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Zondo commission – Nhleko: Ipid tried to cover up for Dramat

The issue of the two Independent Police Investigative Directorate (Ipid) reports of an investigation into misconduct allegations against former Hawks head Anwa Dramat came under the spotlight again on Tuesday at the commission of inquiry into state capture. Dramat was accused of overseeing the illegal rendition of two Zimbabwean nationals in late 2010. The men were later killed, allegedly at the hands of law enforcement officials in that country. The Ipid, in the view of former police minister Nathi Nhleko, tried to cover up for him.

Nhleko commissioned an independent probe by Werksmans Attorneys precisely because he had suspicions of misconduct against Ipid officials in the penning of a second report in March 2014. An earlier version of the report was produced in January of the same year. Although he did not analyse the two reports himself to see what was different between them, the former minister took the view that an external investigation would help him uncover what he suspected was misconduct on the part of Ipid leadership.

“The way I viewed it was these were total acts of misconduct... you are bound to develop some theoretical framework in your mind ...there’s something untoward about this,” said Nhleko, describing his motivation for probing the existence of dual reports – first internally through a reference group within the ministry- and later by commissioning Werksmans.

His assertion is that the January report stands as the authentic one that should have been considered for further action by prosecuting authorities. The second report, produced shortly after the arrival of Robert McBride at Ipid, had omitted many material inputs that had originally been in the first one. Some of these included incident accounts by police officials who were involved in the search for, and apprehending of the two men, thought to have fled into South Africa after murdering a police officer in Zimbabwe.

By removing these accounts in the second report, McBride, Ipid investigations head Matthews Sesoko and then Limpopo investigations head Innocent Khuba sought to remove links to Dramat and his co-accused, Shadrack Sibiyi. The latter was the head of the Hawks in Gauteng at the time. The glaring differences that Werksmans found, said Nhleko, meant that the second report recommended no criminal charges or disciplinary action for Dramat and Sibiyi, whereas the first found otherwise.

Commission chairperson Deputy Chief Justice Raymond Zondo tested Nhleko’s theory by asking why anyone would wish to conceal evidence in such an obvious manner, knowing that the supporting statements would be considered along with the report, regardless of any changes in it. Nhleko’s response was that the investigation into the alteration was to determine this.

Zondo argued that as Khuba himself testified that the first report – penned by him – was only a draft version as he still needed to continue with his investigation, could it not be said that Ipid was entitled to produce a later, more complete report? To this, Nhleko said it would have been a draft if it had been kept within Ipid and not forwarded to the NPA, as is procedure. At this point Zondo noted that part of the evidence in the commission’s possession is a memorandum by Advocate Anthony Mosing of the NPA, who acknowledged receipt of the report from Khuba, but noted that there were outstanding factors in the investigation process, essentially declaring it an incomplete report.

Khuba testified that Mosing had put undue pressure on him to complete his investigation, to the point that he sent the draft.

Nhleko is expected to continue with his testimony on Wednesday.

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