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Zondo Commission – Nhleko worked hard to destabilise Ipid, McBride reveals

Former police minister Nathi Nhleko acted incorrectly in suspending former Hawks head Anwar Dramat and his Independent Police Investigative Directorate (Ipid) counterpart Robert McBride in 2014 and 2015 respectively, as he sought to pursue the agenda of rendering the two institutions dysfunctional. This is according to McBride, who spent the second day of his testimony before the commission of inquiry into state capture on Friday detailing the disciplinary and criminal processes that the two men faced following an Ipid decision to review a 2010 investigation by the police crime intelligence unit into the conduct of Dramat and Gauteng Hawks head Shadrack Sibiya.

Dramat was suspended by Nhleko in December 2014, while Sibiya was suspended the following year by Dramat's successor Berning Ntlemeza, on the strength of the investigation that implicated the pair in the illegal deportation of two 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 after they were sent back, died under the watch of Zimbabwean authorities. Nhleko told Parliament – to justify his suspension of Dramat – that the act of deporting the men undermined the constitutional democracy of South Africa, as their potential fate at the hands of Zimbabwean police was clear. The men are alleged to have been tortured before being killed.

In the months leading up to Dramat's suspension, McBride had ordered a review of the investigation, which had been actioned by his head of investigations in Limpopo, Innocent Khuba, on the instruction of his predecessor Koekie Mbeki in late 2013. Khuba was told to report his findings to crime intelligence and the National Prosecuting Authority's (NPA) advocate Anthony Mosing.

According to the line of authority at Ipid, Khuba should in fact have been reporting to the head of investigations at Ipid, Matthews Sesoko, but the latter was sidelined throughout the process, resulting in a preliminary report, compiled by Khuba and given to Mosing, missing his authorising signature. McBride told the inquiry that he undertook to review the investigation, unaware that Khuba had already submitted a preliminary report to the NPA. He would only find this detail out later in the year, when his review report had been finalised, and Nhleko had begun his case against Dramat.

The important detail of the existence of separate reports would also become a significant factor later, when in deliberations in the disciplinary processes of both Dramat and later McBride, Nhleko would argue that the final report signed off by McBride, Sesoko and Khuba had in fact been doctored, therefore distorting evidence Khuba found in his initial report. Nhleko got hold of the report in November 2014, days before he would inform Dramat of his intention to suspend him.

McBride told the inquiry that he did not know why Khuba had not made him aware of the preliminary report he had given to Mosing, as it was on the basis of disparities between the documents that the two of them and Sesoko would later be suspended. He also said the three had made no changes to

any of the status updates that had been given to the NPA, nor to the report by a reference group delegated to Ipid by the minister to source further update status reports on this and other high profile cases, from Ipid.

On the basis of stark discrepancies in the reports, Nhleko suspended McBride in April 2016, following the conclusion of Werksmans attorneys that McBride, Sesoko and Khuba had doctored the final report, effectively changing the outcome that Khuba had arrived at in his preliminary report. While McBride was on suspension, his successor Israel Kgamanyane then proceeded to suspend Sesoko and Khuba on the same charges.

In effect, two separate disciplinary processes were undertaken on Nhleko's instruction: for Dramat and Sibiya to face the music for the allegations against them, and for McBride and his co-accused to be punished for trying to interfere in the processes involving the former.

Criminal charges were also brought against each of the five men under the same circumstances as above, and later dropped. Dramat settled for an early retirement pay-out, giving way to Ntlemeza to take over permanent leadership of the Hawks. Sibiya was eventually dismissed by Ntlemeza, whom a later court process found to have been unlawfully installed.

The charges against McBride, Sesoko and Khuba were dropped, but only Sesoko remains in Ipid's employ as McBride's term ended earlier this year. His fate is subject to a review process relating to the decision by current police minister Bheki Cele not to renew his contract.

Khuba's employment with Ipid was terminated, and followed by a court process.

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