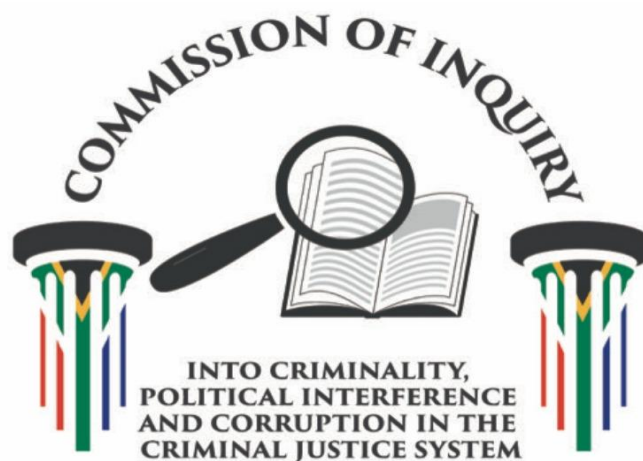


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

27 AUGUST 2026

DAY 168



PROCEEDINGS HELD ON 27 AUGUST 2026

ADV NWEDO: Good morning, Commissioner Baloyi, Commissioner Khumalo. My name is Ngwamatho [?] Eric Nwedo. Nwedo. Nwedo. N-w-e-d-o. So you need to roll your tongue a little bit, Chairperson. That is Venda. So I am counsel for Doctor Lebeya, who appears before the Commission this morning. I am not alone, Chairperson. I am with my instructing attorney on my left. I will also just give an opportunity to introduce herself.

10 **CHAIRPERSON:** [Indistinct].

ADV NWEDO: Okay, it is Ms Zinhle Dhube from Lucky Thekisho Attorneys. They are the instructing attorneys in this particular matter. I thank you, Chairperson.

CHAIRPERSON: [Indistinct].

ADV SEGEELS-NCUBE: Good morning, Chair.

CHAIRPERSON: [Indistinct]... Good morning, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Good morning, Chair.

CHAIRPERSON: Thank you. You were referred to just now
20 as General, Doctor. So I do not know whether to call you Doctor or General. What is your preference?

DOCTOR LEBEYA: Good morning, Chairperson. Good morning, Commissioners. I prefer Doctor because it is a recent one.

CHAIRPERSON: All right. Good morning, Doctor.

ADV KHUMALO SC: Chair, I would have said Advocate because as far as I am aware, Doctor General Lebeya is an Advocate.

CHAIRPERSON: Yes, I do know that.

DOCTOR LEBEYA: I am an Advocate.

CHAIRPERSON: Yes.

DOCTOR LEBEYA: I am a Lieutenant General retired, but the Doctor one is the latest in terms of the seniority iii

CHAIRPERSON: Hence the preference. Thank you very
10 much, Doctor. Thank you. Ms Segeels-Ncube?

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, the General will be sworn in.

CHAIRPERSON: Doctor, will you be swearing or affirming?

DOCTOR LEBEYA: Swearing.

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

DOCTOR LEBEYA: I swear that the evidence I shall give
20 shall be the truth, the whole truth and nothing else but the truth. So help me God.

CHAIRPERSON: Thank you very much. Mr Nwedo, very early, no, in fact, very late last night, I sent a text to Ms Segeels-Ncube and I asked her to engage you on how best to deal with the Doctor's statements. I think they are the

longest we have ever had, totalling 170 pages. It would take forever if we were to go through all 170 pages. Ms Segeels-Ncube, I hope you were able to reach agreement on a practical way in which the statements should be dealt with.

ADV SEGEELS-NCUBE: We have, Chair. I did discuss it at length with my learned friend and with, now I have to remember to say Doctor instead of General, with the Doctor, and we have come up with what we think is a practical
10 approach. What is unavoidable, I think, is that we will probably spend the whole day on just leading the Doctor's evidence on both statements.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: And we will have to arrange a further date for the cross-examination, but we have come to an arrangement that will significantly reduce the need to read from the statement and we think at this point, we probably about, I would say we have reduced it by about 60% on the first statement. The second one, we will try and
20 come to an arrangement during tea.

CHAIRPERSON: Yes, all right. Thank you very much to both of you for that. Thank you. Yes, Ms Segeels-Ncube?

SESWANTSHO GODFREY LEBEYA: (duly sworn states)

EXAMINATION BY ADV SEGEELS-NCUBE: Yes, Chair. If I could then just orientate everyone on what is before the

Commissioners, and then how we propose to deal with the first statement? So, Chair, the first file is File 1, that it has the Doctor's main statement, which is one to ...[intervenes].

ADV NWEDO: Sorry, I do not mean to interrupt, Chairperson. I thought my learned colleague would remember what we have discussed.

ADV SEGEELS-NCUBE: Yes.

ADV NWEDO: There are certain aspects that we need to place on record prior to proceeding. I am happy to do that
10 maybe after, maybe she may have done ...[intervenes].

ADV SEGEELS-NCUBE: Yes, Chair.

ADV NWEDO: But I just wanted to highlight that there are certain aspects that we want to place on record from Doctor Lebeya's side.

CHAIRPERSON: Okay.

ADV SEGEELS-NCUBE: Chair, we will get to that once I have dealt with the housekeeping, just so that we know what files we are dealing with. So, we have got the – and it is before the Doctor deals with his evidence. File 1 is his
20 statement, the main statement, page 1 to 124, which is dated 25 November 2025. Then there are two files of annexures that go with that statement. It is File 2 and 3. And then there is File 4, which is the supplementary statement, and that is dated 4 August 2026, and that also has two files with annexures, so that would be Files 5 and

6.

Then, Chair, we have created a core bundle, which are just extractions from exhibits of other streams where Doctor Lebeya's name has featured, which we thought would be relevant for purposes of this evidence. We will not get to that today, because it deals with cross-examination matters, but just to place that on record.

And then there was an annexure, which is National Instruction 2 of 2001, which General Lebeya had reference
10 regarding informers and how informers are to be dealt with within SAPS, which we have also included in that bundle. And, Chair, we can now deal with the issues before we go to the Doctor's statement.

It relates to a matter which my learned friend accepts that the Commissioners have no say in, but it is an issue which I understand the Doctor to be very passionate about regarding legal representation for purposes of his appearance at the Commission, Chair.

CHAIRPERSON: Thank you. Yes, Mr Nwedo.

20 **ADV NWEDO:** Thank you. Thank you, Chairperson. I am indebted to my learned colleague for remembering that one. Chairperson, Commissioners, the issue that Doctor Lebeya is quite keen to place on record, and I need to be very clear, Chairperson, that this is not a preliminary issue. It is just an issue that he wants to place on record regarding his

legal representation.

Firstly, Doctor Lebeya is here before this Commission at his own cost, including the cost of his legal representation. On 12 November 2025, Doctor Lebeya made a formal application within the SAPS for legal representation. However, that was denied or declined, and this happened through a formal notification dated 6 January 2026.

What is evident with the communication that has
10 come through, Chairperson and Commissioners, is basically that the decision maker in that particular application happens to be one General Msigidi, who, and again, I need to be very careful about it, Chairperson, these are issues that he is going to traverse during his evidence. So it is not something that is being submitted from the bar.

So they are in his documents, they are in his main statement. And therefore, this person had actually used to work under him when he was still the head of the DPCI, or the Hawks, as we know it, and is one person that he had
20 tasked to investigate the issues relating to one of the streams that my learned colleague is going to traverse, the Port Shepstone matter.

There was a report that came out of that, and there were certain recommendations and Doctor Lebeya had clearly annotated in that particular report that he needed to

discuss a certain paragraph 6 that arise from that particular report. That never happened. It turns out when he made this application, the very same person is the one that becomes the decision maker, who then declines General Lebeya's, or Doctor Lebeya's legal representation.

Chairperson, what we submit, as I indicated, we are not casting this as a preliminary issues, but we submit that General Msigidi ought to have recused himself from adjudicating that particular matter because of the conflict
10 that is apparent in that particular matter, and also the mere fact that the issue relating to the Port Shepstone drug bust is central as well in this particular Commission.

That did not happen, as we know it now, and it is on the record, and we submit that the reasons that have been provided by the SAPS for declining that particular application are really frivolous, to say the least. Because one of the issues, and I will paraphrase, Chairperson, because I do not want really to belabour this point that much.

20 One of the issues they raise in the letter is that they, amongst others, they are not actually inclined to provide legal representation because his version differs with the version of other SAPS witnesses. That is problematic, Chairperson, because if one actually reads that, are they implying that there should have been alignment of versions

from Doctor Lebeya with the other SAPS witnesses that are appearing before this Commission?

That is problematic. Doctor Lebeya is here before the Commission, and he has willingly, and he has cooperated with the Commission since October last year, up until today, with all the postponements that is occasioned, which we do not blame it on the Commission. He has remained patient to come here and assist this Commission in reaching its objectives.

10 But above all else, as well, to clear his name in the manner in which he has been, aspersions has been casted on him. So, Chairperson, what we really submit in this regard is that this needs to be taken in light of what has happened lately, and we have been instructed that on or about February this year, Doctor Lebeya was subpoenaed to appear before the Khampepe Commission, the one that is dealing with the TRC cases.

 He made similar application based on the same National Instruction 1 of 2017, which is the guiding
20 document within the South African Police Services. He made similar application. That application was granted, and that was after the one that he submitted for this Commission had been declined.

CHAIRPERSON: May I find this out? Do you propose asking of us to do anything, or I just want to get an idea

why we should be apprised of all this. I am not being unsympathetic at all, but I just want to get an idea.

ADV NWEDO: Chairperson, what we ask of the Commission, Doctor Lebeya is here to assist the Commission and ...[intervenes].

CHAIRPERSON: Yes.

ADV NWEDO: And we, at the very least, if the Commission finds it appropriate, we submit at least this matter needs to be to be flagged with the SAPS for a possible
10 reconsideration.

CHAIRPERSON: Was the proper course not for Doctor Lebeya to follow, to review the SAPS decision not to fund him? Is that not what he should have done in January already?

ADV NWEDO: Chairperson, that may very well be so. We do not deny that. It may very well still be a course of action that he may consider. However, we hold instructions to place these things on record because that actually has potential of inhibiting him in assisting the Commission the
20 best way he can.

CHAIRPERSON: You said the verb you used was that this is for the Commission to flag. What does flagging entail exactly? Or what practical, what is its practical effect?

ADV NWEDO: Chairperson, what we submit is that, well, the flagging may very well be that, you know, Doctor Lebeya

is here. He has always as far back as February when he was first subpoenaed, he has always been keen to come and assist. This is a Commission of Inquiry that is actually aimed at getting to the bottom of the issues of criminality and the interference in the criminal justice system. And therefore, we submit, Chairperson, that it is prudent, even though the Commission may just note and not do ...[intervenes].

CHAIRPERSON: Can you please just zoom in on what you
10 mean by flagging in practical terms? What does that entail?

ADV NWEDO: Chairperson, if that may just mean a letter or so, you know, regarding the issues that have been raised, that would be fine by, you know, Doctor Lebeya. We understand, and that is why I put a big caveat when I started to say it is not a preliminary issue. We understand that it is not your decision, but if the Commission finds it that there is nothing, even by way of just a mere letter, then we will rest it at that. The General is here. He wants to assist the Commission.

20 **CHAIRPERSON:** I am not sure. We normally use, we as lawyers, normally use standing in the context of litigation, but I will use it loosely here. I will say I am not sure at all that the Commission would have standing to come and to assist the General in this regard and to write, to send a letter, as you suggest, to SAPS about this matter.

I am not sure what standing we would have in that regard. I am thinking of the cuff here, of course, and again, I repeat, I am not being unsympathetic to the Doctor's plight. I do not have to give legal advice, and in fact, I ought not to do so, but I think the best course, I repeat, for the Doctor is to review the decision of SAPS.

And it does not matter that, of course, there are, you know, if it is a budget process, you know there are time limits. Of course, if you are out of time, you know you can
10 apply for an extension of that period, all of those things. Of course, if it will be a PAJA based review, I do not know what review you might have in mind. And the fact that by the time that review is finalised, General Lebeya will have testified and finalised.

It does not matter, because if he succeeds and it is held finally that he ought to have been funded, he can be funded at that late stage, and that will still be to his advantage. I should not be doing this, but I guess I just want us to move on to make the point that I do not think we
20 can come to the Doctor's assistance.

Just a minute. Ja, there may also be, as Commissioner Khumalo whispers to me, some internal processes that may first have to be exhausted before litigation.

ADV NWEDO: We accept that, Chairperson. As I indicated

when I started, we wanted to place these things on record ...[intervenes].

CHAIRPERSON: No, no, I hear you.

ADV NWEDO: It is an issue that Doctor Lebeya felt very strong that it needs to be conversed.

CHAIRPERSON: Yes, yes.

ADV NWEDO: We understand the limitations on your end, and we will leave it at that.

CHAIRPERSON: Thank you very much.

10 **ADV NWEDO**: Perhaps while I am still on my feet, if I may just conclude by just highlighting just one aspect that will come, and we have discussed it with my learned colleague before we came in here. There is a certain portion in the main statement where clearly Doctor Lebeya has indicated that the annexures related to those particular paragraphs, it is Annexure 9, 19, 35, and 44, that are top secret and classified documents.

20 Doctor Lebeya basically will seek guidance from the Chairperson on how to deal with those top secret classified documents when we get to them. He has them in his possession, and we will take guidance from the Chairperson and the Commissioners on how best those issues can be dealt with.

CHAIRPERSON: I prefer that we should hear from the two of you how they should be handled, and we will then decide

based on that. So please engage each other on that, and ...[intervenes].

ADV NWEDO: We will do that during ...[intervenes].

CHAIRPERSON: And come with a proposal. Thank you. Let us start, please.

ADV NWEDO: Thank you, Chairperson.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Thank you, thank you.

ADV SEGEELS-NCUBE: Doctor Lebeya, can you go to File
10 1, which has your main statement, and it goes up to page
124. If you could just confirm that that is your signature on
page 124?

DOCTOR LEBEYA: I have the file, Commissioners.

ADV SEGEELS-NCUBE: Do you confirm that that is your
signature on page 124?

DOCTOR LEBEYA: The signature is mine, Commissioners.

ADV SEGEELS-NCUBE: Do you confirm the correctness
and truthfulness of your statement?

DOCTOR LEBEYA: The content are correct and truthful,
20 and then we shall just indicate when we go on typing errors.
Thank you, Commissioners.

ADV SEGEELS-NCUBE: Thank you. Commissioners, you
will note that there are topics, many of them of a legal
nature, where the General, if you will forgive me if I do refer
to you as General every now and then, my apologies,

Doctor, where he deals with matters of legislation and regulations, regulatory requirements, and what we have agreed there is that because this affidavit will form part of the record which the Commissioners will take into account ...[intervenes].

CHAIRPERSON: Is this an affidavit, though?

ADV SEGEELS-NCUBE: A statement, Chair. I do not see a Commissioner of Oath.

CHAIRPERSON: Sorry about that. Please continue, and
10 sorry for the – apologies for the interruption.

ADV SEGEELS-NCUBE: No problem, Chair. Chair, I was just indicating that there are matters which Doctor Lebeya deals with which are of a legal nature, where he sets out the laws that govern SAPS operations. We have agreed that because this statement will form part of the record of the Commission and that the Commissioners will take it into account when preparing the report, that he will not deal with that in his oral testimony, but that it will be noted, and I will have the task of noting that he has mentioned it, highlight
20 the relevant sections only, place it on record the sections that he addresses, and then we will leave that, which effectively cuts off about 20 to 30 pages of the first statement.

We have reached that agreement. And then insofar as the General's background and his service history is

concerned, he does traverse matters which predate his appointment as the head of DPCI. He has indicated that there are certain aspects that he does want to highlight. We have also identified certain paragraphs there, which he will read into the record, but the remainder will not be. So you will just have to bear with us, Chair, as we go through it.

Doctor, if we can then start with your statement. Page 1 has the table of contents, and 1 and 2, and we will
 10 start with page 3, which is the introduction. And you basically just set out who you are and that you are a member, you were a member of SAPS and held the rank of Lieutenant General. You are retired now, and you retired in May of 2025. May I ask you then to also then just add paragraph 1, if you can start with paragraph 1, read that into the record.

CHAIRPERSON: And perhaps start with your full names there at the top.

ADV SEGEELS-NCUBE: Yes.

20 **CHAIRPERSON:** Thank you.

DOCTOR LEBEYA:

“Seswantsho Godfrey Lebeya. I am an adult male. I was a member of the South African Police Service, SAPS, holding the rank of Lieutenant General, appointed as

National Head and the former National Head of the Directorate for Priority Crime Investigation, DPCI, until I retired in May 2025. In this statement, I will also refer to the DPCI by its popular name, the Hawks, at other times. I am currently a practicing law as an Advocate of the High Court of South Africa, and I am a member of the Johannesburg Society of
 10 Advocates.”

ADV BALOYI SC: Doctor Lebeya, where you say you held the rank of Lieutenant General, in brackets you say appointed as National Head, are you referring to the Hawks or to the SAPS as National Head?

DOCTOR LEBEYA: National Head is in the Hawks.

ADV BALOYI SC: Okay. Thank you.

ADV SEGEELS-NCUBE: Okay. Then paragraph 2 we can skip because you have placed that on record that you confirm the correctness of the statement. And then
 20 paragraph 3.

DOCTOR LEBEYA:

“As I said, I was a member of the South African Police Service, holding the rank of Lieutenant General, appointed as National Head of the Directorate for

Priority Crime Investigation, DPCI, in terms of non-renewable contract for a period of seven years, from the 1st of June 2018 until the 31st of May 2025. I retained the rank of Lieutenant General, appointed as National Head (R) to avoid confusion with the serving members. In this statement, I will give credit where it is due and will indicate where there are

10 some shortcomings, abnormalities, inaccuracies, or wrongdoing.”

ADV SEGEELS-NCUBE: Thank you. At 4 and 5 you set out what you state, the topics that your statement will address that you have been asked by the Commission to address, so we will not go through that because as we go through your statement, you will deal with those topics. Then, if we can go to page 6, paragraph 6?

DOCTOR LEBEYA:

20 “The gist of the issues that relate to me emanate from the opinions of Witnesses A and B. Lieutenant General Mkhwanazi who voiced the concerns on their behalf on the 6th of July 2025, have left it to them to present the evidence as he did not repeat same in his testimony. The

allegations is that I was called by Katiso Molefe to send the Hawks to disrupt a legitimate police operation. Based on the opinion of Witnesses A and B, Lieutenant General Khumalo draws an inference that the Hawks were at the scene to interfere with the operation.”

ADV SEGEELS-NCUBE: You may continue, 7.

DOCTOR LEBEYA:

10 “It is my submission that the presence of multiple law enforcement agencies at the scene in Sandton on the 6th of December 2024 is indicative of a significant failure in the planning and the coordination of the operation. This situation reflect poorly on the effectiveness of the preparatory processes, as it suggest a lack of unified command and insufficient communication among the involved

20 parties. Responsibility for such a lapse belong to the overall leader of the operation. It is the duty of the operational leader to ensure that all the affected state agencies are adequately briefed and that their roles are clearly

defined to avoid overlap, confusion, or unintended consequences. The inability to synchronise the actions of the various law enforcement units undermined the integrity of the operation and exposed serious shortcomings on leadership and operational oversight.”

ADV SEGEELS-NCUBE: Can I just ask you there, General, you referred to all the affected state agencies, but you do
10 not say who those agencies are.

DOCTOR LEBEYA: The affected state agencies in this regard will be the Hawks, as a part of a state agency, and the greater SAPS, such as the Organised Crime Unit, the station involved the SAPS at Sandton. So those are the other state agencies that I am referring to.

ADV SEGEELS-NCUBE: Okay, thank you. And then at paragraph 8?

DOCTOR LEBEYA:
20 “The questions to be asked are, was this concentration of law enforcement agencies at the scene in Sandton preventable? What should have been done to prevent such occurrence? Who should have ensured that that did not happen when it was happening? And the

leader was kept abreast with the developments. What did he do to defuse the situation? Was the custodian of the information of this operation, not the Divisional Commissioner of Crime Intelligence, who is the custodian of information and intelligence in the SAPS, is the Divisional Commissioner of Crime Intelligence not the service provider of all operational environments in the SAPS? Are all operational environments, including the DPCI, not his clients?"

ADV SEGEELS-NCUBE: Can I just ask you, are these rhetorical questions, or do you address them in your evidence? Do you answer them, or are you asking us to answer these questions?

DOCTOR LEBEYA: I am asking Witnesses A and B, and whoever is suggesting that I have sent the members of the SAPS to the Hawks to go and interfere with the legitimate operation.

ADV SEGEELS-NCUBE: Thank you. Paragraph 9.

DOCTOR LEBEYA:

"A confrontational atmosphere was established where various units had to respond effectively to the events

purported to be taking place in Sandton on the 6th of December 2024. That atmosphere might have led to unintended outcomes, including the possibility of friendly fire. Applying the *conditio sine qua non* theory, which refers to a condition without which nothing or simply but for, one may reasonably conclude that if Lieutenant General Khumalo had informed me as the National Head of the DPCI then about the operation, or if upon receiving a report about the presence of the members of the Hawks at the scene, he had checked with me, the situation would not have occurred. It is unfortunate that he cited the issue of trust.”

ADV SEGEELS-NCUBE: 10.

DOCTOR LEBEYA:

20 “It is vital to mention from the outset that the correct position which will be demonstrated is as follows. I do not know Mr Katiso Molefe. I was not contacted by Mr Katiso Molefe. I was contacted by Malcolm X. I directed two

senior managers to verify the allegations of persons who were said to be claiming to be members of the DPCI and to have been sent by me. I have never instructed the members of the DPCI to interrupt a legitimate police operation.”

ADV SEGEELS-NCUBE: Thank you. Then the next topic is some critical laws governing policing in South Africa. The first you mentioned is the South African Police Service Act, 10 and as I have indicated, we are not going to read this entire section into the record. I do want you to either read 11 and 12, and also to put on record that the provisions in the SAPS Act that you highlight is 16, 17, and 28. But if you could just read 11 and 12, and then we will continue from there.

DOCTOR LEBEYA:

20 “The Directorate for Priority Crime Investigation, DPCI, is an entity that was established by the incision of Chapter 6A in the South African Police Service Act 68 of 1995, which is the Police Service Act. That chapter came into existence following the amendment of the Police Service Act through the South African Police Service Amendment Act 57 of

2008. It came into operation on 29th of February 2009. The Directorate was formed as a division in the SAPS headed by the head, who was a Deputy National Commissioner. In the provinces, the Directorate was headed by Provincial Heads, who were also Deputy Provincial Commissioners. Major General Anwar Dramat, who was the Deputy Provincial Commissioner in the Western Cape, was appointed as the head of the DPCI with the rank of Deputy National Commissioner.”

It was written on 6 July 2009. I just want to indicate that the effective date of appointment is the 1st of June 2009. On the 6th of July 2009 is the date on which he took the post in Pretoria.

ADV SEGEELS-NCUBE: Thank you. Paragraph 12.

DOCTOR LEBEYA:

“The independence of the DPCI was questioned, and the law was changed in terms of the South African Police Service Amendment Act 10 of 2012. The consequences of this amendment is that section 16(4)(b) was incorporated into

the Police Service Act that came into operation on the 14th of September 2012. Furthermore, the person to oversee the DPCI was to be the National Head, who is accountable to the Minister of Police. The Provincial Heads were no longer the Deputy Provincial Commissioners, and their reporting line is to the National Head. The National Head determines the fixed establishment of the DPCI.”

10

ADV SEGEELS-NCUBE: Thank you. Then you deal with a case, the *Glenister* case, and you highlight sections 16 and 17 in the following pages. If we can then go to page 13? So we are skipping 10, 11, 12. And if we go to 5.11, Paragraph 15.11 on page 13, where you deal with section 17(e), this is an important section because it deals with security clearance and the cooperation between DPCI and Crime Intelligence regarding security clearance and vetting.

DOCTOR LEBEYA:

20

“Section 17(2)(a) provide that no person may be appointed to the Directorate unless:

(a) a security clearance has been issued to that person in terms of section 2(a)(6) of the National Strategic Intelligence Act

of 1994, Act Number 39 of 1994, by the head of Crime Intelligence Division of the service. Any intelligence structure referred to in that Act as may, from time to time, be determined by the Minister.”

ADV SEGEELS-NCUBE: And then if you could read 15.14?

DOCTOR LEBEYA:

10 “It is worth mentioning that in respect of the assistance from Crime Intelligence as provided for in section 17(f)(6) which provides for support of the Directorate by Crime Intelligence, the Directorate has asked Crime Intelligence to dedicate capacity to provide grabber services for the kidnapping cases and cash-in-transit, CIT, robberies-related cases. This was not successful.”

ADV SEGEELS-NCUBE: Sorry, Doctor, could you tell us what period this was? When was this? You do not say.

20 **DOCTOR LEBEYA:** Since I took office in the DPCI, that is from 2018.

ADV SEGEELS-NCUBE: Thank you.

DOCTOR LEBEYA:

“Crime Intelligence Division drew a document excluding the Directorate from

acquiring the grabber, a tool necessary to assist in cracking cases. Instead, the Division will expect the Directorate to produce the docket to be inspected by Major General Philani Lushaba of Crime Intelligence to determine as to whether it is necessary to deploy a grabber. In one instant, an attempt to catch an imposter failed because of the DPCI could not produce a docket to Crime Intelligence. That would have dampened the operational independence of the DPCI. As for vetting, the DPCI has since 2018 been requesting the capacitation of vetting in Crime Intelligence as section 17(e) of the Act requires 100% vetted officials in the Hawks, and Crime Intelligence is only capable of vetting 15%. In some instances, it takes over six months to complete vetting on someone who is recommended for vetting before appointment in a senior management service post in the Hawks.”

ADV SEGEELS-NCUBE: Thank you, and then 15.15.

DOCTOR LEBEYA:

“Section 17(f)(4), which provides that the National Director of Public Prosecution must ensure that a dedicated component of prosecutors is available to assist and cooperate with members of the Directorate in conducting its investigation as well as secondment of persons with specialised skills as and when required.”

ADV SEGEELS-NCUBE: Thank you. You then deal with
 10 the Public Service Act regulations regarding the Public Service Act for the remainder of that section. So if we could skip all of that and go to page 23, which is a background of my policing and service history. And if I could ask you in that regard, if we can start on paragraph 26 on page 24?

DOCTOR LEBEYA:

20 “I have overseen detectives in Gauteng province from the year 2000 to 2004. I was the head of Organised Crime nationally from 2004 to 2010. After obtaining my Bachelor of Law degree, LLB, in 2005, I was admitted as an Advocate of the High Court of South Africa in 2006. As the head of Organised Crime, I studied Organised Crime in the

Southern African Development
Community, SADC Region, focussing on
motor vehicle crime, which I obtained
Master's of Law degree, LMM, in 2007. I
continued to study and obtained Doctor
of Laws degree, LLD, in 2012, when I
was a Deputy National Commissioner
Crime Detection, the position that I held
since the 1st of February 2011."

10 **ADV SEGEELS-NCUBE:** And which institutions did you
obtain your qualifications?

DOCTOR LEBEYA: The National Diploma I obtained from
Technicon South Africa, Technicon RSA at the time. The
Bachelor of Laws up to Doctorate, I got them from UNISA.

ADV SEGEELS-NCUBE: Thank you. And then paragraph
27?

DOCTOR LEBEYA:

20 "I have been involved in investigating
corruption cases since I was a constable
at the time when corruption was still a
common law crime of bribery. I have
been on the forefront of fighting
corruption in the country and I have
never compromised my character. I have
been issued with top-secret security

clearance certificates from the year 2000,
and the last one is valid until the 30th of
June 2029. I became the first casualty of
addressing the criminality at Crime
Intelligence Division for doing my work,
and the Division was never rehabilitated.”

ADV SEGEELS-NCUBE: You say you became the first
casualty of addressing the criminality at Crime Intelligence.
When was this?

10 **DOCTOR LEBEYA**: My investigation of activities in Crime
Intelligence started in the year 2009, and I continued. I see
that other witnesses have provided evidence, which is part
of what I investigated. So I became a casualty when I was
transferred out of the Hawks, my position shut down and
appointed in the greater service. And in the greater
service, I was dismissed from the police, probably because
of the work that I was doing. I was rescued by the courts.

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

ADV KHUMALO SC: Doctor Lebeya, just so that we are
20 clear, are you referring to the abuse of the secret funds
when you say other witnesses have testified to the same
issue?

DOCTOR LEBEYA: I have noted that some of the
witnesses, like Colonel ...[indistinct] shall have investigated
the activities in Crime Intelligence. So I touched on the

Secret Service account. I also touched on the appointments of members in Crime Intelligence, the so-called 250 appointees.

ADV KHUMALO SC: All right, thank you.

ADV SEGEELS-NCUBE: Thank you.

CHAIRPERSON: And when you say you were excused, or I have forgotten the verb you used, you said you were excused by the courts. Did you mean you were reinstated?

DOCTOR LEBEYA: Yes, I was reinstated by the courts.

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

ADV SEGEELS-NCUBE: Thank you. Then if we can go to page 31, paragraph 37? I think it starts on page 30.

DOCTOR LEBEYA:

20 “Since joining the police, I was promoted and appointed in various ranks based on qualification and experience. I was promoted and appointed to the rank of Sergeant in 1988 and placed in the slow lane. Warrant Officer 1990 and kept in the slow lane. Lieutenant in 1991 and kept in the slow lane. Captain 1993 and kept in the slow lane. Moved to the middle lane. Superintendent 1996, kept in the middle lane. Senior Superintendent 1997, kept in the middle

lane. Director in 2000, moved to the fast lane. Assistant Commissioner in 2000. I returned to the slow lane, Divisional Commissioner 2010. Lieutenant General appointed as Divisional Commissioner in 2010, moved to the middle lane. Lieutenant General appointed as Deputy National Commissioner 2011, moved to the slow lane and cul-de-sac, and the

10 Lieutenant General appointed as National Head DPCI 2018.”

ADV SEGEELS-NCUBE: You are going to have to explain all those lanes to us, please.

DOCTOR LEBEYA: This is the imaginary lanes that are not spoken to, but you will see as the promotion progresses that yours is slow and your colleagues are going faster. As an example, when we were to be promoted to become Sergeants in 1988, when you pass your examination in the first semester, like I passed my examination in June, I

20 expect to be promoted from the 1st of July of that year.

And those who pass their examination in December get promoted on the 1st of January. I pass my examination in July, I wait, I am not being promoted. Those who come to write their examination in December get promoted before me, and then I get promoted after them. You are in the slow

lane.

When I pass my examination to become a Warrant Officer, I am told, no, you have not finished two years as a Sergeant. You must first finish two years. So that period that you were put in the slow lane on is now counted that you have not finished, but I have finished the qualification that I require. So I had to come and challenge this at later years, I think 1993, and as a grievance, they come and reverse all those starting from Sergeant, then you are put
10 back in the correct lane. So those are the things that I am talking about. Thank you, Commissioners.

ADV SEGEELS-NCUBE: What is the middle lane and the cul-de-sac?

DOCTOR LEBEYA: The middle lane is when you are promoted normally. The promotions in the past, it was that if you finish two years as a Sergeant, you can be promoted to become a Warrant Officer. So normally when you finish two years and then there is nothing wrong, you have completed your qualification that are required, you are
20 promoted. You finish one year as a Warrant Officer, you can be promoted to become a Lieutenant and the like. So those are normal.

The only reason that you will be excluded is if there is something wrong with maybe a departmental hearing against you and the like, then you will be put in a slow lane.

You will not be promoted like others. So that is the middle lane. The cul-de-sac that I am talking about is that you have reached the end. So there is no move forward.

ADV SEGEELS-NCUBE: So yours was the appointment as the National Head of DPCI.

DOCTOR LEBEYA: At the time of cul-de-sac was when I became the Deputy National Commissioner. And then we are supposed to be, if the National Development Plan was being implemented, we could be given an opportunity to
10 compete fairly. But because that process is not implemented, you reach cul-de-sac, and that is where they even think of moving you from where you are as the Deputy National Commissioner to something down, which is a demotion.

ADV SEGEELS-NCUBE: Thank you.

ADV BALOYI SC: Are you saying that there is no competitive for Deputy National Commissioners? There is no competitive process for them to be considered for National Commissioner? Is that what you are speaking to
20 when you say cul-de-sac and in the way you describe it?

DOCTOR LEBEYA: The Commissioner is correct to say that there is no competitive process. The National Development Plan of 2030 is supposed to have corrected that anomaly. And what we are even seeing today, the appointment of individual without competing with others is

because of the absence of that, and I think that we have made some recommendation as to how that particular situation should be corrected. So currently there is no proper competitive process, and I think that with the last appointment of the National Commissioner, they tried to do something where they shortlisted individual, but you did not open for people to apply. You have just identified individual and say that you are shortlisted. You do not know what informed that. So there is supposed to be a process where
10 people can be able to compete properly. Thanks, Commissioner.

ADV KHUMALO SC: Doctor Lebeya, can I get a yes answer, not elaboration? I just need to be clear here. Are you saying once you are DNC, Deputy National Commissioner, when you are then appointed National Head DPCI, that is not a sideways movement, that is a demotion? Or is the DNC at the same level as Head of the Hawks? I just wanted to be clear.

DOCTOR LEBEYA: DNC and National Head are on the
20 same level. That is not the movement that I have taken, Commissioners.

ADV KHUMALO SC: All right, so you are not suggesting that it was a demotion to move from DNC to Head of the Hawks. Because they are on the same level, it was a sideways movement?

DOCTOR LEBEYA: I am not sure because the Commissioner is asking a yes and no, and it needed to be clarified. How did it happen? Because I exited the organisation, I did not move from DNC to National Head ...[intervenes].

ADV KHUMALO SC: No, I get you. So you exited and then had to come back.

DOCTOR LEBEYA: Yes, this one is a totally separate appointment, contract appointment. So I was on retirement,
10 I remained retired, and then I had to be appointed on a contract basis, which is separate.

ADV KHUMALO SC: No, you have clarified, you have clarified. Unless Chair wants you to deal with the other movement, I am sorted. Thanks.

ADV SEGEELS-NCUBE: Can I then just ask, Doctor, so when you are the Lieutenant General, appointed as Deputy National Commissioner in 2011, and you say you moved to the slow lane, what was your expectation? To be appointed as National Commissioner or?

20 **DOCTOR LEBEYA**: So on that level as the Deputy National Commissioner, you are Deputy National Commissioner, and then if an opportunity arises to move to the next level, it is where you are supposed to compete with others.

ADV SEGEELS-NCUBE: Okay, and you say you deal with that later as to when, what should have happened in that

period?

DOCTOR LEBEYA: Ja, I will touch on that.

ADV SEGEELS-NCUBE: Yes, okay. Then at paragraph 38, I do not want you to deal with the entire paragraph. You mention National Instruction 2 of 2001, which deals with issues relating to informers. If you can just tell us about that National Instruction? I do not want to really deal with 38, because it does become an important aspect of your evidence later.

10 **DOCTOR LEBEYA**: Yes, without reading this paragraph, Commissioners, it is just an indication that in performing duties as a police official, from time to time you will get assistance from people who volunteer information. There has been different labels that are put on people who are volunteering the information.

And then National Instruction 2 of 2001 came into place to assist with the registration of informers and the remuneration thereof. Even before this instruction came in place, there has always been a practice of utilising
20 informants. I have been utilising that effectively from the time that I was still working at Hillbrow.

People from different areas phoning, providing information about the existence of firearms. You get that information, you task people, not telling them where you are getting information. They must just go and execute. That is

how you deal with information coming from people who are prepared to tell you as a police so that you can solve crime. So that is in a sense the importance of that National Instruction.

ADV SEGEELS-NCUBE: Thank you, and then if I could ask you to go to paragraph 43, but if you wish to deal with 41, I would ask, then you may do so, but I would want you to do 43.

DOCTOR LEBEYA:

10 “When I left the DPCI, it was on a sound operational footing as on 2010 and 2011 financial year, which is the time that I left the DPCI. Its performance was unparalleled performance of 14 793 arrests and 7 037 convictions.”

ADV SEGEELS-NCUBE: And then on page 37, paragraph 48.

DOCTOR LEBEYA:

20 “On the 17th of August 2009, I was expressly assigned by the Deputy National Commissioner Dramat to investigate the allegations of murder of Oupa Ramogibe affecting Crime Intelligence based on the information note compiled by Assistant Commissioner

Bushie Engelbrecht, one of the best investigators that the country produced. I complied. On the 24th of October 2010, the Saturday Star newspaper published a detailed article about irregularities at Crime Intelligence. The story included mismanagement of Crime Intelligence Division, appointment of criminals and nepotism by appointing official in covert component. On 26 October 2010, while I was the Divisional Commissioner at the Hawks, General Cele assigned me to investigate these irregular appointments at Crime Intelligence. I established that the family members of personnel in Crime Intelligence were irregularly appointed in covert environment. My post of Divisional Commissioner was abolished on the 31st of January 2011.”

20 Are you saying it was as a result of this investigation or was it just coincidence?

DOCTOR LEBEYA: It was not said what is the reason for closing the position that I am holding in the Hawks, but when it got phased out, I have to speculate what is the reason, the investigation that I am conducting. So it was

not stated.

ADV SEGEELS-NCUBE: Thank you. Paragraph 49.

DOCTOR LEBEYA:

10 “I was appointed as Deputy National
Commissioner of Crime Detection on 1
February 2011, and I continued with
departmental cases of Crime Intelligence.
On the 3rd of March 2011, Crime
Intelligence Division was restructured
and the Divisional Commissioner was to
account directly to the National
Commissioner on covert component while
he accounts to the DNC Crime Detection
on other components. Copy of
appointment as Deputy National
Commissioner is attached as Annexure
SGL13.”

ADV SEGEELS-NCUBE: Thank you. Then at paragraph
52.

20 **DOCTOR LEBEYA:**

“Over and above these two portfolios, on
29 July 20...” ...[intervenes].

ADV SEGEELS-NCUBE: Sorry, General, 52.

DOCTOR LEBEYA: 52?

ADV SEGEELS-NCUBE: Yes.

DOCTOR LEBEYA:

“On 24 October 2011, when the former President Jacob Zuma suspended General Cele and announced the appointment of Major General Sibusiso Nhlanhla Mkhwanazi as the acting National Commissioner until further notice as the person that he trusted, I was one of the 30 Lieutenant Generals that formed what is called top management of the SAPS. After a public outcry, Major General Mkhwanazi, who had a few months in the rank of Major General, was on 26 October 2011 promoted to the rank of Lieutenant General in terms of what was recorded as section 207(1) of the Constitution of the Republic of South Africa 1996. The letter of appointment dated 27 October 2011 is attached as Annexure SGL15. It is on this day that Brigadier Sharon Gaehle sent an email to Lieutenant General Phahlane and me directing as follows: Good day, Lieutenant General. By direction of the acting National

Commissioner, Major General
Mkhwanazi, you are kindly requested to
attend the funerals as guardians of the
Eastern Cape. Major General Mkhwanazi
will not attend. Thank you very much,
respectfully, Brigadier Gaehle, Executive
Assistant to the National Commissioner,
General BH Cele, South African Police
Service. Copy of this email is attached
as Annexure SGL16.”

10

ADV SEGEELS-NCUBE: I just wanted to ask you why are
you referring to this email? I do not understand its
relevance.

DOCTOR LEBEYA: I wanted to demonstrate the
interference of politics in policing that it comes way back
from 2009 in terms of my view. Others may push it back. I
have had others putting it since the Polokwane period, but
from the work that have been doing, I have seen it from
2009 that there is a serious interference by politics in
policing matters.

20

ADV SEGEELS-NCUBE: Sorry, you will forgive me, but
how does you getting an instruction to attend a funeral,
what does that have to do with interference?

DOCTOR LEBEYA: Under normal circumstances, a junior,
a subordinate will not give an instruction to a senior officer.

It is only when there is interference that there is that confusion.

ADV SEGEELS-NCUBE: And who is the junior, the Brigadier?

DOCTOR LEBEYA: No, the instruction comes from a Major General instructing Lieutenant Generals.

ADV SEGEELS-NCUBE: But is he not at that point, is he not in an acting role?

DOCTOR LEBEYA: Ja, that is the incorrect processes that
10 is being done. You do not appoint a junior to instruct seniors.

ADV SEGEELS-NCUBE: Okay, that is the point you want to make regarding that. Then if we can go to 55 on page 41?

DOCTOR LEBEYA:

20 “Still on 27 October 2011, five officials from Crime Intelligence hatched a conspiracy theory against General Cele, Lieutenant General Mzwandile Petros, Lieutenant General Anwar Dramat, and me. On 3 November 2011, the Divisional Commissioner of Crime Intelligence wrote a letter to the President, the Minister of Police, and Lieutenant General Mkhwanazi to lodge a complaint of

conspiracy...” ...[intervenes].

ADV SEGEELS-NCUBE: Sorry, can I just ask who was the Divisional Commissioner of Crime Intelligence then?

DOCTOR LEBEYA: The Divisional Commissioner of Crime Intelligence was Lieutenant General Mdluli.

ADV SEGEELS-NCUBE: Thank you.

DOCTOR LEBEYA:

10 “On 12 May 2012, a task team was set by
the Minister to consider the complaint.
While this cloud was hanging over our
heads, General Phiyega was appointed
as the National Commissioner on 12 June
2012. On 5 July 2012, the Minister
announced that the allegations of
conspiracy were unfounded. When I
asked for a copy of the report in the
letter dated 23 November 2012, the
Minister refused via a letter dated 6
December 2012 on the ground that it is
20 for Cabinet.”

ADV SEGEELS-NCUBE: Thank you. 56.

DOCTOR LEBEYA:

“The acting National Commissioner who
directed that grabbers be moved away
from the DPCI to Crime Intelligence

amended the list of senior managers who could recommend the interception and monitoring. The amended list required the acting National Commissioner and the Acting Divisional Commissioner to be the only ones who could recommend the application of interception and monitoring to the designated judge as appointed in terms of Regulation of Interception of Communication-Related Information Act 70 of 2002. That was a serious anomaly and it created more risks than solutions. I had to come and finalise the assets record during my era as National Head as the equipment was still in the name of the DPCI.”

ADV SEGEELS-NCUBE: And when you say in that paragraph the acting National Commissioner who directed that grabbers be moved away from the DPCI to Crime Intelligence, who was that acting National Commissioner?

DOCTOR LEBEYA: The acting National Commissioner at the time was Lieutenant General Mkhwanazi.

ADV SEGEELS-NCUBE: Thank you. Paragraph 57.

DOCTOR LEBEYA:

“While the investigation of Crime

Intelligence was continuing, information of threat was brought to our attention. Based on that information, a threat assessment was commissioned by the then acting Divisional Commissioner of Crime Intelligence, Lieutenant General Masemola as per letter dated 14 February 2012. Based on this, I received one day protection. Copy of the letter is
 10 attached hereto Annexure SGL19.”

ADV SEGEELS-NCUBE: And then paragraph 58.

DOCTOR LEBEYA:

“On 24 February 2012, during the Deputy National Commissioner and the National Commissioner morning sessions, Lieutenant General Mkhwanazi informed us that he had met the State President who told him as follows. I keep on hearing this name, Lebeya, Lebeya, 20 Lebeya, Lebeya. Who is this Lebeya? He told us that he explained to the President that Lebeya was a General who was just trying to do his job. Lieutenant General Mkhwanazi submitted his statement to the State Capture

Commission in this regard. He directed me to write a letter to the State President to explain why I investigated the then Divisional Commissioner of Crime Intelligence, Lieutenant General Richard Mdluli. On the 3rd of February 2012, I submitted the letter to the acting National Commissioner, which was addressed to the State President, the Minister of Police, and the acting National Commissioner as communication of that nature had to follow those channels. Lieutenant General Mkhwanazi advised that I should address the letter only to him and he would in turn communicate with the President. I then changed the addressees to him alone, which reduced the volume of the letter to 10 pages. The letter had annexures that made 86 pages and was classified. The report answered the allegations that I was colluding with Doctor Mathews Phosa, Lieutenant General Lalla, Lieutenant General Pruis, and Major General Fryer. I concluded the letter by stating that: 'I am hoping

that this information will assist in balancing the level of the scale of trust painted by those who may have presented a picture about me without me.’”

ADV SEGEELS-NCUBE: Thank you. Paragraph 59.

DOCTOR LEBEYA:

10 “On 28 March 2012, Lieutenant General Mkhwanazi informed the Deputy National Commissioners that the Minister of Police have directed him to appoint another Major General as Divisional Commissioner without advertising the post. He complied with the directive and circulated the appointment on 30 March 2012, with the appointment becoming effective on 1 April 2012.”

ADV SEGEELS-NCUBE: Can you just clarify who was the Minister of Police?

20 **DOCTOR LEBEYA:** The Minister of Police was Minister Mthethwa.

ADV SEGEELS-NCUBE: And who was the Major General to be appointed as Divisional Commissioner?

DOCTOR LEBEYA: The Major General was BS ...[indistinct].

ADV SEGEELS-NCUBE: Thank you.

DOCTOR LEBEYA:

10 “The appointee was to report directly to
the acting National Commissioner, which
is not structurally correct as the post fell
under the Deputy National Commissioner
for Physical Resource Management.
Indeed, the predecessor to the appointee
reported to the latter. A letter of
appointment is attached as Annexure
SGL20. This shows that political
interference has been taking place since
2009. On the same day, Lieutenant
General Mkhwanazi restructured the
Division Crime Intelligence away from
Crime Detection to report directly to the
National Commissioner, leaving the
Detective Service and Forensic Services
as the only division resulting under
20 Deputy National Commissioner Crime
Detection. A letter of restructuring is
attached hereto as per Annexure SGL21.
He further appointed Lieutenant General
Sehlahle Fannie Masemola, who we had
earlier appointed as the acting Divisional

Commissioner of Crime Intelligence as Deputy National Commissioner of Policing with effect from the 1st of April 2012. He provided me with a letter of appreciation for acting in such a position from the 10th of April 2011 to the 31st of March 2012, which is attached as per Annexure SGL22. He also provided me with a letter indicating that I should sign an agreement to be responsible for the two divisions, Detective Service and Forensic Services. A copy of the letter is attached hereto as per Annexure SGL23.”

ADV SEGEELS-NCUBE: And then paragraph 62.

DOCTOR LEBEYA:

“After the appointment of General Phiyega, Lieutenant General Mkhwanazi did not have a post, as he never had. He was reflected on an island in the structure and later a post was created for him called Facility Management and Operations. It is from that moment that the rank was regularised.”

ADV SEGEELS-NCUBE: By the rank you mean Lieutenant General?

DOCTOR LEBEYA: Yes, the rank of Lieutenant General because in terms of the regulations, at the time when it was announced, we did not have a rank of Lieutenant General in that fashion in terms of the regulations. The rank of Lieutenant General existed in 1990, 1992 and 1993 amendments of the regulations. In 1995 it fell off, so we never had a Lieutenant General that is not married, that is not attached to a specific post. That is, you have to be a Lieutenant General. That is why there is always something
10 in brackets. It cannot be Lieutenant General without anything in brackets. That is how the regulations are written.

ADV SEGEELS-NCUBE: Okay, paragraph 63.

DOCTOR LEBEYA:

“During 2012, I was tasked by General Phiyega in the presence of the Minister of Police to deal with the cases of political killings in Mpumalanga...”
...[intervenes].

20 **ADV SEGEELS-NCUBE:** Sorry, Doctor. When you say Minister of Police, if you could just say who it was at the time so that we can keep track?

DOCTOR LEBEYA:

“During 2012, I was tasked by General Phiyega in the presence of the Minister

of Police, Honourable Mthethwa, to deal with the cases of political killings in Mpumalanga. When I asked for copies of these cases from the Provincial Head of the DPCI in Mpumalanga, he advised me that the Divisional Commissioner had already asked for copies. When I checked with the Divisional Commissioner of Detective Service, he
 10 told me that he has been tasked by the National Commissioner. It was a Divisional Commissioner who reports to me, who was tasked by the National Commissioner, signalling that she was, in my view, politically instructed not to task me on matters resulting under my responsibility.”

ADV SEGEELS-NCUBE: And who was the Divisional Commissioner of Detective Service that you are referring to
 20 there?

DOCTOR LEBEYA: The Divisional Commissioner was Lieutenant General ...[indistinct].

ADV SEGEELS-NCUBE: Thank you. 64, sorry.

DOCTOR LEBEYA:

“The restructuring which has been used

by every National Commissioner, including the acting National Commissioners, has been used to either constructively enhance the organisation, destructively weaken the organisation, negatively weaponize it against adversaries and nepotistically created poles to accommodate loyalists. On 12 August 2012, General Phiyega indicated that she wanted to restructure the police and reduce the number of Deputy National Commissioners. The first restructuring came on 30 August 2013. I was offered a post of head SAPS Research Institute. I was to move from a post of Deputy National Commissioner to a post of head SAPS Research Institute, which meant that I would have been demoted as defined in section 186(2)(a) of the Labour Relations Act 66 of 1995. Demotion must be preceded by a Board of Inquiry as provided for in section 34 of the South African Police Service Act of 1995, read in conjunction with Regulation 64 of the South African Police Service

Regulations of 1964 and Standing Order General 121(1)(d). That is the treatment that I endured in the police for fighting corruption.”

ADV SEGEELS-NCUBE: Paragraph 66.

DOCTOR LEBEYA:

10 “I was dismissed by General Phiyega on 31 May 2014 without following a legal process, indicating that I refused to accept the post. However, she placed me on pension roll because the system did not recognise the novel dismissal which she called self-redundancy. After a full two years of this unlawful treatment, the court reinstated me on 16 May 2016 and discharged me on a no-fault discharge on 31 May 2016, which is a form of retirement. During the last month's discussion with the police, I have
20 offered to take the post of Deputy National Commissioner Crime Detection, which was now re-established through restructuring. I was told that the acting National Commissioner said that he had already placed senior managers in post.

When I said, but there is no one appointed in the post, they just said, no, it would appear that it is from above. The SAPS expressly apologised for all the treatment I received, which I accepted. I attach copies of certificates of service dated 9 December 2014, 1 July 2016 and 2 August 2016, as well as a letter of apology as per Annexure GL24.”

- 10 **ADV SEGEELS-NCUBE**: Then at paragraph 67, you referred to several attempts that were made to get rid of you by colleagues and individuals of highly questionable character, but could I ask you to deal with subparagraphs 67.3, 4 and 5?

ADV BALOYI SC: Maybe before you do that, Doctor Lebeya, in paragraph 66, who is the acting National Commissioner at this point?

DOCTOR LEBEYA: The acting National Commissioner was Lieutenant General Phalane. Paragraph 67.3:

- 20 “Major General (R) (Advocate) Nkitsing Prince Mokotedi reported me as protected disclosure to the authorities, including the Presidency, the Ministry and Parliament, to the effect that I am occupying the post unlawfully, contrary to

the provisions of Chapter 6(A) of the South African Police Service Act, as corrected by the Constitutional Court.”

ADV SEGEELS-NCUBE: And which position is this that you are referring to, that I was occupying the post unlawfully?

DOCTOR LEBEYA: This is the position of National Head of the DPCI.

ADV SEGEELS-NCUBE: And when did he report this?

10 **DOCTOR LEBEYA**: I think that it might, it is just before his disciplinary processes was finalised, I think it is 2021, around 2021. I do not have the specific date.

ADV SEGEELS-NCUBE: Okay, and 67.4?

DOCTOR LEBEYA:

“Another former police official,
Advocate...”

Now no longer Advocate:

20 “...Malesela Daniel Teffo, reported to me to the authorities, including the Presidency, Ministry and Parliament, to the effect that I am occupying the post unlawfully, contrary to the provisions of Chapter 6(A) of the South African Police Service Act, as corrected by the Constitution.”

ADV SEGEELS-NCUBE: And 67.5?

DOCTOR LEBEYA:

“Paul Robert O’Sullivan, a private investigator, made similar allegations and lodged a case at court, contrary to the provisions of Chapter 6(A) of the South African Police Service Act, as corrected by the Constitutional Court. He only withdrew the case when our response shows that provisions of the law that he relies on was deleted by the Constitutional Court. Our relationship has always been cordial until I refused to provide him with the status of a case that the Directorate were dealing with.”

ADV SEGEELS-NCUBE: And when was this? What year are we talking about?

DOCTOR LEBEYA: I think that it is 2023, 2024.

ADV SEGEELS-NCUBE: And do you recall what case he was asking about, the status of the case?

DOCTOR LEBEYA: Yes, I do recall the case he was talking about.

ADV SEGEELS-NCUBE: Is it a case that you can mention here, or no?

DOCTOR LEBEYA: It is, without detailing it, it is

commonly known as the Phala Phala matter.

ADV SEGEELS-NCUBE: Okay. He was asking you for a status update on the Phala Phala matter?

DOCTOR LEBEYA: Yes. When he phoned me, he said that he is sitting here with his friend who is a doctor, and then I just need progress of this status of the case.

ADV SEGEELS-NCUBE: And did he say in what capacity he was asking for the status?

DOCTOR LEBEYA: He did not say, but I just felt somebody
10 else is asking me to provide him with the status of the matter that is handled by the Hawks, and he tells me that he is sitting with his friend doctor. They have got nothing to do with that. I cannot report to any other person about progress of matters in the DPCI. So I did not ask him your status, because I know he is not a lawyer, and I could not understand why he would ask me to provide him with the status of the case.

ADV BALOYI SC: Did he mention the friend who is a doctor that he was sitting with by name?

20 **DOCTOR LEBEYA**: He did mention the friend that he was sitting with, Commissioners.

ADV BALOYI SC: And he said the name is what?

DOCTOR LEBEYA: He said that he is sitting with Doctor Bejani Chauke, his friend.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: You say in the same paragraph, Doctor Lebeya, that your relationship has always been cordial until you refused to provide. What was the nature of your relationship up to that point?

DOCTOR LEBEYA: Mr O'Sullivan, the first time I knew about him was, I think, 2001, when he was the complainant on the cases against National Commissioner Selebi. So I was in charge of the Detective Service in Gauteng. So this matter resorted under the Detective Service in Gauteng. So
10 I had to appoint people to conduct the investigation. So I even had to visit his office, so that he would go and show me where he said that he made a U-turn when the people wearing balaclavas were shooting at him. So it is those kind of cases that I knew him.

And later on, I think that it is somebody else who has been providing information, and then I also came to my office at some stage. So it is somebody else who reports matters. He does report matters. In some of the matters, he is the complainant, where we have even effected arrest
20 when we did not have a complainant. So he is that type of person, and then information from time to time he will email to different people. So that is how I know him.

ADV SEGEELS-NCUBE: Thank you. Chair, may we take the tea adjournment?

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

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. General, when we adjourned, we had dealt with paragraph 67, several attempts that were made to get rid of you in SAPS by colleagues and individuals of highly questionable character. We had just completed Mr Paul O’Sullivan and the next one is at page 50, 67.6.

10 **DOCTOR LEBEYA:**

“A self-proclaimed whistle-blower, Gladness Patricia Mashale, initially complained about me on the 17th of November 2010, where she wrote a letter to the State President Zuma, because of the outcome of the investigation that she did not like. After September 2021, she complained in the social media that I had been appointed unlawfully and that I was occupying the post unlawfully, contrary to the provision of Chapter 6A of the South African Police Service Act, as corrected by the Constitutional Court. I believe that she was upset by the fact that she had not been appointed in the two captains' posts

20

in the Hawks Free State.”

ADV SEGEELS-NCUBE: The investigation that you referred to, she was because of the outcome of the investigation that she did not like. What was that investigation?

DOCTOR LEBEYA: There were complaints that were lodged against the Free State top management, including the Provincial Commissioner. I was tasked to investigate those matters by the National Commissioner. So after
10 conclusion of the investigation, I submitted my report to the National Commissioner, at the time he was a General Cele. It is based on those investigations that she needed a particular outcome, but my recommendation was somehow different to what was expected.

So in my recommendation I said that because of the way in which the province is divided, because of this layer at the top, it is better to transfer the following top management out of the province, which I think that is what they have done. They placed others in Gauteng, Limpopo,
20 and North West Province. So that is the outcome that she did not like.

ADV SEGEELS-NCUBE: And then you keep saying Chapter 6A of the South African Police Service Act as corrected by the Constitutional Court. What are you referring to as corrected by the Constitutional Court?

DOCTOR LEBEYA: There were certain provisions in the Act that were requiring individuals to be retiring at a particular age and the like. Things like the Minister producing some policy affecting the Hawks and the like. So when these things were challenged, it went to the Constitutional Court. The Constitutional Court deleted certain provisions in the Act, and I suspect these individuals did not delete their own copies.

So they kept on reading what the Constitutional
10 Court has deleted, because the Constitutional Court has said with effect from this date, these provisions are deleted. So this is what they are reading. They challenge me that I am over age. I am supposed to have retired. They read what is deleted there in the Act. So that is what I say that it is corrected by the Constitutional Court.

ADV SEGEELS-NCUBE: Okay, thank you. And then at 67.7.

DOCTOR LEBEYA:

20 “Senior managers from Crime Intelligence brought a list of recommended candidates for promotion when I was 18 as the National Commissioner. In that list was my spouse, who was an administrative clerk, was included for promotion to the rank of Warrant Officer. I recused myself and

referred the matter to Lieutenant General Stander. The process died down. I considered that to be an enticement. As I investigated the irregular appointments in Crime Intelligence, Colonel Roelofse stated in an affidavit to the State Capture Commission that Colonel Naidoo informed him about this plan. Those who were in Crime Intelligence at that time might shed
 10 light, as the Divisional Commissioner was no longer in office when that happened.”

ADV SEGEELS-NCUBE: Okay, then at paragraph 68, you say that:

“The lesson to be learned from this is that there are individuals that can be used by faceless people with ulterior motives.”

Now, who are the faceless people in subparagraph 67 that you are referring to, and who are the individuals that are using these for ulterior motives?

20 **DOCTOR LEBEYA:** From time to time, you will find that there are complaints that are anonymous, that have been sent to various offices, such as the State President, the Minister, Parliament, who are not naming themselves. And some of those individuals, obviously I have mentioned their names, who are informed by others. It means some other

people are pushing on them. So I cite examples of people that are being used. So only investigation will unearth that one.

ADV SEGEELS-NCUBE: But insofar as people are being used regarding you, you say it is those people that are listed in paragraph 67? Is that what you are saying?

DOCTOR LEBEYA: Including those who are listed in paragraph 67. Those that are anonymous, they write these things and say that it is anonymous. They write to the State
10 President and say, Anonymous.

CHAIRPERSON: Since 27 April 1994, this may not be considered that important, but I think it is important, we talk about the President, not State President.

DOCTOR LEBEYA: Thank you, Commissioner.

ADV SEGEELS-NCUBE: Thank you. Then, General, if we can go to the next topic on page 52. It is your appointment as the National Head of DPCI, but we have already covered that when you dealt with your background. So I propose that we skip that topic and go to the next topic, which is the
20 existence of organised criminal groups in the criminal justice system. Page 54. And if you could start with paragraph 73.

DOCTOR LEBEYA:

“The first stage of fighting Organised Crime
after the promulgation of the Prevention of

Organised Crime Act 121 of 1998, which is commonly known as the POCA, was the establishment of Organised Crime units and the selected Organised Crime section SOCs as per National Instruction 5 of 1999, a copy of the National Instruction is attached as per Annexure SGL26. The identification of organised criminal groups follows a scientific method called Crime Threat Analysis, or Organised Crime Threat Analysis, the CTA/OCTA process. The guidelines were documented by Superintendents Ronèl van Wyk and Andre Krause in February 1999 and updated in February 2000. These guidelines cover all of the issues relating to Organised Crime. On the 21st of February 2000, as the Head of Specialised Investigations in Gauteng Province, I established and chaired Organised Crime Combating Team. Copies of correspondence relating to this Organised Crime approach are attached as per Annexure SGL27. On the 10th of April 2000, when Gauteng was presenting 113 Organised Crime projects at National Head

Office, I was responsible for the task
before National Commissioners Selebi.”

ADV SEGEELS-NCUBE: Then you referred to the, for Gauteng, that you drafted the guidelines on Organised Crime approach in July 2000. Was that guidelines, was it ever implemented in Gauteng?

DOCTOR LEBEYA: Yes, when I drafted the guideline because I was the Head in that Organised Crime process, I implemented, we operationalized that.

10 **ADV SEGEELS-NCUBE:** Then if I could ask you to go to page 55, the sentence after Annexure SGL28, if you can continue from there, please.

DOCTOR LEBEYA:

20 “The description of informer is incorporated in the document. I have also written a document in 2004 titled Guidelines on Organised Crime Project Investigation, which was necessitated by the suspension of CTA/OCTA process by National Crime Combating Forum Instruction 29 of 2002 which was done on the 5th of July 2002. That was intended to be for a year but was never reviewed. The instruction is attached as per Annexure SGL29. The difficulties identified in dealing with

Organised Crime were attended to, which resulted in the establishment of Organised Crime units in the National Prosecuting Authority, to prosecute cases emanating from Organised Crime units of the SAPS. Copies of the correspondence of 2004 and 2006 are attached as per Annexure SGL30. The current Project Committee and Organised Crime Secretariat must be effectively implemented by Crime Intelligence by way of analysis and identification of syndicates.”

ADV SEGEELS-NCUBE: Then 74.

DOCTOR LEBEYA:

“The identification of syndicates is dependent on the effectiveness of Crime Intelligence. The focus of Crime Intelligence seems to leave much more to be desired. While there were 481 organised criminal groups with 2,178 primary suspects identified in 1995, in the first quarter of 1999 the figure was 793 organised criminal groups with 11,658 individuals. The figure had been reduced to 72 Organised Crime projects, 29 which

are handled by the DPCI and 43 by the Detective Service. That is 72 organised criminal groupings as on the 27th of May 2025, I doubt that the project under investigation is amongst these 72 projects.”

CHAIRPERSON: On all these figures you are talking about those that were identified, which means there could have been more than those identified.

DOCTOR LEBEYA: Yes, Commissioner, that is correct. If
10 we were able to identify that number in 1995, we cannot say that organised criminal groups are no longer in existence now that we only have got 72. It means there is a failure elsewhere.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: And when you refer to I doubt that the project under investigation is amongst these 72 projects, which project are you referring to?

DOCTOR LEBEYA: I am referring to the project that the Political Killing Task Team and Organised Crime in Gauteng
20 were handling of the killing of – person in the Vaal Rand?

ADV KHUMALO SC: Mr Swart.

DOCTOR LEBEYA: Mr Swart of Q-Tech.

ADV SEGEELS-NCUBE: Okay, that is the project that you are referring to, the killing of Mr Swart.

DOCTOR LEBEYA: That is correct, Chair, Commissioners.

ADV SEGEELS-NCUBE: Then if we can go to paragraph 76.

DOCTOR LEBEYA:

“When I left the DPCI, there were still high profile cases that were under investigation. This included cases against Ministers, Directors Generals, Lieutenant Generals, a Judge, police officers, soldiers, political leaders, organised criminal groups. There is absolutely no level that we have not reached. I understood that the DPCI is a leading entity in the Republic in fighting serious organised crime, serious corruption, and serious commercial crime. I do not believe that the insinuation by Captain Maxwell Wanda to the effect that he is from the “toppest” which relates to the political task team is correct.”

ADV SEGEELS-NCUBE: Okay, then if we can go to the next topic, which is at page 59. Imposters of members of the DPCI. 81.

DOCTOR LEBEYA:

“Criminals often must parade as officials.”

ADV KHUMALO SC: The heading, please read the heading.

ADV SEGEELS-NCUBE: I said Imposters of Members of the DPCI.

DOCTOR LEBEYA:

“Criminals often must parade as officials to deceive unsuspecting potential victims. In criminal justice system, they will pretend to be either police officials, members of Special Investigation Unit, Traffic Officials, or National Prosecuting Authority officials. When allegations are made against any person, these individuals will approach that person of interest and pretend to be from law enforcement agencies that can assist in making the case go away. Some victims have fearfully paid.”

ADV SEGEELS-NCUBE: 82.

DOCTOR LEBEYA:

“As in December 2024, the DPCI was aware of more than 30 unresolved cases where people were pretending to be from the Hawks when they were not. We had in the past arrested persons who pretended to be from the Hawks. Some wearing Hawks' T-shirts. Some suspects called themselves Major General Khana, Major General

Moodley, Major General Masuluke, Brigadier Tshabalala, Brigadiers Snyman and Brigadier Monama. Some were inmates operating inside Correctional Services facilities. The following are 20 examples that appeared in the print media.”

ADV SEGEELS-NCUBE: You then deal with those examples and the examples that you want to highlight can
10 be found on page 64. We can start with paragraph 84.

DOCTOR LEBEYA:

“It is worth mentioning that several persons were using my photographs to defraud members of the public. One such person, Thabo Enock Theletsane, who was using cell phone number 060173 ...[intervenes]”

ADV SEGEELS-NCUBE: You do not have to read it, it is fine.

DOCTOR LEBEYA:

20 “...was arrested under a case that was registered in November 2024 under Garsfontein CAS 13/11/2024. There were complaints received from Limpopo, North West, Western Cape, Gauteng and Free State about people pretending to be me. A

reasonable National Head who is aware of the existence of imposters will not sit back and do nothing when information suggests that some people are pretending to be from the DPCI and more so misrepresenting themselves as having been sent by the same National Head.”

ADV SEGEELS-NCUBE: Then 84, you do not need to read the cell phone numbers into the record.

10 **DOCTOR LEBEYA:**

“Over and above this number, some of the individuals who pretended to be me reflected their cell phone contact numbers which I have listed, with my picture that have been downloaded from internet. On one incident, the imposter created and labelled a warrant of arrest against the Deputy President of the country, Paul Shipokosa Mashatile, on the 11th of

20 November 2024. This document bears my real signature from the mandate of the DPCI document which had been altered by way of a computer and new information inserted. A lesson that not all documents that look real are real. The photograph

below depicts the nature of the fake warrant of arrest.”

ADV SEGEELS-NCUBE: And then at paragraph 86 you refer to photographs with your picture with false numbers and you give us an example of that on page 66. And then if we can go to paragraph 88.

DOCTOR LEBEYA:

10 “I learned on 7 November 2025, during the testimony by a Ekurhuleni Metropolitan Police Department (EMPD) Chief Jabulani Isaac Mapiyeye, that EMPD were caught pretending to be members of the Hops under CAS number 797/3/2023. His colleague, a former member of the EMPD Commissioner Revo Spies, also highlighted the challenge of impersonators including Blue Light gang.”

20 **ADV SEGEELS-NCUBE:** Then the next topic, Invitation to Witnesses A and B for Response to the Said Scenario. I am not going to deal with this effectively. What you have done is you have set out what you refer to as a 10 mark crisis management question which you invite them to respond to regarding the events of 6 December 2024 and the opinions that they formed that the Hawks were in fact trying to interfere with the takedown operation at Mr Molefe's

residence. Correct?

DOCTOR LEBEYA: That is correct, Chair, Commissioners.

ADV SEGEELS-NCUBE: All right. So if we can then go to the next topic. You can deal with this later insofar as when you answer your questions about some of the criteria or the requirements or factors that you took into consideration when you made your decision. But I do not think it is something that we need to deal with as part of your evidence, where you invite Witness A and B to respond to
10 an examination question by you. Is that fair?

DOCTOR LEBEYA: Thank you, Commissioners.

ADV SEGEELS-NCUBE: Thank you. Can we then go to page 69 which is duration of relationship with Mr Malcolm X. And you can start at paragraph 91.

DOCTOR LEBEYA:

20 “The ability to solve crime is based on the support one receives from various role players. Part of these role players are members of the public who are not prepared to be spectators but to act. I have been able to solve many cases using this methodology. When National Instruction 2 of 2001, that deals with certain types of people who are not spectators in fighting crime, came into

operation, I was familiar with the system. It is the same methodology that is used by Witness A and B. These witnesses have indicated that they have acquired information from a person whose detail is saved in their phone and obtained information from an inmate. At times, this methodology could go to the extent of applying the provision of section 205 and 252A of the Criminal Procedure Act 51 of 1977. You always open your eyes and apply this method with caution. It is for that reason that the cautionary rule will apply in dealing with their evidence.”

ADV SEGEELS-NCUBE: At 92, you speak about your first meeting with Mr Malcolm X.

DOCTOR LEBEYA:

“On 18 April 2023, Malcolm X came to my office for a reason that belongs *in camera*. It was my first time to meet him on his request. In the process, he also asked to take a photo, which I agreed as most people like to take a picture with me. As I was not an undercover police official, allowing a member of the public to take

pictures with me is not prohibited. There is nothing wrong with that. While several people have been taking pictures with me, I only know of one who used the picture to claim that I gave him authority to investigate cases on behalf of the Hawks. He only stopped when we enlisted the services of a Senior Counsel who drafted a letter that our attorneys served on him to

10 cease and desist.”

ADV SEGEELS-NCUBE: Just for clarity, the person that you say, I only know of one who used the picture to claim that I gave him authority to investigate cases, is it also Malcolm X, or are you referring to a different person?

DOCTOR LEBEYA: It is a different person who also came to the office and did the same of taking a photo, and thereafter pretended to other individuals that I have tasked him to investigate cases on behalf of the Hawks.

ADV SEGEELS-NCUBE: Thank you. 93?

20 **DOCTOR LEBEYA:**

“The fact that an individual is known by a police official, does not protect that person from any law enforcement agency in case such person violates the law. We have in the past arrested individuals who had

provided us potential information, and when caught en route to committing a crime, they would insinuate that the police knew about the operation. We are always alive to the possibility of double-debriefing. A user of this methodology must always be on the alert.”

ADV SEGEELS-NCUBE: Page 71, paragraph 94.

DOCTOR LEBEYA:

10 “On the 23rd of October 2023, Malcolm X (57) was arrested by the Serious Corruption Investigation, Head Office, DPCI, together with Warrant Officer Desmond Campbell Kekana (52) of Crime Intelligence, Warrant Officer James ...[intervenes]”

ADV SEGEELS-NCUBE: You do not have to read the ages, it is fine.

DOCTOR LEBEYA:

20 “...Warrant Officer James Sekhaolelo of K9 Dog Unit, and Sergeant Raymond Mphuwa Mokaile of K9 Dog Unit. The component that effected arrest is based at Head Office of the DPCI, and I was the National Head of the DPCI at the time. In whatever

capacity he may have known me, it does not prevent members from doing their work as we have all taken an Oath of Office in terms of section 17E, subsection 10 of the South African Police Service Act.”

ADV SEGEELS-NCUBE: 95.

DOCTOR LEBEYA:

10 “On 6th of December 2024, Malcolm X, who is a member of the public, phoned me to alert me that there are people who claims to be from the Hawks and to have been sent by me to an address in Sandton. I knew that I had not sent any member there. I took it that in case there were people who claimed to have been sent by me, they would be imposters. Knowing the scenario painted about impersonators, I had to ensure that action is taken to verify the information and in case of impersonators

20 effect an arrest, in case of legitimate members, confirm as such and allow them to continue. A reasonable senior manager in my shoes would have reacted the same way. Indeed, the team verified that the people were police officials, but not Hawks,

and they allowed the team to proceed without disturbances as confirmed by Lieutenant General Mkhwanazi.”

ADV SEGEELS-NCUBE: When you say as confirmed by General Mkhwanazi, you are referring to what he said in the 6 July press briefing?

DOCTOR LEBEYA: That is correct, Chair, Commissioners.

ADV SEGEELS-NCUBE: But we will get to the evidence that was presented about alleged interference or
10 disturbances by the people that were on the scene on the day because General Mkhwanazi was not on the scene.

DOCTOR LEBEYA: Correct, Commissioners.

ADV SEGEELS-NCUBE: Thank you. Then, in fairness to you, General, the next paragraph is quite a lengthy one and it refers to an article that was published by Bernadette Wicks in the News24 regarding the takedown operation at Mr Molefe's offices. I just wanted to understand from you what is it that you want to extract from that article. It seems that you want to highlight something from there.

20 **DOCTOR LEBEYA:** Thank you, Commissioners. All what I needed to highlight in this paragraph is to indicate that, as on the 6th of March 2025, it was already known why the members of the Hawks were sent there. So at the time in July when the statements are made, I thought that this shall have clarified the position why members of the Hawks went

to Sandton.

ADV SEGEELS-NCUBE: Because of the fear that it was impersonated, that they were impersonating the Hawks.

DOCTOR LEBEYA: That is correct, Chair, Commissioners.

ADV SEGEELS-NCUBE: Thank you. And then, at paragraph 97 on page 73...

DOCTOR LEBEYA:

“Malcolm X is not my friend.”

I also needed to be adding that he is also not my enemy.

10 **ADV SEGEELS-NCUBE:** Okay, thank you. Then, media briefing, the next topic, media briefing of the 6th of July 2025, and facts on allegations. At 98, you quote from, I think, the briefing, and this relates to the 6th of December takedown operation. And I think this is what you want to highlight here, we will not read the whole thing, it is that General Mkhwanazi, in that briefing, on page 74, said:

20 “Fortunately, when they arrived there, the members realised that it is indeed the police operations, so they allowed the members to carry out their operation without disturbance.”

That is what you wanted to highlight from that.

DOCTOR LEBEYA: That is correct, Chair, Commissioners.

ADV SEGEELS-NCUBE: Thank you. Then, at 99...

DOCTOR LEBEYA:

“It is probable that Lieutenant General Mkhwanazi had known about the involvement of Serious Organised Crime in November 2024 when he approved the request by Lieutenant General Dumisani Khumalo to send the members from KwaZulu-Natal to Gauteng because of Organised Crime which resulted in the killing of Mr Swart of Q-Tech. Having
 10 become so aware, it should have triggered the application of section 16, subsection 4, paragraph B of the South African Police Service Act 68 of 1995, as indicated in paragraph 14, supra. In that, if that is the case, had he complied with this provision, I would have known about the operation and would not have sent members from the DPCI.”

ADV SEGEELS-NCUBE: This is, of course, assuming that
 20 he wanted you to know about the operation.

DOCTOR LEBEYA: Just repeat that, Commissioner.

ADV SEGEELS-NCUBE: This is assuming that General Khumalo wanted anyone, any other agency to know about the operation within SAPS.

DOCTOR LEBEYA: Yes. Yes, Commissioner.

ADV SEGEELS-NCUBE: As I understand it, your reliance on section 16(4)(b) is on the basis that the person, so the entity, in this case PKTT or General Khumalo, would have wanted you to know about the operation.

DOCTOR LEBEYA: The obligation is put on the Provincial Commissioner. So they shall have discussed with General Khumalo, let us inform the National Head if needed.

ADV SEGEELS-NCUBE: If needed, yes.

DOCTOR LEBEYA: And if I had known, I would not have
10 sent members of the DPCI.

ADV SEGEELS-NCUBE: And when you say, so it would have been General Khumalo, Dumisani Khumalo, and it would have been the PC of Gauteng. That is what you are saying.

DOCTOR LEBEYA: If the PC of Gauteng had known, I would have expected the PC of Gauteng to inform me.

ADV SEGEELS-NCUBE: Yes.

DOCTOR LEBEYA: If the PC of KwaZulu-Natal has known, I would have expected the PC of Gauteng to inform me.

20 **ADV SEGEELS-NCUBE:** You said if the PC of KwaZulu-Natal knew, you would have expected him to tell you as well about an operation in Gauteng.

DOCTOR LEBEYA: Usually, normally it is the Provincial Commissioner who have got jurisdiction. But because this one is happening in a different province where the

Provincial Commissioner is operating from, I still expect a Provincial Commissioner to inform me. The law is not crafted in such a way that it says if the matter is happening in another province. Because then, in terms of projects, when it crosses the borders, it becomes a different level 3, 4. Then that is when it must be elevated to the DPCI.

ADV KHUMALO SC: Does this not apply where DPCI's resources are required? So in other words, if they require DPCI's resources and expertise, then they inform you. Is
10 that not how it works?

DOCTOR LEBEYA: That is correct. When it is an organised crime on level 3, they should inform the National Head.

ADV KHUMALO SC: But my reading of it is they should inform you where they require your expertise and your resources. So if it was, for example, say it was an ordinary drug bust by SAPS, why would they have to inform you about it?

DOCTOR LEBEYA: Ja, no, if it is an ordinary drug, if it is
20 an ordinary crime, they will not.

ADV KHUMALO SC: It is the same with an arrest. If it is an ordinary arrest for murder, why would they have to inform DPCI? Unless they require, as 16.2 says, your expertise and your resources, then they would have to notify you.

DOCTOR LEBEYA: Yes, I agree. If it is not an organised crime matter, it is an ordinary crime, they do not have to inform me. So I am trying to indicate that if it is an organised crime project, if it relates to organised crime activities, that is where one expects to be informed.

ADV KHUMALO SC: Because I understood one of the witnesses earlier to say Schedule 3 offences fall within the mandate of DPCI. So if it is a Schedule 3, they cannot, as SAPS, ignore you and just...

10 **DOCTOR LEBEYA:** Ja, I did not follow that witness. Level 3...

ADV KHUMALO SC: I understand that part, even if you did not follow. Because you have just said so yourself, if it is organised crime activities, then naturally DPCI would be involved. And if they require your resources and expertise, they would inform you, because they would need your assistance in that regard.

DOCTOR LEBEYA: Thank you, Commissioner.

ADV KHUMALO SC: Yes.

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

ADV BALOYI SC: General, I just wanted to check the effects of the operation, the killing of Mr Swart, is something that happens in Gauteng. When you say you would have expected General Mkhwanazi to inform you, on what basis is that?

DOCTOR LEBEYA: Commissioner, the killing of Mr Swart, I am not supposed to be informed about that. It does not resort in the mandate of the DPCI. It only comes when we are classifying this as organised crime, not the murder, Commissioner.

ADV BALOYI SC: The question still, because you, as I have understood your statement and your testimony, you say if things were done properly and there was proper coordination, you would have expected General Mkhwanazi
10 to alert you that there is this operation. And the question really is, why him? I understood from your statement, and please correct me if I am wrong, that that expectation came from the fact that he provided members of the, authorised members of PKTT to come and assist the GCI Ops. I understood that to be your basis, that he should have informed you. Am I correct in that understanding, or is there a different basis?

DOCTOR LEBEYA: Yes, because then it is being classified as an organised crime, not only the murder of Mr
20 Swart. So if it is classified as organised crime, I expected that at least one should be informed.

ADV KHUMALO SC: Commissioner Baloyi's point is that then it would be the Provincial Commissioner in Gauteng who should inform you, not a Provincial Commissioner in KZN, because this is not a KZN case.

DOCTOR LEBEYA: Yes, so I will accept that, and say that whoever Provincial Commissioner is aware of that, the National Head need to be informed. So I agree that it could be the Provincial Commissioner of Gauteng. I am not sure if he was aware himself.

CHAIRPERSON: But why did you bring the KZN Commissioner into the picture?

DOCTOR LEBEYA: It is because of the sending of the members from KZN. I thought that it means that they are
10 aware of particular organised crime projects that need to be handled in Gauteng. So it is the point where I can see the knowledge of organised crime.

CHAIRPERSON: All right, thank you.

ADV SEGEELS-NCUBE: Thank you. Paragraph 100.

DOCTOR LEBEYA:

20 “Lieutenant General Mkhwanazi seems to have relied on the opinion of Witness A and Witness B. I have noted that he has not repeated this allegation in his statement or oral testimony in both the Commission or the Ad Hoc Committee in Parliament. I take that he has effectively withdrawn the allegations of interruption. The allegations are now left with Witness A and Witness B. The duo are not qualified

to express an opinion at all. Captain Maxwell Wanda may express an opinion on forensic field, but not on the purpose of sending the team to a possible scene of crime. He reportedly told Captain Nortje from Johannesburg Serious Organised Crime that they are, they were SAPS's "toppest", a self-proclaimed distinction."

CHAIRPERSON: And why do you say Witnesses A and B
10 are not qualified to say that the DPCI members went there to interfere with the operation?

DOCTOR LEBEYA: Ja, they, my view is that they are expressing an opinion. The facts, the knowledge of why the members of the Hawks are sent there, are known by me. What they are expressing is their view, opinion, which I thought that they should not be expressing that opinion.

CHAIRPERSON: If you are saying that on the basis that in a court of law, for example, opinion evidence is not admissible except for opinions made or proffered by
20 experts, that does not apply here.

DOCTOR LEBEYA: Ja, I am aware that there are certain exceptions where they can express certain opinions on certain things. But in this regard, I felt that they should not express an opinion on this one. I am the one who is the custodian of the information, Commissioner.

CHAIRPERSON: All right, thank you.

ADV SEGEELS-NCUBE: Thank you, General. 101.

DOCTOR LEBEYA:

10 “Throughout my professional interactions, I
have never experienced any difficulties or
issues in my relationship with Lieutenant
General Mkhwanazi. Our communication
has always been straightforward and
without conflict, allowing for effective
collaboration and mutual understanding in
all matters pertaining to our official duties.
During the KwaZulu-Natal Hawks' annual
Excellence Awards ceremony, I
commended him for saying a spade, when
he refers to a spade.”

20 **ADV SEGEELS-NCUBE:** And then at paragraph 102, you
set out certain interactions you have had with General
Mkhwanazi, starting in March 2024 and then going up to
June 2025, to illustrate that you had a cordial, collegial
relationship with him, correct?

DOCTOR LEBEYA: That is correct, Chair, Commissioners.

ADV SEGEELS-NCUBE: We will not go through all of
them. There is one that I do want to refer to. It is the one
on the 26th of January 2025. If you could read that one,
please. At paragraph 102.2.

DOCTOR LEBEYA:

“On 26 January 2025, I sent a request as follows: ‘Good morning, General. I hope that you are well. I would like to have a five to ten minutes talk with you, relating to some intervention that may be sought from yourself. Thank you, General.’ We met as we were all in Durban for police day activities, and I provided him with assistance sought from him, in connection with the Newcastle case, number 408/1/2025, where it was alleged that a captain enlisted the services of a hitman to kill a sergeant, investigating a case which I also brought to the attention of Lieutenant General Sibiya. I must add that I received the information about the challenge in this case from the Minister of Police on 21 January 2025, and arranged to meet the team in KZN, as they were not comfortable with meeting my DPCI team in KZN to hear their concerns.”

ADV SEGEELS-NCUBE: And the Minister of Police were referring to this Minister Mchunu?

DOCTOR LEBEYA: That is correct, Chair, Commissioners.

ADV SEGEELS-NCUBE: And you had met with him on the 21st of January 2025, or was it a telephone discussion?

DOCTOR LEBEYA: It could be the telephone. I am not very much sure about the physical meeting, because the 20th and the 21st, there shall have been also a physical meeting, which I think that Advocate Andrea Johnson may have testified about, I think it is the 20th. Some I find that possibly on the SMS regarding the provision of the information.

10 **ADV SEGEELS-NCUBE:** And the Minister had raised challenges regarding the investigation with you? What was his concern?

DOCTOR LEBEYA: Members from KZN shall have approached him regarding assistance in the investigation that they were doing. They needed assistance. And those included taxi-related killings and the like, which I felt that this belonged in the Detective Service. General Sibiya could be in a better position to deal with that, while there was a view that the Hawks should deal with that. So I was
20 just trying to deal with that so that it does not belong in the DPCI. But let me try to understand the concerns of the members. Thank you, Commissioners.

ADV SEGEELS-NCUBE: Thank you. Then the next interaction is at 102.6, if you can read that.

DOCTOR LEBEYA:

“I sent him the number of Advocate Andrea Johnson of Investigative Directorate Against Corruption (IDAC), as he requested and confirmed telephonically. He appreciated.”

ADV SEGEELS-NCUBE: Do you recall when this was?

DOCTOR LEBEYA: On the 2nd of June 2020... on the 2nd of June 2025.

ADV SEGEELS-NCUBE: The 2nd of June 2025 is where
10 you say he responded to your message and said:

“Good morning, General, I wish you well on the next chapter of your life.”

Was it the same day?

DOCTOR LEBEYA: No, I think that I shall have to check my message on the specific date, but I think that is either the 1st or the 2nd.

ADV SEGEELS-NCUBE: And did General Mkhwanazi tell you why he wanted Advocate Johnson's number?

DOCTOR LEBEYA: No, he did not tell me. I did not ask
20 him. I just felt that this one is a colleague that I know of. There must be a reason. Let me not go into asking the reason why he needed the number of the IDAC. We work closely with them, so I just provided the number. I did not ask why.

ADV SEGEELS-NCUBE: Thank you. 103?

DOCTOR LEBEYA:

“I know Lieutenant General Dumisani
 Samuel Khumalo of Crime Intelligence
 Head Office, and I also know Major
 General Mbuso Khumalo, the Deputy
 Provincial Commissioner Crime Detection
 Gauteng, under whose command the
 Gauteng detectives, including the Gauteng
 Organised Crime Unit, resort. I have never
 10 had any problem with either of the two.
 None of the two has shared information
 about possible operation. That would have
 obviated the need to send the Hawks'
 team. While accepting that the operation
 was secret, when the team updated
 Lieutenant General Khumalo about the
 developments, a telephone call to advise
 me that his team was conducting an
 operation could have avoided unnecessary
 20 confusion.”

ADV SEGEELS-NCUBE: And then at 104, you mentioned
 communication between you and General Khumalo,
 Dumisani Khumalo, in 2024 and 2025. And then if I could
 ask you if you could read from the sentence, seven lines
 from the bottom that starts, ‘vetting is an area where Crime

Intelligence is receiving 15 percent'. Do you see that sentence?

DOCTOR LEBEYA: That is correct, Commissioners.

ADV BALOYI SC: Maybe before you do that, General, in that preceding paragraph where you talk about if the two Khumalos had called you, it would have obviated any confusion, is there a practice or protocol where, whether it is the DPCI or the other units of the SAPS, when they do operations, is there a protocol or practice where you tell
10 each other? Because that suggests, that paragraph, left unexplained, suggests that this was a deviation. This may well have been a deviation because of secrecy or whatever other reasons, a deviation from either protocol or practice.

DOCTOR LEBEYA: It is not every project or every operation that they have to inform the DPCI. They may not be, it may not be relevant for that other environment. It is only where one knows that this one is relevant. Under normal circumstances, if it was an investigation of murder, it was not necessary to inform the Hawks.

20 **ADV BALOYI SC:** And that which is relevant to the other unit, that communication or coordination, if you like, is it by way of, is it because there is a protocol in place, whether written or agreed? And I ask the question, as you answer the question, keep this in mind. When Advocate Johnson was testifying and she spoke, I think it might have been the

first meeting between you and her, or in some context you met, she says, you said something like, stay in your lane.

You said that to her, which means do not encroach on my work. I ask again in that context, that is there anything in place that regulates how you cooperate with each other and therefore do not end up straddling onto each other's mandates and operations, in fact?

DOCTOR LEBEYA: It is just a general practice, that guide collaboration. You do not find in one document, you find all
 10 over. I attached some of the documents that I dealt with in 2000, where I was briefing all of the detectives in Gauteng. Among them you will find where we talk about collaboration, working relationship between detective and the Crime Intelligence and the like, all stakeholders. So it is just a practice, where it is necessary to involve others, that you may collaborate. Like section 17, capital letter F, will bring in, enforce the collaboration, but it is not every action, operation that requires all the stakeholders.

Otherwise there will be a waste of time to deal with
 20 something that does not require the others. I think that regarding Advocate Johnson staying in the lane, maybe when it comes to dealing with the laws regarding the establishment of ID IDAC and those, maybe I can highlight what I was referring to, staying in the lanes.

ADV BALOYI SC: Maybe let me ask a much more direct

question. In this operation that we are talking about here in your paragraph 103, was this the first time where an operation which is relevant to your mandate, insofar as this is supposed to be an Organised Crime operation, which is relevant to your mandate, that the SAPS unit, other SAPS unit has happened here, GCI Ops, conducted without informing you that we have this operation, or is this something that happens with some regularity?

DOCTOR LEBEYA: Just to clarify that, Commissioner, the
 10 operation itself was not necessarily what the Hawks were supposed to do. We found ourselves going there because there is this perception that people say that they are the Hawks' members. Otherwise, under normal circumstances, they should have arrived there and verified that no, they are not the Hawks' members. They did not pretend to be members of the Hawks and part ways.

It could not have gone any further. The only thing is the accusation that why do you send the members? You are disrupting, you are interfering. That is why it would
 20 appear that it seems as if we were saying that that investigation that they were doing was a mandate of the Hawks. It was not.

ADV BALOYI SC: When you say it was not a mandate of the Hawks, are you saying there was no need to inform you about it? Let me use a different example. If you did not get

a call from, you say, Malcolm X, to say there are people pretending to be the Hawks, if you had not received that call and these members of the SAPS who are the property, they conducted their operation and completed it, would you or would you not have a complaint that that is an organised crime, that falls within the organised crime definition, we should have been informed as well that you are conducting that kind of operation. I am trying to get to understand that.

DOCTOR LEBEYA: It is correct. I shall not have
 10 complained that they are operating on the mandate of the Hawks because there in the SAPS they also have got the Organised Crime component which was handling that. So if it is organised crime, it is supposed to be organised crime on level 1 and 2. It means it has not reached the stage where it needs the Hawks. Under normal circumstances, we would not want that investigation of that case. They can carry on.

I still doubt as to whether when they charge everybody, they charge them in terms of the Organised
 20 Crime Act, which I think that is the normal crime that they are charging them on, which may be mislabelling of that incident.

ADV BALOYI SC: Thank you. I am answered. Thank you.

ADV SEGEELS-NCUBE: Thank you. General, I just want to clarify that when Advocate Johnson was appointed as the

IDAC head, there was already a duty arrangement of some sort, as testified by Colonel Roelofse and Captain McLean, that some members of the DPCI were stationed at IDAC. Is that correct?

DOCTOR LEBEYA: Just repeat the question, Commissioner.

ADV SEGEELS-NCUBE: When Advocate Johnson was appointed as the IDAC head, there was already a duty arrangement between DPCI and IDAC in place from May
10 2020, where some of your members were working with IDAC or stationed at IDAC to investigate state capture matters. Is that correct?

DOCTOR LEBEYA: It is correct, Chair, Commissioners. We seconded the members to ID at the time when the Head was still another advocate who was in charge of the ID at that stage, before Advocate Johnson was appointed. She was appointed later when the first advocate resigned. So those members were sent there before Advocate Johnson was appointed as a Head of ID, before it becomes IDAC.

20 **ADV KHUMALO SC:** Was it Advocate Cronje?

DOCTOR LEBEYA: Advocate Cronje, correct, Chair, Commissioners.

ADV SEGEELS-NCUBE: Thank you. Back to paragraph 104 from the sentence that asked you, starting with 'vetting is an area'.

DOCTOR LEBEYA:

“Vetting is an area where Crime Intelligence is achieving 15 percent of Hawks vetting instead of 100 percent, as required by section 17(e)(2) of the South African Police Service Act. This is an area where the system is dismally failing. Seeking the intervention of the Deputy National Commissioner on the 25th of April 2024 has not helped. as it is common cause that Lieutenants Generals Sibiya and Khumalo are not in good terms.”

ADV SEGEELS-NCUBE: When you say are not in good terms, you mean at that time when the request was made in April 2024 or what you know now?

DOCTOR LEBEYA: At that time when I requested, the promise to intervene but then I realised it is not working because the other one is not complying and as a commonly known generally, it was known the relationship is not healthy at all.

ADV SEGEELS-NCUBE: Okay, 105, you speak about your relationship with Major General Mbuso Khumalo.

DOCTOR LEBEYA:

“I further checked my phone and realised that I have communicated with Major

General Mbuso Khumalo on other matters on three dates. And in two of these calls I was passing over a complaint from members of the public who contacted me on matters under the Provincial Detective jurisdictions. This kind of sharing information is a regular occurrence where you receive information and pass it over. I have communicated information to the

10 Provincial Commissioners and Divisional Commissioners when such information was brought to my attention which does not fall under the mandate of the DPCI. That is what collaboration is all about.”

ADV SEGEELS-NCUBE: Then 106.

DOCTOR LEBEYA:

“I do not associate myself with criminality. I took an oath on 11 May 1984 and I have always respected that oath. I took another

20 Oath of Office on the 1st of June 2018 and I have abided by that oath until the 31st of May 2025 under the oversight of two DPCI Judges. I will never betray my oath even when I am out of the system. I love this country which is the only one that I have. I

have worked and applied and competed for each rank that I held in the police except the DNC position. It is prudent to recall that section 199 subsection 6 of the Constitution of the Republic of South Africa 1996 instruct that: ‘No member of any security service may obey a manifestly illegal order. No commissioned officer should consciously believe that
 10 commissioned officers can take a manifestly unlawful instruction unless it is an admission that he or she takes manifestly unfair instructions’.”

ADV SEGEELS-NCUBE: Unlawful.

DOCTOR LEBEYA: Unlawful instruction.

ADV SEGEELS-NCUBE: Yes, thank you. Then the next topic is the activities that transpired on 6 December 2024. This relates specifically to your involvement and the allegations that have been made about DPCI interference in
 20 the takedown on 6 December. You can start at 107.

DOCTOR LEBEYA:

“The 6 December 2024 was a normal day for me as the National Head of the DPCI. Over and above the work that I normally execute, I also had to preside over the

DPCI annual Excellent Award celebrations. I still had to do other work and the telephone calls started at 06.59 and ended at 22.29 with 49 calls. On the other side, messages on WhatsApp and SMS will continue. The emails also needed attention. It was a busy assignment.”

ADV SEGEELS-NCUBE: Continue.

DOCTOR LEBEYA:

10 “The programme of the DPCI annual Excellent Award celebration at Diep-in-die-Berg in the eastern side of Pretoria, was starting at 15.30. I always arrived early at meetings, sessions and we were busy with the guests at the holding room where briefing had to take place.”

ADV SEGEELS-NCUBE: You may continue.

DOCTOR LEBEYA:

20 “Before the formal Excellent Awards proceeding started, I received a call from Malcolm X, who indicated that there were people who were claiming to be members of the Hawks who said that they had been sent by me to come and conduct raiding at his friend's place in Sandton. I checked

with the Provincial Head of the DPCI in Gauteng, Major General Kadwa, and the Divisional Commissioner of National Priority Offences Operations, Lieutenant General Mbotho, as to whether they were aware of members of the Hawks who are busy with an operation in Sandton. They answered in the negative. I asked the address from Malcolm X. Malcolm X

10 forwarded the address to me and I in turn simultaneously forwarded the same to Lieutenant General Mbotho and Major General Kadwa, in whose jurisdiction the area resort, to rush to the scene to verify and, if correct, to catch the persons pretending to be from the Hawks in the act. All police officials are bound to comply with and only with lawful instructions. The instruction was never to unlawfully

20 interrupt the legal operation.”

ADV SEGEELS-NCUBE: And then at 110 you can omit reading the cell phone numbers into the record. We will just call the 083 number and the 065 number.

DOCTOR LEBEYA:

“The calls received from Malcolm X were

from two numbers, the 083 number and the 065 number. When he first called me he used the cell phone that was saved on my phone, which is the 083 number, from 15.43 up to 16.23. At 16.29 he used one that was not saved on my phone, which is the 065 number, which he identified by sending a message reading Malcolm X. He used this second line from 16.29 to 17.17.

10 He reverted to his first one at 17.48. For communication of this day I also include communication with Lieutenant General Mbotho and Major General Kadwa for completeness. These communications were as follows..."

ADV SEGEELS-NCUBE: What I propose is that we deal with these messages when we deal with the cross-examination. It is on record. And I would also want to ask if you still have those messages, if you could give us

20 screenshots of the actual WhatsApps as opposed to how it is typed out in your, so that we will be able to flight it for the public and for the Commissioners when we deal with this evidence, if you do not mind doing that.

DOCTOR LEBEYA: I will do that, Commissioners.

ADV SEGEELS-NCUBE: Thank you. I would like to just

ask you to highlight certain aspects of the communication between you and Malcolm X, which has not previously been before us, because what we knew is that between General Kadwa, General Mbotho and yourself, you were sending them messages, but they were not always able to establish where you got that information from. And it seems that the information came from Malcolm X in your communication with him. One of those refers to, if you look at the address, like you say, at 15.51, so we are on page 81, the address
10 came from Malcolm X to you, which you then forwarded to General Mbotho and to General Kadwa, correct?

DOCTOR LEBEYA: That is correct, Commissioners.

ADV SEGEELS-NCUBE: And then at 16.08, Malcolm X forwarded a registration of a vehicle to you, starting with MB.

DOCTOR LEBEYA: That is correct, Commissioners.

ADV SEGEELS-NCUBE: And he sent a message thereafter at 16.09, a message that the car registration that was at, that of the people who were at the scene, and he says:

20 “Their car registration, General.”

So he was sending you the registration number of one of the vehicles being used by the police officers on the scene. Is that correct?

DOCTOR LEBEYA: That is correct, Chair, Commissioners.

ADV SEGEELS-NCUBE: Can I just ask whether you had

requested this from him during your call, or whether it was information that he was volunteering, the registration numbers?

DOCTOR LEBEYA: I think that I shall have asked, what types of cars were there. The way you were describing the cars, I needed to be knowing, or do they have a registration number, they marked and the like, so he sent the registration number.

ADV SEGEELS-NCUBE: And also on page 82, at 17.15, he
10 sends you again a message with vehicle registration and the make and model of the vehicles. And it comes after there is a missed call by him, but just before that, it is not before that, at 16.49, you received a call from him for one minute, and then there is a missed call at 17.14 from him. But then he sends you those vehicle registration and the make and model of the vehicle. Do you recall why he would have sent that to you?

DOCTOR LEBEYA: The allegation was that these are impersonators. We were not sure if they are police. These
20 cars are not marked. Some of them do not have registration. So those that have got registration, he was sending those registrations.

ADV SEGEELS-NCUBE: No, the two at 17.15, those were the vehicles, it says above two. So if you look at the message at 17.17, he says:

“The above two cars just arrived and confirmed they were sent by you, General.”

And that, he refers to the BMW and the Golf GTi.

DOCTOR LEBEYA: Yes, so this, it means where the Hawks officials who have arrived at the scene.

ADV SEGEELS-NCUBE: Did he want you to confirm that these are your guys because he is saying they say they were sent by you?

DOCTOR LEBEYA: I have not asked him any further to
10 provide the others that are coming, but I think the original message that I needed to know, though the registration of those vehicles, he just continued to send whatever vehicles that are arriving.

ADV SEGEELS-NCUBE: Okay, and then at 17.48, at the bottom of that page, page 82, he sends you a message saying:

“Thank you for sending people who verified that these gentlemen are policemen and King Nyambose really appreciates all your
20 efforts, General. It is a pity that the policemen you sent were not allowed inside the yard in the house.”

Who is he referring to as the King?

DOCTOR LEBEYA: I do not know King Nyambose, but this seems to be a clan name for Mthethwa, which it appears

that way, but he says King Nyambose, I do not know this King Nyambose.

ADV KHUMALO SC: Did you speak to Mr Mthethwa that day?

DOCTOR LEBEYA: Myself?

ADV KHUMALO SC: Yes.

DOCTOR LEBEYA: I did not speak to Mr Mthethwa, I spoke to Malcolm.

ADV KHUMALO SC: But do you know Mr Mthethwa?

10 **DOCTOR LEBEYA:** I do not know Mr Mthethwa.

ADV KHUMALO SC: And if he says he knows you, that would not be true.

DOCTOR LEBEYA: People may know me.

ADV KHUMALO SC: Not from TV, as in you are *bra's*, you are friends.

DOCTOR LEBEYA: No, I do not know Mr Mthethwa.

ADV SEGEELS-NCUBE: And do you know why he would refer to him as King Nyambose, to you, as though you should know who that is?

20 **DOCTOR LEBEYA:** I do not know why he mentioned King Nyambose to me. I do not know King Nyambose.

ADV SEGEELS-NCUBE: And then if we go to page 83, at 18.40 General Kadwa forwards a message to you, you say that reads incident report. I just want to understand, had you requested an incident report from either General Kadwa

or General Mbotho?

DOCTOR LEBEYA: I did not request, it is a normal practice that when you have done a particular assignment, executed a particular assignment, you should give feedback so that one is comfortable that the assignment has been executed. So he forwarded this as it was forwarded to him.

ADV SEGEELS-NCUBE: Okay. Then you say at 21.32 Malcolm X calls me for three minutes. That is the second last entry. What were you discussing with him?

10 **DOCTOR LEBEYA:** He was obviously still talking about the operation that took place, which he was appreciating the fact that we attended.

ADV SEGEELS-NCUBE: So that was the full extent of the three-minute conversation.

DOCTOR LEBEYA: That is correct. Obviously I cannot recall the nitty-gritties, but that was conversation relating to the operation.

ADV SEGEELS-NCUBE: Okay. Then if, like I said, we will deal with this timeline in detail when we get to cross-
20 examination. Could I then ask you to do paragraph 111?

DOCTOR LEBEYA:

“It is important to mention that at 17.47, our communication office had already shared on our DPCI WhatsApp group a message sent with my picture of the DPCI

Awards podium, reading the DPCI Excellence Award, underway in Pretoria: ‘Erstwhile Head gave an encouraging address to all attending, including stakeholders of international law enforcement agencies, sponsors and provincial management.’ At this time, I had already addressed the delegates on item number five of the formal proceedings, which was honouring retirees.”

10

ADV SEGEELS-NCUBE: And then 112?

DOCTOR LEBEYA:

“An insinuation that all of these layers of police leadership were to execute an unlawful instruction by commissioned officers is highly irresponsible. The statement by Lieutenant General Mkhwanazi indicating that fortunately, when they arrived there, the members realised that it is indeed police operation, so they allowed the members to carry out their operation without disturbances, has logically assured him that they were not dispatched to unlawfully interrupt. I have in the past assigned 11 officials from the

20

DPCI to assist the Political Killing Task Team. One of them was Brigadier Ngwenya, who was based in Mpumalanga DPCI, oversaw investigation. I was the chairperson of the National Steering Committee of the PKTT. I applied for my first Top Secret Security Clearance Certificate on 26th of January 1999, which I have indicated the time that it was issued.

10 While I was a senior superintendent and I have always received one after another, every five years, with the current one expiring on the 30th of June 2029, I attach a Top Secret Security Clearance Certificate which is classified. No issue was ever raised about my credibility.”

ADV SEGEELS-NCUBE: Then if we can go to page 87, a new topic, the establishment of the PKTT, and in our discussions before you started with your testimony this morning, you had indicated that much of what you say here
20 has already been covered by witnesses who previously gave evidence and all that you will do for purposes of this topic. So that would be the establishment of the PKTT, the formation of the NSC, continuing all the way up to, I think we had said, page 94. You would just summarise your

involvement in the PKTT formation and not overlap with the evidence that had previously been given.

DOCTOR LEBEYA: Thank you, Commissioners. Indeed, from 2018, I participated in the process of establishment and continuation of Political Killing Task Team. When I came in, appointed, it was already there. We started in May, but then I came in and then I participated, which is why I also assigned members of the DPCI to go and assist. One member of the DPCI was in charge of the investigation
10 leg of the team, all of them reporting to Dr Ramatzele, at the time from the Detective Service as Major General.

So I continued, and then in 2019, a need arose to establish the National Steering Committee, the National Commissioner suggested during the meeting of the Ministers that I should coordinate that. So I took that responsibility and worked on that. And when COVID-19 set in, we also had to meet virtually and the like. So that is how I continued to support the Political Killing Task Team.

And there was time when there were some
20 difficulties that were raised regarding the continuation or the phasing out of the Political Task Team. Ours was just to comment and the like to send the recommendation further to the National Commissioner. So I think that is, in short, my involvement in the Political Killings Task Team.

ADV SEGEELS-NCUBE: Thank you, General. Could I ask

you, at paragraph 121, you mention that:

“On 1 August 2020, I requested a meeting
with the Deputy National Commissioner.”

Can you just explain that to us, please? You can actually
read it into the record, but I just want to ask you one or two
questions about that.

DOCTOR LEBEYA:

10 “On the 1st of August 2020, I requested a
meeting with the Deputy National
Commissioner for Policing, by then it was
Lieutenant General Masemola, for handing
over this function, as I felt that it was not
in the mandate of the DPCI and could be
handled by the greater service.”

ADV SEGEELS-NCUBE: And what was that function?

20 **DOCTOR LEBEYA:** The chairing of this National Steering
Committee. I was assisting, but this thing is taking a lot of
time, whereas it does not belong in the DPCI. We are
supporting that, but I felt that the greater service can deal
with that.

ADV SEGEELS-NCUBE: And why was the request made to
the Deputy National Commissioner of Policing at the time,
which now we know is the National Commissioner, but at
that time he was not the National Commissioner?

DOCTOR LEBEYA: When this Political Killing Task Team

started, they started under the Divisional Commissioner of Operational Services, which was Lieutenant General Mkhwanazi before moving to KwaZulu-Natal. These were always held in that space, so General Masemola was in that environment. As the Deputy National Commissioner Operational Response is in that space, so that is the first call that I was making. It will also be seen that at a later stage I also approach the Deputy National Commissioner for Crime Detection, that in their environment they should be

10 taking this responsibility and handling it.

ADV SEGEELS-NCUBE: Thank you. And then paragraph 124 on page 91.

DOCTOR LEBEYA: 124.

“On the 13th of April 2021, I wrote to the National Commissioner General Sitole to discuss the view held on the Political Killing Task Team. In paragraph 4 of my note, I indicated as follows: ‘The teams which are located in KwaZulu-Natal and

20 Limpopo are now well established and fully operational, and it has become very clear that the work and investigation will continue for an extended time.’ Major General JK Motubatsi, who was the Head of the Executive Support in the Office of

the National Commissioner, indicated on the 15th of April 2021 that the meeting to be placed on the diary of the National Commissioner.”

ADV SEGEELS-NCUBE: Okay, and then 125.

DOCTOR LEBEYA:

“On the 18th of June 2021, Major General Dumisani Samuel Khumalo submitted an information note detailing the required cost of the PKTT. The Deputy National Commissioner for Policing, Lieutenant General Masemola, recommended that over time can be down managed. The late Deputy National Commissioner Crime Detection, Lieutenant General Silindile Christopher Mfazi commented on the 28th of June 2021 as follows: ‘This matter needs to be clarified as to where does this investigation is being managed by the division detectives or the DPCI.’ I recommended the noting of performance report for period July 2018 to June 2021. The report also reflected the budget for the PKTT for the period of 1st July 2018 to 30 June 2022 as R217,413,745 with actual

expenditure as R209,043,558 excluding salaries and allowances.”

ADV SEGEELS-NCUBE: And then 126.

DOCTOR LEBEYA:

“From July 2021, a similar but more demanding task came my way as I had to put task teams to deal with the July unrest in affected provinces. A virtual meeting that was being attended by the DPCI and
10 the NPA was held daily for a year which I had to chair.”

ADV SEGEELS-NCUBE: You do not have to continue there, I just wanted to find out was this the same task team that Brigadier Nyuswa was on for the July unrest?

DOCTOR LEBEYA: I have been working with Provincial Heads. I am not sure if lower down Nyuswa was also part. Ja, he shall be part because it is the Organised Crime. So I will be dealing with General Senona and General Senona will deal with Nyuswa and other members of the team. But
20 it was July unrest, the affected provinces.

ADV SEGEELS-NCUBE: And then at paragraph 127, you deal with an issue about the continuation or termination of the PKTT and you say that General Khumalo wrote to you and the DNC policing who at the time was General Masemola on the 16th of February 2022. And then you

10 speak about a virtual meeting on 1 March 2022. If you
could continue from there and then I want to find out from
you why was there this discussion about the continuation of
the PKTT in February 2022?

DOCTOR LEBEYA: So I should start from...

ADV SEGEELS-NCUBE: On 1 March 2022?

DOCTOR LEBEYA:

10 “On 1 March 2022, a related virtual meeting
was held. The attendees were Lieutenant
General Masemola, Lieutenant General
Mkhwanazi, Deputy National Director of
Public Prosecution, the late Advocate de
Kock, Advocate Govender, Advocate
Johnson, Advocate Mashamaite, Major
General Dumisani Khumalo, Major General
Samuel Manala from Limpopo, Major
General Jan Scheepers and myself.
Apology from Deputy National
Commissioner Crime Detection, Lieutenant
20 General Liziwe Elizabeth Ntshinga was
noted. The agenda included item 2.2 for
consideration of handing over of the
coordination to the DNC Crime Detection.”

ADV SEGEELS-NCUBE: And the DNC Crime Detection
there was the person that had apologised for not attending?

Or who was it then?

DOCTOR LEBEYA: That is correct. It was Lieutenant General Ntshinga at the time.

ADV SEGEELS-NCUBE: Yes. And can I just understand what was the discussion about the continuation or termination of the PKTT then in March 2022?

DOCTOR LEBEYA: There were issues that were raised, concerns as to whether this Political Killing Task Team should continue or should cease to exist. So that was
10 tabled for consideration. It would appear that there were already concerns as to why this task team will continue.

ADV SEGEELS-NCUBE: Okay, thank you. Then if we can go to paragraph, it is a new topic and I see, Chair, that it is two minutes to one. Shall we take the adjournment?

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

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. General, just
20 before the adjournment we were going to start a new topic on page 94, which is titled “My View on the Disbandment of the Political Killing Task Team”. You can read paragraph 130 and 131.

DOCTOR LEBEYA: -:

“The establishment, management and

disbandment of task teams is an operational matter. In the DPCI, a policy has been adopted on the subject of task teams. In the same way that the political office bearers are not empowered to establish police task teams, but give policy directions, this issue should be left to the discretion of police management. My view is that each Provincial Commissioner should exercise discretion on the need of establishing a team or otherwise. Should the National Commissioner be of the view that the killings have inter-provincial links, he may decide to elevate the status to national level.”

ADV BALOYI SC: General, you mentioned specifically killings. I suppose the principle applies to any other crime.

DOCTOR LEBEYA: It is correct, Commissioners.

20 **ADV BALOYI SC:** Okay, thank you.

ADV SEGEELS-NCUBE: Thank you. Then, General, the next topic, “Unsolicited calls and messages from Mr Brown Mogotsi”.

DOCTOR LEBEYA: -:

“On the 23rd of July 2025, at 20:14, I

received a message from the telephone number of 072, reading as follows: 'Good afternoon, General, Brown Mogotsi'. At 21:57, he sent three screenshots of Malcolm X. On 28th July 2025, at 22:00, he called, and I recognized his number, and I did not answer, as I was already aware that he was among those who were mentioned by Lieutenant General Mkhwanazi. On 30 September 2025, at 17:41, I missed his call. On 6 October 2025, at 19:44 and 21:07, he sent two video clips of his interview, where he was talking about his membership of the ANC. I was only able to open one and could not open the other. On 22 October 2025, while drafting my statement, I realized that the number is now reflecting to be Old School instead of Brown Mogotsi. I have never communicated with him, and I do not know him."

ADV SEGEELS-NCUBE: So, you only identified the number that called you on the 23rd of July as being Brown Mogotsi because he says in the message that he is Brown Mogotsi?

DOCTOR LEBEYA: That is correct, Commissioner.

ADV SEGEELS-NCUBE: But what you are trying to say is that you do not know as a fact that it was, in fact, him that was communicating with you?

DOCTOR LEBEYA: Ja, I did not speak to him. I do not know if, in fact, it is him. It is only the number that are reflected Brown Mogotsi.

ADV SEGEELS-NCUBE: Okay, thank you. Then the next topic is “Commentary” on page 95, “Commentary on
10 evidence delivered before the Commission”. And here you say, at 133:

“There are some errors in the evidence that has already been presented before the Commission. I am indicating these errors so that the Commission's report does not erroneously carry the errors.”

But these are not matters where you have necessarily been implicated, correct?

DOCTOR LEBEYA: That is correct, Commissioner.

20 **ADV SEGEELS-NCUBE:** I am going to propose that we only deal with a select few because, for example, some you referred to where General Mkhwanazi in his statement referred to members of the Force and you say it should be members of the Service, those kind of things. They are not really material. I would rather just deal with some aspects

that you have highlighted that you want to correct that may be of some relevance to the Commission. Are you okay with that approach?

DOCTOR LEBEYA: I am okay, Commissioners.

ADV SEGEELS-NCUBE: Okay, so the first is if we go to page 99, paragraph 147, is where you want to deal with a submission that was made by General Mkhwanazi, if you can, and that is, when you say paragraph 61, page 273 of MK22, you are referring to an annexure of General
10 Mkhwanazi's statement that he prepared before the Commission.

DOCTOR LEBEYA: That is correct, Commissioners.

“The submission that despite Lieutenant General Mkhwanazi suggesting to General Phiyega that a suitable candidate to oversee Crime Intelligence would be Lieutenant General Masemola, General Phiyega refused to listen to reason. It is itself wrong because there
20 would have been a recommendation to demote Lieutenant General Masemola from the position of Deputy National Commissioner to position of Divisional Commissioner. A small, close circle of confidence is not always healthy.”

ADV SEGEELS-NCUBE: Can I just understand what you are saying there, that General Mkhwanazi had, in his MK22, indicated that he had suggested to General Phiyega, who was the National Commissioner, that General Masemola would be a suitable candidate for the Divisional Commissioner of Crime Intelligence and what you are saying is that that suggestion would have meant that he was recommending that General Masemola be demoted.

DOCTOR LEBEYA: Yes, that is my interpretation, because
10 if you are a Lieutenant General appointed as Deputy National Commissioner, it is superior to Lieutenant General appointed as Divisional Commissioner. A move from that level is going downwards, is demotion.

ADV SEGEELS-NCUBE: And what do you seek to make of the phrase, a small, close circle of confidence is not always healthy? What are you referring to there?

DOCTOR LEBEYA: My view is that when we look at appointment, promotion and the like, we should look broadly at the organization, not only a close circle of individuals,
20 because the organization is big, and the circle of confidence is not always healthy.

ADV KHUMALO SC: I have a small request, if you do not mind. I wanted Dr Lebeya to clarify paragraph 139.

ADV SEGEELS-NCUBE: Which paragraph, sorry, Commissioner?

ADV KHUMALO SC: Page 96, paragraph 139 of the statement. And, Dr Lebeya, what I needed to understand is whether the Head of the DPCI reports directly to the Minister of Police, and whether they brief the Minister of Police directly, as opposed to briefing the National Commissioner who consolidates the reports and briefs the Minister or the *Ad Hoc* Committee, or whoever it is the person you are reporting to. Can you just clarify that for me. As Head of the DPCI, who do you report to, and how
10 does it work structurally?

DOCTOR LEBEYA: Since the 14th of September 2012, the National Head report directly to the Minister, and no longer the National Commissioner as it applied from 2009 to 2012.

ADV KHUMALO SC: So you can have private meetings with the Minister where you are briefing him directly. You do not need to go via the National Commissioner of Police.

DOCTOR LEBEYA: That is correct, Commissioner.

ADV KHUMALO SC: Thank you.

ADV SEGEELS-NCUBE: Thank you. And then, still on
20 page 99, the next sub-topic that you have is “Affidavit of General Masemola”. If you could just deal with 148.

DOCTOR LEBEYA: -:

“General Masemola stated that the National Head reports directly to the Minister and indirectly to the National

Commissioner. I have constantly queried the insertion of those dotted lines on the structure. The South African Police Service Act was amended in terms of the South African Police Service Amendment Act, 57 of 2008, which made the Head of the DPCI to be the Deputy National Commissioner who reports to the National Commissioner. The Act was
10 amended in terms of the South African Police Service Amendment Act, 10 of 2012, which made the National Head to report directly to the Minister of Police.”

ADV SEGEELS-NCUBE: Thank you. And then, page 100, paragraph 152, you are addressing General Masemola's paragraph 93 on page 29 of his affidavit.

DOCTOR LEBEYA: -:

“In his testimony, General Masemola indicated that the Hawks were not doing
20 much in the cases at Fort Hare University until the Political Killings Task Team went and effected the arrests. The DPCI cases were never handed over to the Political Killings Task Team, and those arrests are not relating to cases falling

under the mandate of the DPCI. The
DPCI's five cases ..." [intervenes].

ADV SEGEELS-NCUBE: You do not have to read out
...[intervenes].

DOCTOR LEBEYA: -:

10 "... with the reference number, have been
completed and handed over to the
National Prosecuting Authority for
decision. On the 17th of March 2023,
when I learned that a team would be
established and be led by a Brigadier
from Detective Service, head office and
overseen by Major General Sibiya, as he
then was, I expressly directed that the
five cases with the DPCI should be
finalized by the DPCI and information
that can assist the detectives be shared.
I attach a copy of this directive as per
Annexure GL38."

20 **ADV SEGEELS-NCUBE:** Thank you. Then if we can skip a
few pages and we go to page 106, paragraph 159, you are
dealing with General Dumisani Khumalo's evidence.

DOCTOR LEBEYA: -:

"Lieutenant General Dumisani Samuel
Khumalo, a veteran who have joined the

police in July 1991 when I was a
 Commissioned Officer, draws an
 inference that the Hawks' conduct is a
 clear obstruction of justice. This is a
 serious crime against the administration
 of justice. The crime of defeating or
 obstructing the course of justice consists
 in unlawfully and intentionally engaging
 in a conduct which defeats or obstructs
 10 the course of administration of justice. A
 critical element is intention. The
 accused must subjectively have foreseen
 the possibility that his conduct might
 defeat or obstruct the administration of
 justice, or the accused must have been
 aware of the fact that it might thwart or
 interfere with judicial proceedings which
 were to take place in the future or would
 at least hamper or forestall the
 20 investigation of an offence."

ADV SEGEELS-NCUBE: 160.

DOCTOR LEBEYA: -:

"Due to the simultaneous running of the
 Commission and the *Ad Hoc* Committee
 of Parliament, I missed some of the

testimonies. I have not heard as to whether Lieutenant General Dumisani Samuel Khumalo testified about his possible visit to the Hammanskraal farm or one of the Big Five and the developments thereof or confrontation where he felt that his life was in their hands.”

ADV SEGEELS-NCUBE: Where did you get that information
10 from?

DOCTOR LEBEYA: That was a general discussion when we were conversing on our way from an Interpol meeting where there was this indication that at some stage he was confronted and he felt that his life was in danger in handling some of these matters. So I do not have the nitty-gritties, the details of precisely what that meant.

ADV SEGEELS-NCUBE: So this was a discussion between you and General Khumalo?

DOCTOR LEBEYA: Ja, and General Masemola and
20 General Sibiya.

ADV SEGEELS-NCUBE: Okay, thank you. And then 161.

DOCTOR LEBEYA: -:

“Lieutenant General Dumisani Samuel Khumalo reminds the Commission that in 2012 he was appointed as the Acting

Component Head in Crime Intelligence.

When General Masemola, who was a Divisional Commissioner at Protection and Security Services, was appointed by Lieutenant General Mkhwanazi as the Acting Divisional Commissioner of Crime Intelligence, while Lieutenant General Mkhwanazi was appointed as the Acting National Commissioner, indeed the trio have been together for a long time and in some instances appointing and promoting each other. Furthermore, it is worth noting that Lieutenant General Masemola was appointed by Lieutenant General Mkhwanazi to become the Deputy National Commissioner.”

10

ADV SEGEELS-NCUBE: 162.

DOCTOR LEBEYA: -:

“Lieutenant General Dumisani Samuel Khumalo testified that he has deliberately excluded the DPCI to protect the investigation against the Hawks because there was information which he received in May 2024 that Captain Zungu of TOMS, Hawks, is involved. He concludes

20

that, but if it happens that there are targets that are at a particular level in a particular environment that are part of the target, informally and indirectly so, there can be a discussion between, for instance, myself and the Head of the DPCI to say, on this project we will be limiting our briefing as well as our information sharing because we have some of the targets in the space. But that talks to also trust issue between the two principals or amongst the principal in the same space. I now understand why he has never brought information of any serious organized crime or serious corruption to my attention since taking office and I feel betrayed. It reminds me of an experience where I received a call after 21:00 from General Phiyega to tell me that I must not be involved in the investigation of the Gupta Landing at the Waterkloof Air Force Base. This was based on the assistance I gave to Major General Ramatswele and Lieutenant General ...”

It should not be Major General.

“... Lieutenant General Mawela on their request.”

ADV SEGEELS-NCUBE: The request, were they involved in that investigation?

DOCTOR LEBEYA: Ja, they requested me to assist them.

ADV SEGEELS-NCUBE: Okay, and you are saying that General Phiyega then told you that you are not involved in that investigation?

10 **DOCTOR LEBEYA:** That is correct.

ADV SEGEELS-NCUBE: 163.

DOCTOR LEBEYA: -:

20 “Lieutenant General Dumisani Samuel Khumalo testified that, yes, he was receiving continuous situation reports throughout the operations. He stated that on the day of the takedown, they could not be able to identify the person who called the Hawks, but as the investigation was progressing, they managed to narrow the scope towards the final identification of the caller or who activated the Hawks to be part of the operation against the lawful operation they were conducting. Until the 5th of

November 2025, he still has not identified the person who called the Hawks on 6 December 2024, but all their information is pointing towards a Mr Boy Mthethwa, who, according to their investigation, is the one who activated the call.”

ADV SEGEELS-NCUBE: 164.

DOCTOR LEBEYA: -:

10 “From May 2024, General Khumalo knew about Captain Phlani Zungu, but never brought it to my attention. The evidence led by Captain Wanda, who was the senior during the operation, confirms that he did speak to Brigadier Mokoena of the Hawks through the phone of Mr Mthethwa, maybe lynching that with the information that we had received, that the information of the deployment of the Hawks came from the National Head to
20 the Divisional Commissioner, then to Brigadier Mokoena.”

ADV SEGEELS-NCUBE: And then the next sub-topic, “Testimony of Witness A”, and this will relate to the takedown of 6 December 2024 still.

DOCTOR LEBEYA: -:

“As presented in his testimony before the Commission, Witness A is a junior member who was in charge of the operation at Sandhurst, which is the residence of Mr Katiso Molefe. While he has joined the Police in 2008, at the time when I was in charge of organized crime component in the country, his experience in the organized crime is 3 years. If he was in the middle lane, he should be a warrant officer, and if he is in a slow lane, he may be a constable or a sergeant. I am aware now that he is a warrant officer. He has been elevated to a warrant officer. As it can be seen from the evidence, the identification of this case was not through the crime threat analysis or the OCTA process. It is highly probable that the witness has never initiated an investigation that resulted in the prosecution on organized crime called a pattern of racketeering activity.”

ADV SEGEELS-NCUBE: In 166 on page 110.

DOCTOR LEBEYA: -:

“Witness A appreciate the task on 17 April 2024 where he was on duty when he received a call from one of his colleagues that told him that he has gotten an instruction from their Commander, Brigadier Gopape, that they must attend to a crime scene that was active in Bramley. At that time, they did not know what the crime scene was all about, and then he did ask him on the phone to give him more details about the crime scene that they were instructed to attend. His response was that he did not
10 have full details. He was just given instruction that we must go to that crime scene at the address that was given to them at the time, and they will be briefed as they get to the crime scene. He requested him to brief him a little further about what they needed to do, but he said all he has is the address where they need to go and attend and the number of the person that need to give them full details when they get to the crime scene. They were joined by two other colleagues at their crime scene. Surprisingly, Witness A seems to doubt the similar response of Hawks on the 6th of
20 December 2024.

ADV BALOYI SC: Can I just ask this. Following this incident at Mr Molefe’s home, did you and the SAPS, WHETHER General, the main service as you refer to it, whether General Khumalo or anyone in particular, did there ever happen a discussion between you as DPCI, and them

about that day, about what happened on that day?

DOCTOR LEBEYA: No, it never happened.

ADV BALOYI SC: So Witness A, when he comes and he testifies here, he would, until that point when he hears the DPCI witnesses who were at Mr Molefe's house, is it fair to say he would not have had an explanation about their presence on that day?

DOCTOR LEBEYA: I agree that he shall not have known.

ADV BALOYI SC: Yes, thank you.

10 **ADV KHUMALO SC**: I just want to follow up, Dr Lebeya. Since you found out, I do appreciate that when General Mkhwanazi made his statement, I think you had already retired from the Hawks.

DOCTOR LEBEYA: That is correct, Commissioner.

ADV KHUMALO SC: Ja, but after this incident, the 6th of December 2024, was there an internal investigation at DPCI to find out what happened on that day? What did the members of the DPCI that went to the Sandton address do and what they did when they came back? Or, I do not know,
20 is it an occurrence book or a report, something where the DPCI, independent of what General Mkhwanazi said, records what transpired that day, who reacted, why they reacted and there is a full report that sets that out. Was there ever such a thing?

DOCTOR LEBEYA: No, except the note that I have shared

coming from the Provincial Head which indicated feedback from the members who attended. So that is the only report that came to my attention and I am not sure in the operational environment, but I was satisfied myself.

ADV KHUMALO SC: I speak from a position of ignorance. Please appreciate that. But one would have expected that when the National Head of the Hawks dispatches a team to an address, there will either be an inquiry number or something and arising from that, there would be a formal
10 report to you to say, as per your request, people were dispatched because there was a possibility that the Hawks, somebody was impersonating the Hawks, these are the members who went there, this is what they found when they went there, and this is the outcome or the report of what they found when they got there and why they left. So there is no such a thing?

DOCTOR LEBEYA: Because that one is an operational matter, there in the operational environment, I do not know what they will record there. At times they can record in the
20 pocketbook, and then if the Commander is satisfied that there is non-issue, it is false. So you cannot be registering files of false activities. So from my, where I was sitting, I just needed to be satisfied that those are not Hawks impersonators. When the report comes back, I was satisfied with that.

ADV KHUMALO SC: So from where you were sitting, even a phone call was sufficient that it was not people impersonating the Hawks?

DOCTOR LEBEYA: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Thank you. And then 168.

DOCTOR LEBEYA: -:

10 “For identification of the police that were
at Sandhurst address, Witness A state
that they audibly identified themselves as
police and also showed the suspect a
warrant of arrest, which was signed by a
court for the suspects to see that they
are police officials. He adds that the
members from Tactical Response team
were not wearing full uniform, only
marked bulletproof vests. Contrary to the
basic training provided, no appointment
certificate was produced at any stage.
He raises a concern that the members of
20 the DPCI just told them that they are
from the DPCI, but he has not verified
that. Once more, it is surprising that the
members saw it as a challenge that the
Hawks were not properly identifying
themselves, expecting that he takes it at

face value. But he does not seem to see his own team's failure to identify itself, which triggered the suspicion of being fake Hawks officials."

ADV BALOYI SC: Is that a fair comment, General? If all that happened is Malcolm X called you and said, these people here say they are from the Hawks, and that is all, he says. You are surely not saying that the SAPS officials who were there should have identified themselves to Malcolm X.

10 I mean, you do not know why Malcolm X said that. In fact, you have followed the evidence quite clearly from your discussion here. The SAPS witnesses have denied that they identified themselves to anybody as from the Hawks. That statement there that they failed would suggest that you are saying they should have identified themselves to Malcolm X because he is the person that called you. Is that a fair comment to make?

DOCTOR LEBEYA: I think that I did not mean in that way, Commissioner. I was saying that when the Witness A and

20 his team arrived there, identifying themselves to the people who are in the premises, Malcolm X is not there. He says that they identified by way of warrant of arrest and verbally saying that we are the police. So it is that identification that I am referring to, that the members did not identify themselves to the occupant of that house, that we are the

police, identify yourself properly.

I say that this is not how you have been trained to identify yourself. So I am saying that now the same witness, the Hawks members, arrives, they say we are from the Hawks, they do not show anything to prove that they are from the Hawks, so he is worried about that. He is not happy with that. He is correct. But he does not seem to see also his own approach, that his approach itself is wrong. So that is the statement that I was trying to make.

10 **ADV BALOYI SC:** We can leave it at that for now.

ADV SEGEELS-NCUBE: Thank you, General. 169.

DOCTOR LEBEYA: -:

20 “Witness A stated that if you would be driving, doing a certain operation, maybe you find other teams from different components, they are doing their work, you do not interfere with them. It was very unusual. He is missing the point, as that was not the case. The members were called to specifically visit the address and verify the allegation of Hawks officials who are said to be executing an operation.”

ADV SEGEELS-NCUBE: Thank you. And then the remainder does not really deal with, implicating you. And

then the next one is the testimony of Witness B and the testimony of Warrant Officer Nkosi where you basically just state what their evidence was, so I am not going to go over that. Then the next topic, which we had agreed would be noted by the Commissioners and taken into consideration, but we are not going to deal with it in detail, which is really the last topic in your statement, it is the effectiveness or failure of oversight bodies affecting the DPCI on page 113. But I do want you to deal with one or two, two or three
 10 paragraphs where you make certain assertions, not based on the legislation, but on your own experience. So if you could just start with 175 on page 113, paragraph 175.

DOCTOR LEBEYA: -:

“After careful consideration and analysis of various developments, I conclude that the oversight bodies that are listed below have failed to execute their duties, which contribute to the weakness of the criminal justice system. Recalling that
 20 the South African Police Service Amendment Act, 10 of 2012, came into operation on the 14th of September 2012, the implementation process was already in place on the 26th of November 2012. I was assigned to chair the process while

being the Deputy National Commissioner of Crime Detection. Copies of the correspondence are attached as per Annexure SGL41.”

ADV SEGEELS-NCUBE: You then deal with some of the oversight bodies. The one that I do want you to deal with is the Ministerial Committee in terms of section 17 of the, ja, 17/, is it /?

DOCTOR LEBEYA: 17/.

10 **ADV SEGEELS-NCUBE:** /, yes, of the South African Police Service Act. So 175(1), (2) and (3), please.

DOCTOR LEBEYA: -:

20 “The Ministerial Committee is established in terms of section 17/(3)(a) of the South African Police Service Act, which provides that the Ministerial Committee shall meet as regularly as necessary and shall report to Parliament on its activities as part of the annual report of the Directorate. All the Ministers who were responsible for police, justice and constitutional development, state security, finance and home affairs for the period 2009 to 2025 have, unfortunately, failed after respective designations by

the Presidents. The Ministers never met. No single annual report was ever produced for 16 years. Although section 17F(4), which provides that the National Director of Public Prosecutions must ensure that a dedicated component of prosecutors is available to assist and cooperate with members of the Directorate in concluding its investigation, as well as secondment of persons with specialised skills as and when required, does not directly fall under the ambit of the Ministerial Committee. It could have assisted in terms of section 17I too, which provides that the Ministerial Committee may determine procedures to coordinate the activities of the Directorate and other relevant government departments or institutions. As the National Head of the DPCI, I had already requested the National Prosecuting Authority to dedicate capacity to prosecute cases emanating from the serious corruption investigation of the DPCI, while the

10 National Prosecuting Authority had a different view. I respectively attached a letter from the DPCI dated the 14th of February 2021 as well as a reminder dated the 15th of September 2022 as Annexure SGL42 and a response from the National Prosecuting Authority dated the 11th of October 2022 as per Annexure SGL43. Once the Ministerial Committee activates the Committee, the deadlock in the finalisation of the National Organised Crime Threat Analysis, NISOCTA, that was initiated in 2018, all the new thoughts of initiatives must be deposited into the Organised Crime Sub-Committee of the National Priority Crime Operational Committee established in terms of section 17J of the South African Police Service Act.”

20 **ADV SEGEELS-NCUBE:** Thank you. And then the Executive Authorities, Minister of Police and Finance, I just want you to deal with 175.4 and 175.4.3.

DOCTOR LEBEYA: -:

“The Ministers of Police who were responsible for the portfolio of police

from 2016 to 2026 have, regardless of several reminders, failed to implement the following provisions.”

ADV SEGEELS-NCUBE: You mentioned there 17CA(8)(a) and (b), which deals primarily with remuneration, allowance and other terms and conditions of service. And was this whilst you were still in the service? Are you saying that it is still continuing now, that they failed to deal with it?

DOCTOR LEBEYA: After my exit from the organisation,
10 this is what I say I have referred to the Public Protector, which Public Protector I have referred to, the Acting Minister of Police, who shall now follow what the law is saying, which should have been done from 2018. So that is still something that they are attending to, Commissioners.

ADV SEGEELS-NCUBE: So when you said 175.4.3, that although you were consulted on 5 November 2018, the process was never concluded, at the time of your retirement it was never concluded.

DOCTOR LEBEYA: That is correct, Commissioners. The
20 law requires that to determine the salary of the Deputy National Head and the Provincial Head, the Minister must consult with the National Head and that process was done, I was consulted. And then, but up until I exited, that process was never finalised and is still not finalised. And obviously in terms of the new advertisement, looking for the

successor, that problem is still going to exist.

ADV SEGEELS-NCUBE: Thank you. And then if we can go to page 120, the adequacy of current legislation, policies and institutional arrangements in preventing such infiltration and the infiltration you are referring to is infiltration by criminal syndicates.

DOCTOR LEBEYA: That is correct, Commissioners.

ADV SEGEELS-NCUBE: Thank you. Can I ask you to just deal with 177.6 on page 122.

10 **DOCTOR LEBEYA:** -:

“Appreciating that section 17F read with section 17J of the South African Police Service provide for collaboration mechanism, the multidisciplinary investigative approach, analysis and prosecutor-guided investigation used by the Political Task Team as advocated to serve as a benchmark has been used for a long time. Such mechanism must just
20 be enhanced in the existing team approaches.”

ADV SEGEELS-NCUBE: And then 177.7.

DOCTOR LEBEYA: -:

“Parliament should consider strengthening oversight mechanism to

ensure that the laws it passes are implemented.”

ADV SEGEELS-NCUBE: And then your concluding remarks on the first statement, you can read both paragraphs.

DOCTOR LEBEYA: -:

10 “Should additional information come to my attention after submitting the statement, I shall be keen to deal with any aspect that requires my attention. I am one of the embodiments of honesty and integrity. I have executed my policing assignment for over 40 years. I have improved my understanding of the laws that I was to enforce as I grew in the organization from the moment that I was a constable up until my contract came to an end. I have fought criminality within and outside the SAPS. I have not created friends in the criminal world.

20 Although my profession placed me in harm's way, I was provided with a one-day protection after threat assessment. I love this country and I shall continue in whatever capacity I find myself until my last breath. I call upon the South

Africans who are honestly committed to fighting crime to join efforts of ensuring that South Africa joins the efforts to fight criminality without fear, favour, or prejudice.”

ADV SEGEELS-NCUBE: Thank you, General. That is the main statement. We then have to deal with your supplementary, but Commissioner Baloyi has a question for you.

10 **ADV BALOYI SC:** Yes. General, if I can just take you back to 177.5, where you propose an amendment which defines organized crime and you say there that that is necessary because otherwise there is a confusion about the mandate of different agencies. You are obviously not suggesting an amendment for the sake of it. In practical terms, what has been the consequence of the absence of a definition or of a uniform definition, if you like, or a uniform understanding, let me say, a uniform understanding of what is organized crime? On the fight against crime, what has it
20 caused?

DOCTOR LEBEYA: On the operation itself, it does not make any difference, but in terms of the mandate and the labelling of certain activities, that is where the confusion comes. And when it comes to a failure to define, when you segregate which matters need to be investigated by the

detectives, which matters need to be investigated by the DPCI, the confusion comes in. And I think that legally speaking, the Supreme Court of Appeal has already addressed this and say that the lack of a definition is problematic.

ADV BALOYI SC: And what I am trying to get to is whether it has had a practical consequence as in conflict of the agencies or some crimes that should otherwise be investigated falling between the cracks because there is a
10 misunderstanding or confusion about the definition.

DOCTOR LEBEYA: I think that it goes further than that because after failing to define organized crime, if it was only organized crime and then there is one unit that deals with organized crime, there will be no problem. But the moment you create other units dealing with the very same organized crime and you label another as organized crime and another as serious organized crime without defining both, it creates a problem as to what is serious as compared to the normal organized crime. That, when it
20 comes to the mandate, is problematic. You will find competition.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you. Thank you, General. Can we now go to your supplementary statement, which is in file 4. That runs to page 46, and I just want you to

confirm your signature on page 46.

DOCTOR LEBEYA: It is my signature, Commissioner.

ADV SEGEELS-NCUBE: And you confirm the correctness and truthfulness of the contents of the statement?

DOCTOR LEBEYA: I confirm, Commissioners.

ADV SEGEELS-NCUBE: Okay. Can we start on page 3 of your, actually, we can do page 2 just to orientate us as to what the statement deals with. So you can read paragraph 1. You do not have to read your name again.

10 **DOCTOR LEBEYA**: -:

“In addition to my statement submitted on the 25th of November 2025, I was directed by the Commission on the 16th of July 2026 to provide a further statement within 10 calendar days of the notice. The submission deadline was subsequently extended by the Commission's attorneys upon request for such an extension by my attorneys of record to the 5th of August 2026.”

20

ADV SEGEELS-NCUBE: At paragraph 2, you then deal with the topics, which we again will not read into the record because we will cover them as we go along. On page 3, you deal with, where it says ad paragraph, that is in relation to the Rule 3 notice, correct, that you are responding to?

DOCTOR LEBEYA: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. The first topic is your oversight role exercised by me in the Aeroton drug bust of 9 July 2021. We will not read into the record what you were asked to address, but if you could just start then on paragraph 4.

DOCTOR LEBEYA: -:

10 “To paint a complete picture of drug seizures that included the consignments under scrutiny, it is worth mentioning that on 22nd August 2022, I made a quarterly public update on the work of the DPCI, where I reflected, among others, six cases of Cocaine weighing 4,442 kilograms. Those were the 706 kilograms of Cocaine intercepted at Gqeberha on 8 January 2019, the 541 kilograms of Cocaine confiscated at Isipingo on 22 June 2021, the 805 kilograms of Cocaine
20 seized at Pretoria on the 2nd of June 2021, the 715 kilograms of Cocaine seized at Aeroton on the 9th of July 2021, the 1,000 kilograms of Cocaine seized at Durban Harbour on 30 July 2021, and the 675 kilograms of Cocaine seized in

Western Cape on the 4th of August 2022.

This issue remains a challenge.”

ADV SEGEELS-NCUBE: Paragraph 5.

DOCTOR LEBEYA: -:

10 “It is a standing practice that when there is a major incident in the province that requires the attention of the Directorate for Priority Crime Investigation, the Provincial Head of the DPCI will inform the National Head of the DPCI. The Provincial Heads are well experienced and will execute the task and update the National Head where necessary.”

ADV SEGEELS-NCUBE: 6.

DOCTOR LEBEYA: -:

20 “In the Aeroton matter, Major General Ebrahim Ahmed Kadwa shall have informed me telephonically about the incident. I do not have a record of such communication. As an experienced senior manager, I will expect of him to do whatever is necessary in line with the prescripts of the law. There was no need for me to exercise any oversight role. He never sought any assistance from me. I

was comfortable that a senior manager is
at the scene, which is what is expected.”

ADV BALOYI SC: Can I just clarify what you are saying in that paragraph. Are you saying he would have informed you, you just do not have a recollection? Or are you saying he did inform you, you just do not have a record of it, but you are saying positively he did inform you?

DOCTOR LEBEYA: I cannot recollect that he informed me, but it is a normal practice that he must inform me. I take
10 that he shall have informed me, so I could not get the communication records, so, but I expect that he shall have informed me, it is just that I am not recalling how it was done.

ADV BALOYI SC: So you, my confusion comes from the last sentence where you say he never sought any assistance from me, and I am prepared to accept that maybe it is consistent with you not remembering whether he called you or not, but then it is the very last sentence where you say, I was comfortable that a senior manager is at the
20 scene, which is what is expected. So that last sentence conveys quite positively that he did inform you and you satisfied yourself, that with such a senior person on the scene, you do not need to do more. That is where my confusion comes from, what you are conveying.

DOCTOR LEBEYA: Because the statement is being made

afterwards insinuating that it is wrong of a senior manager to be at the scene, I think that may have influenced the insertion of this. So I was comfortable that he should be at the scene, so I am not recalling the nitty-gritties. But to be at the scene of a crime, that is what I expected.

ADV BALOYI SC: Okay, it is not clear yet to me what, if what you are seeking to convey is that even if he did not inform you that there was such a senior person on the scene, that is fine, there is nothing wrong with that. If that
10 is what you are conveying, then I understand what you are saying. But if you say, I do not remember, and then you say, but I was comfortable that there is a senior member on the scene, as if you are speaking about the day itself of the incident, that is where my confusion comes from. So it is either he may have informed you, and you do not have a recollection of it, and you leave it at that. And the next sentence is that his presence on the scene, now that I know that he was at the scene, in fact, there is nothing wrong with that. I am comfortable that there was a senior person
20 at the scene. I do not know if you understand what I am trying to clear.

DOCTOR LEBEYA: Ja, obviously it is my recollection that I do not recollect the nitty-gritties, but I have known about that, and the only person who should have informed me is him from his province.

ADV BALOYI SC: And you would have known about it on the day itself?

DOCTOR LEBEYA: I shall have known about it on the day itself.

ADV BALOYI SC: All right, thank you.

ADV SEGEELS-NCUBE: Thank you. Paragraph 7.

DOCTOR LEBEYA: -:

10 “I expected that everyone who was involved in that attempt to steal the drugs should be arrested. This included every police official who secretly went there to steal, knowing very well that the kind of operation belonged in the DPCI, and that the unit responsible for that jurisdiction will deal with that matter.”

ADV SEGEELS-NCUBE: You have then attached certain reports by General Kadwa. What do they relate to? Is it this incident itself?

20 **DOCTOR LEBEYA:** Yes, it relates to the reporting of the incident, Commissioners.

ADV SEGEELS-NCUBE: Okay, thank you. Then the next topic, my interactions with Lieutenant Colonel Maluleke.

ADV BALOYI SC: Maybe before you do that, we know General Kadwa was there, and I think other, Sekobela and other people who are DPCI, so where do we land in terms of

mandate? Should DPCI have been responsible and taken over this operation? When they got to the scene, we know there were three people who were accompanying this consignment. In the end, they get arrested, three or four. Should DPCI have taken this operation on when your people arrived there?

DOCTOR LEBEYA: That is correct. They should have taken it on.

ADV BALOYI SC: They should have taken it on.

10 **DOCTOR LEBEYA:** That is correct.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: I think that is the question I asked you earlier, Dr Lebeya, that the evidence we heard was that drug trafficking is a schedule III or a level III offence, and therefore it resides within the mandate of DPCI. So DPCI should have been called. Is that how you understand the mandate of DPCI as well?

DOCTOR LEBEYA: It is the labelling Commissioner of schedule III.

20 **ADV KHUMALO SC:** I cannot remember if it is schedule III or level III ...[intervenes].

DOCTOR LEBEYA: Level III.

ADV KHUMALO SC: But there is a 3 there.

DOCTOR LEBEYA: Yes.

ADV KHUMALO SC: Ja.

DOCTOR LEBEYA: No, in terms of the mandate that I attached in the documents, it is level III.

ADV KHUMALO SC: Level III.

DOCTOR LEBEYA: Yes, once it is level III, the issue of those kind of dealing in drugs, that huge consignment, is the responsibility of the DPCI.

ADV KHUMALO SC: Of the DPCI.

DOCTOR LEBEYA: It is for that reason that in the province of Gauteng, the Head of Organized Crime in the
10 Detective Service, which was by then Brigadier Shibiri, has indicated that it is the responsibility of the DPCI.

ADV KHUMALO SC: In fact, we have his affidavit where he says that.

DOCTOR LEBEYA: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Thank you. General, we can deal with that topic, my interactions with Maluleke.

DOCTOR LEBEYA: -:

20 “The submission by Lieutenant Colonel Resimate Maluleke that he visited me on the day of the operation, which happened on the 9th of July 2021, in Aeroton is not true. In fact, he met me on the 13th of July 2021, which was Tuesday. It is correct that I made notes of what he was saying. He indicated that there was

1,000 kgs of Cocaine and that in the next two days it was 805 kgs. It appears that he confused the 805 kgs of the consignment that was seized on the 2nd of June 2021, as indicated above, with the Aeroton cargo. He indicated further that only police who escorted were arrested. He pointed out that General Khan's information led to the arrest and that the members were to appear yesterday ...”

That day was Monday, the 12th of July 2021.”

“... at 15:h00 and Major General Kadwa asked the Senior Public Prosecutor to place the case on the roll, but the Senior Public Prosecutor refused. He concluded that members were not happy.”

ADV SEGEELS-NCUBE: 10.

DOCTOR LEBEYA: -:

20 “He is correct to state that I did not go back to him. There was no indication from his side that I should come back to him and I had to use my discretion to handle the information.”

ADV SEGEELS-NCUBE: Then on page 6, the next topic is

the investigations by IPID. You can read until I indicate that we are skipping that paragraph.

DOCTOR LEBEYA: -:

10 “Lieutenant Colonel Resimate Maluleke, who advised Gauteng Traffic Police Chief Inspector, Samuel Tsiane Mashaba, Chief Mashaba, Warrant Officer Marumo, Joseph Magane, Warrant Officer Magane and Warrant Officer Boy Steve Phakula, Warrant Officer Pakula, to report a case of defeating the ends of justice has conceded that the officers did not defeat the ends of justice. He has also noted that Chief Mashaba and Warrant Officer Magane misrepresented themselves as Crime Intelligence officials, which is defeating the ends of justice.

20 The reporting of a case against the members who arrested those who were not supposed to be at the drug bust was designed to defeat the ends of justice. As a result, the Independent Police Investigative Directorate has wasted its precious time and taxpayers' money pursuing a non-existent crime. It is unfortunate that the

issue was only uncovered by the Commission on examining Lieutenant Colonel Resimate Maluleke, who admitted that there was no defeating the ends of justice. Assistant Director Takalani Zelda Maphosho, Assistant Director Maphosho, was investigating a non-existent case and did not verify the veracity of the allegations as her view was that she does not investigate her complainants. During her evidence, she still laboured under the misconception that General Khan from Crime Intelligence is not supposed to be there and that her complainants are supposed to be there. If she had listened to the turnabout of Lieutenant Colonel Resimate Maluleke, she would withdraw her misdirected perception as his trick of advancing Pretoria Inquiry 6/8/2020 did not work.

Assistant Director Maphosho ..." [intervenes].

ADV SEGEELS-NCUBE: You can skip that paragraph.

Can you go to 14.

DOCTOR LEBEYA: -:

“I became aware of the investigation by the Independent Police Investigative Directorate. A letter which shows to have been drafted on the 5th of October 2021 and signed on by the Executive Director on the 17th of November 2021 was received by my office on 24 November 2021. The same letter shows to have been signed by the Executive Director on the 18th of November 2021 which accompanied the report was sent to the SAPS on 27 June 2024. The letter concludes with paragraph 8 stating, ‘It is against this background that we request General's intervention on this matter as the continued delay in obtaining copies of this docket hampers service delivery’.”

ADV SEGEELS-NCUBE: And then the next topic, if I could just ask you to summarise your involvement in the alleged refusal to provide documents in contravention of section 9 of IPID Act.

DOCTOR LEBEYA: Thank you Commissioners. I have not refused to assist the IPID. The IPID have gone to the provincial office which have got custody of these documents that they needed. They shall have served the necessary

papers. In my office they needed intervention to ensure that they get those, not to ask them from me who did not have custody of those. We have set with management of IPID, the seniors to the witness. We agreed that because these are counter investigations and that the final decision will be made by the NPA, let the IPID complete the investigation without taking the statement from this side, putting on the other, and the DPCI investigate its side, complete this and both matters taken to the NPA to make a
10 decision. So that was the agreement. I have never refused to assist the IPID. There are many instances where I have assisted the IPID. So that is the summary of my position. Thanks Commissioner.

ADV BALOYI SC: Let me just understand, the DPCI was investigating who and for what, and is it a criminal investigation or disciplinary investigation?

DOCTOR LEBEYA: The DPCI was investigating criminal investigation of these people who are involved in this drug trafficking. Those people when they were released from
20 custody they went to report cases against those members of the DPCI who were investigating them. So it is counter charges.

ADV SEGEELS-NCUBE: Thank you. Then the next topic on page 9, my response to IPID's findings and recommendations.

DOCTOR LEBEYA: -:

“On 27 June 2024, a report from IPID in terms of section 30 of the Intervention Police Investigative Directorate, Act 1 of 2011, was received by the South African Police Service which requested that we institute a disciplinary process. The report reached the DPCI on the 19th of July 2024. On the 22nd of July 2024, I responded to the IPID informing it that the DPCI has received the report from Human Resource Management and it is being studied. The SAPS intended to institute expeditious process which is usually used where dismissal is envisaged. I advised the SAPS that the DPCI shall institute its own disciplinary process in line with the SAPS Act and regulations. In its recommendations, the IPID coined its statement as follows. ‘Based on the above information contained in the case docket, IPID recommends that disciplinary steps must be taken against individuals’.”

ADV SEGEELS-NCUBE: And then the next topic on page

10 deals with the appointment of Major General Gerber and response to findings. If maybe there you could also just summarise why Major General Gerber was appointed, what was the tasking and your response to the findings.

DOCTOR LEBEYA: Thank you Commissioners. Since the DPCI came into place, it is expected that the DPCI shall initiate and conclude disciplinary process within the DPCI. So whenever a member of the DPCI is involved, it means that it shall be dealt within. Based on the level of the
10 individual, which is a Major General, I had to find somebody higher on the level of Major General and higher to conduct the investigation.

Based on that, I appointed Major General Gerber, which I thought is independent in another province, to conduct the investigation and to provide me with feedback with the recommendation as to what should happen. So normally what you do is that you do not start the investigation before you give notice to the affected parties. So when I did that, I issued the notices to all of them and
20 then when he concluded the investigation, he brought back the report and then after studying that, I make a decision based on what is contained in the report as well as the recommendation. Thank you Commissioners.

ADV SEGEELS-NCUBE: And the recommendation was that there be no disciplinary action taken against the DPCI

members.

DOCTOR LEBEYA: That is correct Commissioners.

ADV SEGEELS-NCUBE: Which decision you implemented.

You then made a decision based on that recommendation.

DOCTOR LEBEYA: I made a decision based on that recommendation.

ADV SEGEELS-NCUBE: Then the next topic on page 11, you deal with further meetings with Lieutenant Colonel Resimate Maluleke. Before you deal with this, can you tell
10 us why you are giving us this. Were you asked for additional further meetings, whether you had further meetings with him, or is it just something that you think will be of benefit to the Commission?

DOCTOR LEBEYA: The practices of the Colonel is something that I needed to bring to the attention of the Commission, that we may be dealing with the Aeroton matter, but is this the first and the last. So I thought that sharing this with the Commission may help to understand the practices.

20 **ADV SEGEELS-NCUBE:** Thank you. You may proceed.

DOCTOR LEBEYA: -:

“It may be helpful for the Commission to be appraised of certain aspects that Lieutenant Colonel Resimate Maluleke may not have expanded in his evidence.

Over and above what he stated, he conducted a drugs operation at a pharmaceutical company in Boksburg on the 23rd of March 2013, under Pretoria Inquiry 12th of September 2012. He opened a case of defeating the ends of justice against the police official under Boksburg CAS 281 of August 2013. He was charged criminally under Boksburg CAS 262/10/2013, which he was later acquitted and disciplined departmentally. On the 5th of July 2017, he was dismissed from the SAPS DPCR and his appeal failed on the 24th of October 2017. After arbitration process, he was reinstated on the 2nd of December 2019. I am attaching disciplinary file which is Annexure SGL48.”

ADV SEGEELS-NCUBE: Then at paragraph 26, if I could ask you to start reading it from the second sentence, please, “I have checked my notes”.

DOCTOR LEBEYA: -:

“I have checked my notes and noted that I also met him on the 8th of April 2022, where he was complaining about DPCI,

Gauteng, and the TOMS head office. His complaint included the fact that he has been a Lieutenant Colonel since the 1st of July 2009, which is the rank that he was translated into when he came from the Directorate for Special Operation, DSO, Scorpions.”

ADV SEGEELS-NCUBE: 27 and 28.

DOCTOR LEBEYA: -:

10 “It is worth mentioning that on 28th of November 2022, an unpleasant event took place at Boschkop policing area, where one of the members of the SAPS sustained serious injuries by fellow colleagues. Part of the role players included members from K9 Flying Squad and Serious Organized Crime Pretoria under Lieutenant Colonel Resimate Maluleke. He was accompanied by

20 Sergeants Masuma and Mukwevho. Lieutenant Colonel Resimate Maluleke, who was to take over the scene, indicated that they were handling inquiry Pretoria Central 5 of October 2022 of drugs that were supposed to come into

the country. The issue of arresting Generals for defeating the ends of justice was raised in paragraph 9 of his statement.

10 A similar incident occurred at Marble Hall on the 27th of January 2023, where it was alleged that Lieutenant Colonel Resimate Maluleke from DPCI head office was there attending to illegal cigarettes. I attach copies of Marble Hall investigation and Boschkop investigation reports signed by Major General Govender, Brigadier Alexander, Brigadier Malapile, Brigadier Mokoka, Brigadier Schambriel and Brigadier Matlabe respectively as per Annexure 49.”

ADV SEGEELS-NCUBE: Then on page 13, investigation of complaint by DPCI Integrity and Risk office, can you just give us context before you read this?

20 **DOCTOR LEBEYA:** On the other side the DPCI have got a complaint office, so that complaint office also conducted this investigation and then they made a recommendation after the conclusion which they finalized.

ADV SEGEELS-NCUBE: Thank you, you may proceed, paragraph 29.

DOCTOR LEBEYA: Paragraph?

ADV SEGEELS-NCUBE: 29.

DOCTOR LEBEYA: Should I read paragraph 29?

ADV SEGEELS-NCUBE: If you feel that the summary that you've given was fine, we can continue to your knowledge and involvement in the Sun City operation and before you read paragraph 30, I would ask you to summarize 31 to 35, if you could tell us what is the Sun City operation.

DOCTOR LEBEYA: Sun City operation is where members
10 from the TOMS head office went to the North West province to go and conduct an operation in the North West province without informing the North West structures. So we only picked it up when we saw a message on the WhatsApp group that there are some successes coming from the Hawks and this is serious, that they require public attention and as I have to account on the activities of the DPCI, I needed to be understanding what operation is this and this number of suspects who have been arrested with firearms, did they just hand themselves over? Something does not
20 sound right. So that is how it came to my attention which needed to be looked at and again I had to assign the officials to follow on this starting with their Commander at head office and the provincial office. So that is what Sun City is all about, that operation by head office in the province without informing the province where the firearms

were confiscated.

ADV KHUMALO SC: When you say without informing the province, do you mean provincial Hawks or provincial SAPS? Who is the province that you are referring to?

DOCTOR LEBEYA: If it is a matter that resort under the mandate of the DPCI, they should inform the Provincial Head of the DPCI so that it is not a surprise.

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

DOCTOR LEBEYA: Ja, if it is a matter of the DPCI,
10 informing the DPCI is sufficient because the DPCI will talk to his colleagues there in the province in case there is confusion as to whether members are doing the operation. Generally they might even ask support from the province, additional personnel.

ADV BALOYI SC: In this case you mean they did not inform the provincial DPCI head?

DOCTOR LEBEYA: That is correct.

ADV BALOYI SC: Okay. And at this time who was the Head of TOMS, the national Head of TOMS?

20 **DOCTOR LEBEYA:** The Head of TOMS was a Brigadier who retired before Brigadier Mokoena came in.

ADV BALOYI SC: Okay, so it was someone before Brigadier Mokoena?

DOCTOR LEBEYA: Ja, it was another Brigadier.

ADV BALOYI SC: Okay, that is sufficient for now.

ADV SEGEELS-NCUBE: And who was the Head of ...[intervenes].

DOCTOR LEBEYA: Brigadier Smith, sorry for, Brigadier Smith.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Who was the Head of DPCI North West?

DOCTOR LEBEYA: The Head of DPCI in the North West was Major General Mboto.

10 **ADV SEGEELS-NCUBE:** During, at the time of the Sun City operation?

DOCTOR LEBEYA: At the time of that Sun City operation.

ADV SEGEELS-NCUBE: So if I could deal with it then on this basis because in your paragraphs 31 to 35 you are going to detail about aspects which do not really cover or go outside of what you were asked to answer and maybe we can deal with your answers directly. So in the notice you were asked whether you contacted the officer in charge to enquire about the arrest and the seizure of the firearms.

20 Do you want to respond to that directly?

DOCTOR LEBEYA: May you repeat that question?

ADV SEGEELS-NCUBE: If you go to page 13 of your statement, you have copied and pasted the questions that the Commission has asked you to answer regarding the Sun City matter.

DOCTOR LEBEYA: Yes.

ADV SEGEELS-NCUBE: You see that? And 7.1, you were asked about your knowledge of the operation and the extent of your involvement, which you've dealt with. 7.2, whether you contacted the officer in charge to enquire about the arrest and the seizure of firearms.

DOCTOR LEBEYA: That is correct, Commissioners. After checking with those at national level, Brigadier Smith and General Mboto, and they were not able to provide clear
10 answers, I needed to speak to the person in charge of the operation. So I tried to call him. He did not answer at the time, but I have noted that he has indicated in his testimony that he spoke to me. My phone is not reflecting the communication, but what he is stating is correct, that I shall have talked to him to understand what they have been doing, the nature of the operation, and the like. So I spoke to him.

ADV SEGEELS-NCUBE: So we know what the purpose of the call was. Then next on 7.3, did you give him any
20 instructions, and if so, what were they?

DOCTOR LEBEYA: I did not give him instructions. I needed to be understanding precisely the nature of the incident. So if I had to give the instruction, I was going to give to the seniors, not the member at the operational level.

ADV SEGEELS-NCUBE: Okay. Then at 7.4 on page 14,

whether you attempted to instruct the suspects or seized weapons, their release without following proper protocols, including submitting the firearms for ballistic analysis.

DOCTOR LEBEYA: I will not have instructed him to release the firearm. I just needed to be understanding the nature of the operation. The release of the firearms and the like and the release of the suspect have got a particular process to follow, which they must complete certain forms and to be convinced that there is a need to release the
10 suspect. I cannot give the instruction from head office.

ADV SEGEELS-NCUBE: And how would that instruction have flowed down? So let us assume you did give an instruction, but not to him directly, but that was an instruction, would you give that instruction to General Mboto?

DOCTOR LEBEYA: I agreed with him when he felt that they should release the suspect after investigation, not during that night, because there was a lot of investigation that they needed to be doing before they placed the matter
20 on the court roll, which included the recalling of those members from the Hawks head office who did not make the statements. They only allowed one person to make a statement arresting that number of suspects, more than 10. So they needed to close the gaps so that the case can be placed on the roll and not withdrawn.

ADV SEGEELS-NCUBE: So the decision was made by General Mboto and he discussed it with you before he implemented it or after?

DOCTOR LEBEYA: Before he implemented.

ADV SEGEELS-NCUBE: To seek your agreement or just to notify you?

DOCTOR LEBEYA: To notify me and then I agreed, because that is, it was going to be an embarrassment.

ADV SEGEELS-NCUBE: Could he have done it without
10 your agreement, so just notify you and still continue even if you did not agree?

DOCTOR LEBEYA: Ja, he could have done it because he is responsible for the Hawks in that province. It means that he shall have been convinced by what is available in the docket, whether these people should be charged or released.

ADV SEGEELS-NCUBE: And he discussed that with you, what his view was and what he was basing his view on?

DOCTOR LEBEYA: That is correct.

20 **ADV SEGEELS-NCUBE:** Okay. And you were satisfied independent of what his view was, what you heard about the facts, you were satisfied on that, the decision that he had recommended or that he was going to execute was the right one?

DOCTOR LEBEYA: I was satisfied because those firearms

came out that no, they were not illegal firearms as expected. They have gone to the extent of getting the licenses for those firearms. Initially, Maluleka was saying that one firearm seems to be coming positive, but even that firearm, a pistol, seems to have been a wrong one that was reflecting Boksburg case, so the allegations that they were having were not making sense and it was the responsibility of the investigation team to deal with that with the NPA and see if they are placing that matter on the court roll or not.

10 So I was satisfied with the information that they provided me that it is not, as they suggested, what we should be worried about, that illegal individuals are carrying these huge rifles.

ADV SEGEELS-NCUBE: And then 7.5 on page 14, you were asked about your relationship with, knowledge of, or interactions with Mpho Pooe, if any, and her role or interest in the matter. Before you deal with that, can you tell us who is Mpho Pooe?

DOCTOR LEBEYA: This is one of the witnesses in that
20 docket who seems to be the owner of the mine that these people were guarding, the security were guarding. I think that she might also be the, I am not sure how she is associated with the security company, but she seems to be the owner of the mine whose affidavit is in the docket, which explains how she has been dealing with that matter of

people who are trespassing at the mine and the like. So you could see that this is a dispute over a mine. It is not necessarily what the people were talking about.

I do not know her and then I saw that I had a message from her some few days after the operation, which explained the involvement of the police, also accusing the Hawks, that these Hawks members are actually part of the problem makers. Some of them own mines there. So that is the allegation that she was advancing. I again sent that
10 message to the Provincial Head. So I do not know her.

ADV SEGEELS-NCUBE: Okay, I think then we can skip to paragraph 80 on page 25 because you would have covered everything here. We can deal with it in more detail when we address cross-examination because you have dealt with your interactions with General Mboto and all of that in those pages. But 25 is where you then address the allegations by Lieutenant Colonel Maluleke, so paragraph 80.

DOCTOR LEBEYA: -:

20 "I deny that I have given Lieutenant Colonel Resimate Maluleke any instructions in this matter, taking into account that I was not aware of the operation until I was informed about the arrest. I need to point out further that Lieutenant Colonel Resimate Maluleke is

based at head office and standing practice requires that he ought to have informed the provincial authorities in the North West prior to the commencement of the operation. In cases where such was not feasible, he ought to have informed his head office superiors.”

ADV SEGEELS-NCUBE: And 81 and 82.

DOCTOR LEBEYA: -:

10 “When I exited the office on the 31st of May 2025, the case was not yet finalized as it was serving between the prosecutor and the investigator. As on the 21st of July 2026, the case docket appears to be still open. I have noted that Lieutenant Colonel Resimate Maluleke testified that he reported the matter to the Chairperson of the Portfolio Committee, Honourable Ian Cameron MP. As a senior officer, I
20 would have expected him to report the matter to the DPCI Judge.”

ADV SEGEELS-NCUBE: And then you have provided the report on the investigation.

DOCTOR LEBEYA: That is correct, Commissioners.

ADV SEGEELS-NCUBE: Okay, then if we can deal with the

next topic, page 26, the 541 kilograms Cocaine at Port Shepstone, KwaZulu-Natal. And if we could adopt the same approach because you do deal with matters that are not necessarily within your knowledge, but you rely on documents. I first want to just explore with you and get your version on your personal involvement in the 541 kilograms. So when did you first become aware that there was a seizure of the Cocaine?

DOCTOR LEBEYA: I shall have become aware on the day
 10 of the seizure, as that is a practice that when this kind of seizures happen, they shall inform us. So they will inform me and then thereafter they will share with other members of the DPCI management on the WhatsApp group. So I shall have known on the day of the seizure.

ADV SEGEELS-NCUBE: And is it General Senona who would have informed you?

DOCTOR LEBEYA: It is General Senona who shall have informed me.

ADV SEGEELS-NCUBE: Okay. Do you recall whether he
 20 would have told about the team that had executed the bust or any details about the actual operation itself, or just that they were successfully seized?

DOCTOR LEBEYA: No, he will not have briefed me about the details, the nitty-gritties. He shall just say that members in KwaZulu-Natal. So I will not expect him to tell

me what, the details of the members who were involved. Those he will deal with in the province.

ADV SEGEELS-NCUBE: And then, what do you then know personally about where the drugs were going to be stored and the efforts that were made to try and store the drugs before it was taken to the Port Shepstone DPCI offices?

DOCTOR LEBEYA: I was not alerted where they will be storing, but if my memory serves me correctly, there was a time when there was a need to transport the drugs to Cape
10 Town, either escorting them by helicopter and the like. I cannot recall the nitty-gritties, but I did not know precisely where they were going to store the drugs because there was a problem of the laboratory where they must be taken to in KwaZulu-Natal, and which means that normally there is supposed to be a station or wherever they can be safely stored.

ADV SEGEELS-NCUBE: So on the day of the bust, General Senona did not have a discussion with you about the fact that they were having difficulty finding a storage
20 place for the drugs and a decision had been taken that it is going to be stored at the DPCI Port Shepstone offices. You were not aware of that?

DOCTOR LEBEYA: I am not recalling that he raised the issue of difficulty of storing the drugs.

ADV SEGEELS-NCUBE: But when did you first become

aware that the drugs were stored or going to be stored at Port Shepstone DPCI offices?

DOCTOR LEBEYA: Really, I shall say that from the moment that the drugs were stolen, I became aware that they are stored at the Port Shepstone, but I am not certain. I cannot recollect that or precisely when did I become aware because the same storage, I think, previously they shall have stored the drugs that we seized in one of the clandestine laboratories in KwaZulu-Natal.

10 **ADV SEGEELS-NCUBE:** Okay, so what you are saying is your involvement really starts when the drugs are stolen?

DOCTOR LEBEYA: Yes, that is when I closely have to look at this, how can this happen?

ADV SEGEELS-NCUBE: Okay, can you tell us how you were informed that it was stolen? Who told you and what did you do?

DOCTOR LEBEYA: General Senona informed me on the day that the drugs were stolen, the day that they discovered that the drugs were stolen, and I immediately assigned my
20 deputy, Lieutenant General Mosikili at the time, to go and attend and fact-finding precisely what have happened and bring back a report, and that is what I have done.

ADV SEGEELS-NCUBE: Okay, then if we, I think that takes us to 87 on page 27. You say:

“I directed the Component Head of

Serious Organised Crime to attend the crime scene, the criminal investigation.”

Who was that Component Head? The Component Head of the Serious Organised Crime at the time was Major General Kekana.

ADV SEGEELS-NCUBE: Okay, and you say on 1 December, based on that directive, you established a task team led by a senior officer to attend.

DOCTOR LEBEYA: That is correct.

10 **ADV SEGEELS-NCUBE**: Paragraph 87.

DOCTOR LEBEYA: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Okay, so that, was that to investigate whether DPCI officers were involved, or was it to investigate the theft itself?

DOCTOR LEBEYA: We investigated the theft itself, whether DPCI members are involved or whoever is involved, the theft as a whole.

ADV SEGEELS-NCUBE: Okay, and then you can continue on page, paragraph 88.

20 **DOCTOR LEBEYA**: -:

“On 24 January 2022, Lieutenant General Mosikili provided a report to me for the purpose of appraising me regarding the housebreaking and theft. In the report, she attached the report of Major General

Lesetja Senona. In paragraph 2.2.10,
she indicated as follows.”

ADV SEGEELS-NCUBE: You do not have to read that. I
think the point being made there is that they were looking
into the investigation, and you can then go to 89 in the
report.

DOCTOR LEBEYA: -:

10 “In the report, Lieutenant General
Mosikili reflects 8 burglaries that have
happened between 2011 and 2025. She
expressed her view in paragraph 5.1,
where she stated ...”

ADV SEGEELS-NCUBE: Yes, you can read that.

DOCTOR LEBEYA: -:

20 “It is the view of the Deputy National
Head that theft of exhibits within the
DPCI offices embarrassed the Directorate
and the country in general, and left a
huge blow on the trust that the public
have towards this allied crime-fighting
unit. Communities expect accountability,
and where there is wrongdoing, there
should be corrective measures. Precise
and appropriate action in this regard is
critical, as it impacts directly on the

Department's constitutional obligations.’”

ADV SEGEELS-NCUBE: And then at 90, I think this is the important aspect of the report, because certain recommendations are made, and you deal with them in there. You do not have to read the recommendations. We know what they were, but you say these recommendations by General Mosikili should be looked at holistically, and then you deal at paragraph 29 with that. Sorry, page 29, paragraph 91. You can read that.

10 **DOCTOR LEBEYA**: -:

“On attending to the progress report on 28 January 2022, I instructed the Deputy National Head to discuss paragraph 6. The discussion was intended to unpack the recommendations with the prevailing circumstances. This includes the fact that the appointment of a functionary must be intended for a specified member, upon whom notice must be given before
20 investigation starts, as provided for in terms of Regulation 8(1) of the South African Police Service Discipline Regulations of 2016. There were reports on the challenges of security of Hawks offices, including the same head office

that we were sitting in. We have MISS office at the Hawks, which should be engaged before a decision is made. We would have to clarify progress report from the Provincial Head, as she could have directed him to provide in the same way that she directed him to provide the report on 8 November 2021. We shall also have reminded each other that the

10 Provincial Head was appointed on the 1st of August 2020, which is the same date of her appointment as Deputy National Head, while the report was submitted on the 22nd of January 2020.”

ADV SEGEELS-NCUBE: You can continue, 92.

DOCTOR LEBEYA: -:

“I have not been able to establish as to whether the meeting took place and requested the office to check the diary

20 from the 22nd of January 2022 to the 30th of June 2022, as she was appointed as the Deputy National Commissioner on the 1st of July 2022. It cannot be established on physical diary and shall rely on her records.”

ADV KHUMALO SC: Separate from the meeting, sitting here today, can you tell us whether 6.1 of the recommendation was implemented? [Indistinct]... [microphone off].

ADV SEGEELS-NCUBE: On page 28.

DOCTOR LEBEYA: No, this, during my time, it was not done during my time, so I know that they have done that later on, but not during my time.

ADV KHUMALO SC: So 2021, 2022, 2023, 2024, there
10 was no investigation to determine whether the DPCI members involved committed misconduct, because that is what the recommendation is about. It is about discipline of the DPCI members, not the criminal investigation.

DOCTOR LEBEYA: Ja, about the rest of the members, I would not know, because that is a line function which should have started in the province. About the Provincial Head that I could have instituted, that has not been done. It was not submitted to me that I should initiate disciplinary processes against the Provincial Head.

20 **ADV KHUMALO SC:** No, the recommendation is that somebody be appointed to investigate in terms of the SAPS discipline regulations to establish whether misconduct was committed in the handling and storage of the exhibits. So the question is 2021, 2022, 2023, 2024, until you left in May 2025, do you know if that was done?

DOCTOR LEBEYA: From head office, from my office?

ADV KHUMALO SC: Because the recommendation was to you, so that is why I am asking, do you know if that was done? Was there an investigation, internal investigation to determine whether the DPCI officers involved, whether it is at the level of General Senona or below him, whether they were guilty of misconduct and should have been charged? Was there such an investigation?

DOCTOR LEBEYA: To my knowledge, there was not,
10 because I would have known when investigation is being done against the Provincial Head, because that would come to me, so that was not done. Nobody has suggested that the Provincial Head need to be investigated departmentally.

ADV KHUMALO SC: No, but this is what the recommendation says, that all those involved, there must be an investigation to determine whether they should be disciplined. That is the crux of 6.1. I hope I am not being ...[indistinct] getting ahead of where you are going, sorry.

CHAIRPERSON: Please read this out loud, Doctor.

20 **DOCTOR LEBEYA:** -:

“That the National Head appoint a senior
functionary at the level of Major General
to lead an investigation in terms of SAPS
discipline regulation to establish whether
misconduct was committed in the

handling and storage of exhibits.”

CHAIRPERSON: Now you, one of the last things you said was that if the Provincial Head had been disciplined, that would have come to your knowledge. This says you should appoint a Major General to investigate.

DOCTOR LEBEYA: Ja, that discussion shall have indicated why should I appoint a Major General? Who is to be investigated? When you establish, you initiate an investigation, you inform those against whom the
10 investigation is initiated. So in this regard, no identification was done as to who is to be investigated.

ADV KHUMALO SC: So you just left it at that?

DOCTOR LEBEYA: Ja, I think that as I indicated, we should have, I am not recording as to whether we have ever sat, as I directed the recommending officer that come and let us discuss this matter.

ADV KHUMALO SC: My challenge, Dr Lebeya, is DPCI loses 541 kilograms of Cocaine, and you send General Mosikili to assist with the investigation, and she
20 recommends to you that a senior functionary be appointed by you to lead an investigation to establish whether DPCI members have committed misconduct. It is as simple as that. That is the recommendation to you. And you say let us have a meeting, but if the meeting does not happen, nothing is going to happen to the DPCI members. There is

not even going to be an investigation to determine whether they were negligent or grossly negligent, or if they did, in fact, steal the Cocaine. So ...[intervenes].

DOCTOR LEBEYA: If the investigation was to be done to the rest of the members, Commissioner, up to the Brigadier level, it would take place there in the province. It will be done by the Provincial Head.

ADV KHUMALO SC: No, but the directive has to come from you, because if the Provincial Head is implicated, he
10 cannot investigate himself and his team. If he is the one who made decisions, and you say now he must initiate the investigation, what interest would he have in initiating an investigation where he was the decision maker? That is why the recommendation is to you, as the National Head, to initiate the process.

DOCTOR LEBEYA: I am not sure, Commissioner, if where the Commissioner is reading that the Provincial Head is implicated, because in other paragraphs it is the Provincial Head who must be providing progress reports.

20 **ADV BALOYI SC:** No, but I think the debate with you now is, you have instructed an investigation. You sent somebody to go and investigate. They come back to you with a report, and the first paragraph in that report says you appoint a functionary to investigate that, and then it just dies there. All you do in that report is you say, let us

discuss, and that is the end of the matter, when in fact your
 functionary that you sent comes back to you with a report
 and says you should appoint somebody. I think that is the
 discussion that is being had with you.

DOCTOR LEBEYA: Ja, I think that if we only separate that
 paragraph and deal with it separately, it would appear that
 nothing was being done. But yet there are other
 paragraphs, including the continuous investigation, to
 determine what has actually happened. With regard to the
 10 discipline, if I have to appoint, it will mean that the
 Provincial Head is involved and this discussion shall have
 indicated if the Provincial Head is suspected to be involved,
 then that is when I will issue those directive notices.

CHAIRPERSON: You would only know, Doctor, whether
 the Provincial Head was implicated in wrongdoing if you had
 instituted recommendation 6.1, which was the appointment
 of someone at the level of a Major General to lead an
 investigation, to establish whether misconduct was
 committed. At that stage, I do not understand that to be
 20 actually a disciplinary process. It is just to investigate,
 does it look like misconduct was committed here. And once
 that person comes back to you with a report, it is then that
 you will see whether, amongst others, the Provincial Head
 is also implicated in wrongdoing, wrongdoing in the form of
 misconduct. So maybe let me ask this question, did you

reject recommendation 6.1 or did you accept it?

DOCTOR LEBEYA: I did not reject 6.1 as I directed the author to come and discuss. In terms of the application of the regulation, my understanding has been that to initiate an investigation, you must identify the person against whom the investigation ...[intervenes].

CHAIRPERSON: That was going to be identified by the person at the level of a Major General whom you would have appointed. That is the person who would identify all
10 the people that that person thought had committed misconduct. That is the person who would do the identification. Or are you reading this differently? If so, on what basis are you reading it differently? Just look at 6.1 as I am engaging you and tell me why it does not mean what I have just said to you.

DOCTOR LEBEYA: My reading is that we are applying regulation 8 of the discipline regulation and it has got a starting point, where does one appoint. I have not seen anywhere where we will appoint, Commissioner. A person
20 can say come and investigate a departmental matter. We do not know who is implicated. Who do you give notice that there is this investigation? What I know is that we will investigate the criminal leg of this. When evidence becomes available that indicates wrongdoing departmentally, then we can go into that other one. Now

that we have identified wrongdoers departmentally, you can institute a departmental investigation.

CHAIRPERSON: So in your own mind, how would the wrongdoers be identified ultimately? If there were any, how would they be identified? Apologies that we appear to be probing at this stage. It was a simple question when it was asked of you by Commissioner Khumalo, but then follow-up questions became necessary. How would wrongdoers be identified?

10 **DOCTOR LEBEYA:** In some ...[intervenes].

CHAIRPERSON: Short of just throwing up your hands in the air and basically doing nothing about this.

DOCTOR LEBEYA: Ja, for me, when you put the investigation team criminally to investigate that, they will unearth what has actually transpired. If the members of DPCI are found to be involved, those reports will trigger the initiation of a departmental. Normally, even if the criminal investigation is handled at another unit outside the Hawks, the moment they identify the possibility of a departmental
20 contravention, they will report to the immediate supervisor of those members to consider departmental investigation.

CHAIRPERSON: Last question from me on this. So do I understand you to say that recommendation 6.1 was legally incompetent?

DOCTOR LEBEYA: No, I do not say that it was

incompetent.

CHAIRPERSON: If it was legally competent, then I still do not understand why you did not implement it. Anyway, as I said, that is the last question.

ADV KHUMALO SC: I think we will come back to it because I know Advocate Ncube has her own way of dealing with it. But for now, the simple question was really, did you do anything about this, and the answer is you did not because General Mosikili never had the meeting with you.

10 **DOCTOR LEBEYA:** I will accept that one.

ADV KHUMALO SC: Yes.

ADV SEGEELS-NCUBE: Thank you.

ADV BALOYI SC: Can I just clarify, the General Mosikili report, did it not have names of people that were involved with the operation and the handling and the decisions about storage? Did it not have those kind of details?

DOCTOR LEBEYA: I do not recall the nitty-gritties of the content of what it all mentioned, but it did not suggest as to who should we investigate in this disciplinary process.

20 **ADV BALOYI SC:** Ja, let me interrupt you, sorry. I accept when you say it did not say who should be in the disciplinary investigation. I was just asking whether she reported back to you in this report that so-and-so was in the operation, so-and-so was, made the decision or authorised the decision to handle these goods, so-and-so authorised

the decision to store them in Port Shepstone. I am asking that kind of a simple question.

DOCTOR LEBEYA: I cannot recall the nitty-gritties in the report, but the members who performed several activities shall have been included.

ADV BALOYI SC: Thank you, General.

CHAIRPERSON: I am certain Ms Segeels-Ncube will probably at the stage of probing you, General, Doctor, will take us through that report and show us how, if at all, there
10 were shortcomings in it insofar as, for example, issues of identifying possible culprits.

ADV SEGEELS-NCUBE: Thank you, Chair. General, you then deal with the remainder of that topic. You deal with the issues of security at the premises and the DPCI premises in general, but if I understood your evidence, you say you were not aware that the drugs were even stored at Port Shepstone until they were stolen.

DOCTOR LEBEYA: Ja, that is what I cannot recall.

ADV SEGEELS-NCUBE: So the purpose of putting this in
20 your statement is really to highlight to the Commissioners that security was an issue at the DPCI offices generally and that audits were conducted.

DOCTOR LEBEYA: Yes, it is correct, Commissioners.

ADV SEGEELS-NCUBE: Okay. And you mentioned there on page 32, paragraph 101, that the recommendations to

audit is an exercise that was already undertaken in July 2018. That recommendation is from the Mosikili information note. You say it was already undertaken in July 2018. And was that report available at the time when General Senona took office as the Provincial Head, because this is in July 2018, if I understand your 101, and General Senona gets appointed in August of 2020.

DOCTOR LEBEYA: I do not think this, this is referring to a national challenge. I do not think that he shall have been
10 informed. We do not necessarily discuss nitty-gritties, but the fact that the problem of accommodation and the like is known has been repeated in several forums. So whether he have known or not, I am not sure.

ADV SEGEELS-NCUBE: Okay, thank you. Then on page 33, you deal with the allegations of corruption against Warrant Officer Karl Ronald Sander and here it was really about the complaint that had been received by you on the 5th of February 2024 about Warrant Officer Sander at page 103. Can you deal with that?

20 **DOCTOR LEBEYA:** Paragraph 103:

“I requested information kept by the DPCI to check the facts relating to Warrant Officer Karl Ronald Sander. I established that on the 5th of February 2024, at approximately 16:07, my office

received an email at my official address, lebeyasg@saps.gov.za, copied to two other members. The Head of the Executive supporting my office attended to the email at 18:26, directing it to the Provincial Head of the DPCI in KwaZulu-Natal for attention and feedback by the 23rd of February 2024.”

ADV SEGEELS-NCUBE: Then at 104, you deal with what
10 the email contained. We have dealt with that already in previous evidence. Can we go to 105. You say that the allegations are of a serious nature and could not be ignored. You then asked General Senona to deal with it and provide feedback, correct?

DOCTOR LEBEYA: That is correct, Commissioners.

ADV SEGEELS-NCUBE: And then on page 35 you received the first report regarding this issue and you are given an inquiry number. Now, you say that the officer attended to the matter and compiled this report, which was
20 signed by the Provincial Head. And you say:

“I read the report and remarked as follows, ‘Noted. Open the file. Is this member attached to the Hawks?’”

But you do not say what the report stated, the first report.

DOCTOR LEBEYA: Yes, I did not state what the report stated, but I attached all the reports.

ADV SEGEELS-NCUBE: To your statement?

DOCTOR LEBEYA: To my statement.

ADV SEGEELS-NCUBE: Are those all the reports that is listed at 108?

DOCTOR LEBEYA: That is correct.

ADV SEGEELS-NCUBE: Okay, so we will have a look at that when we deal with cross-examination. Then if we can
10 go to 109, you confirmed that, deal with what was the second progress report, which you endorsed on the 25th of April 2024 and then there were additional charges against Warrant Officer Sander regarding non-disclosure of business interests.

DOCTOR LEBEYA: That is correct, Commissioners.

ADV SEGEELS-NCUBE: Okay. Now, did you receive any report from General Senona or anyone regarding the initial allegations of corruption against Warrant Officer Sander that established that there was indeed corruption?

20 **DOCTOR LEBEYA:** Ja, the report that they submitted was that they could not find the source of information, the person who was giving them information, so they did not confirm that allegation.

ADV SEGEELS-NCUBE: Okay, so then all that remained was the issue about non-disclosure of business interests.

DOCTOR LEBEYA: That is correct.

ADV SEGEELS-NCUBE: Okay. Then, if we can then deal with paragraph 111, page 36, the transfer of Warrant Officer Sander. You would have, I do not know if you are aware of his evidence that he was transferred from SANEB to the Support Services, and he says it was because he was stepping on toes because of the drug bust that he was making at the time. I do not know if you heard that evidence of his.

10 **DOCTOR LEBEYA:** I have heard about that evidence.

ADV SEGEELS-NCUBE: Did you have any involvement in his transfer to Support Services?

DOCTOR LEBEYA: No.

ADV SEGEELS-NCUBE: Were you informed that he had been transferred?

DOCTOR LEBEYA: No, Commissioner.

ADV SEGEELS-NCUBE: Okay, because in your statement you deal with a different transfer which never materialized, but that was for him to go outside of DPCI, correct?

20 **DOCTOR LEBEYA:** That is correct.

ADV SEGEELS-NCUBE: Okay, so it does not relate to the one where he was placed, he was transferred temporarily to Support Services while the investigation into the corruption allegations were ongoing?

DOCTOR LEBEYA: No.

ADV SEGEELS-NCUBE: In any of the reports that General Senona had given you about that investigation, did he mention that he had moved the member away from SANEB pending the outcome of the investigation?

DOCTOR LEBEYA: I do not have any report where he shall have reported that to me. What the office have provided to me, because I am now not working in the office, there is none.

ADV SEGEELS-NCUBE: Okay. You speak in your
10 statement about a transfer where the approval of the National Head is required, so a member cannot move without your approval as the National Head at the time.

DOCTOR LEBEYA: That is correct, Commissioner.

ADV SEGEELS-NCUBE: But would that be the same for a temporary placement? So in this instance, Warrant Officer Sander was transferred temporarily pending the outcome of the investigation.

DOCTOR LEBEYA: No, that one is a disciplinary regulation. It is a movement in terms of disciplinary
20 process. That the Provincial Head can do. It is a line management, it is temporary. It is not considered transfer in terms of the transfer policy.

ADV SEGEELS-NCUBE: Ja, okay. Then we are on page 39, which deals with another topic, the involvement in the DPCI's investigation into alleged misconduct by Advocate

Andrea Johnson. And really, all that was required of you here was to confirm whether you would have met with Advocate Shamila Batohi, who was the NDPP at the time, regarding the allegations that were made against Advocate Johnson by Witness O, who we identify that person as Witness O, for providing a docket to General Khan where he was a suspect, and whether you would have had a meeting with Advocate Shamila Batohi to provide her with the statement by that witness and to request from her that a
10 prosecutor be appointed to prosecute the matter.

ADV NWEDO: I did meet Advocate Batohi.

ADV SEGEELS-NCUBE: And that would have been on or before the 2nd of September?

DOCTOR LEBEYA: I think it is the 2nd of September.

ADV SEGEELS-NCUBE: Yes, the 2nd.

DOCTOR LEBEYA: [Indistinct]... specific date that I mentioned.

ADV SEGEELS-NCUBE: In your diary, in your physical diary it does, you say it does say the 2nd of September.

20 **DOCTOR LEBEYA:** The 2nd of September, yes.

ADV SEGEELS-NCUBE: Yes.

DOCTOR LEBEYA: The 2nd of September.

ADV SEGEELS-NCUBE: Yes. So you did meet her. You can finish that.

DOCTOR LEBEYA: Ja, I met her and gave her the

statement as requested by Colonel Roelofse and conveyed the message of the request that he needed prosecutors to assist and to also look into that office of hers departmentally.

ADV SEGEELS-NCUBE: And was, I know you probably do not recall, as you say at paragraph 130, you do not recall the nitty-gritty, but is it correct that you do recall that what you would have asked was that your members have requested that a prosecutor, senior prosecutor be assigned
10 to the matter?

DOCTOR LEBEYA: The purpose of that meeting was solely to go and carry over the request that the members have made. So while I do not have the exact wording that we shall have used, but was to give that statement and indicate that they request a prosecutor to assist and departmental consideration of her member. So that is the two things that he wanted.

ADV SEGEELS-NCUBE: Did you in that discussion with her say to her that you should not discuss this with
20 Advocate Johnson or did you just assume that common sense would dictate that she would not discuss it with Advocate Johnson, who is an implicated person?

DOCTOR LEBEYA: I have never dictated how to handle the matter with her personnel. In my view, if there is allegations against a member under my command, and I

have got information, I cannot be discussing with that member. So they have got their own rules how they operate. I did not dictate.

CHAIRPERSON: It sounds as though, I am addressing what you said earlier, not now in response to the last question, it seems as though you did not yourself own what your members told you, because you say you went to Advocate Batohi and just conveyed what your members were saying and what their wishes were. And to me it
10 sounds as if you did not yourself necessarily see that there was substance, because if you saw that there was substance in what they were saying, you would have owned this and go there saying this is what I have established based on what I got from my members, and here is what I propose, which would indicate that you yourself actually owned what your members have told you. Now you just say, I went to her and I told her that my members were saying and that they wished for this to happen. It sounds as if you did not own this.

20 **DOCTOR LEBEYA:** It is correct, Commissioner, I do not own that one.

CHAIRPERSON: Is that because you saw no substance in it?

DOCTOR LEBEYA: First, there was no investigation, criminal investigation. And if there was criminal

investigation, it was to be registered at the station. And if it was to be registered at the station, the mandate would not have come to the DPCI. It would have been handled by the Detective service. And in case it was to be handled by the DPCI, if it was looked into and found that it requires the DPCI, those DPCI members would have come from Gauteng, Pretoria, and not Cape Town.

CHAIRPERSON: Why did you take it to Advocate Batohi then, because it sounds as if you did not yourself see
10 substance in it? Why did you take it to Advocate Batohi?

DOCTOR LEBEYA: There was a request, Commissioner, by the members that here, the member from that particular office of the DPCI, this is what the member have done. So they have requested. I could not find reason to refuse and say, no, I cannot do this one, go and do it yourself.

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV BALOYI SC: Can I just ask. When, ja, why did you not have, what you have just described now, that there should have been a case registered, there should have
20 been an investigation by Detectives, and that list that you gave, why did you not discuss that with Colonel Roelofse when he comes to you and says, I want this to go to the NDPP? Why do not you say to him, if you did not, why do you not say to him, what do you want her to do? Obviously to prosecute, that is why he is saying to you, get a

prosecutor. That process that you say should have happened, why do you not discuss it with him at that point?

DOCTOR LEBEYA: It happens when the investigators just need to hear advice from the prosecutors, and he needed that advice. If he had indicated that he wanted to register a case for the investigation, I shall have directed that go and register the matter or advised the complainant to report the matter, because under normal circumstances it would not have come to that team that I have assigned to work at the
10 IDAC. And the view that they wanted to assume that anything alleged against Crime Intelligence they will take, I would not have agreed with that. The nature of the crime that they alleged was defeating the ends of justice. I think when the Commissioners look at the mandate of the DPCI, when it comes to the portion relating to defeating the ends of justice, that defeat must emanate from a case that actually is in the mandate of the DPCI.

ADV BALOYI SC: Yes, I understand that explanation. My question is, why at that point you do not say to him, but this
20 does not, why are you, Roelofse, even looking at this and wanting to speak to a prosecutor about it? This is a matter that belongs in this process that you have described. It is one thing to say it now that he should have done A, B, C, D, but in the moment when he comes to you, it is a live case as far as he is concerned, but you now tell us it was

mishandled, and my question is, well, at that point he comes to you because you are his superior. He is not talking to a friend. He is talking to the Head of the DPCI who is the liaison with NDPP, because I assume he cannot go directly to Advocate Batohi, that is why he is coming through you. But now that you know at that time, in the moment, that this is what he is dealing with, the question remains, at that point, why do not you engage him in the way that you are describing now so that the matter could be

10 redirected where it should have gone?

DOCTOR LEBEYA: Colonel Roelofse is a senior officer who has been dealing with this kind of matters, and many a case they have registered. Where there is a need to register a case, they have caused that to be registered without first asking as to whether they can do this or that. In this, I understood that he is requesting that a prosecutor from the NPA can advise as to what should be done. If he had requested a view from me, I would have advised that let the matter be registered at the station, and then it is either

20 an inquiry or a docket be registered at the station, and if registered, it would not have needed the DPCI. It does not require the DPCI. It is not in the mandate of the DPCI. So I was facilitating to assist him with what he is requesting, that prosecutor look at what your officials are engaged in.

ADV BALOYI SC: Thank you. Ms Segeels.

ADV SEGEELS-NCUBE: Thank you. And Colonel Roelofse's concern and Captain McLean's concern was that they needed it to be a senior prosecutor, so they could not direct the request themselves, and that is why they came to you, so that you could speak to the NDPP, because they could not go directly to the NDPP, correct?

DOCTOR LEBEYA: Captain McLean was not part of the discussion. He may have learned about it from Colonel Roelofse.

10 **ADV SEGEELS-NCUBE:** Yes. I am saying when Colonel Roelofse comes to you, he is expressing a concern that because of Advocate Johnson's position as the Head of IDAC, they wanted somebody, a senior prosecutor, to assist them.

DOCTOR LEBEYA: Yes, to assist them. In that space where they were, they had a specific mandate.

ADV SEGEELS-NCUBE: Yes, and that is why they then came to you. That is, I just want, I am agreeing with you that the request to you was a request that we do not,
20 essentially we do not know what to do, and we, but we know that somebody senior needs to advise us here because of Advocate Johnson's position. It cannot just go to a junior. That is why they approached you, because they wanted you as the Head of DPCI to speak to the Head of the NDPP, so to facilitate the appointment of a prosecutor that would be

senior enough to take on the matter, whether it was to advise them or to open the case to have a full investigation or not.

DOCTOR LEBEYA: I will accept that.

ADV SEGEELS-NCUBE: Yes, thank you. Chair, that then concludes the evidence of Dr Lebeya. We have arranged ...[intervenes].

CHAIRPERSON: It concludes the statements.

ADV SEGEELS-NCUBE: The statement, yes.

10 **CHAIRPERSON:** Yes.

ADV SEGEELS-NCUBE: We have arranged a date, but we will, to a date to be confirmed, Chair, but between the legal representatives, we have secured a date.

CHAIRPERSON: Thank you, Ms Segeels-Ncube. Doctor, the hearing of your testimony is postponed to a date to be arranged. Let us adjourn and resume at 9:30 tomorrow.

INQUIRY POSTPONED TO 28 AUGUST 2026

INQUIRY ADJOURNS
