

## **2. JOINT REPORT OF THE PORTFOLIO COMMITTEES ON POLICE AND JUSTICE AND CONSTITUTIONAL DEVELOPMENT ON WIDE RANGING ALLEGATIONS MADE BY THE KWAZULU-NATAL PROVINCIAL POLICE COMMISSIONER, LIEUTENANT GENERAL NHLANHLA MKHWANAZI, REGARDING SECURITY MATTERS, DATED 22 JULY 2025**

### **1. Introduction**

- 1.1. On 6 July 2025, the KwaZulu-Natal (KZN) Provincial Commissioner of Police, Lieutenant General Nhlanhla Mkhwanazi, held a press briefing on the work of the Political Killings Task Team (PKTT). He also made a range of allegations, claiming, among others, political interference in the demise of the PKTT; the existence of a potentially corrupt relationship between the Minister of Police, Mr Senzo Mchunu, and certain individuals; and the existence of an organised crime syndicate, which involves various role-players across the criminal justice system, and is ultimately controlled by an international drug cartel.
- 1.2. The allegations were set out in a PowerPoint presentation and additional details were provided in comments made by the Provincial Commissioner during the briefing. The evidence presented by Lt Gen Mkhwanazi include WhatsApp chats and financial records.
- 1.3. In separate letters addressed to the Chairpersons of the Portfolio Committees on Police and Justice and Constitutional Development, dated 9 July 2025, the Speaker requested both Committees to consider the matter in terms of their respective mandates, make an assessment on the appropriate approach and submit recommendations for consideration by the National Assembly.
- 1.4. Subsequently, the Committees received an undated advisory note that highlighted the urgency of the matter. The Committees were requested to submit a joint report to the National Assembly by no later than 23 July 2025, containing recommendations on the mechanism and process to be followed in dealing with the matter. Further, the Report

should contain a summary of findings; recommendations for further action; and any proposals the Committees consider appropriate for the speedy resolution of the matter.

## 2. **Summary of allegations**

2.1. On 6 July 2025, the KZN Provincial Commissioner, Lt Gen Mkhwanazi, has made serious allegations against various individuals and state organs. The Committee notes that, among others, he reportedly claims that:

2.1.1 Minister Mchunu interfered with sensitive police investigations and colluded with certain individuals to disband the PKTT to shield politically connected members of a criminal syndicate from prosecution. In doing so, Minister Mchunu unlawfully interfered in SAPS' operational matters (Neither the National Commissioner, General Masemola, or the Provincial Commissioner had sanctioned the disbanding of the PKTT.)

(i) In April 2024, an employee of QTech, Mr A Swart, was fatally shot while entering the company's premises. The shooting occurred after QTech made a whistleblowing report regarding price gouging on a Transnet tender. Three suspects were arrested in Johannesburg for the murder. During the arrests, weapons and cell phones were confiscated.

(ii) On 6 December 2024, a Mr. Katiso Molefe, was arrested for the murder of Mr Swart.

(iii) On 30 December 2024, the ballistic expert issued a report linking the confiscated firearms used in the murder of Mr Swart with several high profile cases that occurred in Gauteng dating as far back as 2021.

(iv) The next day, on 31 December 2024, Minister Mchunu issued a letter disbanding the PKTT and suspending the filling of all vacancies in SAPS' Crime Intelligence.

2.1.2 As well as disbanding the PKTT, Minister Mchunu placed a moratorium on filling vacancies within the SAPS' Crime Intelligence Unit.

2.1.3 A police investigation led by the PKTT had unmasked a sophisticated criminal syndicate operating in South Africa and headquartered in Gauteng involving

politicians, law enforcement officials from the South African Police Service (SAPS), Johannesburg Metropolitan Police Division (JMPD) and correctional services, prosecutors and the judiciary, as well as business people. The syndicate is controlled by an international drug cartel, which traffics drugs from South America to Durban harbour. From Durban, the drugs are transported to Gauteng for processing and distribution in South Africa, as well as beyond the country.

2.1.4 A potentially corrupt relationship exists between Minister Mchunu and an associate Mr. Brown Mogotsi and Mr. Vusimuzi ‘Cat’ Matlala:

- (i) Accused businessman Mr. Vusimuzi Matlala’s cellphone contains evidence that refers to communications between Mr. Mogotsi and the Minister Mchunu.
- (ii) There are also communications from Mr Mogotsi to the Minister. Mr Mogotsi is reportedly an associate of Minister Mchunu despite the Minister denying knowing him or knowing him only as a comrade from North West.
- (iii) Further analysis indicates that Mr. Matlala is financially supporting Minister Mchunu’s and Mr Mogotsi’s political endeavours with evidence of conversations and financial records between Mr Mogotsi and Mr. Matlala (Mr. Matlala sponsored a high-ranking Crime Intelligence officer to attend a political party’s celebrations in January 2025 at the prompting of Mr. Mogotsi. The travel was reportedly paid for by Medicare 24 Tshwane District, which is owned by Mr Matlala and had been awarded a R360 million police health services contract in 2024).
- (iv) On 1 January 2025, Mr. Mogotsi, an associate of Minister Mchunu, sent a message to businessman and murder accused Mr. Matlala in which he stated that a meeting with Minister Mchunu and the Deputy National Commissioner for Crime Detection, Lt Gen Sibiyi resulted in the dissolution of a Task Team that was harassing Mr. Matlala.
- (v) On 2 January 2025, Mr. Matlala received a copy of the letter disbanding the PKTT from Mr. Mogotsi.
- (vi) On 13 May 2025, the National Commissioner cancelled the SAPS HealthCare contract awarded in April 2024 to Mr. Matlala’s company - Medicare24 Tshwane District. On 14 May 2025 ,Mr Matlala sent a message to Mr Mogotsi expressing dissatisfaction with this decision.

- 2.1.5 Minister Mchunu misled Parliament about the nature of his relationship with Mr. Brown Mogotsi.
- 2.1.6 Lt Gen Sibiyi instructed the withdrawal of 121 case dockets from the PKTT to his Office in March 2025 on the Minister's orders to disband the PKTT, effectively halting investigations into assassinations. However, this was done without the authority of the National Commissioner, General Masemola, or the Provincial Commissioner.
- 2.1.7 Unnamed law enforcement officials, including from SAPS, the JMPD, Correctional Services are involved in the organised crime syndicate unmasked by the Gauteng Organised Crime Unit/ PKTT investigation.
- 2.1.8 Unnamed prosecutors are involved in the organised crime syndicate unmasked by the Gauteng Organised Crime Unit/ PKTT investigation.
- 2.1.9 The Investigative Directorate Against Corruption (IDAC) interfered in police matters:
- (i) On 30 May 2025, the IDAC requested the exhibits (cellphones) of Mr. Matlala and downloaded the contents of the cellphones.
  - (ii) On 25 June 2025, IDAC arrested the PKTT's Project Coordinator.
  - (iii) On 26 June 2025, Mr. Katiso Molefe, who had been arrested for the murder of Q-Tech employee Mr. Swart, was granted bail. However, on 2 April 2025, Mr. Molefe was reportedly refused bail by the Vereeniging Regional Court as he was a flight risk. His case was then transferred to the High Court.
  - (iv) A member or members of Crime Intelligence handed over classified documents to a Member of Parliament. The Member then used this information to open a criminal case in Gauteng. He alleged that some officials in Crime Intelligence were issued fraudulent vetting clearance certificates. The Member also approached Minister Mchunu and requested that these dockets be assigned to someone else.
  - (v) Minister Mchunu's Chief of Staff, Mr. Nkabinde, wrote a letter to IDAC asking it to investigate these cases. These matters concern allegations that the vetting process had been manipulated. Despite this not being a matter of state capture or corruption, IDAC received the Minister's communication asking it to take these dockets and did so.

- (vi) There is an IDAC investigating officer who is a former member of Crime Intelligence, who retired from the SAPS to join IDAC. The individual is referred to as 'a lead investigator' but without the necessary qualifications and investigative experience.
- 2.1.10 Unnamed members of the judiciary are involved in the organised crime syndicate unmasked by the Gauteng Organised Crime Unit/ PKTT investigation.
- 2.1.11 Potentially classified information was passed from Crime Intelligence officials to a Member of Parliament. This included vetting documents as well as covert properties. The Member used the information to register a criminal case in Gauteng and alleged that some officials in Crime Intelligence were issued fraudulent vetting clearance certificates. This Member then sent a communication to Minister Mchunu asking him to take the dockets and assign them to someone else. The Minister's Chief of Staff, Mr. Nkabinde, wrote a letter to IDAC asking it to investigate these cases.
- 2.2. The Committee notes that the allegations made and supporting evidence provided by Lt Gen Mkwana are untested.
- 2.3. The Committees also note that reportedly both Minister Mchunu and Lt Gen Sibiyi have denied the allegations.
- 2.4. While investigations are underway, the President has placed Minister Mchunu on leave, while Lt Gen. Sibiyi has taken a leave of absence at the request of the National Commissioner. The President also announced the appointment of Professor Firoz Cachalia as Acting Minister of Police. Until Professor Cachalia can take up the appointment at the beginning of August 2025, Minister Gwede Mantashe will act as Minister of Police.
- 2.5. On 9 July 2025, the National Commissioner of Police announced a leadership overhaul in crime intelligence and pledged resolute action to restore public trust and organisational unity. Addressing the media, General Masemola confirmed the arrest of Crime Intelligence Divisional Commissioner Lieutenant General Khumalo and six other senior officers on 26 June 2025. He revealed that all seven have since been

reassigned within SAPS, pending the outcome of internal disciplinary proceedings, in accordance with SAPS's 2016 regulations. He announced the appointment of Major General Solomon Makgato as the acting head of Crime Intelligence. Regarding Lt Gen Mkhwanazi's allegations, General Masemola declined to confirm whether Minister Mchunu directed the shutdown of the PKTT or was under investigation for interference. *"These matters are subject to investigation. Let the space be given for proper processes to unfold,"* he said. He added that, contrary to Lt Gen Mkhwanazi's suggestion, he had not signed any letter disbanding the unit.

### **3. Response from the Executive and Judiciary**

#### **3.1. *Executive***

- 3.1.1. The national executive exercises executive authority, including implementing national legislation and developing national policy. Although policing powers are distributed across different levels of government, the President and National Executive hold ultimate authority, while the South African Police Service (SAPS) manages day-to-day policing under the guidance of the Minister of Police.
- 3.1.2. The South African Police Service (SAPS) is, therefore, the primary law enforcement body, responsible for preventing, combating, and investigating crime, maintaining public order, and protecting citizens and their property. The National Commissioner, appointed by the President, manages and controls the SAPS, reporting to the Minister of Police. Provincial Commissioners, appointed with the concurrence of the provincial executive, are responsible for policing in their respective provinces, subject to the National Commissioner's overall control. The Constitution outlines the responsibilities of the SAPS, including the prevention, combating, and investigation of crime, maintaining public order, and protecting citizens and their property.
- 3.1.3. The National Assembly has both the power and the duty to hold the national executive to account. Section 55(2) of the Constitution imposes a duty on the National Assembly to provide for mechanisms to hold the national executive to account. The committee system of Parliament is one such mechanism.

- 3.1.4. Section 199(8) of the Constitution specifically mandates parliamentary committees to have oversight of all security services in the Republic, including the police, to give effect to the principles of transparency and accountability. Rule 227 of the rules of the National Assembly describes the role of portfolio committees in the performance of their oversight functions.
- 3.1.5. However, when exercising its oversight function, Parliament is required to observe the separation of powers doctrine and not encroach on the powers and functions of another arm of government. This is to ensure a balance of power and accountability. Parliament would be acting unlawfully if it were to function as a law enforcement agency or, primarily, as an investigatory body charged with the investigation of allegations of criminality levelled against those implicated in the press briefing given by Lt General Mkhwanazi.
- 3.1.6. On 6 July 2025, President Ramaphosa issued a media statement, in which he noted statements made earlier that day by the Lt Gen Mkhwanazi. He said that *“This is a matter of grave national security concern that is receiving the highest priority attention. It is vital that the integrity of the country’s security services is safeguarded and that the rule of law is affirmed.”* Further, *“[a]ll parties to this matter are called upon to exercise discipline and restraint. The trading of accusations and counter-accusations threatens to undermine public confidence and sow confusion. Furthermore, these actions damage the unity and focus of the police.”* He undertook to outline the actions to be taken on this matter on his return from the BRICS Leaders’ Summit that was underway in Rio de Janeiro, Brazil.
- 3.1.7. President Ramaphosa then addressed the Nation from the Union Building on 13 July 2025 announcing his decision to establish a Commission of Inquiry into allegations regarding law enforcement agencies.
- 3.1.8. This Presidential Commission of Inquiry will be chaired by Acting Deputy Chief Justice (ADCJ) Mbuyiseli Madlanga, who is soon to retire from active service. The Acting Deputy Chief Justice is to be assisted by Advocates Sesi Baloyi SC and Sandile Khumalo SC. The Commission’s objects will be to investigate allegations relating to

the infiltration of law enforcement, intelligence and associated institutions within the criminal justice system by criminal syndicates.

- 3.1.9. The Commission's investigation will include inquiring into:
- (i) The role of current or former senior officials in certain institutions who may have aided or abetted the alleged criminal activity; failed to act on credible intelligence or internal warnings; or benefited financially or politically from a syndicate's operations. These institutions are the SAPS, NPA, State Security Agency (SA), the Judiciary and Magistracy, and the metropolitan police departments of Johannesburg, Ekurhuleni and Tshwane.
  - (ii) Whether any members of the National Executive responsible for the criminal justice system, were complicit, aided and abetted, or participated in the acts mentioned above.
- 3.1.10. The Commission will also be asked to report on the effectiveness or failure of oversight mechanisms, and the adequacy of current legislation, policies and institutional arrangements in preventing such infiltration.
- 3.1.11. The Commission will make findings and recommendations for criminal prosecutions, disciplinary actions and institutional reform.
- 3.1.12. The Commission will have the power to refer matters for immediate criminal investigation and urgent decisions on prosecution, considering the nature of the allegations and evidence the Commission will uncover.
- 3.1.13. The Commission is expected to complete its work and submit a final report to the President. Interim reports are expected after three (3) and six (6) months respectively.
- 3.1.14. The Commission's final report will be sent to the Speaker of the National Assembly and the Chief Justice.

### 3.2. **Judiciary**

3.2.1. The Judiciary plays a crucial role in the separation of powers doctrine, acting as an independent body that interprets and applies the law, ensuring accountability and preventing abuses of power. Judicial independence is vital for this role, guaranteeing that courts can make decisions without undue influence from other branches of government.

3.2.2. The Committee notes the Judiciary's response to the allegations contained in its media statement dated 10 July 2025:

*“The Judiciary has noted with serious concern the recent remarks made by Lieutenant General Nhlanhla Mkhwanazi of the South African Police Service (SAPS) during his media briefing on Sunday, 06 July 2024, during which he alleged collusion between amongst others, the Judiciary and criminals. Such claims, made without substantiation, are extremely damaging to public confidence in the independence and integrity of our courts - a fundamental pillar of our constitutional democracy.*

*Judicial Officers are bound by the Judicial oath or solemn affirmation of office to uphold and protect the Constitution, and the human rights entrenched in it, and to administer justice to all persons alike without fear, favour or prejudice, in accordance with the Constitution and the law. As such, any suggestion of impropriety within the Judiciary is treated with the utmost gravity.*

*In this regard, the Acting Secretary-General of the Office of the Chief Justice, has formally requested the National Commissioner of the SAPS and the Provincial Commissioner, Lt Gen Mkhwanazi, to furnish evidence in support of these allegations and to lodge formal complaints, where warranted, with the Judicial Service Commission (JSC) and/or the Magistrates Commission.*

*These bodies are constitutionally and statutorily mandated to investigate complaints against Judicial Officers. The JSC derives its authority from Section 178 of the Constitution of the Republic of South Africa, 1996, read with the Judicial Service*

*Commission Act, 1994 (Act 9 of 1994). Furthermore, Magistrates Commission operates under the Magistrates Act, 1993 (Act 90 of 1993). Both institutions have well established mechanisms to address allegations of misconduct, ensuring due process and fairness.*

*The Chief Justice of the Republic of South Africa, Chief Justice Mandisa Maya said, “The Judiciary stands firm in its commitment to accountability and the rule of law. If any person, including Lt Gen Mkhwanazi, has credible evidence of unlawful or unethical conduct committed by a member of the Judiciary, they are urged to report such matters to the legally mandated structures of the State. Unsubstantiated allegations, however, regrettably undermine the administration of justice and weaken public trust in our institutions which are essential to upholding our constitutional democracy.”*

*The Judiciary reaffirms its unwavering dedication to justice, transparency, and the principles enshrined in our Constitution. Should any Judicial Officer be found to have acted unlawfully or unethically, appropriate action must be taken without any hesitation.*

*The Judiciary remains resolute in its duty to serve all South Africans with impartiality and integrity. She stated that the claims of collusion between the judiciary and alleged criminals are extremely damaging to public confidence in the independence and integrity of the courts. She noted that the accusations have not been substantiated and asked Lt Gen Mkhwanazi to provide evidence to support his claims and that they be referred to the relevant authorities.”*

#### **4. Public Protector’s investigation of Minister Mchunu**

- 4.1. The Committee notes that the Public Protector reports that it is investigating Minister Mchunu in terms of section 182 of the Constitution and the Executive Members Ethics Act 82 of 1998.

## 5. Precedence of different investigations

- 5.1. The Committee acknowledges the existence of these different investigations.
- 5.2. The Committee also notes that the Commission of Inquiry will be required to produce interim reports, and its final report will also be sent to the Speaker.
  - 5.2.1. Regarding the Public Protector’s investigations, section 3(2) of the Executive Members Ethics Act requires the Public Protector to submit a report on the alleged breach of the code of ethics by executive members to the President within 30 days of receiving the complaint. The President is then required to submit the report, together with a report on any action taken or to be taken, to the National Assembly within a reasonable time, but not later than 14 days, after receiving the report. However, the Committee notes that the Public Protector’s office reports that the investigation will not meet the EMEA’s 30-day deadline due to the complexity of the allegations.
- 5.3. Both the Commission of Inquiry and the Public Protector are independent bodies that are conducting their investigations/inquiries in terms of their distinct powers and functions and should not be affected by the fact that the same matter is being investigated by others.
- 5.4. Section 55 of the Constitution, 1996, provides that the *“The National Assembly must provide for mechanisms-*
  - (a) *to ensure that all executive organs of state in the national sphere of government are accountable to it; and*
  - (b) *to maintain oversight of-*
    - (i) *the exercise of national executive authority, including the implementation of legislation; and*
    - (ii) *any organ of state”*.
- 5.5. Parliamentary committees are certainly not relieved of their constitutional duty to hold the Executive to account and to exercise oversight over it just because similar issues are also being investigated/inquired into elsewhere.

5.6. The Constitution grants the National Assembly considerable powers to facilitate effective oversight and lawmaking. Sections 56 of the Constitution provides that the National Assembly, or any of its committees, may –

- (a) *“Summon any person to appear before it to give evidence on oath or affirmation, or to produce documents.*
- (b) *Require any person or institution to report to it.*
- (c) *Compel, in terms of national legislation or the rules and orders, any person or institution to comply with a summons or requirement in terms of paragraph (a) or (b); and*
- (d) *Receive petitions, representation or submissions from ant interested persons or institutions.”*

## **6. Recommendations**

6.1. The Committees have identified various issues arising from the allegations as falling within the National Assembly’s accountability and oversight function, including:

- The allegedly unlawful decision by Minister Mchunu to disband the PKTT.
- The allegedly unlawful removal of 121 case dockets from the PKTT on the direction of the Deputy National Commissioner Shadrack Sibiya.
- The alleged moratorium by Minister Mchunu on filling vacancies within the SAPS’ Crime Intelligence Unit.
- Whether Minister Mchunu misled Parliament about the nature of his relationship with Mr. Brown Mogotsi.
- Whether a potentially corrupt relationship exists between Minister Mchunu and Mr. Brown Mogotsi and Mr. Vusimuzi Matlala.
- Whether the award of a R360 million contract to Mr Matlala’s company for the provision of healthcare services to SAPS was irregular.
- Allegations of political interference in the procurement of covert facilities of the SAPS’ Crime Intelligence Unit.
- The alleged interference by IDAC in police matters, including jurisdictional issues.

- 6.2. The Committees were also tasked by the Speaker with proposing an approach to the National Assembly for it to exercise its accountability and oversight mandate in this matter.
- 6.3. The Committees note that the Speaker has also written to the Joint Standing Committee on Intelligence (JSCI) requesting it to conduct its own inquiries of the allegations as informed by its mandate. In terms of Rule 169(1) of the National Assembly Rules, a committee may confer with any other committee of the Assembly. While the circumstances under which a committee may confer with another are not specified, it follows that conferral is justified only if its purpose is to further the respective mandates of the committees concerned. The Committees were concerned that although the Portfolio Committees on Police and Justice and Constitutional Development met jointly to consider the matter, the JSCI was not present. It is entirely possible for the JSCI and another committee or committees tasked with exercising oversight of the same matter to reach different, even conflicting conclusions. However, the Committees are advised that the JSCI is a privileged committee and, as it considers classified material, its members are vetted.
- 6.4. The Committees considered the possibility of conducting a ‘full-blown’ investigative inquiry through the process set out in the National Assembly Rules and the Powers, Privileges and Immunities of Parliaments and Provincial Legislatures Act 4 of 2004, guided by the terms of reference identifying specific issues for consideration but rejected this option. Such an investigative inquiry would be similar to the Presidential Commission of Inquiry and may result in unjustifiable and unnecessary duplication of processes intended to achieve the same outcomes. In any event, the President has announced that the Commission’s report will also be submitted to the Speaker. A further option was for the two committees to exercise their conferring powers in terms of National Assembly Rule 169.
- 6.5. The Committees are acutely aware of the need for the National Assembly to ensure an expeditious process. The Committees, therefore, recommend the establishment of an *ad hoc* Committee in accordance with National Assembly Rule 253. This is because the scope of an *ad hoc* committee is task specific and time bound, contrary to the general oversight function of portfolio committees which, in contrast, is ongoing and often requires juggling competing priorities.

- 6.6. Without being prescriptive, the Committees propose that the House take into account the following should it resolve to establish an *ad hoc* Committee as recommended:
- The need for the process to be concluded within ninety days of the committee being established, provided that the timeframe may be amended or extended if necessary.
  - Guidance as to the nature of process. Previous processes have adopted an inquisitorial process that is Member-led and is informed by Parliament's oversight mandate.
  - That the approach adopted ensures that the principle of separation of powers is respected throughout.
  - That the committee be appropriately resourced, including having ready access to external forensic and legal advisory services.
  - In addition to the Provincial Commissioner's allegations, consideration is given to identifying any legislative and/or policy failures or gaps that may have contributed to the matter.
  - Consideration be given to how best to facilitate public participation and transparency. As far as possible, meetings should be conducted openly and, whenever possible, broadcast on Parliament TV and on its social media channels.
  - Consideration is given to how classified and/or sensitive information or material will be protected if necessary.
  - Consideration be given to the possible need to provide for the protection of potential whistleblowers.
  - Consideration be given on how best ensure that the work of an ad hoc committee does not duplicate or overlap with the work of the inquiry/investigation simultaneously being undertaken by the JSCI and does not lead to conflicting outcomes.
- 6.7. Regarding the possession of allegedly classified documents by a Member of Parliament, which were leaked to him by members of Crime Intelligence, the Committees are advised that, on the face of it, these matters reside within the domain of the JSCI. Regarding the question of whether a conflict of interest might arise should the Member, who is also a complainant in a criminal case involving seven SAPS

officials and related to the Mkhwanazi allegations, participate in these or in future proceedings concerning the allegations, National Assembly Rule 30 directs Members of Parliament to declare their personal, private financial, or business interests at the commencement of engagement on the matter by a committee in line with the Ethics Code.

- 6.8. Lastly, as far as legally permissible, the Committees urge the need for continuous oversight of the work of the Commission of Inquiry and requests that the interim reports submitted to the President also be made available to Parliament.

### **Report to be considered**