



## 'HAWKS COCAINE HEIST PLANNED'

*Top Hawks official alleges R200m cocaine theft in 2021 was deliberate and not accidental, pointing to systemic failures*

RAPULA MOATSHE  
rapula.moatshe@inl.co.za

THE sequence of events after the seizure of 541 bricks of cocaine valued at R200 million from a Durban depot in 2021 – culminating in the theft of drugs from the Hawks' storage facility in Port Shepstone – was "by design".

This was according to the testimony of Component Head for Serious Organised Crime at the Hawks, Major-General Hendrick Flynn, before the Madlanga Commission of Inquiry yesterday.

Flynn expressed the view that the Port Shepstone drug heist was intentional, not accidental.

"I am of the view that it is not coincidence and that the sequence of events is indeed by design," he told the inquiry. Flynn was responding to Justice Mbuyiseli Madlanga, who asked whether the events involving Hawks officers were merely a comedy of errors or if the plan from the start was to steal the drugs.

Madlanga said it was difficult to believe that one case could involve such a "comedy of errors".

He said that, according to Flynn's evidence, the crime scene was handled improperly and not according to the prescribed procedures.

The commission heard that 547kg of mandrax had been stored at Isipingo Police Station's SAP13 16 months earlier, yet suddenly there was insufficient space to store 541kg of cocaine.

Madlanga noted that as a result, the cocaine was taken to a DPCI storage facility in Port Shepstone. It was not stored at Maydon Wharf, Brighton Beach, Umbilo or Durban Central.

He expressed concern that Durban Central, the furthest of those options at 24km from Isipingo, was not used.

"There is no explanation why the Port Shepstone storage, which is 100km from Isipingo, was chosen," Madlanga said.

According to Flynn's testimony, Kwa-Zulu-Natal Hawks head Major-General Lesetja Senona did not follow prescripts for handling the keys to the Port Shepstone warehouse where cocaine bricks went missing following a mysterious burglary in 2021.

Brigadier Campbell Nyuswa instructed that the exhibits be taken there following consultation with Senona, who also took charge of the warehouse keys, raising questions since he was not involved in operational matters.

According to Flynn, the SAP13 clerk is the only person allowed to access the storage facility.

Senona later handed the keys to a police officer identified as Warrant Officer Mpongase, giving him access to the vault to unseal the exhibits and obtain samples, according to Flynn.

During his testimony before the commission, Senona maintained that he took sufficient steps to secure the

cocaine, stating he issued an instruction to monitor the facility. Madlanga also noted that Port Shepstone lacked CCTV cameras and 24-hour guards, adding that even without those measures, the facility now held high-value cocaine.

Earlier, Flynn testified that between November 6 and 8, 2021, the 541kg of cocaine seized on June 22, 2021 was stolen from the DPCI Port Shepstone strong room after entry was gained using a grinder.

"It is unclear when the theft occurred because the alarm system that was fitted at the premises was not working properly. In addition, there was no armed response service because the contract with the private security company was not renewed, having expired in March 2020. The alarm was also not maintained," he said.

He said there is concern that four months after the seizure, the cocaine had not yet been transferred to SAPS's Forensic Science Laboratory (FSL).

He stated that the exhibits must be transferred to FSL immediately but no later than seven working days in exceptional circumstances.

He said a certain Colonel Jacob indicated that FSL told him that there was not enough space for the exhibits.

"This may well be what FSL communicated to the investigating officers when requests were made to FSL, but I want to highlight the matter that casts doubts on the veracity of this version," Flynn said.

He noted that on July 9, 2021, a few weeks after the 541kg cocaine seizure, officials seized 700kg of cocaine in Aeron, Johannesburg. The Aeron cocaine exhibits were transferred to FSL on July 19, 2021, for analysis and storage.

"If FSL had capacity on July 19, 2021 to store 700 kilograms, it is unclear why it did not have capacity for 541 kilograms three weeks earlier or at any time before the November 2021 theft in Port Shepstone," he said.

Flynn told the commission that the investigation made huge strides subsequent to his appointment in September 2024. Flynn's testimony continues today.



MAJOR-General Hendrick Flynn, Component Head for Serious Organised Crime at the SAPS Directorate for Priority Crime Investigation. | OUPA MOKOENA Independent Newspapers



NCC leader and Member of Parliament Fadiel Adams was arrested by the PKTT at the Parliamentary Village in Pelican Park yesterday. | AYANDA NDAMANE Independent Newspapers

NATION

## Arrested NCC leader Fadiel Adams to appear in KZN court

THEOLIN TEMBO  
theolin.tembo@inl.co.za

NATIONAL Coloured Congress (NCC) leader and MP Fadiel Adams has maintained his innocence ahead of a court appearance on charges of fraud and defeating and/or obstructing the course of justice.

Adams answered several questions while he was being taken into police custody outside his home within the Parliamentary village yesterday afternoon.

When asked how he felt about sitting in the back of the police van, Adams replied: "I probably needed a holiday anyway." Adams is expected to appear in court in KwaZulu-Natal.

Adams was arrested after a statement was released by the South African Police Service (SAPS) detailing that the Political Killings Task Team (PKTT) wanted Adams to present himself at his nearest police station. SAPS had a warrant for his arrest relating to allegations that he interfered with ongoing investigations into

the murder of late ANC Youth League leader Sindiso Magaqa.

Police claimed that through investigations, the PKTT team discovered that Adams interfered with the now convicted and sentenced hitman at a very sensitive and advanced stage of the investigation.

SAPS said that Adams was scheduled to appear before a KwaZulu-Natal court on Monday but failed to do so.

Before his arrest, Adams levelled accusations against SAPS and KwaZulu-Natal Police Commissioner Nhlanhla Mkhwanazi after he claimed that members of the PKTT stormed a house he previously owned in Mitchell's Plain on Saturday. Adams and Mkhwanazi have been in each other's crosshairs, with Mkhwanazi claiming at the Parliament ad hoc committee hearings that Adams used a blue light escort to the prison in Westville.

Adams maintained that he was escorted by metro police, not the SAPS, to Westville Prison. He said that he was on official duty and that he went to the

prison to interview the convicted killer of Magaqa. Adams told the media that he placed blame for his predicament on Crime Intelligence boss Lieutenant General Dumisani Khumalo.

"I've done nothing wrong. What they're accusing me of is something that happened a year ago, when I took a statement from the man who killed Magaqa, who implicates General Khumalo. The same General Khumalo heads the PKTT; the same General Khumalo who is before the courts. He's an alleged criminal because of charges that I laid."

Adams said that he had told NCC members months ago that he would be facing arrest.

"I've been telling them for the last six months, you will open the news one day, you will see that I've been shot or arrested. I've been warning them that this is coming because I know how these people operate."

Adams took issue with the lack of information he had received from SAPS regarding why he had to hand himself

over, and he had launched a High Court application to get more information from SAPS regarding their warrant of arrest.

NCC spokesperson Dean Goliath said that the party has strongly condemned "the unlawful and deeply troubling arrest".

"It is important to note that the High Court, in documentation issued today, explicitly stated that the execution of Mr Adams' arrest should not take place. Despite this clear legal directive, the arrest was carried out, demonstrating a blatant disregard for the rule of law and judicial authority."

"The NCC views this action as not only unlawful but also cruel, an affront to justice, and a dangerous precedent for the treatment of political leaders who defend the rights and dignity of our communities," Goliath said.

"When the forces of power choose to ignore the law in pursuit of their self-serving agendas, it threatens the very foundation of democracy and the principles of fairness we uphold."

NATION

## Top law firms argue Legal Sector Code hinders meaningful transformation in South Africa

ZELDA VENTER  
zelda.venter@inl.co.za

THE "flawed" Legal Sector Code (LSC) risks harming broad-based transformation in the legal fraternity, rather than enhancing it, the Gauteng High Court, Pretoria, was told yesterday during the legal challenge to the B-BBEE LSC.

Four of the country's top law firms are asking the court to review the sector-specific B-BBEE framework for the South African legal profession gazetted by the Minister of Trade, Industry and Competition, Parks Tau, in September 2024. The application was brought by Deneys (formerly Norton Rose Fulbright), Bowmans, Webber Wentzel and Werksmans. A host of legal bodies are opposing the application.

Advocate Azhar Bham argued on behalf of Deneys that the law firm welcomes the idea of a lawfully issued code which applies to the sector as a whole and which imposes realistic targets in an equitable manner. But as the LSC stands, it is not a lawful,

rational and reasonable tool to achieve transformation. It omits key elements, such as socio-economic development, and it is an unworkable regulatory instrument. Bham added that there are some things which should change in the generic BEE code policy, under which firms have been operating in the past, but this LSC is not the answer.

Advocate Tembeka Ngcukaitobi, on behalf of the other three law firms, also argued that the current LSC is fundamentally misconceived in design and effect, and that it will hinder rather than advance meaningful broad-based transformation. He pointed out that it exempts more than 95% of legal practices from its requirements.

Legal entities with between one and three partners make up 95.07% of legal practices, yet the LSC does not apply to them because they fall below the turnover threshold for compliance.

The firms argue that a code that applies to less than 5% of the profession cannot credibly transform the sector as a whole. Ngcukaitobi said if the LSC is

allowed to stand, those most likely to lose are the people and institutions that rely on practical, broad-based pathways into the legal sector, including black law students, young graduates, black professionals in management, persons with disabilities, and the public-interest organisations that expand access to justice.

At the heart of the problem, he said, is that the LSC removes recognition for several proven transformation mechanisms under the generic codes. These include bursaries for black students and skills development for employees.

The firms also challenge the LSC's treatment of management and ownership. They argue that it wrongly excludes black non-lawyers from management control scoring, even though black non-lawyers serve in critical senior management and leadership roles in law firms.

On ownership, Ngcukaitobi said the LSC imposes steep increases over a short timeframe that are not justified by the evidence before the minister and are practically unachievable. The ministry



ADVOCATE Azhar Bham during his arguments in the Pretoria High Court against the Legal Sector Code. | OUPA MOKOENA Independent Newspapers

previously declined to promulgate the draft LSC, raising substantive concerns, including whether several deviations from the generic codes were justified.

It was argued that the Legal Sector Code (LSC) was promulgated without proper scrutiny or a valid B-BBEE strategy, rendering it legally flawed.

Judge Janse van Nieuwenhuizen noted that applicants already comply with generic codes. Disruption followed in court. Ngcukaitobi urged the court to strike down the LSC entirely, rather than attempt to fix it.

