

**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

**REPRESENTATIVES**

Adv Motlalepule Rantho (for SAPS)  
Adv Ebenezer Propy (for SAPS)  
Adv Irene Dikgale (for SAPS)  
Adv Varney (SC) – The Calata Group  
Adv D Pillay – The Calata Group  
Ms V Nako – The Calata Group  
Ms Lize-Mari Doubell – The Calata Group  
Adv Gwala- NPA representative  
Adv KD Moroka (SC) – DoJ representative  
Adv Tlotlego Tsagae (DoJ representative)  
Adv Vivian Rikhotso (for Adv Menzi Simelane)  
Adv Bridgette Nthambeleni (for Adv Jiba)  
Adv Irene de Vos for President Cyril Ramaphosa

**12 MAY 2026**

**DAY 42**

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PROCEEDINGS ON 12 MAY 2026

CHAIRPERSON: Adv Semenya?

ADV NALANE: Good morning, Commissioner. Semenya has been locked out, I think, he has just stepped out, he should be here in a minute.

CHAIRPERSON: Okay. Mr Semenya?

ADV SEMENYA: Chair, I apologise. We have Mr Lebeya for evidence today and after being sworn in, Ms Rantho, I am advised will be leading with the witness.

10 CHAIRPERSON: Thank you. Ms Rantho, before we start, as a commission we wish to express our condolences on the passing away of your mother. May you get the strength and may God give you the courage to go through this difficult time and we thank you for having made yourself available notwithstanding the difficult circumstances in which you find yourself.

ADV RANTHO: Thank you, Commissioner, it is much appreciated.

CHAIRPERSON: Thank you. Should I say Lieutenant-General Lebeya or Adv Lebeya?

ADV SEMENYA: Dr Lebeya.

20 CHAIRPERSON: Oh, Dr Lebeya.

DR LEBEYA: Commissioner, I love doctor because I have been a commissioner from 2000, so is at least the doctor from 2012.

CHAIRPERSON: Okay. Dr Lebeya, are you going to take an oath or affirmation?

DR LEBEYA: I take an oath, Commissioner.

CHAIRPERSON: Yes. Do you swear that the evidence 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.

DR LEBEYA: I swear that the evidence that I am going to give shall be the truth, the whole truth and nothing but the truth.

CHAIRPERSON: So help me God.

DR LEBEYA: So help me God.

DR GODFREY LEBEYA

CHAIRPERSON: Thank you. Ms Rantho.

10 ADV RANTHO: Thank you, Commissioners. Good morning, Dr Lebeya.

DR LEBEYA: Good morning, commission.

EXAMINATION BY ADV RANTHO: Perhaps you may start by informing the commission as to the capacity in which you are testifying before the commission today, in what capacity?

20 DR LEBEYA: I was the component head of the Organised Crime at the time when I had a meeting with one of the witnesses who deposed of an affidavit or testified, as a result of which I was requested by the commission to come and testify. So I am a former police official.

ADV RANTHO: Thank you, general. The name of the witness perhaps, for the records? The witness that caused you to appear before the commission.

DR LEBEYA: I think is Adv Macadam.

ADV RANTHO: Thank you, general. General, you explained that

your highest qualification is PhD or LLD, is that correct?

DR LEBEYA: Yes, it is LLD, Doctor of Laws.

ADV RANTHO: And then the Commissioners have already noted that you are also practicing advocate. It is correct, is it not?

DR LEBEYA: It is correct, I was admitted in 2006.

ADV RANTHO: Okay, with what society are you practicing?

DR LEBEYA: Currently I am with Johannesburg Society of Advocates.

ADV RANTHO: Thank you, general. And perhaps if we may then  
10 proceed to deal with your career in the South African Police Service. When I say South African Police Service, I am referring to the mother body and that would also include your role during the DPCI positions that you also occupied. But then maybe from the beginning, can you just tell the commission in terms of how your career began in the SAPS?

DR LEBEYA: On the 11 May 1984 I took an oath to be working in the South African Police Force before it become a service. I went to the training college in 1985 and on 4 July 1985 it was the last day of passing out at the college, I was crowned the best student of the  
20 course.

From there I went back to the station, I worked in uniform in crime prevention and then they called me to go to the detectives, even before I have a driver's license. I thought maybe they should wait, but had to accept because they needed me, I did not ask to go to the detectives. I worked in the detectives in various environment,

housebreaking unit, serious cases stuff, fraudulent, commercial crime, commercial branch, different types of commercial branches, organised crime.

Then I became in charge of the provincial head specialised investigation, there is all kind of specialised units, got a diamond and the like. And then I became the provincial head of the detective service in Gauteng Province, is the busiest one, in the year 2000. And in the year 2004, 1 April I was laterally appointed as the head of organised crime nationwide at head office.

10           There I had to deal with different types of specialised units that resort under the organised crime component. And when in 2009 when the DPCI was formed, I was coming from heading the organised crime, because the organised crime was part of those that were incorporated into the DPCI, so I was appointed provisionally by the head of the DPCI to be in charge of the component head of organised crime, as well as the acting Divisional Commissioner Priority Crime Investigation.

20           So that is in the Hawks and then when the Hawks was finally activated, I was later appointed as the Divisional Commissioner Priority Crime Investigations within the Directorate for Priority Crime Investigation.

          And thereafter, I think that division was phased out and when it got phased out, I was then appointed as the Deputy National Commissioner of the South African Police Service until the post of Deputy National Commissioner South African Police Service Crime

Detection was also phased out.

Then I was assigned to be in charge of a newly established directorate called the Head Research Institute, without demotion. But I think that it shall have been misinterpreted, this issue of the rank that I was holding from which I was not demoted and placed into a position lower than where I was, but without demotion.

When I accepted, it was interpreted as a refusal and I was dismissed from the police. After dismissal, that is when I went to attend the pupillage and when the pupillage is finalised, the court was also seeking the Labour Court which directed that I be reinstated. And I was unfortunately not reappointed in the position that was re-established, the one that was abolished was re-established when I was out, but I was not appointed in that one.

So that is how I retired. Then I went practicing and in 2018, on 1 June 2018 I was then appointed as the national head of the Directorate for Priority Crime Investigation and this is a contract appointment for a period of seven years, which period is non-renewable. I completed the term on 31 May 2025 and that is how then I went back to practice.

So the activities that I am testifying about here today are those that happened when I was a member of the South African Police Service in the general SAPS as the head of Organised Crime and thereafter as the national head of the DPCI which is still part of the South African Police Service. Thank you, Commissioners.

COMMISSIONER KGOMO: Just, Dr Lebeya, on 1 June 2018 in

Durban, who swore you in?

DR LEBEYA: The Commissioner. I took my oath before the DPCI judge which here today happen to be the Commissioner.

COMMISSIONER KGOMO: Yes, and upon your retirement I was asked to say a few words about you, would that be correct, this is in 2025?

DR LEBEYA: It is correct, the two DPCI judges were present on my retirement and indeed the Commissioner as at the previous DPCI judge had some words to say.

10 COMMISSIONER KGOMO: Okay, thank you very much. Now I throw you to the vultures, we will be sitting back.

ADV RANTHO: Thank you, Commissioners, I was just reminded of housekeeping in terms of the ownership of the affidavit of General Lebeya. That is the affidavit that is in front of you there, general, just for the record, can you confirm that the contents of that affidavit actually what is in your personal knowledge?

DR LEBEYA: I confirm that the affidavit presented here is mine and the signatures that appear on the various pages are mine.

20 ADV RANTHO: Thank you, general. There is a very interesting event that took place during your career in the SAPS that you speak about in paragraph 7 of your affidavit. Commissioners, that appears on page 1697, about your deployment in the then erstwhile Port Elizabeth. Would you just tell the Commissioners to what happened during that period?

DR LEBEYA: Yes, thank you Commissioners. While we were still

undergoing training at Hammanskraal SAPS Training Academy, we were sent to the Eastern Cape, Port Elizabeth, because there were the riots that they had to be controlled. As students we were sent there for a month and then we came back to the college to come and complete the course.

Immediately upon completion of the course, we were posted to different stations and mine was Hillbrow, back to Hillbrow where I actually served the days when I was still a student. But we did not go back to our various stations, we were sent back to the Eastern Cape.

10 This time around it was for a three month.

It is during that three months when we were posted in the Eastern Cape, working around Baai ...[indistinct] and the like, that on 19 July 1985 we were transported from Port Elizabeth to Craddock, because there was going to the funeral of the Craddock Four.

There we may go to be guarding the house of police officials, as well as councillors, because when the funeral takes place, there is always a huge crowd that comes and then the houses of police officials obviously were the targets. So I immediately just said to bring to the attention of the Commissioners that during that period I  
20 was at the Eastern Cape.

And we did not know at that stage as to who actually shall have been responsible for the death of these individuals. It is only during the TRC hearing that one came to hear that it was actually the members of the security forces that shall have carried out that. So that I just needed to be volunteering and to bring to the attention of

the commission.

ADV RANTHO: Thank you, general. You also speak in paragraph 8 about your role in investigation that involved what you refer to as an Askari at the time, that was during either 1988 or 1989, would you tell the commission as to what happened in that case?

DR LEBEYA: Thank you, Commissioners. As I have indicated that part of the unit that I have worked with was the serious cases stuff. I was based at Hillbrow Police Station. It was a very busy police station, I think it was second after John Vorster Square, which is now  
10 Johannesburg Central. Part of the cases that I was dealing with included murder cases.

I have investigated various murder cases, so there was also this case that I had to attend over the weekend. I think that the murder shall have been committed either on Friday or Saturday, so I attended the scene. And during my investigation at the scene, I picked up a photograph of the suspect and I needed to go and publish that photograph of the suspect by Monday at Police File.

That was a channel that was publishing wanted suspects. Said that I am going to do this on Police File so that the public can  
20 help find this individual. So during that weekend when we were still on duty, a call was received at the station that no, I need not publish this photograph, they will bring the suspect to the police.

So I needed to be understanding who is bringing the suspect to the police, then I learned that no, is attached to the Security Branch. So hearing that, I said that okay, well it is fine, let him be

brought in, but I also need the firearm that was used.

I have learned that there was discomfort on this, but I needed the firearm and I also said that I, in addition to the firearm I need a statement from the commander of this person to indicate as to whether what he has done is what he was assigned to do. So the suspect was brought in.

I charged the suspect, he was to go to court. His name, I recall the surname, he was called Ndam, because it is a strange surname in South Africa, that is why you will always remember that  
10 surname. And then I was requested that I should discuss this matter with the public prosecutor so that they do not prosecute this individual.

I said that me discussing with the prosecutor to withdraw a case when somebody else has been killed, I would not do that one. I will rather go and show you the prosecutor that somebody else can go and do that discussion, it cannot be me, I am not going to ask anyone to withdraw a case of murder, somebody else has been killed.

So I needed to be bring this to say that for a long time there were some slight cases that may be political in nature, but my duty  
20 has to be impartial in investigation. Mine is to systematically search for the truth and detain before the prosecuting authority and make a decision and that is what I have done in that one.

So that case was taken away from me, given to another colleague of mine who also did not want that kind of case, because he knew and then it was taken away to the other colleague which also

continued with the investigation. I do not know how it ended, but that is how I dealt with that one. That is that I was prepared to do the right thing at all times. Thank you, Commissioners.

ADV RANTHO: Thank you, general. Perhaps if you can just explain an Askari? What does that mean if a person was referred to as an Askari?

DR LEBEYA: An Askari we were made to understand that these were the people that had belonged in the Liberation Movement and when they were confronted by the security forces, they turned and now  
10 worked with the securities, they left the armed struggle to become sources. So that is what the, we understood by Askari, the Liberation Movement members who deserted that environment to become part of the security structures.

ADV RANTHO: Thank you, general. In paragraph 9 you inform the commission that during 2000 whilst you occupied position of provincial head of Detective Service in Gauteng, you were transferred to head office in charge of Organised Crime Commercially. And what I want to understand or perhaps just to, for you to tell the commission is whether it was related to any misconduct on your part in the  
20 execution of your duties?

DR LEBEYA: Thank you, Commissioners, indeed in the year 2000 while I was the provincial head of Detective Service with the rank of assistant commissioner, today it is called major-general, I was laterally appointed as the head of Organised Crime in Pretoria at head office. That post was initially advertised.

I did not apply for that post, because I was holding the same position in the province, but management at national level found that they need somebody who understand organised crime. And previously before I become the head of the detectives in Gauteng, I was the head of the Specialised Investigations as a director, brigadier in the current ranks.

That particular position was also responsible for Organised Crime. And obviously in Gauteng, which is a busy province, we had more than 200 Organised Crime projects that we were handling, so I will chair the structures in the province that deals with organised crime and when we go to head office, I would be the one who would do the presentation to national management on Organised Crime projects in the province.

So I think that it may be from that understanding as to how we have been dealing with these matters that top management have found it necessary that they appoint unilaterally at head office to be responsible for Organised Crime nationwide. So that is how I was appointed. There was nothing negative about me, in fact it was positive to enhance the image of the organisation to take me to national office.

ADV RANTHO: Thank you, general. In paragraph 10 of your affidavit you explain that at some point during your career in the SAPS you reported to Lieutenant General Dramat. Is that correct?

DR LEBEYA: It is correct. After the president signed the South African Police Service Amendment Act in 2009, January 27, it became

effective on 1 February 2009. Then there was a need to appoint a person to be in charge of this newly established entity and then that is when on 1 June 2009 Assistant Commissioner Dramat who was in the Western Cape was appointed as the head of the DPCI, who was at the same time deputy National Commissioner of the South African Police Service.

So during that period the one in charge of the Hawks was, the rank was deputy National Commissioner who is also the head of DPCI. So they took his post on 6 July 2009 and thereafter that is  
10 when he started now ensuring that the DPCI become operational.

He issued provisional letters of appointment of those who were working in the organised crime and those who were working in the commercial branch and I take that those who were working in the DSO, I believe that they shall also have been given the same letters that, you are temporary, provisionally appointed into the DPCI until certain administrative processes are done.

So that is how I was appointed provisionally by General Dramat to be in the DPCI. And then I think at a later stage the appointed became permanent, because in terms of the provisional  
20 appointment was that it was for a particular period that if within this particular period you have not yet been permanently appointed, the appointment will continue.

So it meant that that particular letter of appointment became valid until permanent appointment. So later we were permanently appointed, as I shall have indicated it also included the appointment

as acting divisional commissioner and thereafter appointment as divisional commissioner by the national commissioner, because the DPCI was still a part, a division within the SAPS.

So it was at the, by the 2008 amendment act it was still a division within the SAPS. Maybe at a later stage I shall touch on the amendment of 2012. Thank you, Commissioners.

ADV RANTHO: Thank you, general. Let us proceed to deal with your involvement in the TRC cases. We go to paragraph 16 of your affidavit. Perhaps if you can just briefly inform the commission as to  
10 what role you played when you became the national head of the DPCI insofar as the TRC cases were concerned?

DR LEBEYA: When I became the national head of DPCI, part of the mandate of the DPCI included dealing with the cases emanating from the TRC. There is a specific section within the component of Serious Organised Crimes called Crimes Against the State that deals with this kind of cases. It is terrorism and the like, so they are all handled there.

So I found that those cases are still there and as I shall have indicated that these are old cases emanating from pre-democracy.  
20 So I needed to ensure that these cases receive attention and the DPCI was under serious strain of capacity personnel, limited capacity. But I needed to ensure that these cases also receive attention.

So I have obviously made some means to ensure that we get more capacity, which I think in some other paragraph I will be indicating where I have asked for additional finance so that we can

recruit more personnel, so that they can deal with these cases of TRC because they are old and they also need to be finalised.

Which I think that I would deal with that, but obviously I had to put some mechanism in place to ensure that these cases receive attention so that they can be finalised. Thank you, Commissioners.

ADV RANTHO: Thank you, general. Paragraph 17 of your affidavit, you refer to some interaction you had with attorneys representing some of the families, so acting for the victim's families. Can you tell the commission briefly as to what your interaction was about?

10 DR LEBEYA: Yes, I think that obviously having come into the office, I have indicated that I was appointed on 1 June 2018, already in June 2018 the families were raising some concerns through the attorneys that, but part of the personnel who were investigating these cases were previously in the Security Branch, there is discomfort with that. And then so we had to find a way so that there is cordial relationship between the DPCI and the family. Otherwise if there is a perception of biasness on the part of one of those who is part of the investigate, they might feel uncomfortable. So we corrected that so that the cordial relationship can continue. Thank you, Commissioners.

20 ADV RANTHO: And do you remember which attorneys were representing the victim's families? The firm of attorneys that you interacted with, the lawyers representing those families.

DR LEBEYA: I am trying to recollect, I think it is Hanif or something.

ADV RANTHO: That is okay, general. And then perhaps if you can just inform the commission as to who, the officer's name or what the

officer's name was, the one that the families were complaining about.

DR LEBEYA: I think it was Captain Simpson.

ADV RANTHO: Okay, thank you. And then in paragraph 18, you inform the commission about the report on the 34 TRC cases that were being investigated by the 12 members. Can you just briefly tell the commission how you came about that investigation?

DR LEBEYA: Ja, obviously after receiving this letter from the attorneys and then having understood that those cases are still there on hand, I needed a report on this from the section that deals with this  
10 matter. And then that is how then they compile the list and then by that time they were then 34 cases.

So from the original 10 that were there, maybe 2009, these cases were 34. But I still needed to be understanding, are these the only cases related to the TRC. So it meant that the work had to start there, I had to put that team, that there must be a team that deals with these cases. I need a constant progress report so that I can monitor the development.

So in terms of the hierarchy of the structure of the DPCI, we have got the national head, you have got the deputy national head,  
20 you have got the divisional commissioner and you have got another layer, the component heads. These component heads include the component head of Serious Organised Crime, it is under that component, the head of Serious Organised Crime that you have various sections.

Among these sections is the Crimes Against the State headed

by a brigadier. It is in that space where these members, the colonel was resorting. So he had to have teams that deal with these cases.

ADV RANTHO: Okay, thank you general. In that same paragraph there is a captain referred to there, you see where you are listing the officers that were involved, there is a Simpson there. Can you confirm this is the same Captain Simpson that was subsequently removed as part of the investigators?

DR LEBEYA: Yes, that is the captain that who was subsequently relieved of that.

10 ADV RANTHO: Okay.

DR LEBEYA: So that we can maintain that cordial relationship with the families.

ADV RANTHO: Thank you, general, we go to paragraph 19, you did inform the commission about the resource constraints which situation led to you requesting more budget in order to enhance capacity to make sure that the TRC cases were being attended to. Can you just briefly explain to the commission what mechanisms you put in place to procure the services of these additional resources?

20 DR LEBEYA: Yes, working closely with the National Director of Public Prosecution, which the Deputy National Director of Public Prosecution was directly coordinating with myself, we found it necessary that there is a need to increase the capacity. Because the capacity of the DPCI I have raised that constantly in various forums that the DPCI is operating with 50 percent capacity and there is a lot of work that need to be done.

So various priorities, because all the cases that are with the DPCI are classified as national priority offences, so which means that every case that is with the DPCI need priority attention. And there were more than 20 000 of these matters and you have got less than 3 000 personnel and when you divide them in the provinces, that number is tiny, because one case require more personnel.

As an example you will find that people says that but this VBS must be finalised and you put 20 members to deal with that and when the ID, ...[indistinct] establish ID in the NPA, they say we need  
10 personnel, can the DPCI assist. You cannot refuse, because if you refuse it will seem like you are not supportive of the government initiatives.

Then you give them 15 investigators, but you know in your involvement that there is a lot of cases that need attention, various cases, it is not only the TRC. You have got the July unrest, you have got the cases emanating from the Zondo Commission and others. But because we also needed to pay attention to these TRC, I requested additional budget, that I need additional budget so that I  
20 can recruit more personnel.

And we identified that we need to recruit 200, so helpfully the decision makers provided us with financial resources, so we advertised 200 posts so that we can recruit the retired detectives, so that we can put them on three year contract to deal with these cases.

We thought that in three years time the probability is that we may have finalised these cases, so that is how we advertised the

posts and after advertising the posts we had to go through the process of selection. Because you cannot just take anyone who applies, some of them the credential will not be suitable for the kind of work. So we only managed to get 104 from those 200 posts that were advertised.

And out of those, because the other environment also needed capacity, I allocated 40 investigators to specifically focus on the TRC cases. So that is how we tried to ensure that there is priority attention given to the TRC cases. Thank you, Commissioners.

10 ADV RANTHO: Thank you, general. So would I be correct...  
[intervenes]

COMMISSIONER GABRIEL: Ms Rantho, can I ask a question?  
Dr Lebeya, so in 2021, if I understand you correctly, that is the first time that dedicated investigators were appointed for the TRC cases?

DR LEBEYA: Commissioner, these are additional.

COMMISSIONER GABRIEL: Additional?

DR LEBEYA: As I shall have indicated that there were always those 12 that I mentioned previously, they were there. But 12 is limited, we needed additional.

20 COMMISSIONER GABRIEL: Okay.

DR LEBEYA: So this was additional.

COMMISSIONER GABRIEL: I see, thank you for that. In paragraph 18 you gave us the names of those 12 members. Now they were part of the crime, the CATS, Crimes Against the State component. Were these 12 members dealing exclusively with the TRC matters or were

their responsibilities spread throughout the CATS subject matter?

DR LEBEYA: No, they were dealing with CATS subject matters, so it was not exclusively only for TRC cases, there will be other cases.

COMMISSIONER GABRIEL: I see. Okay. So 2021 then is really when you had exclusive investigators for the TRC... [intervenues]

DR LEBEYA: That is correct.

COMMISSIONER GABRIEL: [Indistinct]

DR LEBEYA: That is correct, Commissioner.

ADV RANTHO: Thank you, Commissioners. Just to confirm what  
10 you informed the commission is that of the 104 posts that were allocated or for investigation fraud were given to the TRC cases. Is that correct?

DR LEBEYA: That is correct, Commissioners.

ADV RANTHO: And that would have meant majority of the posts went to the TRC cases, considering that all this 104 had to deal with various types of investigations that are involved in the DPCI.

DR LEBEYA: That is correct, Commissioners. So obviously what we had in mind is that when the cases, the number of cases increases, you can always add the personnel, but you cannot put more when the  
20 cases are still going to be unearthed, because they were not there, so they got to go and determine where are the cases. So when the number increases, you can always increase. Thank you.

ADV RANTHO: Thank you, general. And then you stated in your affidavit that on 1 November 2022 there was an appointment of a national coordinator responsible to liaise with other government

departments. The name of the coordinator, if you may inform the commission who the national coordinator is or was?

DR LEBEYA: The name of the coordinator was Colonel Nkuna, who was also appointed in terms of this 104 posts.

ADV RANTHO: Thank you, general. And then you stated in paragraph 22 about letters that were addressed to various government departments, inclusive of the Archives and Records Service of South Africa. Can you tell the commission what the letter was about and why was it necessary to write such a letter?

10 DR LEBEYA: Ja, these kind of cases were old one, it is unlike investigating an ordinary murder, where you are going to get witnesses and then you get all the necessary evidence. In this kind of investigation you are dealing with historical type of information.

Some cases were reported in the past, some you will find the information in the archives and then it is in different departments. So you needed officials in those environments, departments to be able to collaborate with us, because them members, the investigators were struggling to get this information.

20 So I needed to communicate at higher level that you appoint a coordinator in your department, so that the investigators must be assisted to get the information that is needed. So that is why I had to write these letters to the various departments, so that they can cooperate and assist the investigation team.

ADV RANTHO: Thank you, general. Proceed to paragraph 23 of your affidavit, where you stated that you received commendation letter

from Foundation for Human Rights in response to the good progress that you were making at the time. Can you tell the commission about that?

DR LEBEYA: Thank you, Commissioners. As I have indicated investigation work you need collaboration the witnesses and the families and I think that the Foundation for Human Rights also saw that there is commitment from the DPCI to work on these matters, which I think that is why they have returned this letter of appreciation, recognising seeing the commitments that we are putting in place, the  
10 efforts that we are putting in place. Thank you.

ADV RANTHO: Thank you, general. Paragraph 25 you informed the commission about the progress in terms of the increase in the cases that were investigated as at April 2023. Can you briefly just inform the commission in terms of how you progressed to that number?

DR LEBEYA: Yes, I have indicated that when the first... when I asked for the first report there were 34 cases. Now when they continue you can see that by April 2023 there were already 140 cases, because they need to be dealing with all those TRC matters. So whenever they come across a case that need attention, they will always add to  
20 that list, so that no case is left unattended. Thank you.

ADV RANTHO: Thank you, general. Now we can deal with specific response to the Rule 3.3 notice that was served on you by the commission. In paragraph 26, I am not going to ask you to read what is stated there, it is basically the contents of the notice that was served on you by the commission. Can you confirm that indeed this

were contents of the notice that was served on you?

DR LEBEYA: I confirm that this is the exact content of the affidavit.

ADV RANTHO: Thank you, general. In paragraph 27 of your affidavit you make specific reference to the paragraphs 35 and 36 of the affidavit of Adv Raymond Christopher Macadam, that being referred to in the commission's notice. Is that correct?

DR LEBEYA: It is correct, Commissioners.

ADV RANTHO: And perhaps if you can just specifically refer the commission to what you found as an area of interest in reference to that affidavit of Adv Macadam. You are giving that in that paragraph 27.

DR LEBEYA: Thank you, Commissioners. Looking at the affidavit of the family of the victim Mr Calata, I noted that in paragraph 35 and 36 of the affidavit of Adv Macadam, he specifically stated the following:

20                   “Ultimately I met with Assistant Commissioner Lebeya on 26 November 2009 where the issue of conducting investigations was positively discussed resulting in me writing a letter on 18 January 2010, attached hereto as Annexure RCM7. As a result thereof Senior Superintendent Bester was appointed to oversee the investigations of the ten (10) cases I had identified.”

Here however an advert positively which was used by Adv Macadam in his affidavit is conveniently omitted in the affidavit of Mr Calata. It

is this word that I needed to highlight that Macadam has said what he said, but in coming to rephrase this, this word to show that there was collaboration positively was omitted. I think it is important that it should have included. Thank you, Commissioners.

ADV RANTHO: Thank you, general. You do confirm that you had a meeting with Adv Macadam on that specific date you mentioned in that paragraph?

DR LEBEYA: Indeed, I confirm Commissioners that I had a meeting with him and that is where the 10 cases that he referred to was  
10 identified.

ADV RANTHO: And is your evidence before the commission that that meeting yielded positive results?

DR LEBEYA: Yes, I do confirm that it yielded positive results, because at that level I had to allow that the operators do the work and that is how the colonel had to lead the investigation, Colonel Bester to continue with the team that he is having.

ADV RANTHO: Thank you, general.

COMMISSIONER KGOMO: Sorry, Ms Rantho. So when colonel...  
Dr Lebeya, when Colonel Bester was appointed who on the ground  
20 was dealing with the investigation of these matters?

DR LEBEYA: All these cases Commissioners were conducted at national level, so there were members under his command and I do not know how they had booked each case to which members, but obviously you look at the command structure. It is you colonel, you have got members working with you and then how many are there.

So he will decide, it was only at national level, by that time the crimes against the state gets I think was only at national level. We had to... it is only at a very late stage in the DPCI that we created some other branches in the provinces, but it was at national level. So Bester was at national level, these members that were investigating at that stage were at national level.

COMMISSIONER KGOMO: Okay. So they were dealing not with these TRC cases exclusively, they were dealing with all the CATS matters?

10 DR LEBEYA: Yes, no, they were not dealing exclusively with TRC cases, they were dealing with all cases that are classified as crimes against the state.

COMMISSIONER KGOMO: Thank you.

ADV RANTHO: Thank you, Commissioner. General, over and above your meeting with Adv Macadam to discuss the 10 cases, you stated in paragraph 28 that you never had any other interaction with him thereafter. Is that correct?

DR LEBEYA: That is correct, Commissioners.

20 ADV RANTHO: And then general, you know that you are before this commission, because the allegations are made by the Calata group that there was political interference or there was political interference with investigation of the TRC cases. Is that correct?

DR LEBEYA: I have learned that there was political interference.

ADV RANTHO: You mean alleged?

DR LEBEYA: Alleged political interference, yes.

ADV RANTHO: Now if I may get from your side, have you ever received an instruction that can be construed to be political nature not to pursue any TRC cases during your tenure as a members of the SAPS / DPCI?

DR LEBEYA: Commissioners, I took an oath of on 11 May 1984 that I will only abide by the law, only respect the law and I again took an oath on 1 June 2018 that I will abide by the law; that is an additional oath of office for the members of the DPCI. I was not going to listen to anyone to pressurise me not to do what I have taken an oath of  
10 doing. I think that the history will tell as to how I have been treated when I was straightforward with doing my work. I was not going to listen... nobody has ever approached me not to do my work; I was not going to listen to that one.

ADV RANTHO: And have you ever instructed or influenced anybody to conduct themselves in that manner?

DR LEBEYA: I have never instructed anyone not to do his work and I will not do it. I have always cautioned the members that you see in this organisation we come from different backgrounds and when you took your own oath, you knew that we are coming together, because  
20 we are going to do the right thing.

So I am not going to tell you not to do the right thing. I always allowed the members to do the right thing and that whenever they do the right thing, we will obviously ensure that we provide them with the resources. I will not instruct a member not to do the right thing.

Even myself whenever I was instructed, I always insists that in

some of the things I needed in writing, so that in the future I can show that this is what I was instructed to do. And if I give the instruction that a member is not sure as to whether this is correct or not, they can always ask it to be done in writing.

That is how we do it in the police and I think the Constitution is very much clear regarding the members in the security forces, the security structures that you cannot take an unlawful instruction. So I will not give an unlawful instruction and I will not take an unlawful instruction.

10 ADV RANTHO: For the sake of completion, in paragraph 13 you informed the commission that in the performance of your functions or during your employment with the SAPS / DPCI, you were always conscious of your constitutional obligation as set out in Section 199(6) of the Constitution. Is that correct?

DR LEBEYA: Yes. Thank you, Commissioners, indeed as I have hinted, I have always been conscious of my constitutional duties as set out in Section 199(6) of the Constitution, which state that no member of any security service may obey a manifest illegal order. More specifically I have never engaged in any act of political  
20 interference aimed at stopping the investigation and or prosecutions on the TRC cases. I think that is the constitutional expectation of the members in the security structures.

ADV RANTHO: Thank you, Commissioners. It looks like today...  
[intervenes]

COMMISSIONER GABRIEL: I just have one question, please, for

clarity. You completed your term, Dr Lebeya, as the national head of the DPCI on 31 May 2025?

DR LEBEYA: It is correct, Commissioners.

COMMISSIONER GABRIEL: And in paragraph 20 you told us that these 40 exclusive TRC investigators were appointed for three years starting from 1 April 2021, ending on 31 March 2024. What happened, were those contracts renewed?

DR LEBEYA: When the term was coming to an end and the work was not finished, I needed to be doing something about it. So we looked  
10 at all of those members who were appointed in terms of the contract and say that those who are still within the allowed age to be permanent members of the SAPS, let us appoint them on a permanent basis. So I asked authority to do that, which was granted. So those who were within the age limit were appointed permanently into the SAPS into the DPCI. Those who were of advanced age that could not fit in within the employment regulation and the like, we said that we are extending the contractual period, I think it is another three years. So that at least we cannot let them go before the work is completed. So that is what we did.

20 COMMISSIONER GABRIEL: Thank you.

DR LEBEYA: Thank you, Commissioners.

ADV RANTHO: Thank you, Commissioners, that brings an end to evidence in chief of General Lebeya and I see it is already tea time.

CHAIRPERSON: Yes, thank you Ms Rantho. I think this is an appropriate time to adjourn for tea until 11:20.

INQUIRY ADJOURNSINQUIRY RESUMES

CHAIRPERSON: Mr Gwala, do you have any clarificatory questions to put to the witness?

ADV GWALA: Chairperson and Commissioners, no, we do not have questions.

CHAIRPERSON: Thank you. Ms Nthambeleni?

ADV NTHAMBELENI: Good morning, Chair. No, we do not have any questions.

10 CHAIRPERSON: Ms Rikhotso?

ADV RIKHOTSO: Thank you, Chair. We also have no questions of clarification for this witness.

CHAIRPERSON: Ms Moroka?

ADV MOROKA: Just one question, Chair. Good morning, Doctor. You spoke in your affidavit, paragraph 21 of your affidavit, about, let me just get there.

"Other government institutions and the need to coordinate and the need to work together."

20 And then you talk about the fact that you then established other structures that were to do that. What I wanted to know from you is, did you know or did you at any point understand that there was another structure that had been put together pre your appointment or the appointment of Mr Dramat? The TRC working group that was responsible, which consisted of DGs and the ex-commissioners. Did you know about that task team? Did you ever get the minutes of that

task team? Did you ever... Was it as if, as it were, a continuation of that task team or was your intervention a completely different structure?

DR LEBEYA: Thank you very much, Commissioners. I did not know about the existing prior team. It is only during the current commission that I read in the media that there was something else before, so I did not know about that one. This one was just my initiative that I needed something that can assist the investigators. Thank you, Commissioners.

10 ADV MOROKA: So, in a sense, am I to understand that when the DPCI was formed, there was no hand... You remember there was a DSO and there was a working relationship between yourselves, as SAPS, differently called So there was no handover of the workings of what the NDPP office was doing, what then the DSO was doing, and then when the DPCI was constituted, what then was a consequence of what had happened before. There was no handover of any sorts.

DR LEBEYA: Thank you very much, Commissioners. I happened to be the person who was coordinating the taking over of the work coming from the DSO into the DPCI. So, I kept a record of all of the  
20 matters that they had. These ones were not part. So, there was a list of the matters that the DSO has been handling, and we took those.

ADV MOROKA: Thank you, Chair.

CHAIRPERSON: Thank you, Ms Moroka. Mr Varney.

ADV VARNEY: Chair, we do have some questions by way of clarification.

CHAIRPERSON: Yes.

ADV VARNEY: Firstly, Dr. Lebeya, thanks for your cooperation with this Commission and for coming to testify today. I should mention from the outset that from the perspective of the families, we do not regard you as a person of interest, and we do not think that you should have been issued with a Rule 3.3 notice, which is reserved for implicated persons. We do think, though, that you have very useful information to give to the Commission.

So, we think you should rather have been called here under  
10 Rule 7.1. I just wish to make that clear to you. Let us turn to paragraph eight of your statement. You mentioned that:

"

While you were a detective sergeant at Hillbrow Serious Cases Unit."

That is in the late 80s, 88, 89:

"That you had occasion to take forward a murder case against a certain Mr Ndam who had used a security branch firearm to commit a murder."

But you also made clear in your statement and in your evidence-in-chief that you were not prepared to enter into discussions  
20 about withdrawing that particular case. Do you recall who asked you to withdraw the case?

DR LEBEYA: No, I would not recall the names, but it was the command structure of the security branch.

ADV VARNEY: And I think you mentioned you could not recall whether the case was actually withdrawn or not.

DR LEBEYA: At that moment, it was not withdrawn because it was later handed over to another member who I understood he did not like this case because it seems to be tainted. And then it was handed over to the other one, so it was still appearing on the court roll. So I do not know at a later stage what was the conclusion of that. So it was not withdrawn in the immediate period that I was aware of. I do not know after the third investigator was given, or what was the final conclusion because it was on the court roll. Which meant that if it was to be withdrawn, it shall be directed to the inquest court. And I

10 think that the inquest court shall have wanted to know what was the cause and was anybody responsible. So I do not know what was the final outcome of that case.

ADV VARNEY: Thank you. So this is an example of during the apartheid days of what could be called attempted interference in the work of the criminal justice system. But you as a police officer, you took a stand, you refused to associate yourself with that kind of interference.

DR LEBEYA: Yes, I was a very junior member as a sergeant in the police. In terms of the rank setting, from Constable to Warrant

20 Officer, we called them junior members. They also called them Non-Commissioned Officers. From Lieutenant, currently the rank no longer exists, it starts with a Captain. From Captain upwards, they called them Commissioned Officers.

And these Commissioned Officers, they are also divided into different categories. There are junior officers, that is up to Captain.

So it is Lieutenant, Captain up to Superintendent, Lieutenant Colonel. There was also a rank of Major. So Captain up to Captain was called junior officers. From Major up to Colonel is called senior officer. From Brigadier upwards is called senior manager. But from Lieutenant General upwards is called top management. So that is how they categorised.

So I was a very junior member as a Sergeant, but I was prepared to follow the law. And there were many other members who were prepared to follow the laws. It is unfortunate that there were a few in certain units within the SAP that were obviously inclined to carry out some of the works that you cannot do them openly. And say this, I am doing this because I am a police official. But indeed, I was prepared to do the work as a sworn officer. Who when approaching the people, I identify myself and say, I am Sergeant Lebeya. This is what I am doing. I am coming to you in terms of this. And if it is a suspected person, during that time we will be warning the person in terms of the Judge's rules. Which have now been modified into the Constitution, Section 35. So I have been following the law and many other members were following the law. Thank you.

20 ADV VARNEY: Thank you, doctor, for sticking to your guns. Can we can we move to paragraph nine? And I see we jump from the late 1980s to 2000. Would I be correct in saying that during the 90s you were still at the Hillbrow Serious Cases Unit?

DR LEBEYA: Obviously, I did not want to elaborate much on my CV Commissioners. I have worked in various environments in the SAPS.

And wherever I have worked, you can always go and find evidence of what we produced. From 1989, there was in 1990, then I was elevated to become a Warrant Officer. And as a Warrant Officer, there was time for restructuring of the detective service.

Then the decision was made to establish the Fraud Units in the country. When the Fraud Units were established, one was established to be in charge of two districts. District of Hillbrow and district of Randburg. So each district had a number of police stations like eight and seven. So a Fraud Unit was established at Sandton.

10 And I established that Fraud Unit at Sandton. I was a mere Warrant Officer and to be in charge of a Fraud Unit in an urban setting meant that there was confidence in what I was doing. So I opened the Fraud Unit, have been in charge of that unit until I went to the candidate officer's course.

To become a Lieutenant, you had to go through, after passing your National Diploma in policing, you had to go to the officer's course. And if you pass the Candidate Officer's Course, then you were to be appointed and given commission status by the State President so that you become a justice of peace, that you can be able  
20 to take confessions from people who want to confess and the like. So I went to the Officer's Course, became a Lieutenant.

When I came back, I was placed at John Foster Square, now Johannesburg Central, in Fraud Units. I was not in charge there. There was a Lieutenant Colonel who was in charge, a Captain, the deputy. Then I was the Lieutenant to be the third in charge. But they

gave me the responsibility to manage that, which I liked because it actually gave me an opportunity to learn in a bigger station, John Foster Square, dealing with a number of police stations. But I always wanted to be working in the Commercial Branch because the Commercial Branch was dealing with more complicated and more serious cases, dealing with more than 60 acts of parliament, as well as the common law crimes.

So I asked to be placed there in the Commercial Branch. So I was placed in the Commercial Branch, and then I was given to be responsible for Valita Squad. And I think I worked with those cases. And I think that it is during that period that I identified the lacuna in the law where possession of foreign foiled banknotes was not a crime. Then I requested that this thing need to be criminalised because we are finding people in possession of these, whereas in the rands it is a crime, but in foreign currencies not. You are waiting for a person to start dealing before you can charge.

So I worked in the Commercial Branch. You can find evidence of me working there because one of the Captains stole my docket there, and I investigated, which Captain was given five years imprisonment for stealing my docket. I was later appointed as a Superintendent in 1996 because when the new system dispensation came into place in 1994, I was already a Captain. I had been a Lieutenant, now I was a Captain.

So I was later appointed as a Superintendent, today it is Lieutenant Colonel, in what was called, what started as a

representativity and equal opportunity programme, REOP. It was later changed to be Accelerated Management Development Programme. So I was appointed in that. You will see when we arrested a senior manager from the South African Broadcasting Corporation taking 20 000, which I was responsible for doing that.

I was later appointed as the Provincial Commander of the Commercial Branch in Mpumalanga. You will see a number of arrests that we have done in that province. Including I personally arrested the Deputy Speaker of the Provincial Legislature in that province,  
10 which deputy speaker was found guilty and sentenced.

I have dealt with a number of matters, including the driver's licence scams that were taking place in Mpumalanga. And I am the one who obviously interviewed Director Brazer to say, Director Brazer, how did you interview this person, a senior politician, to get a driver's licence when you are sitting so far and then the testing ground is so far? So a number of matters that I have dealt with when I was in that province. I think that there are letters of commendation from the senior managers in Mpumalanga. You speak of the 18th Provincial Commissioner at the time, Dan Alberts. You speak of the  
20 Provincial Commissioner, Moses Kanile. And you will find commendation of the work that we produced there. That is before I come back to Gauteng to become a Director for Specialised Investigations, diamond and gold, motor vehicle, and the like.

And then becoming the head of the detectives, then I deal with everything of crime in the province of Gauteng. It was the

busiest. And from there, I moved to Head Office. And I have elaborated on that one at Head Office. So I have worked in the various environments. Even at the time when I was the Deputy National Commissioner responsible for crime detection, after the retirement of General Price, for a year, they did not appoint any Deputy National Commissioner for Operations. So I was appointed to act in that position in addition to my position as the Deputy for Crime Detection. So for a year, I was responsible for two directorates. Which meant that I have got to double the effort so that both these

10 two environments need not fail.

So that is part of the work that I was doing. And I have represented the country in the South African Regional Police Chiefs Cooperation Organisation, which is called SARCO. I was chairing the Permanent Coordinating Committee, which is the operational body of the SARCO. I also established such a body in the SAPS, called the SAPS PCC, to ensure that all the activities in the SARCO structures are coordinated in the country. So there is a lot of activities that I have done. I have drafted guidelines on how to do certain activities.

COMMISSIONER KGOMO: Mr Varney... (intervenes)

20 DR LEBEYA: Including guidelines on dealing with... (intervenes)

COMMISSIONER KGOMO: Sorry. Mr Varney, let me warn you. Dr. Lebeya is also an author of a criminal procedure book. If you give him the canvas, he is like a professor. He will go on and on. I think you should try to guide him.

ADV VARNEY: Thank you, Commissioner.

COMMISSIONER KGOMO: Yes.

ADV VARNEY: I was looking for an opportune moment to intervene, but it is a very rich history indeed.

COMMISSIONER KGOMO: Ja.

ADV VARNEY: Indeed.

COMMISSIONER KGOMO: I worked with him for five years.

ADV VARNEY: Doctor, thanks for that very rich career history, which is interesting and also well done on spotting that lacuna in the law. Can I just ask, during that period, which I assume is through the 90s,  
10 you were not involved in any of the TRC cases?

DR LEBEYA: No, during that period I was never involved in any. I only came across them in 2009. That was the first time I came across these TRC cases.

ADV VARNEY: Thank you. In paragraph nine you point out that in 2000 you became provincial head of detective services at Gauteng. You moved to SAPS Head Office in 2004 to take charge of organised crime nationally. I understand that in that period through to 2009 you were also not involved in any of the TRC cases.

DR LEBEYA: No, I was not involved in any because there were also  
20 restructuring. That is, during 2004, when I was at Head Office, there was also a component called Serious and Violent Crime. So before it was called Murder and Robbery Unit, but later on it became Serious and Violent Crime Unit. It is in that serious and violent crime that crimes against the state were resulting in that component. So it is only at a later stage that the component Serious and Violent Crime

Unit was phased out. Then the members from the Serious and Violent Crime were incorporated into the Organised Crime. I think that was closer to the establishment of the DPCI.

ADV VARNEY: Thank you. So then let us come to 2009 and you set out in your paragraph 10:

"That in August 2009 you were provisionally appointed as the component head responsible for organised crime at the DPCI ."

And you also acted as... (intervenes)

10 COMMISSIONER KGOMO: Yes, just there. It is good to speak of the official DPCI, but the people know the brand as the HAWKS. Can you talk a bit more about the HAWKS so that the people outside can also understand? Doctor, would that not help? It is your brand. There is the brand. The cars are also branded HAWKS. You hardly see DPCI.

ADV VARNEY: Thank you, Commissioner.

COMMISSIONER KGOMO: Just as a general comment.

ADV VARNEY: Yes, I agree it would certainly help if everybody was on the same page. Doctor, just following on what Commissioner  
20 Kgomo has suggested, could you give a brief description of the DPCI, what it stands for and its essential work?

DR LEBEYA: The law itself speaks of the establishment of an entity called the Directorate for Priority Crime Investigation. The abbreviation is DPCI. At the time when it was launched, it also got a nickname, like you have other entities that had nicknames, like the

Scorpions. It is the Directorate for Special Operations, but it also got a nickname, the Scorpion.

And then the Directorate for Priority Crime Investigation got its also nickname, the HAWKS. So if you put the HAWKS and the Scorpions together, one might disappear. So the HAWKS is actually the brand name that the DPCI is known for. Others will always recite on it and say it eats snakes. So dealing with criminals, that is how the HAWKS deal with.

At the time of the launch, they made an error. Those who  
10 were designing the symbol of the HAWKS, the DPCI, they said it is the Directorate for Priority Crime. They added an S, Directorate for Priority Crime Investigations. They added an S at the end. So if you find some logos on the Internet, you may find those that have got an S at the end. It is erroneous. There is no S. And it is like the South African Police Service. You will find people adding an S at the end, saying South African Police Services. You try very hard to tell the people that there is no S. But I think that the public can also get a clear indication that when you speak of the South African Police Service, it is not South African Police Services. There is no S at the  
20 end. If you want to check on this, you go and check the Act, what the lawmakers said. The same applies with the HAWKS. You will find that there is no S at the end.

ADV VARNEY: Thank you, Doctor. But would I be correct in saying that the DPCI or the HAWKS could be described as the elite

investigation unit within SAPS to deal with the most serious priority crimes facing South Africa?

DR LEBEYA: You are correct, Commissioner. The HAWKS is the elite unit in the Republic of South Africa. If it was supported and given the necessary resources, it can operate on the level of like entities in other countries. You speak of the FBI, the NCA, the BKR in other countries. That is how you can develop the HAWKS to become.

ADV VARNEY: Thank you, Doctor. That is very helpful. If we can  
10 then turn to 2009, you have already mentioned that it was in that year that you became Component Head for Organised Crime within the DPCI, and that is where you first had some contact with the TRC cases. Can you just briefly describe what that initial contact with the TRC cases was?

DR LEBEYA: That is when Advocate Macadam would have come to discuss about the TRC cases, which I indicated that after hearing about that, I ensured that there is an individual who is going to liaise with him and continue to deal with those cases. And I think that from  
20 that time, he indicated that he was satisfied that they started dealing with those matters, although there were few in number.

ADV VARNEY: Yes. So that meeting with Advocate Macadam, that was on 26 November 2009, and we will return to the meeting and the letter he wrote you in January 2010 a little later. So if we can then turn to paragraph 11, you indicate that:

"On 1 February 2010 you appointed Divisional

Commissioner PC for priority crimes investigation with the DPCI at the rank of Lieutenant General."

And it looks like you held that post for a year, February 2010 to February 2011. Now, during that period were you seized with the TRC cases?

DR LEBEYA: In that position I was the Divisional Commissioner. And as the Divisional Commissioner you are also responsible for other components. You have got the serious commercial crime, which is dealing with more complicated cases. The most complicated cases are in the serious commercial space, which is the environment where I say that they deal with more than 60 acts of Parliament. So it was also part of that. I was not solely dealing with TRC cases. TRC cases will be under the component Serious Organised Crime. And then there is a section below that component.

So I deal with component heads. But the matters in their space, they have got to account to me. So that is part of the cases that I was dealing with. There were also other matters that demanded more attention. Things like the crime intelligence matters. You shall have heard now and then people talking about the appointments in crime intelligence of 250 posts. I have dealt with that. It was part of that that I have dealt with those matters. And I think that they cost me my career. Those investigations that I have dealt with.

So there were several matters. Several matters will obviously go in the DPCI. And as they head, at times you may deal with some cases that have got repercussions. Not because we have

done anything wrong, but because we have dealt with certain cases. So I am just hinting that it was not only TRC matters. There were many other serious matters that we have dealt with. Thank you, Commissioner.

ADV VARNEY: Thank you, Doctor. And let us move to the next period. And so that is between paragraphs 12 and 13 of your statement. You mentioned that:

10 "In February 2011, you were appointed Deputy National Commissioner, responsible for Detective Services, Crime Intelligence and Forensic Services."

And it looks like you were in that post through to the end of May 2014, when you were unlawfully dismissed. So again, same question. Between February 2011 and May 2014, in that post, were you seized with the TRC cases?

DR LEBEYA: No. From the 1 February 2011, as the Deputy National Commissioner, I was no longer seized with those matters because those matters will remain in the DPCI. So I am no longer in the DPCI. So there are six deputies, and one of those deputies is the deputy responsible for DPCI. And because now the deputy, which is General  
20 Dramat, previously he was in charge of the directory DPCI plus the Detective Service Division, Forensic Service Division, and the Crime Intelligence were also resulting under him. Now they separated these so that he is solely responsible for DPCI. That is where the TRC cases will remain under the Serious Organised Crime Component.

So I am taking a new directorate, which is Crime Detection, that is responsible for three divisions, Crime Intelligence, Detective Service, and Forensic Services. So that is from the 1 February 2011. I did not expand much because I shall have indicated that from the 1 April 2011, that is the same year, two months later, I am also appointed to be overseeing the Deputy National Commissioner operations.

COMMISSIONER KGOMO: Yes but that... (intervenes)

DR LEBEYA: General Price was working.

10 COMMISSIONER KGOMO: Yes, but Dr Lebeya, for that period, you were not seized with any TRC matters. If we can focus a bit on that part.

DR LEBEYA: Yes.

COMMISSIONER KGOMO: That was the question asked.

DR LEBEYA: Thank you, Commissioner. Ja, from that period, the 1 February 2011, I was no longer involved with TRC cases. They are with the DPCI. I am out of the DPCI.

ADV VARNEY: Thank you, Doctor. Well, then let us jump to when I think you re-engage with the TRC cases. Would I be right in saying  
20 that if you look at your paragraph 15, that only occurred several years later when you were appointed as National Head of the DPCI in June of 2018. Am I correct in saying that that is when the TRC cases fell again under you?

DR LEBEYA: That is correct, Commissioner.

COMMISSIONER GABRIEL: Paragraph 17.

CHAIRPERSON: Paragraph 15.

COMMISSIONER GABRIEL: Or is it 15? Thank you.

ADV VARNEY: Well, ja, I suppose he says in 15 he was appointed National Head of DPCI.

CHAIRPERSON: Yes, okay thank you.

ADV VARNEY: In June 2018. And then he expands on it from paragraph 16, 17 onwards.

DR LEBEYA: That is correct, Commissioner.

ADV VARNEY: So then let us turn to paragraph 16. And you  
10 mentioned that by the time you became National Head in June of  
2018, there was already some progress being made. Are you able to  
give the Commission a sense of what progress had been made?

DR LEBEYA: Obviously, at the initial stage, there were 10 cases.  
When I received a letter from the lawyers that were raising concerns,  
representing the family of the victims, we checked these cases.  
There were limited progress because of the capacity. I think that it  
goes to the level where I say that in paragraph 18:

"There were 34 cases that were being handled."

So there was a progress from the 10 cases that we initially  
20 heard of in 2009.

ADV VARNEY: Yes. And those are the 10 cases that have been  
identified by Advocate Macadam.

DR LEBEYA: That is correct.

ADV VARNEY: We do not have a list of those 10 cases. Do you,  
per chance, have a list in your records?

DR LEBEYA: I do not have the list of those 10 cases, Commissioner.

ADV VARNEY: Okay. Thank you. We will have to make our own enquiries. Then in paragraph 17, you deal with the approach by the attorneys for the families. About the complaints of officers involved in the cases who would be previously with the security branch. And you will ask which attorneys, just for the record, the attorneys were Webber Wentzel. You will also ask for the names. As I understand, the names in question, I think you made some reference to them. Captain Simpson and Captain Williams. And we understand they  
10 were taken off those cases.

I see you also mentioned Colonel Vreugtenburg in paragraph 18. Do you have a recollection that the families also made a complaint in respect of Colonel Vreugtenburg on the grounds that he had been accused of assaulting a black police officer by the name of Richard Matassi?

DR LEBEYA: I do not have a recollection of any concern raised about Vreugtenburg, Commissioner.

ADV VARNEY: Yes, just for the record, in that letter, that complaint was also set out. And the problem that the families had is that  
20 Richard Matassi and his wife Irene were subsequently murdered and for that reason, although no accusations were made against Vreugtenburg, they asked for him to be removed from the TRC cases. And our understanding is that he was ultimately removed.

DR LEBEYA: I do not have a recollection of that aspect of Vreugtenburg. Obviously, as I said, there were layers that were

reported under myself from the Colonel. There was a layer above Brigadier and there will be a Major General above. So, I do not have a recollection of him being removed specifically from TRC cases.

ADV VARNEY: Thank you. And you say:

"You had these individuals removed because of the need to maintain a cordial relationship with the families."

Would I be right in saying that an additional reason you would have had besides maintaining that relationship would be that it  
10 would be inappropriate for former security branch members to be investigating their colleagues?

DR LEBEYA: Not necessarily so, Commissioners. You see that as a police officer, you are bound to investigate any crime. As an Assistant Commissioner, I have investigated cases that involved the National Commissioner. It is in charge, but I am carrying the case. It is unlike a departmental matter where only a senior can investigate a junior. But with a criminal matter, it does not matter. Others feel uncomfortable, but somebody else needs to investigate. If you are the National Commissioner, you have committed a crime, who shall  
20 investigate if no police official is prepared? Because all the police officials will be juniors. So, it means that you will say, no, another department must come and investigate. Whereas, as a police official, you are given statutory powers to investigate.

So, I would not say that it is necessarily because they could not investigate their former colleagues. You can investigate your

colleagues. I have indicated here that when I was working in the Commercial Branch, one stole my docket, we investigated. One forged my signature, we investigated. You can still investigate because you have got the power to do so.

So, it was more to maintain a cordial relationship because when the family is feeling uncomfortable, you cannot work with witnesses that do not trust because then they will not divulge some of the information that you need.

ADV VARNEY: Thank you, Doctor. So, turning to paragraph 18, you  
10 set out that:

"The Serious Organised Crime Investigation Component  
had prepared a report on 34 cases."

Do you recall the general status of those 34 cases? For example, did they need further investigation? Were any ready to proceed?

DR LEBEYA: I would not recall the exact content of what was the status of each case. But my practise is that I developed a pro forma that whenever I need progress to be reported to me, it must contain the following. So, I needed to be knowing how many statements have  
20 been obtained, who are the victims, who are the suspects, who are the investigators. So, there is a particular format that I designed, say that I need information to be reported in this fashion so that I can see development.

When you report progress, I will be able to see from the last report to the current report, are there changes? So, it is only when I

have got that report that I can be able to see these were the changes that have come in. But every time a progress report comes, I check from where I have checked previously, is there any movement? Thank you, Commissioner.

ADV VARNEY: Thank you. And you were asked previously about the 12 members from Crimes Against the States, Stats, or Cats at least. Would I be right in saying that the situation was even more dire for you? Because presumably not long after the attorneys had written to you, then Captain Simpson, who is on that list, would have been  
10 removed. And probably also Colonel Vreugtenburg, bringing the number from 12 down to 10.

DR LEBEYA: Ja, so obviously that is the challenge of manpower that I have indicated that the DPCI was seriously incapacitated to deal with the challenge of work. So, obviously, I have hinted various matters that require attention. So, the number was even fewer than where we started.

ADV VARNEY: Yes. And, of course, as you pointed out, they were not full-time on the TRC cases. They also had other responsibilities. Who was in charge of that component at the time?

20 DR LEBEYA: I think that the component head for Serious Organised Crime, when I came in, was Major-General... Let me... (intervenés)

ADV VARNEY: If you cannot remember, it is not essential. We can find out.

DR LEBEYA: Ja, I think she retired immediately. Some few months later.

ADV VARNEY: But the... (intervenes)

DR LEBEYA: There was somebody else who was the component head.

ADV VARNEY: Yes, it is not essential. Do not worry about that. But did the members working on the TRC cases, did they have a component head or a commanding officer?

DR LEBEYA: Ja, the name, if you just come back, is Major-General Sylvia Ledwaba. So, Major-General Sylvia Ledwaba was the Component Head of Serious Organised Crime. Below her, the one  
10 for Crimes Against The State was Brigadier Xaba. So, below Brigadier Xaba would be some colonels that are responsible for some activities.

ADV VARNEY: Thank you. So, then let us jump to the steps that you took, and these are set out in paragraphs 19 and particularly 20 where you mentioned:

"You advertised 200 posts and then you had 40 contract members assigned to deal with the TRC cases exclusively. And they were then appointed in April of 2021."

20 And I see that, I suppose it is no coincidence, Dr. Lebeya, that in 2021, there was almost an explosion of cases registered with the DPCI. According to our calculations, just in that year alone, 56 cases were opened by the DPCI. Is that attributable to the fact that you had 40 dedicated investigators?

DR LEBEYA: Yes, that indeed Commissioners, that we have

increased the capacity. Obviously, they are looking deeper and they are able to receive new matters. And when the complainants in other matters see that there is development, they also come forward. So, you will see that some of the matters have got new cases. You do not have the old linking case. So, it might start as a missing person during that period. So, that is why they will be increasing.

ADV VARNEY: Yes, and then in the following year, there was even a bigger number, 2022, where 84 cases were opened by the DPCI. A very impressive number, presumably also because you now had  
10 capacity.

DR LEBEYA: Yes, indeed. And we needed to deal with every matter relating to the TRC that has not been finalised.

ADV VARNEY: Because if you compare those numbers to the cases between 2011 and 2020, from what we can see, only eight cases were opened in those years. Would you also account that to the lack of capacity or lack of dedicated investigators prior to 2021?

DR LEBEYA: I believe that it could be the issue of capacity. Because, as I have said, I do not believe that from 2009 there was anybody who was stopping anyone from investigating these matter.  
20 So, I believe that it was an issue of capacity, limited capacity.

ADV VARNEY: Then, if we turn to your paragraph 25, the number that you give in cases handled by the DPCI have now jumped to 140 in April of 2023. Am I correct in saying that by May of 2025, that number had increased to 176? Just before you retired.

DR LEBEYA: Remind me of the paragraph.

ADV VARNEY: It is paragraph 25, last line.

DR LEBEYA: Okay. Ja, Commissioners, the number obviously in paragraph 25 speaks to 2023, is before I was still in service, and the number has indeed increased to 140. So, they were increasing. I just recalled something that when the question was asked about Vreugtenburg. I need to be mentioning that part of the investigation that Vreugtenburg has dealt with was the Boeremag Case. If he has been able to deal with the Boeremag Case, I think that he could have dealt with any other case. So, the cases of the Boeremag were dealt  
10 with by Vreugtenburg. So, I had the confidence that he can deal with the investigation impartially, but obviously the relationship needed to be maintained so that people do not doubt that we can trust this one. But the officer himself, I think that if you look at that case, we can safely say that he could deal with any other case. So, I just thought that maybe I need to hint that to Commissioners. Thank you.

ADV VARNEY: And if we can turn to the extract that you have put into your statement, a paragraph, or from several extracts, from paragraph 26 onwards, you refer to the rule 3.3 notice. And in the extract you included in 26, that is from paragraph 3.1.3 in the Calata  
20 founding affidavit, which in turn refers to the letter that Macadam wrote to you on 18 January 2010.

And then you make reference to the fact that in the Calata affidavit, only the letter was reproduced, but not paragraphs 35 to 36, where Advocate Macadam had used the words "Positively", which he did so at paragraph 35 of his statement, which you have reproduced.

I just want to put it to you that that was not done intentionally. And do you accept that Mr Calata only reproduced the letter, but not the paragraphs? If he had reproduced the paragraphs, then that word would have been included. But for purposes of that affidavit, it was only the letter that was included.

DR LEBEYA: Commissioners, I accept that. It is just that I felt that this kind of word need not to be omitted. So if it is unconsciously omitted, I accept that. So there was no deliberate to cast any negative as aspicion. I accept that. So I just feel that the relationship  
10 between Macadam and what he said and how we were engaging him was in positive spirit. And when this message is conveyed to the third party, this kind of words need not be left out. Thank you, Commissioners.

ADV VARNEY: Thank you. And of course, the families have no reason to dispute Macadam using a word like positively because in his meeting with you, you know, steps were being taken to assign investigators to the cases, which at that point in time in 2009 would have been a positive development. And if we can just return to that extract. And this is on page eight of your affidavit in paragraph 26.

20 You will see that Advocate Ackerman in the second paragraph on that page refers to Senior Superintendent Bester. And he makes reference to the fact that Bester had several dockets against the liberation movements and that Macadam had explained to him that in those matters amnesty had been granted. And he then

advises Bester that there was no basis on which these cases could be reopened.

And if I can then just refer, and you probably do not have it, but to the next paragraph in the Calata affidavit at 314, where the following is stated:

10 "Senior Superintendent Louis Bester was appointed to oversee the investigations of the 10 remaining TRC cases. It appeared that Bester was particularly interested in pursuing cases against members of the former liberation movements. As it transpired, he made no progress in the cases against former apartheid security officers and operatives."

Do you have a recollection whether Senior Superintendent Bester made any progress in the TRC cases? Because it is certainly the view of the family that he was very keen to move against the liberation movements but not against the former security officials of the apartheid regime.

20 DR LEBEYA: As I have indicated, I did not have any indication that he had the intention of not investigating against anyone. And once a case is there, I would have insisted that any case be investigated as the police. We do not make decisions. Decisions must be made by the National Prosecuting Authority. You collect evidence and table before the authority that has been given. I would not have allowed that. It was not brought to my attention that he does not want to investigate cases against members of the security setting.

ADV VARNEY: Advocate McAdam in his statement mentioned that:

"In 2010, after the arrangement had been agreed with you, you mentioned that the investigations would commence but only after the conclusion of the 2010 World Cup."

Do you have a recollection of that?

DR LEBEYA: I do not have a recollection of the nitty-gritties of the status of progress, how they have been progressing. And I think that in 2010, during the World Cup, again, there was special focus on the  
10 World Cup. And I was given the responsibility of dealing with all the cases of the World Cup. I was monitoring that on a constant basis, daily basis, dealing with all the World Cup cases nationally. So that would have been my responsibility amongst others. In 2010, during the World Cup, you know that those cases had to be submitted at court. Immediately, they did not have to go through the normal court rolls, where you have to postpone for a month and the like, because some of the people were visitors, they were to leave, and those matters had to be finalised. So I do not know about the nitty-gritties of the progress of the cases, and the component head may have  
20 been aware of how the cases were developing.

ADV VARNEY: Thank you. Now, we understand from your earlier evidence that your involvement with the TRC cases came to an end, I believe, in February of 2011. So quite shortly after, you had arranged investigators for those cases. And the Commission is aware that between 2009, in fact, going back further, between 2007 and 2016,

no cases were enrolled for prosecution and no inquests were held. I know this is, you can only speak up until February of 2011, but what might explain the lack of activity in those years?

DR LEBEYA: Between 2007 and 2016.

ADV VARNEY: Yes.

COMMISSIONER KGOMO: TRC cases.

ADV VARNEY: TRC cases.

DR LEBEYA: Yes. As I have indicated, I only came to know about these cases in 2009. 2007, I would not be knowing, because I believe by that time, the CATS, Crimes Against the State, was resulting under the Serious and Violent Crime, which was a component of its own, not the organised crime component within the detective service. So I was not responsible for that. It was only in 2009 when the HAWKS had to take the responsibility of Serious and Violent Crime into the organised crime. I was out of the DPCI, as I have indicated, and by 2016, I was out of the organisation. I would not know how they have been coordinating and directing the investigation. It is only when I came back that I can account for this is what I have done after my return.

20 ADV VARNEY: Thank you. No further questions, Chairperson.

CHAIRPERSON: Thank you, Mr Varney. Mr Semenya.

ADV SEMENYA: Chair, thank you. Mr Nalane will put such questions.

CHAIRPERSON: Yes, Mr Nalane.

ADV NALANE: Thank you. Thank you, Commissioner. Dr Lebeya it is afternoon. I almost said good morning. Well, good afternoon, Commissioner. Dr Lebeya, we have listened to evidence from various witnesses and you are aware about the duties that this Commission must do, and thank you for having enlightened us about some of the events. It seems to us that there are various time periods which the TRC matters can be divided into. Some, as you say, you would have been involved in the processes, some you would not have been.

10           But of course, you are here to help us with your vast knowledge of policing, from when you literally grew in the police, as it looks like. You joined the LH and you move around ranks. So your experience will of course help in investigating some of the events and issues that the Commission has to deal with. As we understand it, there are at least maybe two time periods, which would be from 2003, when the TRC completed its work, and the recommendation was those who do not apply for amnesty must be pursued. I am sure you are aware of that.

DR LEBEYA: That is right.

20   ADV NALANE: And one of the major events was the statement made by former President Mbeki when he received... (intervenes)

COMMISSIONER KGOMO: You nodded your head, Dr Lebeya. The question was, you are aware of that, and then you nodded. Your answer is?

DR LEBEYA: I agree, Commissioner.

COMMISSIONER KGOMO: Okay.

ADV NALANE: And one of the events that we know as a matter of history is that the President then, President Mbeki, received the final report from the TRC and made a major announcement in Parliament. You are aware of that?

DR LEBEYA: I am not aware of those nitty-gritty's.

ADV NALANE: But I think what the President would have said is, we have now received the TRC report, we have gone through a process of nation to try and heal the past, and we must now look forward.  
10 What he said is, "Now that an opportunity has been given to people to come forward and they did not, those who did not come forward must be prosecuted".

DR LEBEYA: I generally know that people who did not apply were to be prosecuted, but I do not know the nitty-gritties of the announcement per se. Thank you.

ADV NALANE: And what we would know as well is that when the National Prosecutions Authority was started, the first national director was Advocate Bulelani [indistinct] that is a matter of fact.

DR LEBEYA: Just repeat that.

20 ADV NALANE: Advocate Bulelani was the first national director of public prosecutions.

DR LEBEYA: I agree.

ADV NALANE: And as we have learned from some of the evidences, the President then decided that TRC cases must be classified as priority crimes.

DR LEBEYA: I am not aware of those arrangements. I was not operating at that level at that stage.

ADV NALANE: Yes. But you came in later, in about 2008-2009, in 2018 thereabouts, back into the DPCI.

DR LEBEYA: When it was established in 2009, yes.

ADV NALANE: And one of the functions the DPCI then had to do was to investigate these cases, the TRC cases.

DR LEBEYA: That is correct.

ADV NALANE: And then there would have been a handover of  
10 source because, as we understand, from 2003 until the DPCI was responsible, the DSO was responsible.

DR LEBEYA: Ja, there were cases that were handled by the DSO which were handed over, were incorporated into the DPCI matters.

ADV NALANE: And what we have learned is that Advocate Macadam, whom you met, was also involved in a unit called PCLU, which had its function to investigate TRC cases amongst others.

DR LEBEYA: I know about the PCLU in the NPA.

ADV NALANE: And we would know that PCLU, but you can tell us if  
20 you know, was it ever done away with? Or is it still there as we speak now?

DR LEBEYA: At the time when I left the organisation, it still existed.

ADV NALANE: And when you were involved in the DPCI, are you aware what the function of the NPA in the investigation of TRC cases was?

DR LEBEYA: The function of the, my understanding of the National Prosecuting Authority was to make a decision on prosecution or otherwise. And because they are working closely with the investigators, guiding them, they will indicate as to whether this matter needed to go to criminal court or inquest court, or they declined to prosecute and that the matter might be closed. So it is the generic mandate of the NPA and the mandate of the SAPS.

ADV NALANE: And we have known, I think Mr Varney told this as well, the statistics from the time 2003 until at least when the DPCI  
10 started investigating the matters, the record of successful prosecutions is very low. Are you aware of that?

DR LEBEYA: I am aware that the prosecutions were very low if they existed. But obviously, I can account from the time that I had the information on hand, starting from 10, before the 10 cases, I do not know what has been the development before, which stopped to 2003 to 2009. So I can only speak really from 2009. Before 2009, they were not sharing with me on that information.

ADV NALANE: And you say that during your time at least, the number of TRC case analyses increased?

20 DR LEBEYA: Correct.

ADV NALANE: You had 10 initially, and then they all spiked to at least 104.

DR LEBEYA: Ja, so it is 34. And then thereafter, we speak of 140, I think, that you can see in other areas, 150 and the like. So they keep on increasing.

ADV NALANE: And this is from at least when you were involved in the DPCI, 2019, 2020, thereabouts?

DR LEBEYA: Ja, from 2018, that is where I can say that the number really started to increase.

ADV NALANE: From 2003 to 2018, the numbers were low.

DR LEBEYA: So as I have indicated, from 2003 to portion of 2009, I do not know anything about the TRC cases.

ADV NALANE: I know you do not. All I am saying is from the stats that we have, and I am sure you have had access to this as well, the  
10 numbers... (intervenens)

COMMISSIONER KGOMO: Is his answer going to help us?

ADV NALANE: The point is, there was an increase in, as you say, there was an increase in numbers from when the DPCI started investigating.

DR LEBEYA: Ja, my short answer is that from the 10 that I know of, there is time when we had 150. So there is an increase.

ADV MOROKA: And one of the, I will not call it a complaint, but the explanation that we have had at least is that there were no investigators that were responsible in investigating the cases, at least  
20 from 2003 until the DPCI, as you would have known, stepped in.

DR LEBEYA: Ja, as I have indicated, when I became aware with the 12 investigators that were there and the need to increase the capacity of the DPCI was limited. And I have indicated now and then that the DPCI needed to be capacitated. And I think that it affects all the environment within the DPCI. It was not only in the Serious

Organised Crime. Other environments, too, had the same challenge of capacity. So operating with half of what you are supposed to be having will affect productivity across the DPCI. So the personnel capacity has been a challenge.

ADV NALANE: I am not sure if you can be able to help, because you now have DPCI, you are able to increase or ask the budget, you are able to hire more people, and you all work in government the same way as the period when the DSO was there investigating the cases. I am not sure if you can be able to assist. What would explain, you are  
10 able to increase the budgets, hire more people, but in other area, that was not possible originally.

DR LEBEYA: I do not know what are the activities that those who were managing were doing. As the National Head of the DPCI, you are not on your own able to increase the budget and increase the capacity. What you are doing is you ask, you indicate, we conducted a work study and say that this is the capacity that is needed to be able to cope with the work. Can decision makers increase the budget so that we can get the necessary resources? That is what you can do. So yes, I can say that it is fortunate that during my period, to a  
20 certain extent, the necessary budget was given.

But not really to be able to deal with the challenges in the DPCI, because then the capacity increases to 51 percent it goes to 52 and then it goes down again. So the capacity is a challenge that there is a need for constant people who are having powers to decide, to constantly ensure that the capacity is enhanced. And if that is

done, I think that the DPCI can be elevated to similar structures in other countries.

COMMISSIONER KGOMO: But you have to motivate.

DR LEBEYA: You have to motivate, and then they must go and debate in parliament where budget is decided upon.

ADV NALANE: Of the numbers of people and cases increased when the DPCI stepped in, were you able to tell, let me paraphrase this question the following. Part of the mandate, the TRC said those who did not apply for amnesty should be, or failed to obtain, must be  
10 prosecuted. Are you able to, if you can respond, but just your comments, are we able to tell of the... (intervenes)

COMMISSIONER KGOMO: Not only must be prosecuted, must be investigated, which is more in line with what his mandate was, investigated and prosecuted, yes.

ADV NALANE: Thank you, Commissioner. Are we able, somehow, to tell that the numbers in the amendments, do they come from those who did not apply or failed to obtain amnesty?

DR LEBEYA: I think that the operators will be in a better position, because as I indicated, some of the cases, you will see that it comes  
20 as an enquiry when the members of the family feel that, but even our relatives, so and so, disappeared during that period. So they cannot say, no, you cannot come and report because he does not appear in the list. So the investigators who compile those will be able to say, what was the origin of this specific case? Did it emanate from the list

of TRC or the members of the family have raised this concern?

Thank you, Commissioner.

ADV NALANE: We know that the PCLU had some persons working there, especially Advocate Ackerman SC and Advocate Macadam. The last person that you know from the PCLU would have been Advocate Macadam?

DR LEBEYA: I think so, but I would not say that I do not know Advocate Ackerman. It is just that I do not have a recollection. And then, obviously, the engagement will not be that constant because of  
10 the hierarchy in the NPA. The position that I was holding, I was to engage the National Director of Public Prosecution, and she has got layers below, and then I have got layers below. You will find that the person in charge of PCLU will be engaging more often with the Brigadier in the Crimes Against the State. So, yes, Ackerman, Macadam is the one that I have met. I am not recollecting Ackerman.

ADV NALANE: But are you able to explain why there seems to have been an increase in the number of cases investigated and reported after the change of investigative capacity from PCLU?

DR LEBEYA: I am not getting the question correctly, Commissioner.

20 ADV NALANE: Yes. The PCLU, at some point, did not continue with the investigation of the cases. And there seems to have been an increase in the number of cases. Are you able to give an explanation why that has been so?

DR LEBEYA: It is not clear, Commissioner, because my understanding is that the PCLU never investigated. They are

directing the DPCI to investigate. So they have to be working together. The NPA does not do the investigation. But they have got to work closely with the DPCI. So if there is anything that they want being done, they will direct the members of the DPCI to do that. So I would not know the nitty-gritties of the activities in the PCLU. I will get my report, progress report, from the component head of Serious Organised Crime. So that is what I can say. But the issues, the activities in the PCLU, I think the NPA can be in a better position to respond.

10 ADV NALANE: Did they continue working with the DPCI for the DPCI to do the investigations?

DR LEBEYA: I get the reports from the Serious Organised Crime. So I am not asking them, are you still working with the PCLU? Because I know they must work together. So they have not raised a concern that the PCLU has closed down or they are no longer doing what they are supposed to be doing. Because I even see that even at the time when we had the July unrest, they still work closely with them and the organised crime. So I cannot say that there are issues from the NPA side. So they did not raise it with me that there is a challenge from  
20 the PCLU.

ADV NALANE: Are the structure remaining in place in the sense that the PCLU, if they require investigators, they would go to the DPCI?

DR LEBEYA: Ja, if they require investigation to be done, they will go to the DPCI and the DPCI will investigate. The DPCI members will

not be seconded to the office of PCLU. They will do the work in the DPCI and provide feedback to the prosecutors in the PCLU.

ADV NALANE: And so that the investigative capacity in the DPCI was increased and that led to increase in the cases and investigations.

DR LEBEYA: I believe that is the case.

ADV NALANE: Commissioners, no further questions?

CHAIRPERSON: Thank you. Ms Rantho.

ADV RANTHO: Thank you, Commissioners. General Lebeya, you  
10 testified that you commenced your services with the DPCI in August 2009. Is that correct?

DR LEBEYA: It is correct, Commissioners.

ADV RANTHO: And you also mentioned that that was until the 31 January 2010 before you took up your position on the 1 February 2010 as the Divisional Commissioner for Crime Detection.

DR LEBEYA: That is correct, Commissioners.

ADV RANTHO: So I would be correct to say that with the re-establishment of the DPCI, you spent approximately five months in that environment before your appointment as the Divisional  
20 Commissioner for Crime Detection and Forensic Services and Crime Intelligence. Is that not so?

DR LEBEYA: Just repeat the question. You say re-establishment or... (intervenes)

ADV RANTHO: You remember you explained with the re-establishment... Sorry, with the establishment, not re-establishment. Sorry for that.

DR LEBEYA: Okay.

ADV RANTHO: That is why you said the newly established DPCI. So you spent five months approximately with the newly established DPCI before you were appointed to take charge of Detective Service, Crime Intelligence and Forensic Services. Is that not so?

DR LEBEYA: Let me clear it in this way. From 2009, I was with the  
10 DPCI and then I was appointed Divisional Commissioner within the DPCI in 2010 and then until the 31 January 2011. So only the 1 February... (intervenes)

ADV RANTHO: Yes.

DR LEBEYA: 2011 that I went back to the greater service to be the Deputy National Commissioner for Crime Detection.

ADV RANTHO: Thank you. Yes. That means you would have spent just over a year.

DR LEBEYA: That is correct.

ADV RANTHO: In the DPCI. Yes, thank you for that, General. And  
20 you also informed the Commission that during the said process there was also reconfiguration of responsibilities within DPCI and also private crime investigation, is it not?

DR LEBEYA: Yes, that is correct, Commissioner. That at the time, which I think General Dramat will also indicate, that at the time when he was appointed as the Deputy National Commissioner for DPCI, he

was also given the responsibility of Deputy National Commissioner Crime Detection, which at some stage there was a Commissioner Williams, I think that with the retirement and the like, they did not appoint anyone. So the two were sort of resulting under General Dramat. So until they decided to separate so that he is solely responsible for the DPCI, then that other directorate, Crime Detection, is the one that I was appointed in. So that is the separation that has happened during that period.

ADV RANTHO: And you also spoke of the increment during your  
10 appointment of more cases being investigated related to the TRC cases, remember that?

COMMISSIONER KGOMO: Your voice drops.

ADV RANTHO: Sorry, Commissioners. General Lebeya, you also spoke to the increase in the investigations related to the TRC since you took over the DPCI, is it not?

DR LEBEYA: Correct, Commissioners.

ADV RANTHO: Was that in relation to, or the assessment based on your initial interaction with Advocate Macadam, talking about the 10 cases? When you spoke of increase, meaning your baseline, you  
20 operated from the 10 cases that were referred to initially during your interaction, and then you continued when you took over.

DR LEBEYA: Indeed, Commissioner from 10, and then 234, and thereafter going to more than 150. So there has been constant increase from the initial 10 that was brought to the attention of the DPCI.

ADV RANTHO: Thank you. One last question, General. You were asked about accessing more funds or applying and getting the budget. You were able, in fact, Advocate Nalane SC said you were able to increase the budget. You remember that question that was posed to you, that you were able to increase the budget? Just a follow up.

DR LEBEYA: Yes.

ADV RANTHO: I just want to remind you what you were asked. You remember that?

10 DR LEBEYA: Yes, yes. I wanted it to become clear that it is not the National Head who increases the budget. Because if it was the National Head I should have sorted this out that the DPCI should operate at hundred percent from the time that I identified the weaknesses. But you request that this is the position that we are having. We would like to operate at hundred percent. You wrote a plan that if I have these funds by this time I shall have filled the capacity to operate at hundred percent. Then there will be debates and the like. They agree or we cut here and there and then you can get this. So that is the, there was that increase of budget. But not by  
20 me but by the decision makers into the DPCI. Thanks Commissioner.

ADV RANTHO: Thank you General. In fact, in paragraph 19 perhaps if I may take you to the second portion on page 1701 of your affidavit. That is where you speak of:

"Your request that was subsequently approved subject to the need to cater for other environments over and above

the TRC cases."

Do you remember that?

DR LEBEYA: That is correct. I requested and the authority approves. So indeed I requested and it was approved.

ADV RANTHO: Would I be correct that the intention was to cater for resources for the TRC but it was not with [indistinct] powers to decide as to whether all those could be allocated to the TRC cases?

DR LEBEYA: So, because we needed, the DPCI as a whole, operated they needed more than 200 posts. Because they were  
10 operating at something like 50 percent. But depending on the available money we could only fill 200. And then out of that 200 we had to decide how do we distribute to all these environments that is in need of resources.

ADV RANTHO: So would I be correct that as much as the TRC needed to be prioritised there were other areas of, that were identified as needing resources as you indicated that you had to portion the post that were allocated so that you cater for other environments?

DR LEBEYA: Indeed Commissioner. There has always been dire  
20 need for personnel in the DPCI. If one was to look at matters like the Free State Asbestos. The VPS, the Durban Solid Waste. The COVID 19 matters. The July unrest. All the things needed more capacity. You cannot put three investigators and think that they will complete the matter. You will need to put 20, a team of 20. And that capacity you need it. And the other cases, the complainants cannot listen when you are saying no we are going to park your cases. I head

when I arrived that some of the cases they were parking as well because they do not have capacity they will deal with them at a later stage. But the complainant will not accept that. So the capacity has been a serious challenge. We had to do with what we had. We also had to ask for secondment from other environments.

ADV RANTHO: Thank you. And when you spoke of the need to apply for budget, or funds allocation would I be correct to say that that is also within specific legal framework that is related to the management of finances within state organs over the state organs?

10 DR LEBEYA: That is correct Commissioner. The National Head of the DPCI is not an accounting officer. So you work with this long process that you apply and then it goes through different channels. And you rest assured that you are not going to be getting what you requested. If you go and look at the request that we have been making and public, and publically so debating that there is a need for this, it has not been sufficient to cater for the needs. It is not only personnel capacity. It also goes to issues like accommodation. If you were to go and look at the accommodation you will see that there is a need to capacitate this entity. You can even look at the head

20 quarters for the entity and say is this the head quarters of the HAWKS? Have we not requested that please come and look at this? We requested the DPW to come and look at the accommodation. It is only when something wrong happens that people would point fingers and say but how can it be this kind of accommodation. So resources has been a challenge. If there were sufficient resources, most of

these matters shall have been finalised speedily.

ADV RANTHO: Thank you Commissioners.

CHAIRPERSON: Thank you.

COMMISSIONER GABRIEL: Doctor Lebeya, I just want to focus for a bit on Macadam from the PCLU. He had a meeting with you round about 26 November 2009 and you pointed out in your affidavit paragraph 27, that the word, "Positively" was left out. But am I correct in understanding that you had a positive engagement with Advocate Macadam and agreed to assist where you could based on  
10 the resources you had at the time?

DR LEBEYA: I agree Commissioners.

COMMISSIONER GABRIEL: Okay. Now subsequently in 2018 when you applied for further capacity and you were able to get 40 dedicated appointed investigators, I am interested in how did you come to realise that more investigators were needed for these TRC cases?

DR LEBEYA: Commissioners, there is a, we have got different management styles. We have got different management styles.

COMMISSIONER GABRIEL: Right.

DR LEBEYA: I have always relied on what I call aim. Whenever I  
20 move into a new environment, I conduct assessment. When I pick up the issues that needs to be corrected, I implement. And thereafter I monitor. So I call it an aim. The abbreviation for this assessment implementation and monitoring. So I had monitored this and assessed and realised that there is a need for capacity because the number of investigators that we are having they are not coping with

the workload that is on hand.

And the nature of the cases that are handled by the DPCI are serious in nature. You may find that... (intervenes)

COMMISSIONER GABRIEL: If you can just focus on the TRC cases. What assessment did you do to realise that you were just scratching you know 10 investigators was simply not enough that more had to be done on the TRC cases?

DR LEBEYA: When, the initial 10 cases were brought, from that original moment I said to myself, is this the only cases that will  
10 emanate from the TRC? And I think it triggered an inquisitive mind from that time. When I came back in 2018 asking now to be provided with a report I get 34. I still ask more questions. Is this all? And I think that inclusive of the inquiries that I will engage those who are presenting, I realise that possibilities that there are more cases that still need attention. And it is only when you have got the resources that we can look in deep, look in deeper.

COMMISSIONER GABRIEL: Okay. Did you engage with the PCLU at all when you conducted this assessment?

DR LEBEYA: As I have indicated the PCLU are [indistinct] engaging  
20 Macadam at that stage and then it is not normally the level where they engage with me. They will be engaging on that operational level with the section head a Brigadier responsible for Crimes Against the State. I will engage on a higher level with the Deputy National Director or Public Prosecution as well as the National Director of Public Prosecution. So we will be dealing with this on a higher level.

COMMISSIONER GABRIEL: I see. Thank you very much.

DR LEBEYA: Thanks Commissioners.

CHAIRPERSON: Thank you Doctor Lebeya. We thank you for having agreed to come and give evidence before this Commission. At this stage there is no indication that your cross-examination will be necessary. But that does not mean that is excluded. You maybe recalled to be cross-examined if an application in that regard is made. But for now you are excused as a witness.

DR LEBEYA: Thank you very much Chairperson and thank you very  
10 much Commissioners and thanks to the evidence leaders. Thank  
you.

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

INQUIRY ADJOURNS UNTIL 13 MAY 2026

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## CERTIFICATE OF VERACITY

We, 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:

### JUDICIAL COMMISSION OF INQUIRY INTO TRC

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**FORUM OF ORIGIN** : Inquiry

**CASE NUMBER** : N/A

**TRANSCRIBERS** : B du Plooy, L Lerm

**DATE COMPLETED** : 2026-05-13

**NUMBER OF PAGES** : 75 (Including front page)  
B du Plooy: Page 1-27  
L Lerm: Page 28-73

**TRANSCRIBERS** : 

#### TRANSCRIBER'S NOTE:

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