



**16 June 2021**

### **Zondo commission – No cross-exam for McBride, Booysen by NPA 8**

Robert McBride will not be cross-examined before the state capture commission by advocates of the National Prosecuting Authority (NPA) whom he implicated in his testimony of capture.

The former executive director of the Independent Police Investigative Directorate (Ipid), two of his colleagues Matthews Sesoko and Innocent Khuba, and former KwaZulu-Natal Hawks head Johan Booysen are among witnesses named by the eight advocates as having lied in their evidence. Commission chairperson Deputy Chief Justice Raymond Zondo decided on Wednesday to instead allow the legal representatives of the eight to read into the record their summarised versions of events testified to by the Ipid officials and Booysen, later this month.

“Those applications are dismissed in the light of the position communicated to the chairperson of the commission by their counsel in the light of the remarks made by the chairperson yesterday [Tuesday] at the hearing,” said Zondo.

“But they will be granted an opportunity in due course for their counsel to give a summary of their versions against the allegations made against them by different witnesses.”

On Tuesday, Zondo announced that matters relating to the commission’s law enforcement agencies work stream could not be heard to conclusion, and will therefore be handed over to authorities to deal with. The reason for this, he said, was that the matters raised often fell outside the commission’s mandate and it could not allocate time to explore all of them as raised in the stream, therefore it would fall under a category of evidence to be shared with the police to probe further.

In their oral testimonies in April 2019, McBride, Sesoko and Khuba all named Advocate Anthony Mosing as having played a key role in bringing forward investigations into former Hawks national head Anwa Dramat and his Gauteng counterpart at the time, Shadrack Sibiyi, for the infamous illegal renditions case of 2010. The renditions investigation was already underway when McBride arrived at Ipid in 2014, with Khuba – who was the head of investigations of the Limpopo directorate at the time – charged with producing a report of its findings. The case involved the handing over in Limpopo of two Zimbabwean suspects, allegedly sought for murder in that country, to authorities across the border, only for them to be killed once there. The Hawks’ involvement was connected to the search for the pair.

Although Sesoko was Khuba’s senior at the time, he claimed before the commission in 2019 that he had been kept in the dark about events leading up to a report Khuba drafted in early 2014, purportedly on Mosing’s instruction to Khuba. A second report would later surface with both Sesoko’s and McBride’s input – after Khuba revealed to them the undue pressure he had allegedly endured – and would lead to the three men being suspended, accused of doctoring Khuba’s initial report to come to a different conclusion in the second.

Khuba himself told the commission in 2019 that Mosing had pressurised him to finalise the report and hand it over to the NPA, presumably so that the process of bringing charges against Dramat and Sibiya could be finalised. He referred to it as a draft and incomplete report, with the later report being the authentic one. On the basis of the existence of two reports, the second exonerating Dramat and Sibiya from participation in the renditions, those partaking in the capture of the law enforcement sector saw it as Ipid protecting Dramat, who was later suspended by then police minister Nathi Nhleko in December 2014, McBride said.

Raymond Mathenjwa, another advocate working with the South African police's crime intelligence unit, led a reference group appointed by Nhleko to look into Ipid's handling of the renditions matter following the release of the second report. McBride said he suspected that it was Nhleko's way of intimidating Ipid at the time. His own suspension came a few months after Dramat's, in March 2015. All three Ipid officials were suspended and later dismissed, but McBride and Sesoko were reinstated after a court battle in which they challenged their dismissal, with only Khuba remaining.

The other NPA officials include advocates Sello Maema, JP Pretorius SC, George Baloyi, Marshall Mokgatlhe, Andrew Chauke and Molathwa Mashuga.

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