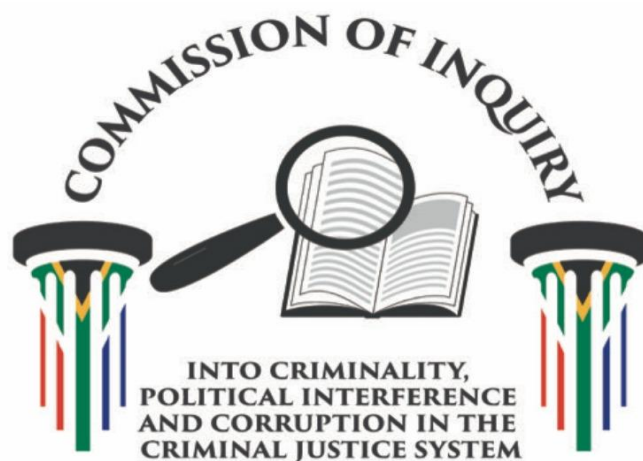


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

6 AUGUST 2026

DAY 155



PROCEEDINGS ON 6 AUGUST 2026

CHAIRPERSON: Good morning, Mr Ramatsekisa. Good morning, Ms Pooe. And good morning, Mr Sesoko.

MR SESOKO: Good morning, Commissioner.

CHAIRPERSON: Thank you.

ADV POOE: Good morning Chair, Commissioners. The witness this morning is Matthew Sesoko and the witness is ready to be sworn in.

CHAIRPERSON: Thank you. Is Matthew Sesoko, are
10 those your full names or do you want to state your full names?

MR SESOKO: That is correct Chair, my name is Matthew Sesoko.

CHAIRPERSON: Thank you. Do you swear that, you are going to swear or affirm, which one?

MR SESOKO: I will swear.

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

MR SESOKO: So help me God.

MATTHEW SESOKO (duly sworn states)

CHAIRPERSON: Thank you.

ADV POOE: Thank you, Chair. Chair, this morning, just one housekeeping issue, yesterday the Commissioners were

furnished with the statement and annexures of the witness. At that time the witness was still commissioning the affidavit, but because we wanted to make sure that the Commissioners are furnished with the statement, we did make it available unsigned. Later in the evening we received the signed version and there is no difference but for in paragraph 26 of the statement and that relates to a date. I am doing this in case you made notes in the old one, so the only difference is if you go to page 12.

10 **CHAIRPERSON**: Of the one we were given yesterday, 12 of the one given to us yesterday?

ADV POOE: It would be ...[intervenes].

CHAIRPERSON: Paragraph?

ADV POOE: Paragraph 26, so it will be page 11.

CHAIRPERSON: Yes.

ADV POOE: Paragraph 26. So the old one, the last sentence, the second last sentence reads:

20 “The operations manual version 2.0 was signed by me as Head of Investigations and Operations and by the ID on 16 October 2024 and it was shared with every employee at IDAC. It is in substance and in the manner of its adoption, a policy of the unit.”

The new one inserts the date on which it was

shared with all of the employees and so it says:

“... and it was shared with every
employee of IDAC on the 22nd of October
2024 at 11:31.”

So, that is the inclusion.

CHAIRPERSON: Just a minute please. Yes we are ready,
thank you.

ADV POOE: Thank you. And so whether or not you look at
the signed or unsigned, that is really the difference between
10 the two. For this morning Chair, I cannot guarantee for
about this afternoon but certainly this morning we will be
using one file and that is the statement file with the, I have
one file but I am advised you have two files.

CHAIRPERSON: Yes, yes.

ADV POOE: One containing the statement and the other
containing the annexures.

CHAIRPERSON: Yes, yes.

EXAMINATION-IN-CHIEF BY ADV POOE: Mr Sesoko, you
also would have two files in front of you, one containing
20 your statement and the other containing your annexures.
Can we then go on to just confirm your statement. If you
look at the statement file, the first document should be your
statement. Can you confirm that this is a statement that
you have prepared for purposes of giving your testimony
before the Commission?

MR SESOKO: That is correct.

ADV POOE: And if you can go to page 25, is that your signature?

MR SESOKO: That is correct.

ADV POOE: And do you confirm that the contents of the statement are true and correct to the best of your knowledge?

MR SESOKO: That is correct.

ADV POOE: All right, thank you. Chair, Commissioners, I
10 have discussed it with the witness and I have informed the
witness that we have read the statement and so our
approach to the statement this morning will be to highlight
certain aspects and then we will focus in on the parts of the
operations manual and then his involvement in the cases
that the Commission is looking into. Mr Sesoko, if we can
then start at page 2 of your statement where you deal with
your background and experience. Can you summarise for
us your background and experience with particular
reference to paragraph 4 of your statement?

20 **CHAIRPERSON**: Just state only the salient features of
your background, your qualifications and your experience,
just the salient features, because I see this is quite a
lengthy one.

MR SESOKO: I will do so, Chair.

CHAIRPERSON: We have read everything, ja.

MR SESOKO: I will do so, Chair. Basically, my career in the criminal justice system started as a prosecutor.

ADV KHUMALO SC: Sorry, maybe before you go there, your current position at IDAC and then move to the other.

MR SESOKO: All right. All right, my current position at IDAC is the National Head of Investigation and Operations. I assumed that position in October of 2021 as a seconded employee from IPID and then formally transferred to the NPA in 2022, December. Before then, I was the Head of
10 Investigations at IPID and then I had an illustrious career within IPID and its predecessor, ICD, from 1997 until 2021.

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

MR SESOKO: And before then I ...[intervenes].

ADV POOE: My apologies. And ICD is?

MR SESOKO: The ICD is the predecessor to IPID.

ADV POOE: Yes, it is the Independent Complaints Directorate.

MR SESOKO: Independent Complaints Directorate.

ADV POOE: Thank you. And prior to that?

20 **MR SESOKO:** And prior to that, I was a prosecutor within the Department of Justice from 1993 to 1997.

ADV POOE: Thank you. You then say in your statement after you deal with the various trainings you have attended that there are two features of your background that will be relevant to what we will be discussing at paragraph 7 of

your statement. Can you deal with those two aspects?

MR SESOKO: Thanks, Chair. First, I am the former Head of Investigation at IPID.

CHAIRPERSON: Sorry, where is the statement? Oh, there it is, okay. Thank you. No, I wanted to ask why it is not being flighted. I see it is on the screen now.

MR SESOKO: All right.

10 “And together with the former IPID
Executive Director, Mr McBride, I
testified before the Zondo Commission
about police corruption. When the ID
was established, investigations relating
to police corruption arising from that
testimony were authorized and moved
into ID, which is now IDAC, together with
setting investigators who worked on
those matters. That is how investigators
such as Mr Mantsha Raphesu, Mr
Temane Binang and Mr Anthony Sehas,
20 and Mr Stanton Govender came into the
IDAC. On the 20th of July 2026, I
forwarded to the ID documents that I was
able to source relating to discussions
between the former ID and the acting
Executive Director of IPID relating to the

process of case handover to ID and secondment of IPID investigators in IDAC, then ID. The documents are attached and marked MS01. The bundle of documents is a memo from the former ID, Advocate Cronje, and has Annexures A to H. Annexure G of the attached document is a list of cases that were requested from IPID.”

10 Chair, I put this in the statement because the Commission asked me to deal with this issue, but also importantly that Advocate Johnson testified about it, that she had asked me to get this information, assist to get the information from IPID, and this is the information I got.

ADV KHUMALO SC: Mr Sesoko, just out of interest, good morning. Are you an attorney or advocate?

MR SESOKO: No, I am not either.

ADV KHUMALO SC: So you were a prosecutor ...[intervenes].

20 **MR SESOKO:** Yes.

ADV KHUMALO SC: And then rose through the ranks as a prosecutor?

MR SESOKO: Yes. Yes, so I moved from prosecution side and went to investigation side.

ADV KHUMALO SC: So in your role at IDAC you cannot

prosecute?

MR SESOKO: No.

ADV KHUMALO SC: Thank you.

MR SESOKO: -:

“Secondly, my own history at IPID informs the approach I took to the matters described below as I explained under the heading why I did not insert myself into these matters.”

- 10 **ADV POOE**: Thank you. Chair, you will recall that during Advocate Johnson's testimony, the Commission wanted to know which cases were transferred from IPID to IDAC, and that is contained at page 47 of the bundle of documents that is included as Annexure MS01. It then also includes requests for deviations for members, some of the members to be transferred, and those are the documents that follow Annexure G. The second aspect of your statement that I would like us to turn to is in the mandate of IDAC. Now, a number of witnesses have explained the mandate of IDAC.
- 20 So if you can, at a snapshot, what exactly is the mandate of IDAC? You do not need to explain at length.

MR SESOKO: So, Chair, the mandate of IDAC is to investigate complex corruption, commercial crimes, high-profile commercial crimes, and financial crimes. And those investigations should be looked at within the context of

other statutory offences and common law offences. But the primary issues that they must be complex, high-profile, corruption, commercial, and financial.

ADV POOE: And is it that when it is a corruption case, it must have the features of being serious, high-profile, and complex, or is it or each one of those three, serious, high-profile, and complex?

MR SESOKO: Yes, so it must be either of those, but it should be, there should be complexity to these matters,
10 because otherwise you have got other law enforcement agencies like DPCI that deals with similar corruption matters. So IDAC would then concentrate more on the complex, high-profile ones, and those commercial ones that are high-value matters.

ADV POOE: Okay, thank you. And then we can then move to the operations model of IDAC and you deal there with it at paragraph 10 of your statement. And I think the DDPP, Advocate Serunye, dealt with, in some detail, on the principle of prosecution-led investigations and what their
20 roles are. But can you, in summary, deal with, at its core, how do you operate within IDAC?

MR SESOKO: So, how we operate at IDAC, Chair, the prosecution-led investigation presupposes that it is a multidisciplinary team that is led by the DDPP. It will have a lead prosecutor, a lead investigator, a lead criminal

investigator, a lead financial investigator. Then there will be also other lower-ranking investigators and lower-ranking financial investigators. You will also have a data analyst as part of the team. In practice, the DDPP will be the one that would normally submit an authorization for investigation to the ID and even propose the team that is to be designated into that investigation to be part of that investigation.

Once the ID approves that authorization, then the Project Manager who is designated to that project, will then
10 convene a team meeting of everyone who is part of that team. Then they will start to plan for that project in terms of the investigation and prosecution strategy and they will then develop a project plan for that investigation. Then there will be taskings that will be issued to the different functionaries who will then execute the taskings as per the project plan.

ADV POOE: So, in essence, you say that the DDPP's lead a multidisciplinary team which consists of the various functionaries that you mentioned. Now you then say at
20 paragraph 11 that in terms of how the flow of information or how reporting happens is that then these DDPP's report, one, to the ID and then in another sense they are then these operational management committees ...[intervenes].

MR SESOKO: That is correct.

ADV POOE: Which you would be the Chair of where they

report.

MR SESOKO: That is correct. So the DDPP's report directly to the ID. The operational management meeting, which we call OMC, is for the management to monitor progress on these investigations as well as the prosecution thereof and to see that matters progress as per the project plans. And where there are issues that need to be addressed then there are recommendations made in terms of how this should be addressed.

10 **CHAIRPERSON**: You mentioned the OMC in the past tense. You say you used to chair it. Why the past tense?

MR SESOKO: Yes, Chair, I used to chair it. What happened is that when I came back to work after my unfortunate incident of kidnapping, I found that had changed. A decision was made that the DDPP's would now chair that committee.

CHAIRPERSON: Would they rotate because there is what, four of them, or not?

MR SESOKO: Yes. Yes, they would rotate.

20 **CHAIRPERSON**: All right.

ADV BALOYI SC: When did you come back to work to find this new arrangement?

MR SESOKO: I think it was the 13th of January 2026.

ADV BALOYI SC: And was an explanation given for that?

MR SESOKO: No, there was not.

ADV BALOYI SC: Thank you.

ADV POOE: Advocate Serunye described the relationship between the DDPP's and your office as a dotted line of reporting. Would this new arrangement then change that, or is there any reporting anymore that is done to you?

MR SESOKO: Chair ...[intervenes].

ADV POOE: Or your office, sorry.

MR SESOKO: Chair, there is no dotted line of reporting. The DDPP's do not report to me, they report to the ID.

10 What happens is because I am involved with operations, hence I was chairing that OMC was just to oversee that all the projects are executed in line with the plans. So in practice what would happen is that the Project Managers would then report if there are any issues in the projects, and then they would report to me. I would make interventions to unlock whatever issues that would have been raised with me. And if they needed escalation to the ID, then I would escalate those to the ID. And what would normally happen also is that when the teams are satisfied

20 that investigations are complete and they are ready to enrol a matter, then a meeting would be called. Some colleagues call it the panel, as I heard Advocate Serunye testify. A meeting would be called where myself and the ID and the DDPP responsible for that matter would get a presentation from the lead prosecutors about that matter and to assess if

their decision to enrol is something that is valid and based on the factual basis, based on their presentation. And then once we are of the view that it is ready to be enrolled, then the ID will give the stamp of approval, and then it will then be enrolled and other processes will follow in terms of the takedown and so forth.

CHAIRPERSON: Just to be sure, do I understand you to mean, except for being divested of your power to chair the OMC, your powers remained the same, or not?

10 **MR SESOKO:** Ja, the powers remained the same.

CHAIRPERSON: Thank you. Thank you.

ADV BALOYI SC: This process that you describe, where you, the ID, and the, I think you said the DDPP, would constitute a panel where a presentation is made and a decision is made to, eventually a decision is made whether matters are ready for enrolment for a final decision by the ID, did that continue to be the position until last week while Advocate Johnson was still there? Or are you describing historically that is how it used to be, or are you saying that

20 has continued to be the case even after you were removed?

MR SESOKO: Historically, Chair and Commissioners, that is how it used to be.

ADV BALOYI SC: Okay.

MR SESOKO: In recent past, it was no longer like that. But in most of the matters that we dealt with and were able

to enrol, that is how it used to happen.

ADV BALOYI SC: Thank you.

ADV POOE: In your description of what is reported at OMC's, I got the sense that you, it was operational matters that were reported. You are both the Head of Operations and Investigations, so at that level, do you also give input on what is happening on the investigative side of things?

MR SESOKO: That is correct.

ADV POOE: So you deal with things like capacity issues.

10 Would it extend to the approaches in the various matters?

MR SESOKO: As it relates to investigation, yes. When it comes to prosecution, it is only the prosecutors that would deal with that issue. But when it relates to investigation, we would make our inputs in relation to that.

ADV KHUMALO SC: Please clarify this. Do the investigators, that is Mr Bellochun, Mr Padayachee, and all those people, do they report to you as Head of Investigations? How does it work? Who do they report to?

MR SESOKO: Only Mr Dylan Perumal and Chief Booi
20 reported to me as chiefs.

ADV KHUMALO SC: Perumal and who?

MR SESOKO: Booi, Chief Booi, yes, Nico Booi. So how the structure used to look like, all personnel who are under investigation will fall under my command, to use that word. So the chiefs will report to me, and then those that fall

under them will report to them. For instance, the senior investigators will report to the chiefs, and then the investigators will report to senior investigators or directly to the chiefs, depending on the matter.

ADV KHUMALO SC: And then the prosecutors, who would they report to?

MR SESOKO: The prosecutors will primarily report to the DDPP's.

ADV KHUMALO SC: And then the DDPP's ...[intervenes].

10 **MR SESOKO:** In the different ...[indistinct] [cross-talking].

ADV KHUMALO SC: Will report to Advocate Johnson.

MR SESOKO: And then the DDPP's will report to Advocate Johnson.

ADV KHUMALO SC: So you were Mr Perumal's boss?

MR SESOKO: Yes, I was.

ADV BALOYI SC: When did that change?

MR SESOKO: So what happened is that after I came back, I found that apparently there was a strategic plan that was convened that came with changes, to the extent that even
20 the reporting lines were changed. So Chief Boo, Chief Perumal signed their performance agreement with Advocate Johnson, and not with me, as it were previously.

CHAIRPERSON: So since that plan, they have been reporting directly to the ID, Advocate Johnson?

MR SESOKO: Yes, with their new performance agreement.

Even though administratively, I would sign off on their, which is the letter that the ID issued with me after I raised the issue with her and then she issued me a delegation letter, basically to deal with administrative issues relating to their work, like leave, travel, and so forth.

CHAIRPERSON: So you were divested of more than just the power to chair the MOC. Remember, I asked you whether the only power you were divested of was chairing
10 the OMC, and you said yes. So if ...[intervenes].

MR SESOKO: That is my mistake, Chair. I did not think about this one at the time.

CHAIRPERSON: Yes, yes. No, thank you. No problem.

ADV BALOYI SC: Sorry, just lastly, how long were you away from work? You say you came back in January 2026, having been away, since when?

MR SESOKO: The incident happened on the 6th or 7th of November. So I was away from work from then until ...[intervenes].

20 **ADV BALOYI SC**: For about two months?

MR SESOKO: About two months, yes.

ADV BALOYI SC: Thank you.

ADV POOE: So just to be clear, prior to this roundabout, I think you said in your statement, the 8th of November, Chief Perumal and Chief Booi reported to you?

MR SESOKO: Yes, they did.

ADV POOE: Okay, thank you. And then at paragraph 12, we deal with that, you know, the teams do not share the details of each team's matters and that has been explained, but one thing that I was particularly interested in is what you say about reporting of the ID's matters at OMC. Can you explain what you say there in paragraph 12?

MR SESOKO: So, Chair, there were matters that would come directly to the ID's office and colloquially in the office,
10 they would call them ID matters, because the ID would have taken decision on those matters. And in the OMC, they would not be discussed. All other matters would be discussed except for those because of it was indicated they were sensitive matters. So the CI matters would be one of those where there was no discussion really about them, except in those teams where they were dealing with them.

ADV POOE: Outside of the CI matters, what other matters existed that were deemed ID matters?

MR SESOKO: I think one matter that I can think of is the
20 Speaker matter. There was also Project Golden.

ADV POOE: My apologies, Project?

MR SESOKO: Project Golden.

ADV POOE: Golden.

MR SESOKO: Yes. So those were the matters that were authorized from ID's office. But my understanding is that

those matters, even though they were authorized from ID's office, for instance, the Speaker matter, she did call a meeting. I was part of that meeting and the assessment of that matter was done with us and the prosecutors. The Project Golden, I was not part of that assessment, but I am informed that the DDPP responsible for that matter did the assessment with the prosecutors and that is how those matters were authorized.

ADV POOE: Just to be clear, if the Speaker matter, as I
10 understand it, and you have confirmed it now, you were involved in that authorization process?

MR SESOKO: Yes, so the ID called a meeting to say she received this matter and that invited also the prosecutors that we must assess it and then advise her and then she was, in fact, advised. We did have a conversation about it and I think there was a general consensus that it falls within our mandate. But the prosecutors went further to do further assessment and then advised her that it does fall within our mandate and it should be authorized. An authorization
20 submission was prepared for her.

ADV POOE: So although it came in through her office, it ran through the ordinary process of evaluation ...[intervenes].

MR SESOKO: Yes.

ADV POOE: And recommendation for her to authorize and

proper authorization.

MR SESOKO: Yes.

ADV POOE: Now with the Golden matter, you say that similarly there, although you were not involved, the DDP was involved in the processes.

MR SESOKO: Yes, and other prosecutors.

ADV POOE: So the only one that is truly different would be the CI matters because we know from testimony before this Commission that it did not go through any of that
10 process.

MR SESOKO: That is correct.

ADV BALOYI SC: Can I just ask, the project Golden, you were not part of it because you were excluded or you were not available? I am just trying to understand why you would have been involved with the Speaker matter or referral and then you do not get involved with project Golden.

MR SESOKO: Chair, to be honest, sometimes the decisions that the ID would take, I would not really understand. Sometimes she would say to me, I forgot to
20 inform you and then inform me of a matter after the fact that she had taken this decision, you know. So I think it is the same also with project Golden. From what I understood, she called the Deputy, discussed the matter with the Deputy, with the prosecutors, and then they then did the assessment and prepared submissions to her for

authorization.

ADV BALOYI SC: So is it one of those that she said, I forgot? I am just trying to understand, you were at work in that period, I assume.

MR SESOKO: Yes.

ADV BALOYI SC: You do not become involved. Is it because, does she then subsequently say, I forgot, or she says nothing, the project just continues to run and you are not involved with it?

10 **MR SESOKO:** Ja, I only got to know about it when I was discussing with the Project Managers, then I found out that there is this authorization on project Golden. When I enquired further with the Deputy, then the Deputy explained to me how it came about. From what I understand, it is a SARS referral to IDAC. So that is how I got to know about it.

ADV BALOYI SC: You know, Mr Sesoko ...[intervenes].

MR SESOKO: So I must also indicate, Chair, so that there is a complete picture for the Commission, there was a point,
20 I just cannot remember exactly when, it might have been two years or so earlier, where she called me into a meeting with the management of SARS and there was a discussion about the same issue, but it was much bigger, from what I understand. But the conclusion of that meeting was that because the matter is already with DPCI and because of

how huge the investigation is, we did not have enough resources to deal with it and it was agreed that it will be left with DPCI. So, I only learned, it must have been a year later or so, that now it has been authorized, but it is only some part of that, not the entire investigation.

ADV BALOYI SC: So I have to ask, and I ask because we now know a lot happened, a lot of wrong happened in the way things were done in IDAC, so I have to ask again the direct question. Is this one of the matters where she said
10 to you, I forgot to tell you?

MR SESOKO: Chair, we never spoke about it. She never said anything to me about it. I never, I am just saying that sometimes, or from time to time, there will be decisions taken where she would then, when I am in a meeting with her and she says, I am sorry, this is what happened, I took this decision, I forgot to inform you. But not specifically on this matter.

ADV BALOYI SC: Thank you.

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

20 **CHAIRPERSON:** Sorry, can you just give us a picture of how your offices, hers and yours, are positioned or located within your building? Are you here, and then there are several offices in between, and she is that side? Or are your offices next to each other? Just give us an idea.

MR SESOKO: They are not next to each other, but they

are not far from each other. We are on the same floor.

CHAIRPERSON: Okay.

MR SESOKO: So she is slightly on the other end, I am on the other end, you know.

CHAIRPERSON: Okay. I just wanted to ...[intervenes].

MR SESOKO: It is a long passage.

CHAIRPERSON: Yes.

MR SESOKO: Her office is in the middle of the passage, and then my office is on the other end of the passage.

10 **CHAIRPERSON**: Okay, I just wanted to understand the forgetting, you know. For example, if you are right next door to each other, I just would not understand the forgetting whatsoever. Not that I understand it now, not at all. Anyway, let us continue.

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

ADV BALOYI SC: Also can I just ask still on this, Mr Sesoko. The impression that I had gained was that through your intake processes that are set out in your manual, that process would result in a record, or a tally, if you like, of
20 matters that are coming in. And you describe, you tell us your process that it comes in, in terms of the manual. And there would be evaluations, some would be taken on, some would not be taken on, and there is a process if matters are not taken on.

So I would expect that somewhere you have a

record of matters that have been referred and I would expect they would include matters that become the ID's matters. And I would have thought by virtue of your position, I assumed by virtue of your position, you would be, you would have a repository of that. If we asked you what matters have been taken on by ID, you would be able to print it off, because it is matter that as Investigating Director or Head, you would have access to that.

What does it mean then for matters such as this,
10 where there is a Project Golden, you know nothing about it, it is the ID's matter, she has spoken to the DDPP, and investigations run. When it comes to your records of you knowing what your organization is dealing with, what does it mean for matters like that? In practice, what is the consequence?

MR SESOKO: So in practice, Chair and Commissioners, when a matter is authorized, it goes to the Project Managers, the Project Managers responsible for that project. Then they would assign it a case intake number,
20 and then it will be put on a register, a case intake register, which have all the matters that are within IDAC. So we created that register, especially when I came in, It was there but it was not fully developed, and then I assisted that the register becomes fully developed and be able to cater for all the different scenarios that might be needed for

information purposes, and also for performance information purposes. So that register will have all these matters.

So how I get to know, for instance, is when I see in the register, the register does not have full details of the matter, except like in that case it will say CIN number so and so, and then it is, maybe each project has a name, so it will be Project Golden, for instance, in this case. So when I have a meeting with Project Managers then I ask what this matter is about, because I was not aware of it, then they
10 will explain, no, this is what it is about, and I would engage the Deputy concerned about it.

So, and the thing is, that is how we have been operating, and when I came back from leave, I find that also that register is no longer made available to everyone, as it were, and hence later I talked to a matter that I became aware of, which was authorized in my absence, which I found also concerning.

ADV BALOYI SC: Thank you.

CHAIRPERSON: That is very helpful. It gives meaning to
20 CIN. I have seen CIN a number of times, and I did not think it actually stands for something.

MR SESOKO: Case Intake Number. CIN stands for Case Intake Number.

CHAIRPERSON: Thank you very much. Thank you.

ADV POOE: Mr Sesoko, what I wanted to know, just one

more aspect in relation to the three cases that were sort of deemed ID matters. The first one speak, if I am not mistaken, was in 2023.

MR SESOKO: Yes ...[indistinct].

ADV POOE: Correct. Now, when you sit at OM, and this ran through the processes we know, and you were involved in the process, when you then sit at OMC, and you no longer get reports about this, was this then raised with the ID?

10 **MR SESOKO**: We had a discussion about these matters, and her view has always been that these are sensitive matters that, you know, must remain like that. However, when a matter has been enrolled you know, then it, we then talk about its processes, even at OMC you know, whether it is postponed for trial or whatever the case may be. But at the stage when there is still investigation on it, they were not discussed.

ADV POOE: There was resistance, you say?

MR SESOKO: They were not discussed at the OMC.

20 **ADV POOE**: They were not discussed. Okay, thank you. We ...[intervenes].

ADV BALOYI SC: Can I just understand how it is explained. I accept when people are working, that you have a system where one team that is working in the matter, they will keep it within the team. And it is easy to think about a

need-to-know principle, that people do not need to know, and that is how you manage information. But the idea that matters are sensitive, therefore they will not be discussed with you, for example, when you hold a particular position, you are Head of Investigations, you have taken oath, you are bound to the same principles or the same rules as your ID of confidentiality, and if you disclose, you have broken the law. It applies equally to her. How does it get explained, and how do you reconcile with, you cannot know
10 certain things, and DPP, another DDPP will know, but you cannot know as if you are not subject to the same rules. Can you just explain to us how it is explained in the office and how that is reconcilable with the position you hold?

MR SESOKO: Commissioners, some of those sensitive matters, as it were, like I indicated, like your Speaker matter, they were discussed with me. The explanation about sensitivity stems from the fact that they are matters that sort of the ID owns. You know, they come from her office, she decided on their authorization, and then she
20 decides also who, as opposed to other matters, who is designated in those matters. So, for instance, other matters, as I indicated, it will be the Deputies that decide the designations of members who will be part of that team. However, in those matters, the ID herself will decide who she wants to be in those matters. So that is how it worked,

and I would from time to time get complaints, for instance, from even Deputies that you find there are resources in their projects who have been roped in to the ID matters, and they would want them to task them on other matters, and an investigator, for instance, will say, no, I am busy with an ID matter you know, and there would be those kind of issues that I have now to deal with to say how do I then assist with resources so that the other projects do not suffer because some resources are put on those matters.

10 **CHAIRPERSON:** And by that you mean they will be taken out of their teams, because as I understand it, they all belong to those four teams.

MR SESOKO: Yes.

CHAIRPERSON: So they would be taken out of those teams and plonked elsewhere altogether.

MR SESOKO: Yes, on these projects.

ADV BALOYI SC: Maybe lastly, it sounds from your explanation, including the answer to the Chair, that there was no, or there is no, there was no objective criteria. You
20 have told us about the intake process and what criteria and the scoring that you do about matters that eventually get taken or rejected. The ID matters, as you call them, there was no objective organizational criteria. It was entirely up to the ID. She gets a matter and she decides, however she gets it, if it came to her directly, she decides whether this

gets treated like the Speaker matter or gets treated like your Project Golden matter, where it is entirely up to her to make the decision.

MR SESOKO: Yes, that is correct, Commissioner. And that is why I am saying not all, in fact, almost all matters were dealt with in line with, you know, what I previously said about, you know, being assessed and so forth you know, either by me or by my other colleagues, the Deputies. But those that she made decisions on, that is where there
10 was that difference because the approach would be different as compared to other matters.

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

ADV POOE: And just one more question on this. At a stage where it is clear now, I mean, you are now implementing this process where ID matters are not discussed, at a stage that you cannot do your job because there are complaints coming in about resources, there are investigations you know nothing about. Do you again raise this as an impediment to your job and your ability to
20 function?

MR SESOKO: Chair, we would always find ways, you know, to, because what we always understood is that when they came from the ID's office, those are priority matters. So we will always find ways to make sure that these other projects, you know, still continue with whatever, you know,

resources we have, you know, move people around so that they can assist. So for instance, if there is a particular task in another matter and then the resource working on another matter is being used in the ID project, then we would find another resource somewhere to deal with whatever task that needs to be done on this other matter. So we will always find ways to ameliorate that challenge.

ADV POOE: Okay. Now, you have described in detail the intake process and we have heard testimony from other
10 witnesses about how it works and how it ordinarily unfolded. Unless the Commissioners want you to go into detail, my proposal would be, because I think what is different is your explanation of why this multi-level intake process was important. So could you deal with that, unless, Commissioners, there is a question around what was set out in the OPS manual about how the intake process ordinarily works.

CHAIRPERSON: Should Mr Sesoko not perhaps start reading from paragraph 16 or not?

20 **ADV POOE**: Chair, my proposal was that we do not ...[intervenes].

CHAIRPERSON: We skip even that. So where do we start?

ADV POOE: We skip it to deal with why the multi-level intake process matters.

CHAIRPERSON: Which is about which paragraph?

ADV POOE: At paragraph 23.

CHAIRPERSON: Oh, I did not hear that.

ADV POOE: Yes.

CHAIRPERSON: Ja, let us do this one.

ADV POOE: Just for the record, in some of the paragraphs before deal with how matters reach IDAC, the registration process, verification and screening, the intake assessment and the scoring process, the authorization of investigations, 10 the planning and conducting and finalization of investigations, and thereafter securing attendance and prosecution and ultimately the closure of matters. What is different about your statement is you deal with why this process is important. Can we then go to paragraph 23 of your statement?

MR SESOKO: Thanks, Chair. Maybe before I deal with that quickly, so I do not want the Commission to be left with the wrong impression. The manual was approved, as I have indicated and other colleagues have also stated that. It 20 was shared with all the colleagues in IDAC and when new people come, you know, those responsible DPP's will always workshop it to them. The fact of the matter is the intake process did not operate to the T as provided for in the manual. So that is what the reality was, as, you know, my previous explanation had explained about how some of

the matters came in. But even though it was not to the T, but most matters would go through that assessment process and later in my affidavit we show that in fact most of the matters that we did in IDAC are matters that came from the Commissions which came in as a result of the presidential proclamation and therefore did not go through this process but rather as a result of the presidential proclamation and the former ID would have authorised them because of that presidential proclamation and wrote to law enforcement
10 agencies like IPID and DPCI and requested all those matters to come to the ID then for them to be investigated. So I just wanted to clarify that.

CHAIRPERSON: Just – oh, thank you, thank you. Advocate Johnson said, for example, about Mr Adams' referral, she said she did not discuss that with you because it was a simple matter and she was of the view that she could handle it all by herself without involving you. Are you aware of any instances or rather how should I put it? Are you aware that the fact that a matter was simple, whatever
20 that means, that that was a factor or a criterion that could be used not to involve other people at the initial stages of a matter or of an intake?

MR SESOKO: I am not aware of any except for that specific matter.

CHAIRPERSON: And that is not an issue that was ever

discussed within IDAC?

MR SESOKO: No.

CHAIRPERSON: So she never said with simple matters I will not bother you, Mr Sesoko.

MR SESOKO: No. The decision to authorize that matter was not discussed with me, Commissioners. As I will continue my testimony you will understand what happened.

CHAIRPERSON: All right. No, I just wanted to understand the criterion she said she used in respect of this Crime
10 Intelligence, these Crime Intelligence matters.

ADV BALOYI SC: I would have asked the same question in a different way so I am covered by the Chair, thank you.

ADV POOE: And then just on the application of the manual, so to the extent that Advocate Johnson testified that the manual was just a draft, she would have been misleading this Commission. Well, at its lightest she would have lied to this Commission.

MR SESOKO: Ja, I do not understand why she said that. The manual was signed by myself and her and then at her
20 instruction it was distributed to all IDAC staff.

CHAIRPERSON: Just remind us for purposes of the record, we have seen it, but for the record when did she and you sign it?

MR SESOKO: I have a date somewhere. I cannot remember the paragraph now. But I do indicate that in my

affidavit. I think it was October, 16 October 2024 if I am not mistaken.

ADV POOE: Chair, it is at file 10.

CHAIRPERSON: Paragraph? Oh, but in the affidavit it is paragraph 26, top of, foot of page 11 ...[intervenes].

MR SESOKO: Yes, paragraph 26.

CHAIRPERSON: Top of page 12.

MR SESOKO: Yes, yes.

CHAIRPERSON: But Ms Pooe wants to take us to the
10 document itself.

ADV POOE: At page 10 of paragraph, page 10 of file 10.

CHAIRPERSON: Okay, let us, so it was not a draft, it was signed.

MR SESOKO: Yes.

CHAIRPERSON: Even distributed to ...[intervenes].

MR SESOKO: Yes. Ja, and I do indicate that it was distributed on the, what we call ID Coms.

CHAIRPERSON: Yes.

MR SESOKO: Where it include all staff on the 22nd of
20 October.

CHAIRPERSON: All right, thank you.

MR SESOKO: 2024.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: Did it differ much from version one?

MR SESOKO: Sorry, Commissioner?

ADV KHUMALO SC: Just look at your screen. Do you see that there is amendment history, the heading, and version 1.

MR SESOKO: Yes.

ADV KHUMALO SC: Was signed on 18 December 2023 and then the current version, 16 October 2024. So did the current version differ much from version 1?

MR SESOKO: So, Commissioners, version 1 was never signed.

10 **ADV KHUMALO SC:** Was never signed.

MR SESOKO: It was a discussion document. As you will see from my affidavit, I indicated that it was a consultative process. So we had consultants that were assisting us with this document and then they would send a draft. So the version 1 is the draft that was first sent. We had to engage with it and then make changes on it. And when everyone was satisfied that the version 2 it is the product of what we agreed on, then that is when it was signed off.

ADV KHUMALO SC: And the way things work at IDAC, you
20 know in other organizations, a document gets signed and then it will have an effective date. And sometimes the effective date will be sometime in the future. So with this manual, what was the effective date? Did it take effect from the moment the two of you signed and authorized it?

MR SESOKO: Yes.

ADV POOE: Thank you. Mr Sesoko, then if you can then go to why the multi-level intake process matters.

MR SESOKO: Yes.

“So I emphasize the intake and case selection process, case selection stage of the process because it is deliberately multi-layered and collective. [Indistinct]... stated objective is that case selection is transparent, objective, auditable, and defensible, and that it cannot be manipulated. There is, however, a further and equally important object, to insulate the ID from any allegation that IDAC is targeting particular persons or picking or declining cases without proper basis. If a matter is received, assessed, and scored and recommended by a team and a committee before it reaches the ID for authorization, the ID decision rests on a documented defensible foundation and the ID is protected against the very allegations that are now being made. I was closely involved in creating this framework. I drafted the case intake process that

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became a case selection criteria, Annexure A to the manual, in August 2022, and I am a signatory to it. The purpose of that process, as recorded in the document itself, was to establish a case intake and selection process that is imperious to undue external influence and that ensures IDAC is not manipulated to select cases furthering a personal or political agenda. It provided for case intake to assess matters and advise the ID. In 2024, IDAC embarked on an inclusive process involving members across the department to produce the operational manual, which sets out processes in detail and incorporates the intake criteria. The operational manual version 2 was signed by me as Head of Investigation and Operation and by the ID on the 16th of October 2024, and it was shared with every staff of IDAC on the 22nd of October 2024, at 11:31. It is, in substance and in the manner of its adoption, a policy of the unit. The framework contemplated a single

designated intake point together with the case intake committee. It motivated for a dedicated post to fulfil this function.”

CHAIRPERSON: And you say I, not it. The “I” motivated.

MR SESOKO: No, sorry:

10 “I motivated for a dedicated post to fulfil this function. A person who would receive all incoming complaints, conduct first assessment of whether the matter falls within the mandate, refer qualifying matters to the case intake committee, and act as secretary to that committee. The object, again, was to ensure that the ID does not take intake decisions alone and that she is insulated from allegations of targeting a particular person or having an interest in a particular investigation. The job description for that post records these functions expressly, including that

20 the incumbent is to receive and register all incoming cases, evaluate whether they are within mandate, refer out-of-mandate matters, convene the case intake committee, and act as its secretariat. See the attached job

description, MS1. I initially designated the post investigating coordinator. Through the organizational development and job evaluation process, it was re-titled Deputy Director, IDAC Operations Support and graded. The post was placed before the job evaluation panel on the 25th of November 2025. The recommendations were approved by the Minister on the 31st January 2026. The post was graded at level 12 and feedback on the outcome was provided on the 5th of March 2026. I attached the confirmation of the job grading marked MS2. The process to create and fill that post was, however, not carried through. When I followed up with the organizational development unit, I was informed that they had been instructed to stop the process on the basis that the post would not exist and that the responsibilities would not lie with it, pending a restructuring. The outcome was not communicated to me at the time. I only learned of it on the 27th of July

2026.”

CHAIRPERSON: You say this in the passive voice. You say you were informed that they had been instructed to stop the process. Who had instructed them?

MR SESOKO: The ID.

CHAIRPERSON: Thank you.

ADV POOE: You can continue.

MR SESOKO: -:

10 “The consequence is that the single
intake point and the case intake
committee were never fully
operationalized. In practice, matters
continued to be received directly, mainly
through the IDAC spokesperson,
including by the ID herself and me, and
were not always routed through the
collective assessment that the manual
and the case intake criteria
contemplates. It is against this
20 background that I raise a concern of
general application and not as a
comment on the guilt or innocence of any
person. Where a multi-level intake
process is bypassed and a matter is
received, assessed, and authorized by ID

alone, the very protection that the process was designed to provide objectively, auditably, and the insulation of the ID from allegations of targeting falls away. That, in my respectful view, is the significance of the process for the Commission. I am aware that the operational manual has been described before the Commission as a draft. I
10 record that the manual was signed by the ID and me, and was distributed to staff, to every employee of IDAC as an operational manual. A review of the manual was subsequently undertaken by a single person, which is different from the inclusive consultative process by which the manual was originally made. In my experience in government, a policy of this kind is developed and reviewed
20 through a consultative process and remains applicable until any review is completed. I have not seen the review."

CHAIRPERSON: Was there an actual review?

MR SESOKO: Yes, I have learned that there was an actual review.

CHAIRPERSON: Have you seen a document?

MR SESOKO: I have not seen a document.

CHAIRPERSON: How did you get to know that there was a review?

MR SESOKO: It was discussed. In my discussion with the ID, she indicated that she had instructed Advocate Mohammed to do the review. We also had an investigators' working session where Advocate Mohammed was in attendance and she indicated that she was in the process of reviewing the manual.

CHAIRPERSON: Is Advocate Mohammed within IDAC or is ...[intervenes].

MR SESOKO: She is within IDAC.

CHAIRPERSON: All right, thank you.

ADV POOE: In what position?

ADV BALOYI SC: Sorry, exactly my question. Is she a prosecutor? What is her position in IDAC?

MR SESOKO: Yes, she is a senior state Advocate.

ADV BALOYI SC: Thank you.

20 **ADV POOE**: Not at the level of a DDPP?

MR SESOKO: No.

ADV POOE: Alright, thank you.

ADV BALOYI SC: As matters stand, you say you have not seen that reviewed manual, but you know that there is a manual. To your knowledge, as matters stand, what is

applicable, even if it is not being applied? Is it this new version or are you still, to your knowledge, at version 2 that is supposed to be applied?

MR SESOKO: Chair, as a matter of process, as long as the reviewed manual has not been approved, the original manual still stands and remains operational.

ADV BALOYI SC: You would be one of the approvers by virtue of your position?

MR SESOKO: I am not sure with the reviewed one.

10 **ADV BALOYI SC**: Okay, so ...[intervenes].

MR SESOKO: I was not part of the review.

ADV BALOYI SC: Okay. No, I am just trying to understand, you were a signatory to version 2.

MR SESOKO: Yes.

ADV BALOYI SC: And I have assumed by virtue of your position as the, you are the Head of Investigations.

MR SESOKO: Yes.

ADV BALOYI SC: So I assume that is why you signed this manual.

20 **MR SESOKO**: That is correct, because it was, as I said, a consultative process, and we discussed extensively also with the ID and the other colleagues. So after that consultative process and I presented it to her, we agreed that it is ripe for approval and then that is why I signed on it. The review process, as I said, I was not part of it. So I

cannot say to the Commissioners now that I was going to sign or not, because I am not sure.

ADV BALOYI SC: Okay, thank you.

ADV POOE: Did this ...[intervenes].

ADV KHUMALO SC: Sorry, what does the manual say about consequences for failure to follow its processes? Does it say anything at all?

MR SESOKO: Yes ...[intervenes].

ADV KHUMALO SC: So say, for example, a case comes
10 in, the case assessment report is not there, that CIS process that you mentioned, I hope I am saying it correctly, if all of those processes are not followed, what does the manual say will be the consequence?

MR SESOKO: I think the manual does allude to the fact that failure to comply may lead to a disciplinary process.

ADV KHUMALO SC: But the ID cannot discipline herself, so if she is the one who is flouting the manual, does the investigation continue even if the processes set out in the manual are not followed? That is really what I am getting
20 at.

MR SESOKO: Commissioner, obviously if the ID herself flouts the manual, then the person that she reports to would have the responsibility to take that action.

ADV KHUMALO SC: So that would be the ...[intervenes].

MR SESOKO: The NDPP.

ADV KHUMALO SC: Does the manual say it applies to her or only those below her? Can we just clarify that? Does it apply to everyone at IDAC or only those below the ID?

MR SESOKO: It applies to everyone.

ADV KHUMALO SC: Including the ID?

MR SESOKO: Yes.

CHAIRPERSON: Let me ask a related question. Are exceptions provided for, that is exceptions not to follow the process strictly? Are there provisions for exceptions?

10 **MR SESOKO:** Chair, on the top of my head, I cannot remember if there were exceptions, but my understanding of the architecture of the NPA Amendment Act is such that the Investigating Director has got all the powers to decide on anything, including deviation. So for instance, even with authorization that she can *mero moto* decide on an authorization.

CHAIRPERSON: Can you please look at the manual during the tea adjournment and see if the manual itself does provide for exceptions? I hear you on what you say about
20 the Act. Did you refer to a specific section?

MR SESOKO: Yes, it is section 28(1), I think.

CHAIRPERSON: Is 28(1) not about investigations?

MR SESOKO: Yes, on the authorization that she can normally do.

CHAIRPERSON: But I am not sure that answers my

question about exceptions with regards to the application of the manual.

MR SESOKO: Yes, no, that does not deal with that, Commissioner.

CHAIRPERSON: Ja.

MR SESOKO: I will check the manual as suggested.

CHAIRPERSON: All right, please. Thank you.

ADV POOE: Mr Sesoko, you said that the, I think it was in response to Commissioner Khumalo, that it would be the
10 NDPP that would have to deal with that matter.

MR SESOKO: That is correct.

ADV POOE: And how would the NDPP know?

MR SESOKO: Obviously there should be reports that go to the NDPP.

ADV POOE: And the reports would come from the ID?

MR SESOKO: No. If I understand you well, you mean if there is an issue about non-compliance?

ADV POOE: Yes.

MR SESOKO: Yes, so if there is an issue about non-
20 compliance, it means employees who become aware of the non-compliance, who report it to the NDPP, the NDPP would have to take action about it.

ADV POOE: So essentially employees would have to report to the NDPP?

MR SESOKO: Yes.

ADV POOE: You know the natural question that follows is, in these instances we know there was flouting of this manual, and you were well aware of that.

MR SESOKO: Yes.

ADV POOE: Did you report to the NDPP?

MR SESOKO: I personally did not report, Chair, but I am aware that, I was informed that there were a number of complaints that were referred to the office of the NDPP, the former NDPP.

10 **ADV POOE**: I may have misheard you, did you say that you cannot or you did not report?

MR SESOKO: No, I did not report.

ADV POOE: Is there a reason?

MR SESOKO: Chair, I do not have a reason why I did not report. I think I say something about it later in my affidavit. I have been through a lot, and when some of these things happen and you hear that, you know, there were reports that were reported to the former NDPP, and there was nothing that happened, you know, I just felt that it will not
20 assist me anyway.

ADV KHUMALO SC: Now it looks like you were part of the problem. Two of your colleagues came to this Commission and they could show us emails that they wrote in 2024, 2025 raising serious concerns. Although nothing was done, it is clear from their emails and their communication that

they raised concerns about how things were done. You now have to account to us and you did not do anything.

MR SESOKO: Ja.

ADV KHUMALO SC: Because you did not do anything, it looks like you were part of the problem. You were part of the reason why the manual was not followed to the letter.

MR SESOKO: Chair, I will take responsibility for that, but I have my own personal reasons. The fact of the matter is, these issues, as they were raised, and you have seen in the
10 emails, the colleagues were sending these emails to the ID herself and I am copied in those emails. And in bilateral meetings with the ID, we would discuss these issues and she would indicate, for instance, his displeasure about the colleagues on how they raised these issues or raising these matters, because she believed that there was nothing wrong in how they were approaching that case. So I left it at that.

ADV POOE: You, I mean you mentioned in your response that you were copied. In some of those emails, they were sent directly to you. And particularly, I know one of the
20 witnesses, Mr Raphesu, you would have been also his supervisor because that would have come out in the investigation side of things, so, and you say that in then discussions with the ID, she would raise displeasure about them raising these issues. And in response to that, then nothing is ...[intervenes].

MR SESOKO: Yes. And as it relates to Mr Raphesu's issues that she raised with me, I took them up with Chief Perumal and in those discussions, Chief Perumal would make it look like there is a difference of opinion in the investigative approaches. So part of what I would want to do is to try and get the team to be coherent. So I tried to sort of mediate whatever conflict they have about a specific issue and how an issue is dealt with. So that is how I approached it.

10 **ADV POOE:** But I am sure you could tell that there is a difference between what you call sort of a difference in approach or when Perumal, Chief Perumal says to you it is more of a difference in approach, that there is a difference between that and blatant disregard of rules, the law. When you are then dealing with those issues, and that occurs to you that that is happening, surely there is more to be done than just building coherence in the team.

MR SESOKO: So as far as I can recall, the issues that Raphesu raised with me was in relation to the process of
20 the dockets and the issue relating to one specific witness and how that had been approached, and the instruction from Chief Perumal, which he was uncomfortable with, which as I said was discussed with them. But not long after that, that is when he was removed from the investigation. That is how I recall it.

ADV POOE: It is fine. I think we will, in the sections dealing with your involvement, deal with some of the issues that were raised and I think the records will show that it is more than just a difference in approach. There was actual disregard of both your internal operations manual and I would say the law as well. We can then move to the next section of your statement, which deals with your involvement in the crime intelligence-related investigations. Chair, uncharacteristic to seek ...[intervenes].

10 **CHAIRPERSON:** Let us ...[intervenes].

ADV POOE: [Indistinct]... [cross-talking].

CHAIRPERSON: Let us start. Were you going to say ...[intervenes].

ADV POOE: I was going to say, because this is the second half of his statement ...[intervenes].

CHAIRPERSON: Let us start. Let us start. We can stop at 11.

ADV POOE: All right. Mr Sesoko, then we can move to paragraph 33, where you deal with your involvement in the
20 Crime Intelligence-related matters.

MR SESOKO: That is correct.

“Before dealing with the detail, I state at the outset that I have no direct or substantial involvement in these matters. I was not included in the team and in the

ordinary course was excluded. Sometime, Chief Perumal would mention something to me in passing about a case and how good evidence he had obtained. I think there were a number of meetings where I was invited, which I cannot remember details of. I came to learn of aspects of the matters largely when complaints were reported. Given the
 10 position I hold and the leadership role I ordinarily play, the exclusion was unusual and had not previously occurred in my time at IDAC. I was drawn in only in discrete issues. There were, in essence, four occasions on which I had involvement. Assisting Mr Raphesu to obtain the docket, a meeting convened by the ID to discuss the CI investigation and a report to the Minister, a conflict
 20 between Advocate Ramsamy and Chief Perumal, and the disciplinary and ...[indistinct] matter concerning Mr Raphesu.”

CHAIRPERSON: I think it is important to mention which Minister. Please re-read ...[intervenes].

MR SESOKO: Minister Mchunu, the Minister of Police.

CHAIRPERSON: I just meant of police. You just said Minister Mchunu.

MR SESOKO: Yes, the Minister of Police, Mchunu.

CHAIRPERSON: Thank you.

ADV POOE: You can then deal with the first issue, which is when you were assisting Mr Raphesu to obtain the dockets.

MR SESOKO: -:

10 “On or about the 6th of December,
Friday, I received a call from an IDAC
investigator, Mr Raphesu, who informed
me that he had been instructed by Chief
Dylan Perumal, to fetch the dockets
containing the allegations against the CI
officials from the station and that he had
been told the dockets were held by the
Inspectorate with General Jacobs.
Because of the level involved, he asked
20 me to facilitate. I telephoned General
Jacobs and told him that the
investigators would like to see him in
relation to the dockets in his possession.
He did not inquire why. He did not seem
surprised. It was a very short

conversation and he said that I could come and see him.”

I think I meant he could come and see him.

“At the time, I did not know...”
[intervenes].

CHAIRPERSON: He, as in Mr Raphesu?

MR SESOKO: Raphesu, yes.

10 “At the time, I did not know whether the investigation was authorized. I assumed that if an instruction to obtain the dockets had been given, the investigation must be authorized. I later learned that when Mr Raphesu sought to collect the dockets, General Jacobs asked for a letter. Mr Raphesu reverted to Chief Perumal. The ID wrote the letter. The letter was sent to General Senthumule, and she then dealt with General Jacobs, which is how the dockets were ultimately
20 obtained. I was not involved in those later steps, and know of them only from what I was subsequently told.”

CHAIRPERSON: I think at this point, we may take the adjournment.

ADV POOE: Thank you, Chair.

CHAIRPERSON: Let us adjourn and resume at 11:30.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Phooe?

ADV POOE: Chair, just a small matter of housekeeping. I had earlier asked the attorneys to make copies of a set of screenshots. They should be somewhere in front of you, marked CJC400.29. They will be added to the next exhibit file. Essentially, they are screenshots of email
10 correspondence involving the CI matters, and these come from Advocate Ramsamy. They are not on the record. They will form part of her upcoming testimony, but I would like to make reference to the fact of her sending the emails at some point during the testimony, so I just thought to provide everyone with it. But it is not for use now.

CHAIRPERSON: When documents are handed to us at hearings, I always make the request that they should be placed where they should be in the files. I noticed, I think yesterday, that some documents are in the pockets, file
20 pockets on the inside covers, and that this is not always done. This is a request I have always directed at our attorneys, the Commission's attorneys. It seems we have not always been assisted in this regard.

ADV POOE: Chair, I will ensure they not have lunch until they have inserted them properly in your files. Before we

tea adjournment, Commissioners, before we return to the statement, Chair had asked the witness to have regard to the operations manual. Perhaps we can start there.

CHAIRPERSON: Please assist, Mr Sesoko.

MR SESOKO: Thanks, Chair. I think the two issues Chair wanted me to address was the issue of applicability, that issue is addressed in the manual, page 18 of the manual, where it talks to scope and applicability. It reads:

10 “The manual is designed to provide
comprehensive guidance and
standardisation within IDAC and
encompasses all aspects of the IDAC's
function. The manual is intended for use
by all personnel working within IDAC,
including investigators, prosecutors,
support staff, management. It is
applicable to all levels of the IDAC.”

So that is the applicability part of it. However, in relation to consequence for failure, it is not provided for.

20 **CHAIRPERSON**: I think I had also ask the question about whether it provides for exceptions.

MR SESOKO: Oh, yes. I could not find anything relating to exception in the manual.

CHAIRPERSON: Thank you, thank you.

ADV POOE: Thank you, Chair. Mr Sesoko, if we can then

return to the section that you dealt with before the tea adjournment, and that relates to assisting Mr Raphesu with the docket, am I correct to understand that this would have been the first time you learned of the CI matters?

MR SESOKO: That is correct, Chair. The call I received was already after hours. If I am not mistaken, it should have been around 6.00, around there in the evening. And as I said, after the conversation with Investigator Raphesu, I called General Jacobs and facilitated that meeting and
10 then I gave Mr Raphesu that feedback. As I said, only later I have learned what transpired after.

ADV POOE: Yes. My interest is in when he tells you he is seeking these documents, dockets, and he is essentially alerting you of this new investigation. This was the first time you are finding out about that investigation?

MR SESOKO: Yes, it was the first time I found out that there is such an investigation. As I said that, when he said that he got the instruction from Chief Perumal that he must get the dockets and he has been to a station, the station
20 informed him that they are with Inspectorate and that is why he was asking for me to assist for the facilitation, I assumed at the time that it must be authorised, because otherwise why would you go and look for the dockets without an authorisation? But I did not have that discussion with him. All that I did was, because he is asking me to

facilitate, I just facilitated that. And then, of course, I learned later that there was this matter which has been authorised.

ADV POOE: So in this instance you are now finding out that Chief Perumal is issuing instructions related to an investigation you know nothing about.

MR SESOKO: Yes.

ADV POOE: And at this time Chief Perumal was reporting to you, is that correct?

10 **MR SESOKO:** Yes.

ADV POOE: Did you then go to Chief Perumal and say, what is this investigation?

MR SESOKO: Yes, I think subsequent to that we would have had a discussion with Chief Perumal. And as usual with these matters where he says, no it is a matter that comes from ID's office who are investigating CI. So that would have been subsequent to my discussion with Mr Raphesu. In any event, I would have expected that Chief Perumal would brief me about it. But as I said, it was a
20 tense conversation about it to say it is a CI investigation authorised by ID and there is a team already working on it.

ADV POOE: And in this instance did you then approach the ID to enquire about it?

MR SESOKO: No, I did not approach the ID to enquire about it.

ADV POOE: Thank you. I think then you can move on in your statement.

MR SESOKO: Okay.

ADV BALOYI SC: I assume then that you did not see the section 27 referral?

MR SESOKO: No, I did not see a section. I had not seen anything in relation to the matter at that point. I did not, actually I did not see anything in relation to the matter. I think the first time I saw anything about it would have been
10 in one of the meetings where there was a presentation, if my memory serves me well.

ADV POOE: We can then proceed with the second instance of your involvement in these matters. It is the meeting convened by the ID and the report to the Minister of Police, that is paragraph 36 of your statement.

MR SESOKO: Yes.

“So approximately a month later in January 2025 the ID convened a meeting which...”

20 I do not know what I was trying to say.

ADV KHUMALO SC: To which?

MR SESOKO: To which I was called, yes.

“She said the meeting was to discuss the CI investigation and that she was required to report or write something to the

Minister of Police, Minister Mcunu and to send correspondence to the Chief of Staff, Mr Cedric Nkabinde. The meeting was short, did not go into detail of the case. When the ID mentioned Mr Nkabinde, I alerted her to his history. In my assessment, Mr Nkabinde is a dishonest man and I explained to her there was evidence, including data analysis by our data analyst in the Blue Lights investigation matter, indicating that Mr Nkabinde was working with or was colluding with the suspects in the Blue Lights matter and against that investigation."

CHAIRPERSON: You use the definite article, the Blue Lights matter.

MR SESOKO: Yes.

CHAIRPERSON: Which Blue Lights matter is this?

20 **MR SESOKO:** So the Blue Lights matter, it is an investigation that we started whilst we were in IPID. It is on a high level police corruption. The suspects in that, or they are choosed because now they are appearing in Court on that matter, are Generals in the police. General Phahlane, General Ngwenya, General... Oh, it is quite a number of

them and Brigadiers and so forth. So, that for me, as I indicate here, it was a concern that she will be...

CHAIRPERSON: All I wanted was a reader of the transcript must know what Blue Lights matter you are talking about.

MR SESOKO: Okay, Chair.

CHAIRPERSON: Thank you.

ADV BALOYI SC: Is it called Blue Lights matter because it relates to the SAPS General or it has to do with
10 procurement relating to installation of Blue Lights?

MR SESOKO: It has to do with procurement and installation of Blue Lights for police vehicles.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Mr Sesoko, please just clarify paragraph 36. You say:

20 “The ID convened a meeting to which you
 were called. She said the meeting was to
 discuss the CI investigation and she was
 required to report to or write something for
 the Minister of Police, Minister Mcunu.”

That report to the Minister of Police, did it relate to the CI investigation or something else?

MR SESOKO: To the CI investigation.

ADV KHUMALO SC: And did she tell you why she needed to report to the Minister on the CI investigation?

MR SESOKO: Chair, I think she mentioned, and I am speaking under correction because it is something that happened a long time ago, but if memory serves me well, it was about the fact that she had received correspondence from the Minister about this CI investigation.

ADV KHUMALO SC: Did you see that correspondence?

MR SESOKO: No, I had not seen it.

ADV KHUMALO SC: Thank you.

ADV POOE: And in this instance, when you were called to
10 this meeting, you still did not know anything about this investigation?

MR SESOKO: Ja. In fact, that meeting was really the first time where I got a glimpse of what this is about.

ADV POOE: Do you recall the exact date of the meeting?

MR SESOKO: I think it might have been the 22nd of January, if I am not mistaken.

ADV POOE: When you say you caught a glimpse, you were not part of the full discussion?

MR SESOKO: No, I am saying it was for the first time that
20 I got to hear what is being investigated and who are the targets of investigation or persons of interest.

ADV POOE: Okay. And in this instance, is this considered you starting to become part of this team, or what would have been the purpose of your involvement?

MR SESOKO: Chair, I reckoned it was to be briefed, to get

a brief about it, because as I said, I had not known about it before. So I think that was the purpose of being invited to the meeting.

CHAIRPERSON: Was this before or after Chief Perumal had told you how good evidence that he had obtained was?

MR SESOKO: No, it was before.

CHAIRPERSON: It was before. All right, thank you.

ADV POOE: You can continue. You were at the last sentence.

10 **ADV KHUMALO SC:** I advised her to be careful.

MR SESOKO: Yes.

“I advised her to be careful and said that I would not advise her to report to or through him, meaning Mr Nkabinde. The ID asked me to obtain information from the data analyst, so that she would have something she could work with and so that she could advise the Minister or the Minister's advisor.”

20 I did so and provided it to her. The information I obtained from the data analyst is marked MS3. It is a document I provided to her, showing Nkabinde's collusion with the accused in our investigation.

“I understood that there had at one stage been consideration to charge Mr

Nkabinde, but that this was not done. The DPP at the time, Advocate Louw, decided to defer the question of Mr Nkabinde and focus on the matters involving the police Generals and other police officials and service provider, in part out of concern about possible section 342A of the Criminal Procedure Act application to remove the matter from the court roll. I was informed of these decisions. I was not at the ID at the time when they were taken. My concern is that this matter was not dealt with in the normal way.

10

Ordinarily, even a matter received by the ID herself would be referred to me or one of the DPP colleagues or the chiefs to evaluate whether it falls within the mandate and to advise her before she takes a decision. Here, the ID received the matter and it appears took the decision on it herself. The operational manual, especially as it relates to case intake, was not fully operationalized. Before the ID's testimony at the Ad Hoc Commission, there were very few section

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27 referrals that came through. If they did come through, they would be received by her office.

I specifically recall the Speaker matter where she called a meeting about the matter and instructed that it be considered and appointed a team to deal with it. Whereas with the CI matter, I only learned of them when they were already authorised. They were not discussed with me before they were authorised. I did not see Honourable Adams' section 27 referral either. Even when Advocate Serunye asked me about it, I informed him that I did not see it.

By way of context, on referrals generally, historically, most of our matters flowed from the Zondo Commission, Mpati Commission, and the Nugent Commission, in respect of which the former ID had already granted sweeping authorisations under the Presidential Proclamation establishing the ID. Attached is the Presidential Proclamation marked MS4. There was therefore no need for section

27 referral. As per practice, most matters are referred to the DDPPs, who then prepare a submission to the ID for authorisation. Most matters in ID space were authorised as a result of the Presidential Proclamation. The table below illustrates this point.”

So the table shows that the Security Cluster and Commission matters are 137 in number, which represent 88
 10 percent of matters that are within IDAC. And the other IDAC mandate, those are the matters that would have come either from other law enforcement agencies or through section 27 referral. They are 18 in number, representing only 12 percent of the matters that came to IDAC.

ADV BALOYI SC: Mr Sesoko, we now know that IDAC received a Medicare 24 referral. Where does it fall in your table?

MR SESOKO: It will fall under the IDAC mandate matters.

ADV POOE: Mr Sesoko, you say that very few section 27
 20 referrals. From previous witnesses, what we heard was that there was only one other referral prior to this. Is that your recollection? And that would have been the Speaker matter and that the one that comes under Medicare would have been the third.

MR SESOKO: No, as I said, I am working from our

register. This statistical information comes from the register. As I said that these IDAC mandate matters, which are 18, would be matters that either come from law enforcement, which they refer to us, or they come as a result of section 27 referral. The ones that are section 27 referral that I can think of right away is like your Speaker matter, your Project Golden, and which one am I missing now? Yes, the Medicare one.

ADV POOE: Does the register delineate with that number
10 of 18 which ones were section 27 referrals and which ones emanated from other law enforcement agencies?

MR SESOKO: No, the register will show that these matters are the matters that came after those presidential proclamation matters, which are mainly from the Zondo Commission, the Mpati, and the Nugent Commission.

ADV POOE: So in essence the 18 is just matters that came after the Commission matters?

MR SESOKO: Yes. So they would not have been authorised in terms of that proclamation.

20 **ADV POOE:** They would have been authorised in terms of your protocol?

MR SESOKO: Yes.

ADV POOE: Except for Project Golden and the Speaker matter?

MR SESOKO: Yes, and of course the CI matters.

ADV POOE: Excuse me?

MR SESOKO: And the CI matter.

ADV POOE: Oh, the CI matter. Yes, of course. All right, thank you. You can proceed with paragraph 44.

MR SESOKO:

10 “After the ID gave public testimony at the
Ad Hoc Committee, the volume of
complaints increased. My own practice on
receiving a complaint, whether a section
27 referral or an email from the
spokesperson Mr Hendrik Mathomane, is
to assess whether it falls [Witness through
interpreter] mandate. If it plainly does
not, I respond or refer it out if the position
is unclear. If the position is unclear, I
meet the complainant to establish whether
it falls within the mandate, and if it does
not, I refer it to the appropriate agency.
This would be done by way of a memo to
20 the ID with recommendations.

Of the matters I have received, I
recommended only one for authorisation.
Attached MS5 is the register of matters
that went through my office or I became
aware of. Of the 27 matters that were

recorded in the register, 13 of them were received by me. I only recommended one for authorisation. Chief Booï received 5 matters, and Chief Perumal received 10 matters. At the time when the CI matters were authorised, I was on duty and no one was acting in my position. I went on sick leave on the 10th of November after I was kidnapped. Then Chief Perumal was appointed to act in my position until I returned to work on the 13th of January, 2026.”

ADV POOE: Just to understand, the matters that Chief Booï authorised, when would that have been?

MR SESOKO: Some of them would have been, I think most of them was when I was on leave, if my memory serves me well. I think the register will be able to indicate, because it indicates when they were received. The MS5 would show when they were received, either by me or Chief Perumal or Chief Booï and what was done with those matters.

ADV POOE: All right, thank you.

ADV BALOYI SC: Can I just ask, what informs the decision whether matters get referred? They do not fall in your mandate, I accept that, if that is the decision, or the determination. But then you get to refer to other law

enforcement. What informs referring or not referring matters to IPID? Because IPID deals with police corruption and similar. Is there a principle position that matters never go to IPID?

And I ask because in the evidence so far about the Crime Intelligence matters, there are matters where it looks like on the face of it, until a final determination, that this could have been referred to IPID. Because from what one understands of IPID's mandate, that particular issue may
10 well have fallen within their mandate. Is there a principle position within IDAC not to refer matters to IPID?

MR SESOKO: Chair and Commissioners, the decision is based on the assessment. As we discussed before, that when it has to engage the IDAC mandate, it must meet the threshold of complex corruption or commercial and so forth, high profile. So even if it may involve members of the police, but if it meets that threshold, then it engages the IDAC mandate.

However, if it does not, that is where then you have
20 to refer the matter to those law enforcement agencies. As you will see from the register how I dealt with most of these matters, some of these complaints, people complain that decisions were taken in the NPA, they were not happy with it, and when I assessed that, I realised that it does not engage our mandate. In fact, they need to do

representation or things like that.

Or some of the matters, people will say they went to IPID, they are not happy with IPID. I would refer them to the management of IPID, that they be assisted there, or DPCI for that matter. I would refer them to the Head of DPCI, exactly to avoid a situation where we take on the matter that are already in the space of other law enforcement agencies.

ADV BALOYI SC: Let me ask more directly a case that has
 10 been presented before us. You have the General Lushaba loss of laptop story, and IDAC gets involved in that matter and it seems that IDAC is investigating, and ultimately got him into court, is investigating what happened subsequent to the loss of the laptop, how that was handled. Someone is supposed to have lied, a police officer at a police station, according to the evidence that we have heard.

On the face of it, it would seem to me that it may well have been a typical IPID matter to investigate, and yet it is a matter that IDAC fully investigates and prosecutes.
 20 Can you explain how, can you answer my question with reference to that kind of question, to those kind of facts, that you have a case that looks like an IPID case, and yet IDAC investigated it. What makes it fall within the mandate?

MR SESOKO: Truthfully, on the face of it, it looks like an

IPID mandate matter. But at least from the explanation that I was given, was that there was quite a number of actions that showed corruption on the part of members who were involved, in terms of hiding the true nature of what had happened, manipulating the dockets that were opened, and giving gratification to some of the investigators who were supposed to conduct that, investigators with a promotion and so forth. That is the explanation that was given in one of those briefings.

10 **ADV BALOYI SC:** Now if you absent, and I am really asking because I want to understand whether some of the problems that we have become aware of are the structural problems of competing jurisdictions, and therefore the one body ends up dealing with matters that they should not. So if you exclude the gratification issue here, you received a complaint. That is how it is, as I understand it. Mr Adams filed a complaint and said General Lushaba lost his computer and there was a cover-up.

20 That is how I have understood it to be. That there was a cover-up, and the cover-up goes to even his superior, General Khumalo, even though General Khumalo was not his superior at the time. But the cover-up goes to General Khumalo, but also now someone took an affidavit at a police station and they misrepresented some things. Forget gratification for now. On the facts that I am putting to you,

would you still have said this is an IDAC matter?

MR SESOKO: If there was no issue of gratification and alleged corruption, it would definitely not fall within the mandate.

ADV BALOYI SC: Okay. Thank you.

ADV POOE: Mr Sesoko, you can continue with your affidavit. We are now dealing with the conflict between Advocate Ramsamy and Chief Perumal, paragraph 46 of your statement.

10 **MR SESOKO:**

“The conflict. The ID called me into a meeting to help resolve a conflict between Chief Perumal and Advocate Drushanta Ramsamy. As I understood it, the conflict concerned the approach to the case. Advocate Ramsamy as a prosecutor had taken a particular legal view with which Chief Perumal did not agree. The meeting was resolved on the basis that the parties

20 should listen to one another consistent with IDAC prosecutor-led model and that the prosecutor is ultimately the person who must take the decision on the matter. This is how the issue was resolved.”

I must, however, indicate that in subsequent meetings

where I was called into or brought to my attention, it appeared that these conflicts continued and Advocate Ramsamy was concerned that as a prosecutor, her views seemed to be overruled by those of Chief Perumal and that the ID seemed to take more the side of Chief Perumal than her side.

ADV POOE: Do you recall how many other meetings related to conflicts between the two took place?

MR SESOKO: I honestly cannot recall. They were varied.
10 Sometimes Chief Perumal would come to me. Sometimes Advocate Ramsamy would come to me. We would have a discussion with the ID. So they were varied. I think because of that and the fact that Chief Perumal was not happy with Advocate Ramsamy, ultimately she was also removed from the matters.

ADV KHUMALO SC: Did you not supervise Chief Perumal's work? I mean, if there was conflict between him and the lead prosecutor in the matter, because he reported to you, was that not an opportunity to then look at what he
20 has done and supervise him and provide guidance?

MR SESOKO: Chair, we would have a discussion about these conflicts, as I said, and in the nature of how our project works, and it is also in the manual, that all the discussions in relation to the project must actually happen at the level of the team. So that even when there are these

disputes, the matter should be dealt with at the team level. So where you would have opinions of the entire team in terms of how the matter should be progressed, what needs to be done, what not needs to be done and the deputy responsible for the matter would then take the ultimate decision if there is no amicable solution within the team.

In this situation, unfortunately the lead, instead of the DDPP, was the ID. So she would then take the ultimate decision on how the matter would proceed. So she would
 10 then overrule the opinions of junior prosecutors like Advocate Ramsamy to say this is how I want it to go, I agree with Chief Perumal or whatever the case may be. So that is how in this specific matter it turned out.

ADV KHUMALO SC: So the Head of Investigations is excluded from all of that? You do not play a part at all?

MR SESOKO: That decision-making is part of the ID. I would not be included in that decision-making. We can have a discussion, but she ultimately takes a decision that this is how it is going to happen and it did not happen that
 20 way.

ADV POOE: But you did participate sort of in the lead-up to the final decision about what is to happen. I.e. you mediated this meeting and then you indicated that there were several other meetings where you had to talk to either.

MR SESOKO: Yes. As I said that it would be a complaint

session. Chief Perumal comes to me to complain. Advocate Ramsamy has made a submission that there is no case and all that and he believes there is a case. Those kinds of things, you know? So when we discuss these matters and try to find out where the fault line lies, you have people who have strong opinions about these matters and the ID would then take a decision to say this is how it must be done and it ultimately will be done that way. So that is why the decision to proceed the way these matters
 10 were proceeded with, the decision to enrol, all these decisions were done by the ID.

ADV POOE: Thank you. We can then proceed to the next topic, which is the disciplinary and leak matter concerning Mr Raphesu. That is at paragraph 47 of your affidavit.

MR SESOKO:

“The last occasion on which I was involved, arose when the ID convened a meeting and informed us that she had received a call from Mr Nkabinde. Mr
 20 Nkabinde alleged that Mr Raphesu had telephoned him and informed him that IDAC was conducting an investigation against him and that Mr Brian Padayachee was the investigator. In other words, Mr Raphesu had leaked information to Mr

Nkabinde. Present at the meeting were me, Chief Perumal, Mr Raphesu, and Mr Raphesu denied that he had called Mr Nkabinde, deposed to an affidavit confirming that he never done so and offered his cell phone and to take a polygraph test to demonstrate his innocence.

10 I was tasked by the ID to refer the matter to our Security Management Services, SMS, to arrange a polygraph. The SMS began the process by referring the request to the State Security Agriculture, but then reverted to us to say the State Security Agency does not conduct polygraph tests for internal disciplinary matters and that if IDAC wished to have one conducted, it would have to procure the services itself. That was never achieved and the matter
20 was left there. Mr Raphesu continued to ask about progress and I gave him what I knew through his supervisor. I was later told that he had lost the grievance about the issue. I subsequently learned that the grievance had been dismissed on the

grounds of a time lapse.

At the time I was asked to facilitate the polygraph, I received a report from one of our investigators, Mr Ayanda Mbalo, who had been tasked to investigate the alleged leak. The report recorded that Mr Nkabinde was refusing to provide a sworn statement about the alleged leak. The ID wrote a letter to Mr Nkabinde calling on him to provide a statement and if he is not willing, indicate so in writing. Attached is a letter from the ID marked MS6. Mr Nkabinde responded to the ID letter with the email dated 27 March 2025. The email is attached as MS7. The ID further wrote to the advisor to the Minister, Advocate Pikoli, raising frustration about Mr Nkabinde's failure to provide a statement. The letter is attached as MS8.

Mr Mbalo expressed that Mr Raphesu would have leaked the information. Alternatively, that Mr Binang would have done so allegedly because he learned that I revealed information to Mr Binang. Attached is a report by Mr Mbalo marked

MS9. On my reading of the report, I was convinced that it insinuated that I am also a suspect for leaking the information. So when communicating with SMS, I advised them that I was also volunteering to be subjected to polygraph test based on paragraph 4.2 of the findings of the report. Attached is the email dated 25 June 2025 to SMS marked MS10, communicating same.

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The obvious difficulty with that report is that the allegation was that ID herself received the call from Mr Nkabinde. There is no indication in the report that a statement was obtained from the ID about the allegations and to obtain the records of the alleged call to her. Nor were the records of Mr Raphesu, Mr Binang or me obtained. I recently learned a further step that I regard as irregular. While I was on sick leave in January 2026, an investigation was authorised within IDAC in terms of section 28(13) of the NPA Act against Mr Raphesu for leaking information. The authorisation was for the

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contravention of section 41(6) of the NPA Act.

The application memo indicates that it is from Chief Perumal, even though his signature is not in the memo and it is authorised by the ID. Attached marked MS11 is the application for authorisation. This offence is definitely not within the IDAC mandate and should not have been authorised in IDAC. I regard this as odd for four reasons. First, section 41(6) investigation of this kind is not an IDAC mandate. Second, the ID herself received the initial complaint from Mr Nkabinde and would appear to be conflicted in authorising an investigation arising from it.”

ADV KHUMALO SC: She is actually the complainant.

MR SESOKO: Yes.

20 **ADV KHUMALO SC:** Because Mr Nkabinde is not the complainant.

MR SESOKO: Yes.

ADV KHUMALO SC: So in section 41(6), the ID is the complainant.

MR SESOKO: Yes, yes, so that is why I am raising that.

“Third, Chief Perumal, as a witness in the investigation, cannot apply for authorisation. Fourth...”

So maybe to explain this, when the ID called that meeting, she indicated that when she received the call, she was with Chief Perumal and Chief Investigator Padayachee. So they heard that call or the conversation between her and Nkabinde, which makes them witnesses in this investigation. So that is why I am saying that Chief
10 Perumal, as a witness in that investigation, cannot apply for the authorisation.

“Fourth ...[intervenes]”

CHAIRPERSON: Had the ID put the call on speaker or how would they have heard?

MR SESOKO: Yes, that is what she indicated.

CHAIRPERSON: All right.

MR SESOKO:

20 “Fourth, there is no indication that the former IPID officials who are alleged to have attended a meeting with me were approached for their statement. When I returned from leave, Chief Perumal briefed me on the referrals he had dealt with in my absence.”

So those referrals are those that will be on MS-5 that he

had dealt with. But he did not mention this one.

10 “As I was preparing my affidavit for the
Commission, I called the IO, Mr Mbalo, to
enquire about this matter. He confirmed
that the investigation was authorised and
that he was going to recommend that the
investigation be closed as there is no
evidence to implicate Mr Raphesu in
wrongdoing. I called for the file and
established that there is a statement from
Mr Nkabinde dated 27 November 2025. Mr
Nkabinde, who had refused to provide a
statement, now deposed to an affidavit,
which expanded the allegation to implicate
me, asserting in substance that on
learning of his appointment as Chief of
Staff, I had convened a meeting and asked
investigators to investigate him and to find
anything they could against him. I deny
20 that allegation.

Mr Nkabinde's statement is attached and
marked MS12. What I find odd is that the
colleagues who are alleged to have been
in a meeting with me are not approached
for their statement to corroborate this

allegation. I also established that only a subpoena for the cell phone records of Mr Nkabinde and Raphesu were requested. They were analysed by Digital Forensics South Africa and their report confirmed that there is no record of the calls either from Mr Raphesu's phone or Mr Nkabinde's phone. No cell phone records were obtained for the ID phone to confirm
 10 that the call was indeed made to her.”

ADV POOE: Thank you. I think we can then move on to the next section. ‘Why I did not impose myself into these matters’.

MR SESOKO:

“I have been asked why, given my position and the leadership role I ordinarily play, I did not raise concerns at the time or ask to be included in these matters. The answer lies partly in my own history.
 20 During my time at IPID, I was involved in serious conflicts. I stood my ground and I paid a heavy price for it. I was suspended in 2015 and subjected to a disciplinary process and criminally charged, which I regarded as unlawful. The charges

related to IPID report concerning the rendition of Zimbabwean nationals. In August 2016, I was dismissed in absentia after being found guilty of gross misconduct at the time when I was hospitalised for depression.

My request for a postponement had been refused and I never gave evidence in my own defence. Following the Constitutional Court finding that the suspension of the then Executive Director, Mr McBride, was unlawful, he was reinstated to his position. I also challenged my dismissal through the Bargaining Council and was reinstated. I was suspended again in March 2020 by an incoming acting head of IPID and again had approached the Bargaining Council. I was then reinstated. I testified before the Zondo Commission about police corruption and about political interference that I believe lay behind my suspension.

These experiences were costly to me, personally and financially, and to my family. I am 61 years old, near the end of

my career. When I found myself excluded from the CI matters, I made a deliberate decision not to force my way in. I took the view that if the ID did not involve me, it was because it did not want me involved and I respected that. There is in any event a practice at IDAC that if one is not on a matter, one does not seek to know its details and there is a related principle of neutrality. I let the matter be and I did not ask ID why she did not involve me. There was also a further, more recent consideration.

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On the 7th of November 2025, I was kidnapped while driving home. I was assaulted and robbed. My attackers took my state-issued laptop, cell phones, and abandoned me near a bridge in the early hours of the 8th of November. I reported the matter to the police and received medical treatment. While I cannot say with certainty if this event is related to my work, however, there were two distinct occurrences during the robbery that makes me suspicious. First, the kidnappers

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demanded a firearm. When I told them I did not have one, they assaulted me so much as if they knew I should have one.

Second, when they took all the gadgets, laptops, cell phones, tablets, Samsung Watch, they asked for PIN numbers and passwords of all these gadgets. However, on the work laptop, they specifically demanded that I write the password on one of the kidnappers' phones and they took the laptop to a house. They only did this with the laptop. This occurred against a backdrop of public allegations against IDAC and its leadership and of threats directed at the unit following the CI arrest. That experience had affected how I approached my work and my own safety.

In the circumstances, rather than insert myself into these matters from which I had been excluded, I confined myself to assisting on discrete issues on which I was asked to assist and to advising those members of the team who approached me for guidance. I otherwise left the ID as the head of the unit and my supervisor to

deal with these matters as she saw fit. I wish to make one matter clear. I do not say that there was no case to be investigated against CI officials.

My concern is not with whether there was a case, but with the manner in which these matters were handled and, in particular, with the departure from the established intake and investigation process. Even where there is a case to answer, it must be dealt with in accordance with the process. And where the process is not followed, the integrity of the outcome is placed at risk.”

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ADV KHUMALO SC: Before you go to the conclusion, did you play any part in IDAC's presentation before the Ad Hoc Committee?

MR SESOKO: No, I did not, Commissioner.

20

ADV KHUMALO SC: Because when the former ID went there, she was not going there in her individual capacity. She was going there representing IDAC. So you are Head of Operations at IDAC. Did you not assist at all with the presentation?

MR SESOKO: Not at all.

ADV KHUMALO SC: Not at all. And then after the 6 July

2025 media conference by General Mkhwanazi, serious allegations were made against IDAC. I am sure you are aware of that.

MR SESOKO: That is correct.

ADV KHUMALO SC: Did you not, as Head of Operations, look within to see if there is nothing wrong that IDAC did, so that you can assist the ID if she needs to account to the nation or to Parliament?

MR SESOKO: There were meetings and discussions about
10 those revelations by General Mkhwanazi and in those meetings, they were dismissed as a counter to the investigations that had happened against the CI Generals.

ADV KHUMALO SC: And then internally, Advocate Serunye raised two issues. One was the section 27 referral affidavit was not there. The investigators did not have it. The prosecutors did not have it. So that was the one issue. The second issue was the two CI matters, the Mokwele matter and the Lushaba matter. There were no DDPPs who were leading those investigations and he raised those
20 issues as serious concerns and as far as I understand, you were copied in that correspondence.

Why did you not do anything? If he says the section 27 is not there, it has not been provided and secondly, these investigations were supposed to be led by DDPPs. They were being led by junior advocates at IDAC.

Did you not say anything? Did you not intervene? Did you not raise these similar issues with the ID? Did you just let those things slide?

MR SESOKO: Chair, my recollection is that there were engagements about those issues and with the ID and also with Advocate Serunye and the ID was not even happy about those things being raised. Because as I understood at the time, she felt that these matters were properly within IDAC and I think she sort of took umbrage why those issues
10 were raised. So in those meetings, I think the issue was a decision has been taken. Matter is authorised. It is going to proceed as she started it.

ADV KHUMALO SC: And then the last one. In this Commission, your investigators, Mr Padayachee and Chief Perumal, have been accused of what on the face of it is serious misconduct that may well amount to fraud. The Commission has not made findings one way or the other, because we must hear all sides. But the allegations are that they created affidavits many months after and then they
20 backdated the affidavits to create the impression that those affidavits were deposed to on the 6th of January 2025 in relation to Mr Adams' supplementary affidavits.

And then, in relation to the section 21, sorry, section 27 affidavit, the allegation is that the affidavit that has been provided to the Commission and the one that we

as Commissioners have been looking at, was only created after October 2025 and it could not have existed in November 2024 when Mr Adams made the referral to IDAC. Now you as Head of Operations and Head of Investigations, when you hear allegations like those, did you make enquiries internally to find out what the position is and if the Commission has been misled and has been provided fraudulent documents?

MR SESOKO: Chair, my recollection is I heard of these
10 allegations when these matters were ventilated here at the Commission. I think Mr Raphesu would have indicated that he suspects there is something wrong that would have happened with section 27 and if I remember his words, the truth will come out. So, I remember speaking with Chief Perumal, if he knows anything about this and then he says, no, there is nothing like that. Everything is on board. And I took his word for it.

ADV KHUMALO SC: Lastly, and it is a question Chair asked, because you are the Head of Investigations, is it
20 common, is it usual within IDAC that an investigator can start an investigation and conclude the investigation without having seen the section 27 referral? Because Mr Padayachee told us that that is what happened in this case. He never saw the section 27 referral.

MR SESOKO: Chair, in terms of our processes, and the

manual also speaks to that, when a matter is authorised and the project manager convenes a project meeting with all stakeholders, including the DDPP, all information relating to that matter is shared and discussed within the team. It is an anomaly for those documents not to be shared within the team. It is clear that on this matter there was exception to the rules.

ADV KHUMALO SC: Should it also have formed part of the application for a warrant of arrest, the section 27 affidavit?

10 So when IDAC applies for a warrant, should the section 27 have been attached to the affidavit that was placed before the Court? How does it work in practice?

MR SESOKO: In practice, the investigating officer will draft an affidavit basically outlining the investigation conducted and the offences that are alleged to have been committed.

ADV KHUMALO SC: Sorry to interrupt you. Because the starting point is the section 27 referral, does he attach it to the affidavit?

20 **MR SESOKO:** No, in practice it is not. In practice it is not.

ADV KHUMALO SC: But it forms part of the docket?

MR SESOKO: In practice it is not.

ADV KHUMALO SC: So in practice it does not form part of the docket? You do not even share it with the accused?

MR SESOKO: No, it is part of correspondence, internal

correspondence, but it is not attached to the docket.

ADV KHUMALO SC: And when they ask for it because they want to challenge IDAC's jurisdiction or IDAC's mandate, how do you deal with that?

MR SESOKO: Well, when they ask for it, in my experience, it is that it has been provided. When they had asked for it.

ADV KHUMALO SC: So, Mr Sesoko, when a docket is opened or when an enquiry is opened, does the section 27 not become the A1 statement and then it can be
10 supplemented if there is anything further to add to the affidavit? How does it work at the start of the investigation? Assume that the investigation has been authorised, either in terms of 28(1) or 28(13), and then a docket or an inquiry is opened, should the section 27 affidavit not be the A1 statement?

MR SESOKO: In practice, Chair and Commissioners, the section 27 referral is treated differently. When an investigation starts, when it is authorised, then the complainant is approached for an A1 statement and a full
20 comprehensive A1 statement, which would address all the elements of the offence is then obtained and that is what is used as the A1, not the section 27.

ADV KHUMALO SC: Where does one find that? Is that in the manual or is it your interpretation?

MR SESOKO: It is the practice.

ADV KHUMALO SC: But where does one find that? Where is it recorded that that is the practice?

MR SESOKO: I am not sure if we record it like that in the manual. I must be honest. I am not sure if we do that. I think the manual states the processes that must be followed, but it does not specifically say what happens in relation to section 27 or an A1 statement, because it is more of an investigative operational issue that investigators do.

10 **ADV KHUMALO SC:** And the reason we are asking this is because Mr Serunye, Peter Serunye, and Ms Ramsamy, they have testified in this Commission that, and I hope I am not confusing their evidence and their transcript will bear that out, but they said the section 27 affidavit becomes the A1 statement and then any further statement obtained from a witness supplements the section 27.

So the section 27 is not an internal document. It is the genesis of the investigation. It is the affidavit that must set out what offence is being reported and what offence
20 must be investigated so that what the investigator looks at and what guides the investigating officer, is in fact that affidavit.

MR SESOKO: Chair, I will not dispute that, that it may happen in other matters, but you know, that the section 27 may have been included as an A1. But I am talking in

generally to what I know would have happened in most of the matters.

ADV KHUMALO SC: But because IDAC has not had that many section 27s, you said so yourself, most of your matters are from the Commissions and there was that General authorisation from the former ID. Do you not think this is something that should be clarified in the manuals?

MR SESOKO: Yes, certainly, Chair. I mean, this experience with the Commission, it is a lot of lessons
10 learned for us. We already have been having a discussion internally about IDAC reset and how we improve our operations and including our manuals, so that we are all clear in terms of processes. Because this process has shown the weaknesses within the organisation that really need attention.

ADV KHUMALO SC: And these weaknesses are serious because they can lead to systematic failure. They can impact not just IDAC but other law enforcement agencies as you have seen with Crime Intelligence and SAPS.

20 **MR SESOKO:** That is true, Commissioner. Lessons learned.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: Can I just check? You say in paragraph 59 that there is a practice in IDAC that if you are not involved in a matter, you do not seek to know its details and

this relates to the principle of being neutral. But surely that position in practice does not apply to the ID?

MR SESOKO: Yes, it does not, Commissioner, because she is the ultimate person that takes decision on all these matters. A matter cannot be enrolled without her approving that. So every decision of this nature, it is taken by the ID.

ADV BALOYI SC: But then by saying, well, not saying, you are Head of Investigations, it seems to me you should know what is happening in investigations.

10 **MR SESOKO**: Yes.

ADV BALOYI SC: So that rule, if it is a rule in the workplace, should not be applying to Head of Investigations. Because you need to be able to speak to the investigations that are happening in the organisation.

MR SESOKO: That is correct, Commissioner and in most matters, that is what happened. As I said, this was an exception.

ADV BALOYI SC: So in a properly working IDAC, a person in your position, who is Head of Investigations, is supposed
20 to know and be involved with investigation. When I say involved, I do not mean you run and do the investigations, but because you are the overseer of all the investigators and of investigations, so you should know this.

MR SESOKO: That is correct, Commissioner.

ADV BALOYI SC: Therefore, it must mean it is a... I am

trying to determine whether it is this a person problem that you ended up in this position where you do not know about investigations that are happening because they are being directed by the ID and who chooses Mr Perumal, Mr Padayachee, and others. Is it a problem that a different Head of Investigation would have said, would have been correct to say, I am Head of Investigations and I will not be excluded from investigations?

Or it is a misunderstanding of your role by both you
10 and the ID that you are also subject to that rule of practice that you do not need to know what is happening in matters. I think, put simply, is this a structural problem? Is it a, well, we happen to have the wrong people in the positions, we have the wrong ID in the form of Ms Johnson, who did things the way that she did and excluded you and, or and/or we had a wrong Head of Investigations who did not accept his role and position when he gets excluded.

Can you just say which one it is? And the question is important because, at least from where I am sitting,
20 because among the things that we have, the Commission is required to do, is to make recommendations, including recommendations about what improvements, changes, need to be done to the organisation. So we are going to have to grapple with how did IDAC land where it is today? Is it a structural problem?

Is it that whoever employed Ms Johnson just made a bad decision? Whoever employed Mr Sesoko made a bad decision? You understand what I am saying, what I am asking you? Can you just comment to that?

MR SESOKO: Chair, the fact of the matter is, in this particular instance, rules were not followed and I took a decision at that point in time, as I explained in my affidavit, based on my personal history. I take full responsibility that I should have acted differently, but at the time, for me, it
10 was the right decision to take, given the considerations that I have said to the Commission.

ADV BALOYI SC: I understand, and thank you for that answer. It is trying to understand, what is behind my question, whether in terms of your contract of employment, which sets out what your job is, you could have asserted to the ID, even if she did not like it, you could have said, there is no investigation that will happen that I do not know anything about. Does your contract, the terms of your contract, give you that kind of standing, or it is a problem in
20 the contract because maybe she still gets to make decisions finally about investigations? I am trying to understand that. So I am trying not to make it personal to you, but to understand what are the limitations other than your personal circumstances. Another Head of Investigations, will they not find themselves in exactly the same position

for different reasons?

MR SESOKO: Chair and Commissioners ...[intervenes]

CHAIRPERSON: Perhaps to add to that, besides the contract of employment itself, or in addition to rather, in addition to that contract, there are the annual performance, what do you call them, which you sign with your boss, undertaking that you are going to perform in accordance with, and then, as I understand it, there is itemisation of everything that you undertake you are going to do during
10 that year. Am I correct that there is such a thing? What is it called?

MR SESOKO: That is correct, the performance agreement.

CHAIRPERSON: Yes. Now, I am adding to what Commissioner Baloyi says, which is a reference to the employment contract itself, and I am saying there is also this performance agreement. Would what you are required to do not also be, it would obviously be included in that, and would it cover what Commissioner Baloyi is raising, and if it would, what would you be assessed on if not on that,
20 that is what it covers, which includes the issues that Commissioner Baloyi is raising.

At the end of the year, how do you get assessed if you have not said, now, if you do not allow me to do A, B, C, D, how am I going to be assessed at the end of the year? So, basically, that contract would require of you to raise the

issues that Commissioner Baloyi is referring to. Now, can you please respond, with all of that in mind, can you please respond to Commissioner Baloyi's question?

MR SESOKO: Thanks, Chair. My performance agreement provides that I must advise the ID, as I have indicated that these matters were discussed and she would take a particular position. I understand the concerns, and in hindsight, maybe I should have taken this issue even further and not let it be as I did. But that is what, to me, at that
10 point in time, seemed right to do. As I said, maybe I should have acted differently by raising this issue at a higher level, so that what now has been ventilated could have been stopped. I do, however, I am, however, not sure if it would have made any difference.

ADV BALOYI SC: Sorry, you may carry on.

MR SESOKO: No, I was saying that I am not sure, however, if it would have made any difference.

ADV BALOYI SC: You say you are not sure because the ID is the person that she was, or what? Because, you see,
20 you speak of, you say your contract says you advise the ID. The next question is, well, what does that mean, in fact? You advise her on investigations that your people are doing and what they put together before she makes a decision. Does advising mean that you say to her, on this investigation there is no case? She ultimately gets to sign

off on the next steps, but what does advising her entail?

MR SESOKO: Advising the ID, it means advising her on all operational issues, where matters are under investigation, what are the challenges, what needs to be done. Most of the time, what happens in practice is that decisions like enrolment and so forth would happen when there has been a meeting of all stakeholders to discuss that matter and when there is a consensus that the matter must be enrolled. But my advisory role is where there are issues that affect
10 the project, so that we can discuss how we overcome those issues. In relation, for instance, to these specific issues that are raised here at the Commission, there would have been discussions about it to say, there are issues that have been raised, there are concerns about these things and she would give that direction to say, no, I am satisfied about these things, this matter will go on. If there has to be a takedown, the takedown must go on.

ADV BALOYI SC: You see, from the evidence, let us take the Mokwele matter, that it has appearances, we have not
20 made any final decisions, but concessions made by the witnesses. There seems from those concessions to be an acceptance that there were shortcomings in the investigations. At least one area, there were shortcomings in the investigations.

The question that it prompts for me is where was

the Head of Investigations when there were these bad shortcomings, these serious shortcomings, and the matter gets J50 issued, people get arrested and they go to court. Where was the Head of Investigations when this happened, where a poorly investigated case lends at people getting arrested and people getting to court. Even before that, it lends at a decision to prosecute.

Now, from your answer, it is still not clear to me that things got that bad because the Head of Investigation
10 was missing in action for reasons that you give. Or, look at the parameters of my powers, my position. I cannot do more than tell the, forget that I did not tell the ID maybe, but if you look at my contract, I cannot do more than just saying, ID, this investigation is poor, the matter is not ready to go to court and she makes the decision.

Because if that is the case, it may well be that recommendations or thought must be given to how do you give the Head of Investigations more power or ensure that in their contract, they get to make determinations about
20 investigations and they are the ones that sign off to the ID to say, yes, I am happy with the investigation and until there is that sign off, the ID may not approve, may not give a decision, or may not sign off.

I am trying to get you to assist us in answering that kind of question. I must say that in your answer, the way

you have answered it, I have not gotten the kind of assistance that I am looking for or the answer to my question.

MR SESOKO: I understand, Commissioner. The reality of the matter is that this investigation was directed from the ID's office, not from my office. All decisions relating to it were directed from her office, including the takedown. I learned of it after the fact. When, in normal circumstances, when you conduct a takedown, you sit in a meeting, discuss
10 how the takedown would look like, whether there is a warrant of arrest to be applied for or J175, all those issues. That was not the case in this specific matter. So, it was an unusual situation, and I think that is the best way I can answer you, Commissioner.

ADV BALOYI SC: Would you consider, as an appropriate suggestion that I put to you, that the system, the structure, has to be such that the ID should not be immersed in the investigations, should not be directing investigations, because, ultimately, people must satisfy her when she
20 makes him/her, when they make the decision now, as they are empowered to do, starting with the 28(13), the ID should be sitting as a neutral party, so to speak, where others come and persuade her, we need a 20(13), and then she can interrogate what they are doing at that point and then they go and do their work. Now she must authorise an

investigation.

She should not have been involved in the process of directing, go find this, go find that, because, ultimately, when they come to her, in this case, because it was for a 28(1), she must look at it with a fresh eye, with an unbiased eye, if you like. The same for all the various stages that she must authorise. It is a, would you consider it an appropriate suggestion that the ID should, in fact, be insulated from all of that, so that by the time she is required
 10 to exercise the statutory powers of being the ultimate decision-maker on the different steps, she looks at things with a new eye and an unaffected eye?

MR SESOKO: Commissioner, I agree totally. In fact, most of our matters, that is how they have been conducted. She would come at the very tail end, and, as I said, when those meetings happen to discuss, where now the team says the matter, the investigation is complete, now we are ready to enrol. That is how, in most matters, it would have happened, except for this one.

20 **ADV POOE**: Maybe the exception suggests that it should be an entrenched position, in respect of which no ID has an option to deviate, and there is no exceptional matters, because all matters that come to IDAC must meet the criteria, so there cannot be exceptional and sensitive matters that only the ID should look at.

MR SESOKO: That is correct, Commissioner, and that is what motivated me to create the case integrity.

ADV BALOYI SC: Okay. Part of the concern you have raised, or an explanation that you have given, for not escalating things to the NDPP, you shrugged your shoulders, and we have heard evidence as well that where matters have been escalated to the then NDPP, then, there was no good outcome out of it, and people seem to have ended up in worse positions than they were before they
10 lodged the complaint.

How do you suggest to fix for that kind of problem? Is it again a matter of, well, it is about the integrity of the people that you appoint, or it is a problem in this scheme that we have, where you have IDAC falling under the NPA, and ultimately the NDPP is the one that people must escalate things, but the NDPP has a working relationship with the ID because they all belong to the same organisation.

Is that the problem, and does, in your view, the
20 appointment of the judge, IDAC judge, and whatever his terms of reference are, create a different playing field than what you had when it was just ID and NDPP?

MR SESOKO: Commissioners, I think, unfortunately, the issue of the judge came much later, even though it was provided for in the legislation. I think it took time to be

implemented. I would venture to say that had it been in place much earlier, some of these issues would have been raised with the office of the judge, and maybe there would have been interventions much earlier.

ADV BALOYI SC: Do you say that because of the terms of reference of the judge?

MR SESOKO: Yes. Remember, the judge would look at complaints, even by IDAC staff, political interference, whatever complaints they might have in relation to how
10 IDAC is run, and, of course, even publicly about the work of IDAC. So I think people would have felt even more empowered to take the matters to the IDAC judge.

ADV BALOYI SC: Thank you.

CHAIRPERSON: We are left with only, subject, of course, to whether there are other issues you wish to raise, Ms Phooe, we are basically left with one page.

ADV POOE: Chair, perhaps can the witness read into the record the remainder of his statement?

CHAIRPERSON: Yes.

20 **ADV POOE:** And that way, what can remain, if any, after the – sorry, Chair. The look that you gave, I was not sure what...

CHAIRPERSON: No, no, no. Please do not – I do not want to mention the counsel's name, but do not play that on me. He always tries to read my face and make conclusions.

[Laughter]

ADV POOE: No, I withdraw the remark, Chair, that perhaps what will remain will be a couple of clarity-seeking questions and some probative questions on some of the aspects of other witnesses' evidence.

CHAIRPERSON: Thank you, Ms Phooe. Can you please conclude reading your statement?

MR SESOKO: Thanks, Chair.

10 “I consider it important that the
Commission should not conclude that
IDAC is, as an institution, compromised.
IDAC has some structures, capable and
committed people, and good processes.
There is a lot of work that has been done
by colleagues at IDAC, which shows how
committed they are to the fight against
corruption.”

CHAIRPERSON: You left out good. There is a lot of good work.

20 **MR SESOKO:**

“There is a lot of good work that has been
done by colleagues at IDAC, which shows
how committed they are to the fight
against corruption. I would like to refer
the Commission to the info-graphic

marked Annexure MS13, which gives a summary of matters dealt with by IDAC as they relate to state capture. My evidence concerns the manner in which a particular set of matters was handled, which, in my view, was an outlier and not the institution as a whole. For the reasons set out above, I recommend that the intake and selection process contained in the operational manual and case selection criteria be fully operationalized, including a single designated intake point and case intake committee.

10

That process was designed precisely to guard against difficulties that have arisen, to ensure that case selection is objective, auditable, and defensible, and to insulate the ID from allegations of targeting or selecting cases without proper basis. Had this been operationalized, many of the concerns I have described would have been avoided. I make this statement in order to place my account of these matters and of IDAC processes before the Commission.”

20

ADV BALOYI SC: Mr Sesoko, there in paragraph 66 you talk about operationalizing the manual. Do you not need more than just operationalizing it? Because I mean, that is quite a soft position to take, and it is still subject to human conduct. You can get another ID who simply ignores it. Is the solution not that it becomes part of the set of documents which are policies and protocols, and if you do not comply, there will be consequences?

Because as matters stand, I understood from an
10 earlier discussion that there does not seem to be any repercussions for noncompliance with the manual. But if you do have repercussions, be it disciplinary action, it does not necessarily have to be criminal prosecution. But if you treat it as part of your policy documents or protocols, whatever name you give it, and it is clear that if you do not comply, is not that a position you should be advocating for?

MR SESOKO: I would agree, Commissioner, that I think the manual existence is not strong enough in that area in terms of consequences and I think already, as I said, that
20 there are discussions about it, that there must be an improvement to it so that everyone complies with its provisions without exception.

ADV BALOYI SC: And there is consequences.

MR SESOKO: There is consequences.

ADV BALOYI SC: If you do not comply.

MR SESOKO: Yes.

ADV BALOYI SC: Okay, all right and then lastly from me, in paragraph 65, you say ‘my evidence at the end’, you say:

“My evidence concerns the manner in which a particular set of matters was handled, which in my view was an outlier in the institution as a whole.”

I must confess that I am outside IDAC, but the bit that we have heard from other witnesses, I would be very cautious, 10 and I think I would suggest you are too, being inside as Head of Investigations, about how far this, which you call an outlier, goes. We have become aware of Crime Intelligence matters because General Mkhwanazi held a media conference. It resulted in a Commission of Inquiry.

The question that I would ask is, well, how far does this go? What else are you not aware of? For example, you have not spoken to what Mr Raphesu testified to, that there is an investigation, about a R50 million that was supposed to be taken by General Lushaba, and he says 20 when he called you about it, you did not know anything about it. So you do have an idea of what is happening, but maybe in fact the reset that IDAC is doing should include a real deep enquiry into how far does this go. What else was being investigated?

Because that is a question that I ask myself as a

Commissioner, that we have had evidence here, but what else was being investigated off the books, that you will not find on record of Crime Intelligence? What else was the ID involved with? What was Mr Perumal involved with other than what we now know? So my suggestion would be to be cautious about what we know is the outlier. Maybe it is worse than that and until you have satisfied yourselves that this is all there was that has come out of the Commission, you should be more cautious with that statement.

10 I think there is cause to be concerned. How bad is it? Is this all that we have seen and that is the end of it? I have no reason as I sit here to think that is all there is.

MR SESOKO: And I understand, Commissioner, from your own position. I am speaking from what I understand from inside. As I said that there are 137 matters representing 88 percent of our work, which I believe may not be tainted by these issues. So my statement of an outlier stems from that. It does not take away the fact that we have to review. There is an agreement within the organisation that we have
20 to review all our matters and be sure that there is nothing that we have missed and if there is injustice that would have happened, it is corrected. That is the position of the NDPP. That is the position of the leadership.

ADV BALOYI SC: Thank you. Thank you.

CHAIRPERSON: Mr Sesoko, before this last engagement

by Commissioner Baloyi, my co-Commissioner engaged you on what you consider to be necessary and there was a discussion on policies and how strong the wording of that is, in particular with regard to consequences. I just want your comment on this. I have no idea what we will recommend in the end. It may either be a continuation of an institution called IDAC, or it may be a totally different institution. I do not know. Or the killing of any such institution altogether.

10 But on the assumption that something similar to IDAC, were, depending on the acceptance of our recommendations, to continue to exist, do not you think it would be better if the processes would actually get legal force from an Act, whether it is the NPA Act or whatever other Act. So the Act itself specifically provides that such a process document should be created. And having its force from an Act of Parliament, it would be less likely that it would be flouted at whim or at will by whoever the head will be. Of course, human beings, being what they are, they will
20 flout laws, which is why, for example, we have criminal trials all the time.

 We have administrative challenges against state functionaries, and so they will flout the law. But I think it will give more force to have it provided for by the act itself, and not officials sitting down, crafting their own document

as they please, and of their own accord. What is your comment on that?

MR SESOKO: Chair, my comment is that I think it will be a good idea that IDAC will have operational regulations. In my previous environment in IPID, that is what we did once, because I was involved in the development of that IPID Act. But we ensured that there are also regulations regulating the operations. So once they have the force of regulation, then it enforces all these issues that we spoke about.

10 **CHAIRPERSON**: And is it the Act itself that says there must be...

MR SESOKO: There must be a regulation, which talks to the operations.

CHAIRPERSON: Ja, it is exactly something similar that I have in mind. Depending, of course, as I say, on what our ultimate recommendations are with regard to IDAC.

ADV POOE: Chair, I assume you agreed that we take the lunch adjournment.

CHAIRPERSON: All right. Let us adjourn and come back
20 at quarter past two. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Pooe?

ADV POOE: Thank you, Chair. Mr Sesoko, there are a couple of issues that I wanted us to go back to in your

statement, and I will try to do so thematically so we can move quickly. The first is short, and it relates to your Annexure MS01. Just to note, Commissioners, that there was a mistake with the labelling of the annexures, and there I take full responsibility. You will see it starts with MS01, and then the next is MS1, but we propose to leave it like that. Alternatively, we will go 1.1, but for now, if we can turn to MS01, and it is just a clarity-seeking question regarding this document. This document seems to be
 10 discussing the secondment of investigators from IPID to the ID, correct?

MR SESOKO: Yes, that is correct.

ADV POOE: And when regard is had to it, I think it then lists the individuals to be seconded.

MR SESOKO: That is correct.

ADV POOE: And then one of the annexures to it is that list of cases that is attached as Annexure G to this. What we wanted to understand is, as far as the dockets themselves and the movement of those dockets from IPID to the ID or
 20 IDAC as it now is, what informed that? Because this largely just speaks about the secondment of the investigators.

MR SESOKO: Chairperson and Commissioners, my understanding of MS01 is that it records the correspondence between the former ID and the then acting Executive Director or Directors, acting Executive Directors,

both Mr Senne and Mr Setsedi, but it records all other discussions that happened, including the issue of the handover of the dockets. At the time when this happened, I was in IPID. It was before my secondment to IDAC or ID.

ADV POOE: All right. So you were not involved in these deliberations?

MR SESOKO: Yes. So the deliberations happened between the two, the acting head and the head of ID at the time, Advocate Cronje. My understanding is that, as I
10 testified earlier, that upon the proclamation by the President of ID, when the ID then, which is IDAC now, started operating, the first thing that the Investigating Director at the time, Advocate Cronje, did was to write letters to the DPCI and to IPID to request the handover of all the dockets that were related to state capture matters, that were related to Mpati and the Nugent Commission as per the proclamation, but also requested the investigators who were working on these matters because the ID at the time did not have its own resources.

20 So they relied on secondment, or as the DPCI called it, duty reassignment of these investigators to the ID, and that is how all these matters landed in ID. So there were a number of cases that were opened when there was a lot of discussion about the state capture and the Guptas. There were a lot of dockets that were opened by civil

society, by politicians, and so forth.

So once the ID was established, then Advocate Cronje asked for all those matters as long as they traversed the issues that were being traversed at Zondo to come to the ID. Now that list come as a result of matters that were in IPID and were dealt with at Zondo.

ADV POOE: All right, thank you.

ADV BALOYI SC: Are those the only cases that came over into IDAC, the ones that were traversed, that raised issues, 10 also touched upon? And when you say issues, I take it you mean facts that related to these dockets that are now in IPID. The same facts arose in the commission, in Zondo's Commission or commissioning to state capture, is that what you mean when you say they traversed those issues?

MR SESOKO: Yes, Commissioner. So as I understand it, the investigating Director at the time, Advocate Cronje, authorised in relation to what they called security sector at that time, matters, authorised all matters that related to the testimony of Robert McBride at the Zondo Commission, but 20 as well as all procurement, alleged procurement corruption that is alleged to have happened within the SAPS and CI and the State Security. So it was sort of an all-encompassing authorisation.

ADV POOE: Thank you, Mr Sesoko. Then can we please move on to, let us deal with your involvement in the CI-

related matters. Now in your statement, the first incident or the first occasion of your involvement, you note the 6th of December as the first time, and this is when Mr Raphesu calls you. Is that correct?

MR SESOKO: That is correct.

ADV POOE: And you then say that he called you asking assistance to speak to General Jacob regarding handing over dockets.

MR SESOKO: That is correct.

10 **ADV POOE**: Now, in your testimony earlier, you indicated that you did not know anything about the investigation, and what you did was assume that the investigation was authorised.

MR SESOKO: That is correct.

ADV POOE: Why did you make that assumption and not check before making the call?

MR SESOKO: Chairperson, I think, as I said earlier, that I would not expect an investigator to ask for Chief Perumal to instruct someone to ask for a docket from the SAPS if a
20 matter is not authorised in IDAC. So that is why I had assumed that it must have been authorised.

ADV POOE: On your testimony, you had indicated that there had been sort of two occasions where investigations were authorised in the ID's office, and you then find out about them as a by-the-way or after the fact. In this

instance, you would have known nothing, and you were requested or you were going to call a General to hand over dockets, in fact, of live investigations, and you did nothing by way of verifying, which means if Mr Raphesu, for example, was out on a limb and not seized with an actual investigation, you would not have known. You would have participated in him acquiring dockets in a process that potentially was not authorised.

I guess I am trying to understand why you would
 10 take such a massive step, because it is not like you are speaking to a normal person. You are talking to General, the head of IG, the Inspectorate, sorry, and asking him to hand over dockets where in a matter you know absolutely nothing about.

MR SESOKO: That is true. In retrospect, maybe I should have asked first, but I think it is also a trust issue. I did not expect that an investigator would ask for a docket without any authorisation.

ADV BALOYI SC: Can I just ask something about this?
 20 Your answer for me would hold if at this point you were aware that there is an investigation that is being conducted, and so when Raphesu calls you, you would, I think, reasonably assume, of course, I know about this. Not assume, you would say, of course I know about this, and then reasonably assume that he is asking because he has

been sent by Perumal. You have no reason to doubt that. I can understand on those facts.

If you did not know as of the 6th of December '24 that something is happening, is being done relating to Crime Intelligence, and then you have a junior, I call him a junior only to say he is not the chief investigator, he calls you and he says facilitate this. If you did not know what he is telling you at that point is Perumal is conducting an investigation that you know nothing about, and at this point
10 Perumal, Chief Perumal reports to you at this point.

So if you did not know, it does not make sense, it is curious in the absence of an explanation that you do not call Perumal and say what is this that I hear about before I do anything to get dockets released. I am your boss, you report to me, and then have Perumal tell you it is in the ID's office, then maybe at that point you say, well, in that case I will not interfere. That would make sense. As I say, the alternative is you knew something was happening and that is why, and that you have been excluded from it, and that is
20 why you respond the way you do to Raphesu. Can you just explain that?

MR SESOKO: Ja. Commissioners, I think my actions at the time were mainly based also on my discussion with Raphesu, and in terms of how the instruction came and so forth, but I also took a view that I would take it up with

Chief Perumal, which I subsequently did. But at that point in time, I must admit, I did not call him immediately. I am not quite sure, Commissioners, because it is quite a while. I think we might have spoken much later on that day with Chief Perumal.

ADV BALOYI SC: But you would probably have actioned already, but if you are speaking later in the day, the question really is before you act on something like this, and we have had evidence that says actually on the 6th it was
10 very busy. People were very busy. That is the day that I think section 28(13) was issued.

MR SESOKO: Yes.

ADV BALOYI SC: There was clearly lots of activity in the office. And unless you were not in the office, it is difficult to understand that you would not have been aware, even if you are not closely involved, but that you were completely unaware that this is brewing, this is happening. And then firstly, as a fact, that you are not aware at all at all. You are the second in command. People report to you. And
20 then Raphesu calls you, and you deal with it so compliantly on your statement.

Obviously, he calls you because he thinks you know something about this, you are involved with this, you are the head of investigations. Then you are compliant, you facilitate without asking any questions. I do not understand

that. What makes sense to me, and let me put it to you so that you can comment, what makes sense to me is at the 6th of December when Raphesu calls you, you had an idea. You must have had an idea of what – you may have disapproved, you may have decided to distance yourself from it for the reasons that you have given and any other reason, but the picture that this creates is you must have been aware that something about Crime Intelligence investigations was going on and I will just do what they ask
10 me to do, and I do not want any part to it. What do you say to that?

MR SESOKO: Commissioner, if that was the case, I would have conceded to it. As I said, and I think even Mr Raphesu would have testified to the fact that when he spoke to me, he realised that I was not aware of it. So I was not aware of it. Yes, I did facilitate, and in fact, if my memory serves me well, at the time when I spoke with General Jacob, because that date was on a Friday and General Jacob would have indicated that he must come on a
20 Monday, Mr Raphesu. So my thinking at the time was that I will then follow up with Chief Perumal about this matter.

ADV BALOYI SC: Thank you.

ADV POOE: And if we can then move on chronologically about what happened next. You then speak about the meeting that was convened by the ID and the report to the

Minister of Police. To deal with that one, I am going to ask that we look at File 10 at page 251. Maybe just to introduce the document itself.

This is an affidavit by Ms Ramsamy that she says she, the purpose of it was to deal with the events. This was around when Mr Raphesu was being charged with having leaked information, and so she did an affidavit about what she knew surrounding those events and it was commissioned, I think, on the 3rd of March. My apologies, it
10 is dated 1 April 2025.

Now, if we can then go to paragraph 6.18. You will see there, I do not propose to read the entire paragraph, but if you look at the last sentence, goodness, I realise that it might – the whole paragraph might be the sentence. So it just says:

“On 16 January 2025, there was a
scheduled meeting with a Deputy
Director, Senior Investigator Binang, and
myself in the ID's office on another
20 matter. After that meeting was
concluded, I asked the ID if I may see
her privately on another matter. The
other parties were excused. I then asked
the ID if the designation had been
extended to Bellochun for Diversion And I

explained why, as per paragraph 6.16. I expressed my concern after the ID informed me that she was not aware that Bellochun was party to that consultation. The ID then sent an email to all designated members and the Head of Operations, Mr Sesoko, for a presentation to take place on the 22nd of January 2025, And I was told to note my
10 concerns in the presentation.”

Do you recall an email of this nature from the ID?

MR SESOKO: No, Chair. I cannot particularly recall. As I said in my statement that there were a number of meetings that were called, some of which I cannot remember the contents thereof, but it is possible that there was such an email.

ADV POOE: Yes, and this meeting, the one that happens on the 22nd is the one that you are referencing at paragraph 36 of your statement. Do you recall in your testimony you
20 confirmed that you suspect that this would have been the meeting of the 22nd of January?

MR SESOKO: Yes.

ADV POOE: Now, the day before that meeting, Advocate Ramsamy then emails the presentation, and for that, we need to go to page 216 in the same file tab. Do you have

it?

MR SESOKO: Yes.

ADV POOE: You will see there that Ms Ramsamy, on the 19th of January at 12:54, emails to you and the ID the presentation in question, and in the body of her emails, she says:

10 “My apologies for emailing over the weekend. The presentation is due tomorrow, and the team are engaged in various tasks. Attached for your perusal.”

So in this instance, you were not copied. This was sent to you, this presentation. Do you recall if you read it prior to the meeting?

MR SESOKO: I cannot particularly recall, but obviously, if it was sent, I would have looked at the presentation, and it probably would have formed part of the meeting of the 22nd.

ADV POOE: Okay. And in instances where you are sent these kind of presentations regarding this would be the plan
20 for what is termed Operation Diversion, what is your role in those circumstances?

MR SESOKO: Well, normally, you expect that there will be a presentation by the team on the matter that is being investigated, whether there are decisions that have to be taken in relation to that investigation or not. And if it is

called by the ID, it is normally because the ID wants to give specific directions in that investigation.

ADV POOE: When you say the ID would give specific directions, in this meeting, are you also not engaged in these types of meetings?

MR SESOKO: No, no, there will be engagement by everyone in the meeting.

ADV POOE: So you will be an active participant?

ADV POOE: Yes, everyone will participate, but normally it
10 will be the team itself. So the team will present and say what their views is about the case, where they are about the case and if there are issues that we as management want to raise in relation to that, then we will raise those issues. If there are issues of concern that are raised there, they will be discussed, and then there will be then a decision in terms of how to move forward with those matters.

ADV POOE: So your role is to be there as management and to deal with issues that arise in those meetings?

MR SESOKO: Yes.

20 **ADV POOE**: All right, and then so because this was sent to you in preparation of this meeting, you would have read, so by this date, you would know of this Operation Diversion? You would now know?

MR SESOKO: Yes, now I know.

ADV POOE: All right. Now let us go into the presentation.

ADV BALOYI SC: Before you go to the presentation, can I say, Mr Sesoko, that this email of the 19th of January, which is addressed to you and the ID, but in fact, it is preceded, as we have seen, by an instruction by the ID that you should also be emailed about a presentation. What it suggests is that at this point, the ID had not excluded you from these matters, as covered in the presentation at least. She had not excluded you. Otherwise, she may well have taken the matter.

10 It is an ID matter in the way that you described it, without going through the process in the manual, without engaging you. She took the matter on, but as of the 19th of January 2025, she quite clearly, and in fairness to her, whatever else she does that is wrong, in fairness to her, she has not excluded you at this point. And as you are going to be discussing the presentation, you participate in that meeting. You describe that. You say to Ms Pooe that everybody gets to participate. We get to express our views.

 So what we know and what we must conclude from
20 this is that at the latest, 19 January 2025, you are involved in these matters, in this project that is called Diversion and the ID at this point has not excluded you.

MR SESOKO: Ja. Chair, I would not describe it as being involved. I would say I am aware now that there is this matter, because remember that what happens is the email is

sent to me, yes, and then there is going to be a meeting. My expectation is that that is when I am going to get more details about this matter and as to what are the issues in relation to this matter.

ADV BALOYI SC: Ja. I suppose you and everybody else that did not know anything that was in this presentation would find out at this meeting, at this presentation, what this is about, which you do.

MR SESOKO: Yes.

10 **ADV BALOYI SC:** You do, and we will get there. At this point, I am making the simple point that after taking the matter from wherever she got it, and we have had a long debate about how this matter lands with the ID, but having taken that matter on the 19th of January, but in fact earlier than that, when she gives an instruction that you should be invited, a presentation should be prepared, and you should be invited, and then as of the 19th of January, you are part of this, however it plays out later. We are not yet at how it plays out. This tells us she had not excluded you.

20 **MR SESOKO:** Yes, at this point.

ADV BALOYI SC: And you do receive the presentation.

MR SESOKO: I do.

ADV BALOYI SC: You do look at it. In prep of that meeting, you look at it. If you did not, it is a choice that you made, but it is given to you to look at, so you do get to

become familiar with what is supposed to be discussed
come the 22nd of January. That is correct?

MR SESOKO: Yes.

ADV BALOYI SC: Yes, thank you.

ADV POOE: Then before we get into the presentation, I
just want to note one thing. In that affidavit from Ms
Ramsamy, she notes that on the 16th, Advocate Johnson
had asked for your inclusion, said there will be a meeting
and all of those who are designated would be there as well
10 as yourself. You recall that? That is what we read earlier.
Do you recall that?

MR SESOKO: No, I do not recall that. I am not sure. Are
you saying I was part of that conversation?

ADV POOE: No, I am not saying you are part of the
conversation. I am saying that, do you recall when we read
that paragraph, that what Ms Ramsamy was explaining was
that on the 16th ...[intervenes].

MR SESOKO: Yes, yes.

ADV POOE: Advocate Johnson was asking for your
20 inclusion into this meeting ...[intervenes].

MR SESOKO: Yes, yes, that ...[intervenes].

ADV POOE: Where this operation would be discussed?

MR SESOKO: Yes, I have seen that, yes.

ADV POOE: Yes. Now, you will note, I just want you to
note that this presentation was initially prepared by Chief

Perumal, and when Chief Perumal sends that presentation, he is the one actually who excludes you, and it is Advocate Ramsamy who then sends it to the team, including yourself and Ms Johnson. It is one of your investigators.

MR SESOKO: Okay.

ADV POOE: Now, and I just want us just to note that, to just note that for now.

MR SESOKO: Okay.

ADV POOE: Now, let us go into the actual presentation.

10 This is at, still in File 10. It is then basically two pages down at page 218. You will see there is an introduction that deals with Crime Intelligence. My apologies, it starts with, the cover page says Operation Diversion. The introduction deals with Crime Intelligence and that they are plagued with corruption and allegations which threaten, they say, the country's national security.

So it is all there in that, but what I want to draw your attention to is the background section. And in that section, you will see that they detail the affidavit that was
20 received in terms of section 27 and then it notes the allegations that IDAC was to initiate investigations into.

MR SESOKO: Yes.

ADV POOE: It is a fictitious housebreaking incident and then there is the procurement of a forklift using CI Covid funds. There is promotions or appointment (gratification to

specific senior managers) and it goes on about abuse of Covid funds to, and then mentions the purchase of property, the PKTT, and the use of the funds to pay for hotels.

Now, you would be reading this and then learning about the nature of the things that IDAC was to investigate, and on the face of it, some of them do not appear to fall under IDAC's mandate. I will draw an example to the procurement of a forklift, for example. That is point two of the allegations. When you are reading those and you are
10 seeing what appears to be things that on the face of it do not fall within the mandate, what goes through your mind?

MR SESOKO: Commissioners, my view at the time, the presentation is not normally a detail. So the meeting would give a detail. So I honestly did not raise eyebrows with it, with the understanding that when we get to the meeting, we will get to understand what this investigation is about.

CHAIRPERSON: But did you then get that detail at the meeting?

MR SESOKO: Yes. As I had testified earlier, Chairperson,
20 that when the team members explained what is alleged here, how it was presented was that there is corruption, manipulation of processes, there is issues of gratification and so forth. So those were things that were discussed in the meeting that then justified why the matter was in IDAC. But also, for me, it was because the ID had authorised it, I

did not question much about what is being presented would be something that does not necessarily fall within the mandate.

CHAIRPERSON: But the issue was about the mandate itself, and as I understand it, the substance of the question by Ms Pooe is whether all these indeed fell under the mandate, and that question cannot be answered purely by the ID having authorised what was going on. The question of the mandate is a legal question, answerable in terms of
10 the statutory mandate.

So I am not sure that what you say answers that part of Ms Pooe's question. Chair, as I am saying that at the time, based on what was presented, that is how I understood it, that what the team members were presenting to say what is alleged and what is being investigated would then, the offences would then fall within the IDAC mandate.

CHAIRPERSON: And Ms Pooe specifically refers to the procurement of a forklift and she suggests to you that that could not possibly have fallen under IPID's mandate. You
20 say all the questions were answered. Was that question or that issue answered? That specific issue ...[intervenes].

MR SESOKO: If my memory serves me well, Commissioners ...[intervenes].

CHAIRPERSON: If so, how? If so, how? Because unless, for example, you are able to say there is fraud, there is

corruption, or there is corruption insofar as the procurement was concerned, if there was not corruption in relation to that procurement, then it would have been an offence falling under IDAC's mandate insofar as there is provision for certain specified statutory offences, but those, at least on our interpretation thus far, those should be additional related offences and we interpret the additional related to be additional and related to the other offences specified as falling under IDAC's mandate. So Ms Poee is suggesting to
 10 you that the procurement of the forklift could not possibly have fallen under IPID's mandate.

MR SESOKO: Commissioners, as I remember what was presented at the time, the issue of the forklifts, it was not one forklift, what I remember. It was a number of forklifts, and this irregular procurement was alleged to have cost the SAPS millions. So ...[intervenes].

CHAIRPERSON: It is not the amount that would make an offence fall under IPID's mandate. It is nature in terms of what the Act provides for. It is not the magnitude of the
 20 amount involved.

MR SESOKO: Commissioners, my understanding ...[intervenes].

CHAIRPERSON: Or do you not agree?

MR SESOKO: My understanding at the time was that ...[intervenes].

CHAIRPERSON: Do you not agree? Do you not agree to the proposition I have just made, that it is not just the magnitude of the amount involved? Because that is what you said in response to my last question.

MR SESOKO: Commissioners, how I understood it is that it falls within the mandate in the context of financial offence as provided for in the Act, and also the fact that the amounts involved also. So when I looked at it, or at least from what the presentation was made, I understood it in that
10 context and I did not question why it is not in our mandate. There were debates about it, but ultimately it was settled that it was within mandate.

CHAIRPERSON: Am I mistaken? Why do I seem to recall that the mention has been of a forklift, singular? You are talking about many forklifts. I am not aware that that is the evidence. Everybody has been talking about forklift, singular.

MR SESOKO: Ja.

ADV POOE: Chair, even the presentation indicates it is a
20 forklift.

CHAIRPERSON: Yes.

ADV POOE: And even what is on evidence, it is a forklift and it cost around about, I think it was about 200 and something thousand.

CHAIRPERSON: Have a look at page 222. The very first

bullet on that page, the procurement of a forklift, and indeed that accords with my recollection of the evidence throughout this IDAC stream of testimony. So you say a huge amount was involved because there were several forklifts. So your point about several forklifts and therefore a huge amount of money falls away. It is just one forklift.

MR SESOKO: I see what is in the presentation, Commissioner.

CHAIRPERSON: Yes.

10 **MR SESOKO**: I am talking about what was presented, as I recall it.

CHAIRPERSON: But how can that be? How can it be that when the testimony of everybody, including Advocate Johnson and your other colleagues, everybody has been talking about one forklift, how could they at the presentation have spoken about many forklifts? I am inclined not to believe that there ever was such a presentation, Mr Sesoko.

MR SESOKO: Chair, I may be mistaken, but that is how I recall it.

20 **CHAIRPERSON**: If you are wrong, would there be a basis for having thought that this fell under IDAC's mandate?

MR SESOKO: No, it would not.

CHAIRPERSON: Yes, Ms Poee?

ADV POOE: Thank you, Chair. I recall that when Commissioner Khumalo asked Advocate Johnson what does

the procurement of a forklift that was not delivered have to do with IDAC's mandate, she too could not explain. Now, while we are dealing with this meeting, let us leave aside the aspects of the 27 referral.

One of the things, major things that happens in this meeting is, and you note that also in your affidavit, is the issue around reporting to the Minister comes up, and in particular, the ID indicates that she would do so through the office of the Chief of Staff, Mr Nkabinde. Is that correct?

10 **MR SESOKO**: That is correct.

ADV POOE: And when that happens, you then indicate to her that it is not a good idea because Mr Nkabinde is compromised, right?

MR SESOKO: That is correct.

ADV POOE: All right, and then the ID asks for information related to this.

MR SESOKO: That is correct.

ADV POOE: And then you agree that you would provide this information.

20 **MR SESOKO**: That is correct.

ADV POOE: What did you understand that she would do with this information once obtained?

MR SESOKO: That she would alert the Minister and the advisor to the Minister, Advocate ...[indistinct].

ADV POOE: And to your knowledge, was that the only

thing that was intended with this information?

MR SESOKO: Well, at the time of the meeting, that was what was said, but subsequently, when I provided her with the information, then she instructed that the Senior Investigator Padayachee should look into those allegations.

ADV POOE: And on what basis would Senior Investigator Padayachee be looking into those matters?

MR SESOKO: Chair, I assumed that because they have been raised and the documentation that I have shown or
10 given to her that come from analysts show that there is that collusion. I must hasten to say, as I have indicated in my statement, that this is a matter what I refer to as the blue lights investigation. As I understood, before I even went to IDAC, that there was a consideration to charge Mr Nkabinde related to that matter on what was discovered during that investigation.

However, the DDPP responsible for that matter at the time took a view that they should not include that because as I understood, there was an addition to the
20 accused before and there was a fear that when they add further accused, they might face a 34(2)(a) application by the Defence. So they did not want the matter to be removed from the court roll and the view that was taken at the time was that the matter will be dealt with later outside of the blue lights investigation.

ADV KHUMALO SC: Mr Sesoko, in the normal course, IDAC and NPA, they account to the Minister of Justice.

MR SESOKO: That is correct.

ADV KHUMALO SC: Did you not find it odd that the ID is reporting back to the Minister of Police in relation to ongoing investigations where the Minister of Police is not the complainant? Because by the time you went to the meeting, you must have known that, according to the presentation, Mr Adams is the complainant. So did you not
10 find it odd that you are now assisting the ID to report to the Minister of Police on matters that have nothing to do with him? And is that not interference in IDAC matters?

MR SESOKO: Well, Commissioners, it would seem like that. However, at the time, because I think she would have mentioned that there was a letter from the Minister, then I think it was the context why she had to report to the Minister. That is how I understood ...[intervenes].

ADV KHUMALO SC: But assuming there was a letter from the Minister, do you not find it odd that the ID, the IDAC, is
20 reporting to the Minister of Police on ongoing investigations when he is not the complainant? The complainant is Mr Adams. So why does IDAC report to the Minister of Police on ongoing investigations?

MR SESOKO: Commissioners, in retrospect, I realised that maybe I should have raised that, but I did not raise it and

maybe it should not have been the case.

ADV KHUMALO SC: And you assisted. It is not a question of just you not raising it. It is a question of you saying, actually, let me assist you. Let me get you that on Nkabinde to show the Minister that he is not the person we should be reporting through.

MR SESOKO: My view, Commissioners, at the time was that based on the history that I know of Nkabinde, I was worried about that communication that goes through Mr
10 Nkabinde. So that is how I looked at it.

ADV KHUMALO SC: My issue is that your worry is misplaced. Your worry should have been, why are we reporting to the Minister of Police on ongoing IDAC investigations?

MR SESOKO: I take that.

ADV KHUMALO SC: Forget who his secretary or whose Chief of Staff is. We should not be reporting to the Minister of Police on ongoing investigations where he is not even the complainant. The complainant is Mr Adams.

20 **MR SESOKO:** I take the point, Commissioner.

ADV KHUMALO SC: What you did is you opened a line of investigation in relation to Mr Nkabinde, which you later complain about, and you say you subsequently learned that a 41(6) or a 28(13), I cannot remember which is which, has been authorised in relation to the leak to Mr Nkabinde.

MR SESOKO: I am not sure I understand.

ADV KHUMALO SC: The investigation to find out what cases Mr Nkabinde is involved in and that report which you attached to your statement, you came up with that because you said you do not trust Mr Nkabinde, he is dishonest. The ID then said to you, find information for me, which you then did and you submitted to her.

MR SESOKO: That is correct.

ADV KHUMALO SC: And as a result of that, somebody
10 told Mr Nkabinde, we do not know who, that IDAC is investigating him.

MR SESOKO: That is correct.

ADV KHUMALO SC: The domino effect of that is that the 41(6) in relation to one of your colleagues was then authorised, which you say is unlawful.

MR SESOKO: That is correct.

ADV KHUMALO SC: Yes. So you set it in motion?

MR SESOKO: Yes, in a way it appears like that.

ADV KHUMALO SC: Ja.

20 **ADV BALOYI SC:** Ja, may I just also raise my concern about this, that you became complicit to an investigation into Nkabinde, because there is now an investigation because you said what you did, but you participate in that investigation because you go and find information on something that you volunteered. You are the one that

volunteers it and then there is an investigation, but that investigation is not founded on anything in the Act. The investigation, there is no complaint, there is nothing, but you are all happy to investigate Mr Nkabinde on the back of what you have said and you do not have a problem with that.

You are the second in charge. You do not say, hang on, I was just sharing for purposes of communication. Because if that is all you were doing as the one who holds
 10 the rules and who should be holding your people, your investigators, to your manual and to your rules, you in fact become complicit in an investigation into Mr Nkabinde. And from where I am sitting, it is no different from what Mr Perumal has been doing, which is conducting investigations or participating in investigations that do not comply with your manual, that actually do not have a basis in your Act.

Because this, which you are now investigating about Mr Nkabinde, it does not arise from the Act. It does not and in that way, you put yourself in a position where you
 20 are no better than what, in fact, Ms Johnson does on this. You are just as liable or should be just as liable on this. If it is a point of criticism that an investigation was conducted on Mr Nkabinde, it applies equally to you. Do you want to comment?

MR SESOKO: Yes, Commissioner. As I said earlier, that

the issue of Mr Nkabinde was part of the blue lights investigation. Now, at the time, as I have indicated, that the DPP that was responsible for matter had parked that issue. Now, the idea when she instructed Mr Padayachee that he must look into the matter, in my own understanding, would have been the extension of that investigation on the blue lights. But as it turned out, because of what happened in relation to the allegations of the leak, my understanding is that even that issue was never taken up.

- 10 **ADV BALOYI SC:** It cannot be that you believed that it is an extension of that investigation. The DDPP has taken a position how he is going to handle that matter. This investigation arises on your words, and I think Ms Ramsamy's words. It is, the ID says, find me debt on this person. It is not, it is in fact an investigation for ulterior purposes, not for the original purpose of the blue lights. It has nothing to do with that.

- It has to do with, he gave the ID heebie-jeebies. I cannot think of another word, sorry. Ms Ramsamy said that
 20 is what the ID said, I do not like this guy, he gave me the heebie-jeebies, and then you say, oh, do not actually send stuff to him because I do not trust him, and then she says find me stuff about him. That has nothing to do with your blue lights investigation, and you must accept that. It is because the ID is looking for something on him that will

enable, according to her, warn the Minister that do not trust him. So, I am sorry, the answer is not – your explanation now that, well, it was a resuscitation, it is not, that is not what happened here. Can we please accept that?

MR SESOKO: Commissioner, I would concede based on what you are saying to me now, but at the time, that is how I honestly looked at it.

ADV BALOYI SC: Maybe let me ask you a last question. At this point, what was the nature of your relationship with
10 the ID that hopefully provides an explanation of your posture when she is doing clearly things that are wrong? Because it is wrong, this investigation, and that is not me saying there was no merit in the blue lights thing that you have decided to park against him.

I am talking about here what I say the motive had nothing to do with the blue lights, had with how she claims he made her feel, but also now she wants to warn the Minister. For you not to say to the ID, no, that is wrong, we should not be doing that, and you are the second in
20 command at this point. Your investigators report to you. What is the nature of your relationship at this point?

MR SESOKO: We have always had a good relationship with the ID. I cannot say that the relationship was strained or anything at that point in time.

ADV BALOYI SC: Nothing that precluded you saying to

her, maybe we should not do this? This investigation now that we are starting, I was being helpful only for purposes of communication, but now that you are speaking about investigating him, I think it is wrong, it does not comply with our law, it does not, it is not anticipated in our mandate. Nothing stopped you saying that to her?

MR SESOKO: Nothing stopped me saying it and I did not say it.

ADV BALOYI SC: Okay, thank you.

10 **ADV POOE**: And then just on the last thing on this point, I just want us to go back to Ms Ramsamy's affidavit at page 252, at paragraph 2.27. 6.27, my apologies. You will see there that Ms Ramsamy gives a recollection of all the things that transpired and who then was assigned to do what in relation to this Nkabinde matter. You will see she starts by saying that you began explaining the IP history of Nkabinde and all the events leading to Nkabinde's resignation. She said:

20 “Mr Sesoko further indicated there was a case where transcripts were available from Nkabinde's time in IPID and asked Raphesu about this and to share it with all of us. He also asked Raphesu about a case, I cannot recall the exact acronym, KMP or KGP. Raphesu then

replied that he would send same.”

And these are matters that were during your time at IPID.

Is that correct?

MR SESOKO: Yes, that is correct.

ADV POOE: And it seems unrelated to the blue lights?

MR SESOKO: Yes.

ADV POOE: All right. So those are the first set of documents you are going to provide to Advocate Johnson?

MR SESOKO: No, the documents that I was going to
10 provide was what came from the data analyst.

ADV POOE: Yes, that comes up later.

MR SESOKO: Yes.

ADV POOE: So this one you had asked Raphesu about this and that he must share those transcripts with everyone?

MR SESOKO: Yes, that was in relation to the KGP matter where there was a credibility finding against Nkabinde. Y

ADV POOE: es, so what I want to show you is that it was not only that Mr White report, there was more that was
20 shared about Mr Nkabinde. So that is the first, it is the transcript and do you recall anything about the KMP or KGP matter?

MR SESOKO: It is KGP.

ADV POOE: That too was supposed to be shared?

MR SESOKO: Yes, that relates to the transcript.

ADV POOE: Okay. Then it says that:

“Further discussion ensued by Sesoko including the fact that there is currently a case in court, blue lights, where Chabalala is a prosecutor and Binang is the IO and there were links to Nkabinde.”

So this one is the one that ...[intervenes].

MR SESOKO: Yes, this one I was referring to.

ADV POOE: And so that is the one with the analysts were
10 supposed to provide the report and that you provided.

MR SESOKO: Yes.

ADV POOE: Okay. Now, if we move on in this affidavit, you will see that at paragraph 6.39, Ms Ramsamy explains that:

20 “On the same day, Sesoko contacted me telephonically indicating that he was on his way to the office and wanted to see me. When I went to his office, I found Binang and Chabalala. The discussion was about White's report. Chabalala indicated that a stand-alone prosecution case can ensue and Binang can start finalising the investigation. Sesoko indicated that he did not want any of the IPID investigators to deal with this matter

and that a neutral IDAC investigator
should pursue the investigation.”

So if you consider the deliberation that you just had with
the Commissioners, it is clear that you were steeped into
this investigation into Mr Nkabinde ...[intervenes].

MR SESOKO: Yes, we ...[intervenes].

ADV POOE: And you were having meetings to see how you
can then further it.

MR SESOKO: Yes, for me, it was the issue of furthering
10 what had been parked in relation to the blue lights matter.

ADV POOE: But you are not furthering it because it was
parked in the blue lights matter. If that was the case, then
it would have emanated from a discussion with the team,
with Investigator Binang, Chabalala, whoever would have
been the DDPP in that instance. This flows directly from
your meeting with the ID where you had expressed
suspicion about Mr Nkabinde.

MR SESOKO: Yes, it is true. It flowed from that
...[intervenes].

20 **ADV POOE**: Yes, so you are not furthering that
investigation. This is a completely different investigation
that stems from the ID's office.

MR SESOKO: I did not look at it that way. I looked at it as
taking further that blue lights investigation.

ADV POOE: I want to make reference to one more thing.

If we can go to page 245 of File 10?

MR SESOKO: 245?

ADV POOE: Yes. You will see there it is WhatsApp exchanges. My apologies, 243. If we can just go up? You will see those are WhatsApp exchanges between Ms Ramsamy and Advocate Johnson, and there you will see that before that there is communication about other prosecutions that were ongoing and then they talk about the White report, which you assisted in obtaining. Then if you
10 go down, you will see that she then says to Ms Johnson:

“Can Mr Sesoko and I brief you in detail when you are available today on Monday to give you a full picture? There is more than what we actually thought and get direction because he was supposed to be charged on these things in 2019.”

Now, when you consider the chronology of what happens from when Mr Nkabinde's name came up in that meeting, what it seems like happened is that Ms Johnson referred to
20 Mr Nkabinde. You may have at the beginning innocently indicated your concerns around Mr Nkabinde, but what follows was an investigation, a full-blown investigation and using investigations that were ongoing or matters that were ongoing in IDAC in order to deal with Mr Nkabinde.

MR SESOKO: Chair, I concede that the way these

discussions and as that WhatsApp message shows. Remember, these issues were already part of that blue lights investigation. So the report was already there. So it was not like there was nothing that was to be started in terms of investigating, at least based on the report that was already there on the blue lights investigation.

ADV KHUMALO SC: Ms Pooe, 6.42 of the affidavit.

ADV POOE: Thank you. Let us go to 6.42 where Ms Ramsamy says:

10 “Sesoko proceeded to explain to the ID
 and Perumal the links as per...”
 ...[intervenes].

MR SESOKO: Sorry, 6 point?

ADV POOE: 42. No, Commissioners, I was told that the witness’ file broke and so this is why it takes slightly longer to get everything sorted.

MR SESOKO: Yes, I am there.

ADV POOE: It says:

20 “Sesoko proceeded to explain to the ID
 and Perumal the links as per the
 charts...”

I think it means chats:

 “...provided by White. There were
 discussions about the investigation that
 needs to proceed. Perumal indicated

that Bellochun can continue with the investigation. Sesoko stated the sentiments he shared in the meeting as per paragraph 6.39. The ID agreed and stated that Padayachee would then attend to the investigation.”

Can you see that?

MR SESOKO: I see that.

ADV POOE: Now, your involvement continues after this as
10 well. If you look at what happens at paragraph 6.44:

“On 30 January 2025, Sesoko contacted me regarding the authorisation documents for the Nkabinde matter. I sent the ID a WhatsApp asking if that authorisation should be done in terms of which form of authorisation. ID advised me that she will check and further advise that something terrible has happened And I was not to discuss Nkabinde matter with
20 Raphesu or Sesoko. I advised her that my discussions on the matter were limited to herself, Perumal and Sesoko, but would cease communicating until I had spoken to her personally.”

Now, what you will note there is there is a communication

there about authorisations and how those would be done. Now, if this was an extension of an ongoing investigation, would it NOT be simply an authorisation in terms of that existing authorisation?

MR SESOKO: Yes, that is what it is supposed to be and that is how at least I understood it at the time, but I see that she was asking about authorisation.

ADV POOE: In fact, he is saying you were asking about the authorisation document on the Nkabinde matter. So it
10 could not have been an extension of those existing matters.

MR SESOKO: I cannot recall asking for authorisation. I do not think I would have asked for authorisation when I knew that the blue lights matter has been authorised.

ADV POOE: Thank you, and then I just want to put one more thing to you. If you go back to your statement and – my apologies, not in your statement, Annexure MS7, which is an email that Mr Nkabinde sends to the investigator, Mr Mbalo, and this is when he was being asked to produce an affidavit and this is then his response to Advocate Johnson.
20 In particular, if we can have a look at paragraph 1, 2, 3, 4? And he says:

“What I was told was not a surprise to me because I knew it was based on jealousy and hatred by Sesoko and his team who were my former colleagues in IPID and

because of our past, which was on the public domain, I knew that if indeed they had any genuine complaints about me, they would not wait for seven years because I know I am their number one enemy. So now, because I have got a decent job, plots of such nature are starting. When I called Advocate Johnson, I was alerting her of a plot
 10 against me not to lay a complaint. If I intended to lay a complaint, I was going to do so formally in writing.”

Now, I just wanted to get your comment to that, because in my mind it is either that this whole investigation was furthering this – Commissioner Baloyi, because of the heebie-jeebies moment, I now want to say this heebie-jeebies related matters, that ...[intervenes].

ADV BALOYI SC: I am sorry, I could not think of a better one.

20 **ADV POOE:** The discomfort that Advocate Johnson had, and now there is this campaign to deal with Mr Nkabinde. Alternatively, could it be what Mr Nkabinde says about your relationship with him? So I just want to put it to you to respond, because he says he thinks this campaign is because of your history with each other.

MR SESOKO: Commissioners, it is true that we have history with Nkabinde, and I am the one who removed him from an investigation team after we had found that he was colluding with the suspects in our investigation. So it is understandable that from his point of view, he thinks that I had an agenda or I wanted to get back at him for some reason, but I never had that kind of an agenda for him. For me, it has always been that because of what I knew and his involvement in criminality, he had to be held accountable for
10 it. That is all what was in my mind at all given time.

ADV POOE: Thank you. Then I want to deal with another aspect that emerged from this meeting, and this is a tasking that was given to you in relation to meeting with the IGI. Do you remember that?

MR SESOKO: Yes, yes.

ADV POOE: Maybe just to show you where that emanates from, if we can go to – we will display it because I do not recall asking that File 11 be brought, but we will just display it on the screen. Then it is also in the supplementary
20 statement at paragraph 16. Ms Ramsamy's supplementary. I will just read from the supplementary, which is page 9 of her supplementary statement, she says:

“After she set out the various investigations, Advocate Johnson said that we are to investigate corruption,

PFMA violations and the Secret Service account. Mr Sesoko was tasked with arranging a meeting with the IGI, which did occur.”

And now this is in relation now to Project Diversion, is it not?

MR SESOKO: Yes, it was. If I remember well, they needed some documents from IGI. So I was asked to arrange a meeting with IGI.

10 **ADV POOE**: And I think what I want to say with this is that it speaks to your involvement. So it is not that you are there passively, it is that you are now being involved in this matter. Can you see that?

MR SESOKO: I see that.

ADV POOE: What documents are being requested, or do you recall?

MR SESOKO: From my recollection was that the IGI would have conducted some investigation and they needed some documents in relation to that. So that meeting was about
20 that, but the IGI indicated that they cannot provide that information.

ADV POOE: Excuse me, the IGI did not provide it?

MR SESOKO: They cannot provide that information.

ADV POOE: And was it only related to that? Because if I recall correctly, Ms Ramsamy said she was also part of this

meeting. Was it only about the documents?

MR SESOKO: That is how I recall it.

ADV POOE: All right, thank you. Now, the next aspect I wanted to deal with. If we can go back to your statement, I think I am done dealing with the meeting. One aspect I wanted to ask you about in relation to the investigation into this leak or Mr Nkabinde's alleged complaint, or rather Advocate Johnson's complaint, really. Now, what develops, and this is what you testified to earlier, is that it then
10 became clear that it was not only Mr Raphesu that was being implicated. It was yourself and Mr Binang who were being implicated in this.

MR SESOKO: That is correct.

ADV POOE: For what reason was this being done? I can only imagine that you have thought about this and you may know a reason why this is being done, particularly given the fact that you are the person who raised these complaints and obtained these documents that were dealing with Mr Nkabinde. So it seems bizarre that you would at the same
20 time be the leak. So why do you think this whole investigation was being done against Mr Raphesu, yourself and Mr Binang?

MR SESOKO: Well, I do not really understand why the investigator would insinuate my involvement, because he says he received information that I revealed something to

Mr Binang. But in retrospect, I am thinking that it must have to do with the fact that there was a conflict between Mr Perumal and Mr Raphesu, and therefore, they just wanted to implicate everyone that is formerly from IPID. That is how I thought it could have been the reason, but I am just speculating.

ADV POOE: Thank you. Now, I want to just deal with another aspect related to your involvement with this project, Operation Diversion. If we can go to the set of screenshots
10 that were provided by Ms Ramsamy? Now, I do not propose we go through all of them because there are many. Commissioners, they would have been inserted into your files, File 10, and it should be at the end of File 10.

MR SESOKO: 10?

ADV POOE: Yes, it would be page 405. Commissioner Khumalo, did they not? Yes. I think the one that was inserted into your files has pagination, is the difference.

CHAIRPERSON: You said we go to page 4 what?

ADV POOE: 405.

20 **CHAIRPERSON:** 405. Thank you, and my file is also about to break.

ADV POOE: Chair, maybe it is a sign we must stop.

CHAIRPERSON: Yes, Ms Pooe.

ADV POOE: You will see there that after the meeting of the 22nd, so the first email is the one sent on the 19th, but

you will see thereafter that at least from Ms Ramsamy's point of view, she starts copying you in the emails related to Project Diversion. You see that? So the next one on page 406 is related to the housebreaking. That would have been the Lushaba issue.

MR SESOKO: Yes.

ADV BALOYI SC: Maybe a correction, Ms Poee, it is not a copying, it is an address.

ADV POOE: Yes.

10 **ADV BALOYI SC**: Yes, as I see it. it is not copied. It is one of the addresses.

ADV POOE: My apologies. Yes, this one is addressed to you, and it was in particular in relation to statements and diary entries made by Mr Raphesu. If you go to the next page, you will see that this was also addressed to you and Ms Johnson, and this is in respect of the prosecutor's instructions not being taken or taken as disrespect by the investigators.

MR SESOKO: Yes.

20 **ADV POOE**: And you, as the head of investigations, are also, you get this email.

MR SESOKO: That is correct.

ADV POOE: And I am assuming she expects that you deal with it because Chief Perumal is a subordinate of yours. You see that? Now, if you go on, you will see that the next

one is in relation to a report. And if I am not mistaken, this is again the Lushaba matter. If you continue, you will see an email ...[intervenes].

ADV KHUMALO SC: Please keep giving full numbers for the transcript. You keep saying the next one.

ADV POOE: My apologies. At page 407, it is the one in relation to Ms Ramsamy's complaints about her instructions being regarded as disrespect by the investigators. At page 408 is a report that comes from Mr Raphesu, and there you
10 were copied, and this, as I understand, was in relation to the Lushaba matter where he had done a preliminary report. Then at page 409, you were also copied in an email to Advocate Johnson related to the SAPS Tembisa Hospital tender.

And then at page 410, that one I want to deal with because you will see in the subject matter it says Diversion arrest, and this is addressed to you from Advocate Johnson, where – and, Commissioners, we will get the full emails because this is cut, but here, Advocate Johnson
20 ...[intervenes].

ADV BALOYI SC: Maybe also put the date on record.

ADV POOE: Yes, this is on the 4th of June 2025 at 09:24 a.m. Advocate Johnson says to you:

“Sesoko, I asked Dylan to let me know when they will arrest as I need to inform

the NDPP. He indicated that the main accused is on leave, et cetera, and they might push for this afternoon, and let him know that I do not agree. I cannot tell the NDPP today that we are arresting today. What will our urgency be based on? In addition, the DPP is not a rubber stamp and should be given an opportunity to read the papers. I suggest
 10 we wait for two weeks when the main accused is back at work and then proceed. I am also aware that accused 4 is not in Gauteng. The team must use the next two weeks to determine exactly where all the accused are. When we do arrest, we should be able to pick them all up at one go.”

Now, again, this does not look like it is sent to someone who is not in the know. This looks like it is sent to someone
 20 who is part of the team and part of what is being done.

MR SESOKO: It is correct that it looks like that way.

ADV POOE: And can we then, can this Commission take it as a fact that you were then involved?

MR SESOKO: Commissioners, these discussions did happen, and as you will see that I am in the email

...[intervenes].

CHAIRPERSON: Please, can you please answer the question directly? Is it so that you were involved?

MR SESOKO: Ja, I would concede that I was involved.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: So your earlier answer that you only became aware after the arrest, that was not correct because this email says the arrests are still to happen and they are being planned.

10 **MR SESOKO**: Yes, I did not say I only became aware after the arrest. I said the takedown.

ADV KHUMALO SC: Is that not the same thing?

MR SESOKO: No, no, because there is a planning on the takedown. But yes, I see from the email that I was made aware that there is an intention to arrest.

ADV POOE: Then having accepted your involvement, I did not think a lot of the correspondence makes sense because we know that, for example, when there was an issue with the Section 27, Advocate Serunye sends a message to you
20 as well, saying there is this issue of the 27. Similarly, Advocate Ramsamy also sends a long explanation about the section 27, and thereto you are a recipient. I am just going to go to it. I think you were copied, and that is at page 402 of File 10. You will see the email was sent on the 9th of October 2025. It says section 27 referral if Adams in the

subject line.

MR SESOKO: Yes.

ADV POOE: And you will see there she does a long explanation about her account of what happened with the section 27 referral. In particular, I want to draw your attention to 1.4, where she says:

10 “On the 10th of June 2025 in your office
 where a meeting was held with myself,
 Mr Sesoko, Mr Perumal, Mr Padayachee,
 Mr Mlambo, and Mr Charles, I indicated
 that we needed the documents in the
 folder. At that point, we were all packing
 to move offices. You indicated I should
 text you the following day and that you
 would look for it through the many
 boxes.”

And was this for the arrest? Because this happens around the time that you were planning and discussing the arrest under Operation Diversion.

20 **MR SESOKO**: Ja, I think it would have been. I think it would have been.

ADV POOE: Okay, again, it just speaks to your involvement. I think now that we know that you were involved, we can move past this, and there is one other aspect ...[intervenes].

ADV KHUMALO SC: 4112, maybe? 4112?

ADV POOE: 41120. Thank you, Advocate Khumalo, Commissioner Khumalo. We can then just continue with those. There is then another email that is sent by Mr Raphesu in relation, this is at page 411, in relation to the chain of collection for the dockets that you assisted with. And then at page 412, you will see that this is an email that is sent to you – no, actually from you, and there you had done a Project Diversion media statement as we are made
10 to understand. Do you recall that?

MR SESOKO: No, I cannot recall that.

ADV POOE: All right, we will obtain that email as well as the annexure. And then at page 413, you will see you were copied on an email in relation to the charge sheet in the Lushaba matter.

MR SESOKO: Yes.

ADV POOE: And this was an email that was sent to General Masemola in June 2025, on the 20th of June 2025. Then at page 414, you will see that as a calendar invite for
20 a meeting on Project Diversion and you were one of the participants. At 415, my apologies, let me just place the date on record. It is 24 July at 07:05 a.m. At page 415, you were copied on an email regarding leg one of Project Diversion, which was the Lushaba matter, and this email was on 16 October 2025.

At 416, there was a meeting request for further particulars in one of the cases. And again, here, I am not sure if you were copied or if it was sent to you, but you were part of that email chain, and that was on 22 October 2025. At page 417, you will see that was an email with the subject line Diversion case one and two. This would have been Lushaba and the Khumalo matters, and there you were copied on an email dated January 27, 2026.

Then on page 418, this is a 28 affidavit. This is
10 Division Leg One, Diversion Leg One, and this was related to Lushaba matter and this email was on the 28th of January 2026. This is not the sum total. I had just requested Advocate Ramsamy to provide me the correspondence that was shared amongst the team, including yourself, on these matters since the meeting of the 22nd of January.

CHAIRPERSON: From all this, it appears that you were involved throughout.

MR SESOKO: That is correct, Chair.

CHAIRPERSON: Some emails were sent to you directly.
20 On others, you were copied. And besides just emails being sent to you, some of these say there were requests for meetings. You yourself have said that you did attend meetings.

MR SESOKO: That is correct.

CHAIRPERSON: And then also, and crucially, you have

also accepted that you would attend to what I may loosely call logistical matters. You would personally pursue those, make requests to, let me say, people outside of IDAC, make requests, get information that was required for purposes of these investigations. So all of that paints a picture of you being fully involved. Do you accept that?

MR SESOKO: I accept that.

CHAIRPERSON: Yes. Yes, Ms Poee.

ADV POOE: And then one other thing I want to quickly
10 touch on is if we go to File 11, I know you do not have it, so I am going to ask you to look at your screens. And you will recall that these are notes from Ms Ramsamy where she was telling us about one of the contents of a meeting which happened on the same meeting on the 22nd of January.

In that meeting, one of the things that was discussed was essentially a plan to catch, by a plan, and this was something that Advocate Johnson said, a plan to catch out the National Commissioner, and the idea was that they would not tell the National Commissioner about
20 investigation. He would then be summoned to Parliament to account, and then he would lie, and then he would be caught out, and this plan was discussed at this very meeting where you attended. I do not know if you recall that plan.

MR SESOKO: I do not recall any discussion about such a

plan.

ADV BALOYI SC: You were in the meeting.

MR SESOKO: I am not sure which, on which date
...[intervenes].

ADV POOE: 22, 22 January.

ADV BALOYI SC: It is the meeting of the 22 January
...[intervenes].

MR SESOKO: Of 22 January?

ADV BALOYI SC: Yes, where the presentation was made.

10 **MR SESOKO:** I honestly do not recall that discussion
about the setting up of the NASCOM.

ADV POOE: And you will see it happens just before there
is a discussion about that IGI meeting that you were to
facilitate.

MR SESOKO: I see that.

ADV BALOYI SC: Mr Sesoko, it is of sufficient gravity and
importance that if you were at that meeting, I would expect
you to remember. I do not think it is every day, unless you
are telling us that you sat in meetings where every day this
20 topic about setting up the National Commissioner came up.
Then I would understand, well, it is one of many meetings
and we cannot pin you down to the 22nd of January. If it is
a once-off discussion, it is of sufficient seriousness that I
do not understand that you do not remember if you were in
that meeting and you have told us you participated in that

meeting. You can comment if you want to.

MR SESOKO: Commissioners, I understand where the Commissioner is coming from, but I honestly do not remember that conversation.

ADV POOE: And if you read that, those blocks, you will see that the IGI was to give an Intelligence file. Can you see that?

MR SESOKO: Yes, I can see that.

ADV POOE: Ja, but if you do not recall, I cannot take it
10 any further.

CHAIRPERSON: Perhaps more accurately, if you say you do not recall ...[intervenes].

ADV POOE: Yes, if you...

CHAIRPERSON: There is an important nuance there. Yes, yes, Mr Sesoko.

MR SESOKO: No, I was talking about the NASCOM one. The IGI one, I did indicate that, yes, there was a request for me to arrange that meeting.

CHAIRPERSON: Yes, yes, yes, Ms Pooe.

20 **ADV POOE**: The one last issue that I will canvas with you, two last issues, two issues that I will canvas with you, relatively short. Now, when you testified earlier, you told us that there were two experiences that have shaped how you have approached these matters, and you mentioned after your testimony at the Zondo Commission, and secondly, the

kidnapping.

Now, the kidnapping happens after a lot of this has happened, so I will focus on the victimisation, right, that you want us to have regard to the victimisation that happens at IPID, right? Now, was your view that if you were to say something about what was happening at IDAC, you would be victimised? And if the answer is yes, by who?

MR SESOKO: Commissioners, how I viewed this whole matter at the time was that based on my experience and
10 what I went through, sometimes standing up to things that are wrong, you end up being a victim yourself. and I know that may not be satisfactory, but at that time I took a view that when the ID takes a particular decision, I fall in with it, and that is what I did.

CHAIRPERSON: The problem with that is if you want to be a leader, which you are, you should not put up your hand to be appointed as a leader. If that is your attitude, you just should not put up your hand to be a leader. In fact, standing up to authority may even be expected of officials
20 who are by far junior to you. so with you, it is worse.

MR SESOKO: And I accept that, Chair.

CHAIRPERSON: Ja.

ADV POOE: Chair, the last aspect that I wanted to canvas is in relation to an incident that happens around the 24th of July 2024, 2026. I just want to preface it and say the

reason why I make mistake with numbers is I have numeric dyslexia, so I see something, but I read something else. So this is 24th July 2026, and this was after a staff meeting, and Ms Ramsamy was not there, and you then spoke to Ms Ramsamy. Do you recall that? In particular, she was wondering what she had done. Do you recall that? In particular, she was asking you what she had done to Advocate Johnson.

MR SESOKO: Okay.

10 **ADV POOE**: And Investigator Perumal. Do you recall that incident?

MR SESOKO: I had a lot of conversation with Ms Ramsamy. Maybe you can remind me.

CHAIRPERSON: Do you not want to be more direct?

ADV POOE: I can be more direct.

CHAIRPERSON: Yes.

ADV POOE: Ja, Ms Ramsamy, because she is not done with her testimony, I will say she will testify that during that conversation when she asked you what she had done to
20 Advocate Johnson, your response was that her problem started when Ms Ramsamy was disagreeing with Chief Perumal and that Johnson, Advocate Johnson listens to Chief Perumal. Is that the situation that was at the office ...[intervenes].

MR SESOKO: Ja, I think so.

ADV POOE: And that you were ...[intervenes].

MR SESOKO: Yes.

ADV POOE: And that was a known situation at the office?

MR SESOKO: Yes.

ADV POOE: Which means that Chief Perumal had an immense power because in there you said to her that Advocate Johnson listens to Chief Perumal.

MR SESOKO: Yes, that is true.

ADV POOE: Now, in that conversation, she will testify that
10 you also told her that Chief Perumal approached you after a meeting and told you to speak to her, Advocate Ramsamy, and Mr Raphesu so that the situation can be fixed because if it is not fixed, they, being Mr Perumal, would be arrested and charged. Do you recall that Mr Perumal would be charged? Do you recall that?

MR SESOKO: Yes, there was that conversation, and yes, Chief Perumal did approach me to say I must talk to them, and that I do not think she would have said charged, but they would be in trouble. I think that is how I remember it.

20 **ADV POOE**: And who were they that would be charged? Was it Chief Perumal?

MR SESOKO: Yes ...[intervenes].

CHAIRPERSON: Or would be in trouble, according to them?

MR SESOKO: Yes, he was referring to himself.

ADV POOE: And do you know why they would have been in trouble?

MR SESOKO: Well, I think at the time it was clear that the issues of how they dealt with the matter would come up because in that meeting there was a file that Raphesu had, and then in that file it would appear that they had inserted some information which was not part of the file, and Raphesu indicated in the meeting that those documents, which if I recall, were related to the forklifts, were not part
10 of that file, and they would have been inserted in that file. Fortunately, he had done a record of everything that is supposed to be in that file, and those documents were not part of that file.

ADV POOE: And this would have also been after or in the midst of Advocate Johnson's evidence before this Commission?

MR SESOKO: Yes.

ADV POOE: And so Mr Perumal had approached you so that you talk to those two because they were the ones who
20 knew about what they were doing?

MR SESOKO: Yes.

ADV POOE: Thank you. Chair, I do not have any further questions for this witness.

CHAIRPERSON: Thank you, Ms Pooe. Okay. No re-examination, Mr Ramatsekisa?

ADV RAMATSEKISA: None, Chair.

CHAIRPERSON: Thank you, thank you. Mr Sesoko, after a long day, you are excused, but should issues arise that require that you be recalled, that may happen. And you have heard Ms Pooe say that Ms Ramsamy is going to say something that relates to you or is about you. So you are excused for now, but I am just saying we do not know now, but there may be that possibility, but you are excused.

MR SESOKO: That will be in order, Chair.

10

NO FURTHER QUESTIONS

CHAIRPERSON: We are not sitting tomorrow. I had a prior commitment before there was to be any extension. The hearing of evidence would have ended on the 31st of July, so I got involved in commitments that I simply cannot get out of, so we are not sitting tomorrow. And on Monday, it is a public holiday, so we adjourn and resume at 09:30 on Tuesday.

ADV POOE: Women's Day, Chair, to be specific on that.

20 **CHAIRPERSON:** At least you cannot accuse me of not being cognisant of that. Go to the opinion piece on the Daily Dispatch of today. You will see that I am very much cognisant. Let us adjourn until then.

INQUIRY POSTPONED TO 11 AUGUST 2026

INQUIRY ADJOURNS

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