

**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 Fana Nalane (SC)
Adv Mfesane Ka-Siboto
Adv Nompumelelo Seme
Ms Baitseng Rangata

REPRESENTATIVES

Adv Motlalepule Rantho (for SAPS)
Adv Irene Dikgale (for SAPS)
Adv KD Moroka (SC) – DoJ representative
Adv Anisa Kessery-DOJ Representative
Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Mr Sipho Tlhaole – The Calata Group
Adv Gwala- NPA representative
Adv T Masuku (SC) (for Adv Menzi Simelane)
Adv Vivian Rikhotso (for Adv Menzi Simelane)
Adv Bridgette Nthambeleni (for Adv Jiba)

13 JULY 2026

DAY 55.1

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PROCEEDINGS ON 13 JULY 2026

CHAIRPERSON: Good morning to you all. Adv Semenya?

ADV SEMENYA: Chair, good morning, and to the Commissioners.

We have Lieutenant General Mothiba to testify this morning.

CHAIRPERSON: Virtually?

ADV SEMENYA: Yes, by my colleague.

CHAIRPERSON: Yes, Ms Rantho, are you going to lead the witness?

ADV RANTHO: That is so, Chairperson.

10 CHAIRPERSON: Lieutenant General Mothiba, can you hear us?

LIEUTENANT GENERAL MOTHIBA: Yes, Commissioners.

CHAIRPERSON: Yes, you are now audible. Are you going to take an oath or affirmation?

LIEUTENANT GENERAL MOTHIBA: An oath, Commissioner.

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

LIEUTENANT GENERAL MOTHIBA: So help me God

LESETJA JOEL MOTHIBA: (duly sworn states)

20 CHAIRPERSON: Thank you, Lieutenant General. Ms Rantho, your witness.

ADV RANTHO: Thank you, Chairperson.

EXAMINATION BY ADV RANTHO: Good morning, General Mothiba.

LIEUTENANT GENERAL MOTHIBA: Good morning, Advocate.

ADV RANTHO: There is an affidavit in front of you that is dated 1

July 2026. Can you confirm if you have it in your possession?

LIEUTENANT GENERAL MOTHIBA: I confirm, Commissioner.

ADV RANTHO: Do you also confirm that you are the one that
deposed to that affidavit?

LIEUTENANT GENERAL MOTHIBA: I confirm, Commissioner.

ADV RANTHO: Can you also confirm that you have knowledge of
the contents of the said affidavit?

LIEUTENANT GENERAL MOTHIBA: Yes.

ADV RANTHO: Okay. In paragraph 1 of your affidavit, you inform
10 the commission that you are a retired member of the South African
Police Service. Correct?

LIEUTENANT GENERAL MOTHIBA: That is correct.

ADV RANTHO: Can you just tell the commission as to when did you
retire?

LIEUTENANT GENERAL MOTHIBA: I retired in 2019.

ADV RANTHO: What was the reason for your retirement?

LIEUTENANT GENERAL MOTHIBA: I retired, I went on pension, I
left the police when I went on pension at the age of, at the
pensionable age.

20 ADV RANTHO: Thank you. In paragraph 3, you inform the
commission that this affidavit was prepared in response to the
commission's letter dated 24 June 2026. Is that so?

LIEUTENANT GENERAL MOTHIBA: That is correct.

ADV RANTHO: And then perhaps if I may also get your
confirmation, you annexed to your affidavit a letter marked LJM1 to

your affidavit.

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioner.

ADV RANTHO: Can I confirm that is the letter that you are talking to in your affidavit?

LIEUTENANT GENERAL MOTHIBA: That is correct.

ADV RANTHO: Okay. Before dealing with the letter from the commission, I would like to request you just too briefly inform the commission or give some background of who you are. Maybe starting with your qualification and then tell us a little bit of your career progression whilst you were in the SAPS.

LIEUTENANT GENERAL MOTHIBA: Commissioner, after matriculating, I joined the South African Police Service. In 1989, I obtained my Diploma in Policing from Technikon South Africa that time, it was incorporated into UNISA later. In 1994, I obtained my degree in Police Science. In 1997, the Honours and then in 2019, I completed my Master's degree.

In 1982, I joined the South African Police Service and I have been in the South African Police Service since then. I went through the ranks. In 1985, I was promoted to the rank of Sergeant. As a Constable, I was doing general charge officer duties, guard duties and uniformed investigation. I was later promoted to a Warrant Officer.

And then in 1989, I was appointed as a Lieutenant and as Commander of the Foot Drill section at SAPS Hammanskraal College and I remained at the college becoming a Captain and later a

Lieutenant Colonel until 1996.

1996, I was appointed a Colonel at Alexandra Police Station and it was when I was at Alexandra that the Truth Commission came to Alexandra on about three occasions and I was assisting the security personnel of the commission that were doing security of the commission. My members and myself were also assisting there.

And then in 1997, I became the Station Commander at Alexandra. In 2004, I came to head office as a Component Head in the Training Division. In 2010, I became the Divisional Commissioner
10 for Visible Policing responsible for all uniform members in the South African Police Service.

In 2013, I was appointed Provincial Commissioner in Gauteng. In 2016, I came back to head office as the Regional Commissioner for Region C, responsible for oversight and audits in the Eastern Cape, Northern Cape and Western Cape. In 2017, I was appointed the Acting National Commissioner for a period of about five months.

And then after the appointment of the National Commissioner I went back to my role as the Regional Commissioner for Region C until my retirement.

20 ADV RANTHO: Thank you, General. In paragraph 8.4, as you just informed the commission, you state that you acted as a National Commissioner and in your statement, you say it was from 1 June 2017 to 22 November 2017. Is that correct?

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioner.

ADV RANTHO: So that would have been approximately five months.

LIEUTENANT GENERAL MOTHIBA: Yes.

ADV RANTHO: And can you explain to the commission as to what your roles and responsibilities were during your tenure as the Acting National Commissioner?

LIEUTENANT GENERAL MOTHIBA: My role was that I was the Accounting Officer of the organisation and I was responsible for crime prevention, crime combatting, crime investigation, resource management, resource allocation, management of public order, policing. So in a nutshell, the buck was stopping with me when I was
10 Acting National Commissioner.

ADV RANTHO: Okay. In so far as operational support was concerned, which divisions or units resorted under your command as a National Commissioner?

LIEUTENANT GENERAL MOTHIBA: It was the detective service, the visible policing, the forensic, the support, all of them, with the exception of the DPCI, the Directorate for Crime Investigation, it was not falling under me. So anything policing was falling under me.

ADV RANTHO: Thank you. Perhaps if – we will go back to what you just informed the commission that the DPCI did not fall under your
20 command. Perhaps, if we can just go to the notice LJM1, if I can just refer you to LJM1, General, and then paragraph 3 specifically. If you can read out paragraph 3 up to 3.1, please.

LIEUTENANT GENERAL MOTHIBA:

"You are requested to assist the commission and
furnish us with an affidavit addressing your

knowledge of relevant events and matters. In particular, your affidavit should set out your role, responsibilities and authority as National Commissioner of the South African Police Service during your tenure in as far as they relate to the investigation of TRC cases.

ADV RANTHO: Thank you. And then in your affidavit, specifically paragraph 9 of your affidavit, you make statements there and specifically 9.1. Well, if I may start from paragraph 9, you stated that:

10 "During my tenure as the Acting National Commissioner of the SAPS:
9.1 I have never directly or knowingly exercised oversight, gave direction, supervised, coordinated or supported investigation in relation to the TRC cases."

Is that correct?

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

20 ADV RANTHO: And then if perhaps you may inform the commission as to why you would not have exercised that oversight as indicated in 9.1. What would be the reason for you not to have had performed such a function?

LIEUTENANT GENERAL MOTHIBA: The reason is that the TRC cases are classified as priority cases and the priority cases are allocated or were allocated to the DPCI. And the National

Commissioner of the South African Police Service is having no command and control over the DPCI. So the DPCI is totally independent from the South African Police Service, except of course in as far as matters of budget are concerned. But overall, I was not having any command and control over the DPCI.

ADV RANTHO: Okay, when you said 'independently', where do they report from your knowledge? Where is the reporting line when you talk of the DPCI?

LIEUTENANT GENERAL MOTHIBA: The DPCI is reporting to the
10 Minister of Police, who is also responsible for appointing the head of the DPCI and to Parliament.

ADV RANTHO: And then in 9.2, you also indicate that you never received any report or briefing and you were never involved in decision-making or resource allocation process that had to do with the investigations to the TRC cases. Is that not so, in your statement?

LIEUTENANT GENERAL MOTHIBA: That is correct.

ADV RANTHO: Now, you indicated earlier that you were the Accounting Officer for the South African Police Service. And now, I would like you to explain as to why you would not be, or you stated in
20 terms of what is contained in 9.2, about not being responsible for resource allocation, even though you were the Accounting Officer.

LIEUTENANT GENERAL MOTHIBA: The budget of the DPCI appears on the overall budget of the South African Police Service, but it is ring-fenced, to say this is the budget of the DPCI and the National Commissioner cannot even touch a cent of the budget. So, the DPCI

is only coming to the South African Police Service to get their budget, which has been voted at Parliament. So, the National Commissioner cannot touch that budget. But the DPCI, of course, would do the channels, ask for additional budget, which budget would go to them, the police, the National Commissioner would not interfere in that budget.

ADV RANTHO: Thank you, General. In 9.3, you also state, or you informed the commission that you never issued any instruction or made any request for interventions relating to the TRC cases. Is that
10 correct?

LIEUTENANT GENERAL MOTHIBA: That is correct.

ADV RANTHO: You also state in paragraph 9.4 that you were never involved in any efforts, which sought to influence, delay, limit, discourage, or stop the investigation of such matters. Is that correct?

LIEUTENANT GENERAL MOTHIBA: That is correct. Otherwise, I would have been charged for interference in the work of the DPCI, of which it is a criminal offence for the National Commissioner to encroach into the role of the DPCI, which is totally independent from the South African Police Service.

20 ADV RANTHO: And then 9.5, you informed the commission that you never issued any instruction that sought to undermine the investigation of any TRC cases or any other matter to any official member of the SAPS. Is that correct?

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

ADV RANTHO: And then you proceed in paragraph 10 to say that you were not privy to any communication and or interactions between the SAPS, the National Prosecuting Authority, the Department of Justice and Constitutional Development, members of the Executive, or any other persons or institutions concerning the investigation or prosecution of TRC cases. Is that correct?

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

10 ADV RANTHO: And furthermore, you indicated that there is no information in your possession that relates or related to the TRC cases. Is that not so?

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

ADV RANTHO: And in paragraph 11, perhaps if you can read it out to the commission on record, paragraph 11 of your affidavit, just under conclusion.

LIEUTENANT GENERAL MOTHIBA:

20 "During my entire career in the SAPS, I always strived to adhere to my legal obligations as outlined in section 205 of the Constitution, and never engaged in any act of political interference aimed at stopping the investigations and/or prosecution of the TRC cases."

Thank you, General. Commissioners, that will be all from the witness statements.

CHAIRPERSON: Thank you, Ms Rantho. Ms Moroka?

ADV MOROKA: No clarification questions for this witness, Chair.

CHAIRPERSON: Thank you. Mr Gwala.

ADV GWALA: Thank you, Commissioners. We do not have any questions for this witness.

CHAIRPERSON: Thank you. Mr Masoko.

ADV MASOKO: Chairperson, we have no questions for this witness.

CHAIRPERSON: Thank you. Mr Varney?

ADV VARNEY: No questions for this witness, Chairperson.

10 CHAIRPERSON: Thank you. Mr Semenya or Ms Nthambeleni?

ADV NTHAMBELENI: Thank you, Commissioners, no questions for this witness.

CHAIRPERSON: Thank you.

ADV SONI: Chairperson, is it all right if I ask the questions on behalf of the evidence leaders?

CHAIRPERSON: Yes, you may, Mr Soni.

ADV SONI: Thank you, Chairperson. Commissioner Mathiba, can I ask you, what position were you holding at the time you were appointed Acting Commissioner?

20 LIEUTENANT GENERAL MOTHIBA: Commissioner, I was holding the position of Lieutenant General.

ADV SONI: And you took over as Acting Commissioner on the 1 June 2016 ...[intervenes]

COMMISSIONER KGOMO: Speak into the microphone, Mr Soni, speak into the microphone.

ADV SONI: Oh, sorry. I am trying to see the witness, but I understand. You took over as Acting Commissioner on the 1 June 2017, Commissioner?

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

ADV SONI: When was Commissioner Phahlane suspended?

LIEUTENANT GENERAL MOTHIBA: Commissioner Phahlane was suspended at the end of June, I think it was the 30 June 2017.

ADV SONI: And you took over the very next day.

10 LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

ADV SONI: So I take it, given that Commissioner Phahlane was suspended the day before you took over, there was no handover from him to you.

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

ADV SONI: Now you were Acting Commissioner for a period of just more than five months. Is that correct?

20 LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

ADV SONI: Now you are aware that in terms of the Police Act, the Commissioner is required to prepare reports to the minister and to Parliament.

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

ADV SONI: During the period, you were Acting National Commissioner, did you prepare any reports dealing with the Police Service?

LIEUTENANT GENERAL MOTHIBA: Yes, a number of reports.

ADV SONI: And what were those reports?

LIEUTENANT GENERAL MOTHIBA: They were on operational matters. We appeared in Parliament, I am not sure how many times. We reported to Parliament on our progress, on our plans. We reported to Parliament on the crime statistics and so forth.

10 ADV SONI: Now can I ask you, were you aware at the time you were National Commissioner that TRC matters were priority crimes?

LIEUTENANT GENERAL MOTHIBA: Yes, I knew, Commissioners.

ADV SONI: But were you aware of that?

LIEUTENANT GENERAL MOTHIBA: I was aware of that, but I knew also, as I do now that they were not the responsibility of the South African Police Service. They were the responsibility of the DPCI.

ADV SONI: And who was the head of the DPCI at that time?

LIEUTENANT GENERAL MOTHIBA: I do not want to talk under correction. I cannot remember who was the head at that time,
20 because General Lebea was not in the police at that time. He has left the police. So I cannot remember who was the head of the DPCI at that time.

ADV SONI: All right. But would you have communicated with him during the period you were National Commissioner?

LIEUTENANT GENERAL MOTHIBA: Yes, on numerous occasions.

ADV SONI: All right. Now one of the things that the Police Act requires is that in terms of section 17(k)(1), the National Commissioner must include in his national report or his annual report to Parliament on the performance of the DPCI. When you went to Parliament, did you make a report to Parliament on the workings of the DPCI during the period you were there?

LIEUTENANT GENERAL MOTHIBA: When Parliament was calling the police, we would go together with the DPCI. The DPCI would present on their mandate, the South African Police Service would
10 present on their mandate as well.

ADV SONI: Yes, so your report would have included the report, so the police report to Parliament would have included your report on the overall SAPS position and the DPCI head would report on the priority crimes, which he oversaw.

LIEUTENANT GENERAL MOTHIBA: I am not sure whether I understood the question, but the most important thing is that I never reported on DPCI matters.

ADV SONI: No, I understand.

LIEUTENANT GENERAL MOTHIBA: It was one report, but the DPCI
20 were responsible for their portion. At no stage would I have reported on the DPCI matters, but of course, I would be privy to their report.

ADV SONI: When you reported to Parliament, was the DPCI report contained in your presentation to Parliament, although drawn up by the head of the DPCI?

LIEUTENANT GENERAL MOTHIBA: There was this one report that

I can safely say that it was there and that was the annual report of the South African Police Service for 2016/2017. That is where the DPCI would feature, for which the document is available. But in terms of the other reports going to Parliament, the DPCI would have their own reports, and then myself and the police would have our own reports.

ADV SONI: I am just trying to find out how we would be able to lay our hands on the reports that the DPCI sent to Parliament.

LIEUTENANT GENERAL MOTHIBA: The Commissioners will pardon me because I am no longer in the South African Police Service, otherwise I would have said that we would get it by this
10 afternoon or tomorrow, but that report is there. It is the annual report of the South African Police Service for 2016/2017 of which that report is also available on the SAPS website.

ADV SONI: And that is the DPCI report?

LIEUTENANT GENERAL MOTHIBA: The DPCI report is contained in the SAPS annual report for 2016/2017. For every financial year, when the SAPS annual report is made available, it is having a portion that speaks to the DPCI.

ADV SONI: And that report would be drawn up by the head of the
20 DPCI?

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioners.

ADV SONI: And if we found the total SAPS report for 2016/2017, we would also find the DPCI's report for that period?

LIEUTENANT GENERAL MOTHIBA: That is correct,

Commissioners.

ADV SONI: Now, I just want to, and I say this, Chairperson, to understand how the need for a separate report from the DPCI came about. If one looks at the Glenister 2 case, the Constitutional Court insisted that the DPCI remain independent from the Commissioner of Police because that was the challenge to the provisions of the Police Act when it was amended in 2008, and this amendment that the Commissioner is talking about resulted in separate reports being prepared. And that is why, although it is one SAPS report, we are
10 asking the Commissioner for the report of the DPCI.

CHAIRPERSON: Yes.

ADV SONI: Commissioner, as I understood your evidence, you say that all these reports would be available at the SAPS Head Office.

LIEUTENANT GENERAL MOTHIBA: That is correct, Commissioner.

ADV SONI: In the circumstances, Chairperson, may I request that a directive be given to the representative of the SAPS to submit all reports of the DPCI starting from 2012 when they started presenting separate reports to Parliament.

CHAIRPERSON: Starting from?

20 ADV SONI: 2012, Chairperson.

CHAIRPERSON: Yes.

ADV SONI: Those are our questions, Chairperson.

CHAIRPERSON: Yes. Ms Rantho?

ADV RANTHO: Sorry, thank you, Commissioners. There will be no re-examination of evidence.

NO RE-EXAMINATION BY ADV RANTHO

CHAIRPERSON: Yes, did you hear the request?

ADV RANTHO: I did, indeed, indeed, Chairperson.

CHAIRPERSON: And you will attend to it accordingly.

ADV RANTHO: We will attend to it certainly, Chairperson.

CHAIRPERSON: Thank you. Lieutenant-General Mothiba, we thank you for having presented yourself before the commission for your evidence. You are excused as a witness.

LIEUTENANT GENERAL MOTHIBA: Thank you, Chairperson, I

10 appreciate it.

NO FURTHER QUESTIONS

ADV SEMENYA: Chair, may this be a convenient time to take the tea adjournment and to reorganise the next witness?

CHAIRPERSON: Yes. We will take a short adjournment until 11:15.

INQUIRY ADJOURNS

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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