight, how do you hold them to account?

MAJ-GEN SENONA: We have a system that is called PIMER, Performance Impact Management Evaluation Report. And then every month, every section will do a presentation of their achievement and then we check vis-à-vis the set target. And then if a target is not reached, I will
10 advise the Brigadier responsible and say, go back to your members. Sit down with them. Come up with what I was calling a turnaround plan, and depict action steps that we are going to take in order for us to achieve the target. So that is my overseeing of the province to ensure that we are delivering the service to the people.

CHAIRPERSON: I guess part of the question, I get that, and indeed it does address the question of the exercise of oversight, but I think perhaps partly what I have in mind is, what is your measure? What do you look against to see
20 whether there is compliance? Because you can only exercise oversight if you are able to see that there is compliance. So that is what I have in mind.

MAJ-GEN SENONA: Commissioner, it is expected at the unit level that the team leaders, as I explained the structure, the hierarchy, the team leaders must do 24-hour

inspection. They can implement ...[indistinct] system. They must also inspect cases to and from court. They must also do a monthly inspection.

And the Provincial Commander must do quarterly inspections in all the units. And then if there are shortcomings, they shall be reported to me so that I can monitor the compliance of those shortcomings that have been identified. I do not do inspections myself. That is how I am overseeing these things, and it is a practice in the
10 police.

CHAIRPERSON: Seeing that what is being raised here, for example, relates to the storage of exhibits in Port Shepstone. One could even raise an earlier issue about how they were intercepted from a container at the depot. So at all these stages, there are prescripts. If someone were to write a report to you about how those were observed or not observed, if you basically say some of these prescripts are not necessarily all or most, how would you be able to assess that, for example?

20 **MAJ-GEN SENONA:** If someone writes a report that ...[intervenes].

CHAIRPERSON: Yes. If, for example, a need arose for a report to be written to you about those issues ...[intervenes].

MAJ-GEN SENONA: The noncompliance?

CHAIRPERSON: Yes, yes, yes.

MAJ-GEN SENONA: If a report comes, Commissioners, highlighting noncompliance of prescripts, the person that is writing the report will depict the specific policy document. And then what I will do, I am having a legal service section. I will call them in and say, please go and read this thing for me. Give me an interpretation.

And then if it requires consequence management, consequence management will be taken. And then further
10 to that, when we pick up things that were not done correctly, what we did as the management, we will ask the legal services to go visit the offices and do presentations.

Like, for example, we were having a lot of civil claims in terms of search and seizures. And then I said, prepare presentation. Let me have a look at it. Make sure you go and sensitise the members when they apply for search and seizure warrants that are being challenged, that give us a problem. Tell them what is it that they must look at.

20 And also consult with the prosecutors if they are happy with the application so that when it is challenged in court, we are able to respond so that the actions must be admissible in court by our own members. I have people that are doing those type of things for me when the reports arrive. I do not do them myself, Commissioners.

CHAIRPERSON: Yes, Ms Sello.

ADV BALOYI SC: Can I just follow up on this? General, what you are describing is you pick up a problem in the fix. You are speaking about a fix, right? That you then put in place measures. But the concern and coming back to this case, the handling of the, from the moment that container was opened, the handling of that scene and the movement of the drugs up to the 23rd, in fact, of June.

So they were deposited at your offices, Port
10 Shepstone, on the 22nd. And we know on the 23rd, that it is only on the 23rd that they are booked in the SAP13, Port Shepstone, and they are put in evidence bags. So at least up to that point, everything was done wrong. And that is the evidence before us and there has been an acceptance. Everything was done wrong.

My question is, it sounds from what you are saying, and I am not saying it is your fault. It is just trying to understand the systemic issue and how does one fix it. That you are hit, but you have no sight whatsoever of this
20 botched up drug bust, the mess that happened. And your officers, because you are sitting where you are sitting, you do not have sight of it and you are completely dependent on maybe Brigadier Nyuswa, who is your number two, to give you a sanitised report.

He gives you a sanitised report. And your system

seems to, they suggest from your explanation that you have absolutely no way of knowing, and therefore no way of holding anyone accountable for the mess that happened because you have no sight, but you are completely dependent on what others tell you. Am I correct in characterising that that is what it means from your evidence?

MAJ-GEN SENONA: Commissioner, since I am not operational, I am dependent on other members to report to
10 me. And then it is expected to me if a report is placed on my table with a noncompliance of prescripts, I must give a direction that consequence management must be done. And when you look at the policy of this consequence management, it is a line management function.

ADV BALOYI SC: And you do not have a system to conduct random, or to get others to instruct, you instruct as the head, random audits of operations or activities and then inform yourself in that way? And of course it will be random, but get in a way informed about what in fact are
20 your officers doing on the ground?

MAJ-GEN SENONA: As I have indicated, Commissioner, that number one, let me start by saying I do not have what is called an inspectorate at the province. What happened is that when we got the AXA audit, we have people that are looking into the AXA aspects that are giving me reports so

that we can rectify.

But as I have indicated earlier that at the unit, the team leader conducts certain inspections. The Unit Commander must do inspections. Once in three months, the Brigadier will take a team. For example, with Organised Crime, SOCI, there are five offices. The Brigadier will take all the Unit Commanders that are Colonels, sometimes with Lieutenant Colonels, and go and do an inspection in a specific office.

10 If there are serious challenges there, he will bring them under my attention to advise or deal with issues if there is a recommendation of a consequence management or any, what are we calling it, contravention of the prescript. But if it is not brought under my attention, it is a problem because these are the people who must assist me.

ADV BALOYI SC: Thank you, General.

ADV KHUMALO SC: Advocate Sello, can I follow up on this issue? I may be getting ahead of you. Please indulge me. General, you have responded to Commissioner Baloyi
20 in general terms. I do not want to be over-technical, so I want to be specific and deal with the day in question when the suspected Cocaine was stored at Port Shepstone. When it gets stored, you were there, you were present. Am I correct?

MAJ-GEN SENONA: Yes, I was ...[intervenes].

ADV KHUMALO SC: And you could see that the suspected Cocaine was not bagged in exhibit bags in accordance with the prescripts. I do not even need to read the instruction note. You said you are an experienced Detective. You did your detective course many years ago, and I am assuming it has not changed. Exhibits must be bagged. Am I correct? Is that a fair statement?

MAJ-GEN SENONA: The issue of the bags came later ...[intervenes].

10 **ADV KHUMALO SC:** No, no, I am not talking about the issue of the bags. I am talking about you understand that exhibits have to be put in exhibit bags.

MAJ-GEN SENONA: Correct. Correct, Commissioner.

ADV KHUMALO SC: Without even looking at the instruction, that part you know.

MAJ-GEN SENONA: I understand.

ADV KHUMALO SC: So in your presence, you saw that the suspected drugs were just being put in the safe. They were counted, these bags, one at a time and put in the safe. And
20 that was not in accordance with prescripts, even as you know them.

MAJ-GEN SENONA: The IO, I think there is this thing of, I want to say, out of ordinarily of necessity. By then, I was standing in front of the building when they were packing these exhibits. And then I became aware when the

investigating officer came to take, to sign for the keys, in that then they recounted the exhibits and bagged them and put them in the SAP13. And then, also my Brigadier was aware.

ADV KHUMALO SC: General, why are you avoiding the issue of on the day in question? I am not on the following day when they come to Durban to fetch the keys. I am saying on the day in question before they give you the keys, you are there as they are storing these exhibits in the safe.

10 **MAJ-GEN SENONA:** Yes, I was standing ...[intervenes].

ADV KHUMALO SC: At that time, did you not notice that the prescripts were not being complied with?

MAJ-GEN SENONA: It never crossed my mind that they were never done. It was after the fact.

ADV KHUMALO SC: So at the time, you did not observe that they were not complying with the prescripts. Is that your answer?

MAJ-GEN SENONA: They were not bagged, yes.

ADV KHUMALO SC: You were not aware.

20 **MAJ-GEN SENONA:** Yes.

ADV KHUMALO SC: And then you say you became aware the following day.

MAJ-GEN SENONA: Yes, Commissioner.

ADV KHUMALO SC: Now, coming back to Chair's question. This is something that you now become aware of.

Did you take any action against those officers?

MAJ-GEN SENONA: I did not personally take any action.

ADV KHUMALO SC: Did you instruct those below you to take appropriate steps?

MAJ-GEN SENONA: I think it is a mistake that I did, but Brigadier Nyuswa ...[intervenes].

ADV KHUMALO SC: Please answer yes or no first and then explain. I will give you the opportunity to explain. Because what often happens, witnesses do the explanation
10 and then they say what was the question again because we got lost in the explanation? So to make it easy for you, you can answer the question and then give your explanation.

MAJ-GEN SENONA: If the Commissioner wants me to answer in a yes or no, I will say I did not take action.

ADV KHUMALO SC: Yes.

MAJ-GEN SENONA: Hence, my deputy was aware. I expected him to take action.

ADV KHUMALO SC: And when he did not take action? Because you were aware that prescripts were not followed
20 and your deputy did not take action, what did you do about that?

MAJ-GEN SENONA: My mistake was not to make a follow-up if he did take the action.

ADV KHUMALO SC: Yes.

MAJ-GEN SENONA: That is my response, Commissioner.

ADV BALOYI SC: General, I may be mistaken in my recollection of evidence, including yours. I thought the evidence is that you did, once you found these things or you saw them being put in the safe, but you saw them in the safe. So it is not a case of you did not see these exhibits on the day, on the 22nd. You saw them. You had physical sight of them before the safe was locked and you took the key. That is my recollection of the evidence.

MAJ-GEN SENONA: If that is what I have said,
10 Commissioner, I will say yes, because some of the things I cannot recollect properly.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: But if I am assisted as the Commissioner is saying.

ADV BALOYI SC: Then you would have known on the 22nd that they were not sealed in evidence bags. You did not find out for the first time on the 23rd. You saw them on the 22nd. You saw they were not sealed. The safe was locked. You took the key and you left. That is all on the 22nd.

20 **MAJ-GEN SENONA:** Commissioner, can I be offered the opportunity not to respond to that question? Hence, I have indicated in the opening that already I am being investigated disciplinary in terms of the disciplinary processes and also the issue of the noncompliance of policy does not amount to corruption, criminality, political

interference and those things. So I therefore humbly request that I must then respond to that question. It might come back and bite me with this disciplinary investigations.

ADV BALOYI SC: Okay. Look, I think if that is where you want to leave it, then you leave it to the Commissioners to draw their inferences from your answer. And I am happy to leave it at that if you are comfortable with that, but I want to explain that the question is relevant because we are trying to make sense of all the anomalies that happen. What do
10 they explain?

Is it incompetence? As Mr Mpofu said in the morning, is it incompetence this particular conduct? Is it a result of incompetence or it is a result of a calculated plan to achieve certain outcomes? That is why this question about how the exhibits were treated. That is why it has been canvassed with all the witnesses, including you, and that is why I am raising it with you. It is because we are trying to determine that. But you are happy to answer the way, to leave it the way it is. It is your right to do that.
20 Thank you.

MAJ-GEN SENONA: It is an HR related thing and I have been served with a notice of investigation in relation to the storage and theft, Commissioners. I am sorry. I am sorry. I am unable to answer that question.

ADV BALOYI SC: We will record it as such. Thank you.

ADV SELLO SC: Thank you, Commissioners. Just then to conclude on that paragraph 12, we can record as a fact that you as the Head DPCI did not designate or approve the Port Shepstone offices to maintain an SAP13 register. You did not take the steps contemplated in 12(1). You have never done that.

MAJ-GEN SENONA: I do not understand the question, Commissioners.

ADV SELLO SC: We are back at our initial instruction at
10 page 30.

MAJ-GEN SENONA: Okay.

ADV SELLO SC: And just to close that up that whether you knew then that you would have to approve premises for purposes DPCI keeping separate SAP13 register as contemplated in 12(1). You never did that. You never gave such an approval in respect of the Port Shepstone offices.

MAJ-GEN SENONA: If you look at my statement, I said I think there is. So the issue of approval when I read this thing, it says Head DPCI.

20 **ADV SELLO SC:** And I am saying that – so you are saying it speaks to the head of the DPCI which is national. Is that what you are suggesting?

MAJ-GEN SENONA: It is saying, or Head DPCI. So what happened is that I agreed based on the recommendation by the Brigadier for this exhibit to be stored there.

ADV SELLO SC: But you did not have this conversation about whether or not Port Shepstone had been appropriately designated in terms of 12(1) with the Brigadier, did you? So that conversation did not arise between you and Brigadier Nyuswa?

MAJ-GEN SENONA: It never arised [sic].

ADV SELLO SC: And I say you personally have never approved the offices for that purpose to have an SAP13 property register.

10 **MAJ-GEN SENONA:** At the office?

ADV SELLO SC: At the office.

MAJ-GEN SENONA: No, I did not.

ADV SELLO SC: And you are not aware if it is the Head of the National DPCI had approved such offices for that purpose. You are not aware of ...[intervenes].

MAJ-GEN SENONA: I am not aware.

ADV SELLO SC: So if we go back to your statement at page 16, question 2.7, a question was posed there at page 16:

20 “Whether there was a proper exhibit register kept at the DPCI Port Shepstone offices. If there was not, you are required to provide details of why an exhibit register was not kept.”

And your response is:

“I am unable to provide a definitive response to this issue. This falls within the purview of the Unit Commander who appoints an SAP13, who will be in charge of the exhibits.”

Do you see where I am reading your response?

MAJ-GEN SENONA: Yes, Commissioners.

ADV SELLO SC: That response is wrong in the context of paragraph 12 of the National Instruction. It does not fall
10 within the purview of the Unit Commander. Are you prepared to accept that?

MAJ-GEN SENONA: No.

ADV SELLO SC: Okay. Where is the correctness in your answer here that to the question whether a proper exhibit register was kept at DPCI Port Shepstone offices, where you say this is the responsibility of the Unit Commander? On what basis do you say that? To ensure that facilities such as the DPCI Port Shepstone offices maintain such a register?

20 **MAJ-GEN SENONA:** As far as I can recollect, Commissioners, when I look at, I think Colonel Prinsloo's evidence, he said he appointed this one to have case and deal with the storage of things in the safe. But the issue of the SAP13, why there is this National Instruction that talks to this, I am not sure if the National Head has delegated

those powers to any other persons to do so. But as far as I know, the Unit Commander can appoint a SAP13 Clerk register.

ADV SELLO SC: At the offices?

MAJ-GEN SENONA: Yes, can appoint, as far as I know.

ADV SELLO SC: Are you able to guide us to a prescript that would so inform us? Because ...[intervenes].

MAJ-GEN SENONA: Hence I am saying as far as I know. I cannot give you a prescript, but as far as I know, a Unit
10 Commander can appoint SAP13 register. Sorry, not register, Clerk.

ADV SELLO SC: Clerk. The Unit Commander you reference, is this a Unit Commander in the DPCI or what kind of unit? DPCI?

MAJ-GEN SENONA: DPCI offices. For example, Lieutenant Colonel Prinsloo can do that appointment.

ADV SELLO SC: Of a Clerk? But that is not speaking to the requirements of paragraph 12, designation that office to maintain an SAP13 register. And yet here your answer, you
20 say that falls within his purview. And I am saying that cannot be correct. I accept that you may have not known then, but now it has been shared with you and you must accept that is factually incorrect.

MAJ-GEN SENONA: As I have indicated that I was not privy to all the National Instructions, I said some. So,

certain things in the execution of your duties, you will make mistakes. And then I believe as human beings, we can be perfect all of us.

ADV SELLO SC: I accept that.

MAJ-GEN SENONA: Yes. Hence, according to my understanding, the Unit Commander can, but I see this National Instruction in the paragraph that you are reading, that they do not correlate, but that is as far as I know. I do not even have a prescript that I can refer to, but it was just
10 knowledge.

ADV SELLO SC: Okay. Then let us move to 12.2. I am interested in A, sub A. It stipulates that:

“All property and Exhibit Cs must be entered in the SAP13 property register of the relevant police station where the crime was committed or where the property was found and then transferred to the relevant unit and entered into the SAP13 of the relevant unit.”

20 Do you see where I am reading?

MAJ-GEN SENONA: You say question 2.2?

ADV SELLO SC: No, I am back to reading page 30. I am back at the National Instruction. My apologies.

MAJ-GEN SENONA: Okay.

ADV SELLO SC: Page 30.

MAJ-GEN SENONA: Yes.

ADV SELLO SC: We have dealt with paragraph 12(1). I am now inviting us – well, it has got two (1), but the first one – I am inviting us to consider 12(2), property dealt with by the DPCI.

MAJ-GEN SENONA: Okay, Commissioners.

ADV SELLO SC: Now, I am saying that you are at least familiar with that requirement of entry into SAP13s where at the relevant police station where the crime was committed, 10 alternatively transferred and then entered into the SAPS of the relevant unit where they are transferred to. You are familiar with that ...[intervenes].

MAJ-GEN SENONA: Correct. Yes, Commissioner.

ADV SELLO SC: Now, during the storage of these drugs and in your presence, there was no compliance with that, that they be entered into SAP13.

MAJ-GEN SENONA: Which SAP13, Commissioner?

ADV SELLO SC: As contemplated in 12(2)(a) where they have been transferred to.

20 **MAJ-GEN SENONA:** 12(2)(a). Commissioner, when the exhibits were seized, they were booked at Isipingo. They were booked at Isipingo and booked out immediately.

ADV SELLO SC: Yes.

MAJ-GEN SENONA: Ja. So, for me, that is compliance at the relevant police station.

ADV SELLO SC: But then they were subsequently transferred to ...[intervenes].

MAJ-GEN SENONA: Transferred ...[intervenes].

ADV SELLO SC: To Port Shepstone offices.

MAJ-GEN SENONA: Yes. And then, hence, I said I am unable to answer that question Commissioner Baloyi was asking me, being that when Warrant Officer Mpangase came to sign for the keys, the exhibits were bagged and booked at SAP13 at Port Shepstone. I think I want to leave it there.

10 **MAJ-GEN SENONA:** My question really was you are aware of the contents of 12(2)(a). You are aware. They are standard regarding handling of exhibits. Whether it arises from this instruction or another, that is how it happens. They are transferred from Isipingo to Port Shepstone. They exit the SAP13. When they get to Port Shepstone, they have to be recorded in the SAP13 register. You are aware of that requirement, at the very least.

MAJ-GEN SENONA: At the very least, I am aware.

ADV SELLO SC: Okay.

20 **MAJ-GEN SENONA:** I have already indicated that. I do not want to respond too much here, as a result of these investigations that I am being bombarded with.

ADV SELLO SC: Okay.

MAJ-GEN SENONA: Because they use this commission to bring me disciplinary cases.

ADV SELLO SC: Okay. So would it be fair to conclude that that particular prescript was flouted, which now we know you are aware of, you have confirmed, was flouted in your presence.

MAJ-GEN SENONA: I was ...[intervenes].

ADV SELLO SC: You were there when – say that again, sorry.

MAJ-GEN SENONA: I am unable to answer that.

ADV SELLO SC: You are unable to answer?

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

ADV SELLO SC: Which part of the question is creating difficulty?

MAJ-GEN SENONA: The one you asked me, Commissioner.

ADV BALOYI SC: I think, Ms Sello, it is properly construed, he refuses to answer the question. Can we proceed on that basis?

ADV SELLO SC: Do you accept Commissioner Baloyi's suggestion that you refuse to answer the question?

20 **ADV MPOFU SC:** Chair?

CHAIRPERSON: Yes, Mr Mpofu?

ADV MPOFU SC: Chair, maybe to save the time of the Commission so that we do not go through though this painfully again. This witness, if he feels that there is a question put to him whose only value is to expose him to

disciplinary action but has nothing to do with the mandate of the Commission, in his view, then he will be uncomfortable to answer that. So that he does not have to do it again and again, and I know Commissioner Khumalo by referring so much to the HR threats, I think this point has been made, I do not know how many times now ...[intervenes].

ADV SELLO SC: No, Chair, it has not been made ...[intervenes].

- 10 **ADV MPOFU SC:** But can I just finish, please? So the point, which at least let me not speak for the witness, let me speak for myself. The point that I made in the morning was that, and I gave examples, and that is what we were talking about, that unit.

Our view is that there are two units. There is one sitting somewhere at HR, one sitting at the police, that is watching these proceedings, ready to pounce, as they did in January, with all sorts of trumped up and spurious charges. So if this exercise is to show that General Senona is a bad
20 manager or whatever, then we accept that criticism. But we are not going to go into specifics about, as I said in the morning, minutiae.

If I may take advantage of this, Chair, just to make a wild example. At some stage in my life, I was the CEO of the SABC. But if you ask me what happened in the North

West office or whatever, I have never even been there, or how to hold a camera, and somebody held it upside down, you now?

But I do not want to go to issues of management and organisational design. The issue is that the General is saying that he takes responsibility as the Head, but he can be asked about, did this one open this key or whatever, at that level. If you are a manager, you rely on people. It does not mean if you are a CEO, you must know what is
10 happening in the technology department, in the accounting department, and this and this, at the level of that detail.

But as I say, I do not want to maybe stifle the questioning, but with the greatest respect, it is not clear what needs to be achieved in relation to the terms of reference.

ADV SELLO SC: May I clarify, with your leave, Chair?

CHAIRPERSON: May I just ask a question? Does the fact that with regards to this, and in particular the storage, does the fact that the General had taken a particular interest in
20 this and even went to Port Shepstone himself, even took over the keys, does that not distinguish it, for example, from your situation at the SABC of not necessarily knowing what is happening at the North West office of the SABC?

ADV MPOFU SC: Yes, thank you, Chair. It may or may not, but I am making a different point. The point is that to

what end, in relation to the terms of reference? The General says he was there. Commissioner Baloyi explains, well, I think it was Commissioner Baloyi or Commissioner Khumalo. All right, you might not know everything, but on this occasion, you were there, you actually saw it happening. And he says, yes, I did. Maybe I made a mistake. What more must he say?

Now, in hindsight, he probably should have said, why are these things not being bagged? But he did not do
 10 it. How does that assist us to say, okay, you should have done it. Then we can be here all day saying, ja, you should have bagged them. No, I did not bag them. So, for what particular purpose?

CHAIRPERSON: Commissioner ...[intervenes].

ADV MPOFU SC: Apart from exposing him to somebody who is going to say, ah, you were there, you actually saw all these transgressions, now we are going to pounce on you, what other purpose can it possibly serve?

CHAIRPERSON: Commissioner Baloyi, of course, I am
 20 paraphrasing, also made the point that here we have what I would refer to as a comedy of errors/inadvertence, or whatever one may call it, from the beginning all the way to the end. And that one wants to enquire into whether these were not already setting up a scene for the theft.

ADV MPOFU SC: Agreed.

CHAIRPERSON: Which is why, as Commissioner Baloyi, I think, then asked, or rather said, we should therefore enquire into all these errors, it may be errors or errors in quotation marks, so as to have a full picture as to what exactly happened and why.

ADV MPOFU SC: Yes.

CHAIRPERSON: That will help either exclude any wrongdoing on the part of whoever the role players were, or not exclude from doing.

10 **ADV MPOFU SC**: Yes.

CHAIRPERSON: So you, in fact, it calls to mind a judgment by Justice Froneman, which I am sure you are well aware of, the judgment of *All Pay*.

ADV MPOFU SC: Yes.

CHAIRPERSON: in the context of procurement. Justice Froneman said there may be something that looks like mere inadvertence in terms of taking the required steps. You have to enquire into that because it may look like inadvertence when, in fact, it was an inadvertent step taken
20 deliberately in order to cover, for example, fraud in the procurement process.

So, sometimes these enquiries, you know, may be necessary in that context. And you yourself, in the morning when you addressed, you said that yes, there may be HR issues and there may be issues that fall under the

Commission's terms of reference, but and this is what is important in what you said, but there are no bright lines.

ADV MPOFU SC: Of course.

CHAIRPERSON: Yes.

ADV MPOFU SC: Thank you, Chair. Well, there is nothing more to say. That is exactly why Commissioner Baloyi quoted me. What you have just told me is what I said to this Commission in the morning. We are not saying do not ask about the incompetence because who knows, maybe the
10 incompetence was deliberate. But really to go on for the whole day about whether the thing was put in a bag or not. It was not put in the bag. It was wrong. It should have been put in the bag. Can we move on then?

ADV BALOYI SC: Well, the answer of the witness, Mr Mpofu, is he refuses to answer. The question had to be put to him whether he saw that these things were not in the bag. The question is, and I must say it is a fair question to ask in the circumstances.

I have respected for present purposes the way he is
20 chosen to respond, but the I think for me the more important point that I would have made, that I wanted to make, was, and it is a pity it comes late in the day because of how he is responded now, it is it is for the Commission ultimately to determine whether the evidence that we have gathered, does it fall within the terms of reference or not?

So I think it is an artificial way to try to even for the witness himself to say, well that has nothing to do with your terms of reference. I expect you will agree, Mr Mpofu, that ultimately the Commission is going to have to look at the entire record. Some questions we will find or some answers in some conversations, we are for sure going to find this is does not deal with our terms of reference but it had to be canvassed because we were looking at trying to see what does it tell us.

10 **ADV MPOFU SC:** May I respond, Chair? Thank you, Chair. No, no, I think we are on the same page as far as that is concerned. I am only, all I am doing really, I am here to protect the interests of this client. I am simply saying when, if and when he says to Ms Sello I am uncomfortable answering that question about the bags or whatever because it might expose me to something else, all I am saying is to put that into context so that the Commission does not read something else into that, to think maybe that is because he stole the drugs or whatever.

20 He is explaining the reason why he is doing this. In America it is called taking the 5th Amendment, right? He is saying I am uncomfortable in answering that question because it is going to expose me to something else. Honestly, that is all. That is all I am saying. You can say from someone taking the 5th, oh, that means he is guilty.

That is fine. Someone can say that, or you can say he is protecting himself from further jeopardy. That is up to the Commission, but I am just putting that into perspective.

CHAIRPERSON: Just to conclude this, Mr Mpofu, it is actually something I thought of as the General was responding quite early on. I forgot to raise it when I was engaging you. In the context, for example, of there being criminal proceedings in the background, a witness may say I will not answer for fear of self-incrimination, which is
10 understandable under section 35 of the Constitution.

In this context, assuming that the question is relevant to the terms of reference, I want us to avoid the question, but this one is not. I just, as a matter of principle, want to understand the legal basis for a witness where there are pending disciplinary process, what the basis for remaining silent would be.

ADV MPOFU SC: Thank you, Chairperson. That is a very ...[intervenes].

CHAIRPERSON: I am not saying there is not.

20 **ADV MPOFU SC:** No, no, no. I am not taking it that way either. I think we are all trying to explore the same thing. Chairperson, as you know, I am the first one to say, that is why I said in the morning, I am not raising this at a technical level. It is true that section 35 does not apply to this situation.

To you and me, that might make a difference. But we must put ourselves in the shoes of people. Whether I am exposed to criminal prosecution or I am exposed to being fired at work, it might make zero difference to me. I will just leave it at that. So, you know, it is nice, the lawyering about okay, does this now mean self-incrimination for the purposes of prosecution? It is all very nice academic debate. But if you think that when I leave here on Monday, I might be faced with something that is going to
 10 take food from my children, then quite frankly, it is the same effect as to whether or not you should expose yourself to this danger or that one.

CHAIRPERSON: I get the effect. I get the effect. And my reference to section 35 of the Constitution sought merely to emphasise the difference or the distinction. Yes, that was merely – so the point of substance was more in this context, what is the legal basis for saying I choose not to respond to this question. And I have not heard a direct answer from you.

20 **ADV MPOFU SC**: Yes, but ...[intervenes].

CHAIRPERSON: I get and I accept your point about the effect may actually be the same. Sometimes it may actually even be worse to lose your employment. I get that.

ADV MPOFU SC: Yes.

CHAIRPERSON: So just as a matter of law, then what

would the basis be?

ADV MPOFU SC: Well, as a matter of law, there might be zero basis, Chair. But as a matter of real life, whether you expose yourself to the – in other words, Chair, all I am saying to you, Chair, is in real life, whether I am exposing myself to some policeman coming into my house on Monday or some supervisor at work coming to my office on Monday, in real life, that is the same thing.

In law and in the philosophies of criminal law and
10 criminal procedure, there is a big difference. That is why there is a difference between section 35 and section 34 of the Constitution, because they address different situations. But those ...[intervenes].

CHAIRPERSON: The issue of fairness ...[intervenes].

ADV MPOFU SC: Niceties of professorial rectitude.

ADV SELLO SC: Chair...

CHAIRPERSON: Perhaps something that we must place on record so that I am sure you are aware of it, Mr Mpofu, but the General should also be aware of it. General, there is
20 also, I think it is section 6 of the Commission's Act. It is section 6 of the Commission's Act. The Act itself, yes, which requires of witnesses to answer questions satisfactorily, fully and satisfactorily.

If there is no legal basis, and in this instance, I am not aware of any. I am not saying there is none, but as

presently advised, I am not aware of any. So I thought in fairness to you, I should bring the provisions of section 6 to your attention. And they go so far, it is not just requiring answering fully and satisfactorily.

It is a, this failure to do so is on pain of facing criminal proceedings. So I thought I should just bring that to your attention. Not only you, but in case others who are listening and who may come to testify before the Commission, and who also happen to have disciplinary
10 proceedings pending, may think if we do not raise this, then it is the way out for everyone – I have disciplinary proceedings pending, and therefore I am not going to respond to this question.

I do take Mr Mpofu's point about issues that are or are not within the terms of reference of the of the Commission. Where an issue is raised around it, we can engage before, of course, as Commissioner Baloy said, we as the Commissioners take a decision because it falls upon us to do so. We can, of course, engage Counsel where
20 there is Counsel or the witnesses themselves where the witness is not represented. We can engage on that.

Does this fall within the terms of reference or does it not? And therefore on that basis, if we agree, once the witness or Counsel has raised the point and we agree upon engagement that indeed it does not, we may not force or

push the witness to respond to that kind of question, but it can never be on the basis that there are pending disciplinary proceedings, and therefore I am good and good and comfortable to respond to that question. It can never be on that basis. I have not given Ms Sello an opportunity to respond.

ADV SELLO SC: Thank you, Chair ...[intervenes].

CHAIRPERSON: Or perhaps before she responds, do you want to respond to the observations I have just made, Mr
10 Mpofu?

ADV MPOFU SC: Yes, Chair.

CHAIRPERSON: Yes?

ADV MPOFU SC: Chair, well, this thing is growing to be even worse than I suspected. I thought, and which I was trying to prevent, Commissioner Baloyi was rightfully saying to the witness, you then have to understand if you are uncomfortable, you are uncomfortable, but the Commission will take that into account, and I cannot quibble with that.

He has to weigh which risks to do, whether to
20 offend, whether to annoy Advocate Sello or to lose his job. That is his uncomfortable choices. I accept that. But now from what the Chair is saying now with reference to section 6 of the Act, that is a completely different kettle of fish, because that means now he is exposing himself to criminal prosecution. Well, if that is the attitude or the jeopardy

...[intervenes].

CHAIRPERSON: No, may I come in, Mr Mpofu?

ADV MPOFU SC: Yes.

CHAIRPERSON: All I am saying is in fact, I accepted a point that you made, which is that if the question raises issues that have nothing to do with the terms of reference of the Commission, then what I am saying will never arise, there can never be a question of the application or applicability of section 6.

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

CHAIRPERSON: Did you get me?

ADV MPOFU SC: I understand, yes.

CHAIRPERSON: And I am not being question-specific on this.

ADV MPOFU SC: Yes.

CHAIRPERSON: I am stating it generally, and I just want the General to be aware that there is such a provision.

ADV MPOFU SC: Ja.

20 **CHAIRPERSON**: Then the question of how to respond to a particular question in the context of what falls within and what does not fall within the terms of reference is an issue that there may then be an engagement.

ADV MPOFU SC: Some legal debate.

CHAIRPERSON: Yes.

ADV MPOFU SC: No, Chair, I accept that holistically, and I

do sympathise with the remarks you made, Chair, that you do not want to open the floodgates for rogue people to come here every time you ask a question, they say, well, I have got some disciplinary.

CHAIRPERSON: Yes, yes.

ADV MPOFU SC: But that I accept. I was just putting it in the context of this specific witness and what he said in the morning, but I accept.

CHAIRPERSON: Yes. No, thank you. Thank you, Mr
10 Mpofu. Yes, Ms Sello.

ADV SELLO SC: Thank you, Chair. A number of issues have been raised. I will start with the simplest. When we started, we dealt with the seizure of the drugs at the harbour and we were to go to their entry into the SAP13 register at Isipingo.

A suggestion was made that the General accepts every concession made by those who were responsible for that seizure, and I needed to clarify that with the General and he so confirmed. I accepted that on the basis that he
20 was not present. He cannot comment on what went down. He will live with the concessions made.

I then shifted to Port Shepstone, where he was present now. These are two different scenarios and it cannot be that he cannot be questioned about flouting of prescriptions in his presence. He was aware. It is different

for what happened at the harbour, what happened at Isipingo, because he was not present. And that distinction is an important one to hold.

The conversation we have had over the past so many minutes is about his presence at Port Shepstone, his approvals, maybe not approvals, but his failure to act when prescripts are flouted. That he can respond to. And it is not enough for Mr Mpofu to call it minutiae.

There are a series of questions of what we consider
 10 flouting of prescripts in his presence that at the very least must be put each question to General Senona. And there is no basis for Mr Mpofu to stop that exercise. The question will be put.

What arises is how General Senona responds thereto. I was going to deal with the provisions of the Act and the fact that actually the witness is under compulsion to respond to every question put to him in the commission and answer to the satisfaction of the Commissioners at the risk of inviting consequences to him.

20 I will add that the Act specifically protects a witness from answering where he invokes legal privilege. And I submit that in the absence of legal privilege, then the witness must answer. That ...[intervenes].

CHAIRPERSON: Self-incrimination.

ADV SELLO SC: Yes. I am getting to self-incrimination.

And the self-incrimination is to every question, then the witness must go on record and invoke the privilege not to self-incriminate. What Mr Mpofu wants to achieve is that certain questions not be put at all because they may self-incriminate, but we do not know which questions will self-incriminate, the answers to which will self-incriminate, which will not.

He must be patient enough for the Commission to go through the questions and the witness will respond
 10 accordingly. We have had a case where a witness, I think, spent almost the entire half a morning refusing to answer on the basis of self-incrimination, potential self-incrimination. And that went on record and that was accepted. And if that is how the system works, then General Senona must go through the same process. Now, it cannot just ...[intervenes].

CHAIRPERSON: The context though was different there because ...[intervenes].

ADV SELLO SC: Indeed.

20 **CHAIRPERSON:** It related to criminal proceedings or a criminal process. Here I have not heard that, which is why I was engaging at the level of outside of a criminal process, what would the legal basis be? So now you are bringing the General into the fold of a criminal process ...[intervenes].

ADV SELLO SC: No, I am ...[intervenes].

CHAIRPERSON: Which I do not think he has claimed.

ADV SELLO SC: I am not doing so, Chair. I am raising the issue of privilege, which is this protection in terms of the Act. And that he cannot be expected to self-incriminate is one of the privileges accorded him by law. So that one is in the bag.

Now, what is being raised does not fall within the confines of the privilege as contemplated by the Act, which is that he may face potential disciplinary proceedings on the
10 basis of answers he gives. That is a different debate whether or not that complies with his compulsion to answer every question satisfactorily, but that is a different debate we can have.

The issue I was raising and I was taking issue with mainly is that the questions should not even be posed and to offer the witness an opportunity to engage and deal and respond thereto, and that is what I am objecting to. Mr Mpofu cannot appear or attempt to appear to gag the Evidence Leaders and the Commissioners. Because it a
20 fact-finding inquiry, the questions will be posed, answers will be provided, at the conclusion of which the Commissioners will reach a certain conclusion, you know, their own determinations. Thank you.

ADV KHUMALO SC: Can I read for both of you Regulation 8(1) of this Commission's Regulations? The heading is

persons appearing before the Commission and then Sub
Reg (1) says:

“No person appearing before the
Commission may refuse to answer any
question on any grounds other than those
contemplated in section 3(4) of the
Commission's Act.”

ADV SELLO SC: I confirm, Commissioner, and reading of
section 3 of the Act is the section that introduces legal
10 privilege.

ADV MPOFU SC: Chair, can I respond?

CHAIRPERSON: Yes, yes, yes, yes, yes, Mr Mpofu.

ADV MPOFU SC: Can I just assist, really, because I do not
know why ...[intervenes].

CHAIRPERSON: Thank you, Ms Sello. Yes, yes?

ADV MPOFU SC: Chair, really, this thing is going out of
control. This is simple intervention. I do not know about
gagging or stopping questions, whatever. Where that
happened is not in my imagination. There is no question
20 that we are gagging.

All I said to provoke all of this past hour is I want to
put into perspective the reasons why he is uncomfortable
with answering certain questions, which I had understood,
and I accepted Commissioner Baloyi's summation of that,
that look, we are not going to put a gun in your head if you

are uncomfortable, but there might be, when the evidence is being assessed, there might be consequences. That is what happens with every witness.

That I accept. I do not know about the gagging and all the stories, this drama, but the issue, Chair, I can maybe curtail this without even an adjournment. Can I just approach the General and I will come back and curtail this whole thing?

CHAIRPERSON: Let us, sorry, we will take five minutes in
10 the meantime. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Mr Mpofo, I trust that you have been able to cut across all this.

ADV MPOFU SC: Chair ...[intervenes].

CHAIRPERSON: Am I hoping against hope?

ADV MPOFU SC: You are, Chair. You must never give counsel more than the half a minute he is asking for. Now other ideas come to mind. No, on a serious note, Chair,
20 what we really wanted to offer was the following, so that there is no misunderstanding. Because as I say now, there were things now about criminal prosecutions.

Obviously, if the choices or the threats that are being made to the General leave him with this choice of either going to jail or losing his job, he will choose losing

his job, because that is really where we are going now. So the point, the advice that we have discussed with him is that, so that there is no question which is unfair on him because he has been so candid with this Commission the whole day, to suggest that he now is evading or being shielded or whatever, that he will answer questions, but wherever he is uncomfortable because of the fear of those other repercussions, he will indicate so. So I think that is a healthy compromise.

10 In other words, he is not going to say, I am not going to answer that, but he will indicate where he is uncomfortable either because – I mean, he is not a lawyer, so he will not be able to make that other evaluation we are talking about, about relevance or irrelevance. But where he is uncomfortable, he will indicate so, Chair. That is number one.

 The last point we want to make, Chair, is that these fears, for lack of a better word, do not come from the air. One of the recommendations that came from this
20 Commission, I think it was the first, I do not know whether it was the first report. My attorney is not here. I think it was the first report, but he brought it to my attention.

 It has got a section that says, the matters are highlighted for referral allegations of criminality. Excuse me, Chair. All right. My learned junior has succeeded to

make it disappear, but I will just paraphrase what was there. In your first report, as Honourable Commissioners, one of the people who was supposed to be have been fingered for criminal investigation was listed, and that was General Senona.

So this is not just a theoretical fear that we are voicing here, or as it now turns out, neither is it confined to the issues of disciplinary self-incrimination, for lack of a better word. But having said that, I want to make the offer,
 10 maybe Advocate Sello will accept it, that he will answer her questions, so that she does not think that she is being gagged. But he will, when he feels the necessity, qualify them to that extent.

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

ADV SELLO SC: I note what Mr Mpofu says, but it is not my decision to make. What comes to mind is if his response, the witness's response to my question does not bring him within the purview of section 3(4), invoking the correct legal privilege, then I guess it will be for the
 20 Commissioners to deal with that response. It will be a failure to respond.

CHAIRPERSON: I think let us test it as we go along.

ADV MPOFU SC: Yes. Thank you, Chair.

ADV SELLO SC: General, then getting back to the question we were dealing with, you will recall we were

dealing with your knowledge, which you confirmed, that movement of exhibits between police station and entry into the appropriate SAP13 property register transferred to another relevant unit as per paragraph 12(2)(a) must always be reflected in an SAP13.

We established that you know that fact, even if it is not necessarily from this particular National Instruction. And my question to you was, you permitted noncompliance with that requirement while you were present at Port
10 Shepstone. Do you confirm that? I will paraphrase. Permitted might be too strong a word. You failed to take steps to ensure compliance with the prescripts as the noncompliance was happening in your presence.

MAJ-GEN SENONA: Thanks, Commissioners. I said I did not take steps. That is my response, Commissioners.

ADV SELLO SC: And you did not take the steps, notwithstanding your knowledge, just for clarity of the requirement.

MAJ-GEN SENONA: I believe I have responded that I did
20 not take steps. It was a mistake that I have done, Commissioners.

ADV KHUMALO SC: I just wanted to correct that when you responded to me, you said you accept that you did not take steps. It may have been a mistake on your part.

MAJ-GEN SENONA: Correct, Commissioner.

ADV SELLO SC: Now, earlier, you recall you wanted to deal with the collection of the key from you. We know, and you have testified before, that after they were locked into the safe at the Port Shepstone offices, you took charge of the keys to the safe. They were with you, and you kept them at your safe in your office. Am I correct?

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: And at some point, you wanted to refer to the times that the keys were collected from you on the 23rd
10 and on the 24th of June 2021.

MAJ-GEN SENONA: Correct, Commissioners.

ADV SELLO SC: Okay. Now, I want to call up your diary in that regard, and then you may make your comment, and then I will pose my questions. You recall that I stopped you, and I say you are running ahead of time. I was still admitting the exhibits into the Port Shepstone office's vault or safe, and that these events arise thereafter.

So we are at that junction now, and I am putting up copies of your entries, your diary entries. That is for the
20 24th. There should be two to my recollection. So, as you see here, that is the 23rd of June. You confirm that is a copy of your diary entries?

MAJ-GEN SENONA: I confirm, Commissioners.

ADV SELLO SC: Then the next one will be the 24th of June.

MAJ-GEN SENONA: I confirm, Commissioners.

ADV SELLO SC: Then I will allow you to make the point you wanted to make regarding these entries.

MAJ-GEN SENONA: In that when the keys were taken by the investigating officer of the scene, of the bust, when he wanted to go and do his investigations at Port Shepstone, he came. I let him sign here, because you shall recall, Commissioners, that I have indicated that that document of handing over the keys I did not know about it, but what
10 steps have I taken to ensure the chain of – what is it?

ADV SELLO SC: Custody? Chain of custody, is that what you want?

MAJ-GEN SENONA: The chain of custody. That is why I dealt with it in this fashion, so that tomorrow I must be able to account that from this period to this period, the keys was with the investigating officer.

ADV SELLO SC: Okay.

MAJ-GEN SENONA: And I must say that there was no suspicion of any wrongdoing that I have picked up against
20 the investigating officer at that stage. I trusted that he was going to do the due diligence. And indeed, before we reported off duty, brought the keys back to the office, then I will lock them in my office. Thanks, Commissioners.

ADV SELLO SC: And if I look, for instance, at 23, on both days, they were taken in the morning and returned

somewhere early afternoon. And both of you signed for them.

MAJ-GEN SENONA: Correct. Correct, Commissioners.

ADV SELLO SC: The DPCI Port Shepstone officers, do they have a record of what exactly transpired? Is there anywhere where Warrant Officer Mpangase records in the presence of the person who has taken responsibility for the exhibits what he did with the exhibits? Is there any document we can refer to?

10 **MAJ-GEN SENONA**: Commissioners, I do not have any document because what transpired after the theft, the seizure inquiry investigation, as well as the case docket of the theft that I have indicated that the Detectives must investigate and Head Office changed the decision and say the Head Office, the DPCI must do the investigation, were taken away from our offices. So I do not have any document at this stage. But what I know, he never went alone to do those investigations. And again, I think Colonel Prinsloo should have been or was informed about their visit
20 at the facility.

ADV SELLO SC: Yes, maybe my question was not as clear as perhaps I had hoped for it to be. I am asking more about process generally. The exhibits are locked up and at this stage they are unaccounted for, we know because they have not been sealed properly and registered in the SAP13.

I was wondering whether if anyone visits the safe, whether there is a requirement that they must complete it or make an OB entry that is countersigned by the person who has taken responsibility for the safety of the safekeeping of the drugs. Is there such a requirement at all, or perhaps not?

MAJ-GEN SENONA: I am not aware of such, Commissioners.

ADV SELLO SC: I ask this because in truth, as you sit
10 there, you do not know what actually transpired when the safe was opened on both the 23rd and the 24th. Whatever you know is what was relayed to you by the person to whom you gave the keys. You have got no other independent objective means of verifying what exactly went down on the 23rd and the 24th when you had parted company with the keys. Would that be correct?

MAJ-GEN SENONA: I will not know what happened there, Commissioners, it is true.

ADV SELLO SC: So to the extent that it may be that 541
20 kilograms were seized at the harbour and it is unknown how many were stolen because of the risk. I am not saying it happened. The risk that in the absence of records there might have been pilfering of those drugs each time the keys were handed over to somebody else and you were not present during the opening of the safe. Are you willing to

accept the possibility, not that it happened?

MAJ-GEN SENONA: Commissioners, I do not know if Warrant Officer Mpangase had an element of corruption. What I can tell the Commissioners is that all I recall, all I can remember is that when he went there, there was a person of that office present there. That is what I was informed.

He never went there alone to go and open the safe. He was not alone. But when he came to sign for the keys in
10 my office, he just came alone, but I know that there were people waiting for him. They were driving in a car at the ground floor, but he came up alone and then I let him sign. But what transpired there, Commissioners, I cannot talk about it because I was not there.

ADV SELLO SC: It may be perhaps a shortcoming on our part. We do not have a record of who at Port Shepstone would have been present with him while he is handling the drugs on the 23rd and the 24th. We do not have that. Would you have a name perhaps?

20 **MAJ-GEN SENONA**: I believe the best person who can respond to that question is Lieutenant Colonel Prinsloo, the retired...

ADV SELLO SC: Okay.

MAJ-GEN SENONA: I am unable to.

ADV SELLO SC: Okay, so it is with his version we will

have to go for the moment. We will try and enquire and establish what actually transpired. Now, you did indicate in your first statement at paragraph 93 that, and in fact in this statement as well, that the visits were to seal the drugs, enter them into the SAP13 and to obtain samples for FSL. Do you recall that response you gave?

MAJ-GEN SENONA: I recall that is what I was informed.

ADV SELLO SC: Yes. Now, again, it does not have to detain us. Do you perhaps know how FSL obtains samples
10 of such exhibits? Would you know what the prescripts provide?

MAJ-GEN SENONA: I do not know, Commissioners.

ADV SELLO SC: You do not know.

ADV BALOYI SC: Maybe just to correct the way you say, we do not know who assisted them, Warrant Officer Mpangase, when he went to Port Shepstone. Prinsloo, Colonel Prinsloo tells us that on the 23rd and the 24th, they were assisted by Warrant Officer Van den Berg. So we do have a name.

20 **MAJ-GEN SENONA:** Okay. Thank you, Commissioner.

ADV SELLO SC: I will check, and I do know the correction, I take it, but I understood Warrant Officer Van den Berg have helped with the sealing, with the sealing and numbering of the seals on the day. That is the extent of the responsibility assumed for those drugs. There are

statements here where he states the challenges that the team that came from Durban was having with correctly recording these blocks of Cocaine and sealing them and marking the seals appropriately, and that is where he assisted. That is as I understood his evidence as to his involvement in that.

But I would not go so far as to say he is able or he has offered any testimony about everything that transpired in the safe on that day in respect of this ...[intervenes].

10 **ADV BALOYI SC:** I am not going that far. I was fixing, you are saying we do not, the shortcoming on our part, we do not know who assisted them. And all I am doing is referring to what Prinsloo says in his statement.

ADV SELLO SC: I take that, and I take the narrow correction that the Commissioner is making. But to the extent that it is necessary, we will call, I do not know if it is Warrant Officer, I apologise for the rank, Van den Berg, as to what transpired on each event. Then quickly, General, I want us to move to the attempted break-in at the Port
20 Shepstone offices.

ADV KHUMALO SC: Can I ask my question?

ADV SELLO SC: Yes.

ADV KHUMALO SC: Because you are moving to October now. General, in terms of the prescripts, let us forget that you took a decision that the exhibits be stored at the DPCI

office at Port Shepstone. Because for the purposes of you and I's discussion, that applies even if they are at a police station.

Now, the prescripts say within a certain period, the exhibits must be sent to FSL. And my issue with you and Brigadier Nyuswa is that both of you were aware that that was not done. You certainly have not shown us, both of you, any report that says to you there was a request to FSL, either National or Western Cape or KZN, that these exhibits
 10 be taken within the period set out in the National Instruction. And as a result, these exhibits were lying there in that safe for four to five months before they were stolen.

Now, my question is this. I was giving you the background because I know you may not remember all of these things. My question is this. Why did you and Brigadier Nyuswa not take any steps to ensure that the exhibits were sent to FSL?

MAJ-GEN SENONA: Commissioner ...[intervenes].

ADV SELLO SC: General, before you respond, perhaps to
 20 assist you, that is a question at question 2.14. So perhaps if you go to your page 21 and you cast your eye on the response that you provided there, and then you can respond to Commissioner Khumalo.

ADV KHUMALO SC: Is it framed in the same elegant manner or ...[intervenes].

ADV SELLO SC: In a far less elegant manner, but it speaks to the requirement to transfer them within a prescribed period.

ADV KHUMALO SC: Yes.

ADV SELLO SC: Do you see where I am referring you to, General?

MAJ-GEN SENONA: Correct, page 21.

ADV SELLO SC: At page 21, there is question 2.14. That is the question that was asking about the retention of these
10 drugs for such an extended period at Port Shepstone, and whether the National Instruction was complied with. And then you have provided a response there. I just wanted to ...[intervenes].

ADV KHUMALO SC: Thank you, Ms Sello. General, I am asking this question because at the end of the day, we must determine whether the cause of the theft was because these drugs were kept in a place where they should not have been kept for a period of four to five months. So it is relevant for that reason.

20 And because you and Brigadier Nyuswa were aware that they were stored at Port Shepstone, in fact, it was your decision on his recommendation that they be stopped there. My question is, what steps did you take to ensure that they were sent where they were supposed to go in accordance with the prescripts? If you did not take any steps, why?

MAJ-GEN SENONA: Commissioner, I think it is a – what are they calling it – hindsight because immediately thereafter, one was overwhelmed by the July 2021 unrest where we were tremendously under serious pressure. I did not put it here, but every day from four up to whatever time, one had to account. And then I believe that as a result of that, we – for me, I cannot talk on behalf of Brigadier Nyuswa.

You know, one was focussing then, then this thing,
10 just we forgot about it. And I would say, I did also know that the KwaZulu-Natal Forensic Science Laboratory indicated they did not have an adequate accommodation for these drugs as a result of the cited issues of flooding and so forth. But I think hindsight is that one was overwhelmed with the July 2021 unrest because KwaZulu-Natal was the most affected province in the country during that period.

ADV KHUMALO SC: So the answer is it was an oversight for the reasons that you have mentioned?

MAJ-GEN SENONA: Correct, Commissioner.

20 **ADV KHUMALO SC:** All right, but is it a fair assessment to make to say the failure due to an oversight to send these drugs to FSL in accordance with the prescripts is one of the causes, not the main cause or the ultimate cause, one of the causes that led to the theft?

MAJ-GEN SENONA: I am taking note of your comment,

Commissioner. Although ...[intervenes].

ADV KHUMALO SC: Again, with hindsight, I mean ...[intervenes].

MAJ-GEN SENONA: Although, Commissioner, if you were in my shoes during that period, you would not have thought of those kind of issues due to the pressure that was put on us. Because every day we reported there, we have to deal with the issues, and my principal together with the Minister were reporting progress to the President. It was a very
10 difficult situation ...[intervenes].

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

MAJ-GEN SENONA: You know, if one was not faced with those type of things, one would say, come here and say, hey, I made a mistake, I apologise. But due to that type of a situation that we were in, it was not an easy thing.

ADV KHUMALO SC: Okay. And I just wanted to complete it by saying, to be fair to you, Brigadier Nyuswa said from the beginning of November, I cannot remember if it is the 1st or the 2nd, most of you were then assigned to deal with local
20 government elections.

MAJ-GEN SENONA: Commissioner, I cannot remember when was the date of those elections. I will have to go and check.

ADV KHUMALO SC: I think he said the 1st. You do not have to be, I mean, exact. I am not asking you to be exact.

MAJ-GEN SENONA: I know there were elections, but I do not know, I cannot recall the date. And then once there are elections, we are put in the call-up instructions of the Provincial Commissioner and posted in different areas.

ADV KHUMALO SC: The focus of my question is not the exact date because I do not expect you to remember the exact date. The focus of my question is, were you also part of the call-up instruction around that period?

MAJ-GEN SENONA: Correct, Commissioner.

10 **ADV BALOYI SC:** Just go back to the 22nd where you end up with the keys to the safe. We have heard evidence that there is an SAP13 Clerk or Exhibits Clerk, and that is the person who has keys and controls access to where the exhibits are kept and is eventually accountable for what happens to exhibits. Do you accept that is the position? Do you agree with that evidence?

MAJ-GEN SENONA: I am getting lost, Commissioner.

ADV BALOYI SC: Okay. We have heard evidence that there is an SAP13 Clerk who holds the key to the exhibit
20 room to where the exhibits are kept and they are responsible for access in and out, what people are taking, they keep a register, and ultimately they are accountable. If there are problems, they have to explain. If there are shortages, they have to give an explanation because they are responsible for administering and managing that. And I

was checking whether is that your understanding too about the control and safekeeping of exhibits?

MAJ-GEN SENONA: At the police station?

ADV BALOYI SC: Not with you.

MAJ-GEN SENONA: I am just checking, at the police station?

ADV BALOYI SC: It is wherever there is an SAP13. If you had an SAP13, that would apply to you too, if Port Shepstone had a SAP13.

10 **MAJ-GEN SENONA**: Correct, unless the circumstances require.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: Like this one was a different type of a case at all, but that is the procedure that needs to be done.

ADV BALOYI SC: You say different in what way? Why was this different? Because we are dealing with exhibits in a safe that have been entered, even if it is a day later, are entered in the Port Shepstone SAP13. So all of that is in place. What made this different?

20 **MAJ-GEN SENONA**: Look, Commissioners, remember, evidence was led here. We also testified that the exhibits were stored at the DPCI offices. And the difference with this one, I am saying where the exhibits were placed at the DPCI offices, it is like sort of an armoury, that walk-in safe. Armoury, there is a safe where you put rifles and pistols and

of which a Clerk, somebody will be appointed to manage that safe. But when we put those things, those firearms were removed, those drugs were alone there. I am not sure if I understood the question.

ADV BALOYI SC: No, you are not answering my question. Why was this different? The fact that we know happened is these exhibits were entered in the Port Shepstone SAP13, a day late, right? In fact, I think they are bagged, if I am not mistaken, they are bagged on the 23rd and then on the 24th, 10 they are then entered in the book. I may be wrong there, but my question does not turn on that. My question is, the Port Shepstone SAP13 have a record, the other ones that have a record of these exhibits, right?

MAJ-GEN SENONA: Yes, Commissioner.

ADV BALOYI SC: They do not have the key. They do not have control. They do not have supervision over access to these drugs and what is in fact happening with them. When Warrant Officer Mpangase comes in, they have no idea what is happening. And yet, I think the other way that was used 20 was they are the custodian of these exhibits because they have the key, they are supposed to have the key, and they have the SAP13.

That is the evidence we had. And that evidence concludes and granted as a result of probing questions, concludes in saying that because you had the key and you

were the one that was authorising who has access, we know in this case it is Mpangase, you were the one that is authorising access to these, you were keeping the key. Ultimately, you became the custodian because nobody else had control over that activity. Do you accept that to be the position, to have been the position?

MAJ-GEN SENONA: Correct, Commissioner.

ADV BALOYI SC: Okay, thank you. And then a second unrelated question, General, and it goes back to your
10 earlier discussion about the National Instructions and not anyone in particular, but it was that conversation about there are many and you do not necessarily know all of them or even the ones that you know, you do not know chapter and verse. You remember that conversation?

Now, I do not recall which witness it was, but there is a witness who said that when new instructions or protocols are introduced, what I think it is called HRD or something, human resources, people responsible for training and human resources, they go around, they make a
20 point that they go around to different stations to update basically, some kind of training to say now there is a new National Instruction, this is what it contains and what it requires of you. Are you aware of that being offered?

MAJ-GEN SENONA: No, Commissioner. It never happened under my watch that when there is a new

instruction, people are coming to give us a workshop in relation to that specific policy document.

ADV BALOYI SC: Okay, all right.

MAJ-GEN SENONA: Ja, ja.

ADV BALOYI SC: Thank you, General.

ADV SELLO SC: Thank you, Commissioners. I was moving, General, to the attempted break-in in October 2021 at the Port Shepstone offices, and that is question 2.10 at page 17, just to orientate you. Now, I am interested at page
10 18. Page 18 starts with a paragraph in italics and then followed in normal font. That italic part starts at page 17, where you are quoting from the transcript of 29 June 2026 when you appeared before the Commission. Correct? Just to orientate us. In response to this attempted break-in in October, at paragraph 18 you state:

20 “The incidents referred to were believed to involve homeless individuals attempting to access food through the kitchen area and were not initially perceived as sophisticated or targeted criminal conduct.”

Do you see that?

MAJ-GEN SENONA: I am lost where the Commission is.

ADV SELLO SC: I am in your LSL1.

MAJ-GEN SENONA: Page 17?

ADV SELLO SC: Page 18.

MAJ-GEN SENONA: Oh, 18.

ADV SELLO SC: At 17, it is the start of your quotation of what you stated during your testimony of 29 January. It goes overleaf to 18. It is in italics. Then it is followed by normal font. Normal font is now your response to the Commission today. It starts with the words, the incidents referred to were believed.

MAJ-GEN SENONA: Okay, I see.

10 **ADV SELLO SC:** Okay. You say:

“At the time, they were believed to involve homeless individuals attempting to access food through the kitchen area and were not initially perceived as sophisticated or targeted criminal conduct.”

That is your response.

MAJ-GEN SENONA: Yes, Commissioner. I want to also add that here I think I explained it explicitly that when you
20 look at the report that was given me when I was informed about this, a stone was used to break the glass in the kitchen area, not on the side where these people who stole our drugs came in. It is on the other side. So the kitchen window was broken.

There was a stone that was utilised there. And

then I was made to understand that these are homeless people who might have been looking for food on the side of the kitchen because that side, you will not be able to come in there. The door is a wooden door. And then inside, Colonel Prinsloo explained that they also put a chain and a padlock. There is a burglar door inside. Like where we are sitting here, the burglar door is not outside. It is inside the door.

ADV SELLO SC: I follow you. So my question is, because
 10 of what you state there, that did not elicit any reaction from you or a concern that perhaps they should be moved and that the safety of Port Shepstone was not as guaranteed as you had originally been led to believe. That never crossed your mind because you had understood that you are dealing with homeless individuals ...[intervenes].

MAJ-GEN SENONA: Ja, but what we discussed with Brigadier Nyuswa was to expedite the investigation so that these drugs can be moved.

ADV SELLO SC: And that is the part I was hoping you
 20 would reconcile with your view of what transpired then. At page 17, quoting from your transcript of the 29th of January, you state that after this attempted break-in, in the last three sentences:

“We gave directives that they must
 speedily finalise the investigation of

these drugs because we needed the section 212 report in order for us to make a decision to dispose of this.”

MAJ-GEN SENONA: Yes.

ADV SELLO SC: I do not understand why the need for a speedy investigation and disposal of the drugs would arise in circumstances where you had understood that this was just an attempt by homeless individuals trying to get food to the kitchen. I cannot reconcile the two. Will you help?

10 **MAJ-GEN SENONA**: Remember, Commissioners, the drugs, you cannot sign a disposal order if there is no section 212 from the Forensic Laboratory. And then because of this break-in of October, we agreed with Brigadier Nyuswa that they must speedily finalise this. And then at that time, I was made to understand that Colonel Jacob was the IO.

Remember, I do not assign investigators, Commissioners. It is down there where investigators are being assigned, so that they must speedily finalise this
20 thing. Once you get the section 212, you can sign a disposal order if there are no arrests. Normally, you will get it.

We have our own ones that we sign. And then when the exhibits are at the forensic lab, they have their own pro forma that you must sign and dispose of because

that is the position we were taking, that this thing must be expedited.

ADV SELLO SC: And the thinking was brought about by the attempted break-in?

MAJ-GEN SENONA: Yes.

ADV SELLO SC: And in the absence of obtaining that section 212 affidavit, you did not consider perhaps moving the drugs in the meantime?

MAJ-GEN SENONA: It never crossed my mind,
10 Commissioners.

ADV SELLO SC: Did you ever conduct any, by you I mean plural, your office, conduct any formal investigations into the attempted break-in? Because your response here states that they were believed to be homeless people, perceived to be not sophisticated or with targeted criminal intention. So that was your thinking, but did you ever conduct, or did your office ever conduct investigations into that actual attempt?

MAJ-GEN SENONA: Normally, this type of cases are
20 investigated by General Detectives. It does not fall within the focus area or mandate of the DPCI. So independent investigators from the stations will deal with that break-in.

ADV SELLO SC: Are you aware of whether or not such an investigation was initiated? And I ask because these were your offices, DPCI offices.

MAJ-GEN SENONA: A docket was opened and registered and investigated at the station.

ADV SELLO SC: And what was the outcome? Are you aware?

MAJ-GEN SENONA: I believe there were no arrests on this one.

ADV SELLO SC: And what was the determination as to what actually transpired? Were you found to be correct that the attempt was by homeless individuals who were trying to
10 get food? Did you get answered one way or the other?

MAJ-GEN SENONA: A report was sent to my office. That is where I made the determination, out of that report, from the Port Shepstone office.

ADV SELLO SC: Okay. And you are satisfied that that did not require any disciplinary action against any of the DPCI Port Shepstone officers?

MAJ-GEN SENONA: Yes.

ADV SELLO SC: You were satisfied?

MAJ-GEN SENONA: Yes, Commissioners.

20 **ADV SELLO SC:** Okay. I know that the investigation of the actual theft was subsequently taken over by National Office.

MAJ-GEN SENONA: Correct.

ADV SELLO SC: And that was in November 2021?

MAJ-GEN SENONA: Correct, Commissioner.

ADV SELLO SC: And you did testify previously that you have not been kept abreast of developments from that investigation.

MAJ-GEN SENONA: Correct, Commissioner.

ADV SELLO SC: It is now five years, or at least in January this year would have been close to five years. I am interested to find out whether you made any enquiries considering that you had subjected all your members to polygraph testing. You had concerns that that break-in may
10 have potentially been facilitated by insider information, and I put it no higher.

In light of such an inordinate delay in investigations, did you ever make enquiries with General Lebeya and to push for an outcome to enable you to determine whether it is necessary to take steps, not criminal steps, but disciplinary steps, against your members within the DPCI KZN environment?

MAJ-GEN SENONA: Commissioner, the same question was asked of me in January.

20 **ADV SELLO SC:** Yes.

MAJ-GEN SENONA: I have never enquired about any progress of whatever because that will show interference. For me, in my personal capacity, I wanted that, and because I was also having the case, an independent investigation so that whoever is responsible must be arrested. I did not

want any person to come and draw an inference or a narrative that why does he want to know what is happening.

I must also say, when the team that was established, they were specific on the call-up instruction to whom must they report progress. And even when they visited KwaZulu-Natal to do their investigations, I did not know whether they are there or not there. And I was comfortable with that because it shows independence of investigation, from my own perspective, Commissioners.

10 **ADV SELLO SC:** Yes. Earlier, I think Commissioner Khumalo engaged you about General Mosikili's report and recommendations that were made in 2021 already from a disciplinary point of view. And you stated that you became aware of that report to General Lebeya here, during this Commission.

MAJ-GEN SENONA: By this Commission. And I must indicate, although I am advised, I am compelled to answer questions here, I cannot talk to that report.

ADV SELLO SC: No, you have not heard my question yet.
20 I am confirming what you have said. That is what ...[intervenes].

MAJ-GEN SENONA: Yes, I happen to have sight of that report through the Commission.

ADV SELLO SC: Yes.

MAJ-GEN SENONA: Yes.

ADV SELLO SC: Ja. And now you are aware that from that report, the declassified report as you correctly described it, the recommendation was disciplinary proceedings to be initiated. That was in the report. You are aware now. You were not aware then. You are ...[intervenes].

MAJ-GEN SENONA: Yes, now I am aware. And then I also saw in that report, I am not sure if the SC is going to talk to that. There is a handwriting ...[intervenes].

10 **ADV SELLO SC:** By General Lebeya.

MAJ-GEN SENONA: Yes, let us discuss paragraph 6. And we do not know what was the discussions and the outcome of that.

ADV SELLO SC: Yes, I confirm there was that. But my interpretation of that is that the comments were directed back at General Mosikili. So, not for you. It is not for your purpose.

MAJ-GEN SENONA: Not for me, but I want to bring this to the attention of the Commission. You see, on that report,
20 when I read it after I saw it, I did read it. I focused there at the end with the very same paragraph 6. Beneath where General Lebeya wrote, it is written approved, not approved. Approved, not approved. Approved, not approved. It will say 6.1, 6.2, 6.3, 6.4. I cannot remember up to what 6 point.

There is no indication of approval or non-approval of that paragraph 6 of the recommendation of the disciplinary investigations. That is what I saw there. Why? I cannot explain to the Commission.

ADV SELLO SC: And I would not ask you why, I assure you. My issue is in 2021 already, there was a recommendation for disciplinary processes to be initiated by General Mosikili. That is what you have since learned in this Commission.

10 **MAJ-GEN SENONA:** Correct.

ADV SELLO SC: What you have also learned is that in response thereto General Lebeya directed to General Mosikili that further engagements be had between the two of them. I confirm that is in the report.

MAJ-GEN SENONA: Yes, and ...[intervenes].

ADV SELLO SC: Yes, and I am not going to ask you about why General Lebeya is so determined now about it.

MAJ-GEN SENONA: And I also do not know why they never dealt with those disciplinary actions in these five
20 years.

ADV SELLO SC: Yes.

MAJ-GEN SENONA: Now we come here, all of a sudden we are charged because it came here. I think the Commission must also, I want to request, I cannot give directive to the Commission, that that must also be looked

at ...[intervenes].

ADV SELLO SC: I confirm ...[intervenes].

MAJ-GEN SENONA: As much as we are told you failed to comply with one, two, three, that must also be looked at.

ADV SELLO SC: I confirm.

MAJ-GEN SENONA: It is my humble submission.

ADV SELLO SC: That is for General Lebeya to explain to the Commissioners. I am not requiring of you to do so.

MAJ-GEN SENONA: Thank you.

10 **ADV SELLO SC:** The question I was going to ask is, remembering your engagements with General Lebeya's office regarding the alleged conduct of Warrant Officer Sander and the toing and froing, you never had an opportunity to have an engagement with General Lebeya on the disciplinary aspects of this particular investigation by General Mosikili.

MAJ-GEN SENONA: No. Remember, I have never seen this report until I was provided by the Commission ...[intervenes].

20 **ADV SELLO SC:** No, no, sorry. I was saying about the issues, not necessarily the report. You never had ...[intervenes].

MAJ-GEN SENONA: The issue ...[intervenes].

ADV SELLO SC: General Lebeya never contacted you or engaged with you regarding the disciplinary issues arising

from that break-in.

MAJ-GEN SENONA: No, he never spoke to me with regard to that ...[intervenes].

ADV SELLO SC: Never communicated with you at all?

MAJ-GEN SENONA: The only thing I know, I saw in the newspaper that General Mosikili was appointed to do the investigation around the whole thing. Maybe hence that report was produced.

ADV SELLO SC: Okay. I think, Chair, that would take care
10 of my questions for General Senona, unless Commissioners have questions for the witness.

CHAIRPERSON: Thank you. Thank you, Ms Sello.

ADV BALOYI SC: General, just the last question, the last interaction that I had with you about you having the key, taking the key for the exhibits. You said this was a different situation. I think that is the language you used. And I asked what was the difference.

I do not recall that you responded to that, and maybe it is because of how I carried on in pursuing a
20 different aspect of what I wanted to discuss. Can you just explain what you considered to be different in this case that – ja, maybe let me stop there. What did you consider to be different here? And we are talking specifically about you taking custody of the keys.

MAJ-GEN SENONA: It is because the 541kg of suspected

Cocaine was stored there. And if I did not take possession of the keys, it is a 50/50 cash, Commissioner, why you never took the keys. You know this is the value of these drugs. Or now, why you took the keys? I am saying it is different based on what I am trying to explain now, Commissioner. I am not sure if it does make sense.

ADV BALOYI SC: I do not see how this is different from any other exhibits. Remember, I started by saying that you have an Exhibit Clerk, an SAP13 Clerk, who is responsible
10 to keep a register. They keep the register of what is in the safe or in the exhibit room. They keep a register of the movements in and out.

And from that perspective, these are typical exhibits. There is no difference. And so when you say it is different, and that explains why you took the key, it is that part that I am asking. We are dealing with exhibits in an exhibit room that have been entered in another station, in a station's SAP13, Port Shepstone, and where that key could have remained, and that Clerk, the Exhibit Clerk in that
20 station, would have been responsible for the movements, keeping a register, and, and, and. So why do you, why do you say this was different?

MAJ-GEN SENONA: Commissioner, I think we stored the drugs at the DPCI offices. If they were stored at the police station, I would not have taken the keys. The distinction,

Commissioner, is that the exhibits were stored at DPCI offices, not at a police station. Hence, I am saying what I have said, or maybe I have said it wrong or what, but that is the distinction. That is why I am saying this is a, what, what was my word?

ADV BALOYI SC: So you are different just by location, that the exhibits were in a different ...[intervenes].

MAJ-GEN SENONA: Correct, Commissioner.

ADV BALOYI SC: In a DPCI office.

10 **MAJ-GEN SENONA:** Correct, Commissioner.

ADV BALOYI SC: Do you accept a proposition that if they were stored at the DPCI office and the key was where the SAP13 register was, with the SAP13 Clerk of Port Shepstone, when Warrant Officer required access, as he did, which you facilitated because according to Brigadier Nyuswa, you would instruct him on the 23rd and 24th to call Colonel Prinsloo and inform him that Warrant Officer Mpangase is coming. You could have done that with Port Shepstone, with the Port Shepstone SAP13 Clerk, who
20 would have accompanied those people to your DPCI office, see what they do, and then make his entries in his records that he keeps as an SAP13 register? Do you accept the proposition that it would have happened that way?

MAJ-GEN SENONA: I am trying to understand it, Commissioner, but when they sign out those exhibits, the

SAP13 Clerk at the station is out of context. Whoever signed for them takes responsibility. Now, hence I am saying this was different because I believe, I might be incorrect, but I believe that after these exhibits were booked at the SAP13 at Port Shepstone Police Station, they signed them out and they were placed at the DPCI offices.

ADV BALOYI SC: No, that is not the sequence. The sequence ...[intervenes].

MAJ-GEN SENONA: Okay.

10 **ADV BALOYI SC:** Ja, you have got the sequence wrong. What happened is from Isipingo these were taken on the 22nd to Port Shepstone, your offices, DPCI Port Shepstone.

MAJ-GEN SENONA: Yes.

ADV BALOYI SC: And then on the 23rd, they were then entered in the Port Shepstone SAP13 in the absence of the Clerk, of that Clerk.

MAJ-GEN SENONA: Okay.

ADV BALOYI SC: They were entered, and then the register returned. So somebody collected the register and
20 then completed at the DPCI Port Shepstone offices and then returned it to the, to the Port Shepstone Clerk, SAP13 Clerk.

And on the 24th, when they went to, they say to take samples, that is what we have heard, the same sequence happened. They went and completed the SAP13

register that we have come, we went and took samples, but that Clerk was never there with them. So you just had Mpangase and whoever accompanied him, maybe Van den Berg, according to Prinsloo, and all DPCI offices, the Clerk never had sight of the exhibits and of the sampling when they say they went to take samples.

So the simple point I am really putting to you is that it seems to me that there was nothing different, and you may have made the decision, you say you made the
10 decision because at the time that is what seemed to make, to be the appropriate thing to do.

Maybe that is how you thought about it, but I am saying, what I am putting to you is, well, these are exhibits like other exhibits. In a safe, which has a key, entered in a police station's SAP13 where there is a Clerk, and there was no reason really other than how you thought about it. There was no impediment to following the normal process where you would have called the SAP13 Clerk and say, allow Mpangase to go and open for this purpose, and then
20 that process would play itself out. But with the SAP13 register, rather Clerk involved in this, there was no impediment for that, except that you thought about it differently.

MAJ-GEN SENONA: Commissioner, I have heard what the Commissioner is saying.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: And I was not 100% aware of what the Commissioner has just explained to me, but now I understand.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: That if that is what happened, there was no need that I take the keys.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: If they never signed for the exhibits
10 out of the SAP13. My impression was that they signed them out.

ADV BALOYI SC: Okay, yes.

MAJ-GEN SENONA: That was my impression. Thank you, Commissioner.

ADV BALOYI SC: Okay. And then one last question from me, and it may be that I missed it. You, or another witness, but I think it is you, you have given us a list of the officers that underwent the polygraph test. Remember, from your previous evidence, you did say that you requested your
20 superior to subject your subordinates.

MAJ-GEN SENONA: Yes, Commissioner.

ADV BALOYI SC: We know from Brigadier Nyuswa that he was not subjected to a polygraph test. And the list that you have given us does not contain his name either. And he was asked the question in the same way that we asked you

in January. He was asked, why did you not undergo a polygraph test?

And he said, I do not know, ask my superior. Effectively, that is what he said. I did not ask for a polygraph test, but if I had been told to go for a polygraph test, I would have done so. It is my superior's decision. What is the reason that you did not include him in the list of people to undergo a polygraph test?

MAJ-GEN SENONA: Commissioner, I must say it was an oversight on my side because he is the one who gave me the name list of the people and I never realised he is not part of it. Remember, they fall under his direct supervision, all these people. I think that is an oversight on my side not to check, where are you here? Yes, Commissioner. Thank you.

ADV BALOYI SC: One last, last question. I just remembered it, sorry. When Colonel Jacob testified, and I think it was about the polygraph again, the polygraph test, he explained that, and he had left me with the impression, until I saw your list of people that underwent the polygraph. He had left me, and maybe I misunderstood his evidence, with the impression that Warrant Officer Mpangase did not undergo a polygraph because he resigned.

In fact, he did not use the word resign. He said it was known, it was widely known, that Mpangase had put in

a request already for early retirement. I think he said early retirement. Yes, he was telling everybody in the office. Did you ever become aware of that?

MAJ-GEN SENONA: What I am aware of, Warrant Officer Mpangase resigned from the police.

ADV BALOYI SC: Yes, yes.

MAJ-GEN SENONA: But I think during the process of us engaging in the issue of the list of members that must undergo the polygraph, he has already resigned from the
10 police.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: He was no more a member. Remember ...[intervenes].

ADV BALOYI SC: He does undergo the polygraph test, he does. You had him in the list, according to this list. You had him in the list, and he was examined.

MAJ-GEN SENONA: Okay.

ADV BALOYI SC: In fact, the documents that you have given us, they say he failed the test. But I am more
20 interested in the circumstances of him leaving, because Colonel Jacob presented it as anyway he was on the way out because he is retiring. And your request for people to go for a polygraph, the document that you have given us, that list, I think it is dated the 23rd or thereabouts of November. And then you have a handwritten note that

Mpangase has tendered his resignation with immediate effect, or effective the 1st of December. Do you remember that note? That that is how it happened?

MAJ-GEN SENONA: I remember that there were two lists, Commissioner.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: But thank you for reminding me that Mpangase was part and parcel of that, because it is a long time ago.

10 **ADV BALOYI SC**: Yes.

MAJ-GEN SENONA: But I know there were two lists that I have signed and sent for the application, but I did not know the outcome of the polygraph test.

ADV BALOYI SC: Okay.

MAJ-GEN SENONA: Who passed, who did not pass, it was never brought under my attention.

ADV BALOYI SC: But you confirmed that his departure was as a result of resignation, not retirement, because Jacob said he was retiring.

20 **MAJ-GEN SENONA**: According to my information, he resigned, Commissioner.

ADV BALOYI SC: Okay. Thank you, General. Thank you, Chair.

ADV KHUMALO SC: General, very quickly, can we just complete the issue of the break-in in October? And I am

doing this because Brigadier Nyuswa gave evidence. Remember, he has a statement, and then in the course of our asking him questions, he said certain things. And I believe you watched his testimony. You probably know what he said.

But I want to start with, you say when the suspected Cocaine was taken to Port Shepstone and stored there, you believe that it was safe, the office where the suspected Cocaine was stored. So in June, your belief was
10 that it was safe to store them there.

MAJ-GEN SENONA: Correct, Commissioner.

ADV KHUMALO SC: Yes. Now, in October when the break-in happens, did your view change?

MAJ-GEN SENONA: Not really, but we indicated that this investigation must be expedited. The reason was that the way the report came out to me is that it was homeless people. It is a stone that was utilised on the kitchen window.

ADV KHUMALO SC: So they never gained access through
20 the window.

MAJ-GEN SENONA: No, there was no access gained, Commissioner.

ADV KHUMALO SC: Okay. And then Brigadier Nyuswa says, for the first time Colonel Prinsloo voiced concerns about the safety of the suspected Cocaine exhibits in the

storeroom. So it is Prinsloo who raised the issue with Brigadier Nyuswa. Brigadier Nyuswa says he then raised the issue with you.

So I want to know, when the issue was raised with you, what did you do about it? Because you now told that there is a concern that this Cocaine is not safe where it is stored, or at least there are concerns about its safety.

MAJ-GEN SENONA: Commissioners, it was never raised with me, this concerns of Lieutenant Colonel Prinsloo.
 10 Even in his statements, Lieutenant Colonel Prinsloo, there are three that he made, he never raised that with me. Brigadier Nyuswa never raised it with me. There is a statement that we have attached here that he made immediately after the incident.

The only thing he raised with me was this break-in. I was informed by him, and he gave me that report that came from Colonel Prinsloo about the October break-in. And I believe that I gave them a leeway of a bit independence in their sections because you cannot
 20 micromanage your senior managers.

These Brigadiers, there are five under my supervision, and one Colonel. So you cannot micromanage these people. You will have a problem sometimes when you have to deal with performance ...[intervenes].

ADV KHUMALO SC: So your short answer is Brigadier

Nyuswa did not raise the issue.

MAJ-GEN SENONA: He never raised it with me, Commissioner.

ADV KHUMALO SC: All right. I do not know if Chair is going to raise this. Earlier today, you wanted to refer to the photos, but you were told that we are still coming to that. I do not know if you still want that opportunity, or you are content with the answers you have given. You wanted to ...[intervenes].

10 **CHAIRPERSON**: With specific reference to the safe.

MAJ-GEN SENONA: Ja. I wanted them to flag these photos of the grinding, but I think in the process, I managed to address that it is insane for a person to open the safe with the key and come and grind double. I wanted to show if they can display me that picture here. I wanted to indicate to the Commissioners, because now the people of the country believe I stole the drugs, and I did not, and I did not participate directly or indirectly in the theft of these drugs.

20 And I am paining inside because people came here and testified, Commissioners, that they know who. If I was part of the investigation, I know I can bet with my life I would have arrested by now. Knowing myself ...[intervenes].

ADV KHUMALO SC: While they are putting them up, it is

not so insane. And I am raising this simply as a possibility. I am not suggesting that this is what in fact happened. It is not so insane if what you are trying to do is to stage a theft. And I am raising this with you because I am sure you will remember that Brigadier Nyuswa in his statement said he suspected that the whole thing was staged ...[intervenes].

MAJ-GEN SENONA: Commissioner ...[intervenes].

ADV KHUMALO SC: I am sure you saw that ...[intervenes].

MAJ-GEN SENONA: Commissioner ...[intervenes].

10 **ADV KHUMALO SC:** So, I am only raising it in that context to give you, to be fair to you, the opportunity to respond to that ...[intervenes].

MAJ-GEN SENONA: Commissioner ...[intervenes].

ADV KHUMALO SC: I was not there, so I am not going to suggest that it happened this way or that way, but there are many possibilities.

MAJ-GEN SENONA: Hence, I am asking the Commissioners, let us display the photos. Let me respond while the photos are here because I still believe it is
20 insane. You see, when you look at the ground on the floor ...[intervenes].

ADV SELLO SC: Apologies, General, may I just place them on record for purpose of the transcript?

MAJ-GEN SENONA: Yes.

ADV SELLO SC: These appear from page 42 of your

supplementary statement to page 51.

MAJ-GEN SENONA: Thank you. The Commissioners in January, they were having black and white photos. And then I displayed colour photos. Look at – can I stand up, Commissioner?

ADV SELLO SC: Except you cannot speak away from the mic.

CHAIRPERSON: Sorry, sorry.

MAJ-GEN SENONA: I will come back. I will come back
10 and speak.

CHAIRPERSON: As long as you are not going to speak whilst you are there because this just might not capture ...[intervenes].

MAJ-GEN SENONA: I want to point certain things ...[intervenes].

CHAIRPERSON: It might just not capture your voice.

MAJ-GEN SENONA: Okay. Commissioners, hence, I still stand by my point that it is insane. When you look at that door, you can see even when they zoom it that the cutting is
20 from outside. And you can see that if a person was having a key – let us say, for argument's sake, it is me who is going there to steal. I am having a key.

I will open and take whatever I want to take and leave. I never staged this thing. And I do not believe this is a staged thing. Hardened criminals came and stole this

Cocaine. They grinded this thing there on top. They ground it at the bottom. And then go back to the first one. Ja, look at on the floor there next to that thing that looks like a chair. It is a mechanism that was there, the locking mechanism.

Also here, these are the mechanisms of the locking system of this safe. The way I observed it when I visited the crime scene, Commissioners. And from where I am sitting, there is no way that a person will stage a thing and
10 come and open and then you are listening to the owner of the building when he tells you this thing cannot be breached. This safe ...[intervenes].

CHAIRPERSON: Not of the building, of the safe ...[intervenes].

MAJ-GEN SENONA: The owner of the building.

CHAIRPERSON: Oh, it is the building.

MAJ-GEN SENONA: It is the owner of the building ...[intervenes].

CHAIRPERSON: The building ...[intervenes].

20 **MAJ-GEN SENONA**: Commissioner ...[intervenes].

CHAIRPERSON: I am sorry, that is true.

MAJ-GEN SENONA: Ja.

CHAIRPERSON: That is correct.

ADV SELLO SC: This safe has got a serial number, number one. This safe has got the SABS approval. Now, the

investigators, I expected that by now they shall have received an expert report that will either confirm or dispute what Brigadier Nyuswa was coming to say here. You cannot just by a naked eye come and say this thing was staged, he was surprised. This is a 20 millilitre thickness of a steel.

CHAIRPERSON: Millimetre.

MAJ-GEN SENONA: Yes, millimetre. Thank you, Commissioner. So, from where I am sitting, when I got out of the college, I never worked uniform branch. I was an
10 investigator. And in my CV, I depicted my trainings. This is a real crime scene. They broke and grinded this thing. And it is somebody who is an expert in the safe cutting. It is not an ordinary person that you can come with grinders and then you grind.

It is somebody who has got knowledge on how to come and cut. Look at the thickness. Hence, earlier you asked me, why are you talking about the sound, the noise, and everything. I was trying to bring into perspective that you want to risk to be arrested and everything and so forth
20 whereas you have a key. No, this was never staged. The people who came here and say they believe it was staged or it was done by design, I totally disagree with them.

This is a crime scene. This is the locking mechanism. This safe was grinded open. It was never opened by a key. I conclude my response to you

...[intervenes].

ADV SELLO SC: May I pose a question, General? Looking at the series of photographs, what specifically tells us that the grinding happened with the door closed and locked as opposed to the door open?

MAJ-GEN SENONA: Correct.

ADV SELLO SC: What tells us that, looking at the pictures? And I ask because if we go to the first ...[intervenes].

10 **MAJ-GEN SENONA:** Go to the first picture ...[intervenes].

ADV SELLO SC: If you go to the first, the same outcome could be achieved with the door closed or open. Is that not the case? Because what you are saying would seem to suggest that you cannot achieve that outcome with the door open. You can only achieve it with the door closed.

MAJ-GEN SENONA: Allow me to say, to use this word for lack of a better word, an imbecile will do these things after he opens the safe with the key. Only an imbecile.

ADV SELLO SC: I accept that, but looking at the pictures,
20 what tells the Commission that this was done with the door closed and locked and definitely not open? Is there anything in particular?

MAJ-GEN SENONA: It is true. They did this thing while the door was closed and locked. When I inspected after the crime scene managers and everything have done

everything, when we go back with General Mosikili, I think she came a day after. You will realise when you look inside there, after grinding this thing, that mechanism was also cut. And then you will be able to push those things so that the hinges, not hinges, there is this ...[intervenes].

ADV BALOYI SC: The ledge.

MAJ-GEN SENONA: Commissioner?

ADV BALOYI SC: The ledge.

MAJ-GEN SENONA: The ledge, thank you. That protrude
 10 from the door to the wall was removed after these things were cut. You will be able to open it once you have cut this thing. It is not a key that was utilised. I want to categorically state that, Commissioners, it is not a key and I was never involved in the so-called staging of this crime scene.

I am a police officer. I took an oath. And then I am also willing that these people must be arrested. They came here, certain people, to testify before you, Commissioners, and say they have a list of people who committed these
 20 things. Why are we not told about those lists? The investigators that were appointed after this Commission has given a first report. Why are they not probing this thing and ensuring that these people are arrested so that we can get closure to this?

Now I am here sitting, explaining these things. If

they do their due diligence, whoever says somebody came to the province and informed the management, I do not know who and when, but it is not me who was informed about that list of the suspect. I do not know them. And then the issue, the narrative of that these suspects are linked to management, not me. I vehemently deny that I am linked to the suspect.

I do not even know who they are. I do not know why are they drawing that narrative that they are linked to
10 management. And who are they referring to when they say management? One witness, Commissioner Khumalo tried to poke him, and then he said I cannot say that it will eventually outcome.

So, Commissioners, my heart is still bleeding with this death. I want to see a closure here. The way this thing happened is like I have lost a son or a child. If you lose a child, it is not an easy thing to close. This happened under my watch. It is a sore that is not yet healed. It is still bleeding to today. And I am praying day and night that the
20 people who are responsible must be brought to book.

ADV BALOYI SC: General, and this is just a comment, really. At the very least, and this is from your evidence in January and today, but also the evidence of all the other members who were involved, who have expressed the view, as you have done in January, that, and I paraphrase, this is

an inside job as in information having been shared.

I mean, it seems to me it is a fair comment to say the trust-based working relationship seems to be terribly misplaced, at least within the people that you have been working with on this, that everything that was done on the basis of trust, because you clearly are suspicious of each other, right?

Others are saying these people are linked to senior management, ask senior management. The landlord said
10 the door cannot be breached. You have said to us previously that information came from inside. You suspect it came from inside. So it sounds like your working environment is an environment of distrust, basically. Everybody distrusts everyone. That is it. That is a fair submission.

MAJ-GEN SENONA: Commissioner, it is a fair submission based on what transpired here on this matter, because an outsider will never know the layout of those offices. A person who knows that place properly will know that if you
20 come in here, you will fall here, and you come in here, you will fall in here.

I do not have evidence, but I am saying it is an inside job. Somebody sold the information. When these people are arrested, they must be asked, who gave you this job, so that we can get closure.

ADV BALOYI SC: Thank you, General.

MAJ-GEN SENONA: Thank you, Commissioner.

ADV SELLO SC: Chair, before you close, I think, in fairness to General Senona, Commissioner Baloyi engaged him about the SAP13, the Port Shepstone SAP13 entry. We are going to flight it. For the record, it is CJC258 in the exhibits. We do not need to go there. I just want to highlight one thing.

General Senona had said, in his understanding,
10 they were booked into Port Shepstone SAP13 and booked out, and Commissioner Baloyi had a different understanding. Now, we will scroll to the end of that SAP13. In yellow, there is an entry there under 6.1. You see, General?

MAJ-GEN SENONA: Yes.

ADV SELLO SC: It has got the date of 24-06-2021. Items 3.1 to 3.31. If we go back, it is all the bags, you see, taken for investigation and signed by Warrant Officer Mpangase. So your understanding was correct that they were also
20 booked in and booked out in the Port Shepstone SAP13 register. You see that?

MAJ-GEN SENONA: I see the signature of Warrant Officer Mpangase on 6.3.

ADV SELLO SC: Yes. The complication here, of course, that arises is that now they are retained somewhere, except

in an authorised space, because firstly, they are said to be taken for investigation, which did not happen, and secondly, they are stored elsewhere other than a police station under the control of an SAP Clerk. Just a comment I make.

MAJ-GEN SENONA: Thank you, SC.

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

CHAIRPERSON: Thank you very much, General. You are excused.

ADV SELLO SC: Confirmed, Chair. Thank you.

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

CHAIRPERSON: Oh, God. Too late in the game. It is two minutes past seven. Apologies. Do you wish to re-examine?

ADV MPOFU SC: Just, if you can just give me one second.

CHAIRPERSON: Just, what we do here in terms of process is to ask up front what the re-examination is going to be on, just the broad issues, not question by question.

ADV MPOFU SC: Yes.

CHAIRPERSON: The broad ...[intervenes].

20 **ADV MPOFU SC**: Yes, that will not be necessary, Chairperson. We are very satisfied. We have nothing more to clarify. The questions from the Commissioners have sort of covered. The one issue we wanted to clarify was this issue about the SAP13, but I think whether it was done only at Isipingo or Port Shepstone as well, but I think that last

issue covered it. So, we have nothing, happily nothing to add.

CHAIRPERSON: Thank you.

ADV MPOFU SC: On this Friday evening.

CHAIRPERSON: Thank you, Mr Mpofu. Again, thank you very much, General. We resume at 09:30 on Monday.

ADV SELLO SC: On Monday, 09:30, yes, Chair.

CHAIRPERSON: Yes. Let us adjourn until then.

ADV MPOFU SC: Yes.

10 **INQUIRY POSTPONED TO 22 JUNE 2026**

INQUIRY ADJOURNS

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