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Zondo Commission – campaign against McBride, Dramat politically motivated, commission hears

A notion that Robert McBride and former Hawks head Anwa Dramat know each other personally and are from the same background may have been the motivation behind the political smear campaign accusing McBride of trying to protect a guilty Dramat in the alleged 2010 illegal renditions case over which he was suspended in 2014 and later resigned. This emerged at the commission of inquiry into state capture heard on Monday, when the former Independent Police Investigative Directorate (Ipid) executive director returned for a third day of testimony.

McBride said he only met Dramat for the first time after assuming office at Ipid in March 2014. Dramat and McBride's father, he added, had been at Robben Island together, as both were involved in the liberation struggle. He informed the commission chairperson, Deputy Chief Justice Raymond Zondo, that there was so much speculation over their perceived closeness, some of it even channelled to the media as fact, that it made him wonder if those behind the campaign did not simply suffer from "struggle envy." McBride's own background includes detention for his struggle activities in the 1980s.

Zondo had questioned whether McBride was ever asked by those who investigated his conduct in reviewing an Ipid investigative report into Dramat's participation in the alleged crime, if he was entitled to take such a step. McBride previously testified that the investigation reached Ipid from the police crime intelligence unit in 2013, before he arrived there. Soon after, asking his staff for status updates on all high-profile cases, he received information on the renditions case from Innocent Khuba, former Limpopo head of investigations. Although he mentioned that the source of the investigation had been crime intelligence, Khuba did not communicate with McBride that he had submitted an interim report on the probe to the National Prosecuting Authority (NPA) in January – albeit through incorrect channels. Khuba would later admit to this during a probe into his own conduct, but said he too did not regard the said document as an official report, as he continued to investigate after giving it to Advocate Anthony Mosing of the NPA.

Amidst this confusion, McBride ordered a review of all evidence on the case, unaware that the interim report existed at the NPA. His assessment of the situation at the time was that Khuba had provided status updates, but they were not compiled in official report form. As a result, when former police minister Nathi Nhleko sought to suspend Dramat in December 2014, and McBride the following April, he did so on the basis that one should be investigated for the 2010 crime, and the other for trying to protect him from such investigation by doctoring a legal document that sat with the NPA. Nhleko had both the initial Khuba report and the one compiled at the end of the McBride-ordered investigation.

Meanwhile, said McBride, the procedural inconsistencies over which the Khuba report had been sought were not even taken into consideration. According to Khuba, he acted on the instruction of Koekie Mbeki, McBride's predecessor, who told him to report not to his immediate supervisor, then acting head of investigations Matthews Sesoko, but to Mosing directly. He was also instructed to keep the investigation under wraps and not inform Sesoko.

Khuba's report, with further investigations pending, was only signed by him. McBride considers the later report to be the authentic one, since it was signed off by himself, Khuba and Sesoko after the review, as per Ipid requirements.

During an interview with Werksmans, the investigative firm commissioned in 2015 by Nhleko to investigate McBride's conduct, the former Ipid head emphasised that he had not known of an interim report by Khuba, but understood later that what the NPA had were updates gathered and provided during the course of the investigation. Werksmans did not question Ipid's need to review the evidence, he said, despite the fact that it had come from crime intelligence, which compromised the independence of the investigation.

Witnesses from several quarters including crime intelligence and the NPA beg to differ, however, saying that the existing investigation, which had been conducted and signed off by Khuba, was the basis on which Dramat and his Gauteng counterpart the time, Shadrack Sibiya, ought to have been charged for the alleged crime.

The two allegedly ordered the illegal rendition of two Zimbabwean men who were sought by law enforcement authorities in that country, and were later killed once deported from South Africa.

Dramat and Sibiya were punished, McBride has maintained, for a crime for which proof was never sought, in an investigation so blatantly compromised that it should have been the involvement of crime intelligence operatives that was questioned. The timing of the move by crime intelligence was also suspect, said McBride, because Sibiya had gone after one of their own.

The role of crime intelligence in the matter is key because at the time of the alleged renditions, it was headed by Richard Mdluli, who would be suspended in 2011 after the Hawks charged him for the 1999 kidnapping and murder of Oupa Ramogibe, who was the husband of Mdluli's former girlfriend, Tshidi Buthelezi. It was the Gauteng Hawks office, headed by Sibiya, that oversaw the arrest of Mdluli, who stood trial for the murder. The charges against Mdluli were provisionally withdrawn in 2012. The crime, argued the Hawks then, happened under the guise of law enforcement at the time, and Mdluli had simply gotten away with it because his colleagues protected him. His two co-accused in the matter were former colleagues, from the days when Mdluli was station commander in Vosloorus.

McBride believes that the reason for the rehashing of the rendition case was politically motivated, and aimed at removing Dramat and Sibiya. Among his high-profile cases, he said, Dramat had an investigation into the security upgrades at the Nkandla home of former president Jacob Zuma.

On his first day of testimony on Thursday last week, he told of the long-standing resentment towards Ipid from the different South African Police Service (Saps) divisions, over which the directorate has investigative powers. His predecessors too, said McBride, could corroborate this, as there had been major resistance from Saps quarters towards Ipid's probes of their officials. Ipid has jurisdiction over all Saps divisions as well as metro police departments. The directorate's mandate allows for it to forward completed investigations to the NPA for prospective prosecutions.

McBride continues to testify.

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