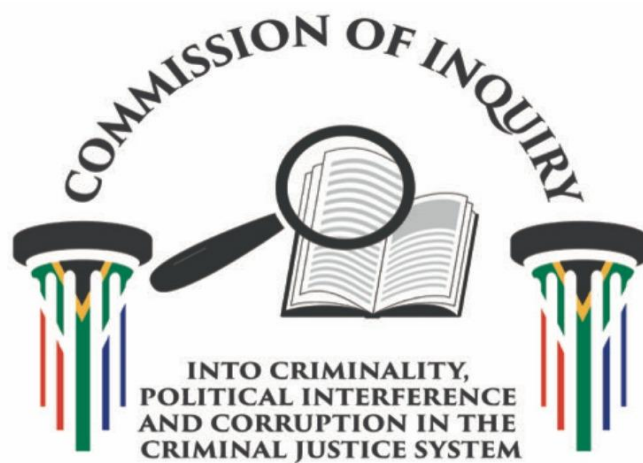


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

12 AUGUST 2026

DAY 157



PROCEEDINGS ON 12 AUGUST 2026

CHAIRPERSON: Good morning, Mr Chaskalson.

ADV CHASKALSON SC: Morning, Chair. Thank you, Chair. Today's witness is Mr Len Barnabas John.

CHAIRPERSON: Good morning, Mr John.

DEPUTY DIRECTOR JOHN: Good morning, Commissioner.

CHAIRPERSON: Will you be swearing or affirming?

DEPUTY DIRECTOR JOHN: I am swearing, Commissioner.

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

DEPUTY DIRECTOR JOHN: So help me God.

LEN BARNABAS JOHN (duly sworn states)

CHAIRPERSON: Thank you.

EXAMINATION-IN-CHIEF BY ADV CHASKALSON SC:

Thank you, Mr John. I just want to check that you have the
same files as me in front of you. So there should be a
smallish file called witness statement.

20 **DEPUTY DIRECTOR JOHN:** That is correct.

ADV CHASKALSON SC: And then a bundle of exhibits that
runs to about 1,430 pages.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: Thank you.

CHAIRPERSON: Perhaps, not that we do it consistently,

Mr Chaskalson, if perhaps you could just indicate for the record that we have stepped off, even if just for a while, the IDAC stream and that we are starting on a new stream and you identify it.

ADV CHASKALSON SC: Yes. Chair, we have indeed stepped off the IDAC stream. We will step back on briefly on Friday, but Mr John is going to be the first witness in relation to a topic dealing with gangs in the greater Durban area and the possible police involvement in the activities of
10 these gangs.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: Now, Mr John, we need you first to confirm the correctness of your statement, but before we do so, I know from our discussions that you need to correct certain of the figures that appear on page 27 and page 28.

DEPUTY DIRECTOR JOHN: That is correct, Commissioner.

ADV CHASKALSON SC: And can you just take us through the correction, starting with 66.3.1. The figure there currently says R2,053,650.00. What should that be
20 corrected to?

DEPUTY DIRECTOR JOHN: Okay, it should be corrected to R2,343,050.00, 2034350 dash 00.

ADV CHASKALSON SC: 2034350.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: Then over the page on page 28,

the aggregate figure at paragraph 66.4 ...[intervenes].

DEPUTY DIRECTOR JOHN: Yes.

ADV CHASKALSON SC: What should that be corrected to?

DEPUTY DIRECTOR JOHN: The corrected figure is 2,414,150.

ADV CHASKALSON SC: And the figure at ...[intervenes].

ADV KHUMALO SC: Please say that again?

DEPUTY DIRECTOR JOHN: 2,414,150.

10 **ADV CHASKALSON SC:** And the figure at page, in the next paragraph, 66.5?

DEPUTY DIRECTOR JOHN: The figure should read 2,712,612, 2,712,612.

ADV CHASKALSON SC: And, yes, subject to those corrections, do you confirm that the contents of your statement are true and correct?

DEPUTY DIRECTOR JOHN: That is correct, Commissioner.

ADV CHASKALSON SC: Then can we start at page 1 of your statement and can you describe to the Commissioner,
20 as you do in the statement, who you are, what your job is, and how you came to be called into this Commission.

DEPUTY DIRECTOR JOHN: Okay, Commissioner, my full names is Len Barnabas John.

“I am an adult male and Deputy Director
in Investigation that is attached to the

Independent Police Investigative Directorate in KwaZulu-Natal, situated at the Marine Building, 22 Dorothy Nyembe Street, Durban. The contents of the statement are within my personal knowledge, save where the contrary appears, from the context hereof, and are to the best of my belief both true and correct. Where I rely on information from other persons, I do indicate, or the context so shows. Where I make reference to legal prescripts and conclusions therefrom, I do so based on my understanding of the legal prescripts, in particular the Independent Police Investigative Directorate Act, 1 of 2011, the IPID Act, the South African Police Service Act, Act 68 of 1995, the SAPS Act, and the Criminal Procedure Act, Act 51 of 1997, the CPA Act.”

ADV CHASKALSON SC: Sorry, Mr John, before we go further, if you go to page 36 of that same file, there is a document, it is your curriculum vitae. Will you confirm that it is correct and is there anything that you would want to highlight in relation to that curriculum vitae? I mean, you

do not have to highlight anything, it speaks for itself.

DEPUTY DIRECTOR JOHN: Yes, it speaks for itself, that is correct.

ADV CHASKALSON SC: Then at page 2, paragraph 6, you speak about certain task teams. Can you just describe what they are and how they came under your attention?

DEPUTY DIRECTOR JOHN: Okay, the three task

10 teams that have been identified has been implemented to combat crimes committed within the illicit drug industry, the cash in transit heist, and the taxi industry. And these task teams, the one task team was under Captain Deenadayalan Govender, who is known as Deena. The second task team was Colonel Khalitshwayo, and the third task team was under Captain Pedro Rodriguez, but Pedro Rodriguez worked interchangeably with the three task teams. These task teams came

20 under our focus when we started to investigate the number of police killings under the hands of the police, which is investigated under the mandate of IPID, section 28(1)(b), which indicates that IPID must investigate any deaths as a

result of police action.”

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

CHAIRPERSON: You said police killings, you meant killings by police.

DEPUTY DIRECTOR JOHN: Yes, police, deaths as a result of police action.

CHAIRPERSON: Okay. All right, thank you.

ADV CHASKALSON SC: And do you know how these task teams are constituted?

10 **DEPUTY DIRECTOR JOHN:** In fact, there is a very grey area on how these task teams are constituted. In the investigation, we have identified that the task team that was under the command of Colonel Khalitshwayo was formed under the Provincial Commissioner, that is Lieutenant General Mkhwanazi. The task team that was under Deena Govender, Lieutenant Colonel Deena Govender, there is a grey area because he falls under the DPCI. And when his Commander was contacted, Brigadier Nyuswa, Brigadier Nyuswa indicated that the task team does not fall under
20 him.

So, actually the task team, Brigadier Nyuswa indicated that the task team fell under General, Major General Senona or Lieutenant General Mkhwanazi. So, I think Lieutenant General Mkhwanazi will be able to give further details on how the task team was formed, because

on every shooting that took place with this task teams, majority of the shootings, Lieutenant General Mkhwanazi used to make press statements and address the press regarding those shootings. So, our understanding is that the task teams fell under Lieutenant General Mkhwanazi.

ADV KHUMALO SC: And then the third one?

DEPUTY DIRECTOR JOHN: The third task team, as I indicated, that Pedro Rodriguez worked at the provincial level and that task team would have fallen under Lieutenant
10 General Mkhwanazi.

ADV CHASKALSON SC: Now, you mention in paragraph 10 that your involvement flows from the fact that there is evidence that the task team regularly exceeds the bounds of section 49 of the Criminal Procedure Act and seems to be involved in extrajudicial killing. We will get to that in more detail later. But I do want to emphasize the point in paragraph 11 that the Commission is not here to investigate extrajudicial killing. Maybe there should be a Commission to investigate extrajudicial killing. That is not our terms of
20 reference. But you explain in paragraph 11 why your investigations into the task teams are relevant to our terms of reference, and can you maybe read paragraph 11 and paragraph 12 into the record.

DEPUTY DIRECTOR JOHN: Okay.

“I have been advised that the terms of

reference of the Commission do not extend to the investigation of extrajudicial killings by members of the SAPS *per se*. However, in an environment where a task team of the SAPS is apparently able to escape accountability despite evidence of its repeated involvement in extrajudicial killings of alleged criminals, there is an

10 heightened risk that criminal syndicates will seek corruptly to influence a task team to kill their rivals. There is clear evidence that this risk has materialized in KwaZulu-Natal. By way of illustration, I will refer in some detail below to the killings of Mr Bevan Loftus. As I show below, there is at least a *prima facie* case that at the instance of Mr Clive Naciker, the alleged leader of a drug and

20 tow trucking gang, Lieutenant Colonel Deena Govender deployed the task teams to kill Mr Bevan Loftus, who was the alleged leader of a rival drug and tow truck gang.”

ADV CHASKALSON SC: And can you explain to the

Commission how drugs and tow trucks come to be linked?

DEPUTY DIRECTOR JOHN: Okay, Commissioner, it is a known factor that certain police officers at station levels are linked with certain tow truck businesses. We also have identified that with the tow trucks, you will get police officers who will give jobs to certain tow trucks in order to get, you can call it a payment from them, more like an incentive. You call a tow truck and they will pay you like a commission. So, police are very much involved in the tow
10 truck industry. They have their friends in the tow truck. They know the tow truck that they can communicate with and because of that, we see that the tow truck industry has a free reign when it comes to crime, because we believe that the tow truck industry, that tow trucks are used for transporting drugs.

I am not saying that all the tow trucks, but in many of the cases, the tow truck industry and the drug industry go together, hand in hand. We see the tow trucks are being used to transport drugs and to supply drugs. And the
20 reason they do that is because they are police friends. They do not even stop them and search them. Even at roadblocks, they have a free passage to go through. So that is the conclusion that we come to, is that the tow truck industry and the drug industry are actually related to each other.

CHAIRPERSON: Except perhaps for what may be known amongst the police through conversations, have there been any arrests of tow truck drivers, tow truck owners?

DEPUTY DIRECTOR JOHN: In terms of? With drugs ...[intervenes]

CHAIRPERSON: [Indistinct]... [cross-talking] ja.

DEPUTY DIRECTOR JOHN: Yes, yes, there have been arrests, but those arrests are made by the police because we do not deal with tow truck drivers. Those arrests are
10 made by police. We also have known cases, and I have got it in my bundle, known cases of tow truck drivers who, due to the taxi turf war, I mean the tow truck turf war and the drug turf war, were killed.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: Mr John, good morning.

DEPUTY DIRECTOR JOHN: Good morning.

ADV KHUMALO SC: You said police at station level give jobs or preference to tow trucks. Do you mean that when there is an accident, they are told that there is an accident
20 scene and their preferred tow truck business people are then given a heads up to go to that scene? What exactly do you mean by police at station level give jobs to tow trucks or their friends in the trucking business?

DEPUTY DIRECTOR JOHN: Commissioner, that is exactly what you indicated, is that when there is an accident in a

station area, certain policemen have their preference on who to call, which tow truck to call to the scene. And then you get another group of policemen from the same station, and they have their own preference on who to call to the scene, because they are getting paid from those tow truck drivers.

ADV KHUMALO SC: And I am assuming if you are not their preferred tow truck, they remove you from the scene so that their preferred friends in the industry become part of
10 that scene, and they move accident-involved vehicles from the scene.

DEPUTY DIRECTOR JOHN: That is correct, Commissioner.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: Mr John, you say that Mr Naicker is involved, or is the leader of an alleged drug and tow trucking gang, and the same about Mr Loftus. Do they have names, these gangs? I do not remember in your statement coming upon a name.

DEPUTY DIRECTOR JOHN: I have got the names of the
20 towing companies that they run.

ADV BALOYI SC: You speak of gangs. Are you saying the tow trucking company under which they operate is also the gang?

DEPUTY DIRECTOR JOHN: That is, well, I would say it is a tow truck industry, but when you look at the drug turf war,

it is related to a gang. So it is basically we just know them as the tow, the towing truck, by the towing truck name.

ADV CHASKALSON SC: Commissioner, if I can assist, there will be evidence later as to the names of these gangs.

ADV BALOYI SC: Okay, thank you.

ADV CHASKALSON SC: I can put on record at this stage that the gangs are the cartel, that one of them is called “The Cartel”, and the other is called “The Hollywood gang”. Mr John, if we go to page 4, we have covered some of this
10 material already. You refer to your CV, and you speak briefly about your history in IPID and your role in IPID. Maybe if I can ask you to pick up from paragraph 15, and maybe explain the difference between the Independence Complaint Directorate and IPID.

DEPUTY DIRECTOR JOHN: Okay. I joined the Independent Complaints Directorate from the 16th of September 2002, as the Assistant Manager in Investigations, Independent Complaints Directorate in KwaZulu-Natal. I have been with the Directorate from then
20 until 31st of March 2012. Then the Independent Complaints Directorate changed to the Independent Police Investigative Directorate. So it was basically a name change, and the change of the mandate of the Independent Police Investigative Directorate under the Independent Police Investigative Directorate Act, Act 1 of 2011. So I have been

in the Independent Police Investigative Directorate to my current date, and I am the Deputy Director of Investigations, and I report to the Provincial Head of the Office, who is Ms Charmain Van der Sandt.

ADV CHASKALSON SC: And you set out in paragraph 16 the mandate of IPID. Can you take us through paragraph, in fact paragraph 16 to 18, where you set out the mandate of IPID and what your specific responsibilities are.

DEPUTY DIRECTOR JOHN: Okay. The Independent
10 Police Investigative Directorate receives its mandate under section 28 of the IPID Act, Act 1 of 2011, which sets out the type of matters to be investigated by the Directorate. Subsection (1) provides the Directorate must investigate *inter alia* any deaths in police custody. Section 28(1)(b) is any deaths as a result of police action. Section 28(1)(c), any complaint relating to the discharge of an official firearm by any police officer. Section 28(1)(f) is any complaint of torture or assault against a police officer in the execution of his or her duties.

20 As the Deputy Director of Investigations, I ensure that the members from the investigation component are well versed in the mandate of the Independent Police Investigative Directorate as contained in the IPID Act, Act 1 of 2011, the regulations, and the standard operating procedures of the Directorate. I am required to provide

guidance to investigators on a regular basis on the duties pertaining to *inter alia*, the investigation of complaints, attendance at crime scenes and the completion of crime scene reports, identifying, securing, safeguarding, collecting, packaging, and forwarding of exhibits to the relevant forensic science laboratories, analyzing evidence, compiling departmental recommendations reports to the South African Police Service, and criminal recommendation reports to the National Prosecuting Authority, and the
10 finalization and archiving of dockets.

ADV CHASKALSON SC: If we move over to page 6, you talk about the increase in extrajudicial killings and can you take the Commission through paragraph 19. I do not think you need to read out the details of the table that follows, but maybe summarize it.

DEPUTY DIRECTOR JOHN: Okay. Since 2023, there has been a surge in extrajudicial killings, which IPID has noted with great concern. Between 1 April 2023 and 31 May 2026, IPID investigated over 300 cases, of which 77 cases
20 involved the deaths of 149 people as a result of police action by the task team. Now, Commissioner, we dealt with over 300 cases, but I zoned in on the 77 cases, which is in the attached list. In those 77 cases, these shootings were committed by members of the task teams and in this shooting, there were 149 people that were killed. Now, if

one looks at these killings ...[intervenes].

ADV KHUMALO SC: Director John, before you go to the table, just explain the concept of extrajudicial killings and how is it different from a situation where a police officer was defending himself or they came under attack, if there is any distinction at all.

DEPUTY DIRECTOR JOHN: Okay, Commissioner, we have identified through our investigation that in these killings, you get a shooting where six people are shot and killed.
10 However, when you do an investigation of the crime scene, you find only two firearms. And the police, their *modus operandi* is that, or their explanation all the time is that the deceased shot first at them before they could shoot. Now, when we investigated, as we investigated, we identified a few cases which actually contradict the version of the police.

For example, you get a case where there are nine people that are shot and you find only three firearms. Now, in the area that, in the KwaZulu-Natal area, especially your
20 area like in Inanda and Kwamashu, the criminals normally, when they go into hiding, they hijack the premises. When they hijack the premises, they will keep the owners of the premises in the house and they will inform the owners that you are not to phone anyone or inform anyone that they are in the premises. And whilst police are looking for them,

they stay in the premises. And if police get wind that they are at the premises, the police go and they just shoot everybody. Even the owners of the house are shot, because police indicate that they came under fire and that is why they shot. And we have seen in some cases, or in majority of the shootings by task team, they do not have proper case numbers where they were looking for the suspects.

10 In some cases, they cannot even give you the names of the deceased that they shot. So, with our investigation, we believe that the police are not doing proper investigation to arrest the suspects. We can look from the examples that we have that they go out to kill the person. That is why we indicate that it is extrajudicial killings.

CHAIRPERSON: And what is the significance of the number of firearms found at the scene? Twice you said that far fewer firearms would be found at the scene, like you said, for example, nine people are killed and three firearms
20 are found. You gave another example.

DEPUTY DIRECTOR JOHN: Yes.

CHAIRPERSON: What is the significance of that?

DEPUTY DIRECTOR JOHN: Commissioner ...[intervenes].

CHAIRPERSON: Because even if there are nine people, if there are three firearms, and if indeed those three firearms

have been used or are being used, they may kill. So, I am not quite sure I follow the significance of the number.

DEPUTY DIRECTOR JOHN: Commissioner, in fact, with investigations, it shows that some of the, okay, if we say three firearms are used and there were nine people, then six of them were unarmed. And when you do the scene, when you investigated the scene, you would look at that the six of them were in different places in the house ...[intervenes].

10 **CHAIRPERSON:** But if you come under fire from where you are, and if you are not in the house yourself when you are shot at, you cannot tell whether there are nine people in there and there are only three firearms. So, still, I am not sure that you are answering my question.

DEPUTY DIRECTOR JOHN: I understand what the Commissioner is saying, but with the pattern that follows, in fact, in the majority of our cases, there are fewer firearms found compared to the shooting, compared to the number of deceased that were on the scene. And in some of our
20 cases, in fact, there are cases that are before the DPP's office for decision where we can prove that the deceased did not shoot at the police. However, the police have indicated that the deceased had shot at them, but we can prove with the reconstruction of the scene, we have proven that the deceased had not shot at the police.

CHAIRPERSON: All right, thank you.

ADV BALOYI SC: Can I just follow up on your answer. These cases, you have given us 149 people in 77 cases, have any of these been finalized? How many of these cases have been finalized where police officers, in fact, were found guilty for those shootings following on your investigations?

DEPUTY DIRECTOR JOHN: Commissioner, in basically one of the cases which is before the court roll now, I have, I
10 am not sure whether it is in my bundle here, but one of the cases in my court roll, I will give you the scenario, is that the police, and this was during the day, the police shot at four occupants of a vehicle.

ADV BALOYI SC: Let me interrupt you. I am asking a simpler question, which is, of the 77 cases that you have referred to, or that you are speaking to in paragraph 19, how many of them have been finalized and the police found guilty?

DEPUTY DIRECTOR JOHN: No, nothing as yet,
20 Commissioner.

ADV BALOYI SC: They are still pending matters?

DEPUTY DIRECTOR JOHN: Yes.

ADV BALOYI SC: All of them are still to be determined by a court?

DEPUTY DIRECTOR JOHN: Yes, that is correct.

ADV BALOYI SC: All right, thank you.

ADV CHASKALSON SC: Then from page 12, you detail the process that should be followed in the case of a police shooting. Paragraph 20, can you take the Commission through that?

DEPUTY DIRECTOR JOHN: Thank you.

10 “When a section 28(1)(b) case, which is a death as a result of police action, is received by the Directorate, the supervisor of the group performing standby duties will engage the investigators to attend the crime scene. IPID is mandated under Section 24 of the IPID Act, Act 1 of 2011, to attend crime scenes. When IPID investigators arrive at the crime scene, they will take over the crime scene, and together with the SAPS duty officer, will conduct a walk through the crime scene without
20 tampering or destroying any evidence. At times, a crime scene is already being attended by members of the Local Criminal Record Centre. IPID investigators are mandated to ensure that exhibits are photographed, indexed,

protected, preserved, packed, seized, and transported to the relevant forensic science laboratory. Investigators remain in the crime scene until the bodies of the deceased are collected by members of the medico legal mortuaries. IPID investigators are tasked to attend post-mortems for the collection of exhibits retrieved during the post-mortems and to make notes pertaining to the cause of death. Investigators are mandated to retrieve and analyze post-mortem reports and present as evidence in the criminal and departmental proceedings.”

ADV CHASKALSON SC: And then you discuss the challenges that you encounter as IPID. Can you take the Commission through paragraph 24.

DEPUTY DIRECTOR JOHN: Okay.

“The challenges presented to IPID investigators pertaining to crime scenes include the following. Some scenes are not attended immediately due to the distance the scenes are from the office. For example, scenes within a radius of 150 kilometres are attended on the same

day. However, scenes outside the 150-kilometre radius are attended only on the day the post-mortem will be conducted.”

CHAIRPERSON: Sorry, you appear to state this categorically, as it were, but I would imagine that what you mean is that generally, because otherwise it sounds rather mechanical. For example, if a scene that is 149 kilometres from your office can be attended on the same day, why is that not the case with a scene that is 151 kilometres from
10 your office, if you see what I mean.

DEPUTY DIRECTOR JOHN: Commissioner ...[intervenes].

CHAIRPERSON: So what, all I am saying is perhaps you should say generally.

DEPUTY DIRECTOR JOHN: Generally.

CHAIRPERSON: Ja.

DEPUTY DIRECTOR JOHN: Ja, okay, thank you, Commissioner. Commissioner, the problems that we have when scenes are far away is that the station normally contacts us, like maybe they will contact us half an hour
20 after they receive the report, or maybe even an hour after they receive the report. Now, for us to get to the scene, if it is going to take more than an hour or more than an hour and a half, it becomes difficult even for the police to be on the scene. But I did highlight it here.

“So some scenes are not attended due to

the volatile area, and when members of the SAPS come under attack by the members of the public. These scenes are attended on the day of the postmortem. So if the scene is far away from our office, and we get information that the members are under attack because the community is attacking them, then we would request them to leave the scene, and we do a reconstruction when we do the postmortem. In some cases, SAPS officials deliberately delay the contacting of IPID officials, raising suspicion that they want to tamper with the crime scene, for example, by planting of weapons and primary residue on the deceased. At scenes where task teams are involved in the shooting, almost without exception, there are delays.”

We did identify this in our investigations and when reports are made. We did identify that task teams generally delay, and we have taken it up with the Commanders of those task teams, but we still have that delay in reporting.

“IPID has identified that media personnel

are regularly contacted prior to IPID officials being notified of killings. There are instances where IPID learns of SAPS killings through social media posted by journalists.”

So when you look at your Facebook page, you will see a shooting that happened even in Inanda, which is not even 30 kilometres from the office. You learn of it via social media, and when you get there, you will see a
10 reporter on the scene.

“There have been instances where members involved in shootings where members of the public are killed, they leave the crime scene with their firearms before IPID attends the scene and this prevents IPID from uplifting primary residue from the members and complicates the matters with respect to the inspection of the firearms.”

20 So we do have that instance where they leave the crime scene, citing that their lives are in danger whilst they wait for IPID. So we do have a problem in that aspect.

ADV BALOYI SC: Mr John, what is the applicable protocol practically? What, so you have a scene, there has just been a shooting now. As between the SAPS and the IPID,

what is the agreed rule of operation when that has happened?

DEPUTY DIRECTOR JOHN: Commissioner, the shooter has to remain on the scene because he is part of the crime scene, which means that we have to do a primary residue test on him, we have to inspect the firearm, we have to count the number of rounds that he has in his possession versus the number of rounds that he, when he came on duty. So when a member is not there, it is very difficult for
10 us to deal with that aspect of investigation.

ADV BALOYI SC: And who is responsible for calling IPID, informing IPID of the incident?

DEPUTY DIRECTOR JOHN: The first respondent that comes to the crime scene, once the respondent know that the matter belongs to IPID, he is supposed to have contacted IPID. Section 29 of the IPID Act indicate that any member, the Station Commander or any member, must notify IPID immediately of a case that involves IPID or falls under the mandate of IPID.

20 **ADV BALOYI SC:** What I am trying to understand is whether the people that must make the call, that are required and obliged to make the call to IPID, is it the people at the scene who caused the scene or is it their Commander to whom they report that there has now been this incident? I am just trying to understand the practical,

how this plays out practically.

DEPUTY DIRECTOR JOHN: Okay, practically what happens, Commissioner, is that the uniformed members who attend the crime scene contact the detective on call. So the detective on call also, at the same instance, contact the duty officer. So when the duty officer and the detective on call come to the scene, then they are the ones that contact us. Now, the delay is that if the detective and the duty officer delays in getting to the crime scene, we are already
10 delayed in getting to the crime scene because we only get the report when they get to the crime scene.

However, the members who work at the, maybe they are the members that work in the shift who attend the crime scene, they are actually supposed to be the people calling us also because it says that when they become aware that that crime falls within the mandate of IPID, they are also supposed to call us. When they call the duty officer, they are supposed to call IPID also. Sometimes we get to the crime scene, the LCRC is there before us
20 because they call the LCRC, they call all the other role players besides calling IPID at the scene.

ADV BALOYI SC: And the IPID contact, whether it is a number or a person, do you say every police officer has it as a matter of course? So if I am at the scene where there is a shooting and I am part of that scene, are you saying

that every member on that scene who was part of that incident would know who to call at IPID?

DEPUTY DIRECTOR JOHN: Sure. In the majority of the stations, they do have our standby number. We have a dedicated standby number which the members on standby have the cell number. However, the station can communicate with the radio control, and radio control is aware of which IPID official is on standby. So there is a number that they can call. They can call the radio control
10 and inform the radio control that there is a shooting and we need you to get hold of IPID. So radio control have our standby numbers.

ADV BALOYI SC: Thank you.

CHAIRPERSON: You referred to two categories of police officers. I think you said what duty, investigator or what?

DEPUTY DIRECTOR JOHN: You get the detective on standby.

CHAIRPERSON: Detective on standby, and I think you mentioned ...[intervenes].

20 **DEPUTY DIRECTOR JOHN:** And you get the duty officer on standby.

CHAIRPERSON: Duty officer.

DEPUTY DIRECTOR JOHN: Yes.

CHAIRPERSON: You said when those two arrive at the scene, they are supposed to then call IPID. Why must they

first get to the scene?

DEPUTY DIRECTOR JOHN: No, Commissioner, I just want to rephrase.

CHAIRPERSON: Okay.

DEPUTY DIRECTOR JOHN: In fact, they call us when they get to the scene. However, they are not the ones that are supposed to have called us.

CHAIRPERSON: But what I am saying is why must they first get to the scene instead of calling you immediately
10 when they themselves get the call?

DEPUTY DIRECTOR JOHN: Yes, they are supposed to do that.

CHAIRPERSON: Oh, okay. All right, all right. Do you know why it does not happen? Why, because you say they call you when they get to the scene, but they are supposed to call you when they get the call. Do you know why they only call when they get to the scene?

DEPUTY DIRECTOR JOHN: Commissioner, I believe they get to the scene to ascertain what happened at the scene
20 before they call IPID. But that should not be the case. They should, when they get called and they are informed that there is a shooting by the police, and this is an IPID-related matter, they are supposed to immediately call radio control and inform radio control to call us.

CHAIRPERSON: Yes, because I would imagine with such

matters, you do not want to lose time. You want to get to the scene immediately to start collecting evidence.

DEPUTY DIRECTOR JOHN: That is correct, Commissioner.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: Just following up from that, Mr John, as I read 29.1 of the Act, well, let me read it out.

10 “The Station Commander or any member
 of the SAPS or Municipal Police Service
 must (a) immediately after becoming
 aware, notify the Directorate of any
 matters referred to in 28(1)(a) to (f).”

 And 28(1)(b) is a death as a result of police action.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: So it is a duty that rests on any member of the SAPS, including the shooter, him or herself.

DEPUTY DIRECTOR JOHN: That is correct.

20 **ADV CHASKALSON SC:** And then what we see in Chapter
 9 of the IPID Act, section 33(3), there is actually an offence
 created. Any police officer who fails to comply with section
 29 is guilty of an offence.

DEPUTY DIRECTOR JOHN: Yes.

ADV CHASKALSON SC: Are you aware of any prosecutions of that offence in section 33(3) of the IPID Act?

DEPUTY DIRECTOR JOHN: We have opened cases under

section 33, a contravention of section 29 of the IPID Act. Chair, in many of those cases, the SPP declined to prosecute, citing that the Act was a new Act at that time, in 2012, 2013, 2014. They cited that we have to produce evidence that the member is aware of the Act, because we cannot charge if the member was not aware of the Act. So that was, many of our cases were declined to prosecute because of that.

ADV CHASKALSON SC: But I mean in the context about
10 which we are talking, these task teams, your evidence is we are dealing with a repeated problem here. Have you raised this issue? I mean, I presume that the Commanders of these task teams are by now well aware of section 29 of the Act.

DEPUTY DIRECTOR JOHN: Yes.

ADV CHASKALSON SC: And have you pursued attempts to prosecute any Commanders who repeatedly contravene section 29?

DEPUTY DIRECTOR JOHN: We have cases which we are
20 investigating with the actual shooting in the list that I have provided. We have some of those cases where we were not called to the scene, totally not called to the scene, and only came to know about the scene a day later. So we have opened cases, and those cases are being investigated together with the shooting.

ADV CHASKALSON SC: And from my understanding of your answer to Commissioner Baloyi, none of those cases have yet been finalised?

DEPUTY DIRECTOR JOHN: None has finalised in court as yet.

ADV CHASKALSON SC: If we move then to the next topic, which is at, starts at the foot of page 14, you are detailing the experiences that you encounter in relation to the cash-in-transit task team, maybe if you can take the Commission
10 through what you say in paragraph 25.

DEPUTY DIRECTOR JOHN: Okay.

“In the majority of shootings involving alleged CIT suspects, the task team under Lieutenant-Colonel Deena Govender has been involved. The facts of this case bear a striking similarity. The consistent pattern is the following. Task team members indicate that they receive information from SAPS Crime
20 Intelligence pertaining to the whereabouts of suspects involved in CIT’s. The information received is generally not verified with reference to any other investigation, case docket, or investigating officers or detectives in

charge of such cases. The Commander of the task team then plans an operation on the information allegedly received. These operations are frequently planned to be undertaken between 11 o'clock, 23h00, to 3h00 hours in the morning, a time where there is a reduced likelihood of witnesses being present to observe any wrongdoing by the members of the SAPS. The members on most of these operations are wearing civilian clothing and or balaclavas or face masks without any SAPS insignia. Despite the fact that they have apparently chosen deliberately not to wear uniforms that would identify themselves as police officers, the members always claim that when they approach the premises of the alleged CIT suspects, they introduce themselves in an audible manner, indicating that they are police officers. They then invade the premises of the alleged CIT suspects. They allege that they come under fire from the suspects and they return fire in self-defense. In most of the crime

scenes where alleged CIT suspects are shot and killed by police, all suspects and occupants present when the shooting takes place are killed by the task team, leaving no witness to the operation other than the members of the task team themselves. No high-caliber firearms or rifles, explosives, components to manufacture explosives, or money has been found at any of the CIT shootings. IPID usually find only homemade firearms, pistols or revolvers, which are allegedly pointed out by the police officers implicated in the shooting of the suspects. The SAPS Commander in charge of the task teams is frequently unable to provide the names or identities of the suspects who are killed. Very rarely are they able to provide the SAPS case number in which the suspects or deceased are allegedly implicated in the CIT robberies, leaving a suspicion that the so-called suspects killed during these operations may not have even been involved in any CIT robberies.”

ADV CHASKALSON SC: I have two follow-up questions. The first is, these are all general statements. Has IPID done any statistical analysis? Can you, is there anywhere where we can get detail in relation to these general statements?

DEPUTY DIRECTOR JOHN: Chair, in these cases that we are investigating, I indicated the 77 cases that we are investigating. In the majority of the cases, you will not have the name of the deceased. When you go to the crime
10 scene, the Commander of the task team that is present will indicate to you that the deceased are unknown. In some of the cases, when we get case numbers which are provided, we go to the stations, relevant stations and we pick up the dockets. When we pick up the dockets, you will not even find the name of the deceased in those dockets.

ADV CHASKALSON SC: I understand the proposition that you are putting forward there, but has IPID, as it were, done any statistical gathering of information so that you can describe, just at a simple level, how many of those 77 cases
20 that we see in your table were there deceased people who were not linked to any dockets cited by the team?

DEPUTY DIRECTOR JOHN: In fact, in all those 77 cases, the 77 cases, the dockets that we peruse cannot link the deceased to the initial cases that were opened.

ADV CHASKALSON SC: In every single one?

DEPUTY DIRECTOR JOHN: In every single case.

ADV CHASKALSON SC: You are telling the Commission that in every one of these 77 cases ...[intervenes].

DEPUTY DIRECTOR JOHN: Because in the majority of the cases, they are unknown. The deceased are unknown. So if they are unknown, how do you link them to a shooting? If they are unknown, then they, in fact ...[intervenes].

ADV CHASKALSON SC: No, no, I understand if they are unknown, they cannot be linked to any docket.

10 **DEPUTY DIRECTOR JOHN:** Yes.

ADV CHASKALSON SC: Presumably, they are identified at a later stage.

DEPUTY DIRECTOR JOHN: When they are identified at a later stage, their names are not in the docket. When we recover, when we pick up the docket from the station, the names are not in the docket.

ADV KHUMALO SC: Do you mean in the station of origin where the case was opened ...[intervenes].

DEPUTY DIRECTOR JOHN: Yes.

20 **ADV KHUMALO SC:** They are not identified as suspects in that case?

DEPUTY DIRECTOR JOHN: Yes. In some of the cases, we interviewed investigating officers, and investigating officers indicated, I did not ask anyone to go looking for a suspect because I do not know the suspect. So in the,

Commissioner, when they get this information about suspects in cash-in-transit or in cases of murder and so forth, they do not do a proper investigation to link those suspects to the case. And in the operations, they do not involve the investigating officer who is tasked with the docket. They just get the information, they plan an operation, and they go, and then the shooting takes place.

ADV BALOYI SC: Can I just understand what it is you are saying is wrong. We, for example, have had evidence to do
10 with drug busts, right. And in what we have had, at least according to the evidence tendered, there is no first opportunity to identify a suspect, open a docket, have a name, investigate them. The story is we got a tip-off from a Crime Intelligence officer that there is these drugs at this particular place, and we went and did a bust. So there is obviously no docket at that point when the bust is done, and there is no case number, there is no known suspects.

DEPUTY DIRECTOR JOHN: That is correct.

ADV BALOYI SC: Is what you are saying that in respect of
20 these cash-in-transit, or these task-team cases, that it is wrong that they act on a tip-off when there is no docket, there is no case number, there is no known suspect in advance? Is that a criticism? And if it is, is that a criticism that you are raising?

DEPUTY DIRECTOR JOHN: No, Commissioner, in these

cases, there are dockets. There are dockets in these cases that are opened prior to them getting the information, because a cash-in-transit takes place maybe a day earlier, and then they receive, so there is a docket open on that date when the cash-in-transit takes place. There is an investigating officer that is identified to investigate that case. The information that comes to the task team is not provided to the investigating officer, or there is no communication with that investigating officer to say that we
10 have received information that there are cash-in-transit suspects that is hiding at a particular place for the investigating officer now to investigate that matter.

They simply go out there, the task team themselves, leaving the investigating officer out, because at none of the scenes that our members went to that they found the investigating officer. So the task team, they go themselves out to the place where they received the information, and then the shooting takes place. So in all these cases, there were dockets opened prior to the task
20 team going to the premises to arrest suspects.

ADV BALOYI SC: Okay.

CHAIRPERSON: So from what you are saying, it seems to me that the task team members identify a particular cash-in-transit heist randomly. If they happen to know that there was a cash-in-transit two days ago, they will just identify

that, or any other.

DEPUTY DIRECTOR JOHN: It looks like that.

CHAIRPERSON: Based on what you say, which is that there is then no connection whatsoever between the people that have been killed and that particular cash-in-transit.

DEPUTY DIRECTOR JOHN: Yes, Commissioner, because as I indicated, that when you get to the scene, and when my investigators on the scene want the names of the deceased persons, the deceased are unknown. So they cannot link
10 the deceased to the actual cash-in-transit.

CHAIRPERSON: But are you able to say that, I posited this based on my understanding of what you say, but then I have a question, which is this, are you able to say these, the deceased have nothing to do with that cash-in-transit, if at that stage not even the investigator or the detective knows who the culprits are?

DEPUTY DIRECTOR JOHN: Commissioner, I would not say that they are not involved in the cash-in-transit.

CHAIRPERSON: Yes.

20 **DEPUTY DIRECTOR JOHN:** There must be an investigation to link them to the cash-in-transit.

CHAIRPERSON: But what point then are you making by saying when you go to the dockets, you are not able to link the deceased with that docket. What point are you making?

DEPUTY DIRECTOR JOHN: Well, the cases that we have

looked at ...[intervenes].

CHAIRPERSON: Yes.

DEPUTY DIRECTOR JOHN: We cannot do any linkage of those suspects to the cash-in-transit.

CHAIRPERSON: And what linkage do you expect at that stage, if the culprits are not known, if even the investigator or the detective does not know who the culprits are? What link would you be expecting to make?

DEPUTY DIRECTOR JOHN: Well, normally the cash-in-
10 transit, well, I would say, I would not say normally, majority of the cash-in-transit, it is on social media. There are video recordings of it, those cash-in-transit. You could see some of the criminals that are there carrying high-powered rifles and so forth. You would use that to identify whether these are the suspects in those cases and only the investigating officer has the docket and can assist in doing that linkage.

CHAIRPERSON: And would you say that that is the situation or the case in all 77 that we are talking about here?

20 **DEPUTY DIRECTOR JOHN:** No, no, not in, actually in all 77, as I said, Commissioner, there is no reference to suspects, the suspects' names in the docket. So how do the task team link those unknown people to a cash-in-transit? There is no linkage there. And even if they give us names, you cannot find the names in the cash-in-transit

case because in majority of the shootings where there is cash-in-transit, in majority of the shootings, you will have a cash-in-transit that occurs maybe two days ago. And then you get a shooting where police go looking for alleged cash-in-transit suspects and kill them. So there was no proper investigation done to actually link these alleged suspects to the case.

CHAIRPERSON: Would the answer lie in the docket, though, because if at that early stage the culprits are not
10 known, would the answer lie in the docket? I would imagine it should not, and it cannot.

DEPUTY DIRECTOR JOHN: It cannot.

CHAIRPERSON: Does the answer not lie in on what basis are the police saying, these are the people according to the information or the intelligence we got? Does the answer not lie there? Either there is an answer there or there is not, but not so much in the docket, because I have difficulty understanding this about not finding anything in the docket.

DEPUTY DIRECTOR JOHN: There is basically nothing in
20 the docket.

CHAIRPERSON: Yes.

DEPUTY DIRECTOR JOHN: There is nothing in the docket.

CHAIRPERSON: Exactly my point.

DEPUTY DIRECTOR JOHN: Ja. If they are getting the information from Crime Intelligence, allegedly from Crime

Intelligence, they are getting the information, and they act on the information without conducting a proper investigation.

CHAIRPERSON: And I am not even suggesting that there is an answer. I am saying it may or may not lie there, that is the answer. What information did they get, and what is it in that information that led them to the people that they killed ja, but not so much the docket.

DEPUTY DIRECTOR JOHN: Commissioner, the information
10 they get is that there is a particular premises, and mostly it happens in an informal settlement.

CHAIRPERSON: Yes.

DEPUTY DIRECTOR JOHN: They will indicate that there is a particular house where there is suspected to be the suspects that were involved in the cash-in-transit.

CHAIRPERSON: Ja.

DEPUTY DIRECTOR JOHN: So they get the information during the day, but they plan the operation to go through the night. And living in KZN, it is very difficult to go do
20 operations at night, especially in the informal settlements, because it is a dangerous, it is dangerous to do these operations. So when they go to those premises, they allege that they come under fire, and they fired back. Now, if you see at the cash-in-transits that take place, we know that these cash-in-transit robbers are highly trained. They are

highly trained. They are not these normal robbers that you will get on the street. They are highly trained, and they use high-caliber firearms. But when you go and you look at the deceased that is lying down in that informal settlement, you are finding a homemade firearm, you are finding a revolver or a pistol, and you can see that these deceased that are there were not even ready to go anywhere. They are in their pajamas or underpants, and they are sleeping. So they were not expecting for police to come in order to shoot
10 at the police. And it is surprising that police can go and say that they are going to look for cash-in-transit robbers, knowing fully well that they have high-powered firearms, and they will go all out to shoot, because they are linked to cash-in-transit, that you go and you knock on the door, and you say, we are police. It is surprising that they will do that, because, you know, as soon as you knock at the door at cash-in-transit robbers, you are going to come under fire with high-caliber firearms, because they are cash-in-transit suspects. So that is why I am saying the suspects that are
20 killed, there is no linkage that they are the ones involved in cash-in-transit.

CHAIRPERSON: Thank you. I hear you on the *modus operandi*. My issue, and you responded, so I am not asking for any further response, my issue just related to the point you were making about the dockets, the information or lack

of it in the dockets. You have already responded, and ja, I will leave it there.

DEPUTY DIRECTOR JOHN: And, Commissioner, the other aspect is that the dockets, the dockets are closed almost immediately. Once a person is killed, the docket gets closed, the cash-in-transit docket, because they link that deceased as a suspect in the docket without any other investigation, not looking at the firearms that they used, whether those firearms are linked at the cash-in-transit or
10 maybe placed in their cellphone at the scene of the cash-in-transit. That docket is immediately closed. So there is no further investigation done on that cash-in-transit docket that has been opened.

CHAIRPERSON: That is strange. Who closes the docket?

DEPUTY DIRECTOR JOHN: The station. Even the task team themselves, they write the name of the deceased on the docket, and the docket is closed.

CHAIRPERSON: I do not understand that. Not if no connection was made in terms of investigations that the
20 person who has been killed was indeed the person who had committed the cash-in-transit. I just do not follow that.

DEPUTY DIRECTOR JOHN: Well, based on ...[intervenes].

CHAIRPERSON: There is a missing link there.

DEPUTY DIRECTOR JOHN: Yes, based on the statements of the members of the task team, that they went looking for

suspects involved in the cash-in-transit, that case gets closed.

CHAIRPERSON: But I will leave it at that. We are not inquiring after the extrajudicial killings, ja.

ADV BALOYI SC: Can I just follow up on Mr Chaskalson's question about statistics. Of the 77 cases that you say relate to task teams, what percentage or number of that relates to cash-in-transit, because your statement focuses on cash-in-transits.

10 **DEPUTY DIRECTOR JOHN:** Okay, I cannot give you that number. Actually, those 77 is cash-in-transit, drug-related, and murder, and cases related to the taxi industry.

ADV BALOYI SC: Yes, no, that is my understanding.

DEPUTY DIRECTOR JOHN: Yes.

ADV BALOYI SC: So my question is, was or is, has IPID not done the statistical analysis of the 77 cases, so much cash-in-transit cases? And the next question that I would have asked, that I now assume you may not have an answer to in light of what you are saying, is what percentage of that
20 cash-in-transit number is the majority of shootings that you say they involve Lieutenant Colonel Govender's task team, because that is what you say at paragraph 25. You say the majority of shootings relate to his task team.

DEPUTY DIRECTOR JOHN: Ja.

ADV BALOYI SC: So I wanted to know whether you have

got those, the breakdown of numbers.

DEPUTY DIRECTOR JOHN: I do not have it, Commissioner, but we can supply it.

ADV BALOYI SC: Okay, thank you.

ADV CHASKALSON SC: Maybe while we are on this topic, just to illustrate what you have been saying to the Commission, can we discuss the, can you go to the Hibberdene case that you talk to at paragraph 21, because I think this falls into the category that we are just discussing.

10 **DEPUTY DIRECTOR JOHN:** Okay. Paragraph 44?

ADV CHASKALSON SC: Yes.

DEPUTY DIRECTOR JOHN: Okay, Commissioner.

20 “In this case, members of Colonel Govender’s task team were on duty on Saturday, the 2nd of March 2024, and at about 1 o'clock, the members proceeded on an operation to arrest an alleged CIT suspect. Information was received from Crime Intelligence that the suspect was planning CIT robberies in Eastern Cape. That is what Colonel Govender informed the IPID investigators, that the information they received was this suspect was planning to do a cash-in transit in Eastern Cape. The suspect

went into hiding in ..." ...[intervenes].

ADV CHASKALSON SC: Sorry, can I just stop you at that point. What degree of information would be required before you were able to arrest someone for planning CIT robberies in Eastern Cape?

DEPUTY DIRECTOR JOHN: Well, you have to do a proper investigation, like put surveillance on the person, apply for a court order to tap their phones, to listen into their conversations, if you have that. You cannot just get
10 information that the person is planning to do cash-in transit and then go to arrest him. You are arresting him on what? There is no crime. He did not commit any crime, he is only planning to do it, but you still have to show that he is planning to do it. Now, they received information that he was planning to commit cash-in transit in Eastern Cape and they rushed out to his premises.

CHAIRPERSON: So at that stage, at that early stage, when you are doing the surveillance, I would imagine you do not open a police case.

20 **DEPUTY DIRECTOR JOHN:** You can open an inquiry, Commissioner.

CHAIRPERSON: An inquiry?

DEPUTY DIRECTOR JOHN: Yes, a police inquiry.

CHAIRPERSON: Oh, okay.

DEPUTY DIRECTOR JOHN: And then you can, with the

inquiry you can apply for a court order, you can apply for section 205 with an inquiry. And then you can, from your inquiry, it will indicate whether he is part of a cash-in transit group.

ADV CHASKALSON SC: And can I ask, in this particular case, are you aware whether there was any inquiry opened, whether there was any docket opened?

DEPUTY DIRECTOR JOHN: Nothing, nothing.

ADV BALOYI SC: Is it not fair to say that that information
10 would have had to have been received in advance of the
day of the operation, because, I mean, I cannot, I do not
know if you are saying if they received information on the
2nd of March itself, and let us say at 12 midnight, are you
saying even in those circumstances, they must first open an
inquiry number before they go and operationalize? Does it
not assume that there is proper advance information or
intelligence that this person is at this place, they are
planning to do this, and there is time to do surveillance and
everything that you are describing, and to get a CIN
20 number?

DEPUTY DIRECTOR JOHN: Yes, Commissioner, what I am
indicating is that, firstly, there was no evidence to prove
that he was involved in planning cash-in transit. So what
they are supposed to do is that when they received that
information, they are supposed to open an inquiry and then

do the investigations from that inquiry, from the information that they received. And when they have done the investigation to prove that this suspect is part of the cash-in transit syndicate and they can do proper linkages, then they can go to make an arrest. But what they did is that they received the information and they rushed off to go to arrest the person.

ADV BALOYI SC: Thank you.

DEPUTY DIRECTOR JOHN: -:

10 “The suspect in question went into hiding
in the Hibberdene area due to having
received death threats. He subsequently
rented a holiday cottage with his
girlfriend. The members alleged that
they received information that the
suspect was in possession of at least one
firearm and was instrumental in securing
explosives illegally for CITI’s from
Limpopo and Gauteng. The members
20 from the task team then proceeded to the
said holiday cottage and knocked on the
door and allegedly identified themselves
as police officers. The suspect opened
the door after which the members
proceeded inside the premises and

searched the lounge and found nothing suspicious.”

Now here the police knocked on the door, the suspect opened. If the suspect had anything to hide, he would have not opened the door. He would have shot at the police at the same time.

10 “The keys of the suspect's vehicle was found on the table. Some task team members took the suspect's girlfriend outside to the suspect's vehicle to search. Now, they should have taken the suspect outside, not the girlfriend, because the vehicle belonged to the suspect. Two members were left to guard the suspect and they were armed with the R5 rifles and pistols. It is alleged that the suspect wanted to change and the members accompanied him into the bedroom. The members
20 alleged that the suspect grabbed one of the SAPS members' R5 while at the same time pulling his firearm from under a pillow. The member alleged that he and the suspect lost balance. When the suspect got up, he fired his pistol in the

direction of the member, mercying him and his colleague. The member fired four rounds at the suspect, fatally wounding the suspect. The deceased sustained four gunshot wounds.”

Now, in this matter, Chair, Commissioner, you have got two policemen who have R5 firearms pointed at you. Now, the suspect opened the door for these policemen to come in, so, what is the reason for him now to try to disarm
10 the policemen of the firearm? Even if he shot both those policemen, there were still ten policemen outside. So, he would not have achieved anything.

“When we did this investigation, we identified that this deceased was the owner of a taxi industry. He is the owner in the taxi industry. The IPID investigators requested for police case numbers in which the deceased was sought for. However, the Commander of
20 the task team failed to provide any case numbers to validate the claim that the deceased was in fact sought by the police for any offences, let alone CIT offences. According to the first police officer responding to the scene, the

deceased was the one who opened the door when the police requested entry to the lodge. Members on the task team had not found any illegal firearms, explosives or any items to indicate that the deceased was in fact involved in CIT robberies. The girlfriend of the deceased is currently in hiding as it is alleged that she was threatened by the members of the task team. The position of the deceased on the scene of crime contradicts the version of the members of the task team in relation to his attempt to draw a firearm from underneath a pillow as he was found at the base of the bed while the pillow was at the head of the bed. The only outstanding investigation in this matter is the statement of the suspect's girlfriend who has been sought.

There is a clear indication that the version of the task team members are fabricated to cover up an unjustified shooting. As soon as a statement has been obtained from the suspect's girlfriend, the docket will be forwarded to

the Senior Public Prosecutor for a decision. IPID has yet to be presented with any evidence suggesting that the suspect was involved in CIT crimes, nor has the task team offered any explanation as to how it was informed that the suspect was in Hibberdene. It seems that the task team merely used cash-in-transit to cover the action of
10 killing a taxi owner. Their inability to explain how they were informed of the whereabouts of the suspect raises suspicion as to whether rival taxi owners may have been involved in tipping them off."

CHAIRPERSON: How do you make the jump to the suspicion about rival taxi owners? Is that the most plausible inference under the circumstances? If so, why?

DEPUTY DIRECTOR JOHN: Chair, the deceased went into
20 hiding after he received threats from rival taxi owners and where he went to, nobody knew, not even his family knew where he went to and here the police is saying, or the task team is saying that he was involved in cash-in-transit or planning cash-in-transit when they cannot find or provide any evidence to that effect, no case numbers. He was

found in that resort or in that holiday accommodation with his private firearm, licensed private firearm. There were no illegal items found even in his vehicle when they searched his vehicle. So our belief is that because he went into hiding, because of the taxi industry, that there is a possibility that the taxi owners would have probably identified where he went to.

The second aspect is that we have identified that the police are using the police grabber, cellphone grabber,
10 and are coming to a conclusion where possible cash-in-transit suspects are, especially Crime Intelligence, they are utilizing a police grabber. So they are tracing cellphones. So if this taxi owner went into hiding, nobody would have known where he is, not even his family knew he was there.

CHAIRPERSON: Unless I missed it, you are mentioning the fact that the death threats were made by rival taxi owners. You are mentioning that for the first time in response to my question. In paragraph 45, where you mention death threats, you say the suspect went into hiding
20 in the Hibberdene area due to having received death threats.

DEPUTY DIRECTOR JOHN: Ja, from taxi ...[intervenes].

CHAIRPERSON: There you do not say from whom.

DEPUTY DIRECTOR JOHN: I apologize, Chair. From taxi rivals.

CHAIRPERSON: But as I say, I do not know whether between 45 and the end of this topic you do mention the rival taxi owners. I do not know. But in 45, that is where you mentioned the threats.

DEPUTY DIRECTOR JOHN: In my initial statement, Chair, I indicated that the deceased was a well-known taxi owner. I do apologize for not putting it under there. He received death threats from taxi owners in the area.

CHAIRPERSON: So that is the thing, the threats by rival
10 taxi owners is the basis for your suspicion.

DEPUTY DIRECTOR JOHN: That is correct, Chair.

ADV BALOYI SC: You are connecting without saying so, and maybe if that is what you want to say in detail, you should speak to it. On the face of it, you are creating a connection between rival taxi owners that you say had threatened this person. You are creating a connection between those and the task team. Effectively, what you are saying is the task team in this case, according to IPID, appears to have been doing work or did the killing on behalf
20 of the rival taxi people that threatened and caused this man to go into hiding. Is that what you are saying, and is it based on any investigation facts, if you like, that IPID has carried out, because it is one thing to say, this is what we suspect, and you have no control over how it gets understood to mean you have created that connection as a

matter of fact. And if that is what you are doing, saying you have created a connection as a matter of fact, I think you should say so. Otherwise, if it is a theory and nothing more, I think that should come out clearly.

DEPUTY DIRECTOR JOHN: Okay. Commissioner, I have another case here that I will discuss where you would see that connection.

ADV BALOYI SC: It is fine, we are still at the Hibberdene one. Is there such a connection that IPID has, because
10 your statement does not do that. It requires one to read between the lines that this is what you are suggesting. In the Hibberdene case, have you made that kind of connection as IPID?

DEPUTY DIRECTOR JOHN: The only reason that I make that connection is that the task team did not have any information pertaining to cash-in-transit. The only, there was no allegation, and they have not produced any information pertaining to cash-in-transit. However, we know that the DC's were involved in the taxi industry and that is
20 why we make that connection is that because the same task team is involved in shooting other taxi owners.

ADV BALOYI SC: So, insofar as it relates to the Hibberdene matter, you are saying that is the theory of IPID.

DEPUTY DIRECTOR JOHN: That is correct.

ADV BALOYI SC: And you say the basis for that theory is because you have other cases where you will show that this task team has in fact done the bidding of a rival taxi group against another.

DEPUTY DIRECTOR JOHN: That is correct.

ADV BALOYI SC: Okay, thank you.

ADV CHASKALSON SC: You are referring to another case in relation to the taxi industry. Is that the Pinetown case?

DEPUTY DIRECTOR JOHN: Pinetown case.

10 **ADV CHASKALSON SC:** And that you address at page 17 of your statement. Maybe you can, ja, can you take the Commission through the Pinetown case.

DEPUTY DIRECTOR JOHN: From paragraph 28:

20 “It is alleged that on the 30th of May at about 10:30, members from a task team under the command of Captain Pedro Rodriguez shot at a vehicle, a Toyota Fortuner, to kill the driver. It is alleged that ten members who were part of the operation stopped the vehicle on the M13 highway eastbound to Westville. Fourteen rounds were shot from the rifle at the said vehicle. Fortunately for the driver of the vehicle, the vehicle was an armour-proof vehicle. During the

incident, the driver telephonically contacted the Provincial Commissioner, Lieutenant General Mkhwanazi, who informed him to drive off to the Pavilion shopping mall situated in Westville. The driver adhered to the instruction of the Provincial Commissioner and he drove to the Pavilion shopping center where he met senior officers from Westville SAPS. The ten members on the task team followed the driver. However, when they reached the Pavilion shopping center, they were greeted by the Pavilion security and senior police officers from Westville SAPS. Investigations have thus far revealed that there was a shooting of a taxi Chairperson by the name of Reginald Boy-Boy Dladla in Hillcrest, and there was evidence that two suspects were identified for the murder. Captain Rodriguez was tasked with apprehending the suspects. The first suspect was allegedly killed when Colonel Khalitshwayo's team tried to

arrest him. This murder case is investigated by IPID under Hillcrest CAS 121/05/2024. The circumstances are as follows.”

CHAIRPERSON: Sorry, sorry, before you get to the circumstances. Can you please look at paragraph 33, the CAS number there, is it the same one? There it is all the numbers, except for the 05 and the 03 are the same. I am just checking if perhaps, if it is the same case. I am
10 checking if you have not made a mistake.

DEPUTY DIRECTOR JOHN: Chair ...[intervenes].

CHAIRPERSON: On the 05 or the 03. Are they different cases?

DEPUTY DIRECTOR JOHN: Thank you, Chair. It is a typographical error. It is 05.

CHAIRPERSON: 05.

DEPUTY DIRECTOR JOHN: 05.

CHAIRPERSON: So at 33 we must change it to 05.

DEPUTY DIRECTOR JOHN: 05.

20 **CHAIRPERSON:** Okay, thank you. Please continue then the circumstances are as follows.

DEPUTY DIRECTOR JOHN: -

“The circumstances are as follows. The suspect was initially arrested while he was preparing to depart for Gauteng.

That is the first suspect that was identified by Colonel Khalitshwayo. So they arrested him at the KZN airport on a murder case, which was Pinetown CAS 457/08/2022, in which a taxi boss was killed.”

The taxi boss, I have indicated his name, Reginald Boy-Boy Dladla.

10 “It is alleged that the police questioned the suspect about the firearm that was used in the Pinetown murder, and he then took them to his friend's residence in Hillcrest.”

CHAIRPERSON: And what do you mean, which airport is this? You said KZN airport.

DEPUTY DIRECTOR JOHN: Yes. That is the King Shaka Airport, Chair, Commissioner, King Shaka Airport.

CHAIRPERSON: All right, thank you.

DEPUTY DIRECTOR JOHN: -:

20 “It is alleged that the police questioned the suspect about the firearm that was used in the Pinetown murder, and he took them to his friend's residence in Hillcrest. Whilst at the said premises, the suspect requested to use the toilet.

At the relevant time, he was allegedly accompanied by two police officers. The police alleged that the suspect reached for a firearm that was hidden underneath the sink in the toilet. One police officer then wrestled the suspect for the firearm, during which a round went off, at which point the second police officer shot the deceased. It is alleged that the

10 deceased in Hillcrest CAS 121/05/2024, who was a well-known established businessman in the taxi industry, had borrowed the Toyota Fortuner from Mr Ngcobo, the complainant in Pinetown CAS 678/05/2025."

ADV CHASKALSON SC: Sorry, the case numbers can get confusing. So the complainant in Pinetown CAS 678 is the complainant that was shot at by the task team under the control of Captain Rodriguez.

20 **DEPUTY DIRECTOR JOHN:** That is correct. That is correct. So the ...[intervenes].

CHAIRPERSON: Sorry, sorry, I have picked up something similar about the case numbers. Here you have 678, that is here at 33. At 35, you have 673 and again, the rest is the same. Are these different cases, or again, is it one case

with a typo?

DEPUTY DIRECTOR JOHN: No, it is one case, Chair.

CHAIRPERSON: So which one do we change?

ADV CHASKALSON SC: Chair, it is 678. The heading is 678.

CHAIRPERSON: The correct one is 678. So at 33, then we change the 673 to 678.

DEPUTY DIRECTOR JOHN: 678, that is correct.

CHAIRPERSON: All right.

10 **DEPUTY DIRECTOR JOHN:** My apologies for that, Chair.

CHAIRPERSON: No problem.

ADV BALOYI SC: Another observation. In the heading, you have 678/05/2024. And then at 33, you have 678/05/2025. Is that a typo? It should be 2024?

DEPUTY DIRECTOR JOHN: 2024.

CHAIRPERSON: Please continue.

DEPUTY DIRECTOR JOHN: Okay, the, so the first suspect for the murder of the taxi Chairperson was shot when he was picked up from the airport and taken to his friend's
20 house, where the police alleged that he tried to take a firearm that was hidden under the sink.

“The second suspect in that matter borrowed the Toyota Fortuner of the complainant in Pinetown 678/05/2024. The suspect was using the Toyota

Fortuner, and Captain Rodriguez obtained information, and he had seen the suspect driving the Toyota Fortuner. And he allegedly tried on numerous occasions to apprehend the second suspect, who was said to have been driving the Toyota Fortuner, to no avail. In the meantime, the vehicle was returned to Mr Ngcobo. So the second

10 suspect was not using that vehicle anymore, and Captain Rodriguez was now focusing on the Toyota Fortuner. So he requested an employee at the estate where the victim resides to inform him when the vehicle was driving out of the said estate. On the 30th of May 2024, Mr Ngcobo left his estate in his Fortuner vehicle, and Captain Rodriguez was informed that the Fortuner was leaving

20 the estate. He and his team followed the vehicle, cornered it, and brought it to a halt alongside the M13. Mr Ngcobo noticed that one vehicle had four occupants who were wearing balaclavas. When the Fortuner stopped on the left-

hand side of the road, Mr Ngcobo saw another three vehicles behind him. Mr Ngcobo immediately contacted the SAPS Provincial Commissioner, Lieutenant General Mkhwanazi. Whilst he was on the call, the police started to open fire on his vehicle. He was advised by the Provincial Commissioner to drive to Pavilion Shopping Centre. At the shopping centre, some senior SAPS officers came and questioned Mr Ngcobo while his vehicle was inspected and photographed by members of LCRC. Due to the extensive damage to his vehicle, it was towed to Pinetown Police Station. Mr Ngcobo's private firearm was also seized by the duty officer. Whilst the members from the LCRC were busy processing the secondary scene, the members from Captain Rodriguez's task team arrived at the Pavilion shopping centre and they were summoned to the Provincial Commissioner's office by Major General Mgobhozi. The members from the task team left the scene at

Pavilion shopping centre without being duly processed as the members implicated in discharging of official firearm in an attempted murder case. They did not provide any explanation or justification for the shooting, nor did they provide firearm numbers or the number of rounds fired at the vehicle to the duty officer in their attendance at the secondary crime scene. Primary residue test samples could not be uplifted as the officers had left the scene prior to LCRC obtaining the samples as is procedurally required. This all took place under the instructions received from Maj. Gen Mgobhozi. During IPID's investigation, it was established that Captain Rodriguez and another member's vehicle had false registration plates affixed to the SAPS vehicle that were used for the said operation. The SAPS vehicles used were unmarked vehicles with no official SAPS insignia or markings to show that they were official SAPS vehicles. IPID KZN proceeded with the investigation, and

after discussion with the control prosecutor, arrested nine of the ten members of the task team and they appeared in Pinetown court on 11 July 2024, and Captain Rodriguez was subsequently arrested on the 31st of July 2024 and appeared in Pinetown court. IPID made recommendations to the SAPS that disciplinary steps be instituted against all ten members. The disciplinary hearing has commenced. The criminal matter has since been postponed from the Pinetown court to Durban Regional court to the 20th of August 2026."

ADV CHASKALSON SC: Can I just clarify one issue? False registration plates, has any explanation been given for false registration plates?

DEPUTY DIRECTOR JOHN: Well, the members, when they were charged, they elected to remain silent. They could not provide an explanation regarding the false number plates. But we have identified that the reason the false number plates are used so they cannot be identified when shootings take place or if they have to leave crime scenes prior to anyone coming to the crime scene, they are not identifiable.

ADV CHASKALSON SC: But presumably the members involved in these shootings always, I mean, you are able to identify three task teams led by Captain Rodriguez, is it Captain Govender?

DEPUTY DIRECTOR JOHN: He is now promoted to Lieutenant Colonel Govender.

ADV CHASKALSON SC: And Colonel Khalitshwayo.

DEPUTY DIRECTOR JOHN: Khalitshwayo, yes.

ADV CHASKALSON SC: So, I still do not see the point of
10 false number plates. In that context, you know who the task team leaders are. What is false number plates going to do?

DEPUTY DIRECTOR JOHN: Well, there was no explanation provided for the false number plates, but one would believe in order to, not to be recognized, because they do not use police uniforms. In most of the cases these task teams do not use police uniforms. And if there is anything that happened contrary to the prescripts of the Criminal Procedure Act, then they can easily leave the scene without being identified.

20 **ADV CHASKALSON SC:** Chair, we have run past 11. I am not sure if this is a convenient time to break.

CHAIRPERSON: Ja, just one quick, quick question. I just want to understand your narration of this incident, the Pinetown incident. Are you doing so with a view to advancing the idea that the task teams, or some of them,

are infiltrated by criminal gangs? If so, how?

DEPUTY DIRECTOR JOHN: Chair, I would believe that they are being used by taxi, other taxi rival gangs because in this case here, the Chairperson of the taxi in the Pinetown area was killed and the police went all out looking for the other two. And when they found the first one, they found him at the airport and he willingly took them to his friend's house. On that investigation where he was shot, the version of the police does not make sense, because if
10 you look at the bathroom where he was shot, there is nothing where you can put a firearm, hide a firearm under the zinc. There is no built-in cupboards there that you can put a firearm under the zinc.

So the version is totally contradictory to the crime scene. And then they went all out for the second suspect and when they went for the second suspect, you could see that they deliberately wanted to kill him, not realizing that the vehicle was an armour-plated vehicle. So that is why I believe that they were ordered by someone to take out
20 these two taxi, or these two suspects for murdering the Chairperson of the taxi industry.

CHAIRPERSON: Thank you. Let us resume at 20 to 12. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Thank you, Chair. We come now to the case of the death of Mr Loftus, Mr Bevan Loftus, and four other deceased on the 1st of April 2023. It is an episode that you address from page 23 of the statement. Maybe if you can start by just talking briefly about, to provide the context of turf wars between gangs involved in the tow truck industry and the drug industry.

DEPUTY DIRECTOR JOHN: Thank you, Commissioner.

10 “Due to the number of years of my
experience in law enforcement and
investigation spanning 40 years, I am
aware that some operators in the tow
truck industry are also involved in the
drug industry. The tow trucks are utilised
as a tool to transport and supply drugs
throughout the Ethekwini municipality.
Over the years, there were many turf wars
between tow truck companies over routes.
20 There are numerous cases where these
turf wars have resulted in violent crimes,
including murder and attempted murder.”

There is a YouTube video pertaining to the tow truck and drug turf wars.

ADV CHASKALSON SC: You have given the reference, I

am not sure we are going to, I do not think we will play it now, but if the Commissioners want to click the link, they can in due course. You have already mentioned earlier on about collusion between SAPS members and the tow truck owners, but at paragraph 59, you describe the main role players in the towing industry. Can you take the Commission through paragraph 59?

DEPUTY DIRECTOR JOHN:

10 “The main role players in the towing industry in and around Durban and the areas of operation include the following...”

But they are not limited to these, I have just highlighted a few.

20 “In Chatsworth, you have got the UA, which is Ugly Americans, UA, Ugly American Kings, Shultons, Precision Towing Company, and Exhibit Towing Company. In the south areas, you have got Unique Tow Ins in Brighton Beach, Durban South Tow Lines, Central, M7 and N2, Justin Tow Lines, Towing Industry, Higgenson Highway to Abubagwatini [?] area. In the Phoenix, you have got G7 Tow Lines, Classic Tow Lines and Ordain Tow Lines. And Durban and surrounding,

you have got Roadstar Tow Trucks,
Springtown, Asherville, Sydenham,
Overport and N2.”

ADV CHASKALSON SC: Now, what you have not mentioned in paragraph 59 is the tow truck company of Mr Bevan Loftus. Do you recall what that tow truck company was called?

DEPUTY DIRECTOR JOHN: Okay, the... I put it down below.

10 **ADV CHASKALSON SC:** If I put it to you that it is First for KZN.

DEPUTY DIRECTOR JOHN: First, Yes, that is right, First for KZN. And the other tow truck company that we look at is Roadstar. Roadstar Tow Truck.

ADV CHASKALSON SC: And who is associated with Roadstar?

DEPUTY DIRECTOR JOHN: That is Clive Naicker. Now, the reason I related the two tow trucks is because Bevan and Clive were competitions to each other in the towing
20 industry. They were competitions to each other.

“And the shootings arising from tow truck turf wars include the following. Allan Subramoney, the director of Durban South Towing and Panel Beaters, was allegedly shot.”

There is a case number there provided.

“Jonathan David Thomas, driver at Durban South Towing and Panel Beaters, was allegedly shot.”

And I have got a case number.

“Marlon Stewart and Jonathan Thomson of Durban South Towing and Panel Beaters were murdered.”

I have got the Durban Central CAS number.

10 **CHAIRPERSON**: You said Thomson, it is Thomas.

DEPUTY DIRECTOR JOHN: Thomas, Thomas.

CHAIRPERSON: And is it the same person referred to in 60.2?

DEPUTY DIRECTOR JOHN: That is correct, Commissioner.

CHAIRPERSON: Thank you.

20 “And then there was Calvin Periasamy, the leader of the Blood Gang, owner of Taxis and Tow Truck. He was fatally wounded on the 6th of June 2018, at the Gateway Shopping Mall parking lot and alleged by a rival gang.”

ADV CHASKALSON SC: Now, we will get to the case you describe in 60.2 in relation to Jonathan David Thomas, Bellair CAS 75/12/2021. But for present purposes, can you

confirm that it was alleged that Bevan Loftus was involved in that shooting?

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: Then in paragraph 65, or from paragraph 65, you describe or you summarise the events relating to the killing of Mr Loftus. Can you take the Commission through paragraph 61 and 62?

DEPUTY DIRECTOR JOHN: Okay.

10 “On Saturday, the 1st of April 2023, at about 14h00, five deceased were shot and killed by members of the task team under the command of Colonel Govender. The shooting occurred inside a flat in a residential building. The SAPS members allegedly identified the flat after arresting a suspect in Greenwood Park CAS 194/03/2023.

20 When the task team entered the flat, it is alleged that the deceased opened fire on the members of the task team who returned fire, fatally wounding all five deceased. Mr Zondi was alleged to be an *inkabi* or hitman. The four other men killed in the incident was Bevan Loftus, Ryan Santos, Chase Fynn and Michigan

Ippolite, were involved in the towing industry. The task team members alleged that the deceased were also involved in the drug industry.

The version of the task team members is that they were looking for one of the five deceased, who was Bevan Loftus, who was allegedly implicated in the following cases:

- 10
- Brighton Beach CAS 64/06/2022, which was a theft of motor vehicle.
 - Brighton Beach CAS 242/11/2021, attempted murder.
 - Berea CAS 28/01/2023, attempted murder.
 - Bellair CAS 75/12/2021, attempted murder.
 - Berea CAS 23/02/2022, attempted murder; and
- 20
- Greenwood Park CAS 194/03/2023, murder.”

ADV CHASKALSON SC: We will get to these dockets a little later. But maybe if you can pick up from paragraph 65, where you set out the thesis that this killing actually was a killing performed by a task team at the instance of a

rival drug gang owner.

DEPUTY DIRECTOR JOHN: Okay, Commissioner, during our investigation, we have interviewed the family members of the deceased, and more especially, the family members of Bevan Loftus and Chase Fynn and Michigan Ippolite. We have interviewed them. And during our interview, there was a recording that was given to us. A recording where Bevan Loftus contacted Clive Naicker, who is the owner of Roadstar Towing and Trucking.

10 So he contacted Clive Naicker and in that recording, he enquired from Clive Naicker why he put a 2.5 million hit on him. It is clear in the recording. He asked Clive Naicker, why you got a problem with me? And how is it that you put a 2.5 million hit at me? And in the recording, it indicates that he is aware that Clive Naicker engaged Dina Govender and his team to take him out.

 So with that recording, we then started to do the investigation and we believe that due to this 2.5 million hit, Colonel Dina Govender and his team, they went all out
20 looking for Bevan and the other four deceased. Now, in the investigation, the police has indicated, or Dina Govender and his team indicated, that they went into the premises and the five deceased shot at them. But from our investigation, it is not as they have indicated.

 The five deceased were in the premises that

nobody could go through the premises. They were in a flat. And in order to go to the flat, you have to get permission downstairs. The security will have to let you to go into the flat. After they have communicated with the occupants of the flat. So with the deceased being in the premises, they would not have allowed the police to come through because they knew the police were looking out for them to take them out.

Because prior to the shooting, two of our members
10 from IPID received intelligence from counterintelligence that the police, same Dina Govender and his team, were going to take out Bevan Loftus and whoever is with him. So my two investigators engaged with the DPP's office to do a 252 operation. They wanted to do a 252 operation in order to trap the police to when they were going to do the shooting.

But with the discussion of the DPP, it was not going to be possible, because if the police was arrested prior to the shooting, they would say that they are going for investigation. And if you, the only way to have prevented
20 him from getting shot and killed was to ask him to change the place where he was staying. The two investigators contacted the father of the deceased, Mr Greg Loftus, and informed him that they received this information, this intelligence, from a reliable Crime Intelligence source, and they are passing that information over to him that they can

now ask Bevan Loftus and his friends to change the address where they are.

But the father indicated that they also received the same information that the police was going to kill. In fact, prior to the shooting, the police had visited Mr Greg Loftus' house more than three times. They went looking for Bevan Loftus. Constantly they went looking for him. In one visit to the house, they indicated to the father that we are not here to arrest Bevan, we are here to kill him. They even
10 told the father, you must prepare, go and get his funeral cover and insurance, everything in order, because they are going to kill him. That is what the father will talk about when he comes.

ADV CHASKALSON SC: Sorry, Mr John, you speak about an approach to the DPP, an attempt to set up a 242 operation.

DEPUTY DIRECTOR JOHN: 252.

ADV CHASKALSON SC: 252, sorry. Do you have that correspondence? Is it documented in anywhere?

20 **DEPUTY DIRECTOR JOHN:** I have got a statement of my investigator together with the diary entries when they went to the DPP's office.

ADV CHASKALSON SC: We have not seen those documents. So I think in the lunch, do you have it with you?

DEPUTY DIRECTOR JOHN: Ja, I have got it with me.

ADV CHASKALSON SC: I think in the lunch break it would be important for us to see those documents and to get copies thereof. But maybe if we can go back to the statement, because you have sketched out your broad thesis, but there is, from paragraph 66, you set out some more detailed evidence, and I think that evidence is important to highlight.

DEPUTY DIRECTOR JOHN: Okay.

10 **ADV CHASKALSON SC:** So can we pick up at 66?

DEPUTY DIRECTOR JOHN:

20 “The Commission has requested the AVL tracking records of Lieutenant-Colonel Dina Govender and the banking records of him and his wife. It has also obtained evidence of cash payments made on behalf of Lieutenant-Colonel Dina Govender to conveyance attorneys attending to the transfer of a 2.35 million property in Isabaya [?], which he and his wife had purchased. The records obtained by the Commissioner show the following. At the relevant time, the monthly take-home remuneration of Lieutenant-Colonel Dina Govender from

SAPS was less than 26,000
...[intervenes]”

ADV CHASKALSON SC: Can I stop you there, and can we actually go to page 1246 of the exhibits bundle, 1246?

ADV KHUMALO SC: It is file 3, Mr John. File number 3. File number 3 on page 1246. The spine of the file will say file 3.

DEPUTY DIRECTOR JOHN: Number 3.

CHAIRPERSON: Sorry. Sorry, sorry, sorry. Last time we
10 said we should only show the relevant transactions and not files, the whole thing. I do not know if you are ready with that. If not...

ADV CHASKALSON SC: We do not have a redacted copy of it. There is no need to flag this.

CHAIRPERSON: All right, all right, thank you.

ADV CHASKALSON SC: And if you look at the entry on 29 December on that page, you will see the take-home salary that was paid to Lieutenant-Colonel Govender on the 29th of December 2023.

20 **DEPUTY DIRECTOR JOHN:** That is correct.

ADV CHASKALSON SC: And if I can just point out to the Commissioners that that amount is less than R26,000. That is the end of this period we are talking about. Can you then go to paragraph 66.2? Maybe before we go to paragraph 66.2, because you are talking about AVL records that reflect

that Lieutenant-Colonel Govender switched off his vehicle at a place 31 metres away from the address. It says Lieutenant-Colonel Dina Govender. It should be Mr Naicker. Can I ask you to go to page 1428? Again, in that same file. 1428.

ADV BALOYI SC: Mr Chaskalson, you say the same file?

ADV CHASKALSON SC: It is the same file. File 3. It is file 4. I apologise.

DEPUTY DIRECTOR JOHN: 1-4? File 4?

10 **ADV CHASKALSON SC:** File 4 and it is 1428.

CHAIRPERSON: Mr John, did you make the correction in 66.2 where it says:

“At a place 31 metres away from the address of Lieutenant-Colonel Dina Govender...”

It should be Mr Clive Naicker.

DEPUTY DIRECTOR JOHN: Clive Naicker.

ADV CHASKALSON SC: Do you have a bank statement at 1428?

20 **DEPUTY DIRECTOR JOHN:** No, I have got the bank statement at 1428. That is correct.

ADV CHASKALSON SC: And it is a bank statement of Mr Naicker.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: And it gives his address. We will

not say what that address is.

DEPUTY DIRECTOR JOHN: Yes, the address is there.

ADV CHASKALSON SC: If you then go to page 1427.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: You will see that these are AVL records from SAPS. For whose vehicle are these AVL records?

DEPUTY DIRECTOR JOHN: These AVL records are for the vehicle that Lieutenant-Colonel Dina Govender used.

10 **ADV CHASKALSON SC:** And if you look at the GPS coordinates under incident location, are those the GPS coordinates of the address of Mr Naicker?

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: The address that we just saw on the bank statement?

DEPUTY DIRECTOR JOHN: Yes, ja.

ADV CHASKALSON SC: So, if you can then go through paragraph 66.2. You can keep 1427 open or to hand because I am going to ask you to explain to paragraph 66.2
20 with reference to page 1427.

DEPUTY DIRECTOR JOHN: Okay.

“On 16th of August at 16:00:29, the SAPS BMW vehicle issued to Lieutenant-Colonel Dina Govender switched off its ignition and stopped for seven and a half minutes

at a place 31 metres away from the
address which is identified on the extract
from the AVL records in the bundle.”

ADV CHASKALSON SC: And can you show to the
Commission, if we go back to 1427, where do you see that?

DEPUTY DIRECTOR JOHN: You see it on the top first two
lines. You have got the first one, ‘ignition off’, and it gives
you the address. And then you would see that there is a
‘start-up’. So, the ignition was switched off at 16:00:29,
10 and the vehicle started again at 16:07:50 at the same
premises.

ADV CHASKALSON SC: And that was on 16th of August
2022?

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: Can you take us through
paragraph 66.3? But maybe before you go to 66.3, let us
take the Commission to file 4, pages 1434 to 1435.

DEPUTY DIRECTOR JOHN: 1434?

ADV CHASKALSON SC: 1434. Now, can you describe
20 what this spreadsheet shows?

DEPUTY DIRECTOR JOHN: Okay. These are cash
deposits that were made into the bank account of
Lieutenant-Colonel Dina Govender and his wife, who is also
a SAPS member.

ADV CHASKALSON SC: And on the screen that is

displayed, the column that says account is redacted, but there are various different accounts that are un-redacted. And the references to the actual bank statements and their pagination in the record is in the bundle column, which is the fourth column.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: If we can just take an example, we see that using the bundle reference at 1420, there are a succession of cash deposits into what is a home loan
10 account. And if we go to 1420, we will see the bank statement for that.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: That specific account which will reflect those cash deposits.

DEPUTY DIRECTOR JOHN: That is correct, Commissioner.

ADV CHASKALSON SC: Then in paragraph 66.3, in the subparagraphs of 66.3, you summarise the overall picture. Can you take the Commission through that summary?

20 **DEPUTY DIRECTOR JOHN:** Okay. Commissioner, the 63.1:

“Between 29 August 2022 and 18
December 2023, cash deposits
aggregating to R2,343,050 were made
into the bank accounts of Lieutenant-

Colonel Dina Govender and his wife, who
is also a SAPS member.”

Sorry, it is R2,034,350. Correction, R2,034,350. That is
cash deposits.

ADV CHASKALSON SC: Then 66.3.2.

DEPUTY DIRECTOR JOHN: Okay.

10 “On 15 May 2023, cash amounts
aggregating to a total of R179,800 for the
benefit of Lieutenant-Colonel Dina
Govender and his wife with deposit into
the bank account of the conveyancers
attending to the transfer of a R2.3 million
property that they had purchased.”

ADV CHASKALSON SC: And 66.3.3.

DEPUTY DIRECTOR JOHN:

“On 19 May, another cash deposit of
R200,000 for the benefit of Lieutenant-
Colonel Dina Govender and his wife was
paid to the conveyancing attorney.”

20 **ADV CHASKALSON SC:** Now, just for the benefit of the
Commissioners, the conveyancing attorneys, as was their
duty, reported these cash deposits to the Financial
Intelligence Centre.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: And a letter from the

conveyancing attorneys confirming that these cash deposits were indeed made can be found at pages 1330 and 1331. Then 66.3.4.

DEPUTY DIRECTOR JOHN:

“On the 26th of April 2023, an amount of R298,462 was transferred into the home loan account of Lieutenant-Colonel Dina Govender.

ADV CHASKALSON SC: And are you able to source the
10 origin of that transfer?

DEPUTY DIRECTOR JOHN: No.

ADV CHASKALSON SC: 66.4?

DEPUTY DIRECTOR JOHN:

“The cash amounts above aggregate to R2,414,150.”

ADV CHASKALSON SC: 66.5?

DEPUTY DIRECTOR JOHN:

“When the unattributed transfer of R298,462 is added to this amount, the
20 aggregate is R2,712,612.”

ADV CHASKALSON SC: And in 66.6 you refer to the bank statements and the spreadsheets we have already taken.

DEPUTY DIRECTOR JOHN: That is correct, that is correct.

ADV CHASKALSON SC: Can you then go to paragraph 67?

DEPUTY DIRECTOR JOHN: 67.

“On 31st of March 2022, the day before
Bevan Loftus was killed by the task team
led by Lieutenant-Colonel Dina Govender,
his father, Mr Gregory Loftus, applied to
the High Court inter alia to interdict
Lieutenant-Colonel Dina Govender and
the SAPS from killing Bevan Loftus. Mr
Loftus was a former SAPS member. He
10 owned the adjacent property on which he
and Bevan Loftus lived.”

That is Mr Gregory Loftus. He was a former SAPS member.

ADV CHASKALSON SC: And can I ask you to go to file 1,
page 4?

DEPUTY DIRECTOR JOHN: I am on it.

ADV CHASKALSON SC: And first, can you identify the
document that you see starting at page 4?

DEPUTY DIRECTOR JOHN: Yes, this is the court interdict
that was sought for.

20 **ADV CHASKALSON SC:** And the stamp of the court on
that document, can you identify that?

DEPUTY DIRECTOR JOHN: It is dated the 31st of March
2023.

ADV CHASKALSON SC: And what day was Bevan Loftus
actually killed?

DEPUTY DIRECTOR JOHN: He was killed on the 1st.

ADV CHASKALSON SC: The next day?

DEPUTY DIRECTOR JOHN: The next day.

ADV CHASKALSON SC: So this application was issued the day before?

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: You say in paragraph, can I then ask you to go to paragraph 68?

DEPUTY DIRECTOR JOHN:

10 “In his founding affidavit in the interdict application, Mr Gregory Loftus alleged that Mr Clive Naicker promised to pay Lieutenant-Colonel Dina Govender 2.5 million to kill Bevan Loftus.”

ADV CHASKALSON SC: Then can I ask you to go to the bundle itself and to paragraph 18 of the founding affidavit in the interdict application at the foot of page 17, paragraph 18?

DEPUTY DIRECTOR JOHN:

20 “During 2022, both Bevan and myself received information that there was an assassination contract put on Bevan's life in the amount of 2.5 million. I also received information from a policeman I know, that the hit on my son was genuine.

The word was that I should be careful because if they cannot kill Bevan, they would kill my son Nicholas or myself.”

ADV CHASKALSON SC: Back to paragraph 69 and then maybe if you can take us through the whole of paragraph 69 and its subparagraphs and I will stop you from time to time to amplify.

DEPUTY DIRECTOR JOHN:

10 “I have been informed that Mr Loftus will testify before the Commission, so I do not repeat the details that is described in the interdict application of the interactions between the Loftus family and members of the SAPS and between Bevan Loftus and Mr Clive Naicker. I merely emphasise the following features of the chronological that emerges from the affidavit of Mr Gregory Loftus in the interdict application. The financial records obtained by the

20 Commission and the investigation into the killings that IPID have subsequently conducted. Between 29 August 2022 and the end of November 2022, over 430,000 was deposited in cash into the accounts of Lieutenant-Colonel Dina Govender and

his wife.”

ADV CHASKALSON SC: Can I stop you there? Can we go to page 1434?

ADV KHUMALO SC: Are you in file 4?

ADV CHASKALSON SC: In file 4.

ADV KHUMALO SC: That is the thin one.

ADV CHASKALSON SC: The 1434 and going over the page to 1435. Just the top two entries on 1435.

DEPUTY DIRECTOR JOHN: Okay, I am with you.

10 **ADV CHASKALSON SC:** Can you confirm that those cash deposits reflected on 1434 and going over the page to 1435 exceed in total 430,000?

DEPUTY DIRECTOR JOHN: From the 29th of August.

ADV CHASKALSON SC: Which is the top of 1435.

DEPUTY DIRECTOR JOHN: That is correct. Right up to the 10th of November.

ADV CHASKALSON SC: And then if you go back to 69.2.

DEPUTY DIRECTOR JOHN:

20 “On the 13th of December 2022,
Lieutenant-Colonel Dina Govender,
Warrant Officer Thanasekaran Sivan
Naidoo together with other members of
the task team went to the home of Mr
Gregory Loftus looking for Bevan Loftus.
The police officer cited Bellair CAS

23/2/2022 and Bellair 75/12/2021 in
relation to their search.”

ADV CHASKALSON SC: Now, we are going to go to these dockets now. In 69.4, you said they contain no evidence of consequence implicating Bevan Loftus. I want to put to you that it may be slightly overstated there. No evidence upon which Bevan Loftus could be convicted is what I want to put to you there. There is evidence against Bevan Loftus in these dockets, but it is not evidence on which a responsible
10 prosecution would be launched, I would submit.

DEPUTY DIRECTOR JOHN: Yes, the evidence that was contained in that docket was where his name was mentioned by the victim. And in one case, there was an alleged witness. But I think with both those statements, looking at the turf war between taxis and drug dealers, there is no conclusive evidence that would have convicted Bevan Loftus.

ADV CHASKALSON SC: Well, maybe if we can go to those dockets, and if we start with the 2021 case, and if we can
20 go to file 3, page 866, maybe 865.

DEPUTY DIRECTOR JOHN: Yes, 865.

ADV CHASKALSON SC: Can you identify that statement?

DEPUTY DIRECTOR JOHN: This statement is made by the victim, Jonathan David Thomas.

ADV CHASKALSON SC: And he describes, on page 865,

being confronted by a man telling him he is not allowed... or wanted to know what he was doing there. If you pick up at the top of 866, this is the identification of Mr Loftus' involvement. The first identification of Mr Loftus' involvement.

DEPUTY DIRECTOR JOHN: Yes.

ADV CHASKALSON SC: Can you read paragraph 5?

DEPUTY DIRECTOR JOHN:

10 “The person by the name of Coupon, he was working for Loftus. He went on further to say that his boss, Bevan, had made it clear that Durban South is not supposed to operate in the area. I know Bevan Loftus to be the owner of First for KZN. He then said that he will “raakfall” with me.”

Which means that they will get involved with each other.

20 “I understood raakfall to be a slang word which is used as a threat to someone's safety. At that point, I felt threatened because I know that they were capable of carrying out their threats. I then drove away onto the N2 northbound onramp and proceeded to the same spot where I was static on the M7 Edwin Swales Drive.

I was parked in the same position which was under the trees on the M7 Edwin Swales Drive, on the grass verge facing west. I was seated in the vehicle in the driver's seat and waiting for the next call-out. I was still emotionally disturbed.

10 Around 14.30, I observed a grey Toyota Corolla which was driven past me at high speed towards the N2 bridge. The driver suddenly stopped about 100 metres ahead and then made a U-turn and drove towards Wakesleigh Road which was at the rear. There were four occupants in the vehicle. They appeared to be males but I could not identify anyone.

20 About 10 to 15 minutes later, I observed in my rear-view mirror a grey car approaching slowly. Other motorists were overtaking this vehicle. It appeared to me that this vehicle was experiencing a mechanical problem. This vehicle then stopped next to me which was within a 3 metre distance. I immediately recognised Bevan Loftus seated in the front passenger seat. Coupon was seated in

the rear left passenger seat and I am uncertain who the driver was.

The vehicle was a grey Datsun Go 7-seater model. I was unable to retrieve the registration number. I immediately concluded that they were going to attack me.

10 Bevan and Coupon then drew pistol-type firearms and started to shoot at me. I immediately tried to hide and opened my passenger door and managed to dive out. By then I noticed that the vehicle was driven away but they were still shooting at me. A little further down, they made a U-turn and drove back towards Wakesleigh Road. At that time, I was running into the bushes but I still had them in sight.

20 After the vehicles disappeared, I returned to my vehicle. I immediately alerted everyone on the radio of the shooting. I managed to locate my cell phone in my vehicle when I heard it ringing. It was my manager, Lucky, who had called to find out what was happening. I explained quickly what happened and told him that I

am going to the yard in Sydney Road.

I noticed that there were several bullet holes all over the driver's side of my bakkie. I quickly managed to pick up as many shell casings as possible. They were still hot. I placed them in a face mask and then drove away. I could not see the suspect vehicle anywhere in the vicinity. I then proceeded straight to the yard in Sydney Road.

10

At the yard, I met my boss and his son and my manager, Lucky. I explained to them what had transpired. I also confirmed to them that as much as I was not injured, that I was very shaken up emotionally. They parked the vehicle in the yard. I indicated that I did not require any medical treatment at that time. My boss said that I could take a few days off from work. I took my personal stuff as well as the shell casings, and Lucky then took me home where I have been since.

20

On Monday, the 13/12/2021, my boss called me and discussed an appointment for me with the police. I was not yet in a

position to meet with the police the same day, so he confirmed an appointment for me for Tuesday, the 14th of December 2021, at 8 o'clock.

On Tuesday, the 14th of December 2021, at about 7.30, Lucky fetched me and took me to the police station at about 8 o'clock. I was interviewed by Captain Rooplal, who then recorded my statement.

10 I also handed all the shell casings to a female Captain Nair, who placed them in an exhibit bag with serial number PA6004007379 in my presence.

I do not understand why I was attacked in that manner. Bevan is known to me for about 15 years now. I therefore desire a police investigation in the matter.”

ADV CHASKALSON SC: So this is a statement that does directly implicate Bevan Loftus. Is there any other evidence
20 in the docket that implicates Bevan Loftus?

DEPUTY DIRECTOR JOHN: There is no other statement in the docket. One second. Is that...?

ADV CHASKALSON SC: I can confirm it.

DEPUTY DIRECTOR JOHN: There is no other evidence that is implicating him, aside that one statement.

ADV CHASKALSON SC: Can I then take you to page 888?

ADV BALOYI SC: So, Mr Chaskalson, maybe before you move on, just for my understanding, Mr John, what do you mean in the light of this direct allegation about Bevan Loftus? When you say there was nothing of consequence, what is lacking that makes you say, I mean, to me, a layperson, that kind of allegation seems to be of consequence towards something. I am not talking about whether successful prosecution or not. Here is someone
10 who says, I know him, and he was there, he shot me, and I took casings. What do you say lacks from this docket that makes you say there was nothing of consequence?

DEPUTY DIRECTOR JOHN: Commissioner, it is only the version of the victim. And we all know that this was a turf war in the taxi industry. I mean, the tow truck industry. So his version has to be tested. What statement he makes has to be tested against something. Other evidence that is supposed to be obtained or other witnesses. So, yes, there is a link to Bevan, but there is no other evidence beside his
20 statement, the statement of the victim.

ADV BALOYI SC: Such as what? What would you have expected to be in the docket that would make you say, yes, there is something of consequence? Assuming the docket is still under investigation, what would you expect to find?

DEPUTY DIRECTOR JOHN: Commissioner, the police

failed to do the investigation in terms of ballistic reports. They failed to do the tracking of Bevan's cell phone number to the area where the shooting took place. Also, even if the vehicle that Bevan was allegedly to have driven, possibly there would have been an AVL or checker report on that vehicle. So beside the statement of the victim, there is other investigation that the police are supposed to conduct to link Bevan to the case. And if you look at it, this docket was opened in 2021 and Bevan was killed in 2023. So it is
10 a lot of investigation that could have been put into the docket prior to the shooting and killing of Bevan.

ADV BALOYI SC: So you are not, and maybe it is my mistake, before looking at the docket and reading your statement, I have got the impression that what you are saying is there was nothing that implicates him under that case number. That is not what you were conveying.

DEPUTY DIRECTOR JOHN: No. Commissioner, the only statement that implicates him is the A1. A1 statement, that is it. And from the investigation, you basically got the A2,
20 which is a copy of the SAP13, where they handed in the exhibits, and then you got a ballistic report on the exhibit itself. But Bevan's firearm was not seized in order to match whether it is the same firearm. So there is nothing else in the docket besides A1, A2, and A3.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: And just to be clear, Mr Chaskelson did correct part of your statement to say there is some evidence, but not sufficient to obtain a conviction.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: Can I just also ask you to turn to the foot of page 888, spilling over to page 889?

DEPUTY DIRECTOR JOHN: Correct.

ADV CHASKALSON SC: First, can you identify who is issuing or under whose name those notes in the docket
10 appear?

DEPUTY DIRECTOR JOHN: The entry that was made, that is on the foot of 888, it is an entry made by Captain Govender.

ADV CHASKALSON SC: And how does Captain Govender come to be making entries on this docket? Are you aware?

DEPUTY DIRECTOR JOHN: Yes, when the task team decided to go after Bevan, they then went looking for dockets where Bevan was linked to. So they picked up dockets from different stations in the Durban area where his
20 name has been mentioned, in order to possibly to use those dockets when they went looking for him and eventually executed him.

ADV KHUMALO SC: Can I just clarify something? I thought that specific task team, the DPCI task team, their role was to deal with drug-related issues. Now, if these

dockets are not drug-related, why are they getting involved in these cases? Say it is an ordinary murder or an ordinary criminal case. Why are they getting involved in these dockets if their role is to fight drugs and drug trafficking?

DEPUTY DIRECTOR JOHN: Commissioner, they basically utilise these dockets to justify their reason for looking for Bevan.

ADV KHUMALO SC: But if they are not looking for him for drug-related cases, why are they even involving themselves
10 in those dockets and those cases?

DEPUTY DIRECTOR JOHN: I have got no idea, Commissioner, why. But these dockets, when the shooting of Bevan and the four other deceased, these are the case numbers that they gave us. And when the investigating officer in this case, most of these cases were investigated by a Sergeant Govender who fell under the task team. He was incorporated to work with the task team, and he was investigating these dockets.

ADV KHUMALO SC: Okay. Thank you.

20 **ADV CHASKALSON SC:** The only evidence in this docket against Bevan was the evidence of Jonathan David Thomas in his A1 statement.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: Can I ask you to go back to page 25 of your statement, paragraph 60.2? 60.3.

DEPUTY DIRECTOR JOHN: Yes, okay.

“Marlon Stewart and Jonathan Thomas of Durban South Towing and Panel Beaters were murdered in Durban Central CAS 789/12/2022.”

ADV CHASKALSON SC: When would that murder have taken place in that CAS number, with that CAS number?

DEPUTY DIRECTOR JOHN: In December 2022.

ADV CHASKALSON SC: Can you go back to the foot of
10 page 888 and the note of then-Captain Govender?

DEPUTY DIRECTOR JOHN: It says this entry was made on 2022/12/2023. I mean, sorry, the 23rd of December 2022.

ADV CHASKALSON SC: Okay.

DEPUTY DIRECTOR JOHN: It says:

“Docket inspection, finalise outstanding investigation, trace Bevan Loftus, task Crime Intelligence, see my entry in Bellair CAS 23/3/2022, information received that victim in this matter was shot and killed in
20 Agar Road on the 20th of December 2022.”

ADV CHASKALSON SC: So can I just stop you at that point? So the only evidence in this docket against Bevan Loftus was the statement of Mr Thomas. But to the knowledge of Captain Govender, Mr Thomas had been killed on the 20th of December.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: So he was no longer available to be a witness against Mr Loftus.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: Can we then go to the second case, the Bellair 23/2/2022? That is at page 892 of file 3.

DEPUTY DIRECTOR JOHN: Okay.

ADV CHASKALSON SC: At 898, once again there is an A1 statement of Mr Jonathan David Thomas?

10 **DEPUTY DIRECTOR JOHN:** That is correct.

ADV CHASKALSON SC: Now, unfortunately, the copy in our bundle is practically illegible. We are going to ask you to give us a more legible copy. But can I ask you to confirm that once again Mr Thomas made a statement that accused Mr Loftus of shooting at him?

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: In his statement, did Mr Thomas indicate whether he was alone in the vehicle or whether he had a passenger in the vehicle? Did he mention a
20 passenger in the vehicle?

DEPUTY DIRECTOR JOHN: No, when you read the statement of David Jonathan Thomas, he makes no mention of any passenger in the vehicle.

ADV CHASKALSON SC: Another statement that appears in the docket implicating Mr Loftus, that is at page 899.

DEPUTY DIRECTOR JOHN: 899, that is correct.

ADV CHASKALSON SC: This one is legible. Can you read it?

DEPUTY DIRECTOR JOHN: Okay, it says here:

10 “I, Eugene Erasmus, states under oath in English, I am an adult male with date of birth 1984/06/02, age 38 years, residing at 37 Quality Street, Wentworth. I do not have a cell phone and I am currently unemployed.”

It states:

 “On the 5th of February 2022, at 6 o'clock hours with David Jonathan Thomas in the tow truck Durban South Towing, we was parked along Edward Swales Drive, M7 turnoff. While seated on my passenger seat ...[intervenes]”

CHAIRPERSON: On the.

DEPUTY DIRECTOR JOHN: Commissioner?

20 **CHAIRPERSON:** On the passenger seat.

DEPUTY DIRECTOR JOHN: Ja, on the passenger seat;

 “...I noticed a blue Hyundai vehicle that came behind us, suddenly I heard gunshots coming from behind us. I then looked in the back to see what was

happening and to take cover. I saw Bevan in the passenger seat of the blue Hyundai with his arms out of the vehicle with a rifle and was shooting at us. I then took cover by laying on the floor and I then screamed for David to take cover. And as soon as the shooting stopped, I opened the passenger door and ran out as I was fearing for my life. When I ran away, I thought David was with me, but he was not. I did not come back immediately because I was fearing for my life. When I came back after an hour, David was already rushed to hospital. I desire further investigation in this matter. I know and understand the contents of the statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience. I swear that the contents of the statement is the truth, so help me God."

ADV CHASKALSON SC: What is your comment on this statement?

DEPUTY DIRECTOR JOHN: When I interviewed the

investigating officer, Sergeant Govender, who worked in the task team ...[intervenes]

ADV CHASKALSON SC: Sorry, Sergeant Govender?

DEPUTY DIRECTOR JOHN: Yes, no, no Sergeant Govender.

ADV CHASKALSON SC: Sergeant Govender.

DEPUTY DIRECTOR JOHN: So when I interviewed him about the statement, because I pointed out to him that this statement was taken on the 21st of February 2023 and the
10 incident of the shooting was on the 5th of February 2022. So it was a year later that the statement was taken. And I pointed out to him that in the A1 statement there was no mention of Eugene Erasmus. So I enquired from him how did he come to know about this witness Eugene Erasmus and then he said he was he was informed by Dina Govender to go and take the statement. Also when I looked at the, there is a statement of the ambulance the ambulance personnel that was parked there was parked next to the tow truck. I do not see all the pages of the statement here. I
20 can just point out part of the statement, part of his statement is 897, is on page 897.

When I looked at that statement the ambulance driver is talking about a white vehicle that looked like a Nissan Tiida that that sped off from the shooting but he does not mention who was in the vehicle. So for me this

this case also it is only the only the statement of A1 that points out to, okay, A1 and then Erasmus, the statement of Eugene Erasmus, that points out to Bevan that was involved in the shooting but if you look at it the statement of Eugene was taken a year later after the incident. However A1 in his statement never mentioned about a passenger with him.

It would be clear if you parked at six o'clock in the morning at in a tow truck vehicle, you would know that you got a passenger and you would mention it in your
10 statement, that you were parked there at the at the Edward Swales, maybe you were chatting with your passenger who is Erasmus and even in the A1 statement, the A1 does not say anything about him saying Erasmus take cover.

ADV CHASKALSON SC: But it does not mention Erasmus?

DEPUTY DIRECTOR JOHN: It does not mention Erasmus because to me I believe that he was alone at the time of the shooting.

ADV CHASKALSON SC: Let us then go back to the main statement, paragraph 69.5, we are talking about the first
20 visit to the house of Mr Gregory Loftus in December 2022.
69.5.

DEPUTY DIRECTOR JOHN:

“On arrival at the premises, Mr Gregory Loftus informed Lieutenant-Colonel Dina Govender that Bevan was not at home.

The members of the task team forcefully broke the lock of Bevan Loftus, which was searched without a search warrant. Mr Michigan Ippolite was inside the home of Bevan Loftus. He was allegedly water-boarded by the task team who wanted him to disclose the whereabouts of Bevan Loftus. Mr Ippolite would later be one of the men killed on the 1st of April 2023.

10 Members of the task team recovered an alleged stolen vehicle which was found on the premises. Gregory Loftus informed Lieutenant-Colonel Dina Govender that the vehicle was towed by one of the drivers being employed by Bevan Loftus and was being retained because the towing and storage costs remain unpaid. He claimed to have shown the SAPS members an advertisement in the
20 Independent Newspaper, indicating that the vehicle was to be sold to recover the outstanding cost. Members of the task team also claimed to have recovered an AK-47 bullet from the property of Bevan Loftus. The task team arrested Gregory

Loftus. Gregory alleged that Lieutenant-Colonel Govender stated that Gregory Loftus would be released if Bevan handed himself to the police. Mr Gregory Loftus was detained in custody before being released on the 22nd of December 2022. Bevan Loftus was informed that Clive Naicker had offered Lieutenant-Colonel Dina Govender 2.5 million to kill him. On
10 the 25th of January 2023, Bevan Loftus phoned Clive Naicker to confront him about this. A recording of this call has been retained and a transcript of the call is contained in the bundle. As appears from the transcript ...[intervenes]”

ADV CHASKALSON SC: Before we get, maybe we could go to that transcript. It is at page 3 of the bundle.

DEPUTY DIRECTOR JOHN: Page 3 of which bundle?

ADV CHASKALSON SC: File 1.

20 **DEPUTY DIRECTOR JOHN:** File 1. Okay, I am on page 3.

ADV CHASKALSON SC: And while you are at page 3, can I ask you also to go to page 42, which is part of the interdict papers, and just to confirm that the same transcript was part of the interdict papers.

DEPUTY DIRECTOR JOHN: That is correct.

ADV CHASKALSON SC: Can we then read through the transcript?

DEPUTY DIRECTOR JOHN: Page 3?

ADV CHASKALSON SC: Of 42, the same document.

DEPUTY DIRECTOR JOHN: Okay. The caller was Bevan Loftus, First for KZN Towing, and the receiver was Clive Naicker, Roadstar. Date, 25th of January 2023, between half past five and 6.30. Bevan Loftus speaks, he says:

10 “Roadstar, Mr Clive himself, how are
 you?”

Clive Naicker states:

 “Yes, who is this here?”

Bevan Loftus says:

 “Lekker, lots of money, 2.5 on my head
 now, huh?”

Clive Naicker:

“Who is this here? Who is this here? Bevan, you. You killed my uncle, you.”

Bevan Loftus:

20 “Yes...”

And there is crosstalk in between.

 “How you can phone Dane, to tell Dane to
 set me up?”

Clive Naicker:

 “I phoned Dane? I do not even know,

fucking know who Dane is.”

Bevan Loftus:

“Yes, I never, ever fought with you. I have no problem with you, but it looks like you are after me. You are paying Dino Govender, you are paying all the kêrels to do all this thing to me. I never had nothing to do with you. I have never minded your business. I have got no flop
10 with you, but Ballie you went out of your way to do all these things to me. You want to kill me and all that kind. Ballie, where is the numbers?”

Clive Naicker:

“I do not, are you making allegations against me or you are telling me the facts?”

Bevan speaks:

“I am asking you, where are the numbers,
20 Ballie?”

Clive Naicker:

“Let us start off now, let us start off.”

Bevan Loftus:

“I never do fucked all to you, check here, I have done fuck all to you.”

Clive Naicker:

“Firstly, you are telling the people I killed
Reagan.”

Bevan Loftus:

“See now, Ballie, see how I took that. No
flop. You want to kill me, right? No flop.
The fastest live the longest, right, lekker.”

Clive say:

“What is that?”

10 **ADV CHASKALSON SC:** Now in In your statement, back at
page 30, you draw, you highlight certain features of the
transcript from 69.11.1 onwards.

DEPUTY DIRECTOR JOHN:

“From the transcript, Mr Naicker was
initially unable to identify Bevan Loftus as
a caller...”

Because if you see, when Bevan contacts Clive, Clive say,
yes, who is this? But as soon as Bevan mentions the 2.5
million price on his head, Mr Naicker immediately identifies
20 him as Bevan. So it shows that he was fully aware of the
2.5 million hit on Bevan.

CHAIRPERSON: But sometimes for a few seconds, you
may not recognise the voice of someone that you do not talk
to all the time. But as they continue speaking, you may end
up recognising the voice. So I am not sure that the

inference you draw is necessarily plausible.

DEPUTY DIRECTOR JOHN: I get it from what you are saying, Commissioner. But when I look at it, immediately when the 2.5 million was mentioned, then Clive Naicker say, who is this, who is this, Bevan, you.

CHAIRPERSON: But you are repeating exactly what you say, and that is what I am querying. So basically, you have not responded to what I am saying to you. I am saying what you say is not necessarily plausible, because it does
10 happen that you may not recognise the voice of someone talking to you over the phone, someone that you do not talk to all the time. So you may for a few seconds not recognise the voice, but as the person continues speaking, you then recognise the voice. So it is on that basis that I say what you say is not necessarily plausible. So you cannot answer me by repeating what you have said.

DEPUTY DIRECTOR JOHN: The reason why I indicated that, Commissioner, because this conversation was quick, very quick. It would not be like where there was some time
20 that Clive took to recognise a voice.

CHAIRPERSON: Has it never happened to you that for a few seconds you may not recognise the voice of someone that you know for a few seconds, but maybe within a few seconds you come to recognise the voice? Are you saying that has never happened to you? If you say so, I will be

very surprised.

DEPUTY DIRECTOR JOHN: No, it does, Commissioner, but it actually takes longer to recognise the voice, or maybe a longer conversation. But here it was only like two lines, two lines and immediately Clive recognised it was Bevan.

CHAIRPERSON: I am not sure that scientifically one can actually time it and say you can only recognise the voice after a minute or anything like that. It just depends. Maybe within seconds, it may be longer. I do not think
10 scientifically it just has to be over this length of time.

DEPUTY DIRECTOR JOHN: I will take your point, Commissioner.

CHAIRPERSON: And the fact that there was mention of 2.5 million should not change what you and I are engaging about. Thank you. Yes, Mr Chaskalson.

ADV CHASKALSON SC: 69.11.3.

ADV CHASKALSON SC: Okay.

20 “Bevan Loftus expressedly accused Mr Naicker of paying Lieutenant-Colonel Dina Govender, who he describes as Dino Govender. And immediately before the call ended, Bevan Loftus stated, the fastest lives the longest.
On the 3rd of February 2023, the task team again returned to the Loftus family

home, but Bevan fled the scene. According to Mr Loftus, Lieutenant-Colonel Dina Govender and Warrant Officer Sivan Naidoo told him that Bevan had been involved in a shooting incident where aux [?] members were shot at earlier that day. They also accused Bevan of threatening to kill Captain Valley of Saps Brighton Beach.

10 According to Gregory Loftus, Lieutenant-Colonel Dina Govender and Warrant Officer Sivan Naidoo said that they had come to the property not to arrest Bevan, but to kill him and they allegedly told Gregory Loftus that he should get Bevan's funeral insurance up to date because they were going to kill Bevan. They again searched the home of Bevan Loftus and again arrested Gregory Loftus.

20 On the 1st of April 2023, a day after Gregory Loftus had issued his interdict application, members of the task team under the command of Lieutenant-Colonel Dina Govender arrived at the flat in Morningside, Durban, where they believed

Bevan Loftus was hiding. The task team entered the flat. They alleged that Bevan Loftus and the four other occupants shot at the police, and they returned fire, fatally wounding all five.

Despite allegedly being shot at by five suspects, none of the members of the task team suffered any gunshot injuries, or indeed any other injuries. The shooting of the five occupants occurred between 12.30 and 13h00 on the 1st of April. IPID officials on standby were only called out 14.35. IPID members on standby arrived at the scene at 15h00. On arrival of the IPID investigator, Ms Fortunate Ndembele, she was allowed entrance to the scene as her members from the local criminal records centre was waiting to process the scene. Ms Fortunate Ndembele stated that Lieutenant-Colonel Dina Govender was present outside the scene, and she requested to speak to the members who were involved in the shooting. Lieutenant-Colonel Dina Govender

indicated that the members had already left the crime scene.

No one knew the whereabouts of the members. The scene was processed whilst IPID officials were present. The docket was subsequently registered and the investigations were taken over by IPID KZN.”

ADV CHASKALSON SC: Can I take you up on one issue?

10 You say that none of the members of the task team suffered any gunshot injuries, or indeed any other injuries?

DEPUTY DIRECTOR JOHN: Yes. In fact, one member that was Pedro Rodriguez, his bulletproof vest had a gunshot hole right at the bottom. So there was one gunshot hole, which he alleges that was at the same incident. He was shot on that bulletproof vest.

ADV CHASKALSON SC: Did he suffer any injuries on the day?

DEPUTY DIRECTOR JOHN: No, no injuries.

20 **ADV KHUMALO SC:** Was there other evidence, other than the injuries, evidence that the police were shot at, such as used cartridges, holes on the walls, damage to the property?

DEPUTY DIRECTOR JOHN: Yes, there were cartridges found from various firearms. The evidence of the cartridges

found on the scene of those various cartridges is still being tested, because Bevan Loftus had his own firearm, his private firearm and one would, if you have a private firearm, you would not use an unlicensed firearm if you are defending yourself or if you are shooting at the police, you would not use an unlicensed firearm, you would use your own private firearm.

The issue here is that they did not know that police were coming to the flat because they did not give
10 permission to anyone to come to the flat. Because remember I indicated earlier on is that the occupants of the premises must indicate to the security downstairs that they can allow people to come up. So they did not allow or indicate to the security for anyone to come up. They only indicated to one person who was the person that was picked up by the police in Pinetown.

They picked him up for a shooting that happened at Greenwood Park and when they interrogated him, he indicated that he knows where Bevan resides or where they
20 were in hiding. So they took him to the flat and basically he was the one that requested for permission to come up. So they knew that the person that is coming up is well known to them. So they would not be armed to start shooting at their own friend that is coming to visit them.

So when the person went in, he knocked on the

door and he went inside, then the shooting took place. Now he was first in line when he got into the house. But he was not shot at. He was not injured. But if you look at the photo album of the shooting, the police indicated that they retreated into hiding when they were shooting. But the four deceased were lined in a line. They were all lined up and they were shot at. If you see some of the deceased have water on their clothing, it points out that they may have been tortured first and then killed from the photos that we
10 have seen.

ADV KHUMALO SC: So you are implying that the scene was staged?

DEPUTY DIRECTOR JOHN: That is correct. And if you look at the photos, you will be able to determine some of those things. I do not want to go too much in detail because the case is still ongoing. Even the post-mortem reports show that the shooting was from top to bottom. The post-mortem reports. What was also that gives us an indication that this could have been a hit, is that the photos
20 of the deceased at the crime scene circulated on social media even before IPID, even before LCRC, the local criminal record centre, could get to the scene.

The photos already circulated on social media and that is how the families of the deceased came to know that their children died in that shooting. Now it could have been

that the photos were circulated to one person to say that we have done the hit now, you can do the payment. And that person could have sent it to everyone via his social media. That could be the reason why those photos went out.

CHAIRPERSON: I want clarification on two issues. You say they were lined up, the bodies were lined up. Can you explain what exactly you mean? Just explain being lined up.

DEPUTY DIRECTOR JOHN: They were lined up next to
10 each other.

ADV CHASKALSON SC: The pictures are in the bundle, they are not, they should not be displayed.

CHAIRPERSON: No, ja.

ADV CHASKALSON SC: But maybe if I can ask you to look at file 2, page 699.

CHAIRPERSON: 699.

DEPUTY DIRECTOR JOHN: 600 and?

ADV CHASKALSON SC: 99.

DEPUTY DIRECTOR JOHN: That is correct.

20 **CHAIRPERSON:** Ja, I do see three.

DEPUTY DIRECTOR JOHN: That photo does not depict a gun battle between the deceased and the police.

CHAIRPERSON: There is one showing, I think, this part of the body, far left-hand side of the picture.

DEPUTY DIRECTOR JOHN: He was close to the...

CHAIRPERSON: A red t-shirt.

DEPUTY DIRECTOR JOHN: Yes, he was close to the balcony.

CHAIRPERSON: I am not altogether sure that I would say they are lined up, but I guess it is a matter of interpretation of what one sees in the picture, especially if you look at the one on the far left, the one showing partly on the picture. But anyway, okay, that was the one issue.

DEPUTY DIRECTOR JOHN: Chair, the reason why I
10 indicated, Commissioner, the reason why I indicated this is that the police said that they came under fire by the deceased.

CHAIRPERSON: Yes, yes, yes.

DEPUTY DIRECTOR JOHN: Okay, now looking at that, if they came under fire, all three of them would not have been standing at the same place. They would have been taking cover, maybe one in the room, one in the kitchen, if they know they are coming under fire. But here they were...

CHAIRPERSON: The bodies are close to each other.

20 **DEPUTY DIRECTOR JOHN:** Yes, yes. And there are other evidence that is in this file that we do not want to disclose, because it still has to go to the DPP's office.

CHAIRPERSON: The other thing I want clarification on, you also said that someone who has a licenced firearm would not use their own licenced firearm to shoot at police.

Did I understand you correctly? Or did you say the opposite?

DEPUTY DIRECTOR JOHN: The opposite, Chair.

CHAIRPERSON: Can you repeat the opposite?

DEPUTY DIRECTOR JOHN: Okay, if you want to defend yourself, you would not use an unlicensed firearm. You would rather use a licenced firearm, if you have a licenced firearm, because then you are justified that you used a licenced firearm in defending yourself. The justification
10 becomes difficult when you use an unlicensed firearm, whereas you have a licenced firearm?

CHAIRPERSON: Unless you are hopeful that you just might escape, and therefore you use the unlicensed firearm so that nothing links you to your, you use the unlicensed with the hope that you then do not get linked to your licenced firearm. So that too is a possibility, I would imagine, or not.

DEPUTY DIRECTOR JOHN: But if you are defending yourself, Chair, you are not going to use an unlicensed
20 firearm, if you have a licenced firearm.

CHAIRPERSON: But you are never sure that the facts will be accepted that you were indeed defending yourself. Especially, look what is happening here. The overall or the overarching picture is a picture of what? People who are involved in gangs, and one of your headings even refers to

gang wars. So in a sense, fine, they ran away because of threats. I do not know whether I am not mixing up the cases.

But if it is people involved in gang wars, they may well have been, or they could possibly have been, fugitives. And if that be the case, one cannot just say one could only use their licenced firearm. Not if they were people who were involved in gang wars, and who possibly could even have been fugitives from the law. So you can say that
10 about you, perhaps.

DEPUTY DIRECTOR JOHN: Okay.

CHAIRPERSON: And you are not suspected of any criminality. You have not run away from anybody. You are in your house, and you are defending yourself. So you can make your statement about yourself in that kind of situation. But if you are talking about people that you say were rival gangs and drugs, towing gangs, and so on. So you are not talking about people who are like you. Do you see what I mean?

20 **DEPUTY DIRECTOR JOHN:** I agree, Commissioner.

CHAIRPERSON: So you cannot discount the possibility that one could use a licenced firearm in those circumstances.

DEPUTY DIRECTOR JOHN: I take your point, Commissioner.

CHAIRPERSON: Thank you.

ADV BALOYI SC: You offered an explanation, a possible explanation, why the scene, this killing, would have ended up on social media before you were called. And before, I think you said, even before the LCRC were called. And your explanation is that maybe it was to show whoever is the payer. From evidence that we have had, and I just want to put this to you to hear what your comment is, from other matters, that the police, in fact, have WhatsApp groups in
10 which they communicate to do with operations. We have had instances where certain pictures were shared with other people. And the explanation is, well, we shared in the group because to say we have done this operation, is that something that you are prepared to entertain as a possible explanation how this scene could have ended up on social media?

DEPUTY DIRECTOR JOHN: I will not rule that out, Commissioner. I will take it as a possible explanation.

ADV BALOYI SC: All right, thank you.

20 **CHAIRPERSON:** Should we take the adjournment now, Mr Chaskalson, or do you want to cover something?

ADV CHASKALSON SC: Chair, we are pretty, we are close. We are close to the end.

CHAIRPERSON: Oh.

ADV CHASKALSON SC: So it may make sense to finish

this.

ADV KHUMALO SC: Mr Chaskalson, before you go to the end, if we go back to page 30, I think we have already dealt with the issue of the funds, and how they find their way into Mr and I assume Mrs Govender's bank account. What was not clear to me is who or what is the source of those funds. Did we clarify that?

ADV CHASKALSON SC: It is all cash deposits. We do not know where the cash comes from.

10 **ADV KHUMALO SC:** So we cannot link them to the person that we say was possibly paid to conduct the hit or to do other things. We cannot link it to that person.

ADV CHASKALSON SC: We cannot link to any specific individual through the money flows. But what we do have is cash deposits aggregating to almost...

DEPUTY DIRECTOR JOHN: 2.7.

ADV CHASKALSON SC: Nine times the annual salary, annual take-home pay.

ADV KHUMALO SC: And then that confirmation from the
20 attorneys, it does not provide any assistance?

ADV CHASKALSON SC: Again, it is cash deposits. It seems that the cash would have been deposited by Lieutenant-Colonel Govender and his wife themselves. So certainly in some of the instances, that seems to appear from the bank transaction records. But where the cash

came from originally, we do not know.

ADV KHUMALO SC: Okay, thanks.

ADV CHASKALSON SC: Mr John, what remains is your conclusions from page 32 through to page 34. And I wonder if you want to take the Commission through those conclusions.

DEPUTY DIRECTOR JOHN: Okay.

10 “The task team led by Lieutenant-Colonel
Dina Govender operates under dubious
circumstances with no clear reporting
lines and structure. In cases where the
deceased are shot for involvement in
cash-in-transit heists, there is often no
meaningful evidence linking them to any
such offences in the province. In most
cases, no rifles, explosives, explosive
device, banknotes, or banknote boxes are
found on the scene of the shooting, as
would ordinarily be the case in a cash-in-
20 transit operation seeking out suspects.
Despite members of the task team
constantly alleging that they only opened
fire after having been shot at by suspects,
in the overwhelming majority of cases,
there is no evidence of any SAPS member

being shot, even in the bulletproof vest, except the one case in the Morningside shooting. In most cases of killings by the task team, IPID is not informed immediately of the incident, and the task members leave the scene of crime before IPID is able to arrive. This interferes with the ability of IPID to conduct its investigation.

10 The modus operandi utilised by the members appear to be designed not to arrest suspects, to have them linked to an alleged crime that has been investigated, but rather to kill the suspects. The existence of a task team able to kill suspects without any apparent consequences is a situation which is not only unacceptable in a constitutional state, it is also open to exploitation by

20 organised crime gangs wanting to pay for rivals to be killed. The killing of Bevan Loftus, Sithle Zondi, Ryan Santosh, Chase Fynn and Michigan Ippolite has a range of disturbing features that are consistent with a deliberate extrajudicial

killing paid for by an organised crime competitor.

- The fact that on the 31st of March, the day before the killing of Bevan Loftus by the task team led by Lieutenant-Colonel Dina Govender, Gregory Loftus had an interdict application issued specifically to prevent the killing of his son by Lieutenant-Colonel Dina Govender.
- The fact that Bevan Loftus had been given an advance notice that Mr Naicker had allegedly offered a 2.5 million payment for his killing and that in his call to Mr Naicker, Mr Naicker immediately identified Bevan Loftus when he raised the issue of the 2.5 million offer.”

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Chair, can we take a break quickly? Commissioner, can we take a break?

CHAIRPERSON: Let us do so, we will come back when indicated.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Please continue, Mr John.

DEPUTY DIRECTOR JOHN: Thank you, Commissioner, for that indulgence. Commissioner, the 79.2:

- “The fact that Bevan Loftus had been given advance notice that Mr Naicker had allegedly offered a 2.5 million payment for his killing and that in his call to Mr Naicker, Mr Naicker immediately identified Bevan Loftus when he raised the issue of the 2.5 million offer.
- The fact that on the 16th of August 2022, Lieutenant-Colonel Dina Govender's car stopped and switched off its ignition for seven and a half minutes outside Mr Clive Naicker's home.
- The fact that in the 16 months following 16th of August 2022, over 2 million was deposited in cash into accounts of Lieutenant-Colonel Dina Govender and his wife. Another 200,000 for benefits of Lieutenant-Colonel Dina Govender and his wife was paid in cash into a trust account of the conveyance attorneys handling

the transfer of a 2.35 million property which they had purchased. Another transfer of R299,800 was paid into the home loan account of Lieutenant-Colonel Dina Govender and his wife, and the aggregate amount so paid comes to just over 2.5 million.”

CHAIRPERSON: I am sorry, we added zero to 79.4.3.

DEPUTY DIRECTOR JOHN: Yes, we add a zero to.

10 **CHAIRPERSON:** Please continue.

DEPUTY DIRECTOR JOHN: That is my last point, Chair.

CHAIRPERSON: Okay.

ADV BALOYI SC: And let me just ask, and you can say, Mr Chaskalson, if someone else will be testifying and making it clearer. You have spoken of Mr Naicker and Bevan Loftus in the context of gangs and towing trucks and drugs. You have spoken to them in that context. Now, in your evidence, it is not clear, or you have not demonstrated that Mr Naicker, for example, in acting and accepting, for
20 purposes of your evidence or my discussion with you, that Colonel Naicker, not Naicker...

DEPUTY DIRECTOR JOHN: Govender.

ADV BALOYI SC: Govender, was indeed doing Mr Naicker's bidding. Let us assume that is what he was doing with this operation. Where do we see that this is Mr

Naicker as a gang leader in a drug with a trafficker operator, someone involved in that, utilising Colonel Govender and his task team for that purpose? Because that connection would come close to speaking to our terms of reference, that kind of connection. But from the evidence, so far it looks on the face of it as a competing businessman in the tow truck business takes out a rival and uses rogue police officers. On the face of it, that is what it looks like from how you have testified. Are we going to be getting
 10 evidence that places this transaction that you say happened between Mr Naicker and Colonel Govender and his team in the context of gangs, drugs, and effectively infiltration of gangs, of the police?

ADV CHASKALSON SC: Chair, I think it is better for me to answer that question. The short answer is yes. There will be evidence to that effect. It will involve evidence of undercover Crime Intelligence operations and it is evidence which will, at the instance of the witness, have to be held *in camera*, but that we will address there.

20 **ADV BALOYI SC:** And it will speak to this transaction?

ADV CHASKALSON SC: It will speak specifically to that issue.

ADV BALOYI SC: Okay, thank you.

CHAIRPERSON: Are we done for the day, Mr Chaskalson?

ADV CHASKALSON SC: I am afraid we are, Chair. We

finished sooner than anticipated and our next witness is only available tomorrow morning.

CHAIRPERSON: Let us adjourn and resume at 9.30 tomorrow morning.

INQUIRY POSTPONED TO 13 AUGUST 2026

INQUIRY ADJOURNS

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