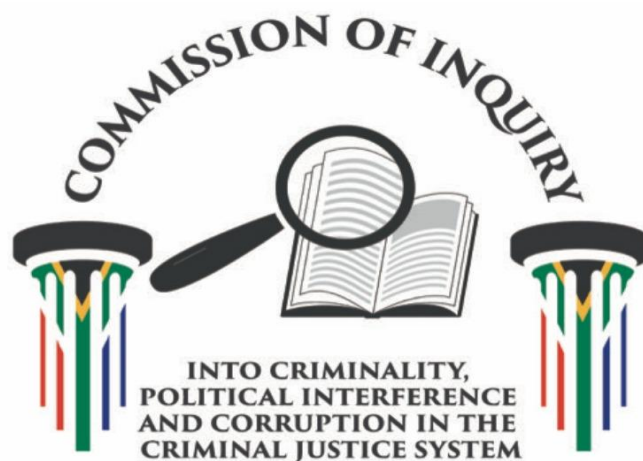


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

23 SEPTEMBER 2025

DAY 5



PROCEEDINGS ON 23 SEPTEMBER 2025

CHAIRPERSON: Good morning, General.

LT GEN MASEMOLA: Good morning, Commissioners.

CHAIRPERSON: Yes, you are still under your oath. Yes, Mr Motau.

ADV MOTAU SC: Thank you. Good morning, Chair and co-Commissioners. Just one issue of housekeeping. Yesterday, we did not have an opportunity to place the name of the capable junior who is running the matter, in fact, and through whose navigation system I operate. It is Adv Lee Segeels-Ncube. Thank you.

CHAIRPERSON: Thank you, Mr Motau. Thank you, Ms Segeels-Ncube.

EXAMINATION BY ADV MOTAU SC (CONTINUES): Thank you. Good morning, General.

LT GEN MASEMOLA: Good morning, Counsel.

ADV MOTAU SC: Yesterday, we were busy with Annexure SFM11, and we were on page 406 at the time when we took the adjournment. May I please ask you to go to that page, Masemola 2, page 406.

LT GEN MASEMOLA: SFM11?

ADV MOTAU SC: Yes, page 406. We were dealing with the conclusion. You recall that is the report dated 20 January 2025, which you submitted to the Minister on 22 January 2025.

LT GEN MASEMOLA: Yes.

ADV MOTAU SC: You had read the first unnumbered paragraph under paragraph 311, then if I can ask you to proceed from the next unnumbered paragraph, the directive by the Minister.

LT GEN MASEMOLA:

10 “The directive by the Minister of Police to disband the National Task Team has been noted. The initial objective and directive by the President has been achieved with noticeable decrease in political killings in KwaZulu-Natal. As a result, the task team's intervention and relentless pursuit of his mandate. South African Police Service remains responsible for finalisation of those dockets in possession of the task team, as well as finalisation of dockets which are currently before Court. The

20 following steps have been taken to wind down the task team without compromising pending investigations or court processes. Stakeholder engagement to be conducted with other external role players in the task team,

especially the NPA who have dedicated capacity of prosecutors working with the team. The 128 case dockets which are under investigation and allocated to the task team will be retained by the task team and investigations will be finalised. An audit will be done of those dockets still under investigation in order to establish which dockets can be returned to station of origin or allocated to other investigating units within SAPS. No new dockets will be taken by or allocated to the task team. The 115 case dockets which are currently pending at court will be retained by the task team until their finalisation in order to avoid challenges during court processes which may result in charges being withdrawn against some of the accused, leading to unnecessary civil claims. These possible challenges might include unsuccessful prosecution as a result of new investigating officers not familiar with evidence in the dockets, witnesses

not willing to cooperate and testify due to lack of trust to new investigators, further investigation still outstanding and attending to prosecutor's queries will be negatively affected. The current capacity of the task team will be gradually scaled down to only personnel who are required to finalise dockets retained by the task team. The scaling down of the team will depend on the 115 case dockets that are currently pending at court with most of the court dates in the year 2025. It is anticipated that the team will complete their work before the end of the year 2025. However, the seriousness of the cases and the processes at court will indicate the course of action.”

ADV MOTAU SC: Now, can I ask you to stop there. In respect of no new dockets, we will deal with that issue at a subsequent meeting that you had with the Minister in March. I just want to ask you about the part that you have just read there that:

“It is anticipated that the team will complete the work before the end of

the year 2025.”

Then what follows thereafter:

“However, the seriousness of the cases
and the processes at court will indicate
the course of action.”

What did you intend to communicate to the Minister by that?

LT GEN MASEMOLA: What I was indicating there is that
...[intervenes].

ADV MOTAU SC: Sorry, National Commissioner, having
10 regard to the fact that the Minister's instruction was to
disband immediately.

LT GEN MASEMOLA: Yes, what I was indicating there is
that despite him saying we must disband immediately, the
cases will dictate how long the task team is going to be
there. Meaning that as long as there are cases that are
rolling, the task team will still be in existence dealing with
the cases.

ADV MOTAU SC: And then you can just deal with the last
paragraph in that conclusion.

20 **LT GEN MASEMOLA:**

“The multidisciplinary investigative
approach (analysis-led and prosecutor-
guided investigation) applied by the
task team will be adopted and used to
serve as a benchmark for the

realignment of contract killings and organised crime investigation. Further directives will be issued in this regard. Progress will be reported dated 22nd of January 2025 signed off by myself and make comments for the Minister of Police.”

ADV MOTAU SC: Okay. If I can then ask you to turn back to your statement?

10 **CHAIRPERSON:** Please, before that, Mr Motau, talk has always been about 121 dockets in general. Can you please explain the difference between the 128 dockets that you referred to at page 407 of this annexure, (ii), and you also refer to that same number that is 128 at paragraph 131, two of your statement at page 40. Just that seven docket difference. That is, it was 121 by the time the dockets were taken to head office. But at the stage you made this report, it was 128. Had the seven been finalised or what had since happened to them?

20 **LT GEN MASEMOLA:** Ja, what happens, Commissioner, is that they get finalised at court and they reduce in number as time goes on.

ADV KHUMALO SC: My question, General, is do they include the Fort Hare dockets and the traditional leaders killings dockets or were these only political killings specific

in your 128?

LT GEN MASEMOLA: Ja, it does include all the dockets. It includes all of them.

ADV BALOYI SC: Mr Motau, before you move on, you are referring now to the statement. I think you are going back to the statement. So I take it you have finished with this report. All right. Maybe then let us look at page, General, if you would look at page of that report. Sorry, pardon me. Somehow my desk is not working out this morning. At page
10 392, you have 3.6, the heading cases highlighted by critics of the task team. And you start off there, which is why I want to explore this further with you, the opening paragraph there is:

“The following cases have been referred to in letters written to the Minister in which accusations have been levelled against the task team.”

Now, and then you have got 3.6.1, a case number involving local municipal councillor, P Ndlovu. You have 3.6.2,
20 relates to ANC candidate councillor, Mkhize, and his friend, Nyanga. And then you have 3.6.3, which I do not see. And then you have got 3.6.4, relating to the murder of Sindiso Makaka. And then you have got 3.6.6, or 6.5 is a Magaqa. And then you have got 3.6.6, or 6.5 ...[indistinct] case, and then you have got 3.6.6. Now, on reading these paragraphs

here, it is not clear what is the criticism in respect of any one of these cases. It does not set out. It just gives you a summary of what the case is about. And insofar as this may be among the factors, and we will still hear from the Minister, insofar as this may be factors that the Minister took into account in his decision, then I think it is important that we get an explanation or greater detail of what these cases are about. But if it is matters that you say General Khumalo will speak to, I am happy to leave it at that. But
10 as it stands now, it is not clear, at least to me, what is the criticism about these cases.

LT GEN MASEMOLA: Thanks, Commissioner. Well, Khumalo will dwell more into it, but I am aware that what it means is that there were letters written either to myself, National Commissioner, for example, the first case, AfriForum did write a letter complaining about the investigation of the specific case on 3.6.1, Mpophomeni case, the murder of a DA, uMngeni Local Municipality Councillor, Mr Ndlovu. So they were complaining that they
20 do not get feedback. So each case has got its explanation.

So it has been raised, not only by one person, this case was raised by AfriForum. The other ones, they have got parties that raised them, where they – in this case, they were saying they were not getting briefing from the Political Killings Task Team, and they think the team do not know

what they are doing, they are on the wrong course, they need to be briefed. So, in that regard, we could not really go out and brief AfriForum on everything, because we knew what we were doing and we were aware that AfriForum has been contracted by uMngeni Municipality to also do private investigation on the matter.

So we could not every time collect information and then go and give them. We have a direct link with the widow of the Councillor Ndlovu. If ever we have to go and
10 give her feedback, we will be able to do so. And if we have to give the municipality also, we had that leeway. So we knew what we were having in our cards and we can only give them that which we want to give. We cannot give everything to AfriForum and they go and give. They might even give some to some of our suspects.

So that was the issue. Then they wrote this letter complaining to myself and the Minister that they have not been getting feedback and this unit is useless, it is not competent and so on. So we could not really get to their
20 level to argue those points because we knew what we were doing. And eventually we did make arrests in this case. We arrested a number of people, I think including an Nkosi in that regard. So there are people that are before Court currently on that same matter. There was an Nduna arrested, there was later an Nkosi arrested for that matter.

But yes, there were such complaints.

ADV BALOYI SC: Is there a difference though, General, between complaints and accusations? And the heading here is accusations. So if what you are saying is all of them that you have listed here, all six or seven of them were of similar complaints, that the people were not getting report backs, they were not getting updates, then that is fine, it is clarified if that is the case in all of them. But you have got one, for example, in 3.6.3, it is about Sergeant
10 Dlamini and four others. Is it a similar kind of complaint where you say accusation, in fact you should have said complaint? Dlamini, you will find it 3.9.3. I know Mr Motau had said you would speak more to it. I do not know if you are still getting there.

LT GEN MASEMOLA: Ja.

ADV BALOYI SC: But I want to be sure that we understand when you say accusations, it suggests that there may be allegations of wrongdoing. At least that is what the heading suggested to me in the first paragraph. And when I read
20 the body of it there was no allegations of wrongdoing by the task team, and I think it is important that you clarify that.

LT GEN MASEMOLA: Ja. It differs from case to case, Commissioner. In that regard, in Sergeant Dlamini, for example, there was a complaint that he has been arrested for nothing. He was part of the task team and he did wrong

things and he was caught up by his own colleagues and arrested. He has been convicted as we speak now and he is awaiting sentencing. But I think at the end of his trial, then he raised the matter that the Magistrate must recuse himself at the end of the trial after conviction. So that is being dealt by the courts currently.

So the complaint there was that he was denied bail and he is inside with others. He was not alone and they are still awaiting trial, the others. So the complaint was he is
10 just denied bail for no reason. So nobody can be denied bail and be inside for no reason. So eventually, as we speak, he has been convicted. He is awaiting sentencing. So those were the complaints coming from various people on him.

ADV BALOYI SC: Thank you, General. Mr Motau, you have heard my concern.

ADV MOTAU SC: Thank you, Commissioner Baloyi. General, you indicated that General Khumalo is going to deal deeper with these issues and you have provided your
20 explanation in terms of the questions that were posed. And if I can just ask you to go back then to your statement because you dealt with this issue in part from paragraph 119 to 121. If I can just ask you to deal with that so that we can close that issue and move on to another aspect.

LT GEN MASEMOLA: 119 to?

ADV MOTAU SC: 121.

LT GEN MASEMOLA: 121.

ADV MOTAU SC: You dealt with it yesterday regarding the Minister contacting you, or sorry, you contacting the Minister to request audience.

LT GEN MASEMOLA: Okay, yes:

10 “During that week, although I do not recall the exact date, I contacted the Minister via mobile to request an audience. I informed him of the importance of providing initial briefing regarding the establishment and activities of the PKTT. The Minister indicated his willingness to schedule time for this discussion.”

Paragraph 120:

20 “At the same time, there were adverse media reports pertaining to Crime Intelligence. The Minister subsequently called me to express his intention to appoint a senior counsel to investigate various issues highlighted by the media including the appointment of Brigadier Lekganyane, Brigadier Mokwele, the security clearance of Lt-

Gen Dumisani Khumalo, and the murder of Sindiso Magaqa. I assured him that detailed information on these topics was readily available to him and reiterated my previous request to brief him comprehensively on matters of division Crime Intelligence and the PKTT. The Minister agreed to attend a briefing on the afternoon of the 16th.”

10 So, in short, what I am explaining there is that these matters were at that time in the media, and I asked him that – because he says he was concerned, he wanted to appoint a senior counsel to investigate these matters. What I said to him was well, the information is yours and is available to you. If you choose to go and appoint a counsel to buy it, it is up to you, but it is readily available to you and you can get it for free.

And he asked, does that include Sindiso Magaqa's matter? I said yes, indeed it is one of those matters that
20 we said we want to brief you on because what you see in the media, you will know more about what happened to Sindiso Magaqa. It is exactly because of the PKTT that investigated the murder. The murder happened long before Dumisani Khumalo joined Crime Intelligence, and when he joined he unearthed this. He investigated, he arrested

people on this.

Currently we know there are various witnesses that have been protected for this specific case. So it is a case that is unearthed by us. So you cannot say, for example, you always hear out there that the firearm and the vehicle that killed Sindiso Magaqa came from Crime Intelligence. Yes, indeed so, but the reason why you know that is because of the PKTT that investigated the murder. Most people think that this happened now during when General
 10 Dumisani Khumalo was in CI. It is false, no, it is not like that. It happened before him upon him assuming the duties as Divisional Commissioner while he was at the PKTT.

He investigated this matter and they unearthed it and they made arrest. Hence there are some people – there is a hitman that has been convicted. The case is not yet finalised, it is still continuing. So I told him that that is how this matter came to light. So make time, let us brief you because – but it is for him, if he wants to get a counsel to investigate, it is up to him. On paragraph 121
 20 ...[intervenes].

ADV MOTAU SC: Sorry, before you get there. At the time when the Minister called you, as you say in paragraph 120, in relation to the sequence of events, was this before the Minister took a decision that the task team be disbanded immediately or is this after the decision had already been

taken?

LT GEN MASEMOLA: Well, at that time the decision was already taken, the letter or the directive was already issued 31st of January 2024. So these discussions were somewhere around 14th ...[intervenes].

CHAIRPERSON: You mean December, General?

LT GEN MASEMOLA: Ja, December 2024.

ADV MOTAU SC: 2024?

LT GEN MASEMOLA: Yes, and these discussions were
10 somewhere in 14, 15 January 2025.

ADV MOTAU SC: So the Minister will tell the Commission if these facts that arose after the decision, after his letter, were relevant considerations that he took into account when he gave that directive, but let us leave that for the Minister to explain.

LT GEN MASEMOLA: Yes, Commissioner.

ADV MOTAU SC: If you go to 121 then, are you about to deal with that?

LT GEN MASEMOLA:
20 “On that day, Lt-Gen Dumisani Khumalo and I briefed the Minister with a thorough update on the aforementioned matters as well as ongoing Counter Intelligence investigations and reminded the

Minister that a briefing on the PKTT should still be held. The briefing included an identified syndicate with significant influence and/or connections, particularly within law enforcement and the criminal justice system. The report included identifying senior SAPS officers who were associated with criminal syndicates and/or advancing or protecting interest of the Big Five within the law enforcement and criminal justice system.”

ADV MOTAU SC: Perhaps if we could stop there because that should be sufficient for purposes of the issues that had been raised. And what follows here, we know you dealt with it also yesterday, but it introduces or deals with an issue that you thoroughly covered yesterday. So the purpose of referring you to those paragraphs, it was to deal with the interactions between yourself and the Minister with reference to the complaints that had been raised, which you referred to in that report. So if I can ask you then to turn to paragraph 129 where you start ...[INTERVENES].

LT GEN MASEMOLA: Maybe before that, Commissioner, just to say during that briefing, the PKTT was never – the

briefing was not done. It was just agreed. The Minister said, as you know, the report is due on the 20th, so we will discuss it later in the future. So it was not discussed in this meeting on the 16th. Thank you, Commissioner.

ADV MOTAU SC: Ja. So that is why you are saying to the Minister there in 121, I thought that is the point you had made, you reminded the Minister that a briefing on the PKTT should still be held.

LT GEN MASEMOLA: Thanks, Commissioner.

10 **ADV MOTAU SC:** And you are saying it is because it did not occur in that meeting of 16 January.

LT GEN MASEMOLA: That is correct.

ADV MOTAU SC: Yes. If I can then ask you to turn to paragraph 129? This is after you have referred to this report, SFM11, and you set out your comments in relation thereto. So if I can ask you to start at 129?

LT GEN MASEMOLA:

20 “The report set out in detail the success of the PKTT, its strength as well as the criticism level against it, which are unfounded. The report also highlights the PKTT successes such as successful arrests and/or convictions of masterminds behind political murders. Importantly, the report

highlights that the PKTT had undeniably achieved and far exceeded the purpose for which it was established and that no other task team in South Africa had achieved the successes, nor has it been able to investigate and ensure successful prosecution of perpetrators of politically motivated murders, especially the masterminds.”

ADV MOTAU SC: You dealt with the significance of that strategy yesterday, and perhaps if I could just ask you, how does that differ with the ordinary conventional methods of investigating crimes which is relevant to the notion of the successes that you are briefing the Minister on?

LT GEN MASEMOLA: The difference is normally if you investigate an ordinary murder, you always have two people involved, one having killed the other, and normally it might end up there. Either they have been fighting or be it a road rage or whatever. So the investigation involves just around two people. But with political killings there is a lot of stakeholders that are involved. There is someone that wants to eliminate the other and he will go further far to find a hitman, and he will procure or find a firearm, and there will be sometimes people that will spot or track the victim

and eventually the hitman will do his work and there will be payment. And sometimes the payment is not direct, it is via some other people back to the hitman. So that is how complex these cases are.

It takes a team, not an individual, to investigate this type of case. So it needs a lot of analysis that has to be done on various, be it cold data, be it ballistic. So it needs a teamwork to focus just on one case. It can take quite long. Hence, you might look at the figures of the numbers
10 of convictions, maybe not being too much, but we are not just dealing here with a murder where two people fight and the other one kill the other. It requires a lot of dedication. It involves a lot of role players that are involved in the chain to this type of killings.

ADV MOTAU SC: So when you are talking about a comparison, is it possible when one measures the aspect of success to compare these type of cases that PKTT is dealing with, with the ordinary murders that are investigated through the traditional method of investigation?

20 **LT GEN MASEMOLA:** It will not be, or let me say it is not comparable because as I said, normally an ordinary murder, one kill the other, you arrest. So the number of arrests, the number of firearms convicted and the number of, be it ad hoc cases, is quite influential in this case of PKTT cases. In that, on other investigations of ordinary murders you do

not deal with complexity normally. There will be very few areas to touch. So you cannot really compare the number of convictions by the PKTT to say if you have four in PKTT and you have five in other areas.

You cannot really compare because the magnitude of work is not the same and the team is dealing with specific cases, whereas other investigation units are focused on the other cases. Yes, there might be murder, but they are not as sophisticated as this one. So it is not easy to compare
10 the two.

ADV MOTAU SC: One of the aspects that you touched on yesterday was that the PKTT gets deployed in instances where cases could not be resolved or cases, to use your words of yesterday, where cases are not moving. If I can just ask you to explain that concept that you touched on yesterday?

LT GEN MASEMOLA: Yes, when I was saying where cases are not moving, I mean that the cases would have been allocated to general detective or a specialised unit and we
20 do not see any arrest or prosecution over time. Then when you bring the PKTT, then normally there would be a breakthrough. A good example is cases at Fort Hare University where I did say that the Hawks were investigating, I am sure for a year or so, dealing with corruption and fraud.

And then there were killings that happened there, which were done by general detectives from their province, but there were no arrests in those cases. But after we gave these cases to the PKTT, they were able to unravel what was happening there and as normal as when we work with an institution like a university, the entry point sometime will be the management of the university as well as the head of security of the institution. In that regard there was a Mr
10 Plaatjies who was security head or manager of that institution. So the team worked with him with a view to investigate this case and they were close to him and they cooperated well.

But over time, the very same team, they were staying with him, eating with him, doing everything, the very same team later they found that actually he is the mastermind of these cases and the team did not hesitate to say maybe we shared lunch with him yesterday. They arrested him and they were able to unravel those cases and arrested quite a number of cases at the Fort Hare University. So when we
20 say they can deal with cases that do not move, that is what we refer.

Same in KZN, there were cases before investigated by the previous team to PKTT, where there was not much of success. And when they took over those cases ...[intervenes].

ADV MOTAU SC: Are you talking about the disbanded?

LT GEN MASEMOLA: Yes, the dissolved or disbanded task team.

ADV MOTAU SC: Yes.

LT GEN MASEMOLA: After the PKTT took over those cases, there has been a lot of arrests, recovery of firearms and a number of convictions. Same you can look in Gauteng when the team, the 10 members of the PKTT came to Gauteng to assist in the murder of Armand Swart. They
10 investigated that murder. And also coming to the issue of Cat Matlala, you will recall that I said that a certain person came to me complaining about the relationship between Lt-Gen Sibiya and Cat Matlala, which I then gave that specific investigation to General Dumisani Khumalo on the kidnapping of Jerry Boshoga.

It was that case that ended up unravelling what actually Cat Matlala was doing. It was that case that led to the search of his property on the 6th of December 2024, when there was also at the same time an operation to arrest
20 KT Molefe. So all these cases that unravelled out of Cat Matlala, it emanated from – that is a very – from the time I gave this work to Dumisani Khumalo to say go and investigate, which I took it away from him. I said General Sibiya cannot oversee it, so do investigate it. So it was that case that unravelled all others that involved him and

ended up culminating in the arrest of Cat Matlala for the attempted murder of his former girlfriend. You would recall that if you go back somewhere, if we go back, the murder of Babita Deokaran ...[intervenes].

CHAIRPERSON: Mr Motau?

ADV MOTAU SC: Yes?

CHAIRPERSON: Do we need this much detail? Your question was a simple one. What exactly are the methods? I do not think the General needs to go into this much detail.

10 If he is merely addressing the question of the methods that the PKTT was applying and which were not the same as what your conventional detectives would apply.

ADV MOTAU SC: Yes.

CHAIRPERSON: Should we not move on? Also, I am raising this because it is repetitive.

ADV MOTAU SC: Thank you, thank you. Thank you, General. I think you have indicated the methods, how they work and how different are they from the conventional methods. And General Khumalo will talk to one of the
20 concepts that is loosely called the ownership of a docket in the conventional methods or conventional investigation methods versus how the concept of a docket and the absence of ownership in the PKTT model. Perhaps if you could just briefly deal with that in terms of ameliorating the risk of bribery, extortion, et cetera?

LT GEN MASEMOLA: Thanks, Commissioner. In that regard I think I can go as far as to say what the team does is in the traditional way of investigation, the docket is allocated to an investigator. And how the team works is the docket is for the team, it is not for an individual investigator. So there is no room for corruption whatsoever because everyone in the team, within the PKTT there are teams. So everyone in the team will know exactly where we are and where we are going.

10 So there is no way you can do something untoward which the team do not want. That is how Sergeant Dlamini was caught in that way. So it is easy if you go off track on the way they work, they will be able to pick it up very quickly. Thank you.

ADV MOTAU SC: I think let us just leave it at that. General Khumalo, like I said, will deal with those details in his testimony. Then if I can ask you to proceed from paragraph 130 of your statement?

LT GEN MASEMOLA:

20 “Insofar as the report had to include a write-up of the justification of the disbandment of the PKTT, it goes without saying that I could not justify the disbandment and neither could Khumalo. My position has always been

that PKTT had to remain. Therefore, in the report to the Minister, we simply state that the directive of the Minister to disband has been noted and that the initial objective and the directive by President has been achieved with noticeable decrease of political-related killings in KZN as a result of the PKTT's intervention and relentless pursuit of its mandate. This is the best we could do in the circumstances since this was an instruction and not a discussion.”

ADV MOTAU SC: Yes, and then the paragraph that follows and its sub-paragraphs, you have dealt with because you read it directly from the report itself. You will see up until 131.8. And you also dealt when you were reading from the report SFM11, you also dealt with that recommendation which is set out in paragraph 132. Correct?

20 **LT GEN MASEMOLA:** That is correct, Commissioner.

ADV MOTAU SC: All right. If we can then move on to paragraph 133? If you can start from paragraph 133?

LT GEN MASEMOLA:

“I had heard nothing further from the Minister about the disbandment until

the 4th of March 2025 when my office received an email from the Minister's Chief of Staff, Mr Nkabinde, inviting me to attend a Ministerial meeting on the PKTT disbandment implementation plan which was scheduled for 6 March 2025, 11:30 to 13:15 in Cape Town, in the office of the Provincial Commissioner's boardroom.”

10 **ADV MOTAU SC:** Yes. Then over the page.

LT GEN MASEMOLA:

20 “Prior to this meeting on the 5th of March, I appeared before the Parliamentary Portfolio Committee on Police for a briefing by SAPS, amongst others, focussing on challenges relating to Crime Intelligence and investigation against Maj-Gen Khan, the status of the PKTT and details on an interview by the Provincial Commissioner of KZN during 2025 Police Day. The appearance was by way of virtual meeting platform. In attendance were among others myself,

the Minister, Lt-Gen Mkhwanazi, Lt-Gen Dumisani Khumalo. During this session, Lt-Gen Mkhwanazi made an allegation that the Minister knew a gentleman by the name of Brown Mogotsi. This is but one of the allegations that was made by General Mkhwanazi at that meeting. Minister Mchunu denied knowing a gentleman by the name of Brown Mogotsi. After the meeting, in a meeting where I was present together with Deputy Minister Mathale and Dr Boshielo and the Minister, the Minister repeated his denial regarding Brown Mogotsi to me and the two Deputy Ministers.”

ADV MOTAU SC: Can I just ask you to in relation to that meeting tell the Commission whether after those revelations were made by General Mkhwanazi to the Parliamentary Portfolio Committee, was there any process that was set up by the Parliamentary Portfolio Committee to deal with those allegations coupled with the Minister's denial, at least of this one allegation? You say there were more allegations or more revelations that were made. But the point is, did the Portfolio Committee act on these allegations? Did they set

up a process, or what indication did they say or give by way of their intervention in addressing those, if any?

LT GEN MASEMOLA: No, Commissioner. There was not any process that I know of unless they did something alone as a committee. But what I am aware of, there was nothing that was done by the committee.

ADV MOTAU SC: Yes. I am asking as at the conclusion of that meeting, was there an indication perhaps to say the committee is going to set up a process to look into the
10 allegations on that day?

LT GEN MASEMOLA: On that day, no. The meeting just ended. There was no such way forward in terms of what the committee is going to do on those matters.

ADV KHUMALO SC: Mr Motau?

ADV MOTAU SC: Yes?

ADV KHUMALO SC: Can we just take it one step back?

ADV MOTAU SC: Yes.

ADV KHUMALO SC: General, how did it come about that you specifically appeared before the Parliamentary Portfolio
20 Committee? We have heard from General Mkhwanazi how it came about that he appeared there, so I want to know about you specifically. Were you invited by the committee to appear or did you request the committee that time be given for you to make a presentation? I just want clarity on that. How did it come about that on the day, 5 March 2025, you

appeared before the Parliamentary Portfolio Committee on Police?

LT GEN MASEMOLA: There was an invite, Commissioner, for myself, the Minister, and ja, to attend the meeting with those topics that I read earlier. Those topics were on the invite. But there were quite a number of others, but we were invited to that meeting. All of us, myself, the Minister, and General Mkhwanazi.

ADV KHUMALO SC: And were you asked to address
10 specifically the issue of the disbandment of the task team?

LT GEN MASEMOLA: Yes, we were asked specifically. If I may go back to – let me see. Ja. On the invite, the committee, as on paragraph 134 of my statement, the committee wanted a briefing, among others, on the status of the PKTT and the work that they were doing. So, we had to brief them on what PKTT is, where it comes from, what it is doing, and also the fact that for us we are of the view that the team is doing good work. So, yes, they called us. Among the topics was to brief them on the PKTT status.

20 **ADV KHUMALO SC:** And did you address them on the Minister's letter dated 31 December 2024?

LT GEN MASEMOLA: Yes. The letter was one of the matters that we addressed in that meeting and they engaged us and they seem to have been happy with the status that was prevailing at that time. There was not one

of them, as far as I remember, that suggested that the team should continue or is doing good work. No. We advised them, they were happy, and ja.

ADV KHUMALO SC: Thank you, Mr Motau.

ADV MOTAU SC: Thank you, Commissioner Khumalo. So, in respect of that status, when you say they were happy with the status that was prevailing at the time, what was the status at that time?

LT GEN MASEMOLA: Well, some of them I would not
10 specifically know, unless one goes through the recording of that day. I do remember that maybe one member or so that said they agree with the Minister that the team must disband. So, that I can remember, despite us showing them the work that the team was doing.

ADV MOTAU SC: And was there any other view to the contrary that was expressed in respect of disbandment?

LT GEN MASEMOLA: I do not remember. I do not remember any.

ADV MOTAU SC: All right. Let us go then to paragraph
20 135, where you deal with the meeting of 6 March, which you said earlier you will address.

LT GEN MASEMOLA: Okay:

“On the 6th of March 2025, I attended a meeting in Cape Town. In attendance in the meeting was the Minister of

Police, Senzo Mchunu, the Deputy National Commissioners, both Policing and Crime Detection, Lt-Gen Mosikili and Lt-Gen Sibiya, Lt-Gen Dumisani Khumalo, the Chief of Staff of the Office of the Minister, Mr Nkabinde, Lt-Gen Senthumule, and there was a Lt-Col together with us. In preparation for this meeting, Lt-Gen Khumalo prepared an updated presentation on the PKTT. The presentation is annexed as SFM12. After the meeting, Lt-Gen Dumisani Khumalo presented, or during the briefing presented the briefing note to the Minister and the Deputy Commissioner of Policing. After Lt-Gen Khumalo presented the briefing note to the Minister, the Deputy Commissioner of Policing and I...”

10

20 In other words, he was presenting, so after the presentation:

“...myself and the Deputy of Policing were in favour of the plan by the Deputy National Commissioner for Crime Detection and the Chief of

Staff.”

Actually, let me put it this way. I think it is something went out here. During the briefing, myself and the Deputy Commissioner for Policing were in favour that, well, if you end up now, if you agree to the winding down, the dockets of the task team can go to the Provincial Commissioner KZN, and the province, there is a unit called Murder and Robbery Unit, which is not fully staffed. So we can then send the dockets there, send members of the PKTT that are
 10 from KwaZulu-Natal to form part of that unit in the province for Murder and Robbery Unit.

So that is why I am saying then the Deputy Commissioner for Crime Detection, Lt-Gen Sibiya, and the Chief of Staff, Mr Nkabinde, were against that plan, were against that plan and they were also against this winding down. They wanted immediate disbandment of the team, and also the fact that they wanted that the dockets must not go to province because they say if the dockets go to the province, it is like we are masquerading the PKTT under
 20 Murder and Robbery, which I also ask the question, but so why? What is the problem? What is this eagerness to disband so fast and you do not even want to see the members together? And they emphasise that no, dockets must go to the police stations of origin.

ADV MOTAU SC: Yesterday you dealt with part of the

contents of Annexure SFM12. Just to remind the Commissioners, you dealt with 411 to 413. Remember when you asked the question of the 333 dockets, to say where does that come from eventually? And you took the Commission through the 333 and how you eventually get to 612.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Then in 136 you deal with the Minister's conduct. If I can ask you to proceed from there?

10 **LT GEN MASEMOLA:** Ja. The Minister's conduct in this meeting in general regarding the disbandment was very concerning to me. At this meeting of the 6th of December, I mean the 6th of March 2025 in Cape Town, when the meeting started, I asked the Minister, can you provide this forum or these officers that are here, what is the reason for disbanding this Political Killings Task Team? Because we see you are saying we are planning disbandment, we are disbandment, we must table a plan, you want immediate disbandment, I suggest a winding down, there is no
20 agreement, but what are the reasons for this disbandment?

ADV KHUMALO SC: General, does that question suggest that it was not clear to you from the letter of 31 December 2024 what the reason was?

LT GEN MASEMOLA: Ja, the reasons on the letter of the 31st of December 2024 was not convincing to me, that you

have done assessment. You have done assessment where, with who? That was my problem. So it was not clear and I could not take that as a reason. Hence I asked him, tell this – before this meeting starts, as we open, tell these officers what are the reasons for the disbandment? And the Minister later, not immediately, later in that meeting he responded that political killings took place somewhere pre-1994 and not after.

ADV MOTAU SC: Can I ask you, just on that statement,
10 the Minister's response is focussing on political killings to say those were, on what you say was the Minister's response, an issue that occurred or took place pre-1994 and not after. And I just want to ask you two questions from there. The one is, is it correct that post-1994 there were no political killings? And secondly, does that response take into account the extension of the scope or the mandate of the Political Task Team to include murders in Fort Hare and the traditional leaders?

LT GEN MASEMOLA: Ja, let me understand your question
20 correctly.

ADV MOTAU SC: Okay, let me take it one question at a time.

CHAIRPERSON: Yes, I was not sure I followed the question.

ADV MOTAU SC: All right. Let me take it one question at

a time. Part of what is, or what has been dealt with is mention of the fact that the political killings would rise around election time. In other words, they would spike up. You recall that part of your evidence. Now, if these political killings by the Minister are said to have taken place pre-1994 and not after, is that statement accurate?

LT GEN MASEMOLA: No, that statement is not accurate. The political killings have been taking place, yes, pre-1994, even after 1994. I worked in KwaZulu-Natal from the year
10 2000 up to 2010, and during that period I had a small team that was dealing with the very same political killings. So to keep them under control, you must always have a team working with this type of cases. So it is not true that they happened before. Like he was saying they happened before 1994, what is happening now is just murders. No, it was not just murders. It was murders of politicians, reason being related to politics. It is either within a party about issues of succession, or from party to another party. Those were what we call political killings. So they were happening
20 after 1994, even now they are still happening.

ADV MOTAU SC: And the second aspect of my question was to deal with the fact that the Minister's reason that was provided in that meeting relates only to political killings. Does that statement take into account the fact that the PKTT's mandate had been extended to include the

investigation of murders at the Fort Hare University, and to include the killing of traditional leaders?

LT GEN MASEMOLA: Obviously, I do not know whether during his assessment also he did went as far as those extensions, but I will take it that he must have done that, which means actually when you disband the team, all cases of Fort Hare are going to collapse. But I would not know whether he had went as far as that, or taken that into account that the PKTT was not only doing political killings
10 in KZN, its mandate was extended to Eastern Cape, Fort Hare University, and subsequently also in KwaZulu-Natal to investigate traditional leaders' killings. So I would not know whether he had done that.

ADV MOTAU SC: All right, proceed. You say during the meeting, the fourth line of paragraph 136?

LT GEN MASEMOLA: Fourth line...

ADV MOTAU SC: During the meeting?

LT GEN MASEMOLA: Ja:

20 "During the meeting, the presentation
of Lt-Gen Dumisani Khumalo was
partially accepted."

ADV MOTAU SC: Can I just ask you to explain that, what does that mean?

LT GEN MASEMOLA: By partially accepted, I mean that, I remember at this meeting we were going to present a plan

which would have been signed off by the Minister. So because there were matters in the presentation that were not agreed to by the Minister and other parties, for example, one of them was that dockets must go to Murder and Robbery, the province, and there was those that were against to say they must go, especially General Sibiya and Nkabinde, that they must go back to station of origin. So that has to be amended.

And also during this meeting it was asked then, how far is this team then going to go on with its lifespan? I said, well, as long as the work is there, it will go on. Then it was a no-no, even by the Minister, that no, no, no, the team's lifespan cannot go beyond 2025, it must end in 2025. So those were some of the critical amendments that made the plan not to be accepted, but partially accepted. The wind-down was partially accepted, but that go and change those things to make sure that the team go as far as this current – its lifespan goes to as far as this current 2025.

ADV MOTAU SC: So the partial acceptance is at least that there was no immediate disbandment, but the winding down had to be completed in the year 2025.

LT GEN MASEMOLA: That was correct, and nevertheless, the meeting concluded that ...[intervenes].

ADV BALOYI SC: General, before you go to nevertheless, in your experience and your operating procedures and

command structures, is it that the role of the Chief of Staff in policing matters and policing decisions, what is it? Is it regulated? Do they participate in decisions about policing matters?

LT GEN MASEMOLA: Well, as far as I know, I do not think it is regulated anywhere. You will find those that do not participate, you will find those that participate very less, you will find those that participate full-time as if they are an extension of the Minister.

10 **ADV BALOYI SC:** Is your answer that – well, maybe let me ask the question rather. Was it usual for Mr Nkabinde, the Chief of Staff, to be participating in this kind of decision and taking a position, as you say he did, that the dockets should go to the stations? Was it usual for that to happen?

LT GEN MASEMOLA: Not usual. In other meetings he might participate very little, but ja, this one he was participating fully.

ADV BALOYI SC: There was no irregularity. It is not irregular that he participated in the way that you say he did
20 in this meeting on a policing decision.

LT GEN MASEMOLA: Ja, no. Normally, now and then, they will make remarks in meetings, the Chiefs of Staff, they will. But here, he participated quite more.

ADV BALOYI SC: Thank you.

ADV MOTAU SC: Thank you, Commissioner Baloyi.

Maybe let us just use an example. On page 407, remember part of what you were concerned about, and you told the Commission, was you wanted to avoid unnecessary civil claims. You do not necessarily have to go there. And if a decision had to be taken based on the input or the view that was expressed by the Chief of Staff and such view prevailed, could a Chief of Staff be held liable by members of the public? In other words, do they have any means of accountability in the institution of the South African Police Service?

LT GEN MASEMOLA: No, he would not be.

ADV MOTAU SC: I think maybe we can leave it at that. We will deal with that later.

ADV KHUMALO SC: Mr Motau, before you leave the two meetings, the meeting of the 5th and the 6th of March 2025.

ADV MOTAU SC: Yes.

ADV KHUMALO SC: I just want to find out from the General, did the Minister present any document to counter what was contained in the documents that you presented, showing the successes or lack thereof of the task team? Did the Minister present any document that countered what you were saying about the task team and its successes?

LT GEN MASEMOLA: No, Commissioner, he never produced or presented anything that would counter. And even what informed him to come to the decision, he would

not give that.

ADV KHUMALO SC: Because, as I understand, you had asked a specific question, what is the real reason for your wish to disband the task team? And you say the only answer that you had was that the political killings ended before 1994, so there was no need for the task team.

LT GEN MASEMOLA: Yes, that is exactly what he said, that after 1994 it is just murders that are happening. There was no document that he produced or not any presentation
10 whatsoever.

ADV KHUMALO SC: And the Chief of Staff?

LT GEN MASEMOLA: No, they also presented, there was nothing, they just spoke verbally.

ADV MOTAU SC: Thank you, Commissioner Khumalo. If we can then proceed to 137, following that meeting of 6 March?

LT GEN MASEMOLA: Ja. Following the meeting of 6 March, going to paragraph 137:

20 “Nevertheless, the meeting concluded that Lt-Gen Khumalo and Senthumule must revise and amend the plan in accordance with the decisions taken during the meeting. This must be prepared for sign-off by the Minister. It was agreed that there would be a

further meeting convened on 27 March 2025 to finalise the plan. Until then, no further action was taken because the plan had to be approved and signed. The following was highlighted in the presentation.”

Paragraph 137.1:

10 “The need for avoidance of adverse and unnecessary challenges that could be faced if the PKTT is disbanded was of paramount importance in this regard. The proposal was that there be a phased-out approach to the disbandment along the lines set out in the preliminary report of 22 January. Insofar as the 114 dockets that were already on the court roll or before Court, the recommendation was that they remain with their current
20 investigating officers, the PKTT, both in KZN and the Eastern Cape once until finalisation of the process and thereafter there will be gradual withdrawal of the remaining PKTT members until all cases are finalised.

The proposal recommended that the remaining members of PKTT would have the following responsibilities.”

Paragraph 138.1:

10 “23 detectives would be responsible for cases on the court roll at the time. 33 combat members would be responsible for protection of both the detectives and the 15 prosecutors as due to the high-risk nature and the threat level of these investigations. Five commanders to monitor the cases in court and provide command and control. Two analysts, that is digital forensic, LCRC and cold data, to finalise analysis and section-212 statements for cases on the court roll. Two administration personnel to be responsible for financial, admin and fleet related
20 administration. Two guards to safeguard operational centres and when each case was finalised, dedicated detective and combat members would then withdraw and return to their respective station.”

ADV MOTAU SC: And then the action plan you set out in paragraph 139. The left column sets out activities, the middle column sets out the official who would be responsible and the right column sets out the date by when that activity was due. And then in paragraph 140, you deal with the meeting of 27 March. If I can ask you to take the Commission through that?

LT GEN MASEMOLA: Ja:

10 “On 27 March, a follow-up meeting was
held regarding the implementation of
the PKTT disbandment plan. In
attendance at this meeting was the
Minister, the two Deputy Ministers, Lt-
Gen Senthumule, Lt-Gen Sibiya, Lt-
Gen Khumalo and a Lt-Col and myself.
I attach as SFM13 the attendance list
of those who were invited to the
meeting.”

ADV MOTAU SC: Ja. So that is on page 418,
20 Commissioners. Yes, you can proceed.

LT GEN MASEMOLA: Ja, I must mention that for the PKTT portion of the meeting, because there was more than one meeting that day, the other attendees appearing on the attendance list were not part of this meeting that dealt with the PKTT. Further that the Lt-Gen that do not appear on

the attendance list was in actual fact part of the meeting because she assisted in the presentation of the PKTT. She accompanied General Khumalo and I understand she assisted also in the compilation of the presentation that was presented at the meeting:

“When the PKTT disbandment agenda item was discussed, the Minister became visibly angry at this point. I, together with Khumalo...”

10 ...[intervenes].

ADV MOTAU SC: Can I ask you why? Why did the Minister become visibly angry? Do you know?

LT GEN MASEMOLA: Ja, what made him angry was that in the proposed plan somewhere we said the PKTT is not going to take further cases and when you look at the figures you could see that there is an increase in the work of the PKTT because they did take over a case of Mandini. There was a case at Mandini where a – there was a case of CAS 30/2/2025, murder, which happened on the 4th of February.

20 The deceased is...

ADV MOTAU SC: Sorry, 4th of February 2020?

LT GEN MASEMOLA: 4 February 2025. The deceased is Senza Kwenzeke, Phendukani Mabhida is an ANC councillor of Ward 18. So these documents increased the work of the PKTT. So the Minister could pick it up and he got angry

that instead of the work going down, the work was going up. And it was explained that it is because of this very same case docket, which the District Commissioner then, the local POP members arrested two people for possession of a firearm and the District Commissioner suspected that maybe these people might be linked to the killing of the councillor, and he phoned the PKTT to come and take over the investigation. And after they had done that, they were able to link both ballistically the firearm as well as the suspect to
 10 the murder of this councillor. So, well, the Minister was angry for that. That was quite strange.

ADV MOTAU SC: Okay, what was strange about it, before I ask you the question?

LT GEN MASEMOLA: Okay, no, it is quite strange to – it was first in my career to see a Minister angry that police have done a good job because here police have arrested somebody that is linked to the killing of a councillor, and he was angry that they took over this docket. They did not make the arrest. Yes, we agree with him, they did not make
 20 the initial arrest of the people for possession of a firearm. That was done by the local POP. But the PKTT was able to do further investigation and they linked the suspect to the murder of this councillor.

So that made him angry and it made the meeting end up abruptly and he said he will only talk to me and not talk

to Khumalo and the rest and yes. What surprised me was exactly that, that how would you be angry when police did what they are supposed to do? So that had – I could not ask anybody as to why, but that remained boggled in my mind forever.

ADV MOTAU SC: So if I follow what you are saying is in the report of 22 January 2025, you referred to page 407 of Masemola 2 (ii). You said no new dockets will be taken by or allocated to the task team. But on the 4th of February
10 2025, after you had said in the presentation no new dockets are going to be taken, new dockets continued to be taken by the task team.

LT GEN MASEMOLA: Yes, new dockets – yes, kept on – remember also that I have never, since I got this letter of the Minister of the 31st of December 2024, I have never communicated any directive to either Khumalo or the Provincial Commissioner of KwaZulu-Natal to disband the team. On my side, I was managing this, yes, doing these plans and saying, well, until this disbandment plan is
20 signed, so there is no communication I am going to give to KwaZulu-Natal to stop the work. So hence the District Commissioner then phoned the team that they went and took that docket. So there was nothing wrong with them because I never sent them any letter to disband the team. So, yes, they kept taking on the work.

ADV BALOYI SC: General, did you consider – I mean, the Minister, if he was angry, he will come and explain why he was angry. Did you consider perhaps that he may have gotten angry or been angry because he considered that the increase in dockets indicates a defiance of his instruction? Is that a possibility that you would consider?

LT GEN MASEMOLA: Ja. Well, I did consider that that is how he considered, yes. And he said further he will engage with me, so I was waiting for him to engage. I did think it in
10 that line. But the fact of the matter is whether I disband the team or do not disband the team, here you have police that have linked suspect with the killing of a councillor. Should you not, despite being saying no, this team must be disbanded, but should you not appreciate that now you are angry that they still exist, they even made further success? I mean, why do you have police? Are you not having them to fight crime?

ADV MOTAU SC: Perhaps if you could go back to paragraph 38 of your statement where you deal with section
20 205(3)?

LT GEN MASEMOLA: Paragraph? Sorry, Commissioner.

ADV MOTAU SC: 38 of your statement. Is that not perhaps the point that you are making? Page 10, paragraph 38.

LT GEN MASEMOLA: Yes, correct. Paragraph 38:

“Section 205(3) of the Constitution provides that the Police Services to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the Republic and their property and uphold and enforce the law.”

ADV MOTAU SC: So, is that the point that you are making, that in light of the mandate of the police and the success
10 that had been made, you are then confused by the Minister's reaction when the police were performing the task that is assigned to them constitutionally?

LT GEN MASEMOLA: That is correct, Commissioner. So, yes. Well, they did exactly what is required of them by the Constitution and it is expected that any action that the Minister takes and myself should support, or whatever the Minister does must support this section 205(3) and not the other way around.

ADV MOTAU SC: Then you conclude in that paragraph
20 141. To go back there to page 46. After you deal with that fact, which you say angers the Minister, based on the statistics, and you say the conclusion was that the Minister said he is not going to talk to any of the team members, but he was only going to talk to you.

LT GEN MASEMOLA: You are at paragraph,

Commissioner?

ADV MOTAU SC: Remember in 141 you dealt with the Minister's reaction?

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: And then you said earlier that the Minister indicated that he was not going to deal with any other member of the PKTT, but he would communicate with yourself. I am referring to your earlier evidence.

LT GEN MASEMOLA: Yes, yes, that is correct,
10 Commissioner.

ADV MOTAU SC: Then if I can ask you to proceed to paragraph 142?

LT GEN MASEMOLA: 142:

“At some point during the meeting, the
Minister stated that he did not
understand why we were so adamant
that the PKTT must not be disbanded.
Then he said that the President is in
agreement that the PTT be disbanded.
20 I was quite taken aback by his
revelation since it was the President
who, knowing about the effectiveness
of the PKTT, had requested the PKTT
to deploy to assist with the 48 cases,
murder investigations. Moreover, the

President, in our last briefing on the
PKTT, was satisfied with the
performance.”

Of course, it is him saying it. So I would not know whether
what he is saying is true or not.

ADV MOTAU SC: But do you have any reason not to
believe what the Minister said to you when he said that the
President was in agreement that the PKTT be disbanded?
Do you have any reasons or facts to contradict that
10 statement?

LT GEN MASEMOLA: Ja. I do have reasons because
when I briefed the President on the 1st of February, he was
quite surprised ...[intervenes].

ADV KHUMALO SC: Sorry, which year? When you briefed
the President on the 1st of February of which year?

LT GEN MASEMOLA: 1st of February 2025. Yes, he was
quite taken aback when I briefed him that this team is being
disbanded and with no reasons given. And he was quite
taken aback and he said he will speak to the Minister.

20 **ADV MOTAU SC:** Yes. You testified on that yesterday
where you briefed the President on the 1st of February. I
think if we can just take it from what you stated in
paragraph 142, to then continue in paragraph 143?

CHAIRPERSON: Perhaps let us start there after the tea
adjournment, Mr Motau.

ADV MOTAU SC: Yes.

CHAIRPERSON: Let us resume at 11:15. Let us adjourn.

ADV MOTAU SC: Thank you

INQUIRY ADJOURNS

INQUIRY RESUMES

EXAMINATION BY ADV MOTAU SC (CONTINUES): Thank you. Before we proceed, the reference to that 1 February 2025 meeting is at paragraph 111. That is in relation to the question that Commissioner Khumalo had asked. And that
10 is triple one of General Masemola's statement. You were then dealing with paragraph 143 on page 46, that is where you are about to go to before the adjournment.

LT GEN MASEMOLA: Thanks, Commissioners. Ja, paragraph 143:

20 “The Minister stated that at that meeting of the 27th of March 2025, that it took a political decision to establish the PKTT, therefore it will take a political decision to disband it. The Minister directed that there will be no further meetings regarding this matter and any further engagement would be held with me only as the National Commissioner. However, the Minister and I had no further engagement

regarding the PKTT thereafter.”

ADV MOTAU SC: Then the next topic that you deal with relates to the 121 dockets and you commence from paragraph 144. If I can ask you to proceed from there?

10 **LT GEN MASEMOLA:** Sometime in late April or early May 2025, I became aware that the 121 dockets that were classified as under investigations were removed from the PKTT and handed over to Lt-Gen Senthumule on the instruction of Lt-Gen Sibiya. I attach a copy of the handover letter as per SFM14.”

ADV MOTAU SC: Yes, that is at 419 to 423 of Masemola 2, but you do not need to go there. Please proceed.

20 **LT GEN MASEMOLA:** Ja, this came yet another surprise to me because after the abrupt ending of the 27 March 2025 meeting, the partially accepted plan of 6 March 2025 has still not been accepted yet dockets have been taken away from PKTT.

ADV MOTAU SC: Can I just ask you to explain that? Why are you surprised by this? What point do you seek to make in that last sentence?

LT GEN MASEMOLA: Ja, what I seek to make is that you would recall that the plan was supposed to be finalised at

the meeting of 6 March 2025 in Cape Town and that did not happen, and further that it will be finalised at the meeting of 27 March 2025, and that also did not happen as the meeting ended not in a right mood. And so there was never that meeting where the Minister said he will only engage me thereafter on the matter of the PKTT. That has not happened as yet. Nothing has happened.

So, meaning there is no finalised disbandment plan. So, things still hang. So, in other words then there should
 10 not have been any dockets that are moving up and down. But moreover, remember, if you go back to the 6 March meeting, 6 March 2025, where in the proposed plan that was presented by General Khumalo was that dockets be, if not going to station of origin, they go to the province to Murder and Robbery Unit.

You would recall that I said that point was crushed very, very harshly by both Nkabinde and Sibiya that no, we will be recreating this PKTT under the guise of Murder and Robbery. So, the dockets must go back to the police
 20 station of origin. So, then it came as a surprise because that was the line that the dockets should go. So, then there should not be dockets that come to Pretoria because Pretoria was never discussed in either of these meetings as a destination of any dockets.

ADV MOTAU SC: Then in the next paragraph at 145

...[intervenes].

ADV BALOYI SC: Mr Motau, before the next paragraph, General, when you become aware that dockets have been removed, what did you do about it? General Sibiya is your report, so you are his superior. You know that there is no approved plan yet that authorises this action. What did you do about it?

LT GEN MASEMOLA: At some point I did talk to him that I hear rumours that dockets are here. Remember, the
10 agreement was dockets go to province which you disprove that they go to station of origin. So, there cannot be dockets that come to this head office. So, make sure that you do likewise. There should not be any dockets that is here.

ADV BALOYI SC: So, you say you gave instruction, you gave him an instruction.

LT GEN MASEMOLA: Ja, I did tell him that it cannot be that dockets are here.

ADV BALOYI SC: Okay.

20 **ADV KHUMALO SC:** Can I ask a follow-up question, Mr Motau? General, did Lt-Gen Sibiya have authority to remove the dockets or to instruct that dockets be removed from the PKTT and be brought to Pretoria to Lt-Gen Senthumule? Did he have that authority?

LT GEN MASEMOLA: Look, he is a deputy for

Investigations. As and when there are, you cannot just do it. There should be agreement. In this case, if for some reason, let us say it is ordinary dockets, he can engage a Provincial Commissioner to say because of reason one, two, three, this is what I think we do. And if they agree, then they will do it. And if they do not agree, then whoever party that is not satisfied can then come to me and say there is this action that is about to take and I do not like it. So, he does have that authority, but that authority must be on –
 10 there must be agreement to that effect. He cannot just do it.

ADV KHUMALO SC: With who? With you or with the Provincial Commissioner?

LT GEN MASEMOLA: There should be agreement with the Provincial Commissioner because the dockets belongs to a police station and the police station reports to the Provincial Commissioner. So, the Provincial Commissioner accounts for all dockets in his or her province. So, he must know where they are and their movement at any given time.
 20 So, nobody can then just come and take them away.

ADV BALOYI SC: But, General, this is not the normal situation of where he exercises his authority in the normal course. We are dealing with a situation where you have been given an instruction by the Minister to disband. You tell General Sibiya, as I remember your evidence yesterday,

you tell General Sibiya that you will deal with this matter because he has come to you with a plan and you do not like what he is proposing and you said leave it to me, I will deal with it.

A plan is put to the Minister, the Minister is not happy with it and you wait for the Minister to engage with you further. So, you are still at a point where nothing has been approved. You have not authorised any action that relates to the disbandment. And then you have got your direct
 10 report who gives instructions contrary to whatever you might have said without checking with you. That there is no consequence at that point from you, should we not be concerned about that? That you have got a direct report who just does what they want and there is no direct immediate consequence from you?

LT GEN MASEMOLA: Well, I did take steps because I did tell him not to do that. Even though, of course, he will go around fighting that he is executing the Minister's instructions. But I did intervene and I did tell him leave –
 20 as I told him that ...[indistinct] to leave the matter. Even in this case, I told him, in our discussions there was never a point where we said dockets must come to Pretoria. So, make sure no dockets comes to this headquarters.

ADV MOTAU SC: Thank you. General, we are still going to the issue of an internal investigation and how you dealt

with General Sibiya in relation to your instructions that were not obeyed. You deal with that further down in the statement, but perhaps just to locate precisely where we are here at this stage. You recall you dealt with the meeting of the 14th of January when you returned from leave when you dealt with General Sibiya coming to your office with a plan.

Then you said he returned also on the 15th and you indicated that on the 16th of January you had a meeting with
 10 the Minister where you told us part of the information that the Minister discovered based on the presentation on the 16th. Then you indicated that on the 17th, General Sibiya proceeded to issue a letter in his own name after you had refused to sign it and you said he knew that you were the only person that was authorised to issue that letter. Do you remember that? That is the evidence you gave yesterday.

LT GEN MASEMOLA: Yes, correct. I do remember, Commissioners.

ADV MOTAU SC: And there are consequences that
 20 followed those actions by General Sibiya and that is where we are heading with your statement. Am I correct?

LT GEN MASEMOLA: That is correct so, Commissioners.

ADV MOTAU SC: Ja. If we can then proceed to deal with – I think we were at paragraph 144 where you were dealing with, after you became aware that the dockets had been

removed and handed over to Lt-Gen Senthumule, then you attached a copy of the handover letters as part of SFM14 of Masemola 2. If I can just ask you to turn to page 419 of Masemola 2? You see the document goes from 419 to 423. Is that the handover document that you are talking about in paragraph 144? The signature pages are on 423, correct?

LT GEN MASEMOLA: The signature is on?

ADV MOTAU SC: 423. Sorry, 422. So, if you start at 422.

LT GEN MASEMOLA: Yes, correct.

10 **ADV MOTAU SC:** It will tie up later when we deal with the action that you then take following this. If we can then go back to 145?

LT GEN MASEMOLA: Yes, on paragraph 145:

20 “On the 22nd of July 2025, I disapproved a request for funding for the investigation of the 121 Political Task Team killing dockets proposed by Maj-Gen Motsepe and recommended by Lt-Gen Sibiya. This was in essence a proposal for the 121 dockets to be investigated and finalised by the Serious and Violent Crime Investigation, Murder and Robbery section of the head office. The funding request is annexed document as

SFM15.”

ADV MOTAU SC: Yes. Can I just ask you to go to page 424?

ADV KHUMALO SC: Adv Motau, sorry to interrupt you. I just want clarity on this issue. From March 2025 to July 2025, it is a period of four months. So, are we to take that from 23 March 2025 to July 2025, the dockets were sitting in Pretoria and they were not being investigated?

LT GEN MASEMOLA: That is correct, Commissioner.

10 **ADV KHUMALO SC:** So what were they doing in Pretoria for that four-month period?

LT GEN MASEMOLA: There were some – well, when I heard around May, they were being handed over from KZN to Lt-Gen Khumalo, from Lt-Gen Khumalo to General Senthumule. And with each handing over, they were checking them, auditing them. That is what they were doing. Until then, on this 22nd of July, the request, of course, came earlier than 22nd of July to my office, but I only considered it that day where there was a proposal now
20 to establish another team from here, head office, to take these dockets back to KwaZulu-Natal with new money to go and investigate.

That is then where I disapproved this funding to say we cannot be sending another team where there is a team. These dockets must just be audited and be handed over

back to the same team that dealt with them before. But of course, before that, you will recall, Commissioner, that we did not know then the motive of requiring these dockets to come to Pretoria. Now that we know that the real purpose of these dockets coming to Pretoria was actually to audit and find the dockets of Gauteng, the Gauteng Crime Intelligence Operation. That is the dockets of Armand Swart, the dockets of Cat. So that was the objective at the end of the day. I am sure we will come there later, but at
 10 this time one realised that the calling of the dockets from KZN to here was motivated by the 10 members of PKTT that came from KwaZulu-Natal to Gauteng.

CHAIRPERSON: And how do you know that this was the motivation?

LT GEN MASEMOLA: Well, the linkages, Commissioner, that one finds when they give a detailed briefing, which Lt-Gen Dumisani Khumalo, I am sure will give, some part might be in *camera*. That is where you will find the links amongst the people in terms ...[intervenes].

20 **CHAIRPERSON:** But these dockets were never in KZN, were they? Because the 10 PKTT members came up from KZN to join the GCI Ops members to assist them in Gauteng. So my understanding is that those dockets were always in Gauteng and were not part of the 121 that came up from KZN. So if you say the motivation for bringing up

the dockets from KZN was to see the contents insofar as the contents related to the Gauteng cases, so it means the target was missed, the real target was missed. Correct me if I have it all wrong.

LT GEN MASEMOLA: Indeed, you are correct, Commissioner. But however, remember the people that were doing this were not aware that they just presumed that because there are members from PKTT KwaZulu-Natal that came to Gauteng, it means they are the one behind the
10 Gauteng project. So if you disband them in KZN, then the investigation in Gauteng will then collapse. That is what later gets to be discovered.

CHAIRPERSON: Okay, thank you. I just wanted to clear it up in my mind. We do not need to belabour it. I assume that we will hear more about it when Lt-Gen Khumalo testifies.

ADV MOTAU SC: Thanks, Commissioners. If we can then proceed to 4.2.4, which is Annexure SM15 in Masemola 2? There are certain paragraphs that you deal with as being
20 incorrect in this request for funding, and if I can just ask you perhaps to deal with the paragraphs? If you start at paragraph 1, it deals with the purpose for the request. Then I will ask you when we deal with those paragraphs that you correct in your statement as being incorrect. So I will cross-reference between that paragraph and what you say

in your statement. So if you can just proceed?

LT GEN MASEMOLA: Ja. The information note to the National Commissioner, the purpose thereof says that the information note is to request additional funding for investigation and closure of 121 political killing case dockets under Serious and Violent Crime Investigations, murder and robbery section.

ADV MOTAU SC: Yes, if you can proceed to the background?

10 **LT GEN MASEMOLA:** The background:

“On the 31st of December 2024, the Minister's Office issued an instruction through the Office of the Deputy National Commissioner, Lt-Gen Sibiya, who was acting as the National Commissioner at the time, that the Political Task Team, which is based in KwaZulu-Natal, Durban, be disbanded and transfer all case dockets to the
20 respective station of origin through Provincial Serious and Violent Crime Investigation Unit.”

ADV MOTAU SC: In your statement at paragraph 147, you deal with this paragraph, page 48 of your statement.

LT GEN MASEMOLA: Ja. The document, the information

note that I just read now, incorrectly records at paragraph 2.1 that Lt-Gen Sibiya was the acting National Commissioner on the 31st of December 2024 when the directive to disband PKTT was issued by the Minister. Lt-Gen Mosikili was that time. The correct fact is that Lt-Gen Mosikili was the Acting National Commissioner while I was on leave from that 31st of December 2024 up to 13 January 2025.

ADV MOTAU SC: Then if I can ask you to skip
10 ...[intervenes].

ADV BALOYI SC: Sorry, Mr Motau, before you move on,

ADV MOTAU SC: Yes.

ADV BALOYI SC: General, in that paragraph 2.1, at least as far as I think I have understood the evidence so far, it does not seem that is the only incorrect thing that is contained in that paragraph. The paragraph says the Minister issued an instruction through the office of General Sibiya. Surely that is not correct? On the 31st of December, it is issued to you. The instruction is issued to
20 you, not to Sibiya.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV BALOYI SC: That is the first part. The second part is, it says General Sibiya, who was the Acting National Commissioner at the time, and you have pointed out that is not correct. And the third part to it is, it says that is the

direction from the Minister to Sibiya according to this paragraph, General Sibiya according to this paragraph. It is that:

“The Political Task Team which is based in KZN be disbanded and...”

This is the important part I want you to comment on:

“...transfer all case dockets to respective stations of origin through Provincial Serious and Violent Crime investigation.”

10

That is not the instruction of the Minister, that last part.

LT GEN MASEMOLA: Yes, that is true. That paragraph or line is incorrect, yes.

ADV BALOYI SC: Who is the author of this note?

LT GEN MASEMOLA: It is Maj-Gen Motsepe, I think, let me just check.

ADV BALOYI SC: Motsepe scratched out at 427. I cannot quite read it. I think it is Kgobodi Thata [?] or something. Oh ja, it is Brigadier Kgobodi Thata on behalf of Motsepe.

20 **ADV BALOYI SC:** Now, when you signed this memorandum, as you do in that page, where you do not approve the request for funding, did you enquire where he got this information from? I mean, it is a complete misrepresentation and you know it is a complete misrepresentation in 2.1. Did you enquire where Kgobodi

Thata got this information from?

LT GEN MASEMOLA: No, no, no, I did not ask him that. I just concentrated on the request, what they want, and to give a respond on it.

ADV BALOYI SC: Yes, thank you Mr Motau.

ADV MOTAU SC: Just before you leave, on the same page, 427, it looks like before this document came to you, it had already been approved by Lt-Gen Sibiya on the 8th of July 2025. Is that correct?

10 **LT GEN MASEMOLA:** He just recommended it for approval.

ADV MOTAU SC: For approval, yes.

LT GEN MASEMOLA: Correct, correct, Commissioners.

ADV KHUMALO SC: And just to complete the picture, if you go back to 373, that is the email to which the 31 December 2024 letter was attached. And the people copied there do not include Lt-Gen Sibiya, but you, General Masemola, and Lt-Gen Mosikili are copied.

LT GEN MASEMOLA: Correct, Commissioner.

20 **ADV KHUMALO SC:** Thank you, Mr Motau.

ADV MOTAU SC: Thanks. Thank you, thank you, Commissioner. If I can ask you to turn to paragraph 3.7 of SFM15, page 425?

LT GEN MASEMOLA: Correct, Commissioner.

ADV MOTAU SC: Yes, can I just ask you to deal with that?

CHAIRPERSON: You may proceed, Mr Motau.

ADV MOTAU SC: Thank you, Commissioner.

CHAIRPERSON: We are just trying to figure out how ...[indistinct] name features on all of this and we think we have figured it out.

ADV MOTAU SC: Thank you. Earlier on, I thought Commissioner Baloyi called me Mr Motsepe. I will not ask where that comes from in terms of renaming people.

CHAIRPERSON: All I will say is that it is a totally different
10 name.

ADV MOTAU SC: I was just saying the renaming of people in this Commission has precedent that emanates from somewhere. Yes, paragraph 3.7, General, on page 425. If I can please ask you to deal with that?

LT GEN MASEMOLA: Ja, 3.7 on 425 states that:"

20 "The Divisional Commissioner informed the National Commissioner on the sentiments of the Provincial Commissioner, KwaZulu-Natal, who directed that the DNC Crime Detection must be informed, who will dispose of the dockets at his discretion."

ADV MOTAU SC: You deal with this paragraph in paragraph 146 of your statement. If I can just ask you to deal with that?

LT GEN MASEMOLA: Yes, on paragraph 146, I mention this specifically because in the document at paragraph 3.7 it is recorded that:

10 “I directed that Lt-Gen Sibiya be informed that Lt-Gen Mkhwanazi did not want to take possession of the dockets and that he, Lt-Gen Sibiya, will dispose of the dockets at his discretion. This is not correct when Lt-Gen Senthumule, Divisional Commissioner of Detectives and Forensics, called me to inform me of Lt-Gen Mkhwanazi's refusal to accept the dockets. I advised Senthumule that she must tell Lt-Gen Sibiya that he should retain the dockets the same way that he took them from the province.”

ADV MOTAU SC: What does that mean, retaining them the same way that he took them?

20 **LT GEN MASEMOLA:** I was mentioning that the dockets that he took from KwaZulu-Natal, if he took it without the authority of the Provincial Commissioner, he must retain them the same way without the authority back to where he took them from because first of all, he was not supposed to take them without the knowledge of the PC and

nevertheless, he took them. So I say, he must see to finish, he must take them the same way back.

ADV MOTAU SC: So if he did not involve the Provincial Commissioner when taking them, he should also not involve him when he is retaining them to the province. That is the point you are making.

LT GEN MASEMOLA: Correct, yes. That is what I was saying.

ADV MOTAU SC: All right. Then you dealt with your
10 comment on page 427 to that request. If you can just deal with that for completeness sake, your hand inscription?

LT GEN MASEMOLA: Yes, so this is now the process of getting the dockets back because the dockets are already here in Pretoria. Whether they came right or wrong, but they are here. So then from the office of General Senthumule, this memo was drawn requesting for a budget for a number of officials from head office, Serious and Violent Crime, to go to KwaZulu-Natal with the 121 dockets to investigate them. And this is the request that came the
20 8th of July.

Actually it started 1st of July, signed off by Brigadier Kgobodi Thata. On behalf of General Senthumule, it was signed off on the 1st of July and General Sibiya recommended it on the 8th of July 2025. And on 22nd of July 2025, I dealt with the request where I disapproved it and my

comments are that we cannot spend double on the same function. Political Killings Task Team is there already doing the function. Why are the dockets at HQ, as it was agreed that some dockets from the team be returned to the station of origin?

That was the last agreement in all other meetings that we – the disbandment meetings that we had. That was the last agreement. So then after this disapproval, then I engaged the process of getting the dockets to go back.

10 That is when I embarked on tasking Maj-Gen Mahale to make copies. And subsequently they were sent back.

CHAIRPERSON: Can you please explain the agreement you are referring to? Who had agreed and when?

LT GEN MASEMOLA: Commissioner, sorry?

CHAIRPERSON: You are referring to an agreement. I am saying please explain what exactly that agreement was and who had agreed and when.

LT GEN MASEMOLA: I am referring to the meeting of the 6th of March in Cape Town, 6th of March 2025, as well as
20 the 27th of March 2025. The Commissioner would recall in Cape Town that there was a suggestion that the dockets be taken to Murder and Robbery Unit, KwaZulu-Natal, if at all the team is disbanding. And there was a strong view that no, they must go to station of origin, and it was more ...[intervenes].

CHAIRPERSON: But had you agreed to that? Had you agreed to that, you and General Mkhwanazi? Because I think he was also at that meeting, or not?

LT GEN MASEMOLA: No.

CHAIRPERSON: He was not at that meeting?

LT GEN MASEMOLA: No.

CHAIRPERSON: He was only there on the 5th?

LT GEN MASEMOLA: No, with General Mkhwanazi we have not agreed. General Mkhwanazi was not engaged at
10 all. He was ...[intervenes].

CHAIRPERSON: He was – no, no, no. He was there on the 5th, the day before the meeting of the 6th.

LT GEN MASEMOLA: Correct.

CHAIRPERSON: Yes. So on the 6th he was not at the meeting?

LT GEN MASEMOLA: No, on the 6th he was not at the meeting.

CHAIRPERSON: All right, all right.

LT GEN MASEMOLA: He was not.

20 **CHAIRPERSON:** Now, my understanding is that at that meeting you were pushing for something different altogether to the dockets being taken to the stations of origin. That is not what you were pushing for, not so?

LT GEN MASEMOLA: No, that is not what I was pushing for.

CHAIRPERSON: As an alternative, you were pushing for the dockets being taken to Murder and Robbery.

LT GEN MASEMOLA: Correct.

CHAIRPERSON: As an alternative.

LT GEN MASEMOLA: Correct, Commissioner.

CHAIRPERSON: Now, what I am trying to understand is the agreement that you are referring to. Because I have not heard you say that once the return – or rather once a suggestion was made that the dockets be returned to the
10 stations of origin, you never said, yes, yes, yes, we agree. Did you?

LT GEN MASEMOLA: No, we did not agree, but ...[intervenes].

CHAIRPERSON: Yes, and then there was to be a follow-up meeting, which took place on the 27th of March. That is where you say the Minister was all of a sudden very angry and basically no meaningful discussion took place on the 27th. Not so?

LT GEN MASEMOLA: That is correct, Commissioner.

20 **CHAIRPERSON:** Yes. Now I am trying to understand what agreement you are referring to then. Because you say, you have just said now, on the 6th you never agreed to the dockets being taken to the stations of origin. So that is why I am asking you what agreement you are referring to then.

LT GEN MASEMOLA: Ja, Commissioner, I am still

referring to the same meeting of the 6th of March 2025. The Minister ruled that, yes, he sided with General Sibiya and the Chief of Staff that dockets must not go to province, must go to the station of origin. That is what he said. So it is sort of an agreement, but that plan is not yet ...[intervenes].

CHAIRPERSON: Maybe then you have captured this incorrectly if you say there was an agreement, because you have just said there was no agreement.

10 **LT GEN MASEMOLA:** Ja, no.

CHAIRPERSON: Because you were pushing for something else.

LT GEN MASEMOLA: Yes.

CHAIRPERSON: And then the Minister and the Chief of Staff said something different.

LT GEN MASEMOLA: Yes.

CHAIRPERSON: So I do not see the agreement.

LT GEN MASEMOLA: Ja, so maybe I should have said he suggested. I should have used the word suggested that
20 they go to station of origin. So my main intention was that there was no Pretoria at all in the mention.

CHAIRPERSON: Rather the Minister's preferred course was that the dockets be sent to the stations of origin. It would have been more accurate.

LT GEN MASEMOLA: Ja, that would have been the correct

...[intervenes].

CHAIRPERSON: Yes. That, of course, is if your narrative is correct. We do not know what the Minister will say.

LT GEN MASEMOLA: All right.

CHAIRPERSON: Yes. Thank you, Mr Motau.

ADV MOTAU SC: Thank you. Thank you, Chair. Sir, you then proceed from paragraph 148 on page 48 of your statement. Paragraph 148.

LT GEN MASEMOLA: 148:

10 “On the 28th of July 2025, I received a request from Lt-Gen Mkhwanazi for a further extension of the PKTT's term and the approval of a budget until February 2026. The financial approval is attached as SFM16.”

ADV MOTAU SC: Yes, and that is at page 433 of Masemola 2. You see at page 435, it is signed by Lt-Gen Mkhwanazi at the bottom of 435.

LT GEN MASEMOLA: That is correct.

20 **ADV MOTAU SC:** And then the other signatures appear over the page, CFO and yourself.

LT GEN MASEMOLA: That is correct.

ADV MOTAU SC: And the approval for the extension is for eight months. That is under the recommendations there for the period 1 August 2025 to 31 March 2026.

LT GEN MASEMOLA: That is correct.

ADV MOTAU SC: So on the face of this, are you disbanding the task team or is the task team and its functions continuing?

LT GEN MASEMOLA: Ja. Commissioners, you will recall that we were still with the disbandment plan, but the team, I kept on renewing financial authorities, so the team is still working. As I said, remember there is no disbandment letter that I personally sent to either General Dumisani
10 Khumalo and/or the Provincial Commissioner. So they were still functioning because there is no clarity in this disbandment plan. We were still working on it. And safe to say that as one was trying to manage this process, looking for the real reason that never came for why is the team disbanded.

And eventually, after the arrest of Matlala on 14 May 2025, it became clear as to what was the objective for the disbandment. But the team was never, it is still working. And anyway, currently we are going to beef it up and
20 Gauteng also, we are in the process of establishing a PKTT for the province.

ADV MOTAU SC: And at this stage ...[intervenes].

ADV BALOYI SC: Sorry, Mr Motau. Can I just understand, is your approach that until the Minister has approved the plan, a disbandment plan, the task team will continue its

work in the way that they have always done? That is the one possibility. The other is the team is already in the winding down process, even before a plan is approved. So when you approve this budget request or this funding request, I am trying to understand whether you are approving to fund the continuing work of the task team in the normal course, pending the approval of a plan, or you are funding the team as part of a process of winding down. Which one is it?

- 10 **LT GEN MASEMOLA:** At some point, I think earlier, we were supposed to wind down. The issue was the Minister was going to sign off the plan of winding down, and that plan could not be finalised. So then we could not wind down the team. So the funding is for continuation of the team.

ADV KHUMALO SC: Can you just, Mr Motau, I am looking at the date, 29 July 2025. Just for our benefit, Minister Mchunu at this point had been suspended, am I correct?

LT GEN MASEMOLA: Ja, I think so.

- 20 **ADV KHUMALO SC:** Now, did ...[intervenes].

ADV BALOYI SC: He is on leave.

ADV KHUMALO SC: Sorry, he is on leave, let me put it correctly. He is on leave at this point. So was your reason for approving the continuation of the operations until at least February 2026 motivated by that, or did it have

nothing to do with that? Because in your response to my co-Commissioner, Adv Baloyi, you say you were still waiting for the Minister's approval of the winding down plan. But that can only be Minister Mchunu, and at this point we know that he is on leave. So I just want you to clarify, what was your motivation for approving the operations at least until February 2026?

LT GEN MASEMOLA: Ja. Commissioners, of course we were, as you would be aware, we were working on this
10 winding down plan, awaiting approval by the Minister at some point, and until when the team came to brief us on their discovery of what the real motive is. Since that day, then one adopted the approach that we do not wind down, the team must proceed, which was – I am sure in June, if I am correct, or July. No, we were briefed somewhere in July, yes. Then that is when one decided that no, the team should go on because now we know what the motive was.

ADV KHUMALO SC: You say your motivation was the briefing in July. I just need clarity on that. Who briefed you
20 in July and how did that briefing influence this decision that we are talking about?

LT GEN MASEMOLA: Ja, it was General Dumisani Khumalo, together with his team members and the Provincial Commissioner, General Mkhwanazi.

ADV MOTAU SC: Thank you, Commissioners. You then

approved that request for that period that is indicated as per Annexure SFM16?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Then you move to paragraph 149 on page 48.

LT GEN MASEMOLA: Ja, on paragraph 149:

10 “In line with this, and on the 18th of August 2025, I wrote to Lt-Gen Mkhwanazi advising him that the 121 dockets will be returned to KZN. I requested that he use his discretion to decide whether all dockets should be returned to PKTT or if others should be directed to another unit or office in the province, and the letter is attached as SFM17.”

20 **ADV MOTAU SC:** Yes, that is at page 437. Then in paragraph 150, you mentioned the fact that the return of these dockets became a focal point of contention between yourself and the newly appointed Minister. If I can just ask you to deal with that, commencing from paragraph 150 to 152?

LT GEN MASEMOLA: Ja:

 “The return of the 121 dockets became a focal point of contention between me

and the newly appointed Minister of Police, highlighting again an underlying tension in both operational autonomy and the potential political overreach. The concern was that the return of the dockets would effectively impair the Madlanga Commission's work. This tension was eased quickly. I advised the Minister that the decision to return the dockets was taken ...[indistinct], and that the dockets had been returned to KZN to continue investigations. Copies of the dockets had been made and are stored safely. At any stage, they will be made available to the Commission in whatever form it requires, and this resolved the impasse."

So to just emphasise further there that it just so happened that during that time when I was asked the question whether what happened to the 121 dockets, and I said they have been returned, it was just after the postponement of the starting date of the Commission. So I am sure it was misinterpreted as if I am returning the dockets because the Commission has been postponed, but that was not the case.

My processes started long before. It was just a coincidence.

ADV MOTAU SC: Yes. Then please proceed, 151.

LT GEN MASEMOLA:

10 “It is worth noting that since the
 dockets were taken from the PKTT on
 General Sibiya’s instruction, the
 dockets were not investigated. This
 heightened the need to get the dockets
 back to the team to progress those
 investigations. I am advised that an
 audit was undertaken of the dockets
 comparing the state of the dockets
 when they arrived at head office and
 when they were handed back to the
 task team. The audit demonstrates
 that only inspections were done, but
 not investigations were conducted.
 Maj-Gen Mahale, who is the current
20 Acting Divisional Commissioner of
 Detectives, was directed to oversee the
 return of the dockets, and if called by
 the Commission, he will be able to
 explain the status of the dockets.”

ADV MOTAU SC: And the essence of the point that you

make there in those two paragraphs is that the dockets, when they were taken to head office in Pretoria, and upon their return to KwaZulu-Natal, what has been determined is that no investigations took place in respect of those dockets.

LT GEN MASEMOLA: That is correct, Commissioners.

ADV BALOYI SC: General, what is and what is the difference between inspection and investigation, as you have them there in 152?

- 10 **LT GEN MASEMOLA:** Investigation is when you go around taking statements of people that can support your commission of the offence, collecting evidence, obtaining statements, finding out where is the suspect, tracing the suspect, and first identifying the suspect and tracing the suspect. And then the inspection is, that is the auditing of the file, to check on the status of the file, to say in this file, okay, you check what was done and what still needs to be done. That is the inspection.

- ADV MOTAU SC:** Thank you, Commissioner Baloyi. Then,
20 General, the next topic that you deal with is that of implicated persons. Commencing from paragraph 153, you mention Minister Mchunu. If I can ask you to deal with the briefings, commencing from 154? Because you see in 153 you say Minister Mchunu was appointed as a Minister from 3 July 2024 until he was suspended on the 13th of July

2025. Then the next subtopic is briefings by National Commissioner to the Minister of Police. So if I can ask you to start at 154?

LT GEN MASEMOLA:

“Following the appointment of the new
Minister of Police...” ...[intervenes].

CHAIRPERSON: Thinking again, Mr Motau, the transcription will now reflect suspended.

ADV MOTAU SC: Yes. No, he was put on leave.

10 **ADV MOTAU SC:** Apologies, thank you, thank you. I cannot blame the person who planted this language.

ADV KHUMALO SC: Mr Motau, maybe just for clarification, appointment and taking office. Did he take office on the 3rd of July or was that the date when the Cabinet was announced, but he took office sometime later? And if you do not have it now, we can clarify it later.

ADV MOTAU SC: Yes, thanks.

ADV KHUMALO SC: But it is important in terms of the sequence from July to December 2024.

20 **ADV MOTAU SC:** Thanks. Thanks, Commissioner Khumalo. I do not have it immediately at hand, but we will look into that. Thank you. Yes, paragraph 154.

LT GEN MASEMOLA:

“Following the appointment of the new
Minister of Police, it is standard

practice for the National Commissioner to arrange a series of comprehensive briefings. These sessions serve to familiarise the incoming Minister with the current landscape of policing operations, key policy directives, and ongoing strategic initiatives. The Commissioner provides detailed reports on pressing matters such as major investigations, operational priorities, and any other sensitive matters requiring Ministerial oversight. Additionally, the briefing covers the status of specialised units, recent restructuring efforts, and the implementation and progress of previously agreed upon policies. By facilitating these briefings, the National Commissioner ensures that the Minister is fully appraised of critical developments, challenges, and opportunities within the service. This process not only assists the Minister in exercising informed political control and accountability, but also supports

the seamless translation of directives into effective operational execution. Such initial briefings set the tone for ongoing collaboration, establishing a clear channel of communication, and delineating responsibilities between political leadership and senior management. If, however, the Minister does not receive these briefings, several significant risks arise, and that could undermine both the effectiveness and integrity of the policing service. This is due to the fact that without timely access to current intelligence, the Minister may be unable to respond proactively to urgent operational challenges or emerging threats, resulting in delayed or misguided decision-making. Critical investigations and sensitive cases, such as those involving high-profile misconduct or complex unit disbandment, might proceed without appropriate oversight, raising the risk of political fallout or public

controversy.”

Paragraph 158:

10 “Moreover, gaps in the communication that allow internal conflicts, insubordination, or misalignment with the National Directives to fester potentially leading to operational paralysis or the erosion of discipline within specialised units. The absence of comprehensive briefings might also hinder the Minister's ability to exercise meaningful accountability and open avenues for mismanagement and obscure early warning signs of systemic dysfunction, ultimately neglecting the briefings, impairing the Minister's credibility, exposing him to personal and political liability, and compromising the safety and trust of

20 communities the police are sworn to serve.”

Paragraph 159:

“Despite standard protocol, the Minister was not open to customary comprehensive briefings. [Indistinct]...

did for selective updates on areas of interest or personal interest. On multiple occasions I advised the Minister of the critical importance of receiving a thorough briefing across all divisions yet.”

Just to make an example in this specific regard, we gave the Minister for example a briefing on division Visible Policing, but he was selective in what he wants. I think he
10 wanted central firearm registry, nothing wrong of course. Maybe he picked up some problems in that area and other areas.

Then the rest of the division then was done at later at some point, but you could see that in that briefing was done to him on the central firearm registry which is part of division Visible Policing done last year already 2024. If he allowed the whole division to be briefed about the whole of the division, then the point that is on the letter of the 31st December 2024 that talks to Border Policing, he should
20 have received that briefing then already last year because earlier than December, because Border Policing is part of division Visible Policing. And he was also briefed Crime Intelligence, but not the whole. Only on specific matters.

ADV MOTAU SC: Sorry. Can I just ask you before you proceed? When you say the Minister preferred selective

updates on briefings, how would this be communicated to yourselves regarding the areas that the Minister had selected that he wants to be briefed on? How would that happen?

LT GEN MASEMOLA: Ja. Normally we would – from one briefing we will be knowing that or agree that the next briefing it will be about the following, and we will come prepared on those topics. But just before the date of that briefing, the Minister will send an email or letter through
10 Chief of Staff to say in the coming meeting, I would want the following, the specifics. Now, you might find in a specific directorate it is only one section that he would want to brief. Maybe we thought we are going to brief him about the whole, but it is only that one directorate.

Like the example I am giving that the directorate of Visible Policing, I know we briefed him earlier somewhere in 2024. But when we get to the meeting, he selected what he would want in that directorate. And then, so the rest was not given. Hence now we see on the 31 December letter of
20 – the 31 December 2024 letter, he raised Border Policing. Now, should he have allowed the comprehensive briefing of that directorate, he would have known earlier on those matters that he raised on that letter.

ADV MOTAU SC: All right.

ADV BALOYI SC: General, when you say in this paragraph

that he selective updates on areas of personal interest, where you say personal interest, you mean topics identified by him?

LT GEN MASEMOLA: Ja, I mean topics identified by him. Obviously, he might have been – he might have heard that there is a – maybe there he got reports that there are problem in that area or whatever, yes. Personal interest, I actually refer selected by him, yes.

ADV MOTAU SC: Thank you, Commissioner Baloyi. Yes,
10 you had started:

“On multiple occasions I advise the
Minister of the critical importance of
receiving thorough briefing across all
divisions, yet...”

And that is where you stopped. Please proceed. Though he acknowledged, line four.

LT GEN MASEMOLA: Ja:

“Though he acknowledged the
remainder...” ...[intervenes].

20 **ADV MOTAU SC:** The reminder.

LT GEN MASEMOLA:

“Though he acknowledged the
reminder, he repeatedly did not
allocate time for the complete
sessions, notably up to the point when

the decision to disband the task team, that is the PKTT, was made. Minister Mchunu had not received any formal update on the team's progress. This lack of comprehensive briefings, particularly pertinent to this Commission, as it underscores a significant gap in gathering of information and adequate information flow prior to the key operational decisions.”

So what I am just mentioning there is that up to the point when the 31 December 2024 letter was – the directive was sent to myself, there was never a briefing on the PKTT to the Minister.

ADV MOTAU SC: And you said it is through no lack of trying on your part. You said it was not through lack of trying on your part.

LT GEN MASEMOLA: No, it was not through lack of trying. I did try many a times to brief him on that.

ADV MOTAU SC: Yes, please proceed. Paragraph 160.

LT GEN MASEMOLA:

“This is further reinforced by the fact that the three individuals that could have briefed him at the very least on

the PKTT did not get an opportunity to do so. Neither myself, neither Lt-Gen Mkhwanazi, nor Lt-Gen Dumisani Khumalo were asked to do a briefing. The decision to disband the PKTT in KZN was fundamentally an operational matter falling squarely within the purview of the National Commissioner, who is responsible for the management and strategic deployment of policing resources. I supported, by senior leadership, determined the structure mandate and continued existence of specialised units in response to evolving the threats and the need of effective law enforcement. Moreso, PKTT is just a task team, not a unit.”

ADV MOTAU SC: Sorry, what is the significance of that, if any?

20 **LT GEN MASEMOLA:** The significance is inasmuch as the PKTT was established after the call by the President and the response by the IMC, the fact of the matter is it is a task team. Task team is a team that can be either be established by a District Commissioner or a Provincial Commissioner. Well, this one was established after the call

up by those role players that I mentioned. So this disestablishment can still be activated by the Provincial Commissioner after giving reasons why, or by myself. So it does not require the level of a Minister to go down past National Commissioner, past the DNCs, the Provincial Commissioners and go and disband a task team. So the level of it did not really require that.

If ever we acknowledge, as I said that it was established after the call by the higher authorities, but still
 10 he should at least have said this is what I think we should do. Then we would engage and find out the reasons why, if ever we do, and take it from there. But not without consultation just disband a team that is at that level of the police.

ADV MOTAU SC: Please proceed. Next sentence, when the Minister intervened.

LT GEN MASEMOLA:

“When the Minister intervened and made a determination about the PKTT
 20 without receiving comprehensive briefing or affording me and the relevant officers an opportunity to present their assessments, such actions constitute an overreach into areas reserved for my operational

command. This encroachment blurred the vital distinction between policy direction and operational execution, potentially compromising the integrity of policing strategies and undermining the established process for internal accountability and decision making. By bypassing my mandatory responsibilities, the Minister's approach risked sowing confusion, eroding discipline and jeopardising the effectiveness of law enforcement efforts in sensitive investigations.”

ADV MOTAU SC: So mandatory responsibilities there is statutory responsibilities, right?

LT GEN MASEMOLA: Okay.

ADV MOTAU SC: Okay, we can proceed. 162.

LT GEN MASEMOLA:

“Even if the decision to disband the task team is deemed a matter of policy rather than operational judgment...”

Let us say maybe this Commission find that way:

“...such a determination cannot legitimately occur in isolation from a thorough briefings by the relevant

SAPS executive and meaningful consultation with other key functionaries involved in the task team's work, including the NPA, the SSA and the Defence Intelligence. These briefings and consultations are essential to ensure that all stakeholders are appraised of the operational realities, the investigative process and interagency dependencies that underpin the task team's mandate. Only through a considered collaborative process grounded in expert input and collective oversight can such far-reaching policy decision be responsibly and effectively implemented, safeguarding both the integrity of law enforcement strategies and the interest of national security.

The implementation of the disbandment, if it had to occur, was quintessentially operational in nature. This speaks to the question whether the disbandment should occur with immediate effect or through a gradual-

phased approach. This fell within the purview of my area of responsibility and I am of the firm view that the Minister's instruction was separation of powers, harm, insensitive, and constitute executive overreach and political interference. The consequence of this breakdown became evident in subsequent developments. Without the benefit of a full spectrum of briefing, Ministerial interventions unfolded without the context or clarity that proper oversight demands. This not only amplified the risk of operational misalignment but also left senior officers without an avenue to communicate critical updates or concerns particularly regarding sensitive units such as the PKTT.”

20 **ADV KHUMALO SC:** Sorry, General. Can you just clarify what you mean by breakdown? Is it a breakdown of relationship or are you implying something different?

LT GEN MASEMOLA: Breakdown of communication amongst the officers.

ADV MOTAU SC: Perhaps, you will see there in the

second sentence you talk about without the benefit of a full spectrum briefing. Is that linked to the breakdown in communication that you are talking about?

LT GEN MASEMOLA: That is correct, that it links without the full benefit of a spectrum briefing, yes, correct.

ADV KHUMALO SC: The left not knowing what the right is doing?

LT GEN MASEMOLA: Correct, Commissioners.

ADV MOTAU SC: Yes, proceed.

10 **LT GEN MASEMOLA:**

“In the absence of structured information flow, decisions regarding the PKTT were made with limited insight into the intricate challenges facing the unit, including its investigative progress and the implication of any proposed restructuring. Key stakeholders include those with direct operational responsibility and interagency partners were sidelined further compounding confusion and eroding the trust. Such deficiencies in communication and consultation undermine accountability and effective decision making at the

20

highest level. This context is essential to fully understand subsequent actions and investigations, particularly those relating to General Sibiya. Even when one accepts that the authority to order disbandment of the task team ultimately resides with the Minister, the responsibility for translating that policy determination into actionable steps is operationalisation remains vested in the office of the National Commissioner.”

ADV MOTAU SC: Yes, so if I can just stop you there? You see that there is a word that is missing in that sentence or that paragraph. It is:

“Even if one were to accept that the authority...”

Because that is an assumption there that you make, to say assuming it were to be found that that authority resides with the Minister, i.e. to take a decision of disbanding the task team, then you separate that process from the second aspect which is actioning that decision.

LT GEN MASEMOLA: That is correct, Commissioners.

ADV MOTAU SC: Yes, then proceed. As the principal custodian?

LT GEN MASEMOLA:

“As the principal custodian of SAPS operations, I am in charge of implementing Ministerial directives in a manner that aligns with established protocols, preserve the integrity of ongoing investigations, and effectively manages the redeployment or restructuring of specialised units. The
 10 division of roles is not merely procedural, it is foundational to ensuring that policy intent is realised through expert execution without blurring the boundaries between executive direction and command.

ADV MOTAU SC: Yes, and can I ask you, before you go to the next topic, which is the cancellation of Mr Matlala's contract, I have looked at all the correspondence flowing from the Minister's letter of 31 December 2024, and I will
 20 just give the references so that the Commissioners can have them. For your purposes, you do not need to go there, but it is SFM9, page 374, SFM10 at 376, SFM11 at pages 381, 382, and 406, SFM12 at page 410, SFM15 at page 424, SFM16 at page 433, and SFM3 at pages 154, 159, and 163. All this correspondence refers to the Minister's directive. In

other words, it starts from the date of 31 December 2024 when it was first communicated, then it is reflected as such in all of those letters.

And I would like to ask a question that flows from that. When looking at these documents, I could not find anything that indicates whether consideration was given to the lawfulness of the instruction or directive that the Minister gave. But all the documents seem to move from the premise that once the directive is given, it needed to be
10 given effect to. Now can I ask, since this does not emanate from the documents, when the Minister gave that, or issued that directive on the 31st of December 2024, was consideration ever given to its lawfulness? In other words, did consideration be given to determine whether that directive had been lawfully issued or not? In other words, separating it from its implementation.

LT GEN MASEMOLA: Ja, no, no, Commissioner, there was no consideration whether it is legal or not. It was not. I am sure it will be this Commission to determine that.

20 **ADV MOTAU SC:** So you looked into that issue when you were preparing for your appearance at the Commission, and in catering for the different scenarios, to say first scenario it is unlawful, but if it is found to be lawful, then you say there is still overreach and/or interference in the terms that you specified in your statement thus far.

LT GEN MASEMOLA: Ja, that is correct, Commissioners. Ja, it was not considered whether it is lawful or not. So as I said, I am sure this Commission will assist us in that regard, and if ever it is found to be lawful, then still when it comes to the how part, I still maintain that that cannot be a part of the direction, so ja.

CHAIRPERSON: Does this mean that ...[intervenes].

ADV MOTAU SC: In fact, Mr...

CHAIRPERSON: Okay.

10 **ADV MOTAU SC:** Sorry, Chair.

CHAIRPERSON: Thank you, Mr Motau. General, does this mean that what you say, for example, in paragraphs 161 and 188, maybe you do say it elsewhere as well, is a view that you have come to hold after the event, not that it is a view that you had at the time the Minister issued the disbandment instructional directive? In 161, for context, you say:

20 “The decision to disband the PKTT in KZN was fundamentally an operational matter falling squarely within the purview of the National Commissioner.”

And then in 188 you say:

 “In respect of the Minister, knowing what I know now, what I considered to be irrational and inexplicable

encroachment into operational issues
is now explained by his desire to hold
investigations against criminal cartels
by disbanding the PKTT.”

So does this mean this view is a view you hold now, but
which you did not hold at the time the directive was issued?

LT GEN MASEMOLA: No, I did hold that view from the
beginning when this directive was issued, Commissioner,
but of course, that is General Masemola's view. I do not
10 know what is the view of the others, of course, including the
public and a lot of legal experts, those that are giving
opinions now. This document, for good or bad, it was
leaked that time. Actually, I saw it on the media before I
was aware that this document was directed to me.

CHAIRPERSON: Please make me understand, maybe I
missed something.

LT GEN MASEMOLA: Okay.

CHAIRPERSON: Please make me understand your
response to the Chief Evidence Leader's question then. I
20 thought you meant this is not an issue you considered at
the time, hence the question I asked with reference to
paragraphs 161 and 188 of your affidavit. Now, can you
make me understand the response you gave to the Chief
Evidence Leader just now?

LT GEN MASEMOLA: I am not sure if I follow,

Commissioner.

CHAIRPERSON: Please repeat your question, perhaps Mr Motau.

ADV MOTAU SC: Yes, perhaps let me try, Chair. I gave you the different references, you remember, and I said once the directive was issued, I could not find any document that indicates that the lawfulness of that direction, i.e. whether it fell within your operational issues or it was one that the Minister could legally issue or lawfully issue, was
10 considered. You remember I asked that question and I said the document seemed to move from the premise that the lawfulness of the issuance of that instruction was not an issue, but the focus was on its implementation.

LT GEN MASEMOLA: Yes, correct. After it was issued, it was never interpreted whether legal or illegal, but it was a directive. But the implementation of it or the how part of it definitely was quite questionable right from the beginning.

ADV MOTAU SC: Yes. Then I proceeded, I said, then in preparation for the Commission for appearing and giving
20 evidence here, one of the issues that you looked into, which you had not looked at before, was whether it was or it was not lawful for the Minister to issue the instruction in the first place. Do you recall I asked you that question?

LT GEN MASEMOLA: Yes, we did not look at that at the beginning.

ADV MOTAU SC: And I think what then the Chair is asking you, he says, with reference to paragraph, for example, 161 of your statement.

CHAIRPERSON: And 188.

ADV MOTAU SC: Thank you, Chair. Yes, and 188, where you talk about considering that instruction to be irrational and an inexplicable encroachment. And the Chair is asking that, does that mean that flowing from your evidence, that is a view that you hold after the fact? In other words, having
10 only looked at it after and in preparation for the Commission, or is it a view that you have always held? That is the question that the Chair is asking.

LT GEN MASEMOLA: Well, we did not check the lawfulness of it, but I held that view, the reserved view that this might be illegal. But after the fact that I know what I know now, then I concluded that no, I was not wrong with my view that this was fundamentally an illegal directive.

ADV MOTAU SC: So that view was a reserved one. Did you express it to the Minister at the time? I think that is
20 more the question that the Chair is asking.

LT GEN MASEMOLA: Ja, no, I did not express it to him. But what I keep digging was, why are you doing this? On what basis are you disbanding this team?

ADV MOTAU SC: You did not express?

LT GEN MASEMOLA: Yes, and we never had a really

explanation on why.

CHAIRPERSON: You make a good point when you say that you are not making any pronouncement on the question of the lawfulness of the instruction and that you leave that to the Commission. And indeed also, when I put my questions to you yesterday, you will recall that I referred to these two paragraphs, 161 and 188. So I proceeded from the premise of what you yourself are saying. And it was not at that stage any pronouncement on the lawfulness or otherwise of
10 the instruction. That is something that my fellow Commissioners and I are yet to consider.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Thanks. Chair, and perhaps just to close that issue, if I can ask you to turn to page 5 of your statement, paragraph 26? You dealt with it yesterday, but it might be an apposite. To refer back to it, please indicate when you are there.

LT GEN MASEMOLA: Paragraph?

ADV MOTAU SC: 26. Page 5.

20 **LT GEN MASEMOLA:** Ja, correct. I am there.

ADV MOTAU SC: Yesterday you told the Commission, when you are testifying in relation to paragraph 26, that you view the benefits of participating in the Commission as not only being to provide your account of the interactions with Minister Mchunu on the issues forming the subject matter of

determination in this Commission, but you hope that the Commission's findings and recommendations will lead to improved governance, public trust and institutional effectiveness, which are not only critical for SAPS, but are foundational to the well-being and safety of the South African society as a whole. You remember when you are dealing with that?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: And it brings into the question sharply
10 the determination of that interpretation, which sits purely and squarely within the remit of the Commission to make.

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: In relation to, firstly, the lawfulness of that instruction being issued and the question of its implementation and where either of those two fall.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: All right, thank you. Then if I can ask you to go to the next topic that you deal with in your statement. You are about to deal with the cancellation of
20 Mr Matlala's contract at page 54 of your statement, paragraph 168, and you deal with that in paragraphs 168 and 169. If I can ask you to please deal with those two paragraphs?

LT GEN MASEMOLA: 168:

“Minister Mchunu raised the alarm on

the matter of the health risk manager contract at a meeting, and then we subsequently held a meeting on the 24th of December 2024 and a follow-up meeting was held on 3 February 2025. Concerns were raised regarding the health risk manager contract with Medicare/Medicare 24, Tshwane District, a contract for medical examination for new SAPS members. Without these exams, new appointments were affected. In the meetings, reports of general non-performance were raised. Minister Mchunu instructed that we look into the contract. During that process, we discovered corruption, fraud, and a failure of delivery of service resulting in the cancellation of the contract on 13 May 2025.”

ADV MOTAU SC: But is that not positive action on the part of the Minister?

LT GEN MASEMOLA: Was it?

ADV MOTAU SC: Is that not positive action on the part of the Minister?

LT GEN MASEMOLA: No, it is indeed a positive step on his part. Correct.

ADV MOTAU SC: Please proceed to 169.

LT GEN MASEMOLA:

10 “On the conspectus of the facts that
 have now been revealed, I wonder
 whether at the time of triggering this
 investigation the Minister was aware
 that Brown Mogotsi and Cat Matlala
 were associates and that if he did,
 would he have triggered this alarm.
 But nevertheless...” ...[intervenes].

ADV MOTAU SC: [Indistinct]... the investigation.

LT GEN MASEMOLA:

 “...triggered the investigation. But
 nevertheless, we thank him for doing
 that.”

20 **ADV MOTAU SC:** Can I ask you maybe to explain that
 paragraph 169? What point are you trying to convey there
 to the Commission? When you say on the conspectus of all
 the facts, or is it something that you prefer to comment
 upon after dealing with what follows thereafter?

LT GEN MASEMOLA: Ja, maybe we can deal with it later.
I think so.

ADV MOTAU SC: Yes, if I can just ask you just to

remember, we will need to come back to that so that we place that aspect of your statement in context. Then the next person of interest that you deal with is Lt-Gen Sibiya. If I can ask you to proceed from paragraph 170?

LT GEN MASEMOLA:

10 “Lt-Gen Sibiya was appointed as a Deputy National Commissioner of Crime Detection in June 2023, and upon Lt-Gen Sibiya's appointment, three points of contention surfaced almost immediately, signalling deeper complexities in the operational landscape. The first arose from Sibiya's strong desire to assume control over the Cold Case Unit, a unit that has always reported to the Office of the National Commissioner. This was unusual as the Cold Case Unit typically managed investigations into

20 unresolved matters that have previously been investigated by units under his command.”

ADV MOTAU SC: Can I please ask you to explain that? What do you mean? Like, which of the two offices first interacts with the matters, and where do those matters end

up?

LT GEN MASEMOLA: What I mean here is that we want the Cold Case Unit. Cold Case Unit, I am sure it will be known to most South Africans because it is the unit that is investigating the case of Senzo Meyiwa, the soccer player. So, what then here I am saying is that General Detectives, in general, they report to Divisional Commissioner Detectives, and they report to General Sibiya. So, the Cold Case Unit only deals with cases that could not be resolved
10 in that sphere of investigation. That is where then the Cold Case Units, they will choose such cases and do investigation.

ADV MOTAU SC: So, it would have gone past General Sibiya's area of operation and could not be resolved?

LT GEN MASEMOLA: That is correct, yes.

ADV MOTAU SC: Then it would get escalated to your office?

LT GEN MASEMOLA: Yes, the Cold Case Unit.

ADV MOTAU SC: So, what you say you found strange is
20 the fact that he wants that unit to reside within his portfolio of operation?

LT GEN MASEMOLA: Yes, he wants that unit to come to his portfolio. I do not deny it, maybe on the substructure. It is possible that the unit might be linked to him. But for reasons that the Cold Case Unit deal with work that you can

say where the General Detectives or the detectives have failed to unearth or resolve cases, then the Cold Case Unit has been reporting directly to the National Commissioner, since the previous National Commissioner and currently myself.

And as the National Commissioner, I counselled him that the vast complexity of crime detection necessitates his focus elsewhere. The Cold Case Unit's specialised mandate does not require his direct involvement, given the
 10 expansive responsibilities already entrusted to his command. Actually, I did explain to him that you have just been appointed, you have this elephant that you must deal with. So, you cannot be looking for a piece of hair from the tail of the elephant. Deal with your elephant. Once I am convinced that you can deal with it, maybe I can then consider giving you this small unit that is there.

ADV MOTAU SC: Yes, from the elephant, if you can then move to paragraph 172?

LT GEN MASEMOLA:

20 "The second point of contention centred on General Sibiya's insistence that Lt-Gen Dumisani Khumalo, as Divisional Commissioner for Crime Intelligence, should not retain dockets for investigations, specifically the

Counter Intelligence Investigations. Lt-Gen Sibiya advocated for the sensitive docket to be removed from Crime Intelligence and reassigned to Detectives. Again, I advise Lt-Gen Sibiya that his attention should remain on the considerable and demanding portfolio for which he is now responsible, but rather than seeking to
10 restructure units that serve critical, well-established functions within our operational architecture. There is nothing wrong for Counter Intelligence Investigations to carry dockets.”

So, what I am explaining here is that within Crime Intelligence you have got – under Counter Intelligence we have got what is called Counter Investigations. They will carry minimal dockets and there is nothing wrong if they are doing that, so hence they are called Counter Intelligence
20 Investigations. They can choose to work, partner with Detectives, or choose to work alone and involve a detective at some point, it is up to them, there is nothing wrong in that regard.

And of course, as long as if there is a case docket, they now and then update it on the system. But due to the

sensitivity of such cases, it might be possible that you cannot update on the system because if you do, the information that will be there might not be suitable to be seen by everyone. So I also, once again, advised him that those dockets are minimal to the amount of work that you have at your hand:

“The third point of contention related to
Lt-Gen Sibiya...”

Or maybe before that, I must just say that the carrying of
10 dockets by Counter Intelligence is not something that came
with Lt-Gen Dumisani Khumalo to Crime Intelligence. It has
been there all the time, it is not a new addition to their
mandate. Paragraph 173:

“The third point of contention related to
Lt-Gen Sibiya's view that Lt-Gen
Khumalo should not oversee the PKTT,
but rather it should be overseen by Lt-
Gen Senthumule. I advised him that
20 this can be done if Lt-Gen Dumisani
Khumalo is of the view that he is
overloaded and had capacity
constraints. Otherwise, if he says he
can still do it because it is not a full-
time job for him, the status quo should
remain.”

And at some point, when I asked Khumalo, he did indicate that the PKTT is a well-oiled machine that runs. He only has to see them maybe once in a month or so, as and when there is a need. So it is not a burden to him. So he can manage his division of Crime Intelligence and still oversee the PKTT, which I said there is nothing wrong with that, it should continue.

ADV MOTAU SC: Yes, and then in 174, I think that first word there should be upon, not apon [sic].

10 **ADV BALOYI SC:** Before you deal with that, Mr Motau, with that next paragraph.

ADV MOTAU SC: Yes.

ADV BALOYI SC: General, what you have in 171, 172, 173, you are obviously not mentioning it for the sake of it. What is it, what is the point you are seeking to make? Why is it significant that you mention this to us, but also the significance that you attached at the time to what you say are points of contention on these three topics?

ADV MOTAU SC: Sorry, Commissioner ...[intervenes].

20 **ADV BALOYI SC:** Are you going there still?

ADV MOTAU SC: Okay.

ADV BALOYI SC: No, I am asking, were you going to deal with that?

ADV MOTAU SC: No, no, no. Sorry, I was going to ask that perhaps we look at – we allow the General to deal with

174.

ADV BALOYI SC: And then you will deal with it.

ADV MOTAU SC: And then, yes. Yes, thanks.

LT GEN MASEMOLA: Okay, okay.

ADV MOTAU SC: If I can ask you to then deal with 174?

So I am not asking that you discharge an accused under section 174.

LT GEN MASEMOLA: Okay.

ADV MOTAU SC: Ja, but you must still run the case and
10 prove the guilt of this accused, yes. Yes, please proceed,
174.

LT GEN MASEMOLA: Thanks, Commissioners. Upon his appointment in July 2024, but at a later stage, the Minister of Police, Senzo Mchunu, raised the same points and I gave him the – I gave the Minister the same responses as those I gave to Lt-Gen Sibiya, to say there is nothing wrong in the setup that we have in the organisation.

ADV MOTAU SC: Do you have any comments with regards to the similarities of the issues that were raised, although
20 there is a time difference?

LT GEN MASEMOLA: Ja, well, the concerns are that it is just coincident that the same matters are raised. But ja, one wonders why. Well, General Sibiya, on his side, he mentioned that, no, he wants to have total control of the whole of the Detective Services, which I then said to him,

no, you see, you have got too much work dealing with what you have, and we can look as you go along to give you some responsibilities. Counter Intelligence will not give you at all. Cold Case Unit, we can consider it in the future.

CHAIRPERSON: We heard you.

LT GEN MASEMOLA: Okay.

CHAIRPERSON: We heard that.

LT GEN MASEMOLA: So the ...[intervenes].

CHAIRPERSON: So I think what remains, and I do not
10 think it goes away because of what you say in 174, I think the question by my co-Commissioner, Commissioner Baloyi stands. So if you could think about that during lunch and respond to the question when we return? Let us adjourn and resume at two o'clock. Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: General, do you still remember the question that was asked by Commissioner Baloyi, the one that I said you should apply your mind to it during lunch, or
20 do you want the Commissioner to repeat the question?

LT GEN MASEMOLA: Ja, no, she can repeat it, Commissioner.

CHAIRPERSON: Thank you.

ADV BALOYI SC: The problem is always to remember the question that I asked.

ADV MOTAU SC: Well, I might step in to help here. This is after you had dealt with those three points of contentions in paragraph 171 to 173 and then Commissioner Baloyi asked why are you telling us this and then I said perhaps you should be allowed to deal with page 174, sorry, paragraph 174, where you say:

10 “Upon his appointment in July 2024,
 but at a later stage the Minister raised
 the same points. I gave the Minister
 the same responses and those given to
 Lieutenant General Sibiya.”

 Then I asked to say can you explain if you have any
comment about the resemblance in those two issues that
are raised, sorry, the three, the three points that are raised
at two different times, because you say the one is raised by
General Sibiya earlier on and then those similar concerns or
points are raised by the Minister. So linked to that, I know
you are going to deal with it later in your statement, but the
question has come before, it says so why are you telling the
20 Commission this. What do you want the Commission to
know about ...[intervenes].

CHAIRPERSON: What is the relevance of the three points
of contention.

ADV MOTAU SC: Yes.

LT GEN MASEMOLA: Ja, thanks, Commissioner. This

points of contention I think later it will become clear that the objective is to take control of, not leave any room of any docket to lie outside of the control of General Sibiya, so which later you will see when the dockets of the PKTT was required the objective there was the same to want certain, if you have control of the whole terrain of dockets, then it means there is nothing that fall outside that you do not know and you will be able to manage whatever you want to do, so the reason is basically just to show that there is
 10 interest to have control right from the beginning of all case dockets. So that is the significance of it.

ADV BALOYI SC: Is it, is this an accurate way of repeating what you are saying that he wanted to, in these three areas of contention as you call them, he wanted to have an insight into dockets that he had a personal interest in. Is that a fair way of repeating what you are saying?

LT GEN MASEMOLA: No, at this moment in time remember of course that time well one do not know what we know now, but you can see the interest is there just to make
 20 sure that there is no docket that falls outside the command of the specific person, which is General Sibiya. That is the main interest. But later it becomes clear as to what is the reason or objective.

ADV BALOYI SC: Yes, and in 174 where you speak about the Minister later raising the same points, the same three

points about those three areas having to fall under General Sibiya, is that a matter, that matter is that a matter that ordinarily a Minister would have a say or an interest in where the dockets are allocated?

LT GEN MASEMOLA: No, surely as a Minister he is supposed not to, but well, in this case you could see that he did have interest, but normally or ordinarily Ministers does not supposed to want to know where a specific docket is being investigated, but of course I think other witnesses will
10 come to say, especially on the case of Senthumule, the one of the murder of that Councillor, I am sure there will be witnesses that will come to say that the Minister directed that this docket must go to Hawks, must move from PKTT to go to Hawks. So, but it is unusual for a Minister to do those, to get involved in the determining who investigate what docket.

ADV SIBIYA SC: And did the Minister give an explanation when he raised the same points, these three points that they should go to Sibiya, did he give an explanation why he
20 was interested in that and what his reasons are for that kind of selection?

LT GEN MASEMOLA: Well, the reason given was so that there is consolidation and control of dockets, which I said no, I do not agree to it, it is fine in the way it is. And of course he further, I think even in the meeting of 27 March

2025 he indicated that in the National Strategic Intelligence Act there is nowhere where it says Crime Intelligence must investigate dockets, which I beg to differ with him to say no, but after all, Crime Intelligence members are members of the Police and they have got any right and entitlement to do any function that is prescribed under section 205 of the Constitution, unless they do not have training in that regard, otherwise any member can do any function that is in section 205(3) of the Constitution.

10 **ADV BALOYI SC:** Thank you, General. Thank you, Mr Motau.

ADV MOTAU SC: Thank you. You explained that at that time, I think it is part of your response, you say at that time you saw these as individual and unconnected views that were expressed by two different persons, am I correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: And you will at a later stage when you deal with the part where you say with what you know now, and then you will make a connection between all of this, the
20 events of the 14th, 15th, 16th and 17th of January there is these requests and all other issues that you tie in together. But just to make sure that we finish with your evidence sequentially, if I can then ask you to continue paragraph 175.

LT GEN MASEMOLA: Paragraph 175.

ADV MOTAU SC: 175, yes.

LT GEN MASEMOLA: Yes. Throughout my tenure I generally made every effort to maintain a constructive and professional working relationship with Lieutenant General Sibiya, recognizing the importance of coercion across senior Executive of SAPS. Nevertheless, in January 2025 I received a formal invitation from the Minister for a meeting purportedly convened to mediate between myself and Lieutenant General Sibiya.

10 This is yet another example of ministerial interference, which shows that the Minister had time to convene a meeting to essentially mediate a non-existing crisis instead of prioritising, arranging a meeting to receive a critical briefing of the PKTT, which meeting Lieutenant General Mkhwanazi and I had been repetitively asking.

ADV MOTAU SC: Yes, so if I can just ask you to clarify the point you are making there about availability of time for certain things and not for others that are important. What point are you trying to put across to the Commission?

20 **LT GEN MASEMOLA:** Ja, what I am trying to, what I am trying to say there is that we may ask for remitting to brief the Minister on the PKTT and its work and at some point General Mkhwanazi did sent me a WhatsApp message where he is asking, he was telling me that he asked for a meeting with the Minister between himself, the Minister,

myself, General Sibiya and General Khumalo, which he also did ask me to ask the Minister and I did ask him for that meeting and that meeting never took place, but instead the one that take place was this one which was apparently to resolve a problem between myself and General Sibiya and also between General Sibiya and General Mkhwanazi.

So between me and General Sibiya I really could not find any tangible really matter that we were to, we were resolving and that time could have best be devoted to the
 10 briefing by the, on the work of the PKTT. It would have meant much more better for me, because essentially I am sure, I cannot even remember but one of the things we spoke, the thing that we spoke about offices, this one in this office, the other one do not want that office, he want that office, which for me was really not a material matter.

ADV BALOYI SC: Had you ever told the Minister that there is a problem between you and General Sibiya that he thought it necessary to mediate?

LT GEN MASEMOLA: Ja, at some point I did tell him that
 20 there is a problem and I had my proposed solution to it, which he did not buy into whatever solution and ja, he did indicate that he think he will talk to General Sibiya over the matter.

ADV BALOYI SC: So it is possible then, are you prepared to accept, would you be prepared to accept that it is

possible that this mediation it was a good faith attempt to resolve, to help resolve tension between his Executives?

LT GEN MASEMOLA: Ja, it could be attributed to that, but I do not remember us really talking to those really issues that I told him about. We spoke about this other matters that according to me was not serious matters.

ADV BALOYI SC: Okay. So he cannot, I mean I guess on the face of it the way that it is in the paragraph, on the face of it, it looks like a Minister who for no reason whatsoever
10 or no obvious reason is involving himself in issues between his Executives, but from what you are saying now, from your explanation it may well have been, at least you would accept that, may well have been a well-intended gesture to try and bring peace between his Executives.

LT GEN MASEMOLA: It might be possible, but the real issue here what the meeting we wanted with the Minister, which I said was General Mkhwanazi, Khumalo, General Sibiya, himself, myself was to discuss real issues ...[intervenes].

20 **ADV BALOYI SC:** Yes.

LT GEN MASEMOLA: On the PKTT. That just do not get time, but this one do get time.

ADV BALOYI SC: I understand. Thank you.

LT GEN MASEMOLA: Okay.

ADV BALOYI SC: Thank you Mr Motau.

ADV MOTAU SC: Maybe let us just clarify that one aspect. You say, let us leave the PKTT issue aside for now, you raised with the Minister certain concerns that deal with your relationship with Lieutenant General Sibiya and you say you proposed a solution in dealing with that relationship. Did I understand your evidence correctly?

LT GEN MASEMOLA: Ja, that is correct.

ADV MOTAU SC: And you say when the Minister convened a meeting those issues that you had raised with the Minister
10 were not addressed. In other words, if the Minister has called this meeting to mediate based on the issues that you had raised, maybe I should ask you were those issues that you had raised with him before, dealt with in that meeting?

LT GEN MASEMOLA: Not the real crux of the matter. Like I say, we dealt with issues of office. We did not deal with serious issues that, especially around the working of General Sibiya, which were, I think were the main issues. So we did not delve into those matters.

ADV MOTAU SC: And can I just ask, at that meeting is
20 that on the same day when the Minister also met with General Mkhwanazi?

LT GEN MASEMOLA: Ja, it was in the same meeting, because he initially said they are going to meet General Sibiya and Mkhwanazi and himself, but later he says no, I can sit in into that meeting.

ADV MOTAU SC: And as I understand the point you are making in that paragraph is if these role-players that had requested to meet with the Minister to deal with an issue such as the PKTT could be convened by the Minister for purposes of dealing with another issue. The Minister could equally have accommodated these serious issues that he wanted to raise with you.

LT GEN MASEMOLA: Ja, no, he could have seriously has accommodated issues of the PKTT, including disbandment,
10 because that is where we wanted to discuss that issue.

ADV MOTAU SC: And surely even if it is, let us separate that, you have dealt with that sufficiently ...[intervenes].

LT GEN MASEMOLA: Oh, okay.

ADV MOTAU SC: Surely a Minister cannot be criticized if he wants to intervene and address an issue relating to tension between his Executives.

LT GEN MASEMOLA: Well ...[intervenes].

ADV MOTAU SC: In principle, in principle.

LT GEN MASEMOLA: Ja, ja.

20 **ADV MOTAU SC:** Forget this issue and how it happened and what you say was not addressed, etcetera. Just in principle there would not be any wrong ...[intervenes].

LT GEN MASEMOLA: Ja, no, no, in – ja, in principle I think yes, it is accepted that yes, he can do that. He can intervene.

ADV MOTAU SC: Yes. You take issue with what happened, not the principle itself.

LT GEN MASEMOLA: No, no, no, not the principle, the content.

ADV MOTAU SC: Okay. Alright, if I can then ask you to move to para 176.

LT GEN MASEMOLA: The cumulative effect of this dynamics became particularly salient as scrutiny intensified around the management and the fate of PKTT. The lack of
10 a unified transparent chain of communication left crucial operational parameters open to interpretation and debate, creating fertile ground for misstep and contagious decision-making.

As the lines between strategic direction and operational command grew increasingly indistinct, different perspective of authority and mandate became to manifest. Not only as abstract points of contention, but in practical decision with far-reaching consequences for investigations underway.

20 Paragraph 177, it was with this environment that concern escalate the process and legitimacy of PKTT's disbandment. The interplay between ministerial prerogative and National Commissioners executive obligations and the assertive interventions of senior officers such as Lieutenant General Sibiya gave rise to uncertainty over who ultimately

held the mandate to issue, interpret and enforce instructions.

This uncertainties were compounded by the perception among both internal stakeholders and external observers of fragmented oversight and lack of coherent leadership threatening the integrity of both the teams task ...[intervenes].

ADV MOTAU SC: Sorry, the task teams.

LT GEN MASEMOLA: The task teams ongoing work and
10 the SAPS as an institution.

ADV MOTAU SC: Okay. I think we will deal with those conclusions as I said when you pull all of this together. The next topic that you deal with is a summary on the investigations into alleged misconduct by Lieutenant General Sibiya. And if I can just indicate here, I am not going to ask you to deal with all the paragraphs, I am going to direct you to the ones that are pertinent and of course the Commissioners as they have been doing, they will deal with others to the extent that they may require clarification.

20 And I preface this on the basis of what you set out here that these issues when you dealt with them they may on the face of them appear to have been employment related issues, but when viewed properly in context they reveal something different. So with that in mind, if I can then ask you to deal with, commencing from paragraph 178

you indicate that you appointed Lieutenant General Patekile to investigate allegations of misconduct against Lieutenant General Sibiya and the key allegations you outlined them from paragraph 179. If I can ask you to please deal with those key allegations from paragraph 179.1 to 179.5.

LT GEN MASEMOLA: Ja, the key allegations included number one, unauthorized instruction where Lieutenant General Sibiya issued instruction to withdraw case dockets from the PKTT in KZN and brought them to Divisional
10 Commissioner for Detectives, that is cases that were brought to the head office on the 17th January. There is a correspondence to that effect on the 4th of February 2025, on 22 April 2025.

ADV MOTAU SC: You may proceed to the next one.

LT GEN MASEMOLA: 179.2, defeating the cause of justice by issuing the above instructions, Lieutenant General Sibiya is accused of intentionally hindering or delaying the investigation of the case dockets.

179.4, improper conduct, Lieutenant General Sibiya's
20 action contravened the SAPS Code of Conduct and brought ...[intervenes].

CHAIRPERSON: Have you, did you not skip 179.3?

ADV MOTAU SC: Ja.

LT GEN MASEMOLA: Oh sorry, Commissioner. Yes, 179.3, insubordination. Instruction issued by Lieutenant

General Sibiya were in direct conflict with my approved phase out plan for the disbandment of the Task Team. You would remember the instructions on the 14th and 15th of January 2025.

Number 4, the improper conduct by Lieutenant General Sibiya's actions allegedly contravened the Code of Conduct and brought SAPS into disrepute. Number 5 ...[intervenes].

CHAIRPERSON: Sorry, before you go to 5, General, the
10 conduct referred to in 179.4 is it the actions in point 2 and point 3? Which actions are you referring to in 179.4?

LT GEN MASEMOLA: It is the actions from actually 179, from 179.1, those actions. And 179.5, alleged association. There are unsubstantiated allegations that Lieutenant General Sibiya's association with individuals under investigation by SAPS, including Vusimuzi Matlala, this allegation of course require further investigation.

ADV MOTAU SC: Okay, so that is what was being looked into. 180 you talk about the methodology that was adopted
20 by the investigator. Then if I can ask you to deal with paragraph 181.

LT GEN MASEMOLA: The investigation reviewed multiple pieces of correspondence, including e-mails and letters to understand the directives issued by Lieutenant General Sibiya and their impact on the disbandment of the PKTT.

Key communications from the Minister of Police, the National Commissioner and Lieutenant General Sibiya were analysed.

Moreover, the dockets that were transferred to Division Detectives were also analysed. The process was detailed and comprehensive to insure that all interest were taken into account.

ADV MOTAU SC: Okay. And in 182 you deal with the findings of that investigation. Perhaps if I can ask you to
10 deal with 182.2 to 182.4.

LT GEN MASEMOLA: 182.2, the impact on the investigation. The unauthorized instruction issued by Lieutenant General Sibiya resulted in the hinderance and delay of investigations into political killings in KZN. Non-compliance with the National Commissioner's plan, Lieutenant General Sibiya's actions were inconsistent with the phased out plan approved by the National Commissioner presented to the Minister. 182.4, the unsubstantiated allegations of criminal association. While there are
20 allegations of associations with individuals under investigation this remain unsubstantiated and require further criminal investigation.

ADV MOTAU SC: Okay. And then in 183 you say the investigations concluded that there is sufficient evidence to justify a disciplinary hearing for Lieutenant General Sibiya.

in particular the investigation found a *prima facie* case of serious misconduct and his actions were deemed to have undermined the directives of the National Commissioner, hindered investigations and constitute misconduct in terms of the SAPS disciplinary regulations and Code of Conduct.

The matter has been referred for disciplinary hearing and if you turn over the page, the investigation report is attached in Masemola 2 at pages 438 to 455. There is no need to go there. And you make the point in 184, if I can
 10 ask you to please continue from there. It is 184 to 184.2.

LT GEN MASEMOLA: Ja, although the issues involved appear *prima facie* to be related to employment issues, one need to understand that Lieutenant General Sibiya's conduct in his proper context. The context include that as National Commissioner I am the designated line manager for Lieutenant General Sibiya and all directives concerning his scope of authority must flow through my office. It was therefore wholly inappropriate for Lieutenant General Sibiya to act directly on Minister's instruction, particularly in light
 20 of my explicit directive that such matters be handled by myself.

ADV MOTAU SC: So can I just ask, did Lieutenant General Sibiya report to the Minister? In fact, in relation to yourself and the Minister, if you can just tell the Commission who reported to who?

LT GEN MASEMOLA: Ja, in terms of lines of command he reports to me, but yes, he was reporting to the Minister directly now and then.

ADV MOTAU SC: Yes, on what issues? And I think perhaps my question was not specific, if I can just ask you to indicate in respect of which matters was he reporting to the Minister and in respect of which matters was he reporting to you relative to the point that you are making here that it was inappropriate for him to act directly on the
10 Minister's instructions.

LT GEN MASEMOLA: Ja,, well in all matters he is supposed to report to me directly in everything, but yes, one did pick it up that there are matters that he report directly to the Minister.

ADV MOTAU SC: Is this one of them?

LT GEN MASEMOLA: Including the matters of this, the PKTT where he said Minister, this Minister that you have seen on the previous directive by, previous directive by Brigadier Kgobodi Thata that he did say that also there that
20 direction from the Minister to Sibiya says the following, one, two, three, which is one of those matters, but he is supposed to report directly to the National Commissioner.

ADV MOTAU SC: And in fact, that is part of those issues that you raise that create institutional confusion insofar as ...[intervenes].

LT GEN MASEMOLA: Confusion.

ADV MOTAU SC: Constitutional authority is concerned and you would like the Commission to deal with it in its interpretation and recommendations, including part of the reforms, correct?

LT GEN MASEMOLA: Correct, but that one is a straightforward given, hence the disciplinary enquiry that is being taken, because it is not supposed to be that way. But yes, the Commission will assist in emphasizing such
10 matters.

ADV KHUMALO SC: Mr Motau, sorry, who was the complainant in this allegations against Lieutenant General Sibiya, was it you, General, or was it somebody else?

LT GEN MASEMOLA: It was myself.

ADV BALOYI SC: Mr Motau, sorry, if I may.

ADV MOTAU SC: Yes, yes.

ADV BALOYI SC: General, you may well have answered, but maybe I need a more specific answer. You may have anticipated my question. I was going to ask you if he, if he
20 was reporting directly to the Minister on any issue, formally or informally, when in fact here his line manager and he should be reporting to you, why has he not been, why was that not included in the charges against him? You have already said hence the disciplinary charges. What, which specific rule would you say applies and would have been

breached in this case? And maybe it is somewhere in 182.1 ...[intervenes].

LT GEN MASEMOLA: Ja, 182.1.

ADV BALOYI SC: Ja, but which one, because you have got quite a number of references there? And it is really more to find out is anything done about discipline, you know, when a person breaches discipline so obviously.

LT GEN MASEMOLA: Ja, if one look at, let me just – on 182.3 it talk about non-compliance. So the Commissioner is
10 looking specifically the one that says he was reporting directly?

ADV MOTAU SC: So if you look at 182.1 perhaps, and I skipped that when I asked you to read these parts of your statement, but perhaps let us start with 182.1, you will see there you say the investigation found that Lieutenant General Sibiya contravened multiple provisions of the SAPS Disciplinary Regulations 2016, including regulation 5(3)(b)(i) which deals with prejudice in the interests of the service, then regulation 5(3)(f), failing to carry out lawful
20 orders and 5(3)(j), improper conduct, etcetera, etcetera. So the, so Commissioner Baloyi was asking you which rule does the point that you deal with in 184.1 relate. So relative to those regulations that are mentioned in 182.1, if you can have a look and see which ones relate to an instruction that is not followed, or failure to act directly.

LT GEN MASEMOLA: You will recall, Commissioners, that the 14th of January, 14 and 15 January 2025 I did twice explain or directed him on what to go and do and when you look at that 182.1, regulation 5(3)(i), failing to carry out lawful orders, it will also include the instruction given that do one, two, three and he chose the, to do something else.

ADV BALOYI SC: Yes, but I guess my concern, General, is you complain that his conduct undermines the coercion for example, and the discipline of the SAPS and yet he, on
10 your account he conducts himself in a way that is outside the line and, the lines and specifically instead of reporting to you directly, he is speaking to the Minister on some issues. Now I would think in any work environment that would be a serious issue that is dealt with through disciplinary action, or corrective measures, and you have listed complaints that were investigated by General Patekile because of his conduct and on the face of it, it does not seem that anyone of them includes this conduct which in my view, maybe I am wrong, think it is quite serious conduct
20 you know, that undermines the lines of authority and you do not seem to have treated it as that serious.

And if we are going to criticize him in our report, and I am not saying we will, if we are going to be criticizing him on this aspect, maybe even the Minister on this aspect, there will be the question of your role in it as a leader and

his manager. That is why I am asking you the question and asking you to comment on it.

LT GEN MASEMOLA: Ja, part of it is insubordination which I know is carried somewhere in this regulation. Bypassing and reporting somewhere else, that is insubordination. So I know it will be carried somewhere within the regulations that are here. But to be specific to that one that you ask, I think ja on 179.3.

ADV BALOYI SC: Thank you, General. Thank you, Mr
10 Motau.

ADV MOTAU SC: Thank you. And perhaps just to go back to part of the evidence that you have already given, if you look at 183 the second last line, you say the matter has been referred for a disciplinary hearing and in that regard can I ask you, has a charge sheet been drawn up yet for that disciplinary hearing?

LT GEN MASEMOLA: Thanks, Commissioners. I think maybe that part is quite a sensitive area in that we might end up trial him *in absentia*. The employer representative
20 has been appointed and the Chairperson has been appointed and it is the employer representative that will draw the charge sheet, so I am not *au fait* whether it is drawn and what is in there. I will not know. It is a total neutral process away from me and I do not need to know what is in that space. Thank you.

ADV MOTAU SC: We are just clarifying the status of where things are for purposes of the Commission's inquiry and perhaps inclination to say certain things in the report or not. If I can then ask you, you were dealing with, you had just dealt with 184.1 and then as part of providing evidence to say although these seems *prima facie* to be employment related issues the context indicates differently and you referred to 184.2 as part of that material. May I ask you to deal with that paragraph.

10 **LT GEN MASEMOLA:** Ja, subsequent to phone records obtained from an attempted murder accused revealed communication implicating Lieutenant General Sibiya in the forceful and immediate implementation of the Minister's directive to disband the PKTT. This records suggest that Sibiya's actions were not merely procedural but rather tied to deeper connections with individuals identified as members of the cartel. The timing and urgency of his compliance appeared to align with imperatives to shield cartel members from ongoing investigation. This is the
20 subject of an ongoing criminal investigations. The above issues related to General Sibiya culminated in an urgent application before the High Court which the application thereof we are aware it was dismissed.

ADV MOTAU SC: And if one looks at paragraph 184.2, I think the point you are making there is the posture taken by

General Sibiya is not with the benefit of hindsight coincidental. You say it was not merely procedural, but it was informed by other imperatives that you outline in that paragraph. Is that correct?

LT GEN MASEMOLA: That is correct, Commissioner. So what one is saying here is that all this actions of facilitated - after we obtained the records from the attempted murder suspect, which is Cat Matlala, and when the team analysed the communication thereof then it became out clear that the
10 whole purpose of the disbandment of the Political Killings Task Team was born out of the operation of the 6 December 2024 where Mr Katiso Molefe when he was arrested and Cat Matlala's premises was searched in the look or pursuit of the kidnapped Mr Jerry Boshoga. So it end up tying up that it looks like from thereon, from that 6 December to 31st December there were Majors, this communication suggest that there were Majors then to disband the Political Task Team.

You would recall then that I said earlier that those 10
20 members that, of PKTT that came to Gauteng to assist, obviously people were not aware that they are not alone and they thought that dockets that were investigated in Gauteng went back to KZN, so if you disband the PKTT it means the investigation in Gauteng will fall flat and hence the calling of dockets to head office is exactly to find these

dockets of Gauteng which I think, I know that Dumisani Khumalo will allude to the fact that after this 121 dockets that were brought in there was an insistence of further request that bring all dockets, including the Gauteng dockets. So it showed very clear that the objective was to get the Gauteng dockets of the investigation.

ADV MOTAU SC: If I can just ...[intervenes].

CHAIRPERSON: For completeness, I do not want to rely on what is out there in the public domain, for the record
10 what was the litigation that you referred to in paragraph 185 about?

LT GEN MASEMOLA: The litigation was, I did earlier this year in July, Chairperson, I did give an order to General Sibiya to stay at home with a view to give us space to investigate the allegations made, including those made by Lieutenant General Mkhwanazi and he challenged the move of staying at home. He took it to the High Court which then that litigation he lost the case because the Court find that there was nothing wrong with the stay at home and he has
20 since been suspended, so he is still on suspension as we speak.

ADV MOTAU SC: Yes, and perhaps just to deal with that issue of suspension, does the suspension have a time limit, and I am trying to deal with that with reference to what you said earlier that the matter has been referred to a

disciplinary hearing?

LT GEN MASEMOLA: Ja, suspension do have time limits. In terms of SAPS disciplinary regulations it is about, it is about three ...[intervenes].

ADV MOTAU SC: Ja, 60 days is it not?

LT GEN MASEMOLA: 60 Days yes, which then the Chairperson of that hearing can extend with another 30 days, which means that it is limited to 90 days.

ADV MOTAU SC: And that is why I assume you said
10 earlier that is a separate process, it will run its course.

LT GEN MASEMOLA: Yes, it is, the disciplinary hearing is a separate matter. It will be handled separately.

ADV MOTAU SC: Okay.

ADV BALOYI SC: Are you moving to a next topic?

ADV MOTAU SC: Excuse me?

ADV BALOYI SC: Are you moving to the next topic?

ADV MOTAU SC: Yes, I was going to go to the Minister's motives and then come back to issues of relevance, in other words to tie in what he has just dealt with.

20 **ADV BALOYI SC:** Maybe let me hold my question then.

ADV MOTAU SC: Thank you, Commissioner. Oh. No, no, sorry, I thought Commissioner Baloyi is going to ask a question, but ...[intervenes].

ADV BALOYI SC: No, I do have a question, but I thought if you are following a theme let me not disrupt it.

ADV MOTAU SC: Thank you, Commissioner Baloyi.

General, if I can ask you to skip from 185 to 188 under the topic Minister's motives, because you are now at the part where you have dealt with what these investigations have revealed and you have disclosed up to the limited extend that you could, bearing in mind what you had said yesterday these criminal investigations that are currently underway have an element of sensitivity and confidentiality in them for reasons that you mentioned. But if I could just ask you
10 to tie what you have just testified upon up to 184 with what you deal with in 188 and 189.

LT GEN MASEMOLA: Ja, thanks, Commissioners. In respect of the Minister, knowing what I know now, what I considered to be irrational and inexplicable encroachment into operational issues is now explained by his desire to hold investigations against criminal cartels by disbanding the PKTT. By this I mean that evidence that has emerged which links the Minister to Brown Mogotsi, to Cat Matlala and Lieutenant General Sibiya. So it is clear now that that
20 arrest of Matlala in May have assisted us to understand the real motive of the disbandment of the Political Killings Task Team, because you would remember we asked reasons and it came, we do not mind, well when does an order come, it came 31st of December 2024 after 17h00 in the afternoon and in a rush. Why the rush?

The phone records of Matlala eventually did indicate to us that actually since December operation of the 6 December 2024 that is when there was a planning to disband this Political Killings Task Team of course to prevent it from further doing the work that they were doing in Gauteng. So those, the investigators will come with those specific recordings to indicate that there was discussion about this team's lifespan and that it should be disbanded.

10 So end of the day what I am saying is now one understand the reason why Lieutenant General Sibiya and the Minister, Brown Mogotsi and Cat Matlala wanted to disband the team. There was no any other motive but to prevent the investigation against the cartels in Gauteng that are involved in murder, drugs and so on.

CHAIRPERSON: You were with the Minister at a funeral in KZN three days before the instruction to disband, not so?

LT GEN MASEMOLA: I did not catch that, Commissioner?

CHAIRPERSON: You were at a funeral in KZN with the
20 Minister three days before the instruction to disband, not so?

LT GEN MASEMOLA: That is ...[intervenes].

CHAIRPERSON: On the 28th of December 2024.

LT GEN MASEMOLA: That is correct, Commissioner. We spent the day at that funeral and there was nothing that the

Minister raised that might be a worry or complaint by anybody about the Political Killings Task Team. He never said anything about this team's disbandment or even to indicate that I intend doing this. That was never at all. We did the funeral, we parted nicely and he knew that I was going on leave, because he approved my leave and so the letter came as a surprise. And of course, the timing of it and the fact that the letter also said it must be done immediately.

- 10 Of course I interpret immediately as that probably it means it should have been disbanded by the time I come back the 14th the team should not have been there. But luckily the office did ask me direction as to how do we deal with this matter, then I said to them just prepare reports, because the next feedback date is the 20th of January, do not do anything other than prepare reports, hence when I get back to work there was this speedy, speedily response by General Sibiya to make me sign a letter to Khumalo, which I refused. Second day I advised him how to do it.
- 20 Second day he came with the same letter, which I again refused and said no, I will do the matter myself.

But whatever drove him, which I would not know what it is, but now we know he still issued those instruction to General Khumalo, but from my side as the National Commissioner I have never said Khumalo, either close or

disband the team. I never said to Lieutenant General Mkhwanazi either close or disband the team. I kept on managing the situation through a proposal to wind down the team and wanted to find the finality about this winding down.

Even though yes, I had suspicion right from the word go when there was no motive coming forth as to why is the team being disbanded and there was no any reason whatsoever, so, but eventually the real reason came and
10 fortunately the WhatsApp messages did come on the 13 or 14 May 2024 from Matlala's phone.

ADV MOTAU SC: Maybe just to tie up that aspect on this basis, if you knew then what you know now would you have approached the instruction or the directive by the Minister that was given on 31 December 2024 the same way or would you have approached it differently?

LT GEN MASEMOLA: If I knew, I mean right at the beginning?

ADV MOTAU SC: Then, yes because remember you dealt
20 with the interactions from yesterday that your actions were informed by what you knew at that time and what you did not know, which you then got to know later. I think the answer should ...[intervenes].

LT GEN MASEMOLA: Ja.

ADV MOTAU SC: There should be obvious. I think we can

deal with it with the Commissioner. I do not think I need to, but I thought just for completeness.

LT GEN MASEMOLA: Well, if I knew then that the motive is to prevent this, the team, then I would have not even went as far as trying to suggest to the Minister that because you want to close this team urgently, abruptly, let us rather wind down. I would not even have went as far as that. So I would have outright refused the disbandment if I knew that that is the motive.

10 **ADV MOTAU SC:** Now I was dealing with that, because I mean one of the things that is anticipated is that you somehow participated and acquiesces to the disbandment of this team, but I think your evidence makes it clear that you did not know at the time, but if you had known as you say you would not even have participated by suggesting even that phase wind down.

LT GEN MASEMOLA: That is correct, Commissioners.

ADV MOTAU SC: Okay. If I can then ask you to deal with one last matter before you make your concluding remarks.

20 In paragraphs 186 to 187 you deal with other issues of relevance and part of those are complaints against the PKTT. If I can ask you to deal with those two paragraphs. The second one we have already dealt with earlier, but let us just complete it, 186 and 187.

LT GEN MASEMOLA: Ja, since the establishment of the

PKTT a Professor or associate Professor, Mary De Haas, lodged numerous complaints against the PKTT ranging from irregular formation and conduct, malicious arrest and corruption, the use of torture to persecute individual, political interference and coverups, questionable leadership, effectiveness and wasteful spending and disappearance of case files.

As far as I am aware there is no substance to those complaints. Additionally this complaints were made to the
10 IPID I am aware. They were made to Parliament. An example to demonstrate the lack of substance, Ms De Haas complained about a Sergeant Dlamini who went on and are being convicted by a Court of law, so it is complaints that really did not hold any substance and they keep complaining.

CHAIRPERSON: And you said this happened at the instance of the PKTT itself, that is I am saying the prosecution of Sergeant Dlamini happened at the instance of the PKTT. That is how I understood your evidence
20 earlier, or am I mistaken?

LT GEN MASEMOLA: No, no, not correct, Commissioner. The complaints about Sergeant Dlamini happened halfway,, mid, midlife of the PKTT, but Ms Mary De Haas complained about ...[intervenes].

CHAIRPERSON: Yes, but what I am saying is who initiated

that, was it not the PKTT itself that initiated the criminal process against Sergeant Dlamini? That is what I am asking.

LT GEN MASEMOLA: Ja, it ...[intervenes].

CHAIRPERSON: At the time it happened.

LT GEN MASEMOLA: It was the PKTT themselves, Commissioner.

ADV MOTAU SC: Yes, because you had indicated that he was one of the team members and it was his fellow team
10 members that actually were able to detect acts of criminality which have led to a conviction in a Court of law.

LT GEN MASEMOLA: Ja, that is correct, Commissioners. And of course, I am sure IPID can talk better on the complaints by Ms Mary De Haas. She complained all the time. It is, and not only about the PKTT, but about other matters of policing, so it is not uncommon for her to complain.

ADV MOTAU SC: If I can then ask you to turn to page 62 under your conclusion.

20 **ADV BALOYI SC:** Mr Motau, perhaps let me ask my question at this point and it has become two questions now, or two topics, and maybe let us start with these complaints against the PKTT. General, earlier when we were looking at the report that you gave to the Minister, I think that was the briefing and you had, in there you have a heading about

complaints against the PKTT. You remember that? Yes. And you had listed what in the end sounded like not accusations, but complaints when I read them. Now when I consider that and I look at your paragraph 186, on paragraph 186 it sounds like the, what you call complaints by Ms De Haas and I do not know if she is the only one.

They seem to be serious. One of them is irregular formation and conduct of the PKTT, malicious arrests, corruption, use of torture, abuse to persecute individuals, 10 political interference and coverups, questionable leadership, ineffectiveness and wasteful spending and disappearance of case files.

Now all of those topics on the face of it are serious topics or complaints to raise or accusations to make. My question is when these complaints or matters like this are raised, whether by Professor De Haas or anyone, does the SAPS investigate them and make its own findings? I know there is IPID and hopefully we will eventually get something from IPID. General Mkhwanazi did testify to this and said 20 there is a report of IPID on something. But I am more interested in the SAPS itself what do you do when you have received complaints about a Task Team in this way? Do you address them or do you just say go speak to IPID or you just brush them off, because your business is to investigate crime and make sure it gets prosecuted?

LT GEN MASEMOLA: When we receive complaints, if they, from when you receive the complaint, if they looks like that there is a substance we do investigate. The immediate Commander is then responsible to initiate the investigation in terms of the disciplinary regulations of the SAPS and some of this will be given to the division called National Inspectorate. So if one can go to that division there will be files ...[intervenes].

ADV BALOYI SC: Okay.

10 **LT GEN MASEMOLA**: About all complaints of Ms Mary De Haas which majority of them they found no substance. For example, one of the complaints ranging from irregular formation, me and you we know this PKTT was not regularly formed. I mean there were Ministers, there were DG's and Commissioners that engaged in the formation to end up coming with a mandate, so the first one already you know that it is neither here, nor there. So, but we do have inspectorate division that have got files and files around the investigations. Well, I would not say all, well some where
20 they found something tangible then they would inform the Commander that here there is substance, take disciplinary steps and that will normally happen.

ADV BALOYI SC: The second, and it is a different topic, now when General Mkhwanazi testified he referred – maybe let me start first, ask the question this way. You were

appointed National Commissioner in March 2022. Did General Sibiya find you there in that position already? I do not remember what date of appointment were given of his, but were you already National Commissioner when he was appointed?

LT GEN MASEMOLA: That is correct, Commissioner, I was.

ADV BALOYI SC: Alright. So then following on that then, General Mkhwanazi testified that before, at some point
10 before General Mkhwanazi was appointed someone from the office of the City Manager of Johannesburg alerted ...[intervenes].

ADV KHUMALO SC: Sorry, General Sibiya.

ADV BALOYI SC: Oh, General – what did I say?

ADV KHUMALO SC: Yes, before General Sibiya was appointed.

ADV BALOYI SC: What did I say? Did I say Mkhwanazi? I am sure by the end of the Commission I will get the names right. Yes, so General Mkhwanazi testified that before
20 General Sibiya was appointed someone from the City Manager, Johannesburg City Manager's office wrote to ...[intervenes].

CHAIRPERSON: Mr Mlandu.

ADV BALOYI SC: Mr Mlandu, yes, thank you. Wrote to Minister Cele and raised concerns that General Sibiya was

being considered or was to be appointed to the position that he holds presently and said, and made certain allegations about his employment at the City of Johannesburg and effectively was saying he should not be appointed, he is not suitable to be appointed to that position. Would you have received that kind of correspondence or did you become aware of that kind of concern about him?

LT GEN MASEMOLA: I saw that correspondence first time on television, so I never received it and I am sure if any
 10 section, especially the HR environment of the SAPS if they did receive such, they would have brought to my attention. But what I am aware of is that there was a Labour Appeals Court case judgment that came out in May 2022. The sitting was somewhere in March before my appointment. The judgment which held that his dismissal by the then National Head of DPCI was unfair and the dismissal was overturned, so which then paved the way that General Sibiya should be reinstated into the SAPS and he was reinstated in July 2022 and placed at the post of Head of
 20 Organized Crime in the Detective Services.

ADV BALOYI SC: When you say you saw it on TV that letter, was it after he had been appointed to the position or before?

LT GEN MASEMOLA: On TV I mean now, now recently.

ADV BALOYI SC: I see.

LT GEN MASEMOLA: After General Mkhwanazi was at the Commission.

ADV BALOYI SC: Okay.

LT GEN MASEMOLA: That is when I saw it for the first time.

ADV BALOYI SC: In the, now as National Commissioner when an appointment such as this, which is a direct report to you, is to be made, the position is advertised, the candidate is interviewed and whatever processes you
10 follow, is that a matter that you become involved in, the selection of a, is it a Divisional, a Deputy National Commissioner, sorry, do you become involved in that selection process?

LT GEN MASEMOLA: That is correct, yes, I become involved. But the selection for Deputy National Commissioners is not as you described. The positions normally do not get advertised. There is a section in the Police Act which make provision for appointment without advertisement and it is that section that is being used. So
20 he was ...[intervenes].

ADV BALOYI SC: Yes.

LT GEN MASEMOLA: Appointed in terms of that section and the Minister has to concur also on such an appointment.

ADV BALOYI SC: Yes, so my emphasis and area of

interest really is your involvement in that process that culminates in him being appointed to the position, ordinarily if such a letter had been sent, if indeed that letter was sent from the City of Johannesburg, you should ordinarily have become aware of it, is that a fair proposition?

LT GEN MASEMOLA: Ja, no, it is correct.

ADV BALOYI SC: And in this case you never became aware of it?

LT GEN MASEMOLA: No, I never became aware of, but I
10 became aware that there was an inquiry and a case opened at the City of Johannesburg. One case was about purchasing of some equipment or alleged spying equipment. The one case was for, about his appointment.

ADV BALOYI SC: Yes.

LT GEN MASEMOLA: And on, those cases were investigated by the DPCI. They conducted a thorough investigation and concluded that on the one for spying equipment it was concluded that General Sibiya did not contravene the National Strategic Intelligence Act, however
20 the case docket was still referred to the National Prosecuting Authority which the National Prosecuting Authority did give feedback that there is no, they did not prosecute Sibiya in this case.

In one case, the one that he was appointed to City of Johannesburg they say he is not a suspect, he did not

appoint himself. On the other one there were even letters from State Security that did allude somewhere in early June, July, alluded that the equipment is not intelligence gathering and eventually the DPP declined to prosecute in that, those cases.

ADV BALOYI SC: Alright, let me explain my interest, General. My interest is whether you as National Commissioner and your subordinate or immediate report is being appointed. The nature of your involvement in that
10 process, whether you became aware at that point of the allegations against him and if you did become aware of them, did you do anything about it? How come he was still appointed if you did become aware of these allegations at that point? What is your short and crisp answer, you were aware when he was selected or you were not aware?

LT GEN MASEMOLA: Ja, I was aware of this matters that I am talking about.

ADV BALOYI SC: Yes.

LT GEN MASEMOLA: I became aware. One was an
20 enquiry, one was a case, but I was not aware of that specific letter.

ADV BALOYI SC: You were not aware of the allegations about the City of Johannesburg?

LT GEN MASEMOLA: The letter that you spoke about, I do not know exactly what that letter contained, because I do

not have it now, but I am aware of the matter of the procurement of technical surveillance equipment, yes I am, I was aware of that.

ADV BALOYI SC: And if I may interrupt you, I think what I am trying to determine is whether you did not consider that kind of allegation, whether you did or did not consider it as a disqualifying concern in appointing him to the position.

LT GEN MASEMOLA: At that point I think the matter that was, was the issue of the appointment and we did not
10 consider that as a matter that would disqualify him to be re-enlisted, because we were not actually employing him, we were re-enlisting him back to the position where he was, which it can be any other position. And if there is a matter that has to be dealt with within the service we would deal with it. So in this case we re-enlisted him and the two matters as I said they ended up being declined, both of them.

ADV BALOYI SC: Perhaps just to also just correct myself a bit, in fact, General Mkhwanazi's evidence was he came
20 in, you call it re-enlisting into one position and then within a very short space of time he was now Deputy Commissioner, the position that he currently holds and so maybe my question to you should have been but when he was made Deputy Commissioner, the position that he currently holds, these allegations you would have known about them if you

did, and did you consider that it did not matter, it is not serious concerns or they are unsubstantiated, so we will appoint him anyway?

LT GEN MASEMOLA: Those allegations they did matter, but by the time he was appointed Deputy National Commissioner they were already settled by the NPA, both of those matters and of course there is other criteria's that one look at when you appoint a Deputy National Commissioner.

10 **ADV KHUMALO SC:** Mr Motau, before you go to the conclusion, we will deal with the last sentence of the conclusion and then you will tell us who we attribute that language to, but we will deal with that later. For now let us go to 168 and 169 of the statement. I was just not clear what point is being made there and maybe you can deal with it with the witness, 168 and 169 of the statement on page 54. It is just not clear to me whether it is being suggested that the Minister did anything untoward.

ADV MOTAU SC: Thanks. I think maybe let us go back,
20 because I had said I will come back to it, but I thought it got cleared in the course of the evidence, but let us just tidy that up. General, in 168 and 169 you made two points. The first point that you make in paragraph 168 is the Minister's intervention in questioning the performance of the service provider that had been appointed based on the concerns

that had been raised and that triggered an investigation into that contract with Medicare/Medicare 24. You dealt with it in paragraph 168, you recall? Do you recall that you dealt with that?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Yes, and then you say in 169 on the conspectus of the facts that have now been revealed I wonder whether at the time of triggering this investigation the Minister was aware that Brown Mogotsi and Cat Matlala
10 were associates and that if he did, would he have triggered it being that investigation. Perhaps just again to tie it back to the evidence that you have now given of the connections and the links that have been established by the investigation perhaps if you could deal with 168 and 169 as well in that basket of issues.

LT GEN MASEMOLA: Ja. Commissioner, what one is saying here is that the Minister before the 24th of December he did allude that there is this contract that is for health risk management in the SAPS and he is briefed or tipped
20 somewhere that there is problems around this specific service provider and which I also did indicate to him that somewhere in the year before the relevant committees awarded the tender to him, I did get a call to, a call from the IDAC to say it looks like there is a problem around the awarding of this contract, which then at that point one did

check whether there is compliance to prescripts and one found that no, it is compliance.

So the Minister then in December he raised that it looks like there is a problem around this specific tender, then we agreed with him to have a meeting and that meeting was held on the 24th of December, which we then got a briefing in terms of how this contract is performing and there were a bit concerns around the various issues, amongst them performance or delivery of service around
10 this contract.

And I then directed that to the Minister that there should be an audit of this contract. So then the audit was performed, which culminated in a report that identified a lot of things like I think fronting, corruption and whatever fraud, let me say fraud, which eventually that led to me 13 May then cancelling the contract.

So paragraph 169, what is it is saying is that now knowing what we know now, the question is by the time the Minister raised an alarm on this contract did he know that
20 this specific person was ...[indistinct] yes or no, we do not know. But what we know is that at some point during the charts, the communication between Brown Mogotsi, Matlala and so on later in December, they do indicate somewhere in those communication that the person that the Minister raised the alarm on the contract is actually our funder, so

what we are saying on 168 and 169, we are saying that the Minister raised an alarm on the, so 168.

On 169 what we are saying is knowing what we know now we do not know whether the time he raised alarm did he know that this person is one of his associates or not. That is the context of this two paragraphs.

CHAIRPERSON: Of his associates or an associate of his alleged associate.

LT GEN MASEMOLA: Yes, whether he is – yes, whether
10 his associates or associates of his alleged associate, whether he was aware, we do not know.

ADV KHUMALO SC: General, I am still not clear. Was the Minister raising alarm about issues of payment or issues of performance or even how the contract came about? It is not clear to me what we are dealing with here, so ...[intervenes].

LT GEN MASEMOLA: He was raising the alarm on how this contract came about and whether are we sure that this contract was done properly. In short what I can say there is
20 that, that is why you see there I wrote Medicare/Medicare 24 Tshwane District. So during the investigation by the audit, well I would not know specifically what he got, but he raised about how the contract was ended up with the specific person, so, but during the audit it was found that at some point the service provider was Medicare and at some

point it was Medicare 24.

And this committees, the Bid Evaluation Committee and the Bid Adjudication Committee, somewhere they, somebody did not see through that we are not dealing with one company here, we are dealing with two, which eventually then it became clearer that actually the Medicare 24 Tshwane District was fronting Medicare, not themselves, so which was one of the conditions of the contract that they should not front. They should, so it was cancelled based on
10 those grounds. It is not only this one that I am mentioning but it was quite a number of various grounds, but yes, when he was raising the alarm was that he think the contract was not regularly awarded.

ADV KHUMALO SC: And my last question was are you suggesting that there is anything untoward with the Minister raising alarm about this contract?

LT GEN MASEMOLA: No, I am not saying there is anything untoward. It is good that what he did but what I was saying is later when he realized that this person might
20 be an associate of his associate, whatever, when he was raising alarm did he know that. That is the question I am raising, which I do not have an answer for, yes.

ADV MOTAU SC: Thank you. General, I think if we can then go to the conclusion. I am trying to get there quickly while the Commissioners are formulating the next question.

In 190 and 191, if I can ask you to please deal with your concluding remarks.

LT GEN MASEMOLA: Ja, it is deeply – on paragraph 190, it is deeply unfortunate that this events have occurred as they do not only erode public trust in the integrity of SAPS leadership, but also risk undermining critical investigation into politically motivated crimes. The disregard of established protocol and the apparent willingness to act outside the chain of command jeopardize the transparency
10 and accountability at the heart of effective policing.

Moreover, the shadow of alleged criminal associations, even if yet unproven, cast doubt over the credibility of ongoing investigations and the impartiality of officers involved. In the context where the stakes are, the pursuit of justice and the safety of communities such lapses ...[indistinct] the foundational principle upon which the Police Service relies and diminish public confidence in law enforcement as a whole.

I have been asked about the key reforms that would
20 assist within the Police Service. I would, although I intend to make comprehensive submission in this regard at a later stage, I would like to highlight that the Police Minister's role needs to be defined especially in light of there being a suspended, there being a Minister on leave and the Acting Minister of Police.

ADV MOTAU SC: Thank you. General, is there anything that you would like to say, if perhaps there is, that you could not put across because you did not get an appropriate question perhaps to deal with it? And if there is none, there is not as well. I am just checking whether there is anything that you feel you need to highlight or indicate to the Commission.

LT GEN MASEMOLA: Maybe just to deal with, I think there was, during General Mkhwanazi's testimony there was some
10 question around the Richards Bay deployment. So I just want to ...[intervenes].

CHAIRPERSON: The what deployment? Oh, Richards Bay.

LT GEN MASEMOLA: Richards Bay deployment. I just want to allude to the fact that indeed yes, there was deployment that he withdrew and we sent national deployment, because there were complaints that there is a problem. There were Executive of Richards Bay Minerals or RMB[?] that were killed and there was a need to investigate
20 those cases, which eventually the team that was sent from national when they were there I think one of the suspects was shot either by both teams or the team from the provinces, from the province, and there were quite a number of firearms recovered in that operation and there was nothing sinister about that, the operation.

We always do get calls, even currently we have operations in North West in the mines where people are mining. In certain areas they mine behind houses, so the ...[indistinct] there they do complain and send us what is happening. So we do deploy. Even Eastern Cape there was complaint around taxi violence, we sent a team there and the very same PKTT that we are talking about today there was complaint about murder, political murders in KZN and we do deploy and will continue doing that. Thank you
 10 very much, Chairperson.

ADV BALOYI SC: Can I, on this, General, I understood General Mkhwanazi at least one of the issues being that the deployment, this deployment from national was made without him being brought into the loop or being aware of it. The next thing he knew, there was this special Task Force and I think he said the national intervention unit and he did not know anything about it.

How do you, in those cases where from national you deploy into a province because of a specific request, a
 20 specific issue, what is the process, your communication process with the Provincial Commissioner or even the District, because I think I heard him mention a District Commissioner and in this case he seemed to suggest that even the District Commissioner was not aware. They called him, because there was an issue and then he said I do not

know anything about this. How does it work in terms of process?

LT GEN MASEMOLA: Ja, normally when we do deploy there is a callup that is done by the relevant Deputy or the, what do you call, National Operational Command Centre, they will draft a callup, it will be signed and send to whoever must deploy and the province. Well, I think in that deployment we did pick it up very late that the person that, for some reason, correspondence never reached province
10 and when you are deploying the province you must report to the Provincial Commissioner that I am here, I am coming here to do one, two, three, because some deployment might be with the knowledge and consent or agreement with the Provincial Commissioner.

Some may not be with the consent or permission, but it might be send from head office because of the problem that is foreseen there. An example of that is deployment I think in the, that is going to deal with taxi violence in both the Eastern Cape and Western Cape, so, but the Provincial
20 Commissioner will be informed. He might not want or like the deployment, but if there is such, he will be informed and whoever is deploying the province must report him or herself to the relevant Provincial Commissioner.

CHAIRPERSON: As I understood it, part of the complaint by General Mkhwanazi was that these members that were

deployed at the mine over time sort of became a SAPS, the mine's SAPS unit, because they ended up no longer doing exclusively the work they were deployed for but rather they would even do theft cases and whatever other types of criminal matters the mine would complain about. Do you want to comment on that? Do you know how that came about?

LT GEN MASEMOLA: Well, what I know, Commissioner, is that members deployed they will deploy and fight crime. If
10 they end up being doing some things that they are not supposed to, then the Commander who becomes aware of that then needs to raise the alarm and it get addressed. But theft is a crime. It is something that Police needs to deal with.

CHAIRPERSON: But they were sent there for specific types of crimes. It is not as if there were no SAPS members in the area who would have continued to do SAPS work. So with regard to those thefts SAPS in the area should have continued to do that type of work and I would
20 have thought that these members would concentrate only on what they were deployed there for.

LT GEN MASEMOLA: Ja, no, I agree with that, Commissioner, but that is more cooperation then and liaising and communication between the deployed team and the local Police to say what you do and what I am doing,

what I am here for.

CHAIRPERSON: So basically then must I understand you to be saying there was no cause for complaint at all if these members deployed for a specific purpose were now suddenly doing every and anything? So there was no cause for concern about that?

LT GEN MASEMOLA: Well, if they do any other extra for what they are not being called for, as long as it is crime and they are not fighting or arriving at scene with the locals,
10 there is nothing wrong.

CHAIRPERSON: Thank you, General.

ADV BALOYI SC: General, I would be concerned with that answer if the deployed units are the Special Task Force and the National Intelligence Unit. I would not expect them to be doing common theft matters.

LT GEN MASEMOLA: I will agree with you, Commissioner, on that specific one. And in this case it was not those two units. I will agree with you. NIU and Special Task Force are solely used for medium to high risk operations, so here
20 as far as I know it was not either of those two units.

ADV BALOYI SC: Alright, I – okay, I would not dwell on it. I think he said it is those two units. But let me ask you a different, it is not even a question really. You, in that paragraph, in that concluding paragraph you do say and you have mentioned it now, that you have been asked about key

reforms you think would assist the Police Service and you intend to make submissions. Can I suggest that when you do that, when you consider that, you have regard to term of reference 5, which is, you also take that into account.

It requires us to comment on there or to look at the effectiveness or failure of oversight mechanisms. That is term of reference 5. And then 6 it is the adequacy of current legislation, policies and institutional arrangements in preventing such infiltrations. Of course, the infiltrations
10 being of criminal, I think criminal cartels or criminal syndicates. If you would just have regard to those as well more specifically.

LT GEN MASEMOLA: I will do so, Commissioner. Thanks.

ADV BALOYI SC: Thank you. Thank you, Chair. Thank you, Mr Motau.

ADV MOTAU SC: Chair and members of the Commission, that concludes the evidence on behalf of the National Commissioner.

CHAIRPERSON: General, thank you very much.

20 **LT GEN MASEMOLA:** Thank you very much, Commissioner.

CHAIRPERSON: Thanks.

ADV MOTAU SC: Sorry, just one housekeeping issue. I know Commissioner Baloyi I owe you references to particularise SFM6 and SFM3. I do have them, but perhaps

just to be tidy, if I can just hand them over so that there is evidence that I did and the, that will be attended to and formally handed up and just to conclude, there is a co-pilot who was also essential in this team and in the preparation of the work that was done. She joined us late, because she had been deployed but did not exceed the scope of her deployment where she was deployed. Her name is Adv Thabang Pooe. I would like to give an acknowledgement of her presence and her participation in the matter.

10 **CHAIRPERSON**: Welcome, Ms Pooe.

ADV MOTAU SC: Thank you.

CHAIRPERSON: Thank you. It is not 4 o'clock yet. What do we do next?

ADV MOTAU SC: Chair, may we ...[intervenes].

CHAIRPERSON: Are we calling the next witness?

ADV MOTAU SC: Chair, I unfortunately cannot accuse you of encroachment when you raise that. But, Chair, if we could request that we stand down, also given the lateness of the hour, then we will prepare the next witness that we
20 will be leading and with your leave if we could please commence on Thursday at 9h30.

CHAIRPERSON: Thank you. Thank you, Mr Motau. Let us adjourn and resume at 9h30 on Thursday. Thank you.

INQUIRY ADJOURNS TO 25 SEPTEMBER

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