



27 July 2020

### **Zondo commission – Nhleko in hot seat over Dramat suspension**

Former police minister Nathi Nhleko was grilled on Monday over his decision in late 2014 to suspend then Hawks head Anwa Dramat on the recommendation of an internal report that made a different finding against him to that of the Ipid. An investigation by Ipid had been underway since 2012, probing Dramat's involvement in the renditions of two Zimbabwean nationals sought in that country for murder.

Nhleko appeared before the commission of inquiry into state capture to answer to allegations made by several witnesses against him, including former Ipid executive director Robert McBride, over his interference in the organisation's investigation into Dramat and former Gauteng Hawks head Shadrack Sibiyi. They were being probed over the circumstances surrounding the deportation of the two men in 2010. The men were sought by Zimbabwean law enforcement authorities for the alleged murder of a police colonel in that country. They apparently escaped to South Africa following their criminal act, and after being deported, died under the watch of the authorities in Zimbabwe. A third official, Leslie Maluleke, was also investigated by the Ipid.

Like Nhleko, the investigation preceded McBride's arrival in office, but would soon become a thorn in his side, eventually leading to his suspension the following year.

In January 2014, Ipid investigator Innocent Khuba wrote what he described as a draft report on the matter, on the directive of McBride's predecessor Koekie Mbeki. Khuba intended to further his investigation as the report was missing some critical aspects. According to his evidence before the commission last year, the draft itself came under duress from other law enforcement structures, including the NPA. It was this report that Nhleko considered when making his call on Dramat, despite a more detailed one having been produced later, in March – this time with the involvement of McBride and head of investigations Matthews Sesoko.

The second report, considered by Ipid to be the official one featuring the signatures of McBride and Sesoko, formed the basis of Nhleko's suspicions regarding Ipid's motive in the case. The investigative directorate found Dramat and Sibiyi not guilty, as cell tower evidence showed they were not physically present at the location where the men were handed over – viewed as the scene of the crime.

When the reference group – which functions like a team of advisors to the minister – recommended in November that he suspend Dramat, he informed Ipid in a letter of the reference group's findings. Another letter went to Dramat informing him of the intention to suspend him.

Chairperson Deputy Chief Justice Raymond Zondo granted Nhleko's application to cross-examine McBride, but the latter did not show up. His legal representative, Advocate Katherine Harding, told Zondo that when McBride was alerted of Nhleko's imminent appearance on 10 July, he was not in a position to brief his own counsel, and had only done this on 23 July.

"He ... appointed legal representatives on 23 July to advise him on the notices and the scheduled cross-examinations and therefore he and his legal team require more time to consider new documents provided to him in the past few days," said Harding, adding that McBride sought a postponement of his cross-examination to 13 August. Zondo granted this, noting that McBride had always co-operated with the commission.

Advocate William Mokhari SC, appearing for Nhleko, noted that his team only found out on Sunday that McBride would not be available on the day. Even then, he said, they were given an unsigned statement, receiving a signed affidavit only on the morning of Nhleko's appearance.

"We wish to place on the record our displeasure to be informed of McBride's request (to be excused) late, when we had taken the time to prepare and, more so, that he was informed on the 10th and should have articulated these views much earlier," said Mokhari.

Nhleko is expected to continue testifying on Tuesday.

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