

**ENQUIRY INTO THE SOUTH GAUTENG DIRECTOR OF
PUBLIC PROSECUTIONS' FITNESS TO HOLD OFFICE**

HELD AT

**SALU BUILDING, 316 THABO SEHUME STREET,
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

5 MARCH 2026

DAY 38



**ENQUIRY INTO THE
SOUTH GAUTENG
DIRECTOR OF PUBLIC
PROSECUTIONS'
FITNESS TO HOLD OFFICE**

PROCEEDINGS ON 5 MARCH 2026

CHAIRPERSON: Good morning, everyone. Good morning, Advocate Chauke. Good morning, Ms Williams.

MS WILLIAMS: Good morning, Madam Chair.

CHAIRPERSON: You are good today?

MS WILLIAMS: I am tired, but I am well.

CHAIRPERSON: I believe so. We are all exhausted, but thank you for coming back.

MS WILLIAMS: You are welcome.

10 **COURT:** Advocate Ramogale? Madam, you are still under oath.

MS WILLIAMS: I understand that, Chairperson.

SHAMILA HENRIETTA WILLIAMS: (duly sworn states)

CHAIRPERSON: Yes, thank you. Advocate Ramogale, you were on the letter and you were to commence at paragraph 13 of the letter.

ADV RAMOGALE: That is correct, Chair. And that letter is at DC, is it 000845?

20 **ADV RAMOGALE:** It begins at DC000841, but we left off at DC000845.

CHAIRPERSON: 845, at paragraph 12.

ADV RAMOGALE: Correct, Madam Chair.

CHAIRPERSON: Thank you. You may proceed, sir.

EXAMINATION BY ADV RAMOGALE (CONTINUES): Thank you, Madam Chair. Good morning, Ms Williams.

MS WILLIAMS: Good morning, Counsel.

ADV RAMOGALE: We left off yesterday at DC000841, or 845, my apologies. Do you have that page in front of you?

MS WILLIAMS: I have it in front of me, Chair.

ADV RAMOGALE: Yes. Before we move to paragraph 13, I just want to ask you one last question about paragraph 12, which is, we know from your evidence that this letter is dated 5 September 2008. Sometime in 2010, you conveyed to your colleague and your superior, Mr Len John, to reopen the
10 investigations. I am curious as to at the time when you reopened these investigations, which includes, as we know from your evidence, the Magojela matter as well as the Tembe matter, I am curious as to whether, at the time when you looked at the ICD file there had been any investigation into these allegations contained in the letter.

MS WILLIAMS: There was absolutely no investigation conducted in these matters at that stage.

ADV RAMOGALE: Thank you, Ms Williams. We now move on to paragraph 13. If you could just read that for the record,
20 please?

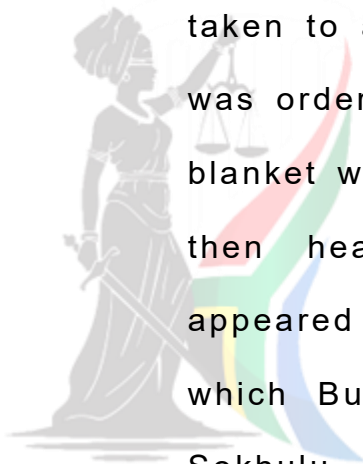
MS WILLIAMS:

“During the early hours of 3 September 2008, at approximately 01:30, Lindelani Buthelezi was shot and killed by police officers understood to be members of the

Organised Crime Unit and/or police officers working in conjunction with Organised Crime Unit. We are instructed by the late Mr Buthelezi's common law wife, Tandeka Nompumelelo Sokhulu, that the police forcibly entered the house and found her together with Buthelezi and their two babies, aged 18 months and four months respectively. Buthelezi did not put up any resistance in her presence and was taken to another bedroom. Ms Sokhulu was ordered to lie on the ground and a blanket was placed over her head. She then heard several gunshots, which appeared to emanate from the direction in which Buthelezi had been taken. Ms Sokhulu was thereupon asked for firearms, and when she was unable to assist, she was slapped by a white police officer. Ms Sokhulu and her children were thereafter ordered out of the house, and she was later assisted by a neighbour and a female officer from the KwaDukuza Police Station. Ms Sokhulu has not been informed of the circumstances in which the

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father of her children was killed. She demands a full transparent investigation into his death and submits a sworn statement herewith, which must form part of the investigation. We require that those conducting the investigation into Buthelezi's death contact our offices in order that we put them in touch with Ms Sokhulu and other witnesses who may assist.”

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ADV RAMOGALE: Thank you, Ms Williams. If we could stop there, is the matter of Lindelani Buthelezi one of the matters that you had reopened?

MS WILLIAMS: Yes, Chairperson, and if I may just elaborate maybe a little bit on the investigation?

ADV RAMOGALE: Yes, please.

MS WILLIAMS: The investigation, I suppose this speaks to the SAPS investigation, but the ICD itself did not do anything. There was no real investigation conducted. And I think when
20 the attorney addresses this matter, he speaks to the police because I just want you to keep in mind that the police is conducting the investigation and the ICD is nowhere in this picture at this stage.

ADV RAMOGALE: So we now see from this letter from Hlapane Attorneys that this is now the fourth request for an

investigation into the allegations against the police.

MS WILLIAMS: Yes, Chairperson.

ADV RAMOGALE: Is that correct?

MS WILLIAMS: It appears to be correct, yes, Chairperson.

ADV RAMOGALE: And you have already told us that you reopened the Buthelezi matter. You reopened the matter into Magojela and Tembe. You reopened the, or at least you looked into the allegations against Mr Moses Dlamini. And from your recollection, when you re-looked at all of these
10 investigations, was there anything from the ICD files in answer to these allegations from Hlapane Attorneys?

MS WILLIAMS: The only file that contained a response was the file that, through Hlapane Attorneys, it is a letter that came from, a request that came from Nkosinathi Shozi, the attorney, in respect of Mr Moses Dlamini. The response from Jerome, from our office, the only response I remember in that letter, Chairperson, was this letter that I referred to that Jerome Ngcobo had compiled. It was signed. Jerome Ngcobo was the manager of investigations at the ICD at that stage.
20 And the letter was signed off by the then ICD Provincial Head, Thabisa Ralo, and it was sent to the Provincial Commissioner, Commissioner Giddey's office, for his attention. Nothing else.

ADV RAMOGALE: Yes, this would be the letter that you referred to at paragraph 133 of your statement.

MS WILLIAMS: That is correct, yes, Chairperson.

CHAIRPERSON: Counsel, you referred the witness to the request that had been made, that this was a fourth request. Would you like to clarify that to the witness?

ADV RAMOGALE: Yes, Madam Chair, happy to. Ms Williams, let us just go through, just so you understand where I am getting the fourth from. If you go to...

CHAIRPERSON: Perhaps you can just put to the witness, Counsel, because we are aware of those letters.

10 **ADV RAMOGALE:** Yes.

CHAIRPERSON: And so that she can understand what you are referring to when you say this was the fourth request.

ADV RAMOGALE: I see, Madam Chair.

CHAIRPERSON: You can just leave her on the letters.

ADV RAMOGALE: All right, yes, Madam Chair. So, Ms Williams, just to clarify that, in paragraph 6 of this letter, DC000843, there is a request there in relation to the detention of Mr Swayo Mkhize and Gedwana Mhlongo.

MS WILLIAMS: Yes.

20 **ADV RAMOGALE:** And in paragraph 6, it states:

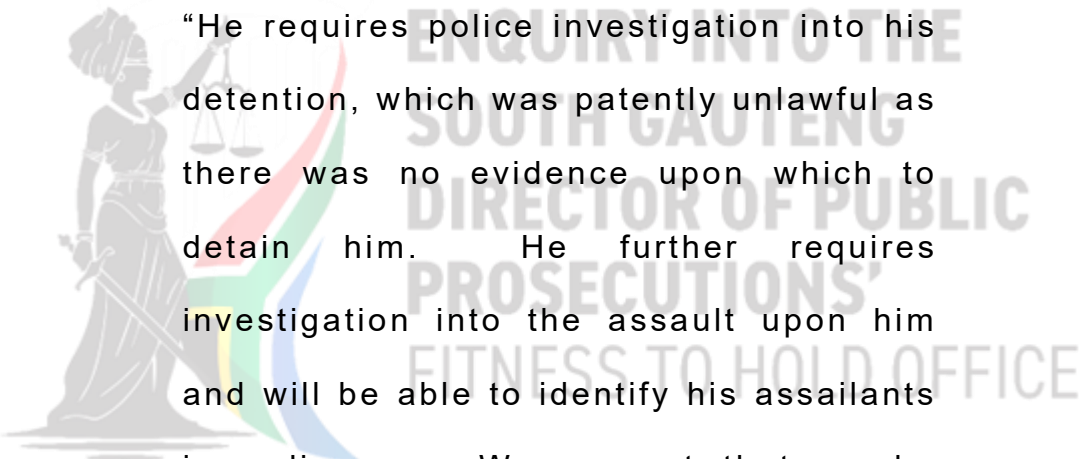
“We request that this matter be fully investigated by SAPS, as it is clear that certain members, probably including Inspector Maharaj, took the law into their own hands and committed a serious

offence by altering the detention warrant to suit their own ends. We require to be notified of the steps taken in this investigation.”

So, this would be the first request in the letter. Is that correct?

MS WILLIAMS: It appears to be, yes.

ADV RAMOGALE: Yes. Then at paragraph 9, this is now in relation to the allegations that concern Mr Moses Siphon
10 Dlamini. In paragraph 9, Hlapane Attorney states:



“He requires police investigation into his detention, which was patently unlawful as there was no evidence upon which to detain him. He further requires investigation into the assault upon him and will be able to identify his assailants in a line-up. We request that we be advised of the steps taken in this regard.”

Would that then be the second request for investigation?

20 **MS WILLIAMS**: Yes, this will be the second request, yes.

ADV RAMOGALE: And then the allegations then continue insofar as it concerns Mr Magojela Mthembe. And in paragraph 12, it states that:

“It must be said that all of the abovementioned persons were detained

and assaulted, were not involved in the murder and were arrested on mere suspicion of unreliable information. On that flimsy foundation, they were detained, interrogated and assaulted, and further denied their legal representation. It is this conduct which has caused grave concern in the KwaMaphumulo Taxi Association, as it is believed that this

10 pattern of conduct is said to continue.”

And then the allegations insofar, so I apologise, actually it is the third one, in relation to Magojela Mthembe, as well as – I mean Mr Magojela and Mr Tembe.

MS WILLIAMS: Yes.

ADV RAMOGALE: And we are now about to begin with the fourth one, which you have just read out in relation to Mr Lindelani Buthelezi. You have read out paragraph 13, 14, 15.

And then in paragraph 16, it states:

20 “Ms Sokhulu has not been informed of the circumstances in which the father of her children was killed. She demands a full, transparent investigation into his death and submits a sworn statement herewith, which must form part of the investigation. We require that those conducting the

investigation into Mr Buthelezi's death contact our office in order to put them in touch with Ms Sokhulu and any other witnesses who may assist.”

That would then be the fourth. Am I correct?

MS WILLIAMS: Yes.

ADV RAMOGALE: Yes. So there are now, from what we have read from these 16 paragraphs of this letter, four requests for investigation into allegations against the police.

10 Is that correct?

MS WILLIAMS: That is correct, yes.

ADV RAMOGALE: Thank you, Ms Williams. We now turn to paragraph 17. Could you just read that for the Panel, please?

MS WILLIAMS: I read as follows:

“Our clients are particularly disturbed by the entire sequence of events and pattern of conduct outlined above, and particularly the methods of investigation adopted by the police. Every person dealt with by the police has complained of serious abuse. This concern is exacerbated by statements which have been published in the various media, quoting high ranking officials, including community safety and liaison MEC, Bheki

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Cele, as stating that police officers should put criminals behind bars or send them to the nearest mortuary. Our clients believe that the police have acted as a law unto themselves and are conducting the investigation on the understanding that they have a virtual licence to arrest and detain at will, to interrogate and assault, and even to kill without adhering to the laws which govern due process.”

ADV RAMOGALE: Now, if we could just stop there, Ms Williams? If you go back to paragraph 12 of that letter.

MS WILLIAMS: Yes, I have it with me.

ADV RAMOGALE: Hlapane Attorneys you have read to us in paragraph 12 says:

“It is this conduct which has caused grave concern in the KwaMaphumulo Taxi Association, as it believed that this pattern of conduct is said to continue.”

They repeat that again in paragraph 17, that their clients are particularly concerned by the entire sequence of events and the pattern of conduct outlined above. Do you see that?

MS WILLIAMS: Yes, I do.

ADV RAMOGALE: Now, I am not inviting your views on the law on this, but in the course of your investigation, did you

pick up any patterns of conduct in relation to this matter?

MS WILLIAMS: Unfortunately, yes, I did.

ADV RAMOGALE: Could you tell us about that?

MS WILLIAMS: I saw it with how Bongani Mkhize met his demise. I also saw that when I actually got the files reopened and I looked into the matters, and I also saw that with those deaths, I also noticed that, Chairperson, with the file that I got regarding Moses Dlamini, that the methods of investigation adopted by the police was not the one they were
10 supposed to be guided with. So in essence, in my view, they had broken the law and they had really become a law unto themselves.

ADV RAMOGALE: Ms Williams, would you please expand on that a little? What are these patterns that you picked up in those matters that you have referred us to?

MS WILLIAMS: I am going to start with Bongani Mkhize. There was the interdict, and they were supposed to adhere to the instructions of that interdict. And I suppose everybody that reads can understand what is written in there, and that
20 must have been related to them.

So they knew that if they wanted to speak to Bongani Mkhize, they were supposed to contact his attorney and then attorney would hand over. However, it appears to me that they went looking, actually hunting if that is a word that I am allowed to use, Chairperson, they went hunting for Bongani

Mkhize. And he tried to get to safety and they chased after him, they shot him, they killed him.

The same thing with Lindelani Ndibutelezi, the same thing with Magojela. I am going to elaborate more on Magojela because this is actually at this stage when an enquiry is made about Magojela that I decide to intercept and to take over the investigation.

If you can remember, I read from you a memorandum that I got from Mr John, I am just trying to find it. If the Panel
10 will allow, may I?

ADV RAMOGALE: The Chairperson is nodding, which indicates yes, but could I ask that that particular memo be made available to us and the enquiry so that we could follow with you? But you do not have to do that now.

MS WILLIAMS: But it is there with one of your people. I think the person that consulted me will have it.

ADV RAMOGALE: All right, we will look into that and provide it to the Panel. Thank you, Ms Williams. You can read from it, please.

20 **MS WILLIAMS:** This is a memorandum, ma'am. It was compiled by Len John, who was the acting Provincial Head at that time, but he is the Deputy Provincial Head of the ICD KZN. The memorandum is directed to Mr Francois Beukman, who was the Executive Director of the ICD at our national office in Pretoria. Copied into there is Mr Matthews Sesoko,

the Provincial Head of ICD North West. The memorandum is dated the 11th of the first month in 2010. The subject of this matter reads as follows:

“Investigations pertaining to case raised by the Minister of Police.”

Paragraph 1:

“On 2010-01-11, at about 10 o'clock, Inspector Ndlovu was interviewed by Mr Nkwenyana [?], Mr Nanana, and myself.

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We had a brief discussion surrounding our investigations, and he related his discussion that he had with the Minister of Police on Sunday, the 10th of January 2010. Inspector Ndlovu is stationed at the Empangeni Dog Unit, and he indicated that he remembered something.

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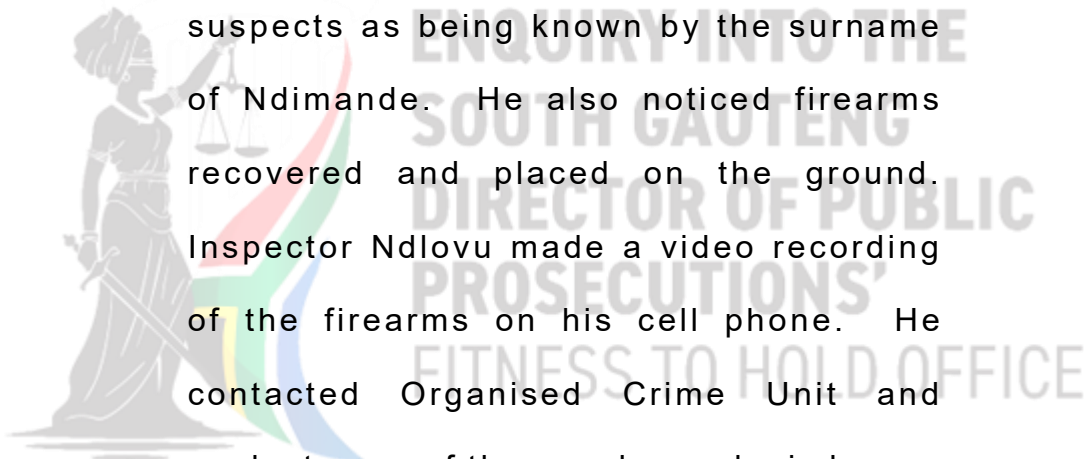
Sometime in 2008, he was informed by a taxi owner that certain suspects involved in the shooting of Sup Choncho were travelling in a taxi towards Empangeni. He enquired the actual whereabouts of the alleged suspects, and he was informed that they were near Empangeni. At that stage, Inspector Ndlovu was working in Mandini for the taxi violence project.”

Number 3:

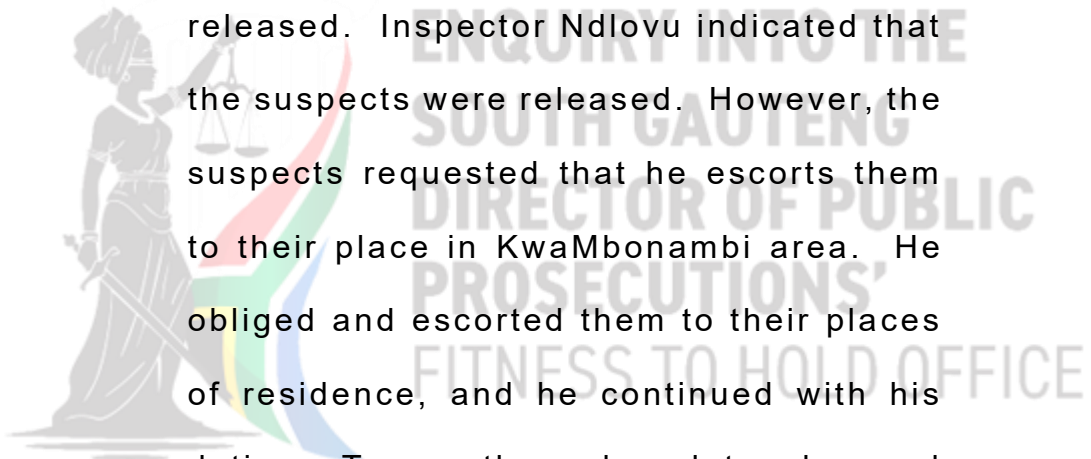
“Inspector Ndlovu then requested assistance from the Empangeni Crime Prevention Unit to assist in arresting the occupants of the taxi. He was later informed that the two suspects were arrested and kept at Empangeni Police Station. Inspector Ndlovu arrived at the station, and he saw the two suspects lying

10 on the ground, and he identified one of the suspects as being known by the surname of Ndimande. He also noticed firearms recovered and placed on the ground. Inspector Ndlovu made a video recording of the firearms on his cell phone. He contacted Organised Crime Unit and spoke to one of the members who is known as Inspector Zondi. He can recognise Inspector Zondi. He was informed by

20 Inspector Zondi to meet at SAPS Mtunzini with the suspects. Inspector Ndlovu and the two suspects were escorted by members from Empangeni Crime Prevention to SAPS Mtunzini. After an hour, two members from Organised Crime



Unit in Durban, Inspector Zondi, and another white police official arrived at SAPS Mtunzini. He heard Inspector Zondi speaking to one of the suspects, calling him by name as though they knew each other. Inspector Zondi then indicated to Inspector Ndlovu that the alleged suspects are not involved in the shooting of Sup Choncho. Inspector Zondi requested that the alleged suspects be released. Inspector Ndlovu indicated that the suspects were released. However, the suspects requested that he escorts them to their place in KwaMbonambi area. He obliged and escorted them to their places of residence, and he continued with his duties. Two or three days later, he read in the newspaper that the two suspects have been shot and killed by the members of the Organised Crime Unit. He was surprised as he was aware that there were no cases against the suspects as indicated by Inspector Zondi. The shooting took place in the Hawick Police District.”



And then Mr John outlines what is presently happening at our office. Would you like me to continue with that?

ADV RAMOGALE: No, I think I have now seen the memorandum which we will provide to the Panel. What is the point that you wish to make on the basis of this particular memo? You recall my question was, what are the patterns of conduct that you picked up in the course of your investigation?

MS WILLIAMS: What I am trying to show with this
10 memorandum is a different police officer working for the same South African Police Services sees these members, he knows what he is supposed to do. He detains them, he contacts the investigating officer or the unit that he knows is looking for these members. He does the right thing.

These members come, Madam Chair, they say that the two men are not suspects, but maybe I am being forward. He actually sends them to their deaths. He says there is nothing wrong, they have not done anything wrong. Two days later, they meet their demise. So yet again, the rule of law
20 is not upheld here. They do not follow the law as they supposed to.

And these two men, and I think there was two other men that also died that day, because if I remember correctly, I had four men deceased when I took over the investigation. So yet again, instead of these people being arrested and the

proper protocols followed, the men end up dead.

The same thing happened at eMkhomazi, ma'am. Instead of the men being detained and taken in for questioning and then sent for trial and then standing in court, and then the Court will find whether there is a case or not, it is decided beforehand that this is not going to happen. And ja, that is the pattern that I noticed.

And it was not just, ma'am, with the KwaMaphumulo taxi buses. It was with every other case, whether I was the
10 lead investigator or attended the scene, where the same pattern was followed. The men did not stand a chance. It appears to me that the only thing that Cato Manor had in their mind is, if we are going to come after you, we are going to send you away in a body bag.

That is the pattern that I know, and it is the only pattern I have ever known about Cato Manor when I was dealing with him. Maybe they have other good cases. I would not know, ma'am, but the contact that I had with him was the same pattern. Shoot to kill.

20 **ADV RAMOGALE:** So if we are understanding your evidence correctly, you are saying that the pattern that you had picked up was, suppose that suspects never ended up before the courts to be tried for their alleged crimes.

MS WILLIAMS: Yes.

ADV RAMOGALE: Instead, the suspects ended up dead in

the hands of the police.

MS WILLIAMS: That is correct, Madam Chair. I do not know about any other cases. I suppose they had other cases, but the ones that I was exposed to, the ones that I dealt with, everybody ended up dead.

CHAIRPERSON: The two men that you were referring to would have been the two deceased, Mr Magojela and Mr Tembe.

MS WILLIAMS: That is correct, Madam Chair.

10 **CHAIRPERSON**: Your statement, as you understood the pattern, was consistent with the statement mentioned in paragraph 17 of the letter, where the MEC, Mr Cele, said:

“Put criminals behind bars or send them to the nearest mortuary.”

MS WILLIAMS: Yes, ma'am, and that is exactly what happened.

CHAIRPERSON: Mr Magojela and Mr Tembe were released and subsequently killed after that media statement was made.

Am I correct?

20 **MS WILLIAMS**: Yes, ma'am. They were killed, and then the member read in the media statement that they had been killed, and that was the thing that bothered him.

CHAIRPERSON: No, no, what I want to clarify with you is whether the killing of the two gentlemen happened after this remark or the statement.

MS WILLIAMS: After the remark of Mr Cele.

CHAIRPERSON: MEC Cele.

MS WILLIAMS: Yes, ma'am, it happened after this, yes, ma'am.

CHAIRPERSON: Yes, thank you.

ADV RAMOGALE: In fact, Ms Williams, evidence has been led before the enquiry to demonstrate that Mr Johan Booysen, who was responsible for this unit, knew on the basis of his answering affidavit in the Bongani Mkhize application that
10 both Mr Ndimande and Mr Tembe were questioned, and after no evidence was found implicating them in the crime, they were then released. And then two days later, they end up dead. Do you have any comment?

MS WILLIAMS: It is no surprise, Chairperson.

ADV RAMOGALE: If you could then, Ms Williams, continue then from paragraphs 18 of the letter?

MS WILLIAMS:

20 “Our clients instruct us that they are genuinely concerned about taxi-related violence and have cooperated fully in mediation processes between the rival taxi associations in recent years. They also regard the murder of Senior Superintendent Choncho in the most serious light and undertake to cooperate

fully in any lawful and legitimate investigation into the matter. To this end, our clients will surrender any person whose whereabouts are known as long as the guarantee is provided that such person's rights will be respected. Our clients are, however, particularly concerned that their members are being targeted and that the existing trend of unlawful conduct will continue unless there is decisive intervention from a senior person such as yourself.”

ADV RAMOGALE: If I could just stop you there, Ms Williams. Sorry, Ms Williams. So, Hlopane Attorneys tells us here in paragraph 18 that their clients will surrender any person whose whereabouts are known as long as their guarantee is provided that such person's rights will be respected. And they say that they are concerned about being targeted and the existing trend of unlawful conduct.

20 You have already given evidence about the order, we have gone there, from the High Court in relation to Mr Mkhize, which was a tender from Hlopane Attorneys that if you are looking for anyone, we will happily hand them over. In the course of your investigations, did you find out whether the police ever took up the offer and complied with the court order

that if they were looking for someone, they could be handed over through their attorney?

MS WILLIAMS: Unfortunately, ma'am, I did not find any such conduct. There was no, they never reached out, they never requested. It was shoot to kill.

ADV RAMOGALE: What does this kind of conduct say about police officers? A court order says if you are looking for this particular individual, he can be handed over and you are interdicted from killing him. He must face the full might of
10 the law and he ends up dead. What does that say about their conduct?

MS WILLIAMS: It is clearly contempt of court. These members, obviously they disrespected whatever, they disrespected the courts, they disrespected any decisions made by the Court, they went by a law of themselves. Whatever they decided, that is how it was going to be. So
obviously these were not law-abiding citizens as far as I am concerned, and they were not even upholding the law as they should have.

20 **ADV RAMOGALE**: And do you know whether any of the police officers involved in this were held accountable for contempt of court?

MS WILLIAMS: Not that I am aware of, Chairperson.

ADV RAMOGALE: And in your view, if an ordinary citizen is in contempt of court, and what should happen to them?

MS WILLIAMS: We all know that they will be held accountable, they will have to come to a court of law and they will have to explain themselves, and there will be consequences.

ADV RAMOGALE: And you have said that there were no consequences for these police officers. Why do you think that is?

MS WILLIAMS: I have never heard of anything, I have never encountered of any such action against them. They actually
10 got off scot-free as far as I know, because I have never heard of any action being taken against them for contravening this interdict.

ADV RAMOGALE: Yes, why do you think that is? Why do you think there was no action against them?

MS WILLIAMS: Somebody made sure that it does not happen.

CHAIRPERSON: In fact, Ms Williams, paragraph 18 was a request by the Hlapane Attorneys to the Commissioner, the Provincial Commissioner, Mr Brown. Correct?

20 **MS WILLIAMS:** That is correct, yes, Chairperson.

CHAIRPERSON: And at the end of paragraph 18, the attorneys requested a decisive intervention from the senior person such as yourself, Commissioner Brown.

MS WILLIAMS: I see that, yes, ma'am.

CHAIRPERSON: Was this letter responded to by

Commissioner Brown?

MS WILLIAMS: I do not know if there is a response, ma'am, but if there was, it would have been available, or Hlapane Attorneys would have had it. I do not know if it was received. I am just going through quickly, if you mind, because I am not aware of any response.

ADV RAMOGALE: Chair, with your leave, I can take the witness there. That was going to be the next letter I was going to go to.

10 **CHAIRPERSON:** Yes, thank you.

ADV RAMOGALE: Ms Williams, if you could go in the same file to DC000892? Members of the Panel, that would be in DC4.

MS WILLIAMS: I do have it in front of me, Chairperson.

ADV RAMOGALE: So, Ms Williams, this is the – you will see from the first paragraph of this letter, the response from the South African Police Service. Can you just inform us what the date is that is on this letter? It appears at the top right corner.

20 **MS WILLIAMS:** Yes, I see that. It is 11 September 2008.

ADV RAMOGALE: And could you read for the Panel what the response is from the South African Police Service, starting at paragraph 1, please?

MS WILLIAMS:

“Your unsigned letter dated 2008-09-05,

without a reference and without the annexures, refers. It is unfortunate that your office writes to this office in such an unprofessional manner that it is referred to in paragraph 1 above. But that, as it may, this office has enquired into your allegations and denies that any unlawful act was performed by the SAPS members you refer to, and therefore the allegations are without substance. This office further responds to your letter as follows.”

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ADV RAMOGALE: If you could just stop there, Ms Williams? I am sorry to interrupt you. Just recall, just remind us, the date from Hlapane Attorneys is the 5 September 2008. Is that correct?

MS WILLIAMS: That is correct, yes.

ADV RAMOGALE: And it contains serious allegations against police officers. Would that be correct?

MS WILLIAMS: That is also correct, yes, Madam Chair.

20 **ADV RAMOGALE:** And you have already told us that the date of this response is the 11th of September 2008. Is that correct?

MS WILLIAMS: That is correct, yes.

ADV RAMOGALE: And now we see in paragraph 3 that the police are saying they have enquired into the allegation and

deny any unlawful act. I am sorry.

ADV RAMAGAGA: May I just interrupt you? Because I think we have got to remember that the letters that were written, they were letters from Hlapane Attorneys, right? And they were also letters from SD Moloji and Associates Incorporated. Now, the letter that we have been dealing with, is it correct that it is a letter from Hlapane Attorneys?

ADV RAMOGALE: Yes, Madam Ramagaga.

ADV RAMAGAGA: And the letter that you are reading from
10 is addressed to SD Moloji.

ADV RAMOGALE: No, Madam Ramagaga, I think the ...[intervenes].

ADV RAMAGAGA: I am in the wrong page?

ADV RAMOGALE: Yes.

ADV RAMAGAGA: Okay.

ADV RAMOGALE: It is at DC000892.

ADV RAMAGAGA: Okay.

ADV RAMOGALE: There is another response to SD Moloji.

ADV RAMAGAGA: No, that is fine. Sorry about that.

20 **ADV RAMOGALE:** No worries, I apologise. So, may I continue, Chair?

CHAIRPERSON: You may proceed, Counsel.

ADV RAMOGALE: Thank you, Chair. So, Ms Williams, what I was about to ask you is the response from ...[intervenes].

CHAIRPERSON: I beg your pardon.

ADV RAMOGALE: I am sorry.

CHAIRPERSON: Yes, thank you. But before you proceed, just for myself, when you look at the response, that letter dated 11 September 2008, that seeks to respond to the Hlapane Attorneys' letter of the 5 September 2008. The letter is signed by a certain MH Ngidi. Is he a Provincial Commissioner KZN? Or was he then?

MS WILLIAMS: You want me to respond to that, Chairperson?

10 **CHAIRPERSON:** Yes, Madam.

ADV RAMOGALE: Yes, Commissioner Ngidi was the Provincial Commissioner of KwaZulu-Natal.

CHAIRPERSON: And the letter by the Hlapane Attorneys was addressed specifically to Provincial Commissioner Brown, National Inspectorate.

MS WILLIAMS: Yes, Commissioner Brown was the head of detectives, ma'am, at that stage.

CHAIRPERSON: Why is the letter now responded to by Mr Ngidi? Do you have an idea?

20 **MS WILLIAMS:** I have no idea, ma'am, because I see even that the Provincial Commissioner of Legal Services were now involved. So I have no idea what the police were trying to do at the stage or why they responded in such a manner.

CHAIRPERSON: I suppose that the letter was addressed to Provincial Commissioner Brown.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: Because as I understand the papers, Commissioner Brown was a part of the officers in command in the Cato Manor Unit. Am I correct?

MS WILLIAMS: Yes, he was the overall head, Madam Chair.

CHAIRPERSON: That is why I am asking you, why is the letter then responded to by someone different, Mr Ngidi, who it appears to me was not in any position of command as far as the Cato Manor Unit is concerned?

10 **MS WILLIAMS**: I understand what you are asking, ma'am. The only response I can give you is maybe because he is the Provincial Commissioner and he is responsible for the whole of KwaZulu-Natal. Whatever policing happens, that is his area. And he actually outranks Pat Brown. So I do not know if it is in that light that they are maybe responding in this manner. I will, unfortunately, not have a correct answer for you because I am just speculating now.

CHAIRPERSON: Thank you, Madam.

MS WILLIAMS: You are welcome.

20 **CHAIRPERSON**: Please give me a second, Counsel. Proceed, Counsel.

ADV RAMOGALE: Thank you, Chair. Ms Williams, can you hear me?

MS WILLIAMS: Yes, I can hear you.

ADV RAMOGALE: Yes, I was going to ask you in relation to

paragraph 3 of the letter that we now know is from the KZN Provincial Commissioner Ngidi to Hlapane Attorneys. I am curious about the date. The allegations, as I was saying, were made, or at least the letter was written on the 5 September 2008 and a response is given on the 11th of September 2008. And we went through that first letter. There were four requests for investigations. And here we are, days later, and the conclusion is reached by SAPS in paragraph 3 that:

10 “The office has enquired into your allegations and denies any unlawful act was performed by the SAPS members you refer to, and therefore the allegations are without substance.”

Do you have any comment on that?

MS WILLIAMS: They should have conducted a preliminary investigation. If I was in their shoes, Madam Chair, I would have asked for the dockets. I would have asked to see everything, inspect everything. I would have gone through it
20 thoroughly. I mean, there is this Director Naicker of Legal Services who should know. I did not finish my LLB, but I think I can understand that he should also, because he is a director.

They should have gone through everything. They should have looked at the allegations, ma'am. No due

diligence, as far as I can see, was done in this matter.

ADV RAMOGALE: In how many days would you say, on a rudimentary calculation, it took for SAPS to respond and conclude that the allegations are without substance?

MS WILLIAMS: It looks like six days.

ADV RAMOGALE: None of us are police officers, but how can a meaningful investigation be done in six days?

MS WILLIAMS: I do not know how to respond to that, because you have to go through everything. You have to
10 interview a lot of people. I do not know if that is at all humanly possible, but I do not know. I really do not know. I do not understand this, what they want to be.

CHAIRPERSON: But look at paragraph 2 of the letter by Mr Ngidi. He seems to express a displeasure at the communication by the Hlapane Attorneys, and he says:

“It is unfortunate that your office writes to
this office in such an unprofessional
manner that is referred to in paragraph 1
above.”

20 We know now that the Hlapane Attorneys did not write to the Provincial Commissioner Legal Services KZN. Am I correct?

MS WILLIAMS: That is correct, Madam Chair.

CHAIRPERSON: This statement seems to, therefore, to be misguided in the sense that the Hlapane Attorneys addressed their communication specifically to the Provincial

Commissioner Brown, who was in command at the Cato Manor Unit. What do you say about that?

MS WILLIAMS: Well, my response to this would be, they are nitpicking and they are looking at something that is completely unnecessary because they want to throw Hlapane off. And I think they got irritated because he has the nerve to write to them regarding people that, in my view, has already been decided on your time on earth is going to expire very soon. And ja, that is all I can say.

10 **CHAIRPERSON**: I want to go back to that paragraph that I referred to earlier, paragraph 18, the last sentence, wherein the Hlapane Attorneys seeks a decisive intervention from a senior person, such as Mr Brown. Should, therefore, the commissioner, Mr Ngidi, not then attempted to address these issues that are raised in the letter instead of nitpicking, as you say?

MS WILLIAMS: Yes, ma'am. In my view, and understanding police hierarchy, I do not see a problem with Commissioner Ngidi actually doing this, but the person that is supposed to
20 be sitting with is Commissioner Pat Brown. Yes, you can have Legal Services there for guidance, but he should have engaged Pat Brown, and Pat Brown should have discussed this with his boss, Ngidi. Then, only after a full investigation was conducted, and a really comprehensive investigation, ma'am, only then could they have responded. Their response

is out of line.

CHAIRPERSON: Proceed, counsel.

ADV RAMOGALE: Thank you, Chair. Ms Williams, we know from the 5 September letter that by now, Mr Lindelani Buthelezi has been killed, and there is an eyewitness to the effect that he is killing may have been unlawful. We know that Mr Tembe and Mr Ndimande had been assaulted. We know that Mr Dlamini, Moses Dlamini, had been assaulted, and this is the response from the police six days afterwards.

10 What would you say to that?

MS WILLIAMS: Sorry, I am at a loss for words here. I am sorry, ma'am. It is just that this whole situation, it really saddens me, and maybe I should not be emotional regarding this whole thing, but this is something that I have carried with me for 17 years and it has haunted me for 17 years, and to actually having to deal with it again and have me to look at what is written here, I do not know how the police could have made such a blatant error in judgement. It beats me.

ADV RAMOGALE: Sorry, Chair. I saw your mic was on, so
20 I thought you wanted to ask a question. Apologies. Thank you, Ms Williams. Could we then go back to the letter and continue on to see after the denial that the allegations are unlawful and that there is any substance to the allegations as the letter contains. The Provincial Commissioner of KZN, Commissioner Ngidi, then sets out his response, and it begins

at 3.1 onwards. Could you just read that?

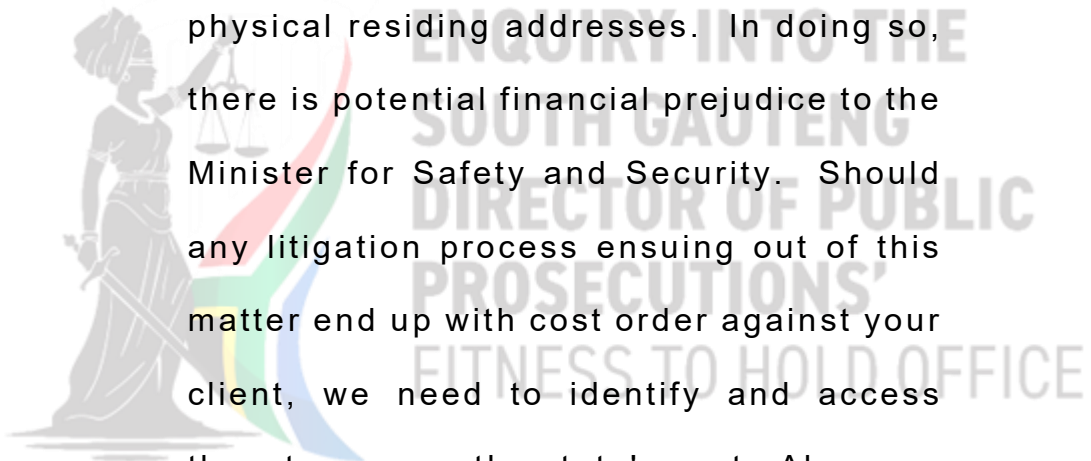
MS WILLIAMS: It says:

10 “Please clarify who is your client, because
your letter refers to the Taxi Association
as your client, but in paragraph 1 of your
letter you refer to your clients who are in
detention. Your complaints of assault,
denial of legal representation, and
alteration of the warrant will be
investigated upon receipt of sworn
statements of the prisoners and copies of
the documents you failed to annex to this
letter. It is for the Court to decide who
were the perpetrators or were involved in
the murder. You should know that this is
a matter you need to raise before the
Magistrate. This office is not a forum to
argue any defence of the prisoners. Your
allegation in paragraphs 12 to 16 will
20 likewise be investigated upon the receipt
of sworn statements from the appropriate
persons. Here, too, it is not clear who is
your client. Once again, at paragraph 17
of your letter, it is not clear who are your
clients. Please clarify by sworn

statements your complaint against the MEC, as well as other complaints. Once again, further at paragraph 18 of your letter, there is no clarity as to who is your client, and this office, therefore, demands that you furnish proof as to who is your client. An association remains an association and you cannot be allowed by KZN Law Society to act for clients who do not want to disclose their identities and physical residing addresses. In doing so, there is potential financial prejudice to the Minister for Safety and Security. Should any litigation process ensuing out of this matter end up with cost order against your client, we need to identify and access them to recover the state's cost. Also, you are obliged to disclose your clients in a criminal case. As a firm of attorneys, you should be familiar with the relevant applicable provisions of the Criminal Procedure Act as far as the arrest and questioning of witnesses are concerned. The SAPS will not bend the provisions of the Act to suit your client's personal

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needs. In any case, a mystery surrounds the identity and residential address of your clients. Once again, this office is willing to investigate any reasonable complaint, but the complainant is expected to cooperate and provide us with sworn statements. One cannot have his cake and eat it at the same time by threatening to obtain a court order whilst you are frustrating the investigation by not providing the sworn statements. You, as a firm of attorneys, are hereby required to provide proof of who are your clients to assist the SAPS to obtain the sworn statements from those who may have complained to you. Should we not receive same within two days of date hereof, a copy of this letter will be sent to the KZN Law Society for investigation. Thank you.”

20 **ADV RAMOGALE:** This letter is quite telling, Ms Williams. Could you just inform the Panel what it is that Commissioner Ngidi is asking of Hlapane Attorneys from paragraph 3.1 onwards that you have just read?

MS WILLIAMS: He wants to know who the Taxi Association is.

ADV RAMOGALE: Yes.

MS WILLIAMS: He wants to know a whole lot of things. He wants to know who the people are. He wants sworn statements from them. He wants to know where they stay. So he wants to know about their whereabouts.

ADV RAMOGALE: Yes. Now, you have read to us paragraph 3, where SAPS concludes that the allegations are without substance. Why would they be asking for this kind of information if they have already reached a conclusion?

10 **MS WILLIAMS:** I have no idea, Chairperson.

ADV RAMOGALE: And what does that say about the investigation that they conducted?

MS WILLIAMS: It was a flimsy investigation and they were not interested in conducting an investigation.

ADV RAMOGALE: Would you say an investigation took place at all?

MS WILLIAMS: I do not think there any investigation. After reading this letter, I do not think there would have been any investigation. It would have been something superficial that
20 was conducted, ma'am, just to make sure that you keep your mouth quiet, and that would be it.

ADV RAMOGALE: And overall, having read this full letter, how would you describe the attitude or the approach of SAPS to the allegations made by Hlapane Attorneys?

MS WILLIAMS: Okay, ma'am. This I can say with surety,

because this is what I encountered when dealing with the police. The police are clearly stonewalling these attorneys and they are closing ranks. And speaking from experience, when the police close ranks on you, you can do whatever you want and you are not going to get anywhere with them because they have made up their minds and this is how it is going to be. And you are just going to have to deal with that.

ADV BALOYI-MERE SC: Advocate Ramogale, how did you know that I am going to ask a question?

10 **ADV RAMOGALE:** [Vernacular].

CHAIRPERSON: You can translate what you said for the purpose of the record.

ADV RAMOGALE: I thought on day one, you said we are all welcome to speak all 11 languages.

CHAIRPERSON: No, you can speak any language, but then you have to translate what you say for the benefit of the readers.

ADV RAMOGALE: Yes, it is just to say I am carefully watching the Panel and taking direction from the Panel.

20 **ADV BALOYI-MERE SC:** Good morning, Ms Williams.

MS WILLIAMS: Yes, ma'am.

ADV BALOYI-MERE SC: I want to get your view on this letter. Just a few minutes ago, you testified that the fact that you were asked a question on whether the police ever took up the offer to contact the attorneys whenever they were

looking for one of their members and you said they did not. And you were asked a further question, why? And you said it is because they knew someone was, I want to use the exact word. You said someone was protecting them. That is why no action was ever taken against their contemptuous behaviour.

Now, let us come back to the two letters. I am looking at the letter of the 5 September 2008, but in particular at page DC000848, at the end of the letter, where there is
10 something that looks like a signature.

MS WILLIAMS: I see that, Madam Chair.

ADV BALOYI-MERE SC: Ja, we all have different ways of signing. Some of us have very bad handwritings. Others have beautiful handwritings. But I want to assume for now that this is a signature. And with that assumption, I am going to take you back to the letter from SAPS at DC000892.

MS WILLIAMS: Yes.

ADV BALOYI-MERE SC: Where the opening sentence is your unsigned letter. And then it goes on to say it is
20 unfortunate. I will pick only a few words and then before I ask you a question. It is unfortunate that your office writes to us in this manner. And then it goes on to say, but anyway, we have enquired into your allegations and deny them. And then it goes on to say you do not disclose who your client is, although we know that the client is KwaMaphumulo Taxi

Association. You do not disclose the names of your clients. You do not annex any affidavits and we will only act if you bring us sworn affidavits within two days.

MS WILLIAMS: Yes.

ADV BALOYI-MERE SC: And many other issues that were raised, like they will only investigate if there is a reasonable complaint and in a sworn statement. Would you, in the face of this, of the contents of this letter and the manner that this letter is written, would you speculate or would you be brave enough to say this is part of the protection that the Cato Manor Unit enjoyed?

MS WILLIAMS: Ma'am, I am reading the trend of the letter because when you read, you read to understand so that you can respond. It seems like this is a clear protection of this unit. It is almost an endorsement to the members. Do as you please, no consequences, we will protect you.

ADV BALOYI-MERE SC: Thank you.

CHAIRPERSON: Proceed, Counsel.

ADV RAMOGALE: Thank you, Chair. Ms Williams, if we then could move to the next letter, which is the response from Hlapane Attorneys to this letter from SAPS. You will find that at DC000832. Madam Chair, the Panel had earlier asked us to try and track this letter in the bundles in respect of another witness. We have now located it in this Durban Central docket.

CHAIRPERSON: It is DC000832.

ADV RAMOGALE: Yes, Madam Chair.

CHAIRPERSON: Thank you.

ADV RAMOGALE: Thank you, Chair. Ms Williams, do you have that letter?

MS WILLIAMS: Yes, Chairperson, I have it.

ADV RAMOGALE: Could you just state the date on which this letter is written?

MS WILLIAMS: It is written on the 18th of September 2008.

10 **ADV RAMOGALE:** And if you page a few pages towards the end at DC000832, do you have that?

MS WILLIAMS: 832, which one you wanted to look at? Pardon, did not get that.

ADV RAMOGALE: DC000836, my apologies, 836.

MS WILLIAMS: I have got 836, yes.

ADV RAMOGALE: Yes, there is a name there. Could you tell the Panel what name appears there?

MS WILLIAMS: Are you talking right at the end?

ADV RAMOGALE: Yes.

20 **MS WILLIAMS:** It is NH Shozi.

ADV RAMOGALE: Yes, and what is scripted there on NH Shozi's name?

MS WILLIAMS: It seems like his signature, and it appears to be the same signature that he used on that letter.

ADV RAMOGALE: Yes, Advocate Baloyi-Mere had already

pointed that to you, that some of us have different signatures. But nevertheless, let us go back to the first page. Could I ask you to please read from paragraph 1 onwards, please?

MS WILLIAMS: I will read as follows:

10 “Your letter dated 11 September 2008, enquiries Director Naicker refers. Your bare, unsubstantiated denial of any unlawful act by the South African Police Services has been noted. It is most
10 unfortunate that you have responded to the detailed allegations in our letter with a bare blanket denial. Our main concern, however, is the manner in which you have sought to sidestep our legitimate demands that the constitutional rights, bodily integrity, and safety of our clients be
20 protected. You have sought to do this by repeatedly proclaiming ignorance of who precisely our clients are. You do so despite our letter spelling out with abundant clarity that our clients are the following. The KwaMaphumulo Taxi Association. See opening paragraph of our letter dated 5 September 2008. You ought to be aware that it is quite

acceptable for our firm to represent the KwaMaphumulo Taxi Association as a whole, which includes all of its members. This would be plain to any informed reader. Swayo Mkhize and Gedwana Mhlongo who were present in various matters. Paragraphs 1 to 6 of our letter dated 5 September 2008 refers. Moses Siphon Dlamini who consulted us following his unlawful arrest and abuse at the hands of the police. Paragraph 7 to 9 of our letter dated 5 September 2008 refers. Magojela and Tembe as individuals and in their capacity as members of the KwaMaphumulo Taxi Association. Paragraphs 10 and 11 of our letter dated 5 September 2008 refers. The position regarding these two individuals is further clarified by our letter dated 29 August 2008, which was sent to the officer commanding the Organised Crime Unit and which spells out with abundant clarity that we represent these two individuals. This letter was also sent to you.”

ADV RAMOGALE: Now, if we could just stop there, Ms

Williams? Do you know who the officer commanding the Organised Crime Unit is that they refer to here in paragraph 4.4?

MS WILLIAMS: That would be Johan Booysen, I think either Brigadier or General, but I think he was still a Brigadier at this time.

ADV RAMOGALE: Thank you, Ms Williams. If you could continue then at 4.5?

MS WILLIAMS:

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“Ms Sokhulu, who consulted us following the death of her common law husband, Lindelani Buthelezi, on 3 September 2008, paragraphs 13 to 16 of our letter dated 5 September 2008 refers. You did not address the serious concerns expressed in paragraph 17 and 18 of our letter dated 5 September 2008. You did not address our demands in paragraph 19 of the same letter, which demands were reasonable in every respect. Two of our clients referred to in our previous correspondence dated 29 August 2008 and 5 September 2008, namely Magojela Ndimande and Thokozani Tembe were shot and killed by police on 16 September 2008. The official

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press release issued by Senior Superintendent ...[indistinct] indicates that the two deceased were being sought by police for the murder of Senior Superintendent Choncho.”

ADV RAMOGALE: Now, sorry, Ms Williams. Sorry, if we could just stop there? We have now gone through the 5 September 2008 letter in which complaints are made about a pattern of conduct. We are now on the 18th of September
10 2008, and we are now being informed at paragraph 7 that Mr Ndimande and Mr Tembe were shot and killed on the 16th of September 2008. Do you have any comment on that?

MS WILLIAMS: I am just baffled by this. The police did not know what was going on. They said there was no reason for Hlapane to write to them. They did not conduct any investigation, and yet these two members end up dead for the murder of Senior Superintendent Choncho. I do not know what to say now. I really do not know what to say to this.

ADV RAMOGALE: And what would you say in circumstances
20 which we have gone through, where the attorneys say if you want any of our members, we are happy to hand them over?

MS WILLIAMS: The letter was clear that there was going to be cooperation from the KwaMaphumulo Taxi Association. The attorney could not have been any more clear regarding this, that if you want to see our clients, we will avail them,

and yet their clients end up dead.

ADV RAMOGALE: Does this speak to the pattern of conduct that you were referring to earlier?

MS WILLIAMS: Yes, definitely, Madam Chair.

ADV RAMOGALE: Thank you, Ms Williams. If you could continue then in paragraph 8?

MS WILLIAMS:

10 “We demand to know why our specific
undertaking in paragraph 19 of our letter
dated 5 September 2008 to surrender our
clients, including the two deceased, to the
police was not acted upon and why it was
necessary to intercept our clients in order
to arrest them. We further demand to
know why the police sought our clients
when they had been arrested and
questioned by the police on 29 August
2008. You are reminded that they were
released following that questioning on 29
20 August 2008. We fail to understand how
they could be considered suspects in
these circumstances. We demand a
transparent investigation into the deaths
of these two deceased and into the death
of Lindelani Buthelezi. We hereby advise

you that we have appointed a ballistic and forensic expert to undertake investigations on our behalf and require that he be given access to the available evidence in order to perform his function. You are further advised that we have employed the services of private investigators to investigate the circumstances of the three killings in question. We pertinently repeat paragraph 17 to 19 of our letter dated 5 September 2008. In order to avoid any proclaimed confusion on your part, we have added a list of all the members of the KwaMaphumulo Taxi Association to this letter. In addition thereto, we specifically mention the following individuals who have been directly or indirectly been threatened. Bongani Elpheus Mkhize, Nkosinathi Wilson Mthembu. Johannes Ntuli aka Kopalota. This matter will be referred to the Human Rights Commission and to the Public Protector for their intervention.”

ADV RAMOGALE: Thank you, Ms Williams. The names that

appear in paragraph 11, are they familiar to you?

MS WILLIAMS: Yes, Madam Chair, they are familiar to me.

ADV RAMOGALE: Do you know what happened to the three names that appear in paragraph 11?

MS WILLIAMS: All three men ended up dead.

ADV RAMOGALE: And do you know whether at the date on which this letter was written, whether all three of these individuals were alive?

MS WILLIAMS: Yes, on the original date, on the 5th of
10 September, they were all alive, yes.

ADV RAMOGALE: And on the date of this letter, the 11th, I mean the 18th of September 2008?

MS WILLIAMS: Nkosinathi Mthembu and Johannes Ntuli aka Kopalota, they were both dead, Bongani was still alive.

ADV RAMOGALE: By the 18th of September 2008?

MS WILLIAMS: Yes.

ADV RAMOGALE: How did you reach to that? My understanding from paragraph 11, is it says:

20 “We pertinently repeat paragraph 17 to 19 of our letter. In order to avoid any proclaimed confusion on your part, we have added a list of all the members of KwaMaphumulo Taxi Association to this letter. In addition, we specifically mention the following individuals who have been

directly or indirectly threatened.”

I am reading here on paragraph 7.

ADV RAMOGALE: Yes.

MS WILLIAMS: Where they say – sorry, sorry, Madam Chair, I had my names wrong, sorry. I had my names wrong here.

ADV RAMOGALE: So then let me repeat the question. The names that appear in paragraph 11, were they alive on the 18th of September 2008?

MS WILLIAMS: It appears like that, yes, they were still alive.

10 **ADV RAMOGALE**: And you have told us that they then ended up subsequently dead?

MS WILLIAMS: Yes.

ADV RAMOGALE: So I go back to the question I began with earlier this morning, which is the allegation by Hlapane Attorneys about a pattern of conduct. What would you say in relation to that issue, a pattern of conduct about the three names we see at paragraph 11, and the names of Mr Magojela Ndimande and Thokozani Tembe at paragraph 7?

MS WILLIAMS: The threat continues, Chairperson.

20 **ADV RAMOGALE**: Do you know if there was ever a response to this letter from the police?

MS WILLIAMS: I would not know that, Chairperson.

CHAIRPERSON: Ms Williams, paragraph 10 of the letter that you have just read into the record reflects the advices that Mr Shozi referred to. The second line, he advises Mr Ngidi

that they, the Hlapane Attorneys, have appointed a ballistic and forensic expert to undertake investigations on their behalf and that such a ballistic and forensic expert should be given access to the available evidence in order to perform his functions. We know now from the reading of the record that this private ballistic and forensic expert that was hired by the Hlapane Attorneys was Mr Steyl. Am I correct?

MS WILLIAMS: You are correct in that, Chairperson.

CHAIRPERSON: And Mr Steyl did participate during the
10 examinations of the bodies of the deceased concerned. Am I correct?

MS WILLIAMS: I do not know about all of the investigations, but I think it was all of them because I know that I have personally had contact with him on certain investigations, yes ma'am.

CHAIRPERSON: We know from the post-mortem report of the doctor whose name I cannot easily pronounce now, that in that report, if my recollection is correct, Mr Steyl participated.

20 **MS WILLIAMS**: Yes.

CHAIRPERSON: He was one of the people who was present there.

MS WILLIAMS: Yes ma'am, that I would remember because I was also present at that post-mortem. It was the Durban Central CAS 185/2/2009, and it was the one for Bongani

Mkhize. However, what I can say is I do know, because Mr Steyl did speak to me about the Howick investigation extensively, and what is found there. So I believe that he was involved in that one as well. And I also believe, because he was the ballistic expert that was also always used by the Taxi Association, that I believe that he would have been involved in the risk as well.

CHAIRPERSON: Yes, indeed, you were present. The second advice that Mr Soji, Soshi, or Shozi of the Hlapane
10 Attorneys, is that they have employed the services of private investigators to investigate the circumstances of the three killings in question. You see that?

MS WILLIAMS: I see that, yes, Madam Chair.

CHAIRPERSON: Now, given the constitutional imperatives as regards the obligations, duties, and powers of the police, under what circumstances do private persons undertake to investigate at their cost matters that should ordinarily be investigated by the police?

MS WILLIAMS: Ma'am, if a private investigator is called in
20 to investigate, and especially in these circumstances that we see before us, it is obvious that the client is not satisfied with the investigation conducted by the police at that stage. And therefore, they are now seeking services from a private person to conduct the investigation that the police are supposed to do in order for them to get to the conclusion or

to the answers as to what really transpired, because it says here to investigate the circumstances of these three killings. And it is obvious to me they were not satisfied with how the police were conducting their investigation.

CHAIRPERSON: What is the effect of this as regards the public confidence in our police services?

MS WILLIAMS: This clearly says, ma'am, that the public looking at this, no confidence in the police, because the police cannot be trusted. This is what I see.

10 **CHAIRPERSON:** Thank you, Advocate Ramogale.

ADV RAMOGALE: Thank you, Chair. Ms Williams, if I could take you to the next letter?

CHAIRPERSON: No, before you do that, I am sorry to interpose. I forgot that I wanted to clarify just one aspect as regards the point that my sister, Advocate Baloyi SC, referred to earlier. The signature. I see you are smiling. Am I interrupting you?

ADV RAMOGALE: No, I want to say very little about the signature.

20 **CHAIRPERSON:** I just want to clarify a few things with the witness, not with you, about the signature.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: Let us start with the letter by Hlapane Attorneys dated 05-09-2008. It is at DC000892.

MS WILLIAMS: Yes, ma'am, I have that.

CHAIRPERSON: I beg your pardon. Sorry, I beg your pardon. Let us start with that letter by, it is not at 392, the first letter of 5 September 2008. I think it is at 000845. Am I right? 845, let me trace the letter.

ADV BALOYI-MERE SC: 841.

CHAIRPERSON: 841.

ADV RAMOGALE: Yes, it would be 841, Madam Chair.

CHAIRPERSON: 841?

ADV RAMOGALE: Yes.

10 **MS WILLIAMS:** I have it in front of me, Chairperson.

CHAIRPERSON: Yes, sorry. It is DC000841. That letter is signed at DC000848 by Hlapane Attorneys. There is a stroke there, which appears to be a signature.

MS WILLIAMS: Yes, ma'am, I see that.

CHAIRPERSON: Now, someone from that firm ought to have written that letter on behalf of the Hlapane Attorneys, because you cannot have a group of people writing. There must be an individual writing on behalf of the firm. Correct?

MS WILLIAMS: Yes, ma'am.

20 **CHAIRPERSON:** Now, look at the letter dated 18 September 2008, in which the Hlapane Attorneys responds to the letter of Commissioner Ngidi.

MS WILLIAMS: And that would be on which page again, ma'am?

CHAIRPERSON: Yes, it is at DC000332. You see the letter

DC000832?

MS WILLIAMS: Just one second, ma'am, I am almost there. Yes, I have it in front of me. The two letters are in front of me.

CHAIRPERSON: That letter is signed this time by an individual, NH Shozi.

MS WILLIAMS: Yes.

CHAIRPERSON: The signature seems to be the same as the previous letter?

10 **MS WILLIAMS**: Yes, ma'am, it appears to be NH Shozi's signature.

CHAIRPERSON: This therefore suggesting that it is Mr Shozi who signed on the letter of the 5 September 2008 on behalf of the firm, the Hlapane Attorneys. Would you agree with me?

MS WILLIAMS: Yes, ma'am, I get it. Yes, I do agree with you on that, Chairperson.

CHAIRPERSON: And in this letter of Mr Shozi dated 18 September 2008, he writes on behalf of the firm. Look at
20 paragraph 3.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: He does not speak in singular, he speaks in plural. Correct?

MS WILLIAMS: Correct, yes, Madam Chair.

CHAIRPERSON: Throughout paragraph 4, 4.1, 4.2, 4.3, and

until the end, it is clear that Mr Shozi is writing on behalf of the firm. He says our clients, referring to them as a firm. Correct?

MS WILLIAMS: That is correct, Madam Chair.

CHAIRPERSON: That therefore signifies that the signing in the letter of 5 September 2008 was for the firm by this individual attorney.

MS WILLIAMS: Correct, Chairperson.

CHAIRPERSON: And the signature is the same.

10 **MS WILLIAMS**: That is correct, Chairperson.

CHAIRPERSON: Yes, thank you.

ADV RAMOGALE: Thank you, Chair. Ms Williams, if I could then take you to the next letter, which is at DC001012?

MS WILLIAMS: Will that be in Bundle 3?

ADV RAMOGALE: Just a moment, Ms Williams. Members of the Panel, that would be in DC5.

CHAIRPERSON: What is the number?

ADV RAMOGALE: It is DC001012.

CHAIRPERSON: DC1?

20 **ADV RAMOGALE**: DC001012.

MS WILLIAMS: I have that in front of me, Chairperson.

CHAIRPERSON: Thank you, Counsel.

ADV RAMOGALE: Thank you, Ms Williams. Could you inform the Panel what is this document that we are looking at?

MS WILLIAMS: We are looking yet again at a letter from Hlapane Attorneys.

ADV RAMOGALE: And what is the date of that letter?

MS WILLIAMS: 23 September 2008.

ADV RAMOGALE: And could you, for the purpose of the Pane – I mean, sorry, before that, if you could go to DC001029?

MS WILLIAMS: I have 1029 in front of me, Chairperson.

ADV RAMOGALE: Thank you, Ms Williams. Based on the
10 answer you have just given to the Chairperson, whose signature would you say appears here at 1029?

MS WILLIAMS: That would be Nathi Shozi.

ADV RAMOGALE: Thank you, Ms Williams. We now then go back to the first page of the letter, which begins at DC001012. Could I ask you to please read from paragraphs 1 onwards for the Panel, please?

MS WILLIAMS: I will read as follows:

“We represent the KwaMaphumulo Taxi...”

...[intervenes].

20 **ADV RAMOGALE:** I am sorry, Ms Williams. I am sorry. Before that, could you just inform the Panel who this letter is addressed to?

MS WILLIAMS: The National Chairman, Human Rights Commission, the Head of the Independent Complaints Directorate, the National Police Commissioner, and the

Public Protector.

ADV RAMOGALE: Thank you, Ms Williams. I interrupted you whilst you were reading from paragraph 1.

MS WILLIAMS: Not a problem:

10 “We represent the KwaMaphumulo Taxi Owners Association, including all of its members. We further represent Moses Siphon Dlamini and Thandeka Nompumelelo Sokhulu, who have consulted us in related matters. The events relevant to the complaints by our variant clients commenced on 25 August 2008. On that day, two of our clients, Swayo Mkhize and Gedwana Mhlongo, attended the Pietermaritzburg High Court on trial. The trial was crowded out by His Lordship Nicholson, J, who was occupied with other matters. Our clients are both on bail in the High Court matter, and their

20 bail was extended until 23 February 2009. As our clients stepped out of the High Court, they were immediately placed under arrest by Constable Ndlovu of the Taxi Violence Task Unit. This arrest relates to a murder allegedly committed in

KwaDukuza, Stanger, on 9 August 2008.

Because of previous abuse at the hands of the police connected to the Taxi Violence Task Unit in particular, at the Kranskop Police Station, we addressed ...[indistinct]

Senior Superintendent Choncho, demanding, *inter alia*, that our clients not be detained at Kranskop Police cells, that their constitutional pre-trial rights be

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respected, and that they be brought to court the following day. A copy of this

letter is annexed hereto marked A. Our letter was ignored in at least the following two important respects.

4.1. Our clients were detained at the Kranskop Police cells, despite our request and despite the fact that the charge

against them was laid at the KwaDukuza Police Station and they were to appear in KwaDukuza Magistrate Court.

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4.2. Our clients were not brought to court the day following their arrest, despite it being possible to do so, and were only taken to court on 27 August 2008.

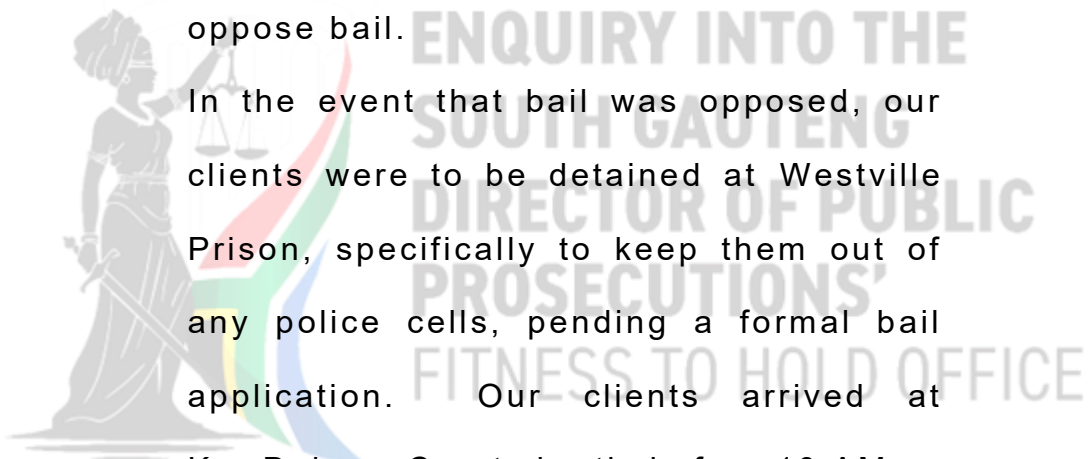
We duly instructed counsel, Advocate

House [?], to attend KwaDukuza Court on 27 August in order to represent our clients and to protect their interest. Advocate House approached the KwaDukuza Prosecutor, Ms Hiralall, and made the following request of her.

5.1. To review the docket containing the murder allegation in order to establish that there is a *prima facie* case against our clients and whether or not the state would oppose bail.

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In the event that bail was opposed, our clients were to be detained at Westville Prison, specifically to keep them out of any police cells, pending a formal bail application. Our clients arrived at



KwaDukuza Court shortly before 10 AM on 27 August 2008, and were accompanied by Constable Ndlovu, who had arrested them. Ndlovu advised that the docket was being brought by Senior Superintendent Choncho, who was still on his way. Several attempts were made by counsel and the control prosecutor to the former Senior Superintendent Choncho without

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success. Shortly before 12 PM, a report was received that Senior Superintendent Choncho had been ambushed and murdered while enroute to KwaDukuza Court. In these circumstances, counsel agreed to our clients being remanded in custody in order to give the control prosecutor time to obtain and peruse the docket. The matter was duly remanded until 3 September 2008 for this purpose and a bail application in the event that bail was opposed.”

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ADV RAMOGALE: Ms Williams, if I could just – Ms Williams, I am sorry. If I could just ask you, on the basis of this letter, on the 27th of August 2008, where was Mr Mhlongo and Mr Mkhize?

MS WILLIAMS: They were at court.

ADV RAMOGALE: Thank you, Ms Williams. Please continue.

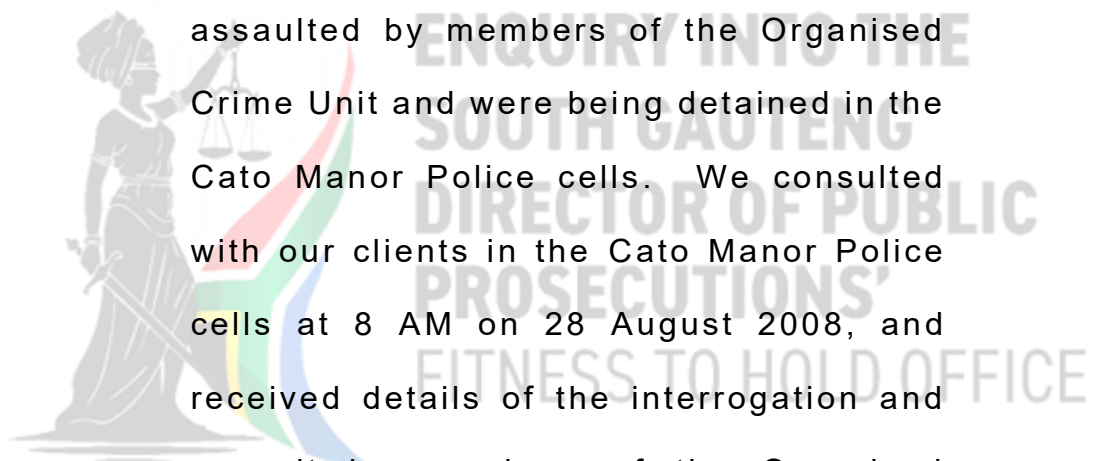
20 **MS WILLIAMS:**

“For the reasons advanced above, it was specifically ordered that our clients be detained in Westville Prison and not in the police cells. This order followed a request by counsel that our clients not be detained

in police cells based on the history of abuse. In accordance with the Magistrate's order, detention warrants were signed designating Westville Prison as the place where our clients would be detained. At around 8 PM on 27 August 2008, we received a report via our clients' family members that our clients had been taken to the Cato Manor Police Station where they had been interrogated and assaulted by members of the Organised Crime Unit and were being detained in the Cato Manor Police cells. We consulted with our clients in the Cato Manor Police cells at 8 AM on 28 August 2008, and received details of the interrogation and assault by members of the Organised Crime Unit. Our clients complained further that they have been denied their right to legal representation despite requesting same and were questioned at length regarding the murder of Senior Superintendent Choncho. They were assaulted in the process. We immediately investigated why our clients were detained

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at Cato Manor Police cells when the court had specifically ordered their detention at Westville Prison. In this regard, we established:

9.1. The KwaDukuza Magistrate confirmed in writing that she had signed the detention warrant for Westville Prison and had not altered the same.

10 The letter by the Magistrate is annexed hereto marked B. In accordance with this order, our clients had to be detained in Westville Prison.

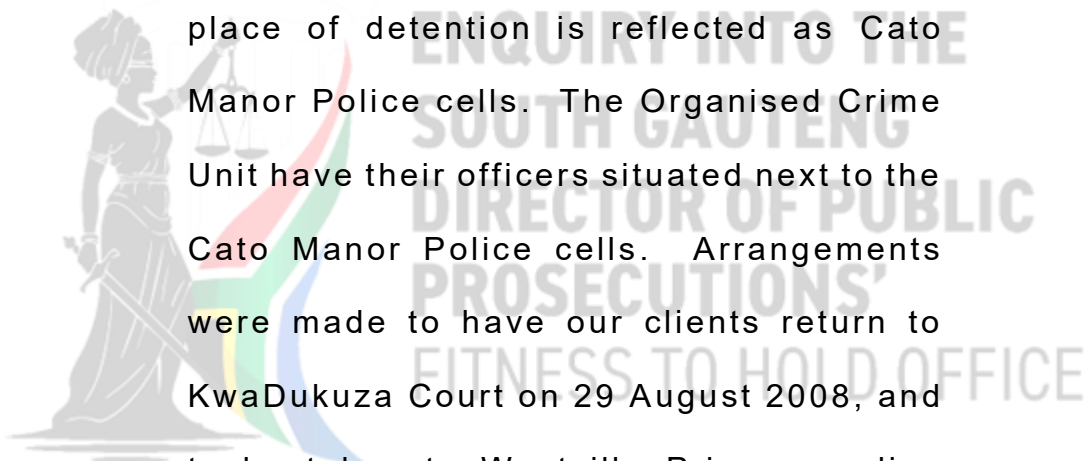
It transpired that the detention warrants had been unlawfully and intentionally altered, forged, to reflect Cato Manor Police cells as the place of detention.

20 This has been done without the knowledge or authority of the Magistrate or the control prosecutor. Letter by the control prosecutor annexed hereto marked C. The control prosecutor further confirmed that she had specifically ordered the court staff to ensure that our clients be detained at Westville Prison. Although these instructions appear to have been followed

by the court staff, members of the Organised Crime Unit arrived and simply overruled the order by the prosecutor and altered the order by the Magistrate. The cell register which is kept by the court staff at KwaDukuza reflects that Detective Inspector Panday of the Organised Crime Unit removed our clients from court to Cato Manor Police cells. The original cell register is available for inspection. The place of detention is reflected as Cato Manor Police cells. The Organised Crime Unit have their officers situated next to the Cato Manor Police cells. Arrangements were made to have our clients return to KwaDukuza Court on 29 August 2008, and to be taken to Westville Prison pending their court appearance on 3 September 2008. We annexed the relevant correspondence in this regard marked D. It follows that our clients were unlawfully detained at Cato Manor Police cells for two days following the fraudulent alteration of the detention warrants. As far as the bail application is concerned,

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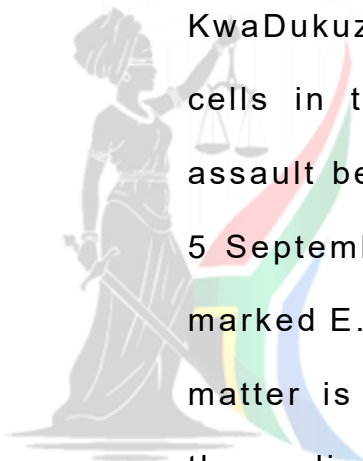
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our client's release on bail was opposed by Detective Inspector Maharaj of the Organised Crime Unit during a formal bail application, which included a ventilation of all pertinent facts. Bail was granted to our clients mainly on the basis that the state case against them is extremely weak. We have specifically requested that the patently unlawful conduct surrounding the removal of our clients from KwaDukuza Court to Cato Manor Police cells in their subsequent detention and assault be investigated. Our letter dated 5 September 2008 refers annexed hereto marked E. It is by now clear to us that this matter is not being treated seriously by the police and we hold the very real concern that the police seek to sweep it under the carpet. The conduct by members of the Organised Crime Unit on 27 August 2008 was the first sign that they were investigating the murder of Senior Superintendent Choncho as a law unto themselves and were prepared to disregard binding law with impunity. We

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ENQUIRY INTO THE
SOUTH AFRICAN
DIRECTOR OF PUBLIC
PROSECUTIONS'
FITNESS TO HOLD OFFICE

hereby request an investigation which is independent and which deals fully and transparently with what appears to be blatant forgery of a court order by members of the Organised Crime Unit. We request at least that the Independent Complaints Directorate or, alternatively, the Directorate of Special Operations investigate this matter and those enumerated hereinafter.”

ADV RAMOGALE: Thank you, Ms Williams. On your reading of this letter, what would you say was the reason for the detention of Mr Mkhize and Mr Mhlongo?

MS WILLIAMS: It was an unlawful detention.

ADV RAMOGALE: Yes, but what was the reason? What were they being detained for?

MS WILLIAMS: For the murder of Senior Superintendent Choncho.

ADV RAMOGALE: And on the day of the incident, where was, according to this letter, Mr Mkhize and Mr Mhlongo?

MS WILLIAMS: They were at Stanger Court.

ADV RAMOGALE: Now, could you care to explain to the Panel why it is that two people who were in court are now arrested for a murder that took place on the same day when they were under police custody?

MS WILLIAMS: They could not have been present at that. But in this case, it is crystal clear that whether you were there or not, if Cato Manor said you were there and they wanted to arrest you for that murder whether or not you committed the act, that is what they were going to do because that is how they operate.

ADV RAMOGALE: And this would be, in circumstances, we have led the evidence already, where there is a request by Hlapane Attorneys saying, if you want us to hand over our
10 members, do let us know. Would that be correct?

MS WILLIAMS: You would be correct with that, Chairperson.

ADV RAMOGALE: Yes, and they also said in their 5 September letter that when they are arrested, their request is to have their legal representatives there. Is that correct?

MS WILLIAMS: That is correct, Chairperson.

ADV RAMOGALE: And according to this letter, when they were arrested and detained for the murder of Senior Superintendent Choncho, were their legal representatives there?

20 **MS WILLIAMS:** No, the legal representative was not there.

ADV RAMOGALE: Thank you, Ms Williams. If we could continue then from paragraph 12, please?

MS WILLIAMS:

“We hereby request an investigation...”

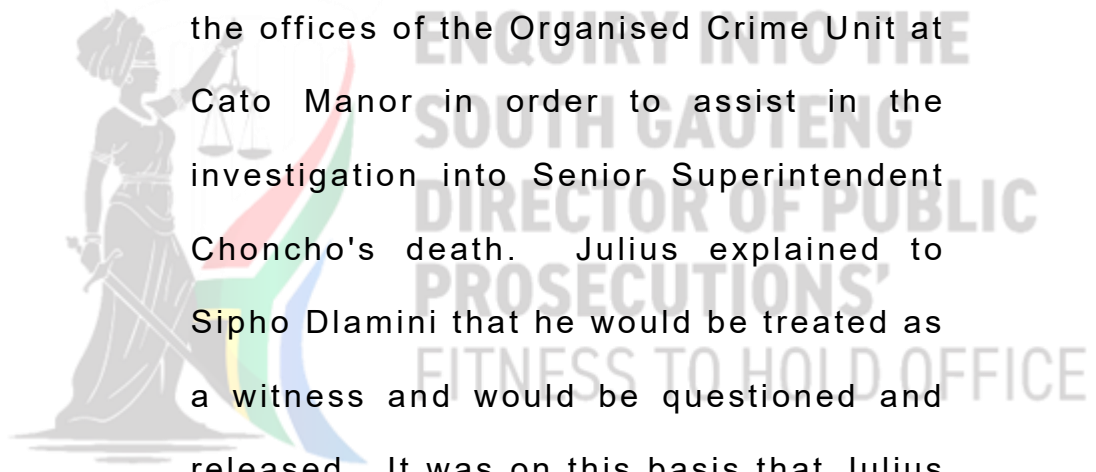
...[intervenes].

ADV RAMOGALE: I am sorry, actually you were at paragraph 13. I am sorry to interrupt you.

MS WILLIAMS: Sorry, pardon, pardon.

10 “The second complaint, which we have been requested to bring to your attention involves Moses Siphon Dlamini, a security guard employed to protect members of the KwaMaphumulo Taxi Association. On 27 August, Siphon Dlamini was requested by his employer, Warren Julius, to proceed to the offices of the Organised Crime Unit at Cato Manor in order to assist in the investigation into Senior Superintendent Choncho's death. Julius explained to Siphon Dlamini that he would be treated as a witness and would be questioned and released. It was on this basis that Julius left Dlamini with Detective Inspector Panday at the offices of the Organised Crime Unit on the afternoon of 27 August 2008. Panday did not question Siphon Dlamini and instead placed him under arrest on the charge of murder, presumably the murder of Senior Superintendent Choncho. To date, Siphon

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Dlamini have not been informed what evidence, if any, Panday had against him on this charge of murder, and it is strongly believed that there was no evidence at all implicating him. Siphon Dlamini was handed a notice of detention signed by Panday, a copy is annexed hereto marked F.”

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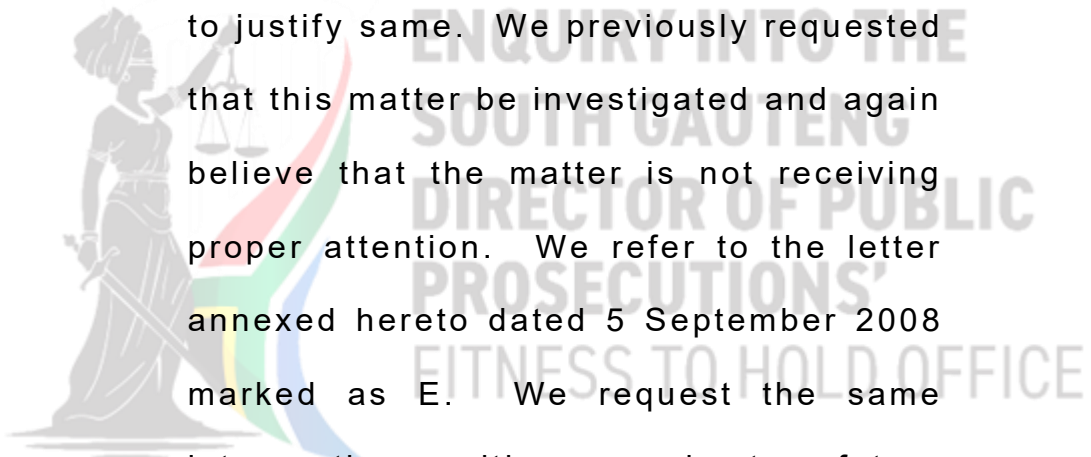
“Panday thereafter lodged Dlamini in the Sydenham Police cells. He threatened Dlamini that the following day he would tell the truth at Cato Manor. On the morning of 28 August 2008, Dlamini was fetched from Sydenham Police cells by Panday and taken to the offices of the Organised Crime Unit at Cato Manor. There he was interrogated in connection with the murder of Senior Superintendent Choncho and repeatedly assaulted by several members of the Organised Crime Unit. During the assault, he sustained open wounds to his wrist from handcuffs and a burst eardrum as a result of being slapped. Photographic evidence is

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available depicting the injuries to his wrists. A detailed report from a doctor will also be made available. After being interrogated and assaulted, Dlamini was released on the basis that there was clearly no evidence against him. Aside from the assault and interrogation, which was clearly unlawful, it is strongly believed that the detention of Dlamini was unlawful and that there was no evidence to justify same. We previously requested that this matter be investigated and again believe that the matter is not receiving proper attention. We refer to the letter annexed hereto dated 5 September 2008 marked as E. We request the same intervention with regard to future investigation of this matter. By way of background to the events which followed, it is necessary to mention that Senior Superintendent Bothma was murdered by suspected criminals in an entirely unrelated event a matter of days after Senior Superintendent Choncho was murdered. These murders of high-ranking

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10 police officials obviously attracted outrage by the police, which is fully understandable. Unfortunately, this outrage appears to have been recklessly and irresponsibly articulated by the MEC for Safety and Security, KwaZulu-Natal, Bheki Cele, and the sentiments appear to have paved the way for several deaths at the hands of the police. At Senior Superintendent Choncho's funeral, Cele was quoted in the various media as stating that police officers should put criminals behind bars or send them to the nearest mortuary. This statement has not been denied.”

ADV RAMOGALE: Ms Williams, if we could stop there? On your reading of this letter, which repeats what we have seen in the letter of the 5th of September, by this date, which is the 23rd of September 2008, had any investigations, according to
20 Hlapane Attorneys, been done into the allegations against the police?

MS WILLIAMS: No investigations have been done.

ADV RAMOGALE: We then get ...[intervenes].

MS WILLIAMS: This is how I read this.

ADV RAMOGALE: We then see a repeat of what the MEC

for Safety and Security says, which is put criminals behind bars or send them to the nearest mortuary. In your view, is this what a responsible MEC should be saying?

MS WILLIAMS: Not at all. That should not be words that come out of his mouth.

ADV RAMOGALE: And why is that?

MS WILLIAMS: Because if a criminal should be dealt with, he should be arrested, he should appear before court. Only then the court will then decide, based on evidence, whether
10 this man will be found guilty or not guilty.

ADV RAMOGALE: And at this point, by the 23rd of September, we have now seen the response from the highest ranking officer in KZN. You told us he outranks Commissioner Brown, Commissioner Ngidi, in response to the allegations on the 5th of September. We also know now, certainly by the 18th of September and again now the 23rd, that the MEC for Safety and Security says, put them behind bars or send them to the nearest mortuary. What would your comment be to that?

20 **MS WILLIAMS**: Sorry, ma'am, I am just dealing with the intensity of this whole thing. Ma'am, it is clear to me that the police had no intention of doing any investigation. And clearly, they were following what Bheki Cele was saying here, shoot to kill.

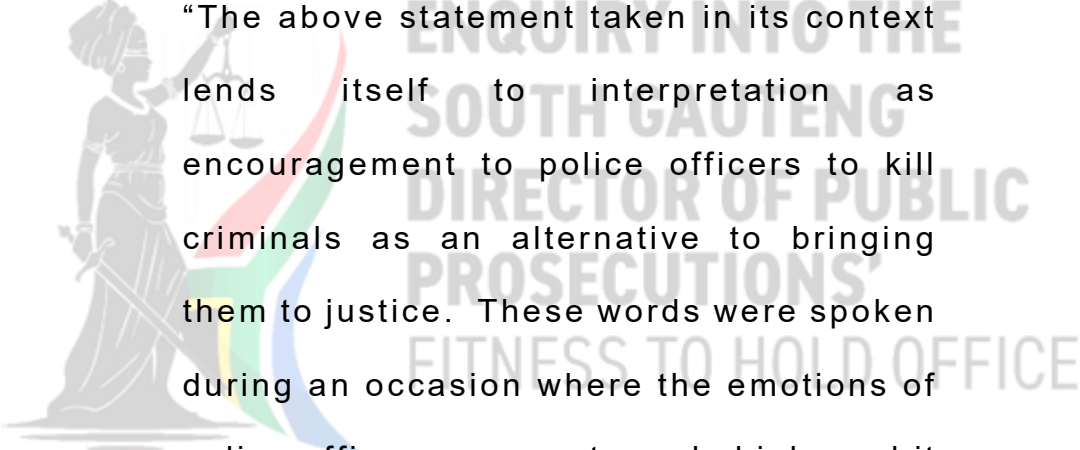
ADV RAMOGALE: And earlier I had asked you about

whether the police officers were ever held accountable, and your answer was no. And you said someone is protecting them. Do you have a clearer answer about who that might be?

MS WILLIAMS: I would rather not answer that right now. I think I know, but I would rather not give you a response to that.

ADV RAMOGALE: All right. Thank you, Ms Williams. If we could carry on then from paragraph 19?

10 **MS WILLIAMS:**



“The above statement taken in its context lends itself to interpretation as encouragement to police officers to kill criminals as an alternative to bringing them to justice. These words were spoken during an occasion where the emotions of police officers were extremely high, and it would be fair to say that the police in general were incensed at the killing of two of their high-ranking colleagues...”

20 ...[intervenes].

ADV RAMOGALE: Chairperson, I am sorry to interrupt. I just want to check if Ms Williams is all right. Her voice is sounding a little shaky.

MS WILLIAMS: Chairperson, I am fine, but I am just thinking

about something else. And even though it is not in my statement, I would actually like to say something on the death of Sup Choncho, if I am allowed to, may I?

CHAIRPERSON: You may, ma'am.

MS WILLIAMS: Ma'am, I attended a scene with Mr Nene. It was just before Mr Nene had left ICD. He went on early retirement. And the scene was at Umhlali. And there were three, I think it was three or two deceased from another taxi association and these men were shot and killed by police, 10 although not by police officers from Cato Manor SVC.

And I will never forget when the colonel came to me – sorry, I am just a bit emotional. So his name is just out of my head, but he was the branch commander at Pinetown. Sorry, ma'am, I am just a bit overwhelmed by this. I will get to the names a little bit later. And this gentleman came. He came to give us an account, myself and Sipho Nene. And he said to me, ma'am, the members, the deceased that was shot was involved with a shootout with the police and it was in relation to Sup Choncho.

20 I looked at the man, I asked him, Sup Choncho? He said, yes. I said, oh, that is very strange because I thought that the KwaMaphumulo taxi bosses were responsible for the killing of Sup Choncho. And here it is, members from another taxi association are now responsible for this thing. So could the police please make up their mind as to who is actually

responsible for the killing of Sup Choncho?

The man literally ran away from me, stood at a distance, Chairperson, and held his head. Mr Nene took me aside, cautioned me. He said to me I am going to use, I am going to quote his words, called me by the nickname they had given me. Said to me, Shamzo, you are going to get yourself killed.

I stood there, I said to him, Mr Nene, I do not care if I get killed, I do not care anymore. The fact is the police
10 cannot go around killing people at random using Sup Choncho's death as an excuse. Sorry, ma'am, I am just remembering all of that. And I know the name of this person because I know him very well, but it is just, I do not know if I am just feeling a little bit overwhelmed.

So, sorry, it is just very overwhelming because I knew what the police were doing and they were using all of this as excuses to shoot and kill, I would say, innocent people. I am not saying that these people were not criminals, but in respect of this, I do not think they deserve to die in this
20 manner. And the event at Umhlali can easily be checked up because Mr John is available. You can go through our CCN records. You will find the very last scene I attended with Mr Siphonene at Umhlali. You will find that information. So I think the police should still tell us ...[intervenes].

CHAIRPERSON: Just pause there, Ms Williams. You are

saying you are not saying that these people were not criminals. Is that what you really want to say? Or are you trying to say, you are not saying that these people were not suspects?

MS WILLIAMS: Let me put it in a different way because I do not know this.

CHAIRPERSON: Were they criminals or were they suspects in the killing of Superintendent Choncho?

MS WILLIAMS: They were not suspects, ma'am. Excuse me
10 for the words that I was using, but they were not suspects, ma'am, as far as I know. And I am also maybe going to fast forward because I also investigated this matter of KwaMaphumulo. And now here I am at a different scene and I know this has got nothing to do with this ...[intervenes].

CHAIRPERSON: No, no, no, Ms Williams. Let us get back to your statement because I just want to understand whether you used that word deliberately or you wanted to use another word when you say you are not saying that those people were not criminals, and I am saying to you because they were
20 pursued by the police. Similarly, because they were suspects, correct or incorrect, but were they criminals or were they suspects?

MS WILLIAMS: Suspects, Madam Chair, suspects. I should have used the word suspects. I used the wrong word.

CHAIRPERSON: Yes, thank you. Sorry to interrupt you.

you may proceed if you want to clarify still.

MS WILLIAMS: Yes, ma'am. And the thing is that bothered me is how can two different taxi associations now be responsible for the death and killing of Superintendent Choncho? And I do not even think that information was checked, ma'am. I do not think anybody ever followed up on that information.

Mr Nene, because he was protecting me, obviously did not book out that matter to me because he knew what I
10 was going to do when I would have received or been allocated this matter. But I just find it weird and I just thought to mention it because the KwaMaphumulo Taxi bosses is being held responsible for the killing of Superintendent Choncho. Clearly we have seen the two members that was first detained. They were at Stanger Court. So how was that possible?

But yet in another unrelated matter, the same thing is being said that members from a different taxi association is now killed in Umhlali and it is also said that they are
20 responsible for the murder of Superintendent Choncho. So respectfully, ma'am, I think the police owe the public an explanation.

CHAIRPERSON: Yes, thank you. Thank you, ma'am.

ADV BALOYI-MERE SC: Ms Williams, do you know from which taxi association the three men who were killed at the

scene of Sup Choncho's murder were from?

MS WILLIAMS: Are you talking about the Umhlali scene, ma'am?

ADV BALOYI-MERE SC: You said there were three men. You were informed by a police commissioner at the scene that there were three men who were killed because they were exchanging fire with the police.

MS WILLIAMS: Yes, ma'am.

ADV BALOYI-MERE SC: And you said they are from another
10 taxi association.

MS WILLIAMS: Ma'am, I cannot recall what taxi association it will be, but that will be very easy to establish by looking at the file, the Umhlali file for that year. All I can remember is just before Mr Nene went on early retirement. So it will be easy to trace to which file that is and to get that information.

ADV BALOYI-MERE SC: But you are sure that they are not
from KwaMaphumulo?

MS WILLIAMS: I am absolutely sure, ma'am, they were not
20 from KwaMaphumulo Taxi Association. Hence, I ask the
question.

ADV BALOYI-MERE SC: Thank you.

ADV RAMOGALE: And just to assist us with locating that file, do you know which year this particular incident took place?

MS WILLIAMS: I think it is somewhere around 2010, if my

memory serves me correctly. But like I said, all the Panel needs to do, or whoever's going to check needs to do, is just check with the ICD to check which year Siphonene left. It will be that year, ma'am. And then, obviously, they can just go to the CCN registers, our case control registers, and they will find that information in there. I am sorry, ma'am, I just remembered now. The name of the colonel that we were talking about is Colonel Vilakazi. He was at KwaDebeka. He was the branch commander at KwaDebeka. He now became
10 the new Choncho. And when I say that, he was now the new head of the Taxi Violence Unit.

ADV RAMOGALE: Thank you, Ms Williams. Chair, it is almost tea time. And before we move on to the next paragraph in the statement, I thought with your leave, we could take tea at this moment.

CHAIRPERSON: If you can just give us a second? I am trying to remember in relation to what part of the letter was this warrant mentioned? Which part of the letter? I remember you said you do not remember his name.

20 **MS WILLIAMS:** Are you speaking to me, ma'am?

CHAIRPERSON: Yes, of course.

MS WILLIAMS: Yes, ma'am. What I am saying is I forgot who the name of the officer was that related this information to me at the Umhlali scene. And just now when I am starting to get calm, I actually remembered that it was Colonel

Vilakazi. I know him very well. He was the branch commander and now he was at, he was in Choncho's position. He was now given Choncho's position at the Taxi Violence Unit.

CHAIRPERSON: Yes, thank you. I remember now.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: Thank you, Ms Williams. We are going to take a tea break for 30 minutes until quarter to 12. You are still under oath. We adjourn.

10 **MS WILLIAMS**: Thank you, ma'am.

ENQUIRY ADJOURNS

ENQUIRY RESUMES

CHAIRPERSON: Good day, good afternoon, everyone, good afternoon, good day, Ms Williams.

MS WILLIAMS: Good day, ma'am.

COURT: good day, Advocate Chauke. You continue to be under oath, ma'am.

MS WILLIAMS: I understand, Chairperson.

CHAIRPERSON: You may proceed, Advocate Ramogale.

20 **ADV RAMOGALE**: Thank you, Chair. Ms Williams, good day, yes. We left off at paragraph 17 of that letter, but I am going to ask you to skip over a couple of the paragraphs and go straight to paragraph 36, which is at DC001026.

MS WILLIAMS: I am there, Chairperson.

ADV RAMOGALE: You will recall just before the tea break,

I had asked you whether you knew if there was a response to the letter of the 18th of September 2008, do you remember that?

MS WILLIAMS: Yes.

ADV RAMOGALE: Could you inform the Panel, on the basis of what is contained there in paragraph 37, whether there was in fact a response, according to the Hlapane Attorneys, to that particular letter?

MS WILLIAMS:

10 “Following these killings and the evasive
 response to our letter of 5 September 2008,
 members of ...[intervenes]”

ADV RAMOGALE: Ms Williams, I am sorry to interrupt you. You can go right to paragraph 37.

MS WILLIAMS: Okay, sorry.

 “We received a response to this letter
 ...[intervenes]”

ADV RAMOGALE: Yes.

MS WILLIAMS:

20 “...the very same day ...[intervenes]”

ADV RAMOGALE: Sorry, Ms Williams, I am sorry, you can just stop right there. Okay. So, again, we now know from DC001026 that Hlapane Attorneys did not receive a response to its 18 September letter. Would that be correct?

MS WILLIAMS: That would be correct, yes.

ADV RAMOGALE: And you will recall the second question I asked you is, at the end of that 18 September letter, there were three names. Bongani Mkhize, Nkosinathi Wilson Mthembu, and Jonas Ntuli, a.k.a. Kopolota. And I asked you whether you knew whether, at the time at which the letter was written, whether they were alive or dead. And what was your answer?

MS WILLIAMS: My answer was that they were still alive.

ADV RAMOGALE: Yes. Now, let us see what is contained
10 here in the remainder of paragraph 37.

MS WILLIAMS:

“The very same day, however, 18
September, two of those specifically
mentioned in the letter, Nkosinathi Wilson
Mthembu and Johannes Ntuli, a.k.a.
Kopolota, were shot and killed by members
of the Organised Crime Unit in a house in
Mandeni. According to the police, they
sought to arrest the two individuals and
20 approached the house with this intention
when they met resistance and were forced
to kill the suspects.”

ADV RAMOGALE: So, am I then correct then that on the same day that this letter, written pleading to the police for assistance about their members, also happens, according to

this letter, to be the day that two of those people on that list are then killed?

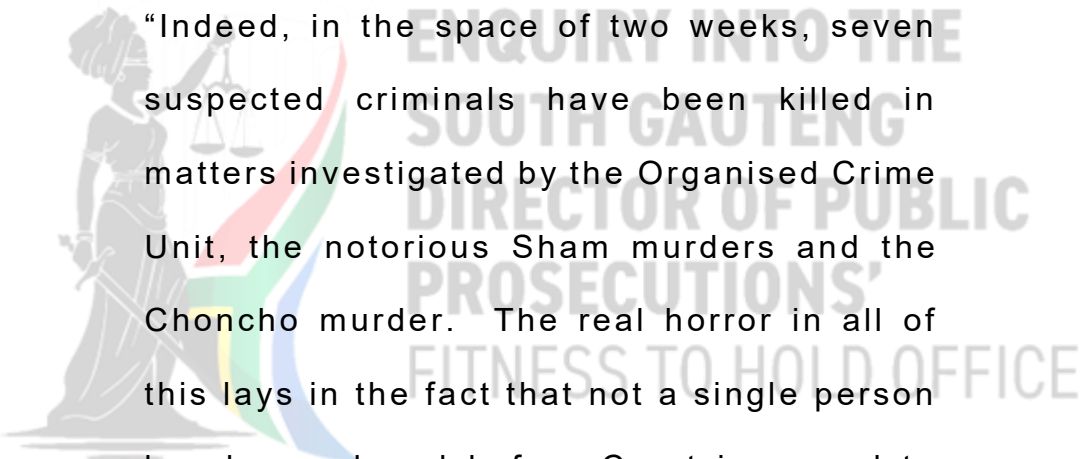
MS WILLIAMS: That is correct, Chairperson.

ADV RAMOGALE: Thank you, Ms Williams. We then reach towards the end of this letter, if you could page over to the next page at DC001027. Do you have that, at paragraph 39?

MS WILLIAMS: I have it with me, yes.

ADV RAMOGALE: Could you just read for the Panel what is contained there?

10 MS WILLIAMS:



“Indeed, in the space of two weeks, seven suspected criminals have been killed in matters investigated by the Organised Crime Unit, the notorious Sham murders and the Choncho murder. The real horror in all of this lays in the fact that not a single person has been placed before Court in regard to either of these murders. Certainly, the inferences which flow from the statistics are too obvious to mention.”

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ADV RAMOGALE: So, if you could just stop there. So, the first letter we read was dated the 5th of September 2008, in which four investigations were requested. Then there was a response on the 11th of September 2008. Is that right?

MS WILLIAMS: That is correct, yes.

ADV RAMOGALE: And then a letter on the 18th of September, repeating some of these allegations again. And now we are on the 23rd of September 2008. And in paragraph 39, we are told seven people have now died. What should the Panel make of that?

MS WILLIAMS: Ma'am, if I could go back to the previous thing that was discussed about the Bheki Cele statement that he said. Either put them behind bars or put them in body bags. It appears to me here that the police have made up
10 their mind that come what may, these men are not going to stand trial and they are going to be executed. And it looks to me as if they have now acted in accordance to what the MEC has said.

ADV RAMOGALE: Thank you, Ms Williams. And then the last paragraph that I would like to invite your comment on, on this letter is at DC001028, which is the next page. At
paragraph 42.

MS WILLIAMS: I have that in front of me, yes.

ADV RAMOGALE: Could you just read that out for the Panel,
20 please?

MS WILLIAMS:

“We further request a detailed and transparent investigation into all of the killings by expert independent investigators. On instruction from our clients, we have

engaged a ballistic forensic expert who has conducted preliminary investigations, which revealed that the investigations conducted by the police thus far is superficial and amounts to little more than going through the motions. Our expert is in a position to contribute significantly to the investigation and will do so upon the appointment of independent investigators. We believe that at least formal inquests should be conducted into the deaths of all of those who have been killed in the event that charges are not laid against the killers.”

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ADV RAMOGALE: Thank you, Ms Williams. So, you told us earlier that this is a letter written to the Chair of the South African Human Rights Commission, the head of the ICD, and several other people. Do you know from your reading of any of these dockets whether this independent and transparent investigation being requested here was in fact done?

20 MS WILLIAMS: Ma'am, not that I know of. I am going to say something quite controversial. I think this is the letter in that file that I actually got onto, the letter that was also addressed to the ICD and this is the letter that actually gave me chills in the office. Maybe I am getting ahead of myself, but by the time I got hold of this, everybody was already dead.

ADV RAMOGALE: Yes.

MS WILLIAMS: And from my office, I can tell you no action. From the police, I do not know that there was any investigation done. So, this was not acted upon, Chairperson.

ADV RAMOGALE: Yes. Well, no, Ms Williams, you are not ahead of yourself because you will recall when we went through your statement, and we can now go back to that. You can just close those documents. In paragraphs 53 of your
10 statement, which we skipped over.

CHAIRPERSON: Which page?

ADV RAMOGALE: Madam Chair, it is in 3-19 of Ms Williams' statement.

CHAIRPERSON: 19.

ADV RAMOGALE: Yes. Do you have your statement, Ms Williams?

MS WILLIAMS: Just give me the number again.

ADV RAMOGALE: Paragraph 53.

MS WILLIAMS: 53. Almost there. Are you talking about the
20 statements submitted in page 19?

ADV RAMOGALE: Your statement to the Panel, yes. It would be page 19 of the documents you have, yes.

MS WILLIAMS: I just wanted to make sure, Chair.

MS RAMAGAGA: It would appear, I may be wrong from my record, that the paragraphs that were skipped were from 52

to 59, not from 53.

ADV RAMOGALE: Yes, I apologise. That is correct.

MS RAMAGAGA: Okay.

ADV RAMOGALE: So, Ms Williams, actually, it is the preceding paragraph from 52. It is on the same page, page 19. This is where you then said...

CHAIRPERSON: You indicated that you will revert to these paragraphs. I see my notes here.

ADV RAMOGALE: Yes, Chair, indeed. So, Ms Williams, you
10 will recall when you were about to read these statements, I said you can skip these paragraphs and we will come back to them. Just to tie up these letters that we have now read, you will see the evidence that you have given is now covered at paragraph 52, 53, which is the 23 September letter that you have now just read out.

MS WILLIAMS: Yes.

ADV RAMOGALE: 54, 55, 56, 57, and then we will stop there. And we have covered 58 later on in your evidence, as well as 59. Beyond what is stated here... Yes, no, beyond what is
20 stated here in these paragraphs, is there anything else you would like to add before we move on towards the conclusion of what you state there?

MS WILLIAMS: I just wanted to mention something, just out of interest. Maybe I thought you guys should just know this. The Sham killings, I attended two of those scenes, and on the

Sunday, I just thought I should mention that. And it was at one of these scenes, Madam Chair, where I first encountered Ashie [?] Maharaj and I recall how aggressive he was towards me, and I had no idea who he was. He said a few things that actually shocked me, and maybe I should not mention this because it has got no bearing. But it was just shortly after I got to KZN and after the first Montclair shooting, and clearly I could see by then that my presence there and the way I was doing my investigation, conducting myself, these guys were

10 uncomfortable with me right from the start. I actually just remember that the first Sham scene was at Umlazi, and the second one was in Morningside, where the Sham house was.

ADV RAMOGALE: Thank you, Ms Williams. If we could now fast forward to where we left off before we got to the letters, which was paragraph 132 of your statement.

MS WILLIAMS: I just need to get there?

ADV RAMOGALE: Sure.

CHAIRPERSON: Paragraph?

ADV RAMOGALE: 132, that would be paginated 3-38,

20 Madam Chair.

MS WILLIAMS: 132?

ADV RAMOGALE: Yes, ma'am.

MS WILLIAMS: Okay, I have it in front of me, yes?

ADV RAMOGALE: Thank you. You had read out that in January 2010 you then reopened your ICD investigation after

convincing your superiors.

MS WILLIAMS: Yes, that is correct.

ADV RAMOGALE: We have gone through 133, which is the letter that you say you discovered in the ICD file, and we are about to get into 134. Could you just read for the Panel what it is that you found in the course of reopening these investigations?

MS WILLIAMS:

10 “When I perused the ICD investigation diary,
I was struck by the prematurity of the ICD
investigators' conclusion that the police
action was justified and the fact that no
proper investigation had been conducted.
The hastiness of the investigation also
struck me because by that stage, I knew that
Mr Ncobo was aware of serious allegations
that the KTA killings, including the killing of
Mr Buthelezi by Cato Manor SVC, were
connected. Despite, Mr Ncobo did not
20 allocate these cases to a single investigator
who could investigate all of the KTA killings
together. Between January 2010 and
August 2011, I diligently investigated the
killings of Mr Buthelezi in consultation with
Advocate Steinberg. For present purposes,

I highlight two serious gaps in the ICD's initial investigation.”

Paragraph 136.1.

“The first was the unexplained failure by Ms Dlamini to provide the SAPS with a statement of Ms Thandeka Sokhulu, Mr Buthelezi's girlfriend.”

Point 2:

10 “Ms Sokhulu was at home with Mr Buthelezi on the night of 2 September 2009, in the moments before the Cato Manor SVC shot and killed Mr Buthelezi. Ms Sokhulu's statement was taken on the morning of 3 September 2009. According to Ms Sokhulu, the police entered the room where she and Mr Buthelezi were sleeping with their children and pushed Mr Buthelezi into a separate room while his hands were raised. The members then threw a blanket over her
20 so she could not see what happened, when the members shot and killed Mr Buthelezi. She was then physically assaulted by the Cato Manor members.”

Point 3:

“The ICD Investigation diary records that on

September 17 2009, Mr Voster instructed Ms Dlamini to make a copy of Ms Sokhulu's statement after it had been commissioned and make the original available to the police. Ms Dlamini notes the instruction and states that it will be complied with.”

Point 4:

“In fact, when I produced the ICD file, I realised that Ms Dlamini had not provided Ms Sokhulu's statement to the SAPS. As a result, the SAPS report to the senior public prosecutor would not have included this vital piece of evidence.”

ADV RAMOGALE: Sorry, Ms Williams, if you could just stop there. I just want to take you quickly to the investigation diary so that you could inform the Panel whether what you say at 136.3 and 136.4 is what is reflected there in the diary. If you could go to the KwaDukuza docket, which is for the members of the Panel would be KD0140.

MS WILLIAMS: One second. Sorry, Chair, if I can ask that counsel just repeat the KD number for me.

ADV RAMOGALE: KD0140.

MS WILLIAMS: 0140.

ADV RAMOGALE: Yes.

MS WILLIAMS: I am at KD140, yes.

ADV RAMOGALE: Thank you, Ms Williams. Could you just read out what appears at the top of that, what appears to be an investigative journal?

MS WILLIAMS: Yes. On the top there is the CCN number.

ADV RAMOGALE: Yes.

MS WILLIAMS: 2008-090103, and it is page C4 of her investigation diary.

ADV RAMOGALE: Yes. And what is contained there in the contents of the diary, in the middle column?

10 MS WILLIAMS: She makes an entry in the diary and it states:

“There were no other independent witnesses to the incident. Database updated.”

Then she continues:

“I therefore recommend that this file be closed as the shooting appears to be justified.”

And it is signed P Dlamini.

ADV RAMOGALE: And who is Ms P Dlamini?

20 MS WILLIAMS: P Dlamini was a senior investigator attached to ICD-KZN office.

ADV RAMOGALE: And is it Ms P Dlamini that is stating that there were no other independent witnesses to the incident?

MS WILLIAMS: [No audible answer]

ADV RAMOGALE: Ms Williams, can you hear me? You appear frozen on our end. Ms Williams, did you hear what I

just asked?

MS WILLIAMS: Yes. I can hear you clearly.

ADV RAMOGALE: Yes, I was asking whether the note that we see at the top of that page, that there were no other independent witnesses to the incident, database updated, was written by the investigator P Dlamini.

MS WILLIAMS: Yes, it was written by Investigator P Dlamini. It is her handwriting, I recognise that. And it is also her signature.

10 ADV RAMOGALE: And then there is handwriting we see in red. Do you by any chance know who that belongs to?

MS WILLIAMS: Chris Voster.

ADV RAMOGALE: And how do you know this?

MS WILLIAMS: He was my supervisor, became my manager. I know his handwriting. And I also see the CS Voster, and I know that is his signature.

ADV RAMOGALE: Thank you, Ms Williams. And what does your manager C Voster say?

MS WILLIAMS: Chris's response to Phidile would be, it looks
20 like the 8th of the 9, 20, I cannot see the date correctly here. But anyway, it says:

“Ms Dlamini:

Point one, file seen.

Number two, what happened to attending the post-mortem?

Number three, there is insufficient information in this file...”

It looks like something about copy of docket.

ADV RAMOGALE: Is it full copy?

MS WILLIAMS: It looks like it, full copy of docket.

“You need this. Should this statement outstanding...”

It looks like outstanding.

10 “Make a copy of Ms Sokhulu's statement after it has been commissioned and make the original available to the police.”

And then he gives a brought forward date for 15/10/2008.

ADV RAMOGALE: Thank you, Ms Williams. If we could now then go back to your statement at paragraph 136.3. MS

WILLIAMS: I have it in front of me, yes, Chairperson.

ADV RAMOGALE: Would you confirm then what you have written there at 136.3, that Mr Voster instructed Ms Dlamini to make a copy of Ms Sokhulu's statement after it has been commissioned and make the original available to the police?

20 MS WILLIAMS: Yes, I can confirm that, Chairperson.

ADV RAMOGALE: And then you say at 136 that when you perused the file, you realised that Ms Dlamini had not provided Ms Sokhulu's statement to the SAPS.

MS WILLIAMS: That is correct, Chairperson.

ADV RAMOGALE: And why do you think that is?

MS WILLIAMS: All I can say is this was clearly dereliction of duty, because any ICD investigator should know that whatever original statements you have should be filed in their docket. Clearly, crucial evidence was withheld from the docket, Madam Chair.

ADV RAMOGALE: Particularly as we see, Ms Williams, that Ms Dlamini says there were no eyewitnesses.

MS WILLIAMS: Yes, Chairperson.

ADV RAMOGALE: In your view, would this be a material
10 issue?

MS WILLIAMS: Yes, it would be. But at this stage, Madam Chair, you cannot make that assessment because you have not gone back to the scene, you have not gone and established whether this is the truth. So I do not know.

ADV RAMOGALE: Thank you, Ms Williams. If we could continue then at 136.5, please.

CHAIRPERSON: Before you go there, on the very remarks by Mr Voster at point 4, instructing Dlamini to copy the statement of Sokhulu to SAPS, what should we make of that?
20 There is no further recordal by Mr Voster concerning the recommendation by Ms Dlamini that the file should be closed.

MS WILLIAMS: Yes. What happens here is Mr Voster sees that there is a lack of information, so he is not able to make an informed decision. Hence, he is making the entry that he is making here, Chairperson.

CHAIRPERSON: It means the file was not closed?

MS WILLIAMS: No, ma'am, the file was not closed.

MS RAMAGAGA: Mrs Williams, I would like to take you about a page back, or rather to paragraph 135 of your statement. And the purpose of my question is just to find out the importance of centralising certain investigations to one person. You are saying, your last sentence is saying:

“Despite, Mr Ncobo did not allocate these cases to a single investigator who could investigate all of the KTA killings together.”

10

Now, can you inform the Panel about the importance of allocating matters, I will say similar fact or similar incidents, to a single investigator?

MS WILLIAMS: With pleasure, ma'am.

MS RAMAGAGA: Yes.

MS WILLIAMS: Ma'am, this is not rocket science. I would like to start off with that comment. If you have one single investigator, that investigator is able to link, no information will get lost in any of these killings. The investigator will stay on top of everything. In this case, it was not given to one investigator, which does not make sense to me, which means everything is being, I do not know if it is done on purpose, ma'am, so that everything is in disarray. These things are supposed to speak to each other. It is not doing that. So I do not understand why Mr Ncobo made this decision. As a

20

manager, he should have known better, because one person is better. The person understands the facts, ma'am. They know where to look. They will know how to manage this whole investigation, but this clearly is not done. It is given to different investigators. I do not even think the investigators were speaking to each other at this stage. So I do not know why this ever happened. This should never have happened.

MS RAMAGAGA: Yes. The flip side of that question would be, what would be the impact of individual investigators
10 separately doing investigations of these respective members in silos, one not aware of the facts of the other case?

MS WILLIAMS: That is correct, ma'am. And because they are not speaking, they are not sharing information. There is no brainstorming. There is no discussion. So everybody is doing its own investigation, whereas clearly these matters are linked. So they are not sharing information with each other, and then a whole lot of things gets lost in translation. And this is exactly what happened with these matters.

MS RAMAGAGA: Thank you. Maybe just tempting me to ask
20 another question. When you say that is what happened to these cases, are you suggesting that there may have been investigators in the ICD who made their own decisions on the matters, partly based on ignorance of the existence of other matters of similar pattern?

MS WILLIAMS: Ma'am, I will say yes and no. I really need

to think now how to state this. When I got the case for Bongani Mkhize, I was not aware of the other killings, which proves that there was no coordination by ICD management. There was no sharing of information by ICD management. The ICD management, because they knew about this, and it is clear by the data that I discovered at a later stage, they should have alerted these members or they should have had a conversation with these members. I cannot speak for these members, but I think at some stage they must have known, 10 ma'am, because when I was conducting this investigation after a while, I also started discovering about these other KTA killings. So I started asking questions, and obviously that is when the pushback started. But this should have been brought to their attention by ICD management, ma'am, because they knew about the problem. And the reason why I can say that is because Mr Nene, when he called me, I still remember I was in Pretoria at Head Office when he called me about the interdict that Mr Mkhize had, and he was part of the management team at that stage, which tells me that they were 20 aware of this. So I do not know whether the mistake or the blame should be placed on the investigators themselves, but I definitely know that the ICD management should take responsibility for the mess.

MS RAMAGAGA: Do you perhaps know of instances where similar situations would have been handled through a special

task team that would have been formed, or a committee, or would there be an open declaration to the entity that matters that fall within this group should be centralised into the team of a particular person as the lead investigator?

MS WILLIAMS: Yes, ma'am. There is one such incident that I can recall. Mr Chris Voster, when I just shortly arrived in Durban, he was dealing with Durban Metro, Ethekewini Metro complaints, and all of the complaints were given to Mr Voster. They were all linked together, so he had complete control of
10 that investigation. I recall Mr Voster only concentrated on that investigation. His other work, he did not have to do his other work because he had to concentrate on that particular investigation for Ethekewini Municipality. Now we have something else, even more serious than the Ethekewini matter, and the matters are being allocated to different investigators. And for the life of me, ma'am, I do not understand why this is different to what Mr Voster was doing.

MS RAMAGAGA: Thank you, Ms Williams. Thank you, Mr Ramogale.

20 ADV RAMOGALE: Thank you, members of the Panel. Ms Williams, if I could ask you to go back to paragraph 136.5.

MS WILLIAMS: Yes, I have it with me.

ADV RAMOGALE: Thank you. You have already taken us through the investigation diary. Could you just read what is contained at 136.5 until 136.7, please?

MS WILLIAMS: 136.5 says:

“Accordingly, on 1 March 2010, I record in the diary that statement of deceased’s girlfriend was obtained and will be filed in the docket. On 31 May 2010, I further recorded the docket needs to be resubmitted to the DPP. The docket was handed to the SPP for decision without the witness statement. My reference to resubmitting a
10 report to the DPP was an error because the ICD had not yet conducted a full investigation into the matter. The ICD had not yet submitted a report to the DPP. What I meant was that the docket would need to be submitted to the DPP once my investigation was complete.”

Point 6:

“Mr Voster's response did not acknowledge this critical failure by Ms Dlamini. He
20 instructed me to comply with previous instructions and finalise all investigations ASAP.”

Point 7:

“The second gap discussed above was that the case was not linked to the ICD's

investigation in the other KTA matters and the ICD did not alert SAPS or the DPP to the potential connection between these killings. In my entry on 31 May 2009, which I address to Mr John and another ICD investigator, Mr Nene, I stated that the SPP was not informed of all other related shootings.”

ADV RAMOGALE: Thank you, Ms Williams. Just briefly on these two paragraphs. After Mr Voster, we have seen from
10 the investigation diary, directing Ms Dlamini to file the affidavit of Ms Sokhulu and that was not done, as you have said. You now make a note in the investigation diary that this still needs to be submitted, yet he gives you an instruction, according to your evidence, to finalise, and I am quoting from what you have stated, 136.6, finalise all investigations ASAP. What did that mean?

MS WILLIAMS: Mr Voster was not paying attention to what I was saying then. He was not applying his mind. He just says finalise all investigations ASAP. All I can say in relation
20 to the KTA matters, it seems as if ICD management just wanted the KTA thing to disappear as quickly as possible and as quietly as possible.

ADV RAMOGALE: And when he said finalise all investigations ASAP, what did you understand that to mean? Does it mean speed up because there are these urgent

concerns about these matters or does it mean please close your file?

MS WILLIAMS: It means please close your file.

ADV RAMOGALE: Thank you, Ms Williams.

MS RAMAGAGA: And just a minute, and this is the very Mr Voster that you say was once tasked with the work of the Metro, where he was charged with the responsibility of a lead investigator in that matter.

MS WILLIAMS: Yes, ma'am, and it was several matters, the
10 same as the KTA. It was different cases, and he ought to have known.

MS RAMAGAGA: So are you saying you ought to have known because of his experience, his seniority, or what?

MS WILLIAMS: Both experience and seniority, Madam Chair.

MS RAMAGAGA: Thank you.

ADV RAMOGALE: Thank you, Ms Williams. If we could skip over 137, 138, and 139, which you have given evidence on already, and go into the Mandini matter that begins at 140 of your statement.

20 MS WILLIAMS: In the Mandini matter, 140:

“On 16 September 2008, Mr Nzameni Ntuli and Mr Nkosinathi Mthembu were shot and killed by members of the Cato Manor SVC. The ICD investigator assigned to this case was Benedict Nanana. In January 2010, I

reopened the ICD's investigation into this matter. When I perused the SAPS investigation diary and the documents contained in the docket, I identified two critical gaps in the investigation. The first was that the firearms discharged by the Cato Manor SVC members had not been collected and submitted for ballistic analysis and had not been checked against the IBIS database.

10 I contacted the Cato Manor SVC to enquire about the additional firearms involved in the incident that were not collected when the scene was processed. I was informed that Inspector Mostert's firearm will need to be uplifted from SAPS in Rustenburg, as a defendant charged in the shooting that is the subject of the SAPS investigation in Rustenburg, CAS 1098-09-2009.

20 On June 17 2010, I visited the scene at Mandini to locate and interview witnesses. I was informed by the owner of the house where the shooting took place, Lindie Gabi, that she had found a cartridge case and a bullet when she was tidying up after the scene had been processed. She kept the

cartridge case and bullet in a jewellery box. I seized both the case and the bullet as evidence. I also obtained a further statement from Ms Gabi explaining how and when she found the cartridge case and bullet. This is contained in my witness statement 833 in the docket.”

147:

10 “The evidence should have been collected when the LCRC and SAPS processed the scene. The fact that they had not, made me apprehensive that there were other details that may have been missed. In or about 18 June 2010, I obtained the missing firearms from the Rustenburg SAPS. I collected one R5 rifle with serial number 347921, ICD bag 12297, and one Z88 pistol with serial number 219840, ICD bag number 22615, and together with one R5 cartridge and one R5
20 bullet head, ICD bag number 12297. Len John and I requested ballistic analysis of the additional firearms and the additional cartridge cases and bullets. That is in B7 and B8 of the docket in the B clip. As far as I am aware, the results of the further

analysis have not been filed in the docket provided by the NPA.

The second gap in the investigation I uncovered was the failure by SAPS and ICD to interview and obtain the statement of Sandile Gabi, who was at the scene when the shooting took place.”

ADV RAMOGALE: Thank you, Ms Williams.

MS WILLIAMS: Gabi was...

10 ADV RAMOGALE: Yes, I just want to get one comment from you in respect to this matter. This is not the first time that the Panel has heard and certainly has asked whether all the firearms used in an incident were in fact tested, and if not, why they were not tested. Do you have any comment on that in relation to this Mandini matter?

MS WILLIAMS: Ma'am, after discharge of the firearm, if the firearms were not seized on that particular day, like you see in the Durban Central matter, then as soon as possible, hand in. But the standard practice and the better practice would
20 be, take the firearm at the scene. In this case, the firearm was collected by me more than a year, I think, after this incident, and this should have been something that should have been prioritised. It should have been happening right in the beginning.

ADV RAMOGALE: When a firearm with a police officer

involved in a shooting is collected a year after the incident, what does that do to the quality of the investigation being done, either by SAPS itself or the ICD?

MS WILLIAMS: Ma'am, there is something else that can happen here. A firearm has different parts. I think the best person to explain this would be Colonel Mangena, our ballistic expert, because I do not have expertise on this, but I think maybe somebody else should explain this. But there can be a switching of certain parts, and when a firearm is
10 discharged, it leaves a certain trace. It is almost like a fingerprint, ma'am, that it comes in contact with. But I think in this respect, it is better that an expert come and testify on this specific regard, because that firearm, the different parts can be switched, ma'am, and then you do not know. Evidence, crucial evidence can get lost, because you can change two different firearms, you can change that. But like I say, let an expert come and explain that, because I am not good at explaining the ballistics part of things. Let them come and explain. I think they will understand what it is that
20 I am trying to tell the Panel. So that is why, as soon as possible, get hold of that firearm so that you do not give them an opportunity to do so. And my advice would be, and something that I sometimes also slip up, and I am not scared to admit that, the firearm should actually be collected right from the start, so that there is no tampering of evidence.

ADV RAMOGALE: Thank you, Ms Williams.

MS RAMAGAGA: May I just follow up on that question? Mrs Williams, is there a duty on police officers to report the discharge of firearms if at some point or another his or her firearm is discharged?

MS WILLIAMS: Yes, I believe, ma'am, there is such a thing.

MS RAMAGAGA: But do you know whether they are duty-bound, or do you just suspect that they are duty-bound to report, or information can be obtained in due course to
10 establish as to whether they are duty-bound?

MS WILLIAMS: No, I believe that they are duty-bound, ma'am. Every discharge of a firearm should be known.

MS RAMAGAGA: And this firearm that you retrieved from Rustenburg, remind us whose firearm was it?

MS WILLIAMS: Inspector Mostert, and there was a second firearm. I see that I do not make mention, but obviously this firearm would have belonged to another member that was shooting at Mandini and had now also been involved in the shooting at Rustenburg.

20 MS RAMAGAGA: Did you find time to interview Inspector Mostert about the discharge of his firearm?

MS WILLIAMS: No, ma'am, it was not necessary for me to do so. I already knew because I was checking the information that I had in the docket, and I knew it was his firearm. I did call and ask where the firearm was. I was then informed the

firearm was in Rustenburg. So with the information I had, I went and I collected that firearm, and I brought it back to Durban.

MS RAMAGAGA: Thank you, Ms Williams. You may proceed.

MS WILLIAMS: You are welcome, ma'am.

ADV BALOYI-MERE SC: Ms Williams, how soon is a firearm collected from a police officer after it has been discharged and especially where a person has been killed?

10 MS WILLIAMS: Ma'am, it should be immediately. That is actually supposed to be the rule. Sometimes you can collect two or three days after that, but it should not be left too late, ma'am, because you need to get your ballistics done. The testing and everything needs to be sorted out as soon as possible.

ADV BALOYI-MERE SC: A follow-up question. We have... It has been testified before this Panel that we have members of the Cato Manor Unit being involved in multiple shootings in different incidences. Now, that begs the question. Maybe
20 I might ask this from a naive point of view. Maybe one, after the firearm has been collected, is the officer issued another firearm, or what happened in these instances is that firearms were not collected and they were used in a number of shootings. Which one would that be? Would it be that once you collect a firearm, they are issued with another firearm, or

the firearms were never collected? They went around shooting people with the same firearm that was used, say, in the first shooting incidents?

MS WILLIAMS: Yes, I understand, ma'am. What happens is you now seize this as an exhibit. Obviously, the police officer now has to be issued with a different firearm. This firearm should then be tested, and it should be received and then taken to ballistics, and the ballistics will then test the firearm. Thereafter, the firearm ...[intervenes]

10 ADV BALOYI-MERE SC: Sorry, do I understand you to say after a firearm is seized, the police officer is issued with another firearm?

MS WILLIAMS: Yes, ma'am, because he still has to go and conduct his official duties. So if he is going to go out, another firearm will then be, would I say, borrowed, for the lack of a better word, to him until his firearm... There is this thing called... Okay, I am not going to say the SAP word, ma'am, because I do not know if I am allowed to do that in this forum, but you get like a firearm that is allocated to you in the police,
20 and if that firearm is now sent to ballistics, then you still have to do your duties. You still need to use a firearm. Then another loan firearm, for the lack of a better word, is then issued to you until your firearm is then back and can then be returned to you.

ADV BALOYI-MERE SC: So if it happens over and over and

over again, you will keep on being issued with firearms and you keep on going and shooting people, though the one is seized and the other one is issued. So it is an ongoing practice or process.

MS WILLIAMS: Yes, ma'am, because it does not stop the killing, because there is firearms still available for that.

ADV BALOYI-MERE SC: You previously, I think right at the beginning of your testimony, when you attended the scene of Mr Mkhize's shooting, you said to this Panel that where a
10 police officer has discharged their firearm and shot at a person, the police officers are not allowed to linger around the scene because they are regarded as suspects. And now we have this police officer who is regarded as a suspect, if we follow your version. A police officer who is regarded as a suspect and they have their firearm seized. What happened to them? Do they report to work the following day and get another firearm and carry on with their duties as if nothing has happened, while the other firearm that was used is being tested and they may go on again on a shooting spree?

20 MS WILLIAMS: Yes, ma'am. Unfortunately, that is how it is.

CHAIRPERSON: Madam Williams, paragraph 150 of your statement.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: If you can just clarify this for me. You are right.

“As far as I am aware, the results of that further analysis have not been filed in the docket provided by the NPA.”

This is the analysis, the ballistic analysis, in relation to Mr Mostert's firearm that was left in Rustenburg. Not only his, but apparently also the pistols and the other exhibits. But you say there:

“...the further analysis have not been filed in docket provided by the NPA.”

10 What I want to ascertain from you is whether it was the responsibility of the NPA to file or cause such a ballistic analysis to be included in the docket or of the SAPS itself.

MS WILLIAMS: No, ma'am. When the result is received, whoever the investigating officer is, they would then have that information and they would put that in the docket. So whatever copies you get from the NPA or from whoever, this is now after this investigation, that should have been, but I

think the point that I am trying to make here is that the results of that analysis, because it has been sent to ballistics, and I
20 know that I took that, should be included in everything else. And it appears that it is not there.

CHAIRPERSON: Yes, but what I want to know is who would have been responsible to ensure that the additional analysis is in the docket?

MS WILLIAMS: That would have been me, ma'am. And I

would have filed that in the docket because I would have received the ballistic. The only thing that just bothers me is why is that not included into the docket because I would have received that from ballistics and knowing myself, when I get a report, I always file and there would always be an investigation diary entry made in that.

CHAIRPERSON: But did you, as a matter of fact, include that in the docket as the investigating officer?

MS WILLIAMS: Ma'am, I cannot state that as a fact. I am
10 just speculating now, just knowing how I operate, that when I look at the time, I would have received that. I think I would have received that report from Amanzimtoti because I would have taken the firearms to Amanzimtoti.

CHAIRPERSON: See, that is why I have a problem with the statement because it presupposes that the NPA is at fault by providing or by filing the docket without that further analysis. That is why I am trying to ascertain, in the first place...

MS WILLIAMS: Sorry, ma'am...

CHAIRPERSON: Listen to me.

20 MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: I am trying to ascertain who ought to have ensured in the first place that that additional analysis is in the docket. And you say it is yourself, correct?

MS WILLIAMS: That is correct, yes, ma'am.

CHAIRPERSON: And I am trying to find out from you whether

you did, as a matter of fact, include such an analysis in the docket as the investigating officer. And then you are speculating. Am I correct?

MS WILLIAMS: Yes, ma'am. I think the only way to answer that, ma'am, is I will have to need to check the docket again to say that this is an error on my part. I take responsibility for that. But I would have to check the docket and I would have to check against the entries in the investigation diary.

CHAIRPERSON: And when will we know? When will you do
10 your search and revert back to us about this aspect?

MS WILLIAMS: Yes, ma'am. As soon as we get a break, I will just make sure that I reach out and I will just ask that they check for me what the investigation diary says because there should be a corresponding, in the A-clip there should be correspondence there that I would have filed. But I will have that checked out for you.

CHAIRPERSON: Yes, thank you very much for that.

ADV RAMOGALE: Chair, if I could assist on that front. Ms Williams, and you could certainly do this perhaps over the
20 lunch break to assist the Panel, the request that you made for the ballistics that you referred to in this paragraph appear at MD00217.

MS WILLIAMS: 00?

ADV RAMOGALE: 217.

MS WILLIAMS: 217. I will check that, thank you.

ADV RAMOGALE: Yes, and it is dated the 20th of May 2010, that request. And then there is a follow-up of the same request, MD0216, 00216.

MS WILLIAMS: Yes?

CHAIRPERSON: Counsel, counsel? Let us get a sequence correct. The request is in relation to paragraph 149 of the witness statement.

ADV RAMOGALE: Yes, yes, Madam Chair.

CHAIRPERSON: Yes, you can then take it from there.

10 ADV RAMOGALE: Thank you, Madam Chair. So, Ms Williams, in relation to the ballistic analysis that you had requested with Mr Len John, I have given you the first reference, which is MD00217.

CHAIRPERSON: MD?

ADV RAMOGALE: MD, my apologies. Yes, MD00217. And then the second one, similarly, MD00216, and that request is dated the 22nd of June 2010. And then if you could compare that with your diary entry.

CHAIRPERSON: What is the date of the first MD, MD00217?

20 ADV RAMOGALE: 20 May 2010, Madam Chair.

CHAIRPERSON: Yes, proceed.

ADV RAMOGALE: And then the last thing I would like to point you to is your investigation diary in relation to the ballistic analysis, and you will find that at MD00255.

MS WILLIAMS: Thank you very much, Madam Chair.

CHAIRPERSON: You bring this to our attention with a view to assist the witness where to find the information.

MS WILLIAMS: Indeed, Madam Chair, yes.

CHAIRPERSON: Do you understand that, Ms Williams?

MS WILLIAMS: Yes, indeed, Madam Chair.

CHAIRPERSON: This assistance is with a view to answer the question that I asked you in relation to paragraph 150 of your statement.

MS WILLIAMS: Yes, ma'am, I understand that.

10 CHAIRPERSON: Yes, thank you.

ADV RAMOGALE: Thank you, Chair. If I could then move on to the next matter, Ms Williams, which is the KwaMashu matter at paragraphs 152 to 154. If you could read that, please.

MS WILLIAMS: I will read as follows.

20 “On 16 September 2008, Mr Prince Sakhile Thabete was shot and killed by the members of the Cato Manor SVC. The scene of the incident was attended to by ICD investigators Radwan Hafjee and Jenno [?] Singh. For reasons unknown to me, the case was nevertheless allocated to me and I became the lead investigator. I concluded after the investigation that the police action in this case was unjustified. I submitted a

memorandum to the DPP and recommended that the relevant members be charged with murder.”

ADV RAMOGALE: In relation to this matter, Ms Williams, just very briefly, could you inform the Panel why it is that you reached the conclusion that the police action in this case was unjustified?

MS WILLIAMS: First of all, Madam Chair, I got a statement from the girlfriend of the deceased that was present at the house when the incident took place. She was taken out of the room. She told me that the man was not armed and the next thing she knows, the man was killed. That is point number one. Point number two, as far as I can remember in my investigation, when I received the ballistic report back from the Ballistics Unit and I read the ballistic report, I noticed that the firing pin in this firearm was defective. It was not working. When this happens, and again, a ballistic expert is better to come and explain this, but as far as I am concerned, if the firing pin is not working, that firearm will not fire a shot. So based on that, I submitted my memorandum to the DPP and I recommended that the relevant members be charged with murder.

ADV RAMOGALE: And do you know who the DPP, on the day you submitted your memorandum, was?

MS WILLIAMS: I have no idea who that was, Madam Chair.

ADV RAMOGALE: And do you recall what the DPP's office did with the memorandum that you submitted? What decision, if any, they made?

MS WILLIAMS: Yes, declined to prosecute.

ADV RAMOGALE: Thank you, Ms Williams. If we could then, oh, I am sorry.

CHAIRPERSON: Before that, the NDPP declining to prosecute, was it in the form of a document?

MS WILLIAMS: Ma'am, I cannot recall if it was in the form
10 of a document, but I do know that on the front of, on the face
of the docket, there was such an inscription. However, I
cannot say for certain if there was a recording. I suppose
there should have been some recording that came with, a
letter that came with the docket from the DPP to say that the
matter was declined to prosecute. But there was some form
of record on that docket.

CHAIRPERSON: Are you in a position to give us a date when
you prepared your memorandum, wherein conclusions were
made? That may give us a sense of the time and the year in
20 which you presented that memorandum.

MS WILLIAMS: The only way to establish that is also to call
the KZN office yet again, speak to the person that will be able
to give you that information. I normally go to Mr Len John,
because I trust him. He will then be able to check on the ICD
database for this, and he will be able to get that information

from the database.

CHAIRPERSON: I ask because once we have the date, we will probably be in a position to ascertain who the DPP was this particular year. Do you understand?

MS WILLIAMS: Yes, ma'am. Yes, ma'am, I understand. I am just thinking. I do not think I would be the relevant person then to contact Mr Len John. If you can just advise on to how this is supposed to happen, Madam Chair?

CHAIRPERSON: Yes, thank you, Counsel.

10 ADV RAMOGALE: Thank you, Chair. Ms Williams, we will take that up and try and ascertain the relevant information.

MS WILLIAMS: Thank you so much, Madam Chair.

ADV RAMOGALE: You have already given evidence on paragraphs 155, 156 and 157, so we can skip over those and then move on to the Umlazi matter at 158. But just a second, please. Do you have that, Ms Williams, 158 of your statement?

MS WILLIAMS: Yes, I have it right in front of me, Madam Chair.

20 ADV RAMOGALE: You are familiar with this particular matter?

MS WILLIAMS: Yes, I actually read on this when I heard about this. I was actually curious to see what it was.

ADV RAMOGALE: Yes. Could I just invite you, your version is given here from paragraphs 158 all the way to 167, to

explain to the Panel the affidavit that you gave in this particular matter and how you got there.

MS WILLIAMS: I read as follows at 158.

“I understand that in the course of the testimony of Captain Chris Mangena, the Panel was referred to a statement I made in the Umlazi CAS 585/1...”

I think the year is incorrect, ma'am;

“...In which the statement, which is dated 9 February 2009, I state...”

10

CHAIRPERSON: Correct year? You say the year is incorrect. What is the correct year?

MS WILLIAMS: I think it should be 2009, if my memory is correct.

CHAIRPERSON: CAS 585/01/2009, you say?

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: You can proceed.

ADV RAMOGALE: Madam Chair, it is 2011, not 2022.

CHAIRPERSON: It is Umlazi CAS 585/01/2011.

20 ADV RAMOGALE: 2011, yes, ma'am.

CHAIRPERSON: Is that correct, Ms Williams?

MS WILLIAMS: That is correct, yes, ma'am.

“On the 21st day of January 2011, I attended a shooting scene at S Section in Umlazi, where SAPS members fatally wounded a

suspect after he fired shots at the police. The mother of the deceased was interviewed and she submitted a statement and informed us that her son had indeed come home with money, but he did not provide her with an explanation of where he received it, but only that it was his salary from his new job. She also informed us that her son had a firearm. There were no witnesses traced at the scene that dispute the SAPS version. Specific

10

attention was drawn to the underlying statement and it was noted that there are statements in the SAPS docket by two eyewitnesses, Mr Soka Petrus Mhlongo and Mr Ndaba Mhlongo that disputed the SAPS version, A14 and A15 in the docket. I do not have any independent recollection of being on the scene or making the statement.

20

According to the ICD report, the scene was attended by ICD investigators, Ms Mpanza, Mr Cedric Nkabinde and myself. I believe that the case was assigned to Mr Nkabinde as lead investigator. As I have explained, the standard practice is for two ICD investigators to attend at the scene of a

death caused by police action. After the site inspection is completed, the ICD allocation panel would appoint one of the investigators as the lead investigator. He or she would then carry out the investigation to completion.

10 When I was the second investigator, I would generally file a statement in the docket regarding the site inspection. It appears that I did file a statement in the docket as I normally would. I do not remember why I stated that there were no witnesses traced at the scene that could dispute the SAPS version. However, I do know how I conducted investigation and scene inspections. If there were eyewitnesses, I searched them out. I did not ignore witnesses or omit mentioning witnesses in my reports. I have absolutely no reason to do so.

20 The statements of Mr Soka Mhlongo is dated 16 July 2012 and the statement of Mr Ndaba Mhlongo is dated 30 May 2012. They were therefore made more than three years after the incident, indicating that they were not

interviewed by SAPS or Ms Mpanza in the aftermath of the incident in 2009. When I read the statements, I noted that Mr Ndaba Mhlongo states:

“Myself and Soka were taken out of the house. We were ordered to stand up and told to run away. We were not sure, and a black policeman told us to run away.

10

Shots were fired in the air to scare us. We were away for more than two to three hours. When we came back, the body of my brother was removed already.”

If both witnesses fled the scene in fear for their lives and only returned to the scene once it had already been processed, I would have left the scene by then. That may be why I did not encounter them.

20

I have no recollection of interviewing the mother, Ms Babongile Dlamini. It appears that the statement was taken at 3.40 on 21 May 2011 by members of SAPS. I do believe that if she had mentioned that there were other witnesses, I would have sought them

out and recorded this in my statement. It may be that she did not mention the two witnesses because she was in shock or did not want to tell me where they were because they had been threatened by the police, or she did not know that they had witnessed the shooting.

10 In my experience, members of the public were not always aware of the difference between ICD and the police. If witnesses felt intimidated by the police, they could be reluctant to speak to ICD investigators. Because I was not assigned to this case, I would not have returned to the scene at a later date to look for further witnesses.”

ADV RAMOGALE: Now, Ms Williams, just before I ask you a few questions on this, there is a few things I'd like to clarify with you. Starting with paragraph 163, you state there that the statements of Mr Soka Mhlongo is dated 16 July 2012, 20 and the statement of Mr Ndaba Mhlongo is dated 30 May 2012. Is that correct?

MS WILLIAMS: That is correct, yes.

ADV RAMOGALE: And then you say they were made more than three years after the incident, indicating they were not interviewed by SAPS or Ms Mpanza in the aftermath of the

incident in 2009.

MS WILLIAMS: Yes, that is correct.

ADV RAMOGALE: Now, you have just corrected us on the date of the incident, which you say is, or the case number, which you say ends with 2011. And if you recall from paragraph 158 of your statement, it is quoted there that on the... I am not sure if it is the 12th or the 21st day of January 2011, I attended a shooting. Now, that date there, that the incident took place in 2009 and that it was more than three
10 years after the incident, is that correct?

MS WILLIAMS: That is correct, yes, Chairperson.

ADV RAMOGALE: How would that be?

MS WILLIAMS: Obviously, the way I see this, the witnesses did not come forward at that stage of the investigation. They were only traced ...[intervenes]

ADV RAMOGALE: Ms Williams, I am sorry to interrupt you. I am asking a different question.

MS WILLIAMS: Sorry.

ADV RAMOGALE: If you go back to paragraph 158 of your
20 statement...

MS WILLIAMS: Mmm-mmm?

ADV RAMOGALE: ...and you reflect on the date in which you state what happened, what was the day of the incident, it says here it was on the 21st day of January or the 12th day of January 2011. And in 163, you say that the statements were

taken in July 2012, respectively. I mean, May 2012 and July 2012, respectively. What I am asking is, how is it possible that it was three years after, when the incident took place in 2011, according to your statement?

MS WILLIAMS: It is possible that this could have been taken afterwards because the witnesses only... were only located in the stage and they were not located after the incident and they were only traced two or three years after the incident.

ADV RAMOGALE: Yes, and I accept that it is possible to
10 take witness statements after the fact. What I am asking is whether the date of the incident as reflected in that paragraph 163 is correct. Really, what I am asking is whether it is an error or whether you are certain that this incident took place more than three years after the fact.

MS WILLIAMS: Yes, I am very sure that it took place prior to this fact. Yes, I am very sure about that.

ADV RAMOGALE: Yes, but is it 2009 or is it 2011?

MS WILLIAMS: I am not sure. I think this is a typo, it is a typing error, Chairperson.

20 ADV RAMOGALE: Right.

MS WILLIAMS: I do not have the docket in front of me so I think maybe we should just go back because even when it says on the one 121, I think it is supposed to be the 21st day, so maybe if we can just go back to the docket, Madam Chair, so as not to create confusion.

ADV RAMOGALE: Well, if we go with the case number, which you have told us is now 2011 and not 2022, and we go with January 2011 in paragraph 158 of your statement, which year would you say this incident took place in?

MS WILLIAMS: 2011.

ADV RAMOGALE: Right.

MS WILLIAMS: It took place in 2011, yes.

ADV RAMOGALE: Now, if it took place in 2011, is it correct at 163 that the statements were made more than three years
10 after the incident? That is what I am asking about.

MS WILLIAMS: It is not even three years. Sorry, Madam, there should be a correction there. It is a year after the incident took place.

ADV RAMOGALE: Right. So, and then if we continue on in that sentence, you say, indicating that they were not interviewed by SAPS or Ms Mpanza in the aftermath of the incident in 2009. Is 2009 an error or is that correct?

MS WILLIAMS: It is an error. It is an error. It is supposed to be 2011.

20 ADV RAMOGALE: Right, okay. And then at 166, you say, I have no recollection of interviewing the mother, Ms Babongile Dlamini. It appears that her statement was taken at 3.40 on the 21st of May 2010. Is 2010 there correct?

MS WILLIAMS: 2011.

ADV RAMOGALE: 2011.

MS WILLIAMS: Yes.

ADV RAMOGALE: Thank you, Ms Williams. Are there any other errors that you may have picked up in the statement? There is one other in 158 in which you stated that in the, I understand that in the course of the testimony of Lieutenant Colonel Mangena, although it says Chris, Captain Mangena, the Panel was referred to a statement I made in Umlazi CAS et cetera, and you have corrected the number there. In the statement, which is dated 9 February 2009, I do not think that
10 date is correct.

MS WILLIAMS: Ja, it could not have been. It would have been... Ma'am, if I can just see that statement, because I know that I saw it, and this is a typing error. I think all the dates in here is incorrect.

ADV RAMOGALE: Well, to assist you, I will tell you where that statement is in Umlazi, and I see how that error crept up in the statement. A moment, please, members of the Panel, Chairperson.

CHAIRPERSON: Yes, you may.

20 ADV RAMOGALE: Ms Williams, we will provide you with a copy of this if you do not have it, but it is the A4 to the statement, or to the docket, rather, and it reads at the foot of that page, or that statement, that your statement was taken in Durban at 2011-02-09. So certainly speaking for myself, I could see how the 9 February 2009 crept up in there. Could

you just confirm the year in which the statement would have been taken?

MS WILLIAMS: If I said in that statement, ma'am ...[intervenes]

CHAIRPERSON: Should you not take her to that very document, you are speaking to the witness but you do not know where you are.

ADV RAMOGALE: Apologies, Madam Chair.

CHAIRPERSON: Because the idea of referring to that
10 document was to assist the witness to go and look at the docket. You have to let the witness speak, and not you. What I think we can do, also in respect of the other matter pertaining to MD00127, the witness was going to look at the docket and said she will revert. Just bear that in mind. And also with regard to this aspect, the dates pertaining to Umlazi CAS 585/01/2011, the witness will look at the docket.

ADV RAMOGALE: Yes.

CHAIRPERSON: As you correct the dates, look at also your index to your statement. It can confuse the reader. At page
20 44, regarding Umlazi CAS 585/01/22, that has to be corrected as well.

MS WILLIAMS: Yes, Madam Chair.

CHAIRPERSON: I think it is an appropriate time to take a lunch break, Ms Williams.

MS WILLIAMS: Yes, Madam Chair.

CHAIRPERSON: You are under oath, and we will reconvene an hour later at about quarter past two.

MS WILLIAMS: Thank you, Madam Chair.

CHAIRPERSON: We adjourn.

ENQUIRY ADJOURNS

ENQUIRY RESUMES

CHAIRPERSON: Good afternoon all. Good afternoon, Advocate Chauke. Good afternoon, Madam Williams.

MS WILLIAMS: Good afternoon, Madam Chair.

10 CHAIRPERSON: You continue to be under oath, Madam.

MS WILLIAMS: I understand that, Chairperson.

SHAMILA HENRIETTA WILLIAMS (still under oath)

CHAIRPERSON: Thank you. You may proceed, Counsel.

ADV RAMOGALE: Thank you, Chair. Ms Williams, have you managed to find the statement that is referred to in paragraph 158 of your statement, the affidavit, rather.

MS WILLIAMS: Yes, I did, Chairperson.

ADV RAMOGALE: Could you then assist the enquiry in understanding whether the dates that are reflected in
20 paragraph 158 and 163 are correct?

MS WILLIAMS: The dates reflected on here, there needs to be a correction, Chairperson, if I may.

CHAIRPERSON: Yes, ma'am.

MS WILLIAMS: Okay. It is Umlazi CAS 585/1/2011 and it should read the 21st of January 2011, I attended a shooting

scene.

CHAIRPERSON: Yes, sorry.

ADV RAMOGALE: Through you, Chair, if I could ask Ms Williams where exactly we should be making these corrections.

CHAIRPERSON: Yes.

MS WILLIAMS: Apologies for that. It is on paragraph 158, Chairperson.

ADV RAMOGALE: And what is the first correction you
10 pointed us to?

MS WILLIAMS: [Indistinct]...

ADV RAMOGALE: Yes.

MS WILLIAMS: At the top, Umlazi CAS 585/1/2011.

ADV RAMOGALE: Yes.

MS WILLIAMS: And then at 158, when you come to the Umlazi CAS part again, then obviously we know it is Umlazi CAS 585/1/2011.

ADV RAMOGALE: Yes.

MS WILLIAMS: The next sentence in the statement, which
20 you dated 9 February 2011.

ADV RAMOGALE: Yes.

MS WILLIAMS: And then the next sentence, on the 21st day of January 2011.

CHAIRPERSON: Is that the quoted passage?

MS WILLIAMS: Yes, ma'am, the quoted passage.

CHAIRPERSON: It reads like that?

MS WILLIAMS: Yes, on the 21st day of January.

CHAIRPERSON: 21st day, not 1 2 1?

MS WILLIAMS: No, ma'am, the 21st day of January.

CHAIRPERSON: Yes, thank you, corrected.

MS WILLIAMS: And then when we move over to 163.

ADV RAMOGALE: Yes.

MS WILLIAMS: The statement is dated 16 July 2012.

ADV RAMOGALE: Yes.

10 **MS WILLIAMS:** [Indistinct]... is dated 30 May 2012.

ADV RAMOGALE: Yes.

MS WILLIAMS: And then there is another date that needs to be corrected. It is the next sentence.

ADV RAMOGALE: Yes.

MS WILLIAMS: And that would be Mr Mpanza in the aftermath of the incident in 2011, say 2011.

ADV RAMOGALE: Thank you, Ms Williams. And then are there any further corrections?

MS WILLIAMS: Yes, on 166, Chairperson.

20 **ADV RAMOGALE:** Yes.

MS WILLIAMS: The second sentence, it appears that the statement was taken at 3:40 on 20, 21, no. It is 2011, ma'am. It is 2011. And the date of the statement that was taken ...[intervenes].

CHAIRPERSON: Are you at paragraph 166?

MS WILLIAMS: That is correct, yes, ma'am.

CHAIRPERSON: May 2011.

MS WILLIAMS: Ma'am, that is also an error. The date I need to correct. The time is correct.

CHAIRPERSON: What are you correcting there?

MS WILLIAMS: I am saying the date on which the statement was taken.

CHAIRPERSON: What is the correct date?

MS WILLIAMS: It should actually read, ma'am, on the 21st
10 day of January 2011.

CHAIRPERSON: Proceed, Counsel.

ADV RAMOGALE: Thank you, Chair. Ms Williams, with all of these corrections that we have now noted, what is it that you would like to say to the panel about the statements that you have given at, that you have quoted, at least, at paragraph 158?

MS WILLIAMS: Chairperson, I read the statement, and I say here that the statement, the mother of the deceased has been interviewed and has submitted the statement and in the
20 statement, she says, she informs us that her son had indeed come home with money. What I see is, obviously, even though I cannot recall this incident, obviously, I must have been present when the statement was taken by the police member that was at the scene. Obviously, I would have recorded this information, and then I would have put it in a

statement.

ADV RAMOGALE: Yes, Ms Williams, what I am really asking about is the second part of that statement, in which, or at least the last sentence, where you state that:

“There were no witnesses traced at the scene that could dispute the SAPS version.”

MS WILLIAMS: Yes.

ADV RAMOGALE: You have already read to us 159, 160,
10 161, and 162. And then we saw all the areas that, we were at 163, where you give an account. Could you assist us with clarifying the position that you had taken in that affidavit in view of what you say in 163, 64, and 165?

MS WILLIAMS: Yes, ma'am. Madam Chair, what I can see is, I must have obviously made enquiries at the scene and at that stage, as I had made enquiries, there was no witnesses available. There was no name submitted. And I would have asked around to ask if there were any witnesses at the scene. If not myself, my other two colleagues that were there as
20 backup, and we were supposed to support each other, would have also been canvassing, looking for any witnesses at the scene.

ADV BALOYI-MERE SC: Ms Williams, you seem to remember a whole lot of cases that you dealt with, and you remember the details. But on this one, you say to us that you

do not remember a thing. Can you assist us, what happened? Why would you not remember anything if you were involved in this matter, or is it because you wrote a statement and decided that there is no one that can dispute the version when actually there was two witnesses? Can you please assist us and take us into your confidence, why is it that you remember a whole lot of things, but not this particular case?

MS WILLIAMS: Ma'am, firstly, this matter was not assigned to me. If it would have been assigned to me, obviously, I
10 would have gone back to the scene. This matter was assigned to Cedric Nkabinde. So I would not have had any more contact regarding this matter. The other matters I refer to is stuff that was quite significant, especially in the beginning of when I just came to Cato Manor and I saw these things. This matter, I really cannot recall and I would say it is because of my limited engagement with this matter, ma'am.

ADV BALOYI-MERE SC: Now, if you do not recall being engaged in this matter, what should we make in what you say in the following paragraphs, because you say you do not
20 remember this ...[intervenes].

MS WILLIAMS: Yes, ma'am.

ADV BALOYI-MERE SC: But then you go on to talk about the other statements and the fact that they were taken three years after the incident and so on and so forth.

MS WILLIAMS: Yes, ma'am. The reason I mentioned that

is because I only became aware of those two statements a week ago. So I did not even know about this and also when the task team, I assume it was the task team, I do not know who it is, but I think it was the task team that came and must have taken these statements, ma'am, when there was this thing of the Sunday Times thing that came in the newspapers. I had no idea what was happening in the case. Like I said, I was not assigned the matter. These witnesses, as I can read here, it said they were traced a year after the incident. So I
10 would not have had any contact with the investigating officer. I would have no reason to contact him because the matter was not allocated to me.

ADV BALOYI-MERE SC: So should we accept that what you are saying from paragraph 163 going forward, where you are talking about Mr ...[indistinct] Mhlongo's statement, Mr Ndaba Mhlongo, and about the interviewing of the mother, should we accept that those are, that is the information that you gleaned in your, during maybe your consultation with your legal representatives and you read from the files, but you do not
20 have firsthand, you did not participate in this investigation.

MS WILLIAMS: Yes, ma'am, I did not participate in this investigation, that is why I do not remember the facts. I cannot even remember attending the scene in this matter, but clearly I was there.

ADV BALOYI-MERE SC: Thank you.

MS WILLIAMS: You are welcome.

MS RAMAGAGA: No, no, I will come in if you are going to the next topic. Are you going ...[intervenes].

ADV RAMOGALE: Indeed, I am, yes.

MS RAMAGAGA: Okay, thank you. Mrs Williams, in paragraph 160 of your affidavit or statement, you state that the people that were allocated to attend to this matter of Umlazi were yourself, Ms Mpanza and Mr Cedric Nkabinde. And in the next paragraph, 161, you say the standard practice
10 was for two ICD investigators to attend to the scene of a death caused by police action. Are you able to explain as to why in this particular case, three investigators were invited or directed to attend the crime scene?

MS WILLIAMS: Yes, ma'am, that is easy to explain. We were three and all three of us were on standby. Normally it would only have been two of us, but at that stage there was the three of us. So all three members that were placed on standby would then attend any scene that we got.

MS RAMAGAGA: So actually it will depend on
20 circumstances. Ordinarily it would be two people, but depending on circumstances, it can be more.

MS WILLIAMS: Yes, ma'am, that is correct.

MS RAMAGAGA: Okay, thank you. Then let us go to the next paragraph. Paragraph 161 is talking about the investigation panel and I had like to ask about that. And I am

asking this bearing in mind that you have explained to us the risk or the danger of treating cases with similar facts or similar incidents apart and separate from each other. So can you just enlighten us about the investigation panel, is it correct that the investigation panel is the one that would allocate each and every case, or what is the position?

ADV RAMOGALE: Yes, ma'am, they are tasked with allocating each and every case that come in. They read the file and then they decide who the next investigator is that the
10 case will be assigned to.

MS RAMAGAGA: Now, would the panel work jointly when they allocate the cases, or do they work independently to allocate the cases?

MS WILLIAMS: According to my knowledge, they worked together, ma'am, not independently.

MS RAMAGAGA: And if they did work together, then they would be aware of the connection among several cases.

MS WILLIAMS: Yes, ma'am, that is indeed what I am saying.

MS RAMAGAGA: Thank you.

20 **MS WILLIAMS:** You are welcome.

CHAIRPERSON: Before Counsel proceed to the next topic, in paragraph 163, following the correction of the dates in that paragraph, would you like to reconsider and retract your earlier evidence that the statement of Mr Ndaba Mhlongo was made three years after the incident? I know you mentioned

something to that effect earlier when Counsel asked you, but I had like you to restate what you said, if you wish, or correct it, because now the dates have been corrected finally.

MS WILLIAMS: Yes, ma'am, I would like to make a correction. It should read one year after the incident.

CHAIRPERSON: Thank you, madam. Advocate Ramogale, you may proceed.

ADV RAMOGALE: Thank you, Chair. Ms Williams, just before we move towards the next topic, you recall just before
10 the lunch break that the Chair had asked you about the ballistics and what happened to the request that you had made. If I could direct you to paragraphs 149 and 150 of your statement.

MS WILLIAMS: One second. 149?

ADV RAMOGALE: Yes.

MS WILLIAMS: I have 149, yes.

ADV RAMOGALE: And I had given you references in the docket to various documents in there, three documents. Do you recall that?

20 **MS WILLIAMS:** Yes, I do.

ADV RAMOGALE: In view of that now, what is your answer to the Chairperson's question about whose responsibility it was to file the report of the ballistic analysis?

MS WILLIAMS: Ma'am, I actually found there, it should not be reading at 150, ma'am, if we can make that correction.

CHAIRPERSON: A point was raised, Counsel, with regard to paragraph 150.

ADV RAMOGALE: Yes, Chair.

CHAIRPERSON: Would you like me to ask the question again or you remember?

MS WILLIAMS: Yes, ma'am, I remember. The analysis had not been filed in the docket. It was supposed to be provided by the Ballistics unit, ma'am, not the NPA. That was an error from my part.

10 **CHAIRPERSON:** Just explain to me, how does it happen, when an expert files a report, and I stand to be corrected, that report will be handed to the investigating officer, am I correct?

MS WILLIAMS: You are correct, Madam Chair.

CHAIRPERSON: And the expert report will then find its way into the docket through the investigating officer, correct?

MS WILLIAMS: That is correct, ma'am. Upon receipt, you file it in the docket and then you also make a corresponding entry in the investigation diary.

20 **CHAIRPERSON:** So, should the filing then not with regard to paragraph 150 have been done by the investigating officer, not even the Ballistics ...[intervenes].

MS WILLIAMS: Yes, ma'am, the - apologies for that. Yes, ma'am. I should have received, but at this stage, I did not receive it yet, even though the request has been made. My

entry says specifically that I was awaiting the report from the Ballistics. So, the entry on that day is correct. I did not have the entry, the Ballistics report back.

CHAIRPERSON: Yes.

MS WILLIAMS: And just to explain, the reason I made that is because I wanted to send the docket to the DPP, but I could not send the docket to the DPP without the Ballistic report.

CHAIRPERSON: Yes. So, paragraph 150 should be corrected to say that the results of that further analysis, and
10 I am asking you, I am not putting words into your mouth, correct me if I am wrong.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: The results of that further analysis did not find its way into the docket because I had not received the Ballistics report as an investigating officer.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: Something to that effect.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: Because it was of concern to me that we
20 seem to be putting a blemish on the NPA.

MS WILLIAMS: Ma'am, that was a mistake. I think it was a typo. It was supposed to be Ballistics, and for some reason, the NPA slipped in there.

CHAIRPERSON: Yes.

MS WILLIAMS: Apologies from my side.

CHAIRPERSON: Yes. It is particularly with regard to the filing because they would not file into the docket. That is the expect. They will give you the report and then you will cause it to be filed yourself as an investigating officer in the docket.

MS WILLIAMS: Yes, ma'am. Yes, ma'am, you are correct.

CHAIRPERSON: Yes, thank you. Proceed, Counsel.

ADV RAMOGALE: Thank you, Chair. Ms Williams, we are now at, if I could ask you to go to 168 of your statement and the topic there is in respect of, I am sorry, I will just wait for
10 you to find it.

MS WILLIAMS: I do have it in front of me.

ADV RAMOGALE: Yes, and in your statement, it is entitled "My Departure from IPID". Could you take the enquiry through that, please?

MS WILLIAMS: I read as follow.

"I left IPID in August 2014. My decision
to leave was due to a confluence of
events. In or about March 2014, I met
with Mr Robert McBride shortly after he
20 was appointed as the Executive Director
of the IPID, Mr McBride, the close friend
of my late uncle, who set up the
meeting. My late uncle and I had
disagreed about whether Mr McBride
was an appropriate person for

appointment as the head of the IMCD, IPID. During our meeting, Mr McBride brought up my investigation into Cato Manor and General Johan Booysen specifically. He told me that my investigation was misguided, that there was no Cato Manor hit list, and that General Booysen was innocent. He insisted that I was investigating the wrong people. I have no idea how he could have made this assessment without considering the evidence in the investigation dockets. I remember him saying in the course of this discussion that he wanted IPID to be a smooth-running machine. I understood this to mean that he believed my investigation into Cato Manor was a problem that needed to go away. I became uncomfortable with the discussion which validated my concerns and misgivings about Mr McBride.”

ADV RAMOGALE: Sorry, Ms Williams, if we could stop there. So you have told us now that it is now, this discussion according to paragraph 169, is taking place in March 2014, is

that correct?

MS WILLIAMS: That is correct, yes, shortly after his appointment.

ADV RAMOGALE: Yes, and according to you, in that meeting, you were already being told by Mr McBride to drop your investigation.

MS WILLIAMS: Yes.

ADV RAMOGALE: And you are saying on your version that Mr McBride had not read the dockets or considered the
10 evidence in the dockets.

MS WILLIAMS: Mr McBride has not seen that docket, he has no knowledge of that docket, Madam Chair, and yet he is talking to me about Johan Booysen. And I must say, the thing that made me even more uncomfortable is here is the new Executive Director of the IPID, and here is Johan Booysen. And in my mind, I am asking, you are supposed to not be biased, you are supposed to stay clear, because remember, you are now holding this position.

why on earth would Mr McBride be pro-Booyesen at
20 this stage, ma'am? He has no idea what has happened. I am not saying he should not have followed, because obviously everyone was following what the media was saying, but he should have stayed clear, because he is now the Executive Director of the ICD.

ADV RAMOGALE: Of IPID.

MS WILLIAMS: He should have an unbiased opinion.

ADV RAMOGALE: Was he the Executive Director of ICD or of IPID?

MS WILLIAMS: Excuse me, of the IPID.

CHAIRPERSON: Counsel, your question to the witness was that Mr McBride said she must drop the investigation. Please, that is not what that paragraph says.

ADV RAMOGALE: I apologize, I will rephrase, Madam Chair. I withdraw the question.

10 **CHAIRPERSON**: Thank you.

ADV RAMOGALE: If I could just re-ask that question, Ms Williams. You say during the meeting, Mr McBride brought up your investigation into Cato Manor, and General Johan Booyesen specifically, and he told you that the investigation was misguided, that there was no Cato Manor hit list, and that General Booyesen was innocent. He insisted that you were investigating the wrong people, and then you say you had no idea how he could make this assessment without considering the evidence. What did you understand that conversation to mean?

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MS WILLIAMS: What I understood from this conversation is, interpreting from where I was sitting, ma'am, that this man is telling me that I was on the wrong track. Johan Booyesen is not considered to be guilty. I am not saying he was guilty, but as he said, General Booyesen was innocent. He spoke

about the hit list, ma'am, and in my mind, this man has no knowledge of the docket. He has not gone through the docket. So how can he say this? And he is the Executive Director of the IPID. There should be no bias. So I do not understand. This is a man that has been investigated, and you, that is now the Executive Head, that is supposed to be a person with integrity, a person with sound judgment, you are put in a very, very serious position and a high position, and you are saying this without any facts.

10 **CHAIRPERSON**: Ms Williams, Ms Williams.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: If you can just confine yourself to the questions by Counsel. You elaborate on further issues. Wait for Counsel to ask you further questions.

MS WILLIAMS: Noted, ma'am.

CHAIRPERSON: He was just asking you a specific question. Counsel, try to also remind the witness what the question is, so that she can confine herself to the question.

ADV RAMOGALE: Yes, Ms Williams, I will ask again. In
20 that meeting, when you say in your statement that he told you that the investigation was misguided, that there was no Cato Manor hit list, and that General Booysen was innocent, and that you were investigating the wrong people, my question to you was, what did you understand that to mean?

MS WILLIAMS: That Mr McBride was saying that I was wrong

and that my information that I had in this investigation was all wrong.

CHAIRPERSON: In fact, you answer that question in your last four sentences of that paragraph. You should be reading that paragraph, Counsel. There she tells you what she understood that to mean. You see it, the last four lines of paragraph 170? Do you want to repeat what you have written on the last four sentences of paragraph 170.

MS WILLIAMS: Starting from “I had no idea”?

10 **CHAIRPERSON:** You can start from “I understood this to mean”.

MS WILLIAMS: -:

“I understood this to mean that he believed my investigation into Kato Manor was a problem that needed to go away. I became uncomfortable with the discussion which validated my concerns and misgivings about Mr McBride.”

CHAIRPERSON: I suppose that addresses the question,
20 Counsel?

ADV RAMOGALE: Yes. Yes, Chair. Thank you, Ms Williams. If you could just then continue reading on from 172 to 177.

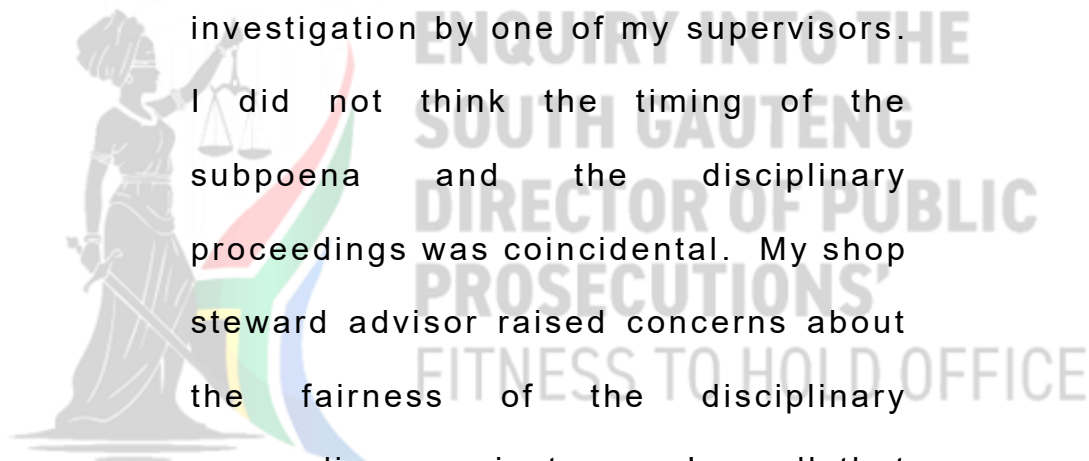
MS WILLIAMS: -:

“Shortly thereafter, I was subpoenaed to

testify in a disciplinary proceeding against General Booysen. Two days after this, I was notified that disciplinary proceedings were being brought against me. This was a surprise to me. The charge was that I violated the IPID's mandate by conducting an investigation into police misconduct, which is not a matter within the IPID's jurisdiction. I had been instructed to conduct the investigation by one of my supervisors. I did not think the timing of the subpoena and the disciplinary proceedings was coincidental. My shop steward advisor raised concerns about the fairness of the disciplinary proceedings against me. I recall that these concerns were brush-designed. The proceedings went ahead anyway. I was found guilty and fined one month's salary. Around this time, protective disclosures that I had made were leaked to the subject of the disclosures. The findings against me in disciplinary proceedings and the leak of my

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protective disclosures was the last straw for me. I had battled opposition to my investigations, endured victimization, and lost confidence in IPID's leadership. I had now been disciplined for conducting an investigation that I was assigned to conduct. I felt I no longer understood the mandate of the IPID and could not
10 continue in this organization.”

ADV RAMOGALE: Thank you, Ms Williams. Beyond what you have said here in these paragraphs, is there anything else you would like to add?

MS WILLIAMS: The only thing I can say, ma'am, is the one thing I ever regret doing is accepting a post at the ICD that then became the IPID because it was the worst place that I could ever have chosen to work.

ADV RAMOGALE: And would you explain why you say you regretted joining the ICD and accepting that post? Or have
20 you already given that explanation?

MS WILLIAMS: No, I have not given that explanation.

ADV RAMOGALE: Please do.

MS WILLIAMS: Ma'am, I started at the IPID on the 1st of June 2006. I was appointed in the Eastern Cape. I worked in the Eastern Cape. My tenure there was quite pleasant, if

I may say. I did not have all the problems that I encountered when I transferred over to KZN. However, I must say this. In the beginning, I realized that, and I am sorry, ma'am, I do not wish to insult anybody or any entity, but according to me, looking at how the ICD operated, it was a bit backwards. And when I say that, I expected because this was the Independent Complaints Directorate, they were supposed to investigate the police, I expected them to be streamlined, ma'am.

And the reason I say that is I come from family
10 violence, child protection and sexual offences. And when you work in these units, it is almost like your mind is shaped in a specific way and that you know what your mandate is and you follow that. Your resources, everything is outlined. You understand hierarchy. Everything is in place.

Now, when I get to ICD, I find out that Mr Sesoko, Matthews Sesoko, who is supposed to be the Provincial Head of the North West, is in actual fact running ICD investigations. But in actual fact, Madam Chair, Tommy Tshabalala is the Head of Investigations for IPID and is sitting at the national
20 office of the IPID. Understanding hierarchy, ma'am, having grown up, if I may say, in the police and having been exposed to a lot of things, if I can just give you a little bit of background of what happened to me when I started at Benoni Police Station and the detectives.

When I started at detectives, I was assigned to work.

My partner was also my group leader, Colleen Smith. I was her right-hand person. She was the person that taught me how to do investigation. So fortunately for me, I became aware of how a group is run and also how a branch is run. I learned a lot from her about the management of how a group and detectives are run. I then went to FCS. I had a very close-knit relationship with my colleagues and myself and my Commander at that time, Captain Tobias Strauss, also affectionately known to all of us as Tobie, he made sure, 10 ma'am, that we did not just understand investigations and me being a very curious person, also the communications officer, had to know all the workings of what happened at FCS.

I made sure that I stayed on top of things because I was the communications officer. If there was any questions to be answered, I needed to know. So I needed to understand the inner workings of how FCS worked. Just a confession. My boss would at times come to me and ask me, why am I doing all of this, because this is not my work, and I would always say to him, Cap, I want to understand how this unit is 20 run because one day I am also going to be an officer, and he had no problem with that, ma'am.

Ma'am, he actually felt that I was on the right track where my career was concerned and he had no problem sharing things with me. The man would also send me to management meetings. I guess he wanted to see how I would

fare. So with this being my background, I am now at the ICD and I am looking at how things are run. I am not criticising anybody, ma'am. I am speaking to what I was seeing, and what I was seeing was not what I expected ICD to be.

Just give me a minute. Ma'am, all investigation directives were given from the North West. As far as I understood, Mr Matthews Sesoko was supposed to only have concentrated on his province in the North West. I had no problem if he was giving us proper directives. I am going to
10 say something very controversial and in my time as I continued in IPID and now in ICD, I am now in KZN. I noticed a few things about Mr Sesoko and this was contained in the protective disclosures. I am not sure if I should say these things out loud, ma'am, but what I can say is ...[intervenes].

CHAIRPERSON: Ms Williams.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: Sometimes they say, less said, better.

MS WILLIAMS: That is what I am thinking, ma'am.

CHAIRPERSON: It is good to take a step back. Not that you
20 should not say what you want to say, but try to focus on the issues which are the real subject matter as to why you came to testify and not say more than it may be necessary, especially when you are going to mention names of people. You have not reduced all these things that you are saying in your statement.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: I will ask your Counsel to also consider whether he wants to pursue this line of leading evidence. That is not my task, but I am just thinking, Madam Williams, confine yourself to that which need to be said in relation to the reason why, the purpose of your testifying.

MS WILLIAMS: Noted, ma'am.

CHAIRPERSON: And to the extent it is reasonably possible, just restrain yourself not to say all the things that may not
10 necessarily assist us in making an assessment of the truth in relation to what we are investigating. Do you understand?

MS WILLIAMS: Yes, I understand, ma'am.

CHAIRPERSON: Do you still want to proceed ...[intervenes].

MS WILLIAMS: No, ma'am.

CHAIRPERSON: To say all things that you are mentioning.

MS WILLIAMS: I was actually thinking about that.

CHAIRPERSON: Yes.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: I see you referred to that point about the
20 protected disclosures at paragraph 177.

MS WILLIAMS: Yes, ma'am. Yes, ma'am, I referred to that.

CHAIRPERSON: That relates to the disciplinary hearings against you, correct?

MS WILLIAMS: No, ma'am, there were two things here. It is the disciplinary proceedings and the leak of the protective

disclosures.

CHAIRPERSON: Yes. Advocate Ramogale, to that end, if you want to pursue a further testimony about the leak of protected disclosures, if it can be of help to us in relation to this matter, you may.

ADV RAMOGALE: No, Chair, it is not relevant to the issues. It really was so that Ms Williams could give a full account about how she ultimately left the ICD.

CHAIRPERSON: How she left?

10 **ADV RAMOGALE:** Yes. If I could then, Ms Williams, then if we could wrap up by asking you to read the reflections that are in your statement from paragraph 178 to 182.

CHAIRPERSON: In fairness to her, Counsel, the issue regarding the protected disclosures appears at paragraph 177. You may just find out from her if she wants to pursue the full explanation regarding that aspect.

ADV RAMOGALE: Ms Williams, I am sure you have heard the Chairperson's question. Would you like to add anything more on those protected disclosures?

20 **MS WILLIAMS:** No, ma'am. It is quite a long thing and I am just thinking it is a little bit distasteful, so maybe we should just drop that for now.

CHAIRPERSON: Thank you, Counsel.

ADV RAMOGALE: Thank you, Ms Williams. In view of that, could you then just read 178 to 182 of your statement?

MS WILLIAMS: I read as follows.

“Based on my investigation in the above matters and the resistance I encountered to a rigorous and thorough investigation into Cato Manor SBC and the KTA killings, I believe that the ICD failed the victims of the Cato Manor cases.

10 178.1 First, by failing to immediately subject each of these cases to a full investigation by the ICD that was rigorous, independent and thorough. The consequence of this failure was that the ICD investigations were concluded prematurely on the basis that the police action was justified. I have no doubt that failings in the ICD's investigation affected the NPA's consideration of these cases, leading to repeated
20 refusals to prosecute. To give one example, in Kwadukuza CAS 39/9/2008, the statement of Ms Thandeka Sokulu was never shared with SAPS or the SPP. I do not know whether this statement would have changed the

outcome of the SPP's decision, but it is unacceptable that it was not even considered.

10 Second point, by failing to acknowledge the connection between these killings, in particular, the killing of KTA members following the death of Superintendent Choncho. The consequence of this failure was that the KTA cases were not investigated together and referred to a full investigation, nor did the ICD insist that SAPS and the NPA investigate and prosecute the matter as one of racketeering by Cato Manor SBC members, given the similarity in facts, pattern and *modus operandi* in the cases I had investigated. It was only when I insisted that the KTA cases be reopened that these cases were fully investigated by the ICD. Even then, however, the re-investigations only began in January of 2010, more than a year after the killings took place. I was not provided with any additional manpower to conduct these

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investigations and received minimal input and support from my superiors. In fairness, there were ICD officials like Len Jung, who supported a proper investigation into these killings. Without his support, I do not think the KTA cases would have been reopened and investigated. However, not all the blame can be laid at the door of the ICD.

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As a result of some of my investigations,

I submitted reports to the DPP's offices, which laid out evidence that the killing of KTA members have not been justified, and recommended that the Cato Manor SBC members be charged with murder.

To this day, I do not know why my recommendations were not acted on by

the DPP's office. Moreover, despite receiving some cooperation from the

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DPP's office, when I re-investigated the KTA killings, the DPP KZN abruptly terminated my investigations before they were completed, when by referring the case to formal inquest. I still do not understand why this decision was taken.

Unfortunately, it appears that it took negative publicity in the media to force the ICD/IPID and the NPA to take these matters seriously and to see them for what they were, a spree of coordinated, unjustified killings by the police that spanned over several years.”

ADV RAMOGALE: Thank you, Ms Williams. Chairperson, those are all the questions I have for Ms Williams.

10 **ADV BALOYI-MERE SC:** Ms Williams, through your Counsel, there was an issue that was raised by the Chair and where you were asked if you knew who was the DPP at the stage when you submitted a memorandum, and I think it is one of the issues that you were supposed to check and confirm the date. I am trying to go quickly through my notes to check, but I know that you said you submitted a memorandum and recommendation that one member of the Cato Manor should be charged and the DPP said, declined to prosecute. If your Counsel remembers or can identify, please assist so that
20 before you close your evidence, we have that case, we have the date.

MS WILLIAMS: Yes, ma'am, if you could just give us maybe 10 minutes for us just to check all our facts and make sure that we give you the correct information, will that be fine with you, Chairperson?

CHAIRPERSON: It is in relation to paragraph 154 of your statement.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: The second line reads:

“I submitted a memorandum to the DPP
and recommended that the relevant
members be charged with murder.”

You recall that?

MS WILLIAMS: Yes, ma'am, I do.

10 **CHAIRPERSON:** It was in relation to this paragraph that we wanted to know the date of your memorandum so that we could ascertain from that date who could have been the DPP KZN at that time, because you said that you do not know who the DPP was.

MS WILLIAMS: Yes, ma'am. If you could give us, I am strictly asking, 10 minutes for us to find this information for you and just make sure that we give you the correct information.

20 **CHAIRPERSON:** Yes, thank you. Advocate Ramogale, will that help?

ADV RAMOGALE: Yes, Chair. I think we had also made an undertaking to provide the document that we said we have tracked down that might assist with the dates. We have been in conversation with the representatives of the NPA to provide to the panel a full chronology that spans the

existence of this matter from 2007 right up until 2014. So we have the various officials who were acting and were DPP's, etcetera. I understand that document is still making its way to the panel. Chair, with your leave, it was in relation to paragraph 73.

CHAIRPERSON: No, let us address 154 first.

ADV RAMOGALE: Yes, it was in relation to both, if I recall. Yes, it was a question from Advocate Baloyi-Mere SC.

CHAIRPERSON: Yes. Nonetheless, we will pause for a few
10 minutes for her to look, then she can complete her evidence in chief on this aspect. Then we will hand over to Advocate Mohlamonyane or Junior. Ms Williams, we will pause for 10 minutes to afford you time to check your memorandum. Of course, if it cannot be traced, that is what it will be, and then you will come and proceed.

MS WILLIAMS: But we will certainly try.

CHAIRPERSON: I beg your pardon?

MS WILLIAMS: I am saying that we will certainly try.

CHAIRPERSON: Yes, madam. You are still under oath. We
20 are going to adjourn for 10 minutes, and you will call us, Advocate Ramogale.

ADV RAMOGALE: Thank you, Chair.

CHAIRPERSON: Thank you.

MS WILLIAMS: Noted, ma'am.

ENQUIRY ADJOURNS

ENQUIRY RESUMES

CHAIRPERSON: Good afternoon, Advocate Chauke. Advocate Ramogale. You are still under oath, ma'am.

MS WILLIAMS: Noted ma'am.

SHAMILA HENRIETTA WILLIAMS (still under oath)

CHAIRPERSON: Yes, Counsel.

ADV RAMOGALE: Yes, Chair, in the 10-minute break that we have had, we have reached out to the IPID to provide us with these documents. We understand that they are going to
10 look and make them available to the enquiry.

The other update I have is the panel will recall that I made mention of the list that we had requested from the NPA about the various DPP's and the terms of those various DPP's. That list was provided whilst Ms Williams was giving evidence. We do have hard copies of it, but it is also been emailed to all the parties by the NPA. So Chair, with your leave, I am not sure whether the panel would like those hard copies now, or whether it is something that could be dealt with later.

20 **CHAIRPERSON:** I think that if the document is available, you may hand it up. Has it been shared with everyone?

ADV RAMOGALE: As I understand, yes, Chair. It was emailed by Advocate Lekgetho at about 20 to 3 this afternoon to all the parties.

CHAIRPERSON: Thank you, Advocate. It will assist us as

we move with the hearings. He seems to be well prepared. Advocate Ramogale, do you share the sentiments?

ADV RAMOGALE: Indeed, Chair, and I am grateful because I had made this request yesterday, and Advocate Lekgetho has made it available on a short time basis.

CHAIRPERSON: Yes. Counsel, Advocate Lekgetho, we are indebted to you. Thank you. Ms Williams, is that the end of your evidence in chief?

ADV RAMOGALE: Yes, Chair, unless, Ms Williams, in the
10 time that we have been away, have you been able to locate the memos and the dates?

MS WILLIAMS: Not as yet, Madam Chair.

CHAIRPERSON: Is that the memo that you will obtain from IPID?

ADV RAMOGALE: Yes. Yes, Chair.

CHAIRPERSON: Yes, thank you.

ADV RAMOGALE: Chair, yes, those are all the questions we have for Ms Williams.

ADV RAMOGALE: Yes, thank you. Advocate
20 Mohlamonyane?

ADV MOHLAMONYANE SC: Thank you, Madam Chair. I wish to begin with what I refer to as preliminaries, Madam Chair, and your two sisters. I must say I have begun preparing for cross-examination, but when one gets home, one just slumps and, but I will ask for an opportunity to be

granted to me and to start with cross-examination proper on the specific dockets that I intend to deal with tomorrow morning. But for today, with the time that is left. I do not know up to what time are we sitting today, Madam Chair.

CHAIRPERSON: We had decided that this week we will adjourn at 4 o'clock because we are busy considering the decoupling application that was argued on Monday and we need time to finalize that. But if you would like to begin and you are going to be short, I do not know what is it that you
10 would like to start with that is going to be brief. But if it is going to be long, apart from the very docket that you referred to, we may have to adjourn and you start tomorrow morning.

ADV MOHLAMONYANE SC: It may be long considering the 5 minutes, I beg your pardon, Madam Chair, it may be long considering the 5 minutes that are remaining for us to utilize. It may be better perhaps to start with everything tomorrow morning.

CHAIRPERSON: Should you not rather begin to give us a sense of what you would like to say in your preliminaries as
20 you have indicated?

ADV MOHLAMONYANE SC: Even if I do not finish them, Madam Chair?

CHAIRPERSON: May we begin and ...[intervenes].

ADV MOHLAMONYANE SC: Yes.

CHAIRPERSON: May we begin ...[intervenes].

ADV MOHLAMONYANE SC: Yes.

CHAIRPERSON: And at 4:30, if you are not done, we will adjourn. We are chasing time because we had hoped that we would have finished with this witness earlier this morning so that the cross-examination could begin and to finalize other issues in relation to the substantive application that we are considering. Remember, we are working every day and we really do not have much time to attend to other matters.

ADV MOHLAMONYANE SC: Indeed, Madam Chair, I
10 appreciate that.

CHAIRPERSON: So if you can begin and until 4:30.

ADV MOHLAMONYANE SC: Thank you, Madam Chair.

CHAIRPERSON: You may.

CROSS-EXAMINATION BY MR MOHLAMONYANE SC: Good
afternoon, Ms Williams. I am sure that is how you would like
to be referred to, not so?

MS WILLIAMS: That is correct, yes.

ADV MOHLAMONYANE SC: Well, I am going to begin to ask
you questions, and perhaps it is prudent that I should inform
20 you that I am the evidence, one of the evidence leaders in
this enquiry. Now, I have seen your resume, your short
resume that you give in your statement. And from your
resume, I see that you hold no qualification or training in
forensic science or ballistic testing, neither are you holding
any qualifications in pathology. Am I correct?

MS WILLIAMS: That is correct, yes.

ADV MOHLAMONYANE SC: You cannot therefore present yourself as an expert, like the Mangena's, the Steyl's of this world, who are experts in their own field, not so?

MS WILLIAMS: Forensically, no, I am not an expert.

ADV MOHLAMONYANE SC: I see that you have completed various courses whilst you were with IPID, which also did not qualify you to be an expert, not so?

MS WILLIAMS: Yes, I am not a forensic expert.

10 **ADV MOHLAMONYANE SC**: Let me direct your attention to paragraph 17 of your statement before this enquiry.

MS WILLIAMS: I am there, Chairperson.

ADV MOHLAMONYANE SC: Before I go there, perhaps let us look at paragraph 16 first. You say in paragraph 16 that a central allegation is that Advocate Chauke supported and advanced the decision to prosecute Major General Johan Booysen and members of the Cato Manor Serious and Violent Crime section, the Cato Manor (SVC). Do you see that?

MS WILLIAMS: I see that yes, Counsel.

20 **ADV MOHLAMONYANE SC**: SVC, as I understand what you set out in paragraph 16, is an acronym for serious and violent crime, not so?

MS WILLIAMS: That is correct, yes.

ADV MOHLAMONYANE SC: You and I agree about that. Now, let me then cross-refer you to paragraph 60 on page 3-

21.

MS WILLIAMS: Which page is that, Chairperson?

ADV MOHLAMONYANE SC: Page 3-21.

MS WILLIAMS: Where will I find that?

ADV MOHLAMONYANE SC: You will find it in your statement, paragraph 60 of your statement. It is called “Witness Statement: Shamila Williams”, which is before this tribunal.

MS WILLIAMS: [Indistinct]...

10 **CHAIRPERSON**: [Indistinct]... [microphone off] wait a second. What are you referring us to, or the witness to? I thought you are referring to paragraph 60 of her affidavit?

ADV MOHLAMONYANE SC: Indeed, Madam Chair.

CHAIRPERSON: Tell her that.

ADV MOHLAMONYANE SC: Paragraph 60 of your affidavit.

MS WILLIAMS: Yes, is that ...[indistinct] my involvement.

CHAIRPERSON: Yes, ma’am, that is the paragraph.

ADV MOHLAMONYANE SC: Yes, your involvement in the Cato Manor matters. In the last sentence there, you say:

20 “The unit was the Cato Manor Serious
Violent Crime Unit, headed by General
Johan Booysen.”

Do you see that?

MS WILLIAMS: I see that, yes, Counsel.

ADV MOHLAMONYANE SC: Now, here in this paragraph,

paragraph 60, you refer to Cato Manor SVC as a unit. And in paragraph 16, to which I have made reference to earlier on, you refer to it as a section. Do you see that?

MS WILLIAMS: Yes, I see that.

ADV MOHLAMONYANE SC: Now, I have consulted with a few officers who were involved during the Cato Manor era, which is the subject of this enquiry. Now, I am instructed that Cato Manor Serious and Violent Crime, was not a unit, but a section. Would you disagree?

10 **MS WILLIAMS:** My understanding of this, whenever we referred to them, we spoke about the Serious and Violent Crime Unit. Yes, it was a section under, I think it was Organized Crime.

ADV MOHLAMONYANE SC: So you must have made a mistake, I should think, when you referred to it, when you refer to Cato Manor Serious Violent Crime Unit, headed by General Johan Booysen in paragraph 60.

MS WILLIAMS: Yes, it might have been a different word used. Maybe it should have been section, but it still come
20 down to the same thing.

ADV MOHLAMONYANE SC: I am told that you are not the only one who is making such a mistake. because there were four units in KwaZulu-Natal of Organized Crime. For purposes of clarification and a better understanding how these units functioned, I am instructed that the one unit was

in Durban, the second unit was in Richards Bay, another unit was in Pietermaritzburg, and the last one was in Pinetown. You will not dispute that?

MS WILLIAMS: When you say Pinetown, are you sure it was Pinetown?

ADV MOHLAMONYANE SC: Are you asking me or are you answering?

MS WILLIAMS: I am asking you, because I would think that when you say the unit, I would think, was it not supposed to
10 be Port Shepstone?

ADV MOHLAMONYANE SC: Ja, you are correct, it is Port Shepstone. My apologies. Now, for purposes of a clearer understanding, again, there were sections in these units and one section was the SVC, which is referred to as the serious and violent crime. Another section was the narcotics. The third section was the endangered species, where your police officers would deal with, e.g., rhino poaching. Are we agreed on that?

MS WILLIAMS: Yes, I am listening.

20 **ADV MOHLAMONYANE SC:** So, Cato Manor SVC was but a section of a unit, a bigger unit. Are we agreed on that?

MS WILLIAMS: Yes.

ADV MOHLAMONYANE SC: The period that we are dealing with here, Ms Williams, is the indictment period between 2008 and 2011. Are we agreed on that? If I refer to the indictment

period, I refer to the period in which the offenses were allegedly committed, the period within which the offenses were allegedly committed and Johan Booysen and other officers were charged.

MS WILLIAMS: Understood, Chairperson.

CHAIRPERSON: The period we are dealing with is the period from?

ADV MOHLAMONYANE SC: 2008, Madam Chair, to 2011. They refer to it as an indictment period.

10 **MS RAMAGAGA**: Who refers to it as an indictment period? Will you be referring to it as an indictment period?

ADV MOHLAMONYANE SC: I will be, henceforth, referring to it as an indictment period.

MS RAMAGAGA: Okay.

ADV MOHLAMONYANE SC: And those officers I consulted with referred to it as an indictment period. And I see some documents, even prosecutors refer to it as an indictment period, Madam Ramagaga.

MS RAMAGAGA: Okay, so for clarity ...[intervenes].

20 **ADV MOHLAMONYANE SC**: For clarity.

MS RAMAGAGA: Moving forward, you would be referring to it as, whenever you talk about the indictment period, you will be talking about that period.

ADV MOHLAMONYANE SC: Indeed, Madam Ramagaga.

MS RAMAGAGA: Thank you. Thanks.

CHAIRPERSON: What is your response to the statement by Counsel?

MS WILLIAMS: Yes, I understand the statement that the Counsel is making, Chairperson, about the indictment period of when these matters took place.

ADV MOHLAMONYANE SC: Now, General Booyesen, Johan Booyesen, was a Provincial Commander of Organized Crime in KZN, and he was sitting in the provincial headquarters in Durban. Would you like to comment on that?

10 **MS WILLIAMS:** Yes, he was the overall Commander sitting at the Durban Provincial Commissioner's office.

ADV MOHLAMONYANE SC: Now, let us go back to paragraph 17 of your affidavit. Are you there?

MS WILLIAMS: I am there, yes, Chairperson.

ADV MOHLAMONYANE SC: You state in this paragraph that you investigated a number of the killings which formed the basis of that prosecution. I believe, and correct me if I am wrong, that that prosecution you are referring to the prosecution of General Johan Booyesen and others. Is that
20 correct?

MS WILLIAMS: That is correct, yes, Chairperson.

CHAIRPERSON: The paragraph does not speak of the investigation of a lot of killings. You can just maybe read the sentence appropriately, Counsel?

ADV MOHLAMONYANE SC: Thank you, Madam Chair. The

sentence reads:

“I investigated a number of the killings which formed the basis of that prosecution.”

Now, I made a proposition to her that that prosecution, she is referring to the prosecution of General Johan Booysen and others, and she answered in the positive, in the affirmative.

CHAIRPERSON: Yes, you said it is improper to put the correct words to the witness because you are referring to her statement. You said she state she investigated a lot of killings.

ADV MOHLAMONYANE SC: My apologies.

CHAIRPERSON: You used the word “a lot”, so I am saying, use the appropriate words that are used in the statement.

ADV MOHLAMONYANE SC: I take that point. My apologies for that. My apologies to you, Ms Williams, a number, you said a number, not a lot. Are we agreed about that?

MS WILLIAMS: Yes, we are in agreement on that.

ADV MOHLAMONYANE SC: Okay. Now, you say in your statement, in particular:

“I investigated the killing of members of the Kwa Maphumulo Taxi Association (KTA), in the course of Cato Manor SVC's purported investigation into the

killing of SAPS Superintendent Choncho
on 27 August 2008 and Nkosi Zondi.”

Now my question is, why do you say in the course of Cato Manor SVC's purported, purported investigation, you are using the word “purported”. Can you explain yourself?

MS WILLIAMS: I would like to explain myself, Madam Chair.

CHAIRPERSON: Please explain.

MS WILLIAMS: I was the person that investigated into the purported investigation into the killing of Superintendent
10 Choncho and Nkosi Zondi. What I mean here is I was the person that was investigating this.

ADV MOHLAMONYANE SC: I did not hear that, can you repeat?

MS WILLIAMS: I am the person that investigated into the two specific matters, and that is the ICD investigations that I conducted.

ADV MOHLAMONYANE SC: Is that your explanation?

MS WILLIAMS: Yes, that is my explanation.

ADV MOHLAMONYANE SC: How should we understand
20 you? How should this panel understand you, because you used the word “purported” investigation into the killing of SAPS Superintendent Choncho. Were you the one who was purporting to investigate or was it the Cato Manor SVC which was purporting to investigate?

MS WILLIAMS: Sorry, Madam Chair. I actually, I understand

what the man is saying. I investigated the killing of members of Kwa Maphumulo Taxing Association in the course of Cato Manor SBC's purported investigation into the killing. What I am trying to say here, ma'am, is I am now investigating from an ICD point of view into what Cato Manor was looking for these two members for. I am talking about that investigation where I am looking at the Maphumulo docket and I am also looking at the Bhekithemba docket, because those are the two dockets that was given to me and I was told it is linked
10 for the killing of the Maphumulo taxi bosses.

ADV MOHLAMONYANE SC: I do not follow. Maybe, maybe, I do not follow. Ms Williams, I do not follow exactly what you are saying.

CHAIRPERSON: Advocate Mohlamonyane ...[intervenes].

MS WILLIAMS: Madam Chair ...[intervenes].

CHAIRPERSON: Let me, I think it will be helpful if you do not pull words from a statement. I think read the context, the statements or the paragraph in its entirety so that you get a sense of why the word is used and what it means in that
20 context, because you pull the word, but you do not read the entire sentence and maybe that is where the confusion is, because speaking for myself, I understand what that sentence means. You may not understand, but if you could probably read the entire sentence so that you understand what it actually means. But when you pull out the word, it

may just give us problems. May we just read the entire sentence and put it to the witness what your understanding is of that sentence so that she can then agree or disagree with you.

ADV MOHLAMONYANE SC: As it pleases the Chair, thanks.

Thanks, Madam Chair. The sentence starts with, I will read the sentence and take it within context as advised. There are two sentences in paragraph 17, but we are concerned with the second sentence where it starts with “in particular”. That

10 sentence says, or maybe let me start with the first sentence to get the full context, the full and proper context. You say in paragraph 17:

“I am well placed to address this allegation because as a senior investigator, In the erstwhile Independent Complaints Directorate, ICD, now the Independent Police Directorate, IPID, I investigated a number of the killings which formed the basis of that prosecution. In particular, I investigated the killing of members of the Kwa Maphumulo Taxi Association (KTA) in the course of Cato Manor SVC's purported investigation into the killing of SAPS Superintendent Choncho

20

on 27 August 2008 and Nkosi Zondi.”

Now, when you responded, you were saying those involved investigation, two investigations that you were involved with, the Maphumulo and the other one.

MS WILLIAMS: That is correct, yes, the Maphumulo investigation as well as the Bhekithemba investigation. That is what I mean when I say this.

ADV MOHLAMONYANE SC: Who was investigating the murder of Superintendent Choncho?

10 **MS WILLIAMS**: I know that the investigating officer ...[indistinct] was stationed at Port Shepstone Organized Crime or SPC. I think it is organized crime, Madam Chair. And then also the Bhekithemba CAS was investigated, I think, by Warrant Officer or Captain, I think Zungu, Sibusiso Zungo. He was at the, I think it was the political violence unit, ma'am. He was the investigating officer.

ADV MOHLAMONYANE SC: I did not get the one who was investigating from Port Shepstone, who was sitting in Port Shepstone, who was investigating the killing of
20 Superintendent Chonco?

MS WILLIAMS: Yes, that gentleman was a superintendent. I cannot recall his name.

ADV MOHLAMONYANE SC: You cannot recall his name, okay. We will come back to it later during the course of cross-examination. Now, tell ...[intervenes].

CHAIRPERSON: [Indistinct]... [microphone off] for me to understand the question that you raised. Would you like to put your, a proposition to the witness as to what you understand the sentence to mean, that she investigated the killings of members of the Kwa Maphumulo Taxi Association in the course of the Cato Manor SEV's purported, apostrophe S, investigation into the killings of SAPS Superintendent Choncho on that date. Would you like to put a proposition to the witness?

10 **ADV MOHLAMONYANE SC:** Thank you, Madam Chair. Let me put the proposition. Let me hasten to put the proposition to her. My understanding of this sentence, Ms Williams, is that you were investigating the killing of members of Kwa Maphumulo Taxi Association and Cato Manor pretended to be investigating the killing of Superintendent Choncho. They were not doing a proper investigation. They were pretending. That is why you use the word purported. Appeared to be or especially falsely, that is the meaning of purported.

MS WILLIAMS: Yes.

20 **ADV MOHLAMONYANE SC:** Something that is not real. Am I understanding it correctly?

CHAIRPERSON: One step at a time, Counsel. No convoluted questions to your witness.

ADV MOHLAMONYANE SC: I beg your pardon, Madam Chair.

CHAIRPERSON: Just ask one question of what you understand that to mean, then she will answer.

ADV MOHLAMONYANE SC: I understand you to be, to mean that you were investigating the killing of Kwa Maphumulo Taxi Association's members, whilst Cato Manor pretended to be, or did not do a proper investigation into the killing of Superintendent Choncho.

MS WILLIAMS: May I respond to that?

ADV MOHLAMONYANE SC: Ja, you may respond to the
10 proposition.

CHAIRPERSON: Yes, Madam Williams ...[intervenes].

MS WILLIAMS: Ma'am, at this ...[intervenes].

CHAIRPERSON: You may respond.

MS WILLIAMS: Yes, Madam Chair, I was not certain how SBC was linked to this investigations, so I needed to understand how it was possible that they were going to look, and obviously then it was the killing, how it was that they came about into investigating or going after the Maphumulo taxi bosses. When I look, the person investigating this matter
20 for Maphumulo, for instance, was the superintendent at Port Shepstone. When I look, the other investigator is now Sibusiso Zungu, that is stationed at Colonel Madonsela's office in Durban. So I had to see how there was a linkage, why they would be investigating or why they would say, because remember, Chairperson, these are the information

that was given to ICD that they were investigating and they were looking for these members on that. So this is what I mean here, because I needed to establish whether there was indeed an investigation.

Now, as I am saying, the investigation conducted into ...[indistinct] murder, the Maphumulo CAS 99, I cannot remember the rest of it, was investigated by the Sup from Port Shepstone, not Cato Manor. The second one, Bhekithemba killing of Nkosi Zondi, CAS number 113/1/2008,
10 was investigated by Sibusiso Zungu, not by Cato Manor.

CHAIRPERSON: [Indistinct]... make a statement and if you disagree with me, indicate so. The killing of Superintendent Choncho was a source of concern in KZN, particularly to the members of the Cato Manor group or unit. Am I correct, Madam Williams?

MS WILLIAMS: Oh, pardon, Chairperson, I did not know that you were directing that question to me.

CHAIRPERSON: Yes.

MS WILLIAMS: You were saying?

20 **CHAIRPERSON:** I am saying to you, the killing or the murder of Superintendent Choncho was a matter of concern to members of the Cato Manor unit. Am I correct?

MS WILLIAMS: It appears to be, ma'am, but I would not understand why it would concern them. Yes, I understand it is a senior member that has been killed, but they

...[intervenes].

CHAIRPERSON: No, do not answer the question I am not asking you. Just confine yourself to what I am asking you, because I am going to make a follow-up with that question. I just want to ...[intervenes].

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: See if we are on the same page. The killing of ...[intervenes].

MS WILLIAMS: Yes, I ...[indistinct].

10 **CHAIRPERSON**: Yes, ma'am.

MS WILLIAMS: They certainly looked concerned regarding this killing, yes.

CHAIRPERSON: And Superintendent, the Sup, let me call him that, Choncho was a police officer and killings of police officers by anybody will be investigated by ICD. Is my understanding correct?

MS WILLIAMS: No, ma'am. The killing of police officers would be investigated by the police themselves. It is only in the case where a police officer uses his firearm and a person
20 then dies at that result, death as a result of police action. That is when ICD investigate. But in this case, this would not have been ICD business, but it would have been SAPS business.

CHAIRPERSON: I ask this question because you may not be aware. Information appears on this documents, and this

is subject to correction also, that as a matter of fact, the Cato Manor members knew exactly who killed the superintendent when they went about looking for suspects. Do you know?

MS WILLIAMS: No, I do not know. I have not been privy to that information, Chairperson.

CHAIRPERSON: Proceed, Counsel.

ADV MOHLAMONYANE SC: Thank you, Madam Chair. I see it is already 4:30, and perhaps it will be an opportune moment to adjourn proceedings with your direction.

10 **CHAIRPERSON**: Yes, should I assume that you have now exhausted the point you made in relation to paragraph 17, read with the other paragraph that you referred us to, paragraph 60 of the statement, or you want to revisit it later?

ADV MOHLAMONYANE SC: I will revisit it later, but I am almost done with it. It is just one aspect, and then I proceed with the others.

CHAIRPERSON: I think you must close that aspect.

20 **ADV MOHLAMONYANE SC**: As it pleases you, Madam Chair, thank you. Yes, Ms Williams, I hope you are still on paragraph 17.

MS WILLIAMS: Yes, I am.

ADV MOHLAMONYANE SC: I get the impression, you, correct me if I am wrong, but I will make this proposition to you, when I read this paragraph, I get the impression that you are impressing upon the reader of this paragraph that the

Cato Manor SVC was out to kill members of Kwa Maphumulo Taxi Association. Do you understand it correctly?

MS WILLIAMS: Yes, I understand what you are saying.

ADV MOHLAMONYANE SC: Do you want to comment?

CHAIRPERSON: Do you agree or disagree with the Counsel's understanding of the contents of that paragraph?

MS WILLIAMS: I will answer right now, ma'am. I just want him to, just because I am just having a little bit difficulty following what he is saying. So can he just repeat just a little
10 bit slower so that I can understand, for my understanding?

ADV MOHLAMONYANE SC: No problem.

MS WILLIAMS: Just to make sense of it, Chairperson.

ADV MOHLAMONYANE SC: No problem.

CHAIRPERSON: Yes, Counsel will repeat his proposition.

ADV MOHLAMONYANE SC: Ms Williams, I am saying when I read this paragraph 17, I get the impression that message that you are delivering here is that Cato Manor SVC members went all out or were going all out to kill KTA members. Do I make sense?

20 **MS WILLIAMS**: Yes, I understand what you are saying now. Madam Chair, I would like to respond to that. During the course of my investigation, because I needed to establish what the circumstances was surrounding the death of these members from Kwa Maphumulo Taxi Association, I engaged with both of these investigating officers. I read the dockets

and for me, there was no information that spoke about SBC's involvement in this matter. So in my view and in my mind, I could not understand why it was that they were looking for these members. If there was any such information, it was not relayed to me. So on the basis of that, I am making this statement. If information was withheld from me, and I would also like to say this, Madam Chair, the police had closed ranks on me. The police was not very cooperative with me. So if this information was not shared with me, then obviously

10 I had to come to this conclusion.

ADV MOHLAMONYANE SC: Let me then take you ...[intervenes].

CHAIRPERSON: Before you proceed, I really want to get it correct in my mind. Your paragraph 17, does it convey a message to the reader, any other reader, reasonable reader, reading this sentence, this paragraph, that you are saying or you are impressing upon that reader that the Cato Manor members went out of their way to kill the KTA members.

MS WILLIAMS: Yes, ma'am, I would state it like that, and

20 that is why I said, I explained why I would state it like that.

CHAIRPERSON: Is that what you mean in that paragraph as Counsel is pointing it to you?

MS WILLIAMS: Yes, ma'am, I understand what you are saying and I understand the question. Yes, ma'am, with what I had at that moment, this is the conclusion that I drew and

this is how I put it.

CHAIRPERSON: Yes, Counsel.

ADV MOHLAMONYANE SC: Ja, you understand it in the same way as I understand it. Thank you. Now, throughout your affidavit, you make mention, you keep on saying KTA killings, the KTA killings, the KTA. And I can take you to paragraphs that in which, at which you refer to KTA killings.

MS RAMAGAGA: KTA ...[indistinct] [microphone off].

ADV MOHLAMONYANE SC: The KTA killings.

10 **MS RAMAGAGA:** Oh ...[indistinct].

ADV MOHLAMONYANE SC: The KTA killings. She keeps on saying the KTA killings. You are aware of that, Ms Williams?

MS WILLIAMS: Yes, I am aware of that.

ADV MOHLAMONYANE SC: Why do you refer to these killings as the KTA killings?

MS WILLIAMS: Madam Chair, I found no evidence in my investigation that would have linked any of these members from KTA to the Maphumulo shooting or even the
20 Bhekithemba shooting. If I can elaborate on the Bhekithemba shooting.

CHAIRPERSON: Yes, ma'am, I am not sure whether Counsel wants you to deal with the specifics in relation to those areas, the Bhekithemba or Umlazi or what, but he is asking you, why do you refer to them or to it as the KTA killings?

MS WILLIAMS: Ma'am, because I found no evidence that justified the shootings of the SBC members.

CHAIRPERSON: KTA, meaning Kwa Maphumulo Taxi Association?

MS WILLIAMS: That is correct, yes, Madam Chair.

CHAIRPERSON: Meaning those who were killed were people or members of the KTA Association or the Association, the Kwa Maphumulo Association, Taxi Association.

MS WILLIAMS: That is correct, Madam Chair.

10 **CHAIRPERSON**: Is that why you refer to it as the KTA killings, because most of the people who were killed were from this association.

MS WILLIAMS: Yes, ma'am.

CHAIRPERSON: It is my understanding correct?

MS WILLIAMS: Yes, ma'am. Yes, and I am referring specifically to the Kwa Maphumulo taxi bosses.

CHAIRPERSON: Proceed to Counsel.

ADV MOHLAMONYANE SC: Thank you, Madam Chair. Paragraph 19, paragraph 21 ...[intervenes].

20 **CHAIRPERSON**: I thought that you are exhausting the point you mentioned in relation to paragraph 17, read with paragraph 60 so that we can end the proceedings now.

ADV MOHLAMONYANE SC: Ja, I have exhausted it.

CHAIRPERSON: And we can reconvene tomorrow, you proceed with the other aspects.

ADV MOHLAMONYANE SC: I will proceed with the other aspects tomorrow, but I wanted to tie it up with what I was saying. But I will do that tomorrow. morning, Madam Chair.

CHAIRPERSON: You said you are going to need 5 minutes to tie it up. Just tie it up if it is tieable, because we do not want to disconnect our thinking about the points that you are raising in relation to this aspects.

ADV MOHLAMONYANE SC: Indeed, Madam Chair, I agree. Let me quickly do this. Go to paragraph 19, Ms Williams.

10 **MS WILLIAMS:** I am here at paragraph 19, yes.

ADV MOHLAMONYANE SC: The last line there you make mention of other KTA killings reopened. You see that?

MS WILLIAMS: Yes.

ADV MOHLAMONYANE SC: Go to paragraph 21. In the middle of the page there, you mention:

“My investigations into the KTA killings
were interrupted.”

Do you see that?

MS WILLIAMS: I just need to get it quickly. Paragraph 21?

20 **ADV MOHLAMONYANE SC:** On page 3-6.

MS WILLIAMS: Where are we now, Chairperson?

ADV MOHLAMONYANE SC: We are on page 3-6, paragraph 21.

CHAIRPERSON: Counsel is now directing you to paragraph 21 of your statement. It is at page 3-6.

ADV MOHLAMONYANE SC: My juniors are helping me out. They are saying it is line 6, Madam Chair. Sorry to intercept.

CHAIRPERSON: Line 6 of paragraph 21. You can read the sentence to the witness.

ADV MOHLAMONYANE SC: Thank you, Madam Chair. The sentence starts here:

10 “The IPID task team's investigations
 commenced several months after my
 investigations into the KTA killings were
 interrupted.”

Do you see that?

MS WILLIAMS: Just one second. I am lost because you are giving me a numbering that I do not understand. So I am just trying to go there. What, is there a heading there specifically, Chairperson, that I am supposed to look for? Which page is it?

ADV MOHLAMONYANE SC: Page 3-6.

CHAIRPERSON: Do you have your statement, Ms Williams?

MS WILLIAMS: Yes, I have my statement.

20 **CHAIRPERSON:** Your affidavit.

MS WILLIAMS: Yes, ma'am, I have my statement. Yes, I have that.

CHAIRPERSON: Yes.

MS WILLIAMS: And then I understand what the gentleman is saying on page 5 at paragraph 19, and now the Counsel is

speaking, Madam Chair, about something, and I am not quite following which one he is referring to.

CHAIRPERSON: Counsel first referred you to paragraph 19 of your statement.

MS WILLIAMS: Yes, I have got that, ma'am.

CHAIRPERSON: Yes.

MS WILLIAMS: I have that, yes.

CHAIRPERSON: Now he has moved from that paragraph and went to paragraph 21. He has not asked the question
10 ...[intervenes].

MS WILLIAMS: Yes, I see.

CHAIRPERSON: He has not asked the question as yet. Now go to paragraph 21 of your statement. Are you there?

MS WILLIAMS: Yes, I found it, ma'am. Yes, I just did not understand. I did not quite follow what he was saying.

CHAIRPERSON: Yes, he is yet to ask the question. And he referred you to the second sentence in paragraph 21, that reads "The IPID task team". Is that correct, Counsel?

ADV MOHLAMONYANE SC: That is correct, Madam Chair.

20 **CHAIRPERSON:** You can read it again for the witness.

ADV MOHLAMONYANE SC: For your benefit, Ms Williams, let me read it again.

"The IPID task team's investigations commenced several months after my investigations into the KTA killings were

interrupted by an inexplicable decision
by the DPP's office.”

Are you there?

MS WILLIAMS: Yes, I am there.

ADV MOHLAMONYANE SC: You refer to the KTA killings.

MS WILLIAMS: Yes.

ADV MOHLAMONYANE SC: Go to paragraph 58, five eight
on page 3-20.

MS WILLIAMS: Paragraph 58.

10 **ADV MOHLAMONYANE SC**: The fourth line. You are there?
Are you there, Ms Williams?

MS WILLIAMS: Yes, I am at my statement at paragraph 58,
yes.

ADV MOHLAMONYANE SC: It reads fourth line from the top:
“After Commissioner Ngidi ...[indistinct]
requesting the SAPS to establish a task
team to investigate the Cato Manor SVC
and KTA killings.”

Do you see that?

20 **MS WILLIAMS**: Yes, I see that.

ADV MOHLAMONYANE SC: Go to page 105, paragraph
...[intervenes].

CHAIRPERSON: Page ...[indistinct].

ADV MOHLAMONYANE SC: I beg your pardon, paragraph
105 on page 3-32, the second last sentence down the page.

Do you see that?

MS WILLIAMS: Yes, I see that.

ADV MOHLAMONYANE SC: It says:

“When I told Mr Ngcobo about the interdict Mr Mkhize had obtained against SAPS, he did not mention that he was aware of the Cato Manor's involvement in a spree of KTA killings.”

MS WILLIAMS: Yes.

10 **ADV MOHLAMONYANE SC**: Go to paragraph 135.

MS WILLIAMS: Yes.

ADV MOHLAMONYANE SC: 135 is on page 39, 3-39.

MS WILLIAMS: I have got it, yes.

ADV MOHLAMONYANE SC: Line 2, you say that:

“Mr Ngcoba was aware of serious allegations that the KTA killings, including the killing of Mr Buthelezi by Cato Manor SVC, were connected.”

CHAIRPERSON: Which paragraph is this?

20 **ADV MOHLAMONYANE SC**: 135, Madam Chair,

CHAIRPERSON: 135.

ADV MOHLAMONYANE SC: On page 339, 3-39.

CHAIRPERSON: Yes, thank you.

ADV MOHLAMONYANE SC: I do not wish to belabour this point, but there are other paragraphs in which you mention

the KTA killings. You agree?

MS WILLIAMS: Yes, I agree.

ADV MOHLAMONYANE SC: And you say the KTA killings were done by the Cato Manor SVC.

MS WILLIAMS: That is correct, yes.

ADV MOHLAMONYANE SC: You are aware that as a former police officer, that there was a provincial taxi task team in KZN that dealt with the killings and the violence within the taxi industry?

10 **MS WILLIAMS**: I am aware of that, yes.

ADV MOHLAMONYANE SC: You are also aware, as a former police officer, that there was the so-called political task team, which dealt with political killings and other killings, political, and, are you aware of that?

MS WILLIAMS: Yes, it was where Colonel Madonsela was sitting, yes. It is where Sibusiso Zungu was working.

ADV MOHLAMONYANE SC: Now, my instructions are that the Cato Manor SVC was not tasked to investigate taxi killings. What is your comment on that?

20 **MS WILLIAMS**: Ma'am, I do not actually understand how, I do not know how to answer that, because the matters that we received we were, it was always taxi men and we were told that they were investigating them. So I do not actually quite follow what it is that Counsel is trying to say here. I understand what he is saying about the taxi killings. There

was a taxi violence unit, that I am aware about. However, when information was given by Cato Manor at our scenes, it was always in relation to the taxi killings. There was always some taxi person that was killed. That is how I understand that.

ADV MOHLAMONYANE SC: The Cato Manor SVC officers were not investigating the taxi killings, but what led them to taxi members or taxi bosses or owners was when they were investigating the killing of Superintendent Choncho.

10 **MS WILLIAMS:** Do you want me to respond to that?

ADV MOHLAMONYANE SC: You may respond if you wish.

MS WILLIAMS: Madam Chair, in my understanding of the dealings that I had in respect of Superintendent Choncho, I was told the investigating officer was the superintendent at Port Shepstone. Nobody ever mentioned anything about investigation by Cato Manor.

ADV MOHLAMONYANE SC: Madam Chair. I will leave it at that for today.

CHAIRPERSON: For my purpose, would you repeat that last
20 statement you have just made?

MS WILLIAMS: Would you like me to repeat, ma'am?

CHAIRPERSON: Not you, Counsel.

ADV MOHLAMONYANE SC: I just want to capture what you said, that the Cato Manor unit got involved in relation to the killing of Superintendent Choncho. Is that what you said?

ADV MOHLAMONYANE SC: Yes, I am saying the Cato Manor SVC officers were involved in the investigation of Superintendent Choncho, in the investigation of the death of Superintendent Choncho, and that is what led them to members of Cato Manor, members of the KTA.

MS RAMAGAGA: Maybe just before she answers, I think I am getting a bit confused, and I will say this because you are talking about the Cato Manor unit or section that was, the first question, when you asked it for the first time, you spoke
10 about the Cato Manor being tasked to investigate. And now when you ask for the second time you are saying the Cato Manor was involved in the investigation. To me the two terms are not synonymous, being involved and being tasked do not come through as being synonymous, and maybe I will request that, unless I did not hear you well, that you ask the question that you would want her to answer in that respect. Thank
you.

ADV MOHLAMONYANE SC: Thank you, Madam Ramagaga, let me correct myself. They were tasked to investigate the
20 killing of Superintendent Choncho.

MS RAMAGAGA: Thank you.

CHAIRPERSON: Who tasked them to conduct that investigation?

ADV MOHLAMONYANE SC: I do not have instructions to that as who tasked them. All what I was told that they were

tasked to investigate.

CHAIRPERSON: Counsel, you are putting propositions to the witness when you do not even have the counter statements in your possession. Are you going to call witnesses to state what you are stating?

ADV MOHLAMONYANE SC: I will, Madam Chair.

CHAIRPERSON: When are we going to know who gave the instructions? Are you going to get instructions about that?

ADV MOHLAMONYANE SC: I will get instructions.

10 **CHAIRPERSON:** You have your junior Counsel behind you, at least from NPA. Will she be able to assist?

ADV MOHLAMONYANE SC: I hope so. She is listening.

CHAIRPERSON: She is not committing, Advocate Mohlamonyane. I am not sure who will be your instructing Counsel then, because the junior is shaking her head profusely. Yes, my sister would like to ask you a question.

ADV BALOYI-MERE SC: Through you, Advocate Mohlamonyane, you have referred - Ms Williams, I am going to ask you to respond to this question that I seek clarification

20 on.

MS WILLIAMS: Yes.

ADV BALOYI-MERE SC: Advocate Mohlamonyane has referred you to different paragraphs where you referred to, or where you use the term KTA killings and you, in your response you said it is KTA would describe the Kwa

Maphumulo Taxi Association members and you have been referred to a number of paragraphs. Would you care to explain what led you to the conclusion? I mean, for a deponent to come up with a term like you did to say these are the KTA killings, you must have had extensive information or observed something over time to come up with such a term. Would you care to share with us how did you come up with the term KTA killings.

MS WILLIAMS: Yes, ma'am. During the course of my
10 investigation, I gathered evidence and information, spoke to witnesses, looked at ballistic reports. I also looked at the interdict of Bongani Mkhize. So there were different sources that I was working from, not just one specific source. I also checked regarding who investigated, ma'am, and the investigator, as I understood that was relayed to me, was Sup Choncho, ag, sorry, for Sup Choncho's killing was the Sup from Port Shepstone and Zungu.

So when I checked my information and I looked at how these members came to, the Kwa Maphumulo Taxi
20 Association members came to their demise, and I looked at the ballistic reports and I spoke to ballistic experts because I am not an expert, I spoke to the pathologist and that is how I drew these conclusions, ma'am.

ADV BALOYI-MERE SC: Thank you, ma'am. Thank you, Advocate Mohlamonyane.

ADV MOHLAMONYANE SC: Thank you, Madam Baloyi-Mere SC.

CHAIRPERSON: Is that all Counsel, in relation to this aspect?

ADV MOHLAMONYANE SC: Yes, Madam Chair.

CHAIRPERSON: Yes, thank you. We will adjourn, Madam Williams, until tomorrow morning at 9 o'clock.

MS WILLIAMS: Understood, Chairperson.

CHAIRPERSON: You are still available tomorrow?

10 **MS WILLIAMS:** Yes, I am, Chairperson.

CHAIRPERSON: You are still under oath as we adjourn.

MS WILLIAMS: Understood, Chairperson.

CHAIRPERSON: Yes, thank you. Advocate Mohlamonyane, we start at 9 o'clock tomorrow morning.

ADV MOHLAMONYANE SC: Indeed, Madam Chair.

CHAIRPERSON: Yes, thank you. We adjourn.

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CASE NUMBER : N/A
RECORDED AT : JOHANNESBURG
DATE HELD : 5 MARCH 2026
NUMBER OF PAGES : 192

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