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Zondo Commission – Ipid’s independence compromised by ministerial interference

The bulk of former Independent Police Investigating Directorate (Ipid) head Robert McBride’s testimony on Thursday focused on the illegal renditions case over which his office presided, that involved former Hawks head Anwar Dramat and his then Gauteng provincial counterpart, General Shadrack Sibiya. McBride appeared before the commission of inquiry into state capture to give his much-awaited oral evidence.

Dramat was suspended by former police minister Nathi Nhleko in December 2014, while Sibiya was suspended the following year by Dramat’s successor Berning Ntlemeza. Their removals followed an investigation by the police’s crime intelligence unit that implicated the pair in the illegal deportation of Zimbabwean nationals sought by that country’s law enforcement authorities for the alleged murder of a police colonel. The men apparently escaped to South Africa following their criminal act, and once they were sent back, died under the watch of Zimbabwean authorities.

McBride told the inquiry that the investigation into the matter was imposed on Ipid before he arrived at the directorate in early 2014. His predecessor, Koekie Mbeki, had instructed the former provincial head of Ipid in Limpopo, Innocent Khuba, to investigate the matter, but keep the developments under wraps. Upon his arrival, McBride asked for a status update on all high-profile cases that the directorate had been working on, one of which was the renditions one – unbeknown to him, this case would lead to dire consequences due to political interference. Khuba confided in McBride that the conduct of Mbeki and crime intelligence officials had made him uncomfortable, as it was irregular.

When Khuba instructed him to report all developments on the case to crime intelligence and the National Prosecuting Authority (NPA), and not follow the normal reporting line within Ipid, McBride saw red flags. The crime intelligence case against Dramat and Sibiya placed them at the centre of the allegations, while Khuba was pressured to find evidence that could support the allegations.

Matthews Sesoko, despite being the acting head of investigations nationally at the time, was deliberately left out of the loop. Khuba was told to report to crime intelligence and later the NPA’s advocate Anthony Mosing, who pushed him to finalise his report on the matter. Khuba’s report was handed to the NPA in January 2014, just before McBride’s arrival. In a statement provided in the Pretoria High Court case in which Dramat’s suspension was being challenged, Khuba stated that the report he eventually gave to Mosing was not only incomplete, but had a number of inaccuracies that had not yet been corrected by his own investigation.

Once he was in office, McBride was motivated by a number of red flags to review the evidence:

- The crime intelligence unit does not ordinarily compile dockets for investigation by Ipid – if any suspected criminality within the police service is uncovered, the unit would merely point it out to Ipid for further investigation.

- Mbeki acted against Ipid policy when she instructed Khuba not to liaise with his superior, Sesoko, on any developments on the case, but to crime intelligence and the NPA.
- Mosing acted inappropriately when he put Khuba under pressure to finalise his report and submit this to him and not Mbeki, as Ipid policy requires that the executive director sign off on all final investigative reports, unless they have been okayed by their provincial heads.

McBride decided to set aside the report prepared by Khuba, and for the evidence to be reviewed. A second process of investigation then resulted in a new report, in which McBride had “corrected” several discrepancies found in the first one. It was on the basis of this new report, he told the inquiry, that Nhleko suspended Dramat, claiming that it was per McBride’s recommendations. Before requesting the report, however, Nhleko had delegated a reference group to Ipid, with the purpose of looking into several high-profile cases, including the renditions one. Ipid was not informed of this odd move, nor asked to prepare documents for the group, and in fact McBride only learned of its mandate upon its arrival at Ipid offices.

The period spanning 2015 and 2016 would be characterised by disciplinary and court processes that would later reveal the level of interference from the minister. Following Dramat’s suspension, Ntlemeza was appointed in an acting capacity, and this gave him the powers to suspend Sibiya. McBride and Sesoko would later face suspension themselves when Nhleko declared that they had doctored the final report on the renditions case, and therefore had interfered with evidence.

McBride continues to testify on Friday.

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