

**THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS
REGARDING EFFORTS OR ATTEMPTS TO STOP THE INVESTIGATION OR
PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES
(TRC CASES INQUIRY)**

HELD AT:

Sci-Bono Discovery Centre, Corner of Miriam Makeba & Helen Joseph Street
Newtown, Johannesburg

BEFORE:

COMMISSIONERS:

The Honourable Ms Justice Sisi Khampepe (Judge Ret.) – Chairperson
The Honourable Mr Justice Frans Diale Kgomo (Judge President Ret.)
Adv Andrea Gabriel (SC)

EVIDENCE LEADERS:

Adv Ishmael Semanya (SC)
Adv Vas Soni (SC)
Adv Fana Nalane (SC)
Adv Nompumelelo Seme
Ms Baitseng Rangata
Adv Phelo Mahlati-Mbanga

REPRESENTATIVES

Adv Motlalepule Rantho (for SAPS)
Adv Ebenezer Propy (for SAPS)
Adv Irene Dikgale (for SAPS)
Adv Yanela Ntloko- NPA representative
Adv B Lukhele-NPA Representative
Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Mr Sipho Tlhaole – The Calata Group
Adv KD Moroka (SC) – DoJ representative
Adv Anisa Kessery-DOJ Representative
Adv Nwabisa Mtshizana (for Ex-NDPP's Officials)

15 SEPTEMBER 2026

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PROCEEDINGS ON 15 SEPTEMBER 2026

CHAIRPERSON: Mr Soni, good morning to you all.

ADV SONI: Morning Chairperson, morning Commissioners, good morning everybody. Chairperson, we are here today to hear the evidence of Commissioner Sithole.

CHAIRPERSON: Is it not Lieutenant General?

ADV RANTHO: Is it General?

ADV SONI: It is Lieutenant General.

CHAIRPERSON: Yes.

10 ADV SONI: I am sorry, Chairperson.

ADV RANTHO: He is actually a General.

CHAIRPERSON: Ja, yes.

ADV RANTHO: After Lieutenant General, the last notch is General, so he is a General.

CHAIRPERSON: Yes, thank you, thank you Ms Rantho. Yes. Good morning, General Sithole.

GENERAL SITHOLE: Good morning, Chair.

CHAIRPERSON: Yes, are you going to take an oath or an affirmation?

20 GENERAL SITHOLE: Under oath, Chair.

CHAIRPERSON: Yes. Do you swear that the evidence that you will give will be the truth, the whole truth and nothing but the truth? If so raise your right hand and say, "So help me God".

GENERAL SITHOLE: So help me God.

CHAIRPERSON: Thank you. Ms Rantho.

GENERAL KHEHLA JOHN SITHOLE: duly sworn states

EXAMINATION BY ADV RANTHO: Thank you Chairperson and good morning, Commissioners. Good morning, General Sithole.

GENERAL SITHOLE: Morning, counsel.

ADV RANTHO: Before we start may I kindly request for you to confirm if you have in front of you an affidavit of Khehla John Sithole?

GENERAL SITHOLE: Yes, I confirm that.

ADV RANTHO: And that is your affidavit, can you confirm that?

GENERAL SITHOLE: Yes, it is my affidavit.

10 ADV RANTHO: May I also confirm if you have personal knowledge of the contents of the said affidavit?

GENERAL SITHOLE: Yes, correct.

ADV RANTHO: Thank you so much. In paragraph 1 of your affidavit you inform the Commission that you came before this Commission in your capacity as the former National Commissioner of the South African Police Service, correct?

GENERAL SITHOLE: Correct, counsel.

ADV RANTHO: And I think your rank has been clarified that you are a General?

20 GENERAL SITHOLE: Correct.

ADV RANTHO: Thank you, General. If I may then proceed to paragraph 3 of your affidavit wherein you inform the Commission that you were approached by chief evidence leader, Adv Semanya, who is one of the evidence leaders before this Commission of Inquiry. That is what you stated in paragraph 3, correct?

GENERAL SITHOLE: Correct, counsel.

ADV RANTHO: May you then confirm that indeed you consulted with Adv Semenya?

GENERAL SITHOLE: I would confirm that after receiving the letter dated 11 March, I was under the impression that it was Adv Semenya because of the signatory line in the letter, but during consultation it was confirmed again to me that it was Adv Nalane.

ADV RANTHO: Thank you. Commissioners, if I may just confirm that it was communicated. It was early, that it was just a mistake
10 because the letter was authored by Adv Semenya. It was Adv Nalane, my senior colleague who is here.

CHAIRPERSON: Yes.

ADV RANTHO: That consulted. Thank you, Commissioners. And then paragraph 4 General, you inform the Commission that this affidavit has been deposed to in response to the letter from the Commission dated 11 March 2026, correct?

GENERAL SITHOLE: Correct, counsel.

ADV RANTHO: Now if I may just request you to go to page 3 of the bundle that is in front of you, page 3?

20 GENERAL SITHOLE: Yes, I am there counsel.

ADV RANTHO: There is a letter dated 11 March 2026. Do you see it?

GENERAL SITHOLE: Yes, I can see it.

ADV RANTHO: All right. Can you confirm to the Commission that that is the letter that you are referring to in your paragraph 4?

GENERAL SITHOLE: Yes, I confirm.

ADV RANTHO: Thank you very much then, General. Let us proceed to paragraph 5 of your affidavit wherein you stated that you were appointed as Provincial Commissioner of the Free State from 2011 until 2013 and thereafter you became National Commissioner of the South African Police Service from 2017 until 2022. You confirm that is the content of your affidavit?

GENERAL SITHOLE: Correct, counsel.

ADV RANTHO: Now if I may then request you to just briefly outline
10 what your roles and responsibilities were in your capacity as the National Commissioner of the South African Police Service to the Commission?

GENERAL SITHOLE: My functions were centred around the four core functions of policing, which range from prevention, combatting as well as investigation of crime including public order maintenance.

ADV RANTHO: If I may just request General, to speak up just a little louder? I know General is very soft spoken, Commissioners. He will do his best to raise his voice. Thank you, General.

GENERAL SITHOLE: Thank you, Counsel. My functions were
20 centred around the core functions of policing which is outlined in the Police Act as well as section 205 which is prevention of crime, combatting of crime, investigation of crime as well as public order maintenance.

ADV RANTHO: And then were you in command of Provincial Commissioners in your capacity as the National Commissioner if I

may just seek clarity on that issue?

GENERAL SITHOLE: Yes counsel, all nine Provincial Commissioners were accountable to me as the National Commissioner.

ADV RANTHO: And then divisions that were at head office, may you just inform the Commission as to what you were structured like or what the SAPS was structured like at the time when you were the National Commissioner of the Police Service?

GENERAL SITHOLE: Counsel, I think firstly there were Deputy
10 National Commissioner functions and those Deputy National Commissioner functions, in the beginning they were three. There is Deputy National Commissioner for Crime Detection and the divisions that were reporting under Deputy National Commissioner for Crime Detection, the divisions were Crime Intelligence as well as Crime Investigations.

Then there was Policing Deputy National Commissioner who was responsible for both Public Order as well as Crime Prevention and the last Deputy was Deputy Corporate Support who was responsible for all the support divisions ranging from HR, Finance,
20 Supply Chain and others. Thank you.

ADV RANTHO: Thank you. If I may then ask you, in relation to the National Head of the Directorate for Priority Crime Investigation, DPCI in short, how were you structured as the SAPS in relation to the DPCI?

GENERAL SITHOLE: In the beginning I and before DPCI was

declared independent, it was a four Deputy structure in the South African Police Service, but after the *Glenister II* court judgment which overlapped to the amendment of the Police Act, the DPCI became an autonomous directorate and they were completely outside the structure of the police and they accounted directly to the Minister.

ADV RANTHO: Thank you, General. Let us go to paragraph 6 of your affidavit. I will read it into the record. This is what the General has stated:

10 “During execution of my duties in above positions, I
never encountered any reports or information relating to
the TRC cases that were brought to my personal
attention, whether official or unofficial. I also do not
have any information related to the TRC in my
possession in my private capacity.”

Now if I may just request you just to explain to the Commissioners as to why you would not be in a position to assist the Commissioner with information relating to the TRC cases as you stated in paragraph 6 of your affidavit?

20 GENERAL SITHOLE: Ja, firstly the TRC cases investigation
directive was related to DPCI and DPCI was an autonomous body of
investigation and the National Commissioner by then did not have the
mandate to deal with TRC cases as they were part and parcel of the
DPCI investigation directorate.

ADV RANTHO: In terms of section 17K, that is 17K(2) of the South African Police Service Act as amended, you were required as a

National Commissioner to table on your report before Parliament and that said provision said in your report the DPCI report would have to be included or would be part and parcel of that report that the National Commissioner is required to present before Parliament. You are aware of that requirement?

GENERAL SITHOLE: I am aware of it but I want to clarify it in this manner, to say DPCI compiled their own annual performance report independently, independent of the South African Police Service, but because of the fact that DPCI remained part of Programme Duwei, I
10 think the South African Police Service is structured according to five programmes and Programme 3 is the investigation programme and as DPCI became independent, Treasury did not want to take them out of Programme 3 and give them their own programme.

While they remained part and parcel of Programme 3, if we were then called to Parliament to present an annual performance report, then there were two reports under Programme 3, one of those reports was presented by the Deputy National Commissioner: Crime Detection and the other by DPCI. So the Deputy National Crime, the National Commissioner for Crime Detection would present a full
20 investigation report and after that we will hand over to the National Head of DPCI.

That is how Programme 3 would then be completed. In that case as we approached Parliament, we approached Parliament as having one report with sub, with two subdivisions of Programme 3.

ADV RANTHO: Now as the National Commissioner of the Police,

you were the Accounting Officer contemplated in the Public Finance Management Act. Is that not so?

GENERAL SITHOLE: Correct, counsel.

ADV RANTHO: If I may just request you to explain to the Commission in terms of what your role as an Accounting Officer was *vis-à-vis* the role of the DPCI Head, considering the fact that DPCI Head is deemed independent from the sup or independent from the South African Police Service insofar as the supervision by the National Commissioner is concerned?

- 10 GENERAL SITHOLE: Thank you. I think firstly the DPCI, the National Head of DPCI was fully responsible for the DPCI matters, but then there were also areas of overarching strategic responsibility where the National Commissioner as Accounting Officer was coming in. One example of that is the support in terms of resourcing and certain type of operational support which would be provided to DPCI.

- It would happen from time to time that DPCI would conduct a takedown operation on arrests. It depends on the status of the criminal which they were taking down. If there is a retaliation, DPCI will require the services of medium and high risk forces which
20 belonged to the South African Police Service structure and they are also budgeted for by the South African Police Service.

They will go there and secure DPCI to execute such arrests, but then again there would be the need for the use of a support from the South African Police Service. So whenever SAPS was doing the budget, they would look at such overall support which should also be

provided for to DPCI, but when it comes to budgeting for operational matters of DPCI, it was the sole National Head of DPCI and they did that independently. The difference is that when we support, we presented a budget concept to Treasury.

Because of Programme 3, it would be an integrated report, so the two reports again as they reflect in Parliament, then they would reflect in the motivation to Treasury but they start from an independent position. This is how I can explain it.

ADV RANTHO: Thank you, General. Another issue that perhaps I
10 would request you to explain to the Commission is how case management or what do you call, the case system is managed particularly by the National Commissioners, the overall Head of the South African Police Service.

GENERAL SITHOLE: The total CAS is a section 207 matter and it is a responsibility of the National Commissioner. Maybe ...[intervenes]

ADV RANTHO: General, sorry to interrupt you, I do not want to. I am sorry ...[intervenes]

GENERAL SITHOLE: Okay.

ADV RANTHO: But perhaps if you can just inform the Commission,
20 section 207 of which Act so that the Commission follows?

GENERAL SITHOLE: Oh, it is section 207 of the Constitution.

ADV RANTHO: Thank you, General.

GENERAL SITHOLE: Thank you. The total CAS refers to a Case Administration System run by the South African Police Service. This is where we are capturing all cases and they are given serial

numbers. Now the total CAS of all cases which were registered at all police stations is captured in the so-called National CAS, but as other investigation directorates emerged through policy and legislative developments and DPCI is one of them, IDAC, the other, then there is sub CAS, subcases that are provided in the total CAS.

And like for instance the DPCI had their own CAS within the total CAS and they managed that CAS because those cases are already in their hands and they took sole responsibility for such cases up until at a point in time when they are disposed of those cases and
10 if they get disposed of, they go back to the station of origin for filing and they return back to the total CAS.

That is being the responsibility of the National Commissioner, making sure that cases are dispersed to the relevant investigation directorate, if it must go to DPCI, Murder and Robbery or whoever, it will go there, but once the investigation is finalised, it must come back to the station of origin for filing. This is how I can explain the CAS.

ADV RANTHO: Thank you. Maybe just to also if I may just request you to explain what CAS stands for? It would be C-E-S, I mean C-A-
20 S? What does it mean, what does it stand for, CAS?

GENERAL SITHOLE: Case Administration System.

ADV RANTHO: Thank you, General. In paragraph 7 of your affidavit you inform the Commission that at a time when you took over as a Provincial Commissioner of the Free State, your predecessor was Lieutenant General Sengani who did not do any handover to you.

You further explained or informed the Commission that even when you were appointed the National Commissioner of the Police, your predecessor who was General, Lieutenant General Mothiba, also did not do any handover of cases related to the TRC Commission. You confirm that is what you stated in your affidavit?

GENERAL SITHOLE: Yes I confirm, counsel.

ADV RANTHO: If I may just request you to explain to the Commission as to why would that be the case?

GENERAL SITHOLE: In the South African Police Service the, it is
10 ranging from Standing Orders to National Instructions and one of the key National Instruction is the one that prescribed a handing over process whenever there is one incumbent going out and a new incumbent is coming in. And the handing over certificate entails everything, including all investigations.

Now in view of the fact that this was not part and parcel of the mandate of the South African Police Service, it never formed part of any handing over. It means no incumbent ever inherited DPCI investigation matters and that is because they lied within the mandate of the National Head of DPCI.

20 So that is the reason I got, what I established why there were no handing overs before then and I also was not in a position to do any such handing over because the subject was already lying within the mandate of DPCI.

ADV RANTHO: Thank you, General. The structure of DPCI at provincial level, would I be correct that it replicates what the national

structure is like? In other words it is also headed by Head of DPCI at provincial level?

GENERAL SITHOLE: Correct counsel, exactly like the South African Police Service.

ADV RANTHO: One last thing that is not dealt with in your affidavit General but it is a matter that came before the Commission, is an issue of legal funding or funding of legal cost for former members of the then South African Police Force that are now standing accused of atrocities, I would say crimes of different kind and the statements that
10 were made before the Commissioners that such members are entitled to legal representation.

I would want you to inform the Commission as to what is your understanding in relation to legal funding that is afforded to previous employees of the South African Police Service.

GENERAL SITHOLE: Firstly, it does not happen or it did not happen automatically. Secondly, there is a National Instruction which also set a criteria and the applications of all members are subject to this National Instruction and once they are submitted they get scrutinised by Legal Services and Legal Services will make recommendations to
20 the Accounting Officer of whether they should be approved or disapproved. So not all of them are just automatically, so the National Instruction plays the role.

ADV RANTHO: Is my understanding correct that such decision would lie at the National Commissioner's level?

GENERAL SITHOLE: Yes counsel, subject to Legal Services'

recommendations, but the final decision is the National Commissioner.

ADV RANTHO: Do Ministers get involved in such decisions?

GENERAL SITHOLE: If it is an administrative and operational decision, then the Minister would get involved either through briefing or be given a report, but the actual work is operational and administration, administrative.

ADV RANTHO: Meaning decisions in relation to that would have been taken at operational level?

10 GENERAL SITHOLE: Yes, counsel.

ADV RANTHO: Commissioners, if I may request indulgence just for a few minutes ...[intervenes]

CHAIRPERSON: Yes, you may.

ADV RANTHO: To check with my colleague. Commissioners, for now it brings an end to evidence-in-chief by General Sithole but perhaps before we proceed to the issue of clarifications, there is something that we wish to bring before the Commission, is the fact that there were some documents that we received from the Calata Group.

20 CHAIRPERSON: Yes.

ADV RANTHO: Which I have communicated to my colleague that we do not understand as to how we are going to be clarifying by using documents that are not forming part of the witness' evidence and we also indicated that we reserve our right to object ...[intervenes]

CHAIRPERSON: Yes.

ADV RANTHO: To the witness being taken through those documents because in all fairness they were shown to the witness, but we still remain in the dark as to what the purpose of clarification would be in relation to those documents.

CHAIRPERSON: Yes.

ADV RANTHO: And we think it is unfair just to put document without that which the provision provides for in terms of application for cross-examination, Chairperson.

10 CHAIRPERSON: Yes.

ADV RANTHO: Yes.

CHAIRPERSON: Yes, thank you, Ms Rantho. Questions for clarifications? Mr Lukhele? Is it Ms Ntloko?

ADV NTLOKO: It is, Chair. Firstly I should apologise that I walked in late, the accreditation person was not outside and so I had to join virtually outside before getting inside. We have some clarification questions. Good morning, General Sithole.

GENERAL SITHOLE: Morning, Commissioners.

20 CROSS-EXAMINATION BY ADV NTLOKO: Well I am not a Commissioner today, it is Yanela Ntloko. I think we have met and worked together in the past, I should state that upfront. Just a few clarification questions on behalf of the NPA, the first, you indicated in your evidence that matters are registered at different police stations and then they move to the different other division or components. How does that, how did the matters get decided which division they

go to?

GENERAL SITHOLE: Thank you, Commissioner. Firstly at the police station there is a person appointed to look specifically or to be in charge of the so-called crime register at the station. That is where all the cases are registered as soon as they are opened. Then there is an administration, a small administration at the police station level where they scrutinise that very same case which has been opened. They are in possession of all policy documents that relates to the mandates of the different investigation units.

10 It would happen that such a case warrants to be investigated at the level of the police station, then it would be booked out to a local detective within the same police station. But then it would happen they also have a policy that they can use to establish whether does the mandate for investigating that docket lies within Murder and Robbery or any other unit? And if it is so, they will phone Murder and Robbery and inform them, "That a new case has been opened and it was not within your mandate, can you send your investigators?"

 The same principle applied to DPCI. DPCI would either be informed by the police station or they will get information somewhere
20 else that a particular case opened at the police station X, it is a priority case, then they will phone the police station, "Come and collect it". So they used that policy criteria and they analysed those docket, but an experienced crime register person get appointed at a police station to assist those cases.

COMMISSIONER KGOMO: General, it is a bit awkward when you

are questioned. Look this way, it is Commissioner Kgomo speaking here. When a question comes, you face the person, the counsel who is questioning but when you answer, you face the Chairperson. It is a bit awkward, you follow?

GENERAL SITHOLE: I do follow and I apologise, I will ...[intervenes]

COMMISSIONER KGOMO: No, no, that is in order. Carry on Ms Ntloko, thank you.

ADV NTLOKO: Thank you, Commissioner Kgomo. And I think General to be fair to you, maybe we should apologise to you because
10 you then have to look left and right throughout, but I do not mind if you just continue to look at the Commissioners at all times at all. Then our secondary question is, if you have a look at page 1 of the bundle, paragraph 6, there you indicate that:

“During execution of my duties in the above positions, I never encountered any reports or information relating to the TRC cases that were brought to my personal attention, whether official or unofficial. I also do not have any information related to the TRC in my possession in my private capacity.”

20 So I would want you to just clarify this, did you not have any information, is it because the matters were being dealt with in solely at the DPCI or is there any other reason for why you would not have had any information in relation to the TRC cases?

GENERAL SITHOLE: I think the reason that the whole investigation process, the operational responsibility lied with DPCI and DPCI would

not be in any manner account to me with regard to the progress of such investigations.

ADV NTLOKO: Okay, thank you so much about that, which then takes us to our next question relating to that. You indicted that when you do budgets, you do budgets separately and then put them together to take them to Parliament. Still just that we understand, was the TRC matters since they were now moved to DPCI, was the budget solely then in the DPCI budget and not within I will say SAPS? I understand DPCI is part of SAPS in one way or the other, but if you

10 can just differentiate that for us?

GENERAL SITHOLE: Yes, the investigation thereof, the budget requirement for investigation of the TRC matters was solely contained in the DPCI that is budget report. Only matters evolving around support, were captured in the SAPS budget.

ADV NTLOKO: So there were some, there were some budgets within the SAPS that related to TRC matters. Is that what I am to understand, but a very small component in relation to support?

GENERAL SITHOLE: It was not necessarily TRC alone. Like I have explained earlier on, that when DPCI wanted to execute a takedown

20 arrest, it would not matter whether it is a TRC related suspected or is a heist related suspect or it is a drug related suspect. If the Intelligence suggested that there could be retaliation by those criminals, then SAPS was obliged to provide medium and high risk support, a support or any other form of support including armed vehicles.

ADV NTLOKO: Thank you. And then in your evidence as well you had indicated that in relation to funding and now this is for litigation funding, that the decision would be made by because it is a, by the National Commissioner with the support of Legal. Would you be in a position to let us know what goes into those decisions, what considerations go into those decisions for funding?

GENERAL SITHOLE: I cannot cite the whole criteria but what I would remember specifically is that firstly there should be confirmation that the member was on duty. Secondly, the action
10 related to the funding did not amount to owns serious and deliberate misconduct by the member. So those are too key but it was a whole set of criteria set out in the National Instruction and Legal Services would base their recommendations based on such analysis and investigation.

ADV NTLOKO: I mean our final question, during your tenure, I realise you say you did not have any encounter in relation to TRC cases and all of that, so anything that we would require in relation to TRC cases, that is just to understand who would need to then liaise with the DPCI. So ...[intervenes]

20 GENERAL SITHOLE: I did not capture the question well?

ADV NTLOKO: No, it is my fault probably. You indicate in your statement that during your tenure whether you were as the Provincial or National Commissioner, you did not encounter any TRC matters and during my earlier clarification you indicated that these would fall within the DPCI. So during your tenure at the SAPS, any matters

then that related to TRC if we needed any further clarifications, should we then be looking at asking the DPCI?

GENERAL SITHOLE: Yes if I would have received any clarification, I would automatically defer that to DPCI so that the attend because the mandate lied within them.

ADV NTLOKO: Thank you so much, that is all our clarification questions from the NPA. Thank you so much, General.

CHAIRPERSON: Thank you. Ms Moroka?

ADV MOROKA: No questions Chair, thank you.

10 CHAIRPERSON: Thank you. Ms Mtshizana?

ADV MTSHIZANA: Thank you Chair, no questions from our side.

CHAIRPERSON: Thank you. Anyone on line? Mr Varney?

ADV VARNEY: Thank you, Chairperson. We do have some questions by way of clarification but I think we need to sort out the question of the documents that we put up on the 2 September. With the Chair's leave if I can make some submissions on those documents and ...[intervenes]

CHAIRPERSON: Yes.

ADV VARNEY: Perhaps the Chair can make a ruling?

20 CHAIRPERSON: Yes, there is an intended objection to the production of such documents.

ADV VARNEY: Yes, yes indeed, I have had a discussion with my learned friend a bit before we started and she indicated that. Chair, we do not regard General Sithole as an implicated person. If anything, the record while he was Commissioner, is probably the best

record in relation to the TRC cases that we have seen so far. So we do not intend to apply to cross-examine him, we think that would be an unnecessary step and also not good use of the remaining time available to this Commission.

CHAIRPERSON: So what is the import of the documents you have for clarification?

ADV VARNEY: So Chair, firstly we would want to place on record that leaders of evidence, regardless of who they are, they have a responsibility to the Commission which is to put all matters relevant to
10 the Commission's mandate in which the witness is potentially connected to, to the witness when the evidence is being led and this would include for example, correspondence addressed to the witness in relation to the TRC cases.

And this is really the issue before us today, because as mentioned on 2 September we sent a letter to the evidence leader, copied to Adv Rantho and her team that there were certain documents who were already part of the record. We did not find these documents ourselves, they are part of the Commission's record, so I think it is three letters and a presentation, and we asked
20 that the documentation be given to the witness so that he could prepare himself and that they be put to him during his evidence-in-chief.

Had that happened, probably we would have no questions for clarification and of course it would obviate the need for any cross-examination. Now Adv Rantho has indicated to me beforehand and

to the Commission just now that, well she said she would not put the documents to her witness and she is going to object to us putting questions to the witness.

The documents are there for all to see, they deal directly with the TRC cases and two of the letters were in fact addressed or copied to General Sithole dealing with the TRC cases. So they are clearly relevant. We do not intend to challenge the witness, we simply seek his comment on those documents.

CHAIRPERSON: Yes.

- 10 ADV VARNEY: And we want to know Chairperson, why Adv Rantho has decided not to put these documents to the witness when they are so clearly are relevant and deal directly with this Commission's mandate.

CHAIRPERSON: Yes, thank you. Mr Varney, I find it curious that you say you have put the documents in for the witness' comment when the witness has stated in paragraph 6 of his statement that he never encountered any reports or information relating to TRC cases.

ADV VARNEY: Chairperson, we assume ...[intervenes]

- 20 CHAIRPERSON: And your documents actually are to, are diametrically opposed to that statement.

ADV VARNEY: Yes, on the face of it that is the case, Chairperson.

CHAIRPERSON: Yes, so that is not clarificatory in its nature.

ADV VARNEY: But Chairperson, these documents were put up after the statement had been circulated, so to be fair to General Sithole, the document have not been brought to his attention where he made

out that statement. If there had been, then I am sure he would address them. So it is simply an oversight because he did not have access to the documents at the time. We do not intend to challenge him on that basis.

CHAIRPERSON: Yes, but his statement is quite clear and his evidence before this Commission is quite clear, that he had no, he had not, he never encountered any reports or information relating to TRC cases. What do I do with that evidence before me?

10 ADV VARNEY: But Chairperson, one has to understand his position, as Commissioner he would have seen perhaps thousands or tens of thousands of documents. He cannot be expected to have a recollection of individual documents unless they are brought to his attention. So we do not intend to challenge him on that score, we are simply bringing these documents to his attention and now that he has seen them, invite him to speak to them.

CHAIRPERSON: But now in the light of the evidence that has been led before this Commission, what would be the purpose of seeking clarificatory questions on the documents which are against the evidence that has been presented before this Commission?

20 ADV VARNEY: Of ...[intervenes]

CHAIRPERSON: Unless you cross-examine him on the documents.

ADV VARNEY: Yes Chairperson, we do not intend to cross-examine him because he is not a person of interest and we assume as mentioned, that and to be fair to him, somebody in the position where he deals with a great deal of documentation and correspondence on

a daily basis cannot be expected to recall each and every document.

CHAIRPERSON: Yes.

ADV VARNEY: And so because it was not brought to his attention at the time of his statement, we accept that that was an oversight. That is quite understandable. Chairperson and that is again why we have to ask why the leader of evidence in this case chose not to put those documents to him so that he could offer an explanation?

CHAIRPERSON: Yes. Ms Rantho?

ADV RANTHO: Thank you, Chairperson. Chair, we have rules that
10 govern conduct of proceedings in this Commission and it is not the first time that documents are put before witnesses, that the witnesses never had any sight of, but cross-examination will afford Mr Varney exactly the opportunity to deal with issues that he thinks were not adequately canvassed in the witness' statement, all those that he thinks ought to have been looked into by the evidence leaders.

To say that it was an oversight, I think it cannot be true because Mr Varney is not holding brief for General Sithole and he operates or he makes the statement from the premise that there was some sort of oversight. I do not know who communicated that to him,
20 but that cannot be the case. But if at all the witness was required to explain that, it would have been done like in the case of General Dramat.

There were documents that came from the Calata Group, they were contained or they were indicated in the notice and he explained that under his affidavit. Just to go back to how this was

done, we cannot deny that documents were indeed put before General Sithole or were submitted to all of us, but we did not know what the purpose was and that we say is tantamount to ambush Chair, in all fairness to the witness.

And we insist that Mr Varney can still seek or address his issues through an application of cross-examination ...[intervenes]

CHAIRPERSON: Yes.

ADV RANTHO: And those documents can be properly put before the Commission.

10 CHAIRPERSON: Yes. Mr Varney, we are of the view that these documents are very relevant to the Terms of Reference of this Commission and the fact that General Sithole is not an implicated person, does not preclude you from putting these questions under cross-examination. We therefore rule that if you intend to ask questions with regard to these documents, they must be amply put under cross-examination and not in clarificatory questions.

ADV VARNEY: As the Chairperson pleases. Chairperson, in those circumstances we have no questions by way of clarification. We place on record that we do not intend to apply to cross-examine this
20 person. There are many other witnesses who should be cross-examined and we will concentrate on those witnesses.

CHAIRPERSON: Yes.

ADV VARNEY: Chairperson, we also place on record that this is a truth seeking, a fact-finding Commission and we leave it, we now leave it in the hands of the evidence leaders and the Commissioners

to pursue whatever questions that you or the evidence leaders may have in respect of these documents.

CHAIRPERSON: Thank you. Mr Soni?

ADV SONI: Chairperson, I have been placed in an awkward position because I accept as your ruling states explicitly that the documents that have been presented by the Calata Group are relevant. The difficulty I have is that I do not know what it is that Mr Varney had hoped to extract from the witness in relation to this and in light of the fact that there is a duty on the evidence leaders to deal with all
10 matters of relevance, I am going to raise the documents but I do not want to be accused Chairperson, by Mr Varney of not doing what he intended to do because had he indicated what the purpose was and a ruling was made, I could have followed that if that was my view.

CHAIRPERSON: Yes.

ADV SONI: But in light of the fact that we have a particular duty, I will deal with these documents with Mr Sithole.

CHAIRPERSON: Yes.

ADV SONI: With General Sithole.

CHAIRPERSON: Thank you, Mr Varney. Mr Soni.

20 ADV SONI: Thank you, Chairperson.

COMMISSIONER KGOMO: Mr Soni, just before you, are you ready to question? Before you come in, I just want some information from General Sithole.

ADV SONI: Yes, yes, obviously.

COMMISSIONER KGOMO: General, you referred, you mentioned

several times to National Instructions but you have not said what National Instructions are and where if we want the National Instructions, where do we find them? In what form are they cast, if National Instructions are separate from Standing Orders, how do they differ? Can you help us there?

GENERAL SITHOLE: Thank you, Chair. Firstly the developmental, in terms of the developmental history of the South African Police Service, initially it was managed through Standing Orders and those Standing Orders were internal directives which were assisting various
10 fields in the South African Police Service, unpacking how to deal with. But somewhere the process also took place during my tenure, there was a transition from Standing Orders to National Instruction and the Legal Division within the Police Service was tasked to undertake that transition exercise.

At the end of the transition exercise, all Standing Orders were phased out and National Instructions kicked in. So the National Instructions are internal policy directives which govern the South African Police Service. Thank you, Chair.

COMMISSIONER KGOMO: Thank you. Mr Soni.

20 CROSS-EXAMINATION BY ADV SONI: As you please, Commissioner. On the issue of National Instructions raised by Commissioner Kgomo, General can I ask you this? In regard to the provision of legal assistance to members who are charged, are there National Instructions?

GENERAL SITHOLE: I am sure I must have captured the question

well but how I understand it is that there is a specific directive which was compiled as National Instructions, so it is one of the National Instructions, part of that set and that set deals specifically with the provision of legal support to members.

ADV SONI: And would it be easy for you to direct where those could be obtained so that the Commission can have a copy of them?

ADV RANTHO: Commissioners, my apologies Mr Soni, this National Instruction was referred to during the evidence of Mr [Indistinct], but it is available. I think my colleague, Mr Varney, did request one but we

10 will undertake to circulate it to all parties.

CHAIRPERSON: Okay.

ADV RANTHO: It is available, Commissioners.

ADV SONI: I am indebted to my learned friend ...[intervenes]

CHAIRPERSON: Thank you, Ms Rantho.

ADV SONI: General, may I then ask you to kindly look at the file in front of you and you will see that after the letter that, after a letter that was sent to you by the Commission on the 7 July, there is a further document and that starts at page 618. You will see it divided by a green divider.

20 GENERAL SITHOLE: Yes Commissioner, I can see that document.

ADV SONI: As I understand it and General, I do not want to put you at a disadvantage, so I understood what my learned friend Ms Rantho said, you have seen this document?

GENERAL SITHOLE: Yes, I have seen the document in the bundle.

ADV SONI: Can I just indicate to you and you will tell me if I am

wrong, this is a document from Cliffe Dekker Hofmeyr Attorneys addressed to the Minister of Police and yourself as National Commissioner of Police?

GENERAL SITHOLE: Correct, Commissioner.

ADV SONI: And again without going into details, I just want to say it raises a complaint about the fact that a charge was laid in a Cape Town police station and the police refused to investigate. That was the complaint.

GENERAL SITHOLE: Yes, Commissioner.

10 ADV SONI: And I am not talking about the validity of the complaint. Now can I then ask you if you go to the next document which is at page 628 ...[intervenes]

COMMISSIONER KGOMO: Yes but before you go there, this document ...[intervenes]

ADV SONI: Oh sorry.

COMMISSIONER KGOMO: This document is dated, the one at 618, it is dated the 4 October 2020. Would that be correct?

GENERAL SITHOLE: Correct Commissioner, I can see the date.

ADV SONI: When you are answering, again General if you could
20 look at the Chairperson and the Commissioners? Thank you Commissioner Kgomo, that then ...[intervenes]

COMMISSIONER KGOMO: Yes.

ADV SONI: Of course my next question more meaningful. If I then ask you to look at page 628 General, you will see that that is a document from the South, on the letterhead of the South African

Police Service and it is dated the 23 October 2023, oh 2020, sorry. Is that correct?

GENERAL SITHOLE: Correct, Commissioner.

ADV SONI: And it is addressed to the attorneys who wrote the letter of the 4 October.

GENERAL SITHOLE: Correct, Commissioner.

ADV SONI: And the first paragraph reads:

10 “Your letter dated 4 October to the office of the Minister
 of Police and the National Commissioner respectively
 has bearing on this matter.”

GENERAL SITHOLE: Correct, Commissioner.

ADV SONI: Now if you look at the next page, page 629, you will see who the author of that letter is.

GENERAL SITHOLE: Yes Commissioner, I can see the author.

ADV SONI: And that is the Head of the DPCI at the time?

GENERAL SITHOLE: Correct, Commissioner.

ADV SONI: This was Dr Lebeya, is that correct?

GENERAL SITHOLE: Correct, Commissioner.

20 ADV SONI: Now can I just ask and I think the answer is obvious, I
 take it, well let me ask you how did the letter land up with Dr Lebeya,
 at Dr Lebeya’s office?

GENERAL SITHOLE: Firstly Commissioner, one, it was addressed to the Minister and the National Commissioner. The National Head to start with, is directly accountable to the Minister in terms of the latest legislative development. Secondly, the attorneys who wrote the

letter, I doubt if they understood where does the mandate lie with regard to addressing these matters.

ADV SONI: This is TRC matters I take it you are talking about?

GENERAL SITHOLE: Yes.

ADV SONI: Yes.

GENERAL SITHOLE: I think if they knew that the mandate is with DPCI, the letter was supposed to be addressed directly to the DPCI National Head and the Minister, it would have been relevant. But then the administrative process and my instructions in the, in my
10 office, I had a PA and a chief of staff, then the chief of staff if they receive correspondence that is not supposed to come for my attention but they belong somewhere, they will redirect that correspondence to where they belong so that there is, the attention is given from the right, the correct platform.

But further than that, there was also open communication between myself and the National Head, if there is matters that require his attention, we would communicate firstly from a phone call but where it is necessary with regard to correspondence, then we will conduct the correspondence.

20 The fact that there was this letter, there is no acknowledgment and there is no further response from my office and suddenly there is a response from DPCI, tells, the rationale dictate it was redirected from my office but at the same time the Minister has sent a direct instruction to the National Head of DPCI. So I want to believe, not and unconfirmed that then the attorneys were not aware.

While it is a Calata matter emanating from a police station but what the family was seeking the assistance from the police station, could only have been given by the investigating officer and the docket was no longer at a level of the station, it was already in the hands of the investigating officer who was already at DPCI. So that is how I see the correspondence.

ADV SONI: Can I ask you, until these two letters were shown to you by your counsel after they were presented by the Calatas, until that time had you seen these two letters or to the best of recollection had
10 you seen these two letters previously?

GENERAL SITHOLE: No Commissioner, I would not recall the letters specifically seeing them, because it is, I have now four years I left the service.

ADV SONI: Yes.

GENERAL SITHOLE: But when I look at them, the only thing I remember is that such correspondence would not have been dealt with by my office. They ...[intervenes]

ADV SONI: Sorry, go ahead.

GENERAL SITHOLE: Yes, they would have been redirected.

20 ADV SONI: Do not forget to face the Chairperson.

GENERAL SITHOLE: Okay.

ADV SONI: General.

GENERAL SITHOLE: I am sorry, maybe I must also just in my apology add, there is a light there. If I am trying to look at the Chairperson, it is getting straight into my eyes sometimes, so

...[intervenes]

ADV SONI: You do not need to apologise.

GENERAL SITHOLE: So my apology for that.

ADV SONI: No, no, no, we understand, General.

GENERAL SITHOLE: Thank you, Commissioner.

ADV SONI: Just to finalise this issue General, looking at the fact that the or considering the fact that the letters or the letter was addressed to you and the then Minister and the reply came from the Head of the DPCI ...[intervenes]

10 GENERAL SITHOLE: Yes.

ADV SONI: In terms of the processes, protocols and procedures that apply, it was the correct course of action, I mean the proceedings followed were the correct proceedings?

GENERAL SITHOLE: It would have been correct for it to be addressed to the Minister, because I am also to a certain extent accountable to the Minister as well as then the DPCI National Head, but if a matter comes forward and it is within, it lies within the DPCI mandate, it is brought to both my attention and the Minister, I do not have the authority to attend to it because the Minister in terms of
20 command is higher.

ADV SONI: Sorry, when I said the procedure and processes that were followed, I am talking about by the police. In other words when it, although it was addressed to you, it was the letter was redirected to the Head of the DPCI who responded. So I am saying the police acted in terms of the powers granted to each section of the police.

GENERAL SITHOLE: Yes Commissioner, that was correct, the correct procedure.

ADV SONI: Can I then ask you to look at the next document General, in that file? And that is on the top right-hand side, SB00027. It is a letter from the Foundation for Human Rights. Do you see that? It is the very next, it is the letter after Dr Lebeya's letters.

GENERAL SITHOLE: Yes, I can see that.

ADV SONI: Okay. Now you will see General, right at the bottom of, well this letter is from Mr Hanif Vally who is the Executive Director of
10 the Foundation for Human Rights, you will see that right at the top and it is addressed to a number of persons. One of the persons right at the bottom is yourself and you will see your name right at the bottom of that list on that page. Do you see that?

GENERAL SITHOLE: Yes, I see Commissioner.

ADV SONI: Now that, there does not seem to be a date on this letter, but it seems ...[intervenes]

COMMISSIONER KGOMO: It is 28 January 2021.

ADV SONI: Oh sorry, it is just on the, it is dated the 28 January 2021. Is in fact an invitation to a workshop that was going to be held
20 on the 17 February 2021. Would I be correct?

GENERAL SITHOLE: Yes, correct Commissioner.

ADV SONI: Okay. Firstly can I ask you, can you recall this invitation being sent to you?

GENERAL SITHOLE: Commissioner, I do not recall the invitation.

ADV SONI: Okay.

GENERAL SITHOLE: Yes.

ADV SONI: And I will take it then we can accept that you did not attend the workshop?

GENERAL SITHOLE: Correct Commissioner, I never attended DPCI related workshops.

ADV SONI: Do you know whether General, I mean Dr Lebeya attended? You do not have to know, I am just asking to complete the picture that might emerge.

GENERAL SITHOLE: My rationale dictate that Dr Lebeya must have
10 attended.

ADV SONI: You do not recall any report being given to you or discussion with you relating to that workshop with Dr Lebeya?

GENERAL SITHOLE: No, there was no report Commissioner, given to me.

ADV SONI: Okay. Now General, one of the things that we know and Ms Rantho has already raised it with you is, that when you as the Commissioner present your report to Parliament ...[intervenes]

GENERAL SITHOLE: Yes.

ADV SONI: One of the reports that accompany your report is the
20 report of the Head of the DPCI.

GENERAL SITHOLE: Ja Commissioner, as I was explaining it, the National Head of DPCI keep their own report. We bring ours.

ADV SONI: Yes.

GENERAL SITHOLE: We present to Parliament and as and when the time for Programme 3 comes, the National, the Deputy National

Commissioner presents a Programme 3 report at the end.

ADV SONI: Yes.

GENERAL SITHOLE: The National Head comes with their report and they present it there, but that report has been shared fully with the Minister and not with the National Commissioner.

ADV SONI: I understand that perfectly.

GENERAL SITHOLE: Yes.

ADV SONI: And that is what the Act provides for.

GENERAL SITHOLE: Yes.

- 10 ADV SONI: And that arose out of the 2008 and 2012 amendments to the National Police Act.

GENERAL SITHOLE: Thank you, Commissioner.

ADV SONI: Now in, can I just ask you a more general question? You were appointed Commissioner in 2017.

GENERAL SITHOLE: Correct, Commissioner.

ADV SONI: Now in terms of section 7 of the Police Act, your term of office would ordinarily be five years.

GENERAL SITHOLE: Yes, Commissioner.

ADV SONI: Was your term of office in fact five years?

- 20 GENERAL SITHOLE: It was four years, three months subject to a mutual agreement between myself and the Commander-in-Chief and I took early retired.

ADV SONI: Oh I see, but was it, as I understand section 7, at the time of your appointment the period, the duration of your tenure must be set out. So I want to know, was your period of, did your

appointment say it is for a period of five years or did it say it is for four years and three months?

GENERAL SITHOLE: I signed a contract for five years Commissioner, in the beginning and subject to the provision ...[intervenes]

ADV SONI: Yes.

GENERAL SITHOLE: Of the employment contract, there is a clause for mutual agreement. It is the one that kicked in when I terminated my service before the five year ends.

10 ADV SONI: And so it is you who asked for, effectively asked for a shorter period?

GENERAL SITHOLE: Chair, the President of the country went live to say when he announced the, my termination ...[intervenes]

ADV SONI: Yes.

GENERAL SITHOLE: And he further said the mutual agreement is confidential between him and myself and therefore I fear to disclose anything unless he does so.

ADV SONI: No, no, and General let me explain why I have asked that question, and it is, I did not realise and I was not aware that a
20 public announcement had been made.

GENERAL SITHOLE: Thank you.

ADV SONI: The evidence has been that there were a very few National Commissioners who fulfilled the entire period of their appointment and in fact, many were appointed as Acting Commissioners for quite short periods and that is the only purpose of

asking you the question. But again yours was a relatively long period, you say four years and three months. During that period did the, I take it on every occasion that you had to report, that the SAPS had to report to Parliament, you submitted your report?

GENERAL SITHOLE: Yes Commissioner, I did submit my reports.

ADV SONI: And on the same occasion the Head of the DPCI would have submitted his report?

GENERAL SITHOLE: Yes, Commissioner.

10 ADV SONI: Okay. Now can I ask you in relation to the next set of document that have been presented to you, if you look at after the agenda for the workshop, you will see documents, a set of documents relating to a Hawks report or presentation to the Portfolio Committee on Justice and Constitutional Development on the implementation of the recommendations of the Truth and Reconciliation Commission that is dated the 20 May 2025. Do you see that, General?

GENERAL SITHOLE: Yes Commissioner, I can see that.

ADV SONI: Oh all right. Now I want to place something on record, I have realised this was three years after ...[intervenes]

GENERAL SITHOLE: I have left.

20 ADV SONI: You have left.

GENERAL SITHOLE: Yes, Commissioner.

ADV SONI: Ordinarily you would not have been aware of this because you would not have been in Parliament.

GENERAL SITHOLE: Correct, Commissioner.

ADV SONI: Can I ask you, is it the first time that you saw? Is it the

first time that you saw the document when it was shown to you by Ms Rantho for the purposes of you giving evidence?

GENERAL SITHOLE: The document about the workshop, Commissioner?

ADV SONI: No, no, no, the document relating to the presentation of the 20 May 2025.

GENERAL SITHOLE: Yes, it was the first time, Commissioner.

ADV SONI: Okay, so you are not in a position to comment on the contents of this document?

10 GENERAL SITHOLE: I am not in a good position unless the Commission definitely wants me to comment, but I am not in a position.

ADV SONI: So General, let me tell you and you are here to assist the Commission ...[intervenes]

GENERAL SITHOLE: Yes.

ADV SONI: If you wish to comment on the document and you can give us insight which just a plain reading of the document will not give us, then I am not going to ask you to comment on it. If you feel that you can comment on it and your insight would assist the Commission
20 in its tasks, having regard to the contents of the presentation, then you are more than welcome to comment on it.

ADV RANTHO: Excuse me Chairperson, with respect to my learned senior colleague, I think it has been said that this document was prepared post the tenure of General Sithole and I think, I am not so sure how is it going to assist the Commission for him to speculate.

CHAIRPERSON: Well it is because of his answer, that if he is pressed to comment then you will be able to assist the Commission. So he either is, has knowledge of this document or he does not have knowledge of this document.

ADV RANTHO: Perhaps Chair it would be if he is pressed, what does that mean, that he does it under duress?

CHAIRPERSON: Yes. I think that has to be clarified.

ADV RANTHO: Indeed, Chair.

CHAIRPERSON: General Sithole, do you have knowledge of this
10 document that is dated the 20 May 2025?

GENERAL SITHOLE: Chairperson, no.

CHAIRPERSON: Did you hear my question?

GENERAL SITHOLE: I am saying Chairperson, no, I do not have knowledge of the document.

CHAIRPERSON: Yes.

GENERAL SITHOLE: Yes, Chairperson.

ADV SONI: Can I ask you a related question? Can you recall during the period you were Commissioner, that is between 2017 and 2022, whether similar presentations and I know I am just saying similar in
20 the sense that a presentation was made to the Portfolio Committee relating to updating it on investigations of TRC matters, can you recall that during the five-year period you were Commissioner, whether the Head of the Hawks had presented these similar, had made a similar presentation?

GENERAL SITHOLE: Commissioner, I would not recall a report but

what I would recall is that as we were interacting with the National Head, the National Head would sometimes indicate the Parliament wants them to account on their priority cases which include the newly inherited responsibility. So that I recall but the report itself I would not because at other times the National Head or DPCI would be called alone to Parliament to come and present a report depending on what the Portfolio Committee members are interested in to hear. Thank you, Commissioner.

ADV SONI: Chairperson, those are the questions ...[intervenes]

10 CHAIRPERSON: Yes.

ADV SONI: On behalf of the evidence leaders.

CHAIRPERSON: Ms Rantho?

ADV RANTHO: Thank you, Chairperson. Before I ask General Sithole just one or two questions, there is something that I believe needs to be correct unless my memory does not serve me well. In relation to what was put to the witness by my senior colleague Adv Soni SC, that related to evidence about the National Commissioners not finishing their nature.

20 Our recollection of what, the evidence that was led in that regard was the one related to the National Prosecuting Authority, the NDPP to be specific. Unless my colleague points us to who led that evidence on the part of the SAPS, we stand to be corrected but that related to the NDPP and not the National Commissioners.

CHAIRPERSON: Yes.

RE-EXAMINATION BY ADV RANTHO: And then there is an issue of

the budget that was put to General Sithole. All I require from the General is just to clarify in terms of the budget allocation in relation to the DPCI. As you explained, Accounting Officers for the South African Police Service and there is some sort of budget allocations done for DPCI, can you just explain to the Commission how that process unfold?

GENERAL SITHOLE: Thanks. Commissioner, I think firstly we would start a process, DPCI would start a budget and planning process we would, she would be running as a vertical process from
10 their side and SAPS simultaneously would be doing or conducting the same exercise. At a particular point in time there would be a horizontal link where both of the two parties are meeting within Programme 3.

Now there will be a DPCI submission and as well as a Crime Detection submission within the same budget report or motivation that is going to Treasury. Treasury will look at both of these motivations within the sphere of Programme 3. After Treasury has made a decision with regard to the allocation, they would then provide the approval but the approval or the approved budget for
20 DPCI will be ringfenced within Programme 3 which then meant that SAPS cannot touch that budget.

We would only deal with the distribution of what falls within the environment of Crime Detection, but the DPCI will take their earmarked budget or a figure, go and distribute it within the DPCI environment, then we will only meet when we provide expenditure

reports. Thank you.

ADV RANTHO: Thank you, General. Ms Ntloko from the NPA asked you a question relating to how cases get registered and I think how did they get assigned to the relevant [indistinct] with the necessary authority to investigate. And you would recall in your evidence you spoke to when you were explaining to the Commission about how CAS is managed, you mentioned IPID, you mentioned IDAC.

GENERAL SITHOLE: Yes.

ADV RANTHO: Now if you may just make it clear to the Commission
10 in terms of if a case is registered by IDAC or IPID for instance, how is it carried within this CAS System?

GENERAL SITHOLE: Thank you, Commissioner. In terms of the overall CAS, as all matters happened at the level of the police station, the total or so-called National CAS is subdivided according to the different categories of the existing investigation, investigative directorates. The policies, the operational policies with regard to the evaluation of where a docket falls within or belongs to which mandate, they are all filtered down to the police station so that they are aware.

20 It is either in the form of circulars or in the same of National Instruction or policy documents as the process unfolds. If a case is registered and it must go to NPA or it must go to IDAC, it would be booked out to IDAC but it will then be marked in the CAS, that now this is an IDAC CAS, it starts from serial number A to serial number C. The same applies, if it falls within DPCI, then there would be a

DPCI sub CAS marked.

Now within the total CAS it is known that what is the IPID CAS, sub CAS, what is the IDAC sub CAS and what is the DPCI sub CAS and when all these cases are disposed of after investigation, then they return back to those police stations of original, of origin for filing. So this is how the CAS will capture all of these investigative directorates.

ADV RANTHO: Thank you, General. So in simple terms, any crime of whatever nature, irrespective of who investigates or the entity that
10 is involved, would be registered at the police station as you explained?

GENERAL SITHOLE: All crimes.

ADV RANTHO: Until it gets filtered to the relevant, through the system to relevant authorities?

GENERAL SITHOLE: Correct, counsel.

ADV RANTHO: Chairperson, that is all from our side and that brings an end to evidence-in-chief of General Sithole.

CHAIRPERSON: Ja, thank you.

ADV SONI: Chairperson, I do not want to get into a slanging match
20 with my learned friend, but in relation to the question of the short tenure of police, of Commissioners of Police, I will ask the Commission for record purposes to look at the evidence led on behalf of General, Lieutenant General Phahlane.

CHAIRPERSON: Yes, thank you and that will fall squarely on matters for legal argument in any case.

ADV RANTHO: We accept that, Chairperson.

CHAIRPERSON: Yes. General Sithole, we thank you for having made your way all the way from Mpumalanga to come and give evidence before this Commission, it is greatly appreciated. You are now excused as a witness.

GENERAL SITHOLE: Thank you, Chair.

NO FURTHER QUESTIONS

CHAIRPERSON: These proceedings are adjourned until tomorrow at 10:00.

10 ADV SONI: As you please, Chairperson.

INQUIRY ADJOURNS UNTIL 16 SEPTEMBER 2026

CERTIFICATE OF VERACITY

I, the undersigned, hereby certify that **as far as it is audible**, the foregoing is a true and correct transcript of the digitally recorded proceedings in the matter of:

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