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Zondo commission – three Ipid officials lied in their testimony, says investigator

If it were not for the arrival of Robert McBride at the Independent Police Investigative Directorate (Ipid) in March 2014, there would not be a debate over two back-to-back Ipid reports with conflicting findings on the conduct of former Hawks head Anwa Dramat in a rendition case 10 years ago.

This is the assertion of Werksmans investigator Sandile July, who testified before the commission of inquiry into state capture on Friday. July recommended in 2015 that McBride and two of his subordinates be charged with defeating the ends of justice for altering the contents of the original report to come to a conclusion favouring Dramat.

July headed up the team commissioned by then police minister Nathi Nhleko in late 2014 to look into the existence of the two reports and why their recommendations differed. The reports were the culmination of an investigation of events in November 2010 around two Zimbabwean nationals who had fled to South Africa after their alleged involvement in the murder of a police official. They were arrested, allegedly tortured, and handed over to Zimbabwean authorities without due process being followed. Dramat, former Gauteng Hawks head Shadrack Sibiyi and several other officials were investigated for their involvement.

When the police handed the investigation to Ipid two years after the fact, it was handled by the Limpopo head of investigations, Innocent Khuba. He produced a report – first in November 2013 – only for the National Prosecuting Authority’s (NPA) assigned prosecutor Advocate Anthony Mosing to return it for him to attach a statement detailing the investigation journey. The next time the report resurfaced was in January of the following year and according to Khuba’s evidence before the commission, under much pressure from Mosing, along with an instruction from his then acting executive director Koekie Mbeki to keep Matthews Sesoko, the national head of investigations, out of the process.

The point of contention among several witnesses to date has been whether this version – and not the later one, signed off by McBride after his arrival and Mbeki’s departure two months later – is the authentic version. July told the commission that in the March report, the conclusion is that only one person participated in the rendition, a captain who hardly had the authority or access to high-level resources to carry out such an act. Dramat and Sibiyi were curiously left out of the implications of the events. McBride’s testimony on this point is that at the time of Khuba’s January report, evidence exonerating the pair had not been included, but was later added in the March version.

“If it weren’t for the employment of McBride at Ipid, we would be having a 22 January report. We wouldn’t be here,” said July, adding that Khuba and Sesoko knew of his impending appointment at Ipid, and used the opportunity to alter the contents of the report with his help. The insistence of the three, he said, was that the January version was not final because it did not have the signature of the head of the institution, nor that of the head of investigations. All three reiterated the same point in their testimonies last year, telling the commission that unless an investigation report bears the signatures of Sesoko and whomever the executive director is at the time of its completion, it is not deemed complete.

July refuted this, saying that the fact that Khuba forwarded the January report to the NPA meant that he deemed it complete and ready for evaluation by public prosecutors. “Anybody who wants to come here to tell the commission that those reports mean nothing, those people do not deserve to be in Ipid.”

The intention was to mislead the NPA on the involvement of Dramat and Sibiya in the events of 2010. “When you deliberately, intentionally remove information which would assist a person who has to make a decision, that is misleading,” said July.

Commission chairperson Deputy Chief Justice Raymond Zondo asked, as he did of Nhleko, why they would go to the trouble of leaving out statement accounts initially included in the (January) report, if the original statements were in the docket accompanying their (March) report. To this, July said anything is possible, refusing to speculate.

An interesting turn of events however, he noted, was that at no point during July’s investigation did anyone own up to the actual altering of information in respect of the second report.

He told Zondo that all three men lied when they testified before the commission about their motives. July applied to cross-examine McBride, along with two other witnesses, and this is expected to happen in August.

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