

[Tel:0832270485](tel:0832270485)

c/o Maurice Webb Unit, MTB,

[mary@violencemonitor.com](mailto:mary@violencemonitor.com) University of KZN, Durban 4001

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The Hon Minister of Police,

Mr Senzo Mchunu

Per email

Dear Minister Mchunu,

**A CALL FOR THE IMMEDIATE DISBANDMENT OF THE SAPS POLITICAL KILLINGS TEAM UNDER THE COMMAND OF GENERAL KHUMALO AND THE URGENT ESTABLISHMENT OF A JUDICIAL OVERSIGHT BODY TO INVESTIGATE TASK TEAM OPERATIONS AND CASES AND RELATED MATTERS**

1.This letter, and its three appendices, is to request that, for reasons I set out fully below, you take urgent and appropriate action to deal with the abuses and gross wastage of personnel and financial resources by the irregularly constituted Political Killings Task Team (I refer to it here under as the task team). In this regard, I request that you

1.1.Instruct the National Commissioner SAPS to immediately disband the irregularly constituted, unnecessary and wasteful political killings task team and send its investigators back to the detective units established provincially and nationally, in terms of SAPS legislation. The National Commissioner must immediately stop the deployment of General Khumalo, who heads CIS, to this task team which he did not have the qualifications and experience to command in the first place. Why has he been allowed to occupy both these positions, for neither of which he has qualifications, at the same time?

1.2.prioritise the establishment of a judicial oversight body to investigate the dockets taken by the task team, including – but not exclusively – the three matters I provide details of in the annexures. Since there is a great deal of other information about the grossly irregular conduct of this task team the investigative mandate of such a body must be wider than these three cases. There is a great deal more information about the suspicious and criminal actions of this task team, so the mandate of such a body

should specifically allow others with relevant information, including about all matters it has handled, to provide information to it in confidence to assist with investigations. Such a body must, for reasons I also explain, include oversight of IPID. The appointment of an Inspecting Judge for DPCI is long overdue, and one option, if it were feasible, would be to establish one Ombuds oversight body headed by a retired judge of known integrity and extensive experience in the field of criminal and policing matters, assisted by similarly qualified legal officers. *The extent of criminality and nepotism in the SAPS, IPID and DPCI, which I record and make interventions about, demands this type of urgent oversight.* Please note I am not suggesting a commission of any sort (with some exceptions, most are a waste of time and money, especially when the information is readily available) but a legal body with investigative expertise (for example, Judge Goldstone, although heading a formal commission, was also mandated to call for dockets and evaluate evidence).

2..As is common knowledge, I have been monitoring and researching political violence in KZN for forty years, and have detailed records covering that period. In 2016 I was approached by the Moerane Commission lawyers for information, including deaths I had recorded over a certain period which I provided to them, and which they used for their own purposes. I have written extensively in both academic and popular media about the violence, and policing, during which time I have also worked closely with excellent detectives involved in investigations into some of these crimes, often acting as a liaison between them and the victims of crime or their families. I am thus aware of how such investigations should be handled professionally, including procedures for making arrests and the importance of gathering forensic and ballistics evidence. I wish to stress that I am in no position to judge the innocence or guilt of those involved in the cases described in the three annexures, which I am using to show why it is urgent to establish independent oversight with the necessary legal expertise.

3.Following the report by the Moerane Commission, which largely collated some of the information known to me, and to others, President Ramaphosa announced, in May 2018, the formation of an inter-ministerial team to investigate political killings. This team, comprising investigators from different provinces and units, was initially under the command of experienced detective General Ramatsoele, and by mid 2018, it was reported to have started work on over one hundred dockets. Ramatsoele

retired at the end of that year and around the beginning of 2019 its current head, General Dumisani Khumalo, had been transferred to the task team.

4..The background of General Khumalo is of relevance. Reportedly, his career from the 1980s had been spent in what was to become the Operational Response Unit, apart from a very brief deployment in Crime Intelligence under Richard Mdluli, from which he was soon transferred under a cloud of some sort back to ORS. According to the late Phillip Mhlongo, then representing the EFF on the Police Portfolio Committee (prior to the 2019 elections), serious internal problems in national ORS, apparently centering around Khumalo's leadership, required a special meeting of the Portfolio Committee which led to his transfer out of ORS. In 2018 former disgraced SAPS National Commissioner Cele, who is himself implicated in at least two serious criminal cases which have been opened, had been appointed Minister of Police. He is believed to have arranged the placement of Khumalo, whom he probably knew from the 1990s in KZN, in the Political Killings Team, despite his never having had experience as a detective (he seems to have also handled resources and to have run up huge operating expenses according to various sources). He became its head and was promoted to the rank of General, which was a gross travesty of justice. It was claimed publicly that the promotion was linked to Khanyile having been responsible for one of the very few successful prosecutions by the task team, that of convicted ANC hitman Fisokuhle Ntuli (accused 5 in Meyiwa case currently in court). It had nothing to do with Khumalo, and was obtained by experienced Hawks detective Warrant Officer Makhubo, who worked day and night and risked his life to gather the evidence needed. The promotion of Khumalo on that basis is a gross insult to one of our best detectives (but promotions in the police are largely based on nepotism and, in most cases, not competence, and good police members who deserve them do not get them and the lack of recognition is linked to some, perhaps many, leaving the police and with them, important experience). Then, at the end of 2022, Khumalo was appointed by Cele to head SAPS Crime Intelligence, having no training or experience in that field either, so he currently occupies both positions. Recent media reports refer to serious allegations against him by another CIS general (who is alleging that attempts to dismiss him are malicious). In matters relating to Khumalo, I have made reports to parliament from 2021 about

4.1.the abuse of Thabiso Zulu by task team members, in October 2021, and the illegal seizure of his cellphones

4.2. allegations by ordinary members of CIS, which are ongoing, about not having vehicles and sufficient money for informants, and questions about whether their resources are being diverted to the political killings team and

4.3.the role of General Khumalo, allegedly on the instructions of then minister Cele, in trying to track the whereabouts of SAPS corruption fighter and prominent whistleblower Patricia Mashale in Bloemfontein after a malicious arrest warrant and an international red alert had been put out by the SAPS. I have also recently reported to parliament and the Inspector-General of Intelligence claims that there are still attempts to locate her whereabouts, allegedly involving Khumalo and another senior CIS member.

5.You will note that in all three cases I describe, serious accusations are made against the prosecutor in these matters working with the task team, Advocate Lawrence Gcaba. I am aware of allegations made against him, by, among others, police members, in his prosecutorial capacity in Gauteng, including in matters relating to Radovan Krejcir, in which explosive evidence is now emerging. Again, I need to stress that I am in no position to assess the veracity or otherwise of the serious allegations made against Gcaba, but I am copying this letter to the Minister of Justice and the parliamentary Justice Portfolio committee should they wish to investigate. I do know, however, that the quality of prosecution can make or break a case.

6.You will note that in the three cases detailed in the annexures, there are other common themes, all linked in one way or another to political interference by former police minister Cele. It goes without saying that any political interference whatsoever in matters relating to justice is in complete contempt of Constitutional principles about impartiality. The allegations in the annexures are not new to me. After the team was established, it soon became apparent that the then Police Minister was directly influencing investigations. I am on record on many occasions in pointing out that. When I reported his operational involvement to the Police Portfolio Committee in July 2021 the then, now late, Chairperson, claimed not to know about his involvement in the work of a political killings task team but she confirmed that as a minister he should not be involved in operational work. However, nothing whatsoever was done to stop him for

the rest of tenure as national minister (and he is so close to management members, including General Lushaba who deals with the secret service fund, and is allegedly related to him, he probably still is). The fact that this task team is investigating politicians makes his operational involvement even more serious. As I have repeatedly pointed out, former minister Cele is a long-standing, senior and influential member of the ANC in KZN (and elsewhere in areas in which team investigations may be taking place), and, since most of the killings I recorded in KZN, were of ANC officials, and evidence suggested they were intra-party conflicts, it was even more inappropriate for him to have anything to do with investigations in which his own colleagues, often senior, were suspects. (I and others know who they were)

7. Other problems which soon manifest themselves included the complete lack of transparency about the basis on which dockets were being removed from detective units by the team. From what I have learnt from other police, some of those they removed fall outside of their 'political' mandate. Glowing reports are made about 'successes' but they are impossible to evaluate as there are virtually no details (and arrests do not count as successes as my experience suggests few end up in court, and even fewer in prosecutions), I have lists of dozens of killings over the past decade (and further back) and the only cases of their successes in murder investigations which are publicly known are those of Ntuli and the KwaNdengezi investigation for which success Dlamini (annexure 1) had laid the foundation. While a hitman was convicted for the killing of Umlazi councilor Maphumulo, his involvement is contested by Dlamini who had made the arrest of another councilor (who was subsequently released). In some cases, progress had been made before the task team took the dockets, and the conviction for the murder of a pro-Ramaphosa supporter prior to the 2016 local government elections was secured by Organized Crime detectives, as were the only convictions obtained for the carnage in Glebelands hostel. In my January 2020 article in *The Conversation*, I named three cases in which there had been progress which were taken over by the task team, i.e. the murders of Musawenkosi Mchunu, Wandile Ngubeni and Sindiso Magaqa. Four years later the Magaqa case is still in court, and nothing further has been heard about the others. After the task team took the dockets senior ANC leaders were arrested for murder, but they were released soon afterwards. In the Ngubeni case a witness then

died. The police member who had made the arrest was removed from the team

8. Another common theme in the three attached annexures is the mental/emotional abuse (including, in one case, after an attempted poisoning which led to another prisoner's death) with serious impacts on health, including by denial of appropriate medical care. Physical abuse, especially near suffocation by 'tubing' was used against some of those arrested as well as community members who were rounded up in attempts to obtain incriminating evidence against the accused. One victim who was subject to abuse at a police station complained to a member on duty and was told that the police were just doing their job. *Surely that is a very serious indictment not only of the impunity with which members of the SAPS break the law, but the ignorance of detectives about how investigations should be conducted, and the negative impact of reported abuse (e.g. statements under duress) on prosecutions?* In two cases reports were made to IPID and nothing further was heard. I first heard of task team members routinely using torture in 2019. I have lost count of the cases of I have reported to IPID since what became the Directorate was established prior to the 1994 elections. It has become an extremely serious crime since the legislation was enacted over a decade ago yet, despite all the reports I have made to the Durban – and national = office since then (some to parliament), including with medical evidence in some cases, I have not seen a single conviction. The same applies in police killings I have followed up (one former senior IPID inspector claims that he found over 300 cases of deaths at the hands of police which had never been investigated, but had been filed away for inquest purposes (which usually do not even go through courts according to one senior advocate) *Surely that, in itself, should have led to an investigation of IPID by now?* I am also aware of IPID taking cases which do not fall within its mandate and defeating the ends of justice by fabricating cases. I am mentioning all these facts *because I am, once again, pleading for an independent body which includes oversight of IPID.*

9. The other gross irregularity mentioned in annexures is the routine use of the National Intervention Unit by the task team which is unheard of in other investigations, except when they are called in to assist with arrests of dangerous criminals (I know of one serious matter for which they were needed to assist in the arrest of a dangerous criminal and, while the

detectives were waiting for their deployment the criminal they had a warrant for disappeared because of NIU delay). I became aware of the use of NIU members when Thabiso Zulu, who the task team members were supposed to interview about a case he had opened in October 2021, maliciously arrested him and seized his phones without court orders, which struck me as extraordinary then. But this routine deployment has continued. *The National Intervention Unit is used for specialized operations not carried out by Public Order Policing or Tactical Response team members and routine deployment to the task team should have long been stopped.* **Surely there is more than enough serious crime to keep them fully occupied elsewhere. In July 2021, when their presence and that of other ORS members was needed urgently, they do not appear to have been adequately, if at all, deployed in KZN.** (for which the Minister, and the national and provincial commissioners appear to have never been held to account, as should have been the case).

10. The failure to give bail to two experienced law enforcement officers, with clean track records, (cases 1 and 2) is rare, especially as the crimes they are accused of are, in a country with abnormal levels of violent crime, relatively minor. While often bail is denied for murder cases, the transfer of awaiting trial prisoners to a maximum security prison a long distance away from their homes and families is abnormal, and demands answers – since our Constitution decrees that accused are innocent until proven guilty in a court of law.

11. I remind you also that huge financial and personnel SAPS resources are being gobbled up for no good reason whatsoever by this completely unnecessary task team which has achieved virtually nothing in six years except, perhaps, to cover up for politicians, when these resources are urgently needed to fight against serious crime. It is obvious that an audit of funding of this team is also a priority. I presume that, given what I had referred to about abusive conduct - which is routine in policing - you will not be surprised that legal claims against the police are sky high. Finally, however, I remain extremely concerned about the safety of traumatized community members tortured by the team members investigating the Cato Manor case, who continue to live in fear that they may return and do the same to them, or even worse, again. Based on the attempt to poison Mr Mzindle, and alleged denial of adequate health care, those referred to in the three annexures who remain in prison may not be safe.

12. In conclusion, I again beg you to intervene in dismantling this team without delay, and setting up a completely independent oversight body. I also suggest that you question both the National and Provincial Commissioner about why this team is still allowed to operate, when there are perfectly adequate detective components in the SAPS which are in a better position to handle these cases.

Kind regards,

MARY DE HAAS

*HON RESEARCH FELLOW SCHOOL OF LAW UKZN*

Cc Police Portfolio Committee Parliament South Africa

Minister of Justice

Justice Portfolio Committee Parliamentt