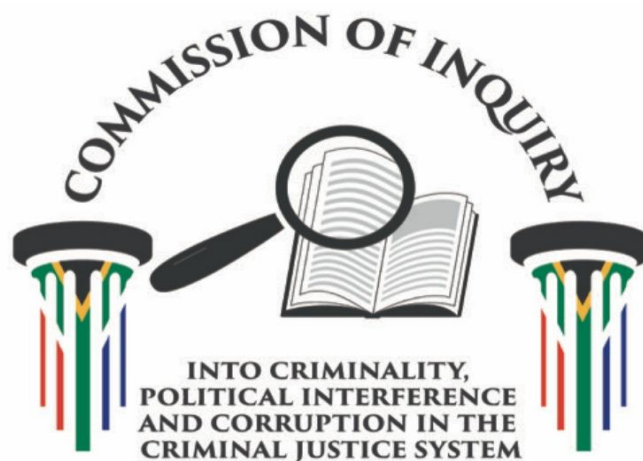


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

10 JUNE 2026

DAY 117



PROCEEDINGS HELD ON 10 JUNE 2026

CHAIRPERSON: Good morning, Ms Pooe.

ADV POOE: Good morning, Chair, Commissioners. Chair, today we are continuing with the evidence of Witness I. However, I did get communication from Witness I. He is requesting to talk to the Evidence Leaders urgently and I would request from the Commissioner a short indulgence to speak to him.

CHAIRPERSON: We will hear from you then when you are
10 ready for us to start.

ADV POOE: Yes, Chair.

CHAIRPERSON: We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Just for those present here and those viewing remotely, Witness I wanted to have a discussion with Ms Pooe, the Evidence Leader, and that took quite some time. We are ready to proceed now.

ADV POOE: Yes, Chair, we are.

20 **CHAIRPERSON:** Ye. Good morning, Witness I.

WITNESS I: Good morning, Commissioners.

CHAIRPERSON: Thank you.

ADV POOE: Commissioners, during the break, I mean, first of all, we are thankful for the indulgence and opportunity to consult. During that break, Witness I

indicated that he would like to do a short supplementary statement to address a few issues. And so we had to take that. We now beg your indulgence to hand up the supplementary statement so that we can start there this morning.

CHAIRPERSON: Thank you.

ADV POOE: Witness I?

WITNESS I: Yes, morning.

ADV POOE: Witness I, can you confirm that you have a
10 statement in front of you, which is four pages?

WITNESS I: Yes, I confirm.

ADV POOE: And can you confirm that you prepared this supplementary statement to give further evidence this morning?

WITNESS I: Yes, I confirm.

ADV POOE: And can you go to the last page of the statement and confirm that that is your signature?

WITNESS I: Yes, I confirm.

ADV POOE: And can you confirm that the contents of the
20 statement are true and correct?

WITNESS I: Yes, I confirm.

CHAIRPERSON: And you also confirm that the initial at the foot of each page is yours?

WITNESS I: I confirm, Commissioner.

ADV POOE: Thank you, Witness I. If we can then go

through the statement and can we proceed from paragraph 3?

WITNESS I: Okay. Paragraph 3:

10 “Preparing this statement to the
 testimony I made yesterday, particularly
 to deal with two aspects. Firstly, my
 relationship with Mr Matlala, and second,
 the status of the DPCI terms in particular.
 Relationship with Mr Matlala. Yesterday,
 I testified that I do not have a direct
 relationship with Mr Matlala and that any
 communication was facilitated by Captain
 Zungu. I did not disclose that in 2023, I
 stayed at Mr Matlala's family property in
 Mamelodi for a period of approximately
 two years. The circumstances,,,”
 ...[intervenes].

CHAIRPERSON: Sorry, Witness I. When you say a familial property, do you mean his parental home?

20 **WITNESS I:** Yes.

CHAIRPERSON: All right, thank you. Continue.

WITNESS I:

 “The circumstances of my stay are as
 follows. On or about September 2023,
 there was an attempt on my life. I was

residing in Mamelodi when a group of four men attacked me at my residence. I was inside the house when I heard a loud bang at the gate. I went outside with my wife, holding my state firearm. When I opened the gate, the group attacked me and hit my head with a metal object, resulting in a serious head injury. I was bleeding and incapacitated when they assaulted me, breaking my left hand and several fingers. They then stole my state-issued firearm and left me for dead. My wife called the police and an ambulance. I was transported to the nearest hospital where I was hospitalised for a period of about a week. The state firearm was later recovered by TOMS members. I heard that the attack was a hit and that the group was actually sent to kill me. I did not get any information regarding who may have sent the group to kill me. Fearing that my home had been compromised, I was trying to think of a solution to ensure that me and my family are safe. Captain Zungu had a

similar fear. He warned that I was injured and that the group may come back and finish the job. He then suggested that I relocate temporarily and that he will arrange a house for me. He then took me to a house. I did not know at the time whose house it was. I only found out during the course of my stay that the property belonged to Mr Matlala.

10 At the time, this did not concern me because I knew Mr Matlala as a businessman. During my stay, I did not meet or talk to Mr Matlala. This is consistent with what I testified yesterday. I have had no direct communication with Mr Matlala until I met him with Captain Zungu and Brigadier Mokoena, as mentioned in my statement. I did not disclose this in my statement or during

20 testimony because I did not think it was significant because during that time, I did not talk, meet or communicate in any way with Mr Matlala. However, yesterday after my testimony, I received a number of calls warning me that the seniors are

not happy with my testimony. One of my members informed me that there is a plan to disclose my stay at Mr Matlala's house as a way of discrediting me. I considered the warning important and deemed it a threat to set me up and/or discredit me. I therefore thought it important to bring this issue to the Commission's attention and to disclose fully what happened during the time I resided at Mr Matlala's house. I maintain that I am committed to cooperating with the Commission and doing so honestly. I hope that the Commission considers this in that light."

Shall I proceed?

ADV POOE: Yes, you can.

WITNESS I:

"Status of DPCI TOMS. In paragraph 7 of my statement, I listed a number of duties under TOMS. I have been informed by members that, as threatened by General Mbotho, TOMS' mandate has been completely dismantled. Members basically provide escort services to other units of DPCI. Members were also forced

to surrender tactical equipment such as rifles. These are now kept in the office and members have to sign them out when needed. This does not allow for immediate response by members for tactical operational matters. Ever since General Mbotho and Brigadier Mokoena took over, overtime for TOMS' members has been scrapped. This means that if

10 members work overtime, they are not compensated. Lastly, because of the frustrations and suppression of members by Brigadier Mokoena, hard-working, dedicated members have either resigned or took transfers out of TOMS. I request the Commission to look further into the DPCI TOMS in particular because this will have a negative effect on crime-fighting efforts.”

20 **ADV POOE:** Thank you, Witness I.

ADV KHUMALO SC: Good morning, Witness I.

WITNESS I: Good morning, Commissioner.

ADV KHUMALO SC: Can you just clarify, it is paragraph D of, sorry, 5D. So let us say paragraph 5, subparagraph D.

WITNESS I: Yes.

ADV KHUMALO SC: When you lived in this house in Mamelodi, I just want to be clear, were you living there with your family?

WITNESS I: Yes, Commissioner.

ADV KHUMALO SC: And where was the Matlala family? The people who lived there before, were they living there with you or were you given access to an empty house to live in?

WITNESS I: I was given access to an empty house.

10 **ADV KHUMALO SC:** So Matlala's relatives were not there?

WITNESS I: No.

ADV KHUMALO SC: And who told you that this is Mr Matlala's house? And what were the circumstances that led to that disclosure being made to you?

WITNESS I: In the house, in the back, there were rooms. There was someone living in the rooms. Not in the house, in the outside rooms.

ADV KHUMALO SC: And that person who rented the back rooms told you that this is Matlala's family home?

20 **WITNESS I:** Yes.

ADV KHUMALO SC: And then you discussed it with Captain Zungu?

WITNESS I: Yes.

ADV KHUMALO SC: But you never met Mr Matlala during that period? In other words, he never came into that

house?

WITNESS I: No.

ADV KHUMALO SC: Okay, thank you.

ADV POOE: Thank you, Witness I. Commissioners, we propose to go back to and revisit the statement and just ask a couple of questions to Witness I thematically. For this purpose, I am going to ask that you have file, Steyn Exhibit File 2 handy. I am told it should have a pinkish flag. Yes.

And then additionally, overnight, I asked the
10 attorneys to add one more document to that file. It will be at the end, I suppose, of that file. It is BM6A, which is taken from Mr Mogotsi's annexures. Witness I, can you confirm that you have your statement, the original statement, as well as File 2 in front of you?

WITNESS I: Yes, I confirm.

ADV POOE: All right, thank you. Just to begin with, you set out the number of training courses that you did during your time with the DPCI. Did you do any drug-related courses?

20 **WITNESS I:** I attended a workshop for a period of a week in Bloemfontein in 2020.

ADV POOE: Was this ...[intervenes].

WITNESS I: The SANEB workshop.

ADV POOE: The SANEB workshop, and was this the only one?

WITNESS I: Yes.

ADV POOE: And when you were within the Serious and Organised Crime Unit between, you said from 2019, 2009.

WITNESS I: Yes.

ADV POOE: Did the investigations in that unit include drug-related investigations?

WITNESS I: Yes.

ADV POOE: And during that time, how many drug-related operations were you involved in?

10 **WITNESS I:** In a lot of them, but the recent ones could only be two or four, of 2020 and 2021.

ADV POOE: In 2020 and 2021? So the 2020, do you remember the 2021, how big was that bust or operation?

WITNESS I: The 2021, it was a truck carrying a boat, which boat had one tonne of Cocaine.

ADV POOE: And what was your role during that operation?

WITNESS I: I was called in by my Commander to come to the scene. When I arrived there, I found members of SANEB Head Office and members of my office with a truck
20 carrying a boat by the side. And they were taking out the contents from the boat, putting them on the ground, which was ultimately found to be Cocaine, which amounted to one tonne.

ADV POOE: And what was your role during that operation?

WITNESS I: I was requested to go to office, obtain SAP13

book from my office, and bring it to Pretoria West Training College, where the seized Cocaine was booked at for safety.

ADV POOE: So that consignment was booked at the Training College and not at a police station?

WITNESS I: I believe it was booked when the docket was opened at the Littleton, it was booked there. But it was booked there on the 13-book and taken to, physically, the Cocaine was taken to Pretoria West College.

10 **ADV POOE**: Do you recall why it was not taken to the lab?

WITNESS I: I am not sure because I was not involved in too deep on that. As I explained, for me, being knowledgeable of this thing is when I was phoned, and when I got there, I found SANEB Head Office and my office members already there.

ADV POOE: So your role was just to bring the book, basically, the SAP13 book?

WITNESS I: Yes.

ADV POOE: All right. And then in 2021, do you recall
20 what that operation was?

WITNESS I: In 2021, as a Team Leader of SANEB, my members received a tip-off of a person who will be transporting drugs, bringing them to Pretoria. The SANEB team of Pretoria Organised Crime activated the information and intercepted the said person on N4. And when the

person was intercepted, the drug was found to be delivering, I think it was fruits or veggies, and the driver alleged he does not know anything, he is just transporting the fruits and veggies.

But through investigation, ultimately, the vehicle contents were checked and Crystal Meth was found inside this vehicle worth about R600 000. The suspect was arrested and detained at Boschkop, and through court proceedings, the driver ultimately changed his plea from not
10 guilty and pleaded guilty, and he was sentenced to seven years direct imprisonment.

ADV POOE: All right, thank you, Witness I. And your role in this one?

WITNESS I: Which one? This one of Boschkop?

ADV POOE: Yes, the 2021 one.

WITNESS I: No, it was me and my members, the SANEB members of Pretoria Organised Crime.

ADV POOE: Yes, what was your role?

WITNESS I: I was leading the team on that operation.

20 **ADV POOE:** So the scene was yours and everything?

WITNESS I: Yes.

ADV POOE: All right, thank you. So you are familiar with the relevant framework, including the protocol on search, seizure, handling, processing, and disposal of illicit drugs, as well as the National Instruction on Crime Scene

Management?

WITNESS I: Yes.

ADV POOE: And you used these documents, particularly in that 2021 operation?

WITNESS I: Yes.

ADV POOE: And you generally comply with these documents when executing operations?

WITNESS I: Yes, Commissioner.

ADV BALOYI SC: If I may? Witness I, the 2021 operation,
10 when in 2021?

WITNESS I: It was in March, Commissioner.

ADV BALOYI SC: Okay, so it was before the Aeroton operation?

WITNESS I: Yes, Commissioner.

ADV BALOYI SC: Thank you.

WITNESS I: Yes, Commissioner.

ADV POOE: Witness I, just to confirm, after the Aeroton one, while you were still with SANEB, before you were transferred to TOMS, there was not another operation where
20 you were involved in?

WITNESS I: Not that I can recall of, Commissioner.

ADV POOE: All right, thank you. Now, you testified yesterday that you had an understanding with other teams wherein they would call you if they encountered drug-related scenes. Was this an operational requirement, or

was this something that you organised with other people?

WITNESS I: No, it is something I informed other units within SAPS, other unit members, whom I know.

ADV POOE: So this was something that you did with people you know, not necessarily that this was an organised thing that was arranged operationally, that you needed?

WITNESS I: Yes.

ADV POOE: All right. And then just to understand, generally, if you arrive at a scene and there are other police
10 officers, take, for example, in Aeroton, you testified that DPCI Germiston was at the scene. How is it, how is a decision made about who gets to take over a scene?

WITNESS I: I think the person who is responsible at the scene, he either continues leading the scene up until the scene is complete, or if he is not going to continue with the scene, relevant people who must take over the scene will take it over. But when I go to DPCI ...[intervenes].

ADV POOE: I am not sure I understand. Sorry, sorry, Witness I, I am not sure I understand. Remember, in the
20 Aeroton instance, you testified that when you arrived, there were DPCI Germiston members at the scene.

WITNESS I: Yes.

ADV POOE: And so you say you went directly to the three officers that were initially there and got a briefing with the purpose of taking over the scene. So I am just trying to

understand, in a context where there are those three members who initially were at the scene, there is DPCI Germiston who also have jurisdiction over the scene, and then you come in with your members. Who gets to decide who takes over the scene?

WITNESS I: Circumstances surrounding how the scene came about.

ADV POOE: So the circumstances surrounding how the scene came about. In this instance, the scene came about
10 because of information by Mr Nku ...[intervenes].

CHAIRPERSON: Perhaps let me ask this, what do you mean by that?

WITNESS I: The person first attending to the scene, as I explained earlier, will deal with the scene until completion, when it is completed. But in this instance, because it was drugs, DPCI needs to be in charge. I believe that is the reason why it was invited.

ADV POOE: Yes, I understand. You are saying your testament is that DPCI would have then been in charge.
20 When you arrived, DPCI was at the scene. That was your testament.

WITNESS I: Ja. When I arrived, when I asked the members, it is DPCI Germiston and Joburg, they were just standing there. Nothing was being done in respect of the scene. They were just hanging around there on the scene.

So as I arrived, Sergeant Phakula, who phoned me, took me to Warrant Officer Phakula.

ADV POOE: Okay. I am not sure I understand, but hopefully as we go through the event, it will get a better sense. In this ...[intervenes].

CHAIRPERSON: Sorry. Witness I, if there are prescripts that state who is to be the lead or take the lead with regard to the crime scene, what do those prescripts say? And if someone has already been in charge, what dictates who is
10 to take over from that person? I am not sure that I understand what you are saying. You say I think more than once in your statement that you expected to take over or that you should have taken over. We want to have a clear, clear idea as to what informs all of that. Can you try to be clear?

WITNESS I: Okay. Commissioner, the reason for me to go to the scene with my member was because my member received a WhatsApp notification the previous day, the Thursday night, that there is 23 bags of drugs leaving
20 Durban coming to Gauteng. And my member, the source was informing him in respect of the inquiry dealt with by our office. So ...[intervenes].

CHAIRPERSON: Sorry, sorry, sorry, Witness I, we have read that.

WITNESS I: Yes.

CHAIRPERSON: That explains why in the end you were at the scene. That is not what I am asking.

WITNESS I: Yes.

CHAIRPERSON: That is not what I am asking. A whole lot of other people would have had some basis to be at the scene. So that is not what I am concerned with. What I want to know is what dictates who is to be in charge of the crime scene.

WITNESS I: Personally, as I suspected the scene to be
10 linked to my office inquiry, that is why I made the decision that I need to be briefed about everything. After then, I will take over or I will ask Warrant Officer Phakula to hand over the scene to me.

CHAIRPERSON: This may be unfair to you, but it sounds like you do not know what dictates who is to take charge of a crime scene. I have asked you twice. Ms Poee asked you at least once. It may have been more than once. And you have not given a clear answer. Must I take it that you do not know?

20 **WITNESS I**: Maybe, Commissioner, I am not getting clarity of the question posed. Maybe if it could be cleared for me ...[intervenes].

CHAIRPERSON: I will repeat it for the third time now. It is this. Your statement indicates more than once that you are the one that ought to have taken over or rather to have

been in charge once you had arrived, to have been in charge of the crime scene. The question is, what dictates or what prescript says that such and such police officer is the one to be in charge of a crime scene? What law? What prescript?

WITNESS I: No, I am not knowledgeable, Commissioner.

CHAIRPERSON: Sorry?

WITNESS I: I am not knowledgeable of any.

CHAIRPERSON: You do not know?

10 **WITNESS I:** Yes.

CHAIRPERSON: That was my suspicion. The very fact that this question had to be asked four times between Ms Pooe and me. Thank you.

WITNESS I: Okay.

ADV KHUMALO SC: If I can just follow up because I had a similar question, maybe phrased slightly differently, but it is the same in substance? When you arrive at the Aeroton scene and DPCI is already there, what authorises ...[intervenes].

20 **WITNESS I:** Yes.

ADV KHUMALO SC: What authorises you, coming from SANEB, being a SANEB Team Leader, to argue with General Kadwa and say it should be your scene because you have an inquiry number from 2020? Does DPCI not have jurisdiction or authority to deal with the scene when they

are there? What authorises you to say to them I must take over the scene because I have an inquiry number from 2020? Is there anything that authorises you?

WITNESS I: Commissioner, the fact that there is an existing investigation already, that the scene could be part of that investigation.

ADV KHUMALO SC: Leave it there because I take it that your answer to Chair remains, you are not aware of any prescript. You are not aware of any document within SAPS
10 or DPCI or SANEB. So when Chair says prescript, he refers to an official document that regulates how things work at SAPS. You are not aware of any document or policy or instruction that says you must take over the scene.

WITNESS I: It is the mandate of DPCI that drug-related matters are dealt with by DPCI.

ADV KHUMALO SC: Yes. So your criticism of DPCI is unfair then if they have a mandate to deal with the matter?

WITNESS I: Commissioner, I never criticised DPCI. I was discussing with General Khan. It was not criticism. I was
20 discussing with him.

ADV KHUMALO SC: All right.

CHAIRPERSON: You do when you say that without an inquiry number, that is what Commissioner Khumalo has just referred to and I will add, and without a CAS number, you just did not understand why they would be doing all the

things that they did. So according to you, they either should have had an inquiry number or a CAS number. And because they did not have any of those, then there was everything wrong with what they were doing.

WITNESS I: Not entirely, Commissioner. My ...[intervenes].

CHAIRPERSON: I actually have it. I will show you in your statement. I have underlined it and I have a question against it. It is just that your statement is not open, but I
10 know when I open it, I will find what I am talking about. You do say that.

WITNESS I: I know, Commissioner. I am aware ...[intervenes].

CHAIRPERSON: You know that? Sorry. You know that you do say that, do you not?

WITNESS I: Yes, I know.

CHAIRPERSON: Yes.

ADV KHUMALO SC: Let me read it to you. It is in paragraph 19, the fourth line:

20 “Major General Kadwa told me that
Germiston DPCI will deal with the scene
and I asked on what case number or
inquiry number since there was none
except the one from the Pretoria office.
When I attempted to talk to Major

General Kadwa about the inquiry file from my office, he essentially avoided talking to me by evoking...”

It should be invoking:

“...the SAPS chain of command and thus instructed me to rather address Brigadier Sekgobela instead of him directly.”

WITNESS I: Yes, Commissioner.

CHAIRPERSON: Now, what we wanted to demonstrate is
10 that you do say this, that they should either have an inquiry number or a CAS number. You have already agreed that you do say that.

WITNESS I: Yes. My discussion or my explanation to General Kadwa in respect of that, I was bringing to his attention that Pretoria office already have an existing inquiry on same thing relating to this, as there was also information which related to quantity which was suspected to come and the one which was arrested by the members.

ADV POOE: Thank you, Witness I. Now, I want us to deal
20 with this inquiry because it seems to be the core basis upon which you say you asserted authority and it is the basis upon which you then criticise other members that were there. You provided us with the cover page of the inquiry and what we then did was to obtain the inquiry file itself. So if we can then go to page 276 of File 2, that Steyn

Exhibit File, File 2, 276. Now, in your explanation yesterday about what an inquiry is, you indicated that usually it is accompanied by a statement or a note of sorts that sets out the parameters of the inquiry. Is that correct?

WITNESS I: Yes, Commissioner.

ADV POOE: And so there is a statement and that is at page 277.

WITNESS I: Yes.

ADV POOE: Now, if you have regard to that statement, the
10 first thing to note is that in your statement, you say it was around August 2020 when Sergeant Masoma opened an inquiry. Now, if you go to that statement and you will see there it is a request to open an inquiry, you will see it is not done by Sergeant Masoma. It is from a Sergeant Mukwevho.

WITNESS I: Yes.

ADV POOE: You see that?

WITNESS I: Yes, I see.

ADV POOE: So that is paragraph 1 and even at the end.
20 The second thing that you will see in that explanation is that it first sets out the nature of this investigation, and it says there that this is a request, sorry this is paragraph 5:

“This is a request to open an inquiry for further investigations. Here it is alleged that persons as mentioned in Annexure A

committed the offence of dealing drugs,
Heroin, also known as Nyaope.”

It goes on at paragraph 6 to say that:

“There is a group of Tanzanian nationals
who are currently residing in South
Africa. They sell drugs, Nyaope, for
personal gain and also own businesses
around Gauteng, Free State, KwaZulu-
Natal as a cover-up for their illegal
10 dealings.”

I do not want to read the whole thing, but it also includes
the people that they work with, including the fact that they
rely on Uber drivers for transporting drugs. It also deals
with how these drugs are brought into the country and you
will note that they come in, or the allegation was that they
come in from Pakistan via Mozambique. They are
transported into the country through different African, South
African, Southern African borders. In particular, mostly
Manguzi KZN, Komatipoort, Mpumalanga and Beitbridge in
20 Limpopo. And then on the next page it lists the targets.

What you will note about this is, one, apart from the
fact that the Aeroton drugs were, and what is described in
this inquiry is an investigation into drugs, the type of drugs
are very different. Secondly, the modus operandi is very
different. This is transported through the borders of other

countries.

The targets are also very different. And on my reading of at least this note that summarises what was to be investigated, it does not seem similar to the case or inquiry that you are talking about. Do you have a comment on that?

WITNESS I: The only comment I would make, Commissioner, is that information was received from a source who confirmed the package to be related to what
10 was investigated by our office. And they say by Mukwevho. It was made by Mukwevho, but the inquiry was opened to be investigated and assigned to Masoma.

CHAIRPERSON: Related how? Related how? This is about Pakistan, this is about different drugs and so on. The source, Pakistan, and through Mozambique and other places on the East Coast of our country. We are talking about something that is alleged to have come from Brazil here, and totally different drugs. So just how do you say this was related to what you had been investigating
20 already? Can you explain that?

WITNESS I: Commissioner, the fact that the information what is alleged happened to be similar to what was happening ...[intervenes].

CHAIRPERSON: You said related, do not keep changing, you said related. And I understood related to mean

connected. Now you are shifting and saying similar. Please explain yourself.

WITNESS I: So I would say it is related by the fact that information received is similar to that one of Aeroton, of the ...[indistinct], Commissioner.

CHAIRPERSON: I do not want to be rude, I almost said so what, I will not say it. You see, the distinct impression that I get is that you wanted to use the inquiry you were already involved in as a foothold for you to go to Aeroton. And
10 getting to Aeroton, then leapfrogging everyone else who was there to then say, because I already have an inquiry, I am not even suggesting that would have entitled you to take charge of the crime scene.

But for you to then say, because I already have an inquiry that is related to what is happening here, I should take charge of the crime scene. That is what you wanted to do, that is the distinct impression I have. And yet it is clear from the facts that what you were investigating already had nothing to do whatsoever with the drug bust at Aeroton. It
20 had nothing to do whatsoever. You may have gotten information from the same source, but that does not make the two the same. Your comment?

WITNESS I: No comment, Commissioner.

CHAIRPERSON: Do you accept what I say? Do you accept what I am suggesting to you?

WITNESS I: Pardon, Commissioner?

CHAIRPERSON: Do you accept what I am suggesting to you?

WITNESS I: I hear that, Commissioner.

CHAIRPERSON: Do you accept it?

WITNESS I: Yes, Commissioner.

CHAIRPERSON: Thank you.

ADV BALOYI SC: Can I just raise another issue about this? You say to us in your statement that you left your
10 office thinking, relying on Masoma, that this was part, the tip-off related to an open inquiry. But when you arrive at the scene, so you know what the inquiry is about, that Masoma falls under that inquiry number, different drugs, as has been pointed out to you now.

When you arrive at the scene and you find that it is in fact Cocaine, surely you know it has nothing to do with this inquiry number, different drug altogether. You get information, it came off a ship in a container. You get all of those details. You cannot reasonably at that point still have
20 thought this has anything to do with the Masoma tip-off or more directly has anything to do with the inquiry number.

You now know it is a completely different drug than the one that is covered by that inquiry. Why do you at that point still take the posture that this is your inquiry, this is your scene? Because now you know it is a completely

different drug, completely different mode of getting it into this country. It came from Brazil in a ship, it does not come from Mozambique and Pakistan. Why do you insist it is still yours at that point?

WITNESS I: Commissioner, by then I did not know how it came. That came about later on.

ADV BALOYI SC: You tell us in your statement that you went, you were taken to Warrant Officer Phakula, so you arrive with Sergeant Phakula. You know there is DPCI
10 Germiston and Johannesburg who got there before you. You do not speak to them. You go to Phakula of the National Intervention Investigation Unit in fact.

WITNESS I: Yes.

ADV BALOYI SC: You go to him, he briefs you about the scene. So at that point, unless you tell us that you did not ask for details, then you must explain what the briefing was about with Phakula, on the assumption that Phakula told you in that short briefing this is what we are dealing with. We found, in fact you do describe, you said bags fell off,
20 bags of Cocaine fell off and they put them in the van. So Phakula does tell you what they have happened upon.

At that point surely you know different drug completely and therefore has nothing to do with your inquiry number. And the question is, with that kind of briefing, which has to be what he told you, we got a tip-off that there

are drugs of Cocaine coming up here, this is what we found. Phakula must have told you that when he gave you the first briefing. At that point, why do you still insist this is your scene? And this is the same inquiry number.

WITNESS I: Commissioner, Phakula on the briefing, he briefed me about the driver and the fact that he is waiting for photographer. And I also questioned why the bags were out of the truck. I would say that was the beginning of the briefing. It is when it was interjected by seeing the General
10 from CI coming.

ADV BALOYI SC: Well, you also do say that you spoke to Mashaba. So I am struggling to understand then what briefing did you get about these drugs? If you are speaking to Sergeant Phakula, you are speaking to Warrant Officer Phakula, you are speaking to Warrant Officer Magane, you are speaking to Chief Mashaba, you are on the scene, you speak to all four of them.

How in that, in discussing with all of those four people, would you still suspect that this has anything to do
20 with your inquiry? Then what exactly were you discussing with them? Must be the question then.

WITNESS I: No, I was not, Commissioner, maybe I do not know the understanding. I did not discuss with all four of them. As I arrived, I only spoke with Phakula, the Warrant, and it is when the scene I withdrew after the General came

in from Intelligence. Speaking with Mashaba, it was after, when the intention to arrest them was brought. I only spoke with him then, not when I arrived, Commissioner.

ADV BALOYI SC: Well, you spoke to the driver and he told you that this come from Port. The driver would have told you that because you tell us in 1331, I was briefed as follows, the driver was transporting the drugs. So at that point, you would have been informed that they were being transported from where.

10 And the point, even on this limited issue, the point I am raising with you is that but at this point where you are told about the driver having driven to Aeroton, you are being, you are given the story. He collected, he drove, he stopped at Yellow Jersey, and then he is here now. With all of that information, my question is how do you still insist that this has anything to do with your inquiry number without even asking what is in there?

 If you did not ask that question, then you would have been the most irrational police officer on the scene to
20 say these are my drugs or they relate to my inquiry when you have not asked what is there or where does this come from, those kind of basic questions. And I, at this stage at least, I am not accepting that you did not ask those questions that would have informed you that maybe this is not in fact my inquiry number and I should stay out of it. Do

you want to comment?

WITNESS I: No, Commissioner, no comment.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Can I just understand this? The statement that Advocate Poee has referred you to on page 277, had you seen it before you went to Aeroton? Had you seen the statement before the day?

WITNESS I: It is a 2020 statement, Commissioner.

ADV KHUMALO SC: Yes, that is the one I am asking you
10 about. Had you seen it before you went to Aeroton in July 2021?

WITNESS I: Yes, Commissioner.

ADV KHUMALO SC: So you knew that it related to Nyaope?

WITNESS I: Yes.

ADV KHUMALO SC: Okay, thank you.

ADV BALOYI SC: One other observation, sorry, Ms Poee. One other observation, and it is a quick observation. This statement that you have been referred to, the statement
20 that you have just been referred to now, it is accompanied by the contents of an investigation diary.

And on a quick look of this, from the beginning up to July 2021, there does not seem to be any reference whatsoever to Masoma. When one looks at the signatures, they seem to be signatures of people, none of whom

appears. I am not an expert in signatures, but I see Mogotsi and all sorts of other names. None of them seems to be Masoma.

And so when you say he was investigating in this inquiry, it was allocated to him, because that is what you are saying. You say after the inquiry was opened by Mukwevho, then Masoma was appointed to conduct the investigation. Where do we see that in the investigation diary? On a quick look, I do not see him.

10 And I must confess that I have had a quick look at this, and I may have missed it, but even on that quick look, he does not seem to feature here, which would suggest he may well have – if that is so, then perhaps it is a misrepresentation to say this was allocated to him even to investigate and therefore justify his saying that the Aeroton drugs, he believed that they belonged to this file. Witness I?

WITNESS I: Yes, Commissioner?

ADV BALOYI SC: Yes, you hear what I am saying? I have
20 had a quick look at the investigation diary. Masoma's name does not seem to appear anywhere, and yet you say to us he was appointed to enquire, to investigate under this inquiry number.

Maybe let me ask you a question. Is it wrong to expect that his name would feature in the investigation

diary somewhere, that shows that he is the Investigating Officer here?

WITNESS I: No, I am saying that, Commissioner.

ADV BALOYI SC: I am saying we should be seeing it in the diary, right? I would see it in the diary that Masoma was the Investigating Officer. No? Witness I?

WITNESS I: Yes, Commissioner?

ADV BALOYI SC: Okay, let me say this to you. We have now heard evidence about the Port Shepstone drug bust.
10 We have seen the investigation diary. It contains the names of the people that were the Investigators in that diary, I mean, under that inquiry.

From the beginning, from day one, we have names of who were the Investigating Officers, even as it changed. Here, Masoma does not appear as the Investigator, and I am saying to you that then surely it cannot be that he is the Investigator and his name does not appear in the diary, which suggests he was not the Investigating Officer in this diary.

20 That is a suggestion I am making to you, that the absence of his name anywhere in the many pages of this diary suggests he was in fact not the appointed Investigator. Is that not a fair observation to make? Witness I, I am going to take it that you agree with me that it is a fair observation to make that if his name, if he were

the Investigator, his name would reflect in the diary. Instead, other people's names appear, not his. So I am putting to you that, in fact, he misled you or you are misleading us when you say he was appointed the Investigator. Otherwise, we would see it in the diary. And your inability to answer or to comment on what I am putting to you, I say to you, I am going to accept it as you agreeing with me that it is misleading by him or you that he was the appointed Investigator under this inquiry.

10 **WITNESS I:** Commissioner, I would say by inquiry register, by the office, the appointed person was him. I was looking at the signatures here of the member who was signing here, and it seems like, it looks like it is Mukwevho's signature, as it is the person who is always with him. It looks like Masoma never made any entry. So in the inquiry register by the office, he is the appointed inquiry Investigator.

ADV BALOYI SC: All right. Thank you, Witness I.

ADV POOE: Witness I, I want us to deal with sort of your reliance. I know Chair put to you that you used it to
20 leapfrog yourself so that you can take over the investigation. I am of the view that it is worse than that, that rather you conspired with the first three to legitimise the operation because you knew that they had no basis to be there.

But for me to demonstrate this to you, I am going to

walk you through it. Let us start with what you say at paragraph 11 in relation to who informed you about this operation. If we go, you testified yesterday that it was Sergeant Phakula of K-9 Unit who contacted you and told you that he was called to address a scene regarding a truck suspected of transporting 23 bags of drugs in the Johannesburg area.

Now, I want us to go to Sergeant Phakula's statement. And for this, we will have to go to the Exhibit
10 File, the one that has a docket and Khan DC. If we can go to page 408?

CHAIRPERSON: What is written on the spine, Ms Pooe?

ADV POOE: It says Exhibit File Booysens CAS, and the case number, docket and Khan Discipline. Should be the heaviest one. All right. Witness I, I can just confirm you found it.

WITNESS I: Yes, I found it.

ADV POOE: Page 408. You will see there it is a statement that was taken by IPID, and you will see there that that is
20 the statement of Andrew Phakula. In particular, I want us to go to paragraph 3. My apologies. Let us just start at paragraph 2. I am just going to read through it quite quickly. At paragraph 2, he says:

“On the same day I telephonically
received information from Warrant Officer

Phakula from National Investigative Unit
National Office, requesting our
assistance with narcotic dog concerning
a container transporting narcotics from
Durban Harbour. Sergeant Sape
immediately contacted our Unit
Commander, Lieutenant Colonel Du
Plessis, and asked for permission to
assist Warrant Officer Phakula, and
10 permission was granted. We then
departed to said address. On our way,
we requested Warrant Officer Phakula to
send location, which he informed us he
will send location when he arrives at the
scene. After some few minutes, Warrant
Officer Phakula sent location on my
WhatsApp. He further asked if I still
have Lieutenant Colonel...”

Witness I's:

20 ...numbers from DPCI in Pretoria, and
asked me to also supping [sic] Witness
I...” ...[intervenes].

CHAIRPERSON: You should just auto-correct things like
this supping there.

ADV POOE: Yes, I am going to go with summon or tell:

“...Witness I as the container is a duplicate of his inquiry file, of which I did inform Witness I and promised to attend.”

Did you follow those two paragraphs, Witness I?

WITNESS I: Yes. So, on his version, he does not say anything about having told you about the scene and the 23 bags. In fact, what he says, rather, is that his brother, Warrant Officer Phakula, called him and told him to bring the narcotic dogs to the scene and he himself was not at
10 the scene because he then says that he shared the location after he arrived.

And it is Warrant Officer Phakula who asks him to share the location with you. And, interestingly, he notes that he was informed by Warrant Officer Phakula that the container is a duplicate of the inquiry you are investigating. This to me suggests that, rather, there was a call between you and Warrant Officer Phakula. And whether it was you who made the suggestion to use the inquiry or him, you then decided that you will use this inquiry to legitimise their
20 presence at that scene. Do you have any comment to that?

WITNESS I: No. Commissioner, the comment I will make is that I never knew Warrant Officer Phakula up until that day. The only person I knew was Sergeant Phakula and Sape.

ADV POOE: And so, are you suggesting there that

Sergeant Phakula is lying in his recollection of the events?

WITNESS I: Maybe the facts he present are not detailed as they should be because I did not know any – I did not know Warrant Officer Phakula. And if Warrant Officer Phakula knew me, I do not know on which basis because I only knew Sergeant Phakula.

ADV POOE: Witness I, maybe then let me tell you what you have said about this situation. For this, I need us to go to the Steyn File 2. If we can just go to page 203? Yes,
10 yes, 203. Okay. Maybe just to note, this is a recording of the meeting that took place between yourself, a Colonel from Crime Intelligence, and Mr Mogotsi, the Houghton meeting.

Now, we will deal with the meeting in detail and go through what transpired there. But for purposes of the point we are dealing with, if we go to page 203. Are you there, Witness I?

WITNESS I: Yes.

ADV POOE: This is a transcript of the recording that was
20 taken by one of the participants of this meeting. You will recall even in your statement you noted that you learned later that the meeting was recorded. Is that correct?

WITNESS I: Yes.

ADV POOE: So, this is a transcript that was produced by DPCI. Oh, goodness. If you go to just about the middle of

the page where it says:

“MAN 2: All right, talk with me then.”

Maybe we start at Man 1, right in the middle of the page. It says:

“MAN 1: It is the true reflection of what transpired, but let me give you a glimpse into what I penned.”

Can you see that?

WITNESS I: Yes.

10 **ADV POOE:** Now, I am just going to go through it quickly. Now, you see, from my reading of this, Man 1 was you ...[INTERVENES].

CHAIRPERSON: Oh, yes, yes. Continue, continue. Maybe you are about to deal with what I wanted to raise.

ADV POOE: All right. Man 1 appears to have been you.

CHAIRPERSON: Do you confirm that, Witness I, are you Man 1 there when you read this and in accordance with your own recollection? Are you Man 1?

WITNESS I: Yes, Commissioner.

20 **ADV POOE:** And on my reading, Man 2 appears to have been the Crime Intelligence officer. From your reading, can you confirm that?

WITNESS I: Yes.

ADV POOE: And Man 3 appears to be Mr Mogotsi.

WITNESS I: Yes.

ADV POOE: Now, when you go from that middle of the page, right, you will see there, you say:

“It is the true reflection of what transpired, but let me give you a glimpse into what I penned.”

Man 2 says:

“All right, talk with me then.”

Man 1, which is you, says:

10 “It is the truth, neh. It is not mentioned in my statement. Even the witnesses, they are not going to mention it. It is the truth, the real truth. But the real truth, I got it after the incident, after all these things.”

Man 2 says:

“Ja, ja.”

You then say:

20 “What was happening with those guys, they wanted to ...[inaudible] while they wanted to do that, when things now come to the open, they...”

And it says inaudible speaking in Sotho. Man 3 then says:

“But for you to be hijacked, where was it coming from?”

Man 1, you say:

“Durban.”

Man 3 says:

“From Durban until the ...[inaudible].”

Man 1 says:

“All of us were involved.”

Man 3 is inaudible.

Man 1, you say:

“I arrived. Okay, you know what happened. I arrived, neh.”

10 Man 2 says, when I arrived, this is you now:

“He said I needed to be briefed. While I was still being briefed ...[inaudible] arrived. I immediately got there ...[inaudible] arrived. When I got there, within three minutes ...[inaudible] arrived.”

From the context, it appears to have been General Khan.

Then Man 3 says:

20 “That is when they legitimised the operation.”

You say:

“Hmm.”

Man 3 says:

“When was the operation legitimised after?”

And then it says:

“[Inaudible... oh, they found them.]”

And then it says Man 1 here, Man 3, all right. You go to the next page, Man 1:

10 “After a couple of months after, I
remember the guys, they were hitting
...[inaudible]. They now came to open,
and when it came to open, they were fast
in thinking. They legitimised things as if
they were ...[inaudible]. They made calls
and all that. They always called me, me
being called. I legitimised the operation
in a sense. At Organised Crime, I was
heading somewhere ...[inaudible], so they
contacted me. Hey, man, your things are
here.”

Now, after that, it starts talking about where was Caddo,
which I suspect is where was Kadwa. But what it appears
to me is that you were explaining to the two gentlemen that
20 you are called to legitimise these operations. And then one
more reference in this is at page 205.

Now, this is when you are discussing what to do to
stop General Khan's hearing. And there was a suggestion
that a letter be written to the Minister. And again, in the
middle of the page, you will see where Man 3 says –

actually, let us start earlier, where you say, hmm, it is just the second entry. Man 3 says:

“Now I am saying the promotion you are talking about, it does not need for us to get Lebeya to do it. I think we need to pull proper strings.”

You say:

“Hmm.”

Man 3 says:

10 “To pull proper strings, you can take these men down, these people. You can take them down alone.”

Man 1:

“You say I can.”

Man 3 says:

“You.”

Man 1 says:

“Me.”

Man 3 says:

20 “Ja, you have taken them down. We can get the Minister ...[inaudible] tonight or tomorrow. And this, what we have just alluded we will make it official, then there is no hearing.”

You then say:

“The story of the?”

And then Man 3 says:

“Then there is no hearing because we know the only thing you cannot mention is that they asked you to come. They did not say you would come, but they say you were misled to say this inquiry is for this, whereas it is not. It was used to legitimise.”

10 And you then respond and say:

“Legitimise.”

And so from this discussion, to my mind, it appears that what you were saying to them is that you used this inquiry to legitimise the operation. And when a scheme was being concocted to approach the Minister, the only thing you were to exclude was the fact that you participated or used this inquiry to legitimise the three officers' presence. I know that was very long, but do you follow what I am saying?

WITNESS I: Yes, and can I give an explanation to the
20 Commissioner?

ADV POOE: Yes, you can give an explanation.

WITNESS I: As I stated in my statement that the meeting I had with the CI guy and Brown, I did suspect that I am being recorded and that I will play along with whatever they are doing. And the comments I made or the explanation I

made of legitimising is what I was informed by General Gerber when he consulted with me. I remember General Gerber did an investigation of General Kadwa and the DPCI members.

When I consulted with him, the explanation, what I am speaking of here is the explanation he gave me that from his investigation, he suspects that I was being misled in using the inquiry by these members.

ADV POOE: Witness I, I am not sure I follow your
10 explanation. So are you saying that when you met with General Gerber and he told you his suspicions regarding that you were perhaps being used.

WITNESS I: Yes.

ADV POOE: You then took that story and recounted it at the meeting?

WITNESS I: Yes.

ADV POOE: To what end? For what purpose?

WITNESS I: No, as I suspected that, remember when I got to the scene, immediately when I found out that this is the
20 CI guy, I knew the CI guy reports to General Khan. So I needed to give them what will please them. Because I knew immediately when I saw him that I knew that he is reporting to General Khan. And as I said that I needed to play along. I needed to give them what it will please them. That is why when the response I was giving, I was narrating. I did not

tell him that that is what General Gerber was suspecting. I just showed him as if it is my recollection.

ADV POOE: We will deal with this recording in detail, but you will note that in this recording or your conversations with the two gentlemen, it is actually you who starts speaking about the story and you offer it to them. It is not you being asked.

WITNESS I: Commissioner ...[intervenes].

ADV POOE: And you then portray that as the true account.

10 Now, if you consider that ...[intervenes].

WITNESS I: Commissioner.

ADV POOE: Oh, my apologies, yes?

WITNESS I: Commissioner, before we go further, the recording, this transcript, as I just needed before we continue with it, I just needed to clarify that I doubt it is the full disclosure of what was recorded. I suspect some of the things has been erased or not been put in. As some of the things indicated, it does not involve full disclosure of the meeting we had. I would say the recording or when it was
20 sent to be transcribed, what was sent was already contaminated.

ADV POOE: But you do not deny telling them this and representing it as the truth?

WITNESS I: Yes.

ADV POOE: And when you consider this representation or

this version alongside what Sergeant Phakula says, is it not reasonable for me to deduce that that was actually the real plan, is that you had a conversation with Warrant Officer Phakula, you needed to legitimise the three's presence, and this is the document that you used?

WITNESS I: No, no, Commissioner. That can be proved with my call records. I did not know him and I never communicated with him, even on the same day or before. I only knew him on the same day.

10 **ADV POOE:** And thereafter you proceeded to talk to him?

WITNESS I: Yes, I communicated with him. I think it was when they were released from prison.

ADV POOE: All right. Thank you, Witness. Now let us continue with your statement. Yesterday, I think it was Commissioner Baloyi who asked you why you needed to tell Sergeant Phakula to bring a narcotic dog. You said you were informing him because he needed to know that he must bring a narcotic dog. Just to note that even in ...[intervenes].

20 **WITNESS I:** That helps.

ADV POOE: My apologies.

WITNESS I: The reason I asked him to bring a narcotic dog, sometimes I meet him, you find that he does not have a dog with him. So I needed to confirm that the dog is there. Because I met him, I think, twice or three times

during the course of the days and I found him, he did not have a dog with him.

ADV BALOYI SC: Are you saying you had met Sergeant Phakula in a narcotics operation and he did not have a dog with him during an operation of narcotics?

WITNESS I: Yes, some time back, yes.

ADV BALOYI SC: So what would he be doing there if he is K-9 and he does not – he is at an operation that involves narcotics and he does not have a dog. What then is his role
10 there? Would have been his role?

WITNESS I: I did not – when I met him without the dog, he was not on an operation.

ADV BALOYI SC: Yes.

WITNESS I: He was around.

ADV BALOYI SC: Yes. Yes, that is the clarification I wanted you to make, that wherever you had met him before, it had nothing to do with a narcotics operation. He did not have ...[intervenes].

WITNESS I: Oh, ja.

20 **ADV BALOYI SC:** And he did not have his dog because it had nothing to do with a narcotics operation.

WITNESS I: Yes, Commissioner.

ADV BALOYI SC: And so the question is still relevant then that I asked yesterday, that he tells you he has been called to a narcotics scene or operation and he is going there.

That is how he calls you. He is going there to an operation. Why would it be necessary, or would you consider it necessary, to tell a member of K-9 who says I have been called to a narcotics operation, that he should bring a dog with him?

WITNESS I: I was confirming that, Commissioner.

ADV BALOYI SC: You were just confirming. You did not think he knows that already. By the time he calls you, he knows what is happening at the scene and that, therefore,
10 he must bring the dog? You did not think of that?

WITNESS I: No, that is why I was confirming with him, Commissioner.

ADV BALOYI SC: Okay, thank you.

ADV POOE: Witness I, I just want to place it on record that if you have regard to Sergeant Phakula's statement, he does state clearly that on the day in question they were in possession of a narcotic dog and when Warrant Officer Phakula called, he requested their assistance using the narcotic dog and to bring the dog. That is at paragraph 1
20 and 2 of that statement at page 408. So ...[intervenes].

WITNESS I: Yes.

ADV POOE: I do not see how you needed to tell him that.

WITNESS I: Okay.

ADV POOE: Then let us continue with your ...[intervenes].

WITNESS I: I hear you, Commissioner.

ADV POOE: You hear me?

WITNESS I: Yes.

ADV POOE: Okay, thank you. Now, if we continue with your statement, you then say – let us go to paragraph 12. Actually, we have dealt with the inquiry. The only thing I would want to know there is who was the source that was talking to Sergeant Masoma?

WITNESS I: I did not ask him his source. I did not ask him the name of the source.

10 **ADV POOE:** Did you ask him anything about the source, really?

WITNESS I: No. When he showed me the message, I asked where does the message come from. He did not tell me by mouth that there is this information. He showed me a WhatsApp message, and I read through the message, and I asked the message comes from whom. He said my source in Durban.

ADV POOE: Okay. So you do not know who that source is. Then at paragraph 13, you say that before leaving to the
20 scene, you never reported to anyone as a senior officer. You were scared or had a fear of information being compromised at a higher level. It is if the information was positive and related to our inquiry, the plan was to report after the arrest.

Now, I want to put it to you that it is not true that

you did not report, rather that you did report, but what you reported was incorrect or you misrepresented what you were going to do.

WITNESS I: No, Commissioner. It is beforehand. Can I explain?

ADV POOE: All right. You can explain.

WITNESS I: Before Phakula phoned me, Sergeant Phakula phone me, I was with Colonel Seobe. I told her I got a family thing. I needed to go to High Court on some
10 personal issues of my son for custody things. And then she said, okay, no, it is fine. But before I could leave is when I received this call from Sergeant Phakula. It is not after then.

ADV POOE: So your version is that it is not you told Colonel Seobe that you were going to the High Court?

WITNESS I: Yes.

ADV POOE: And what time was that?

WITNESS I: It should really have been 8, past 8 to 9.

ADV BALOYI SC: And when you told her that you were
20 going to the High Court, was that true? You had a High Court family thing that morning?

WITNESS I: Ja, I had some custody issue I needed to attend to. Not at the court. I was supposed to go meet someone who will represent me on the custody issue.

ADV BALOYI SC: So you were not going to court. You

were going to meet a representative.

WITNESS I: Yes, yes.

ADV BALOYI SC: And that is what you told us ...[intervenes].

WITNESS I: And then after, it is when I received a call from Sergeant Phakula.

ADV BALOYI SC: Okay.

WITNESS I: Witness I, I just want to take you to what your Commanding Officer said in this regard. If we can go to the
10 exhibit file, Booysens CAS, the one that has a docket and Khan disciplinary at page 173? Are you there?

WITNESS I: Yes.

ADV POOE: You see that she speaks about what you said at paragraph 3 of her statement. In particular, she says, I further – my apologies, just for context. She received a call from Colonel Bok enquiring about your whereabouts. At the time, Colonel Bok, who was your Commanding Officer, was off sick and she was standing in.

WITNESS I: Yes.

20 **ADV POOE:** And now she was giving an explanation to Colonel Bok, who was asking about your whereabouts.

WITNESS I: Ja.

ADV POOE: So, in particular, she said to him:

“My response to that was that I...”

This is the end of paragraph 2:

“My response to that was that I know nothing about such that the two officers, yourself and Masoma, were busy with.”

Oh, my goodness, I read the wrong sentence:

“My response to that was that I know nothing about such operation and that both members did not inform me of any operational duties that they will be part of or information that they had been
10 working on, on the day in question.”

When it goes on to say at paragraph 3:

“I further informed that the only thing I know about you was that you told her that you were rushing to the High Court to obtain some documents.”

Can you see that?

WITNESS I: Yes.

ADV POOE: So, do you have a comment to that?

WITNESS I: Yes.

20 **ADV POOE:** Because she seems to have laboured under the impression that you went to the High Court to collect some documents.

WITNESS I: Maybe that was a misunderstanding because I told her about my custody issue that I needed to sort things out.

ADV KHUMALO SC: Did you say Johannesburg High Court to her?

WITNESS I: Yes, Commissioner.

ADV KHUMALO SC: Because, you see, it makes a difference. Going to Joburg versus going to the Pretoria High Court will account for the time when you are missing and she will labour under the belief that the reason you took so long is because you are in the Joburg High Court. Because if you are in the Pretoria High Court, it is literally
10 15 minutes from the office. Why would she think you are in the Joburg High Court if that is not what you told her?

WITNESS I: No, the person I was supposed to meet, I was supposed to meet the person in Joburg High Court.

ADV POOE: All right, thank you, Witness I. Now, just so that we also understand your reluctance to tell your Commanding Officer, yesterday you testified in broad terms that you had a fear or you were scared of the information being compromised at a high level. When we asked for clarity, you indicated that, initially you said conflict of
20 interest or that if info gets out, people may be tipped off. Just to understand.

WITNESS I: Yes.

ADV POOE: And then Commissioner Baloyi asked you who your Commanding Officers were and you indicated it was Unit Commander Colonel Bok. Now, do you have any

experience of your Commanding Officers compromising investigations?

WITNESS I: No, not my Commanding Officer. When I go to my Commanding Officer, he needs to report to Provincial higher up. And where he is reporting higher up, it is where it is being compromised.

ADV POOE: Now, do you have experience of an incident where you reported to your Commanding Officer who then reported to a Provincial Office and the investigation was
10 then compromised?

WITNESS I: I cannot recall exact case numbers, but planned operations to be done, you find that when you are planning doing something and then ultimately it fails because it has been reported beforehand, or it does not materialise because it is reported beforehand ...[intervenes].

ADV POOE: I mean, the first distinction ...[intervenes].

WITNESS I: That is why my stance mostly is that we execute the operation. Once arrest has been made, it is
20 report then when we may have been successful.

ADV BALOYI SC: In this case, who is we? Because you leave Pretoria, it is just you and Masoma, and you have had a call from Sergeant Phakula of K-9. You are going to a scene. You have been given a scene, so we know that the truck has stopped by the time you leave Pretoria. The truck

has been stopped. It is in Aeroton at a specific location. That is where you are headed to. You do not summon anyone to come and assist you with the operation. Who is we who are going to execute and then report afterwards? Who are you going to execute this with?

WITNESS I: No. Commissioner, when we left, it was not for execution. It was to check and verify. It was like it was information-checking, but when we got there, it was explained that it is the same quantity as Masoma received
10 the message. And while Warrant Officer Phakula was briefing me, what normally happens after he has briefed me, it is when everything will be dealt with, asking, who have you called, who is outstanding that could be called, the role players needed, necessary.

ADV BALOYI SC: So if it is to go and verify, and you arrive at the scene, what makes you say this is your drugs under your inquiry number 2020 if you are still going to be verifying? Because at that point ...[intervenes].

WITNESS I: I need to ...[intervenes].

20 **ADV BALOYI SC:** Let me explain.

WITNESS I: Ja.

ADV BALOYI SC: You leave Pretoria. You now say you did not know that this is your inquiry number case. You are going to verify. That is why you are without people. You have not summoned anyone to go and do an operation with

you. You get there.

WITNESS I: Yes.

ADV BALOYI SC: You get there. You speak only to Phakula. And the next thing you say is, this is my scene. When Khan arrives, you have decided this is my scene, when in fact you have not verified that there is drugs, that – or these black bags, at that point it is just black bags on the back of a van that are there, and you have been told they come from Durban. You have not verified anything.

10 So we are back at, at which point are you in a position to assert that this is your scene? If you are still going to be – you go there and arrive to verify. And I want to suggest to you that you knew. You knew exactly what it was. That is why you were able to assert yourself and say this is my scene. It is because you have been told what is in there. Do you want to comment? Do you have any comment if ...[intervenes].

WITNESS I: No, Commissioner.

ADV BALOYI SC: Okay, thank you.

20 **ADV POOE:** Witness I, before we step off this issue, I just want to understand, what do you understand to be the utility of reporting to your Commanding Officer when you go out for an operation or, as you say, a verification exercise?

WITNESS I: Pardon? The question is?

ADV POOE: What do you understand to be the reason why

an officer must report to a Commanding Officer before they undertake an operation or go anywhere?

WITNESS I: So they could know whereabouts of the member.

ADV POOE: Why do you think it is important for them to know the whereabouts of a member?

WITNESS I: No, so they could account where the member is.

ADV POOE: Yes. And now do you see the difficulties
10 when officers go to do operations or verification exercises without telling their Commanding Officers?

WITNESS I: Yes.

ADV BALOYI SC: And is there anything that prevented you from telling, I think it is Brigadier Seobe, Colonel Seobe, or whoever was your immediate superior at the time that you reported to, to say to them I am out of the office, I am following a lead without disclosing what it is. Why could you not do that? If you accept that the reason that someone else in your office and your superior should know
20 where you are is so that your movements are accounted for, why could you not and why did you not say I am following on a lead and I will report to you later?

WITNESS I: Commissioner, I believe by that status my take was that I would report once I know everything what has happened, when I get where I have been asked to

come.

ADV BALOYI SC: Ja, but you have told us that, so I am asking the question, why? Why did you not say to Colonel Seobe that you informed? She was the acting unit Commander, I think you say. You told her, I am going to Johannesburg High Court. So you know that when you have disappeared she knows you to be in the Johannesburg High Court. I am asking you, why did you not say to her I am now following on a lead and I will come back to report to
10 you once I know what is going on?

WITNESS I: I should have done that, Commissioner.

ADV BALOYI SC: Thank you.

ADV POOE: And then, Witness I, in your exchange with Commissioner Baloyi, you said that you needed to verify because you then confirmed the quantity of the drugs once you were there. But this is different from what you said in your statement. There you said that you knew the quantity before and it is this quantity that led you to believe that it is the same inquiry. So it is either you did not know and so
20 there is no reason why you would have believed that it is part of the inquiry or you did know and then you were just trying to conceal the fact that you wanted to go there and take over the investigation. It is one of the two, it cannot be both.

WITNESS I: No, I was informed of the quantity and I

needed to confirm when I get there that what I was told is right, it is as it is.

ADV POOE: Witness I, it is fine, I hear your answer. Then I want us to ...[INTERVENES].

ADV BALOYI SC: Can I just ask? You got there and you found DPCI members from Germiston and Johannesburg, why did you not talk to them? It is their jurisdiction, Johannesburg, Aeroton is in Johannesburg. Why did you not go and speak to them? You are still verifying. You
10 arrive on the scene, you do not know yet that these are your drugs that belong to your inquiry number. Why do you not speak to members of the DPCI?

WITNESS I: Commissioner, the people who called me to the scene, I had to get a briefing first and after then I will relate with my other colleagues of Johannesburg and Germiston. I needed to get a briefing first of what is really happening. After then I relate or communicate with my fellow colleagues of Germiston and Johannesburg.

ADV BALOYI SC: But you were not called by Phakula, by
20 Warrant Officer Phakula, and that is who you go and speak to. You do say in your statement that when you arrived, you found DPCI Johannesburg and Germiston.

WITNESS I: Yes.

ADV BALOYI SC: So you knew, you saw them when you arrived that your colleagues are there.

WITNESS I: Yes.

ADV BALOYI SC: You then go to Phakula, who is now the person that called you to the scene, Warrant Officer Phakula. I am sorry, it does not make sense that you would do that unless you were quite deliberate and calculated in your decision of who to speak to.

You left Pretoria, and I want to suggest this to you for comment. You left Pretoria knowing with information of what the bust is about, you made a decision not to inform
10 the Acting Unit Commander that you are going to Aeroton because at that time you do have the specifics of where this operation is unfolding. You know that they are at a particular location.

And so even your concern about where it will go out to others and there will be problems does not quite hold because at this point you have been told that the truck is parked at this particular location. You do not tell your superior who is in the office because you actually are hiding from her for wrong reasons, not for the reasons you give us.
20 For the wrong reasons you are hiding from her where in fact you are going, and you do so knowing that she is under the impression that you have gone somewhere else, to the High Court, because that is what you told her.

You arrive at the scene, you find the DPCI who have control, jurisdictional control over the scene. You do

not speak to them. You instead go to speak to someone who is not anywhere close to why you are here, Phakula. You allow a K-9 member to take you to Phakula and then you get, immediately after you are talking to Phakula, you have not verified anything. You say, this is my scene. You are taking charge.

I want to suggest to you that all of that, that conduct up to this point is calculated conduct because you came knowing that you are coming here to an operation that
10 you are coming to legitimise, as Ms Pooe says, to legitimise an operation that is unaccounted for on the books. It is nowhere on the books, this operation, at that point when you arrive. Do you want to comment?

WITNESS I: I will not comment, Commissioner.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: I want to suggest to you, Witness I, that the reason for you going to the Aeroton scene, precisely what Commissioner Baloyi says, there was an unlawful operation by Magane and Phakula and Mashaba
20 and they were interrupted by SAPS, who were dispatched there by 10111. And your presence there and your use of this 2020 inquiry number was to legitimise what was otherwise an unlawful operation to steal the drugs.

You going there and presenting this number and saying you were called was a cover so that they can say no,

this is a lawful police operation, even SANEB is here, it has been called. But you were called after the Booysens SAPS or the SAPS who were dispatched by 10111 had interrupted what Magane and Mashaba were doing. And you knew going there that the purpose of you going there was to go legitimise an unlawful operation, and that is why you did not tell your superiors. I know I said a mouthful, but do you understand what I said?

WITNESS I: Ja, I hear you, Commissioner, because that
10 what was also explained to me by General Gerber, which I was not aware of.

ADV KHUMALO SC: Because it does not explain your conduct. Even if you were aware, it does not explain why you would mislead your superiors. As Commissioner Baloyi said, you could have said to them I am following up on an inquiry that we have already opened. I cannot give you the details yet. I will give you the details when I come back. They would not have leaked that information because it is meaningless, but at least they know what you are doing and
20 what you are attending to.

But saying to them that you are going to the High Court on a personal matter when you knew that that was not true. Even if the call came after you had told your superior, nothing stopped you before leaving to say to them I am no longer going to the High Court. I am now following up on

something we are busy with that is related to our enquiries.

Do you follow that?

WITNESS I: I follow, Commissioner.

ADV KHUMALO SC: Thank you. And you can comment if you want. If it is clear to you, I am going to leave it at that.

ADV POOE: Witness I, on this topic of who you decided to talk to, I just want us to dig a little deeper. Now, Commissioner Baloyi asked you about DPCI. Now we know from testimony that there were multiple other units at the
10 scene. This included Booyens police. It included members of the Flying Squad and various others, including, I think there was an Officer Rikhotso. I am not even sure where that officer is from. Why did you not speak to all the other officers?

WITNESS I: No, I spoke with Colonel JC afterwards.

ADV POOE: Yes, that was after when you were trying to justify your presence. I am saying because all of these units were there before you and some of them had been at the scene for a considerable amount of time, why did you
20 not talk to them? Witness I?

WITNESS I: Yes, Commissioner.

ADV POOE: Do you need me to repeat the question or you just do not have an answer?

WITNESS I: Yes. Yes, repeat the question.

ADV POOE: The question is these officers, at least

Booyens and Flying Squad, were at the scene for a considerable amount of time and yet then you did not speak to as well. Why is that?

WITNESS I: Remember when I got to the scene, Sergeant Phakula took me. As I arrived, Sergeant Phakula came and took me to Warrant Officer Phakula. And then the others whom I did see, I spoke with them afterwards, like Colonel JC.

ADV POOE: Yes, but those you were talking to because
10 you were trying to justify your presence at the scene, not to understand the scene. But it is okay, let us deal with who you did talk to. Now, if you look at that composition of the team, surely it should have aroused some suspicion. The first person you speak to is the K-9 Unit who takes you to Sergeant Phakula, who is a member of ...[indistinct] based in Pretoria. He is there accompanied by Sergeant Magane. He is a desk policeman from Zonkizizwe. And the third person there is Chief Mashaba, who is a traffic officer. And those were the three people you got the briefing from, who
20 by all accounts ...[intervenes].

WITNESS I: No, I ...[intervenes].

ADV POOE: Should not have been there. You were saying no?

WITNESS I: I got a briefing from Phakula only. He is the one who was briefing me, Warrant Officer Phakula.

ADV POOE: The point still stands. He is equally and unlikely suspected to be there.

WITNESS I: Yes, Commissioner.

ADV POOE: All right. And then let us then deal with the other things that would have been immediately apparent to you. The first is the scene was not cordoned off. At least that is the evidence that has been led. So you arrive, there are policemen at the scene and I guess Warrant Officer Phakula is in charge of the scene, but you see that the
10 scene is not cordoned off. Does that not raise alarm bells when you arrive?

WITNESS I: Yes.

ADV POOE: And what do you do about that?

WITNESS I: That was going to be addressed once I have been briefed in full that the place needs to be cordoned off. Even with the bags in a police bakkie, as I ask, why are they inside the bag, not on the truck? And the response I got, once briefing has been done, I was going to request whoever moved them to make a statement to that effect on
20 why was it moved from the truck to the bakkie. But all those things were going to be done after full briefing has been done.

ADV POOE: And you did not think it important that the first thing you do is to secure the scene, so that while you are being briefed, you at least know that the scene is secure?

WITNESS I: No, I needed to get full briefing before I could act on anything.

ADV POOE: You needed a full briefing even for things you could see are obviously wrong?

WITNESS I: Ja, the wrong things, Commissioner, were going to be highlighted to those members once the briefing has been done in full.

ADV POOE: Then the second thing is that key role players were not there. Did that not also raise suspicion?

10 **WITNESS I:** No, the only thing I was informed was that a photographer has been phoned ...[intervenes].

ADV POOE: And you ...[intervenes].

WITNESS I: And that is why...

ADV POOE: My apologies, continue.

WITNESS I: And that is why I needed to know if other people had been called upon. That is why I was awaiting other ...[intervenes].

CHAIRPERSON: And who did you have in mind in that regard? Other people ...[intervenes].

20 **WITNESS I:** That contacting FSL.

CHAIRPERSON: And besides FSL?

WITNESS I: Because the dog was already there on the scene, getting details of who the driver who has been placed under arrest and questioning him.

CHAIRPERSON: No, no, no. Surely you cannot be

referring to the driver when you talk about other people who you expected to still come. The driver was there, so you are not talking about the driver. Tell us about the other people.

WITNESS I: As I mentioned, FSL and media liaison and the photographer, LCRC. They said he has already been called.

ADV BALOYI SC: Witness I, you get there and you have got drugs that are in a van which we know is unmarked.
10 You do not think anything is wrong with that when they tell you ...[intervenes].

WITNESS I: That is why I asked.

ADV POOE: Yes, and I see you asked and they told you that they opened the truck and the bags fell from the truck. That is why they were kept in the police bakkie. They fell from the truck, not into the bakkie.

WITNESS I: Yes.

ADV BALOYI SC: You did not see anything wrong with that they took those drugs that fell out of the truck, they took
20 them and they put them in a bakkie, in an unmarked bakkie that belongs to Zonkizizwe Police Station driven by Magane who is not, who is a desk-bound person. At that point, you did not see anything wrong with that?

WITNESS I: No, I knew it was wrong. That is why I mentioned earlier that statement was going to be needed on

reason why it was put in a police bakkie.

ADV BALOYI SC: When I say you did not see anything wrong with that, I am asking you did not think that conduct is suspicious?

WITNESS I: No, I took it they did not know how to handle a crime scene because you do not move things which are exhibits on the matter ...[intervenes].

ADV BALOYI SC: When you say ...[intervenes].

WITNESS I: You leave them as they are.

10 **ADV BALOYI SC:** Yes. When you say he did not know how to handle a crime scene, who? Phakula, Warrant Officer Phakula? Because you say he was in charge when you got there, so you decided that Warrant Officer Phakula does not know how to handle a crime scene, that is why these things are on the bakkie?

WITNESS I: No, when I asked why were they on a bakkie, he informed me that he was told they fell from a bakkie. Whoever told him they fell from a bakkie is the one I refer not knowing how to handle a crime scene.

20 **ADV BALOYI SC:** Thank you.

ADV KHUMALO SC: Can I ask you this? In paragraph 23 of your statement on page 8, you describe yourself as an experienced Investigator and then you say ...[intervenes].

WITNESS I: Yes.

ADV KHUMALO SC: You say what your observations at

the scene were, you set them out. Why do you not set out that your observations at the scene were that Magane, Phakula, and Mashaba did wrong things that do not comply with the prescripts? Why do you not mention that in your statement?

Forget the reason that they may have been inexperienced, but why do you not in your statement mention that these are the things that they did that were wrong? Why do you not mention them?

10 **WITNESS I:** I do not know, Commissioner, why I did not mention that? Because I believe I mentioned the actions that happens afterwards then.

ADV KHUMALO SC: No, but I am asking ...[intervenes].

WITNESS I: Not what...

ADV KHUMALO SC: I am asking you about I am asking you about your observations. You are an experienced Investigator.

WITNESS I: Yes.

ADV KHUMALO SC: You arrive at the scene and you see
20 that 27 bags are loaded onto a van and you have confirmed to Commissioner Baloyi that that is not correct.

WITNESS I: Yes.

ADV KHUMALO SC: Why do you not mention in your statement that what you observed there, which Magane, Phakula and Mashaba were doing, were incorrect and not in

accordance with the prescripts?

WITNESS I: I do not know, Commissioner, why I did not mention that.

ADV KHUMALO SC: You see, this is what leads to the suspicion that you were going there to cover up for them. Because the next thing you say is you abuse the DPCI Generals and the CI Generals of rank abuse of power. That is what you say. You say:

10 “My observations at the scene indicated
 potential abuse of power and rank, and
 the reasons remain unclear.”

You are completely silent on the improper conduct of Magane, Phakula and Mashaba. In fact, you are the one who advises them to go to IPID and open a case, and that is how they end up opening a case. But you say nothing about their conduct, and thus you create the impression that their conduct was proper. It is the people who interfered with what they were doing that were acting improperly. And the question is why? Why do you do that?

20 **WITNESS I:** Maybe I should have stipulated, Commissioner, that also their conduct was improper by removing the bags. I did not state it in my statement. I should have stated it.

CHAIRPERSON: You say in paragraph 24 that you were concerned that the actions of the Generals appeared to be

an effort to protect both the driver of the truck found with the drugs and to obscure the origin of the vehicle and its contents. Are you saying this because you were suspecting the driver to be guilty of an offence? If so, what was the basis of your suspicion?

WITNESS I: Yes. With experience, Commissioner, drivers of trucks, always they say they do not know anything of the contents of the truck they are driving, but whereas they are knowledgeable and they know what they are transporting

10 ...[intervenes].

CHAIRPERSON: This system ...[intervenes].

WITNESS I: That was...

CHAIRPERSON: This rip-on-rip-off system of consigning or sending drugs to a consignee, do you know exactly how it works or do you not?

WITNESS I: I have a slight idea, Commissioner.

CHAIRPERSON: I am sorry?

WITNESS I: I have a slight idea.

CHAIRPERSON: A slight idea. So are you saying in that
20 system drivers are always aware of what is happening? I am not saying they do not ...[intervenes].

WITNESS I: Some ...[intervenes].

CHAIRPERSON: I am not saying they do not. I just want to know from you whether you are saying they are always aware.

WITNESS I: Most of them, Commissioner, they are aware.

CHAIRPERSON: And how do you know this? Because I think one question before, you said that you know very little. I am paraphrasing, of course. So how do you know that most of them do know that they are actually delivering what the truck they are driving is transporting drugs being sent or consigned through the rip-on-rip-off system? How do you know that, that most of them, underline most, are aware?

10 **WITNESS I:** In that they give, they pretend as if they are not knowledgeable, whereas they are.

CHAIRPERSON: No, that is, that reasoning is what is secateurs because I want to know how you say that, especially that you are saying most of them know. Now you are just saying they pretend. That is not answering the question. Why and how? Why do you say that? How do you know? My sense is that you do not have much experience with the rip-on-rip-off system. So how do you say – am I wrong that you do not have much experience
20 with it?

WITNESS I: Yes, Commissioner.

CHAIRPERSON: You do not?

WITNESS I: Yes.

CHAIRPERSON: Now, how can you say that most of the drivers in this system, or manner of conveyance, do know,

that is the drivers, do know, how do you say that? You have not answered that question yet. Bear in mind that you say that you have very little experience of this.

WITNESS I: Considering previous scene where the driver, like the container which was arrested in 2020, the drivers, they did know what the contents of what they had on the ...[intervenes].

CHAIRPERSON: They did not know. They knew?

WITNESS I: Yes.

10 **CHAIRPERSON:** And this is one incident in 2020. This is one incident in 2020.

WITNESS I: Yes.

CHAIRPERSON: And you say most drivers from one incident. Is that how you draw your inference?

WITNESS I: No, maybe I should not have mentioned most. I should have said some.

CHAIRPERSON: No, no, no, not even some. All you know is this one driver. Correct? Is that correct, Witness I?

WITNESS I: Yes, Commissioner.

20 **CHAIRPERSON:** Thank you. Let us take the lunch adjournment and come back at 14:35.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Poee.

ADV POOE: Thank you, Chair. Witness I ...[intervenes].

WITNESS I: Yes.

ADV POOE: Can we quickly go to paragraph 16 of your statement.

WITNESS I: Yes.

ADV POOE: Now, you testified, and at paragraph 16 onwards, you mount quite an attack on what General Khan did when he got to the scene. But if regard is had to his complete explanation, he engaged with everyone at the scene prior to making decisions or issuing instructions, as it
10 were. And I want us to just quickly have regard to what he did once he got to the scene. If we can go to his statement, it is page 63.

CHAIRPERSON: Which one of your files, Ms Pooe?

ADV POOE: Chair, embarrassingly I wrote the page number, not the bundle, but I suspect ...[incomplete].

ADV KHUMALO SC: 190.

ADV POOE: 190.

ADV KHUMALO SC: [Indistinct]... [microphone off] by General Khan.

20 **ADV POOE:** Yes, thank you, Commissioner Khumalo. Witness I, if we can just go to the exhibit file, which has the docket and Khan disciplinary at page 190.

WITNESS I: Which page?

WITNESS I: Page 100 and, it starts at page 190, but if we can go to page 191, because that is where I think he starts

dealing with what transpired. And then just before I read ...[intervenes].

WITNESS I: Yes.

ADV POOE: What he has to say, I just want to ...[intervenes].

CHAIRPERSON: I thought you were speaking, Witness I? Have you found the page?

WITNESS I: Yes.

ADV POOE: All right. Just before dealing with what he
10 says at page 191, I just wanted to confirm a few things. You indicated that Major General Khan did not introduce himself to the members, is that correct?

WITNESS I: Yes.

ADV POOE: And did you engage with him at all?

WITNESS I: No, I never spoke with him for the day.

ADV POOE: All right.

WITNESS I: I only spoke with General Kadwa.

ADV POOE: Okay, great. Let us now go to what he has to
20 say. Let us start at paragraph 7. Just briefly, he indicates that on his arrival, he saw many police cars at the scene, including that he saw a truck and a black Nisan bakkie parked next to the truck, fully loaded with black bags. He then went to the group of police officers who were at the scene and engaged with them. He got a briefing from highway patrol. He then engaged the Risk Manager of

Scania. Then you will see at paragraph 8, he then approached the members who were standing next to the bakkie. And then he says there at paragraph 8 that he engaged with you. Can you see that?

WITNESS I: Yes.

ADV POOE: And you say that this never happened.

WITNESS I: Ja, this never happened. It is a lie, paragraph 8, by the General.

ADV POOE: All right. Let us test if that is a lie. Now, he
10 indicates there that he asked you why you were there, and you indicated to him that this was your operation and that you were from DPCI, Pretoria.

WITNESS I: Yes.

ADV POOE: He then says he asked who your commanding officer was, and you informed him that it was Colonel Bok and then you gave him Colonel Bok's number, and he called Colonel Bok. Now ...[intervenes].

WITNESS I: Ja, the whole paragraph of paragraph 8 it is a lie. People who were on the scene next to the bakkie can
20 confirm that. The whole paragraph 8 is non-existent.

ADV POOE: All right, I ...[intervenes].

ADV BALOYI SC: Can I just ask, how would he have known that your immediate superior is Colonel Bok? Remember we referred earlier, or we read earlier the statement of Colonel Seobe, who says that ...[intervenes].

WITNESS I: Yes.

ADV BALOYI SC: Who says that Colonel Bok approached her, came to her and asked about you, whether she knows about an operation.

WITNESS I: Yes.

ADV BALOYI SC: How would Major General Khan, Lieutenant Major General Khan have known about who your superior is if that did not come from you?

WITNESS I: Because General Kadwa was there, he is my
10 Provincial Head and Brigadier Sekgobela was also there, she is my Provincial Commander. He would have gotten those details from the Provincial Commander or the Provincial Head.

ADV BALOYI SC: Okay, thank you.

ADV POOE: All right. Witness I ...[intervenes].

CHAIRPERSON: But he would not have known that you would later make allegations that you and him never interacted at the scene. He would not have known that.

WITNESS I: Yes.

20 **CHAIRPERSON:** So why would this become an issue at all?

WITNESS I: I think it needs to be verified with all the people who were on the scene. It could be confirmed that he never spoke with me. It is me who asked other people who he was.

CHAIRPERSON: Maybe let me put it differently. This aspect about the two of you having interacted or not having interacted, unless you tell me otherwise, it looks fairly innocuous, so I do not understand why there should be an issue around it. Are you able why there is? Are you able to tell?

WITNESS I: I do not know. I am also surprised, Commissioner. I am wondering.

CHAIRPERSON: I guess you would say I should ask the
10 same question of him as well, if it is something innocuous, why the two of you are differing on it. Yes, Ms Pooe.

WITNESS I: Yes.

ADV POOE: Chair, perhaps if we consider the evidence of Colonel Bok as a third party.

CHAIRPERSON: Yes.

ADV POOE: I think it will show why Witness I's version is improbable. If we go to, we are in the same file luckily, page 170.

CHAIRPERSON: Yes, Ms Pooe.

20 **ADV POOE:** Witness I, can I take you to page 170, paragraph 2.

WITNESS I: Yes.

ADV POOE: You will see there, it is a statement from Colonel Bok and without reading the entire thing ...[intervenes].

WITNESS I: Yes.

ADV POOE: He indicates that at 11:55, he received a call from Major General Khan, asking if you had reported to him, and whether you had a narcotic investigation in that unit. He responded in the affirmative.

WITNESS I: Yes.

ADV POOE: And he then asked him, he then indicated to him that he was going to arrest you for defeating the course of justice. Now, this is at 11:55. And I just want to place it
10 on record that we have heard evidence that the more senior officials from DPCI arrived a little later and this is evident if you look at the next page, at page 171, at paragraph 5. There, Colonel Bok indicates that he got a missed call from the Provincial Head of, Major General Kadwa at 12:25 and that was the missed call to which Colonel Bok called him back. And basically, General Kadwa was requesting the same information that was requested by General Khan. So if you are to be believed, it would be nonsensical for both Generals to call one after the other. If indeed it was that
20 Major General Khan learned from Major General Kadwa of your position then only one would have called. So both the time lapse and the calling of the two Generals at least to me suggests that Major General Khan called first and pursuant to a conversation with you.

WITNESS I: No, Commissioner, I still maintain I never had

a conversation with General Khan and all the people on the scene could confirm to that effect.

ADV POOE: And then if we go back to General Khan's statement.

WITNESS I: Page?

ADV POOE: It is page 190.

WITNESS I: Yes.

ADV POOE: You will see he indicates that after his engagement with you and having called Colonel Bok, he
10 went on to call each one of the Commanding Officers of the other people at the scene to ascertain whether or not they had operations. And there he learned that none of them had told their Commanding Officers. That is at paragraph 9 on page 192. Thereafter, it is when he decided that look, this needs further investigation and handed over the scene to Major General Kadwa. Now it appears to me that at least if regard is had to Major General Khan's version, he exercised more caution and reasonableness in that he engaged everyone at the scene before making a
20 determination and even when he considered the actions and just the fact that those three officers were present, he could see there was something wrong, yet you do not seem to share that view. What is your comment to that?

WITNESS I: The fact that he never contacted me and he alleged he spoke with me, that is what I do not agree with.

ADV POOE: And other than that, do you accept that his conduct was reasonable?

WITNESS I: From an investigative point of view, no, because he is a General of Crime Intelligence, all the things he did were supposed to be done by General Kadwa.

ADV POOE: Yet you equally indict General Kadwa for having received a briefing from him so that he can assign members to do the investigation.

WITNESS I: Pardon?

10 **ADV POOE:** I am saying that you say those things ought to have been done by General Kadwa, yet you indict him for having been briefed by Major General Khan and then assigning people to deal with that investigation.

WITNESS I: No, Commissioner. The thing is General Khan came to the scene and took over the scene and gave instructions. As a Crime Intelligence General, to start with, he was not supposed to be on scene. That is why I am saying those things were supposed to be done by General Kadwa who heads the investigation unit.

20 **ADV POOE:** All right, the evidence that has been put before this Commission is actually that the arrests were all made by Colonel Sebola now, who was then a Captain. So Major General Khan did not arrest anyone.

WITNESS I: But he gave instruction.

ADV POOE: He gave instructions to who?

WITNESS I: He was speaking aloud. I do not know to whom specifically he was instructing, maybe those members of Organized Crime in Germiston and Johannesburg.

ADV POOE: Yes, and the version of the Organized Crime Germiston is that they took over the scene and they effected the arrests. They collected the exhibits. So they took over the scene and conducted all of those things that you accuse General Khan of having done.

ADV KHUMALO SC: Can we just, this witness may not be
10 aware, the directors of the company Yellow Jersey Logistics, which is the company that was transporting this container to Scania in Aeroton, they say, and you see that in 145 of the same bundle, they say Mashaba and Magane introduced themselves as Crime Intelligence. Were you aware of that?

WITNESS I: No, I am not, Commissioner.

ADV KHUMALO SC: Now can you blame a Crime Intelligence General for going to the scene when he is told that there are people who are impersonating Crime
20 Intelligence and conducting a drug bust in Aeroton? Now that you know those facts, can you blame a Crime Intelligence General for going to a crime scene if there is information received that there are people impersonating Crime Intelligence who are conducting a drug operation?

WITNESS I: No, Commissioner.

ADV KHUMALO SC: So you will withdraw the statement that he was not supposed to be there?

WITNESS I: Okay, Commissioner, I ...[intervenes].

ADV KHUMALO SC: Please look at page 145, paragraph 3.

WITNESS I: Ja, I am having a look at it.

ADV KHUMALO SC: This is the statement of the Operations Director at Yellow Jersey. You see, he says ...[intervenes].

10 **WITNESS I:** Yes.

ADV KHUMALO SC: While he was at home preparing to go to work, Hardus, their Intermodal Director, gave him a call stating that there are people from Crime Intelligence here asking to open the container and he asked if that was normal. Do you see that?

WITNESS I: Ja, I see it, Commissioner.

ADV KHUMALO SC: And those people are Magane and Mashaba. And we know that Mashaba is not from Crime Intelligence, he is a Traffic Officer from Sedibeng. And we
20 know that, sorry, Mashaba. And we know that Magane is a CIMA analyst based in Zonkizizwe. He is not Crime Intelligence. Even if he was Crime Intelligence, he is not operational, he is desk-based. So he would have no business asking to open containers. Now that you know those facts, do you still say it was improper for a Crime

Intelligence General to be called to the scene to see what is going on?

WITNESS I: No, I was not aware of this.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: Just on the back of that, now that you have heard this, which you say you were not aware of, that Magane and Mashaba misrepresented themselves as Crime Intelligence officers, you know that now, do you accept that that alone is suspicious, makes their conduct suspicious?

10 **WITNESS I:** Yes, Commissioner.

ADV BALOYI SC: You accept that?

WITNESS I: Yes, Commissioner.

ADV BALOYI SC: Okay. Thank you.

ADV POOE: Witness I, I am going to move on quickly to, I think it is the end of paragraph 22 of your statement, where you talk ...[intervenes].

WITNESS I: Paragraph?

ADV POOE: 22.

WITNESS I: Yes.

20 **ADV POOE:** At the end of paragraph 22 on page 8, where you indicate ...[intervenes].

WITNESS I: Yes.

ADV POOE: That you learned from Sergeant Phakula that the quantities of exhibits collected from the scene were different and instead the block of bricks were less by a

hundred.

WITNESS I: Yes.

ADV POOE: Evidence has been presented to this Commission that that is untrue. And in fact, what happened was that there were more bricks that ultimately were reported to FSL than what was recorded on the scene and the difference was 15 blocks.

WITNESS I: Ja, I learned that from here, Commissioner, yes.

10 **ADV POOE:** Right, so that is also incorrect. Now, if we move on, and on the back of the discussions you had with both Commissioners Baloyi and Khumalo, do you accept that the indictment that you launched on Generals Kadwa and Khan, where you say on the day in question it is evident that those individuals were acting above the law, that that is an unfair criticism on the two Generals?

WITNESS I: Ja, having learned what now is presented, yes, I agree, Commissioner.

ADV POOE: All right, and then if we can go to paragraph
20 28 of your statement, where you deal with the investigation by IPID into the Aeroton drug bust.

WITNESS I: Yes.

ADV POOE: I want you, in particular, to go to paragraph 28, where you say you were told that Major General Gerber concluded that Generals Khan and Kadwa were doing their

job. Just for you to note that the Commission has received evidence that Major General Gerber was not investigating General Khan. That report looked into the conduct of just the DPCI officers.

WITNESS I: Oh, yes.

ADV POOE: So that is also untrue. And then one other topic I want to touch on with you is related to ...[intervenes].

CHAIRPERSON: Oh, sorry, sorry, sorry, Ms Pooe.

10 Witness I, I do not know if this was covered. Can you just explain to me how the two Generals had defeated the ends of justice?

WITNESS I: Firstly, General Khan as he is now highlighted to me, his presence, how did it come about, which I was not aware of. But before ...[intervenes].

CHAIRPERSON: So, so ...[intervenes].

WITNESS I: [Indistinct]... [cross-talking].

CHAIRPERSON: Are you making that preface to then say now you accept that there was no defeating of the ends of
20 justice?

WITNESS I: Ja, after now being highlighted some of the facts pointed out to me.

CHAIRPERSON: So you no longer say they defeated the ends of justice?

WITNESS I: Yes.

CHAIRPERSON: All right, thank you. Yes, Ms Pooe.

ADV POOE: All right, now I want us to deal with the events around the meeting of 29 January 2025 at page 10 of your statement.

WITNESS I: Yes.

ADV POOE: In particular there you testified that you received a call, or at least you were informed by Captain Zungu that ...[intervenes].

WITNESS I: Yes.

10 **ADV POOE:** Individuals would like to have a meeting with you.

WITNESS I: Yes.

ADV POOE: And when I asked you what role did Mr Matlala play in this exercise you indicated that he did not play a direct role, instead you were called by Captain Zungu. Is that correct?

WITNESS I: Yes.

ADV POOE: Now I just want us to go to page, it is CJC220, page 226 of the file 2 of the Steyn exhibit.

20 **WITNESS I:** CJC?

ADV POOE: Just go to page 226 of file 2.

WITNESS I: Yes.

ADV POOE: All right, now there you will see a conversation between Mr Mogotsi and Mr Matlala.

WITNESS I: Yes.

ADV POOE: And you will see there that Mr Mogotsi gives a report back after the meeting that he had with you. And you will see at the top of the page, the second entry there at, on the 28th of January 2025, Mr Mogotsi texts and says, actually that is just the day before, it says ...[indistinct] but if you go to chat 6 on the 29th of January 2025 you will see that Mr Mogotsi provides feedback to Mr Matlala and indicates to him that the meeting was positive to which Mr ...[intervenes].

10 **WITNESS I:** Which page, Commissioner?

ADV POOE: 226, just after halfway through the page.

ADV BALOYI SC: Make sure that he is got the right bundle.

WITNESS I: Oh, yes.

ADV BALOYI SC: [Indistinct]... between bundles.

ADV POOE: Do you have it in front of you?

WITNESS I: Yes. Ja, ja, I see it.

ADV POOE: Yes, so you see there where he says the meeting was positive?

20 **WITNESS I:** Yes.

ADV POOE: To which Mr Matlala responds and says is he willing to help you guys? And Mogotsi responds and says I just wish he could help with a statement and says I think he needs cash. And if you go to the following page on page 227, Mr Matlala indicates and says okay, arrange with Khan

to give him cash if the information he has is worth it.

Now Mr Mogotsi testified before this Commission and indicated that it was Mr Matlala who made that introduction between you and Mr Mogotsi. You were Mr Matlala's guy. What do you have to say to that?

WITNESS I: Mr Matlala says he did what?

ADV POOE: Mr Mogotsi says that you were Mr Matlala's guy.

ADV BALOYI SC: Who introduced him, Mr Mogotsi, to Mr
10 Matlala. That was Mr Mogotsi's testimony.

WITNESS I: No I would say it is a lie because I never spoke with Mr Matlala, I only spoke with Captain Zungu for the day, even my reason going there.

ADV BALOYI SC: How did you know that the meeting that you are being invited to was facilitated by Mr Matlala if you had nothing to do with him? If you did not know him, you did not speak to him, how are you able to say that he facilitated this meeting?

WITNESS I: Because that is what Captain Zungu informed
20 me.

ADV BALOYI SC: And why would Captain Zungu assume you know Mr Matlala to the point that you would agree to go to a meeting facilitated by Mr Matlala? What did Zungu know about your relationship with Matlala?

WITNESS I: No, he knew I was a witness on General

Khan's ...[indistinct].

ADV BALOYI SC: Ja, that does not explain how Mr Matlala comes in. You see when Captain Zungu approaches you and says Mr Matlala has, is facilitating or has asked or is arranging that you have a meeting with Crime Intelligence Officer and Mr Mogotsi, he has to have a reason to believe that you would go to that meeting if he mentions to you that it is a meeting arranged by Matlala, otherwise his conduct ...[intervenes].

10 **WITNESS I:** [Indistinct]... [cross-talking].

ADV BALOYI SC: Otherwise his conduct does not make sense if he has no basis to think that mentioning Mr Matlala, a meeting arranged by Mr Matlala you would, if he did not have a reason to think you would go.

WITNESS I: Commissioner, it was not mentioned of the people I am having a meeting with. It was only mentioned it is in relation with the disciplinary hearing of General Khan.

ADV BALOYI SC: So ...[intervenes].

WITNESS I: And communication for the ...[indistinct]
20 witness can be verified by itemized billing of the day that the person I spoke to was Captain Zungu only and no one else.

ADV BALOYI SC: Yes. Even if I accept, even if we accept that and let us say for my discussion with you I accept that Captain Zungu is the one that contacted you, he would have

told you that the meeting is facilitated by Mr Matlala, right. That is why you say it in your statement.

WITNESS I: Yes.

ADV BALOYI SC: And then my question is if you had nothing to do with Mr Matlala and Captain Zungu had no reason to believe that you have anything or to even think that you have anything to do with Mr Matlala why would he think that if he tells you that the meeting is facilitated by Mr Matlala, you would attend? Why would he think that?

10 **WITNESS I:** Commissioner, it is not him thinking that. I believe what led me to go to the meeting was the fact that I was informed it is in relation to me being a witness on General Khan's matter, it entails General Khan. The fact that I was informed it entails General Khan that is what led me to go. If they, if maybe I was told, go attend the meeting, it is in relation to some other guy, just name a person, I would not have gone. What led me to go was that it is in relation with General Khan and I needed to get more info on what is it in respect of General Khan since I am a
20 witness on his matter.

ADV BALOYI SC: Yes. Yes, the emphasis of my question is on Mr Matlala, not what the meeting was about. It is on it being mentioned to you that the meeting is facilitated by Mr Matlala. It seems a random mention to you. If it does not make a difference, if you did not know Mr Matlala, you had

nothing to do with him and Captain Zungu had no reason to think that you have anything to do with Mr Matlala at all, that he would mention to you that it is facilitated by Mr Matlala just does not make sense. It comes out of nowhere and I want to suggest to you that he mentioned it because he knows that you have something to do with Mr Matlala, that is why he tells you it is a meeting arranged by Mr Matlala. It is because he knows that you know who Matlala is, you have something to do with it and you will go to a
 10 meeting when he tells you that Mr Matlala is involved with arranging that meeting. So what I am putting to you is, I do not, I think you are not being frank with us in your representing an arm's length relationship with Mr Matlala. You actually do indeed as at that time of the meeting had a much closer interaction with him than what you are representing to us. Do you want to comment?

WITNESS I: No, I do not have any comment, Commissioner.

ADV BALOYI SC: Thank you.

20 **ADV KHUMALO SC:** Witness I, I get a sense that you have forgotten what you said in your supplementary statement

WITNESS I: Yes.

ADV KHUMALO SC: Did you not say in your supplementary statement that from around August/September 2023 Zungu arranged for you to go live

in Matlala's family house for a period of two years?

WITNESS I: Yes.

ADV KHUMALO SC: So why in your response to Commissioner Baloyi do you not mention that there was that relationship? My suspicion, and this is an inference that I would like to draw but to be fair to you I would like to give you an opportunity to respond. From the facts you have given us it seems to us that you were grateful to Mr Matlala for having provided you security and accommodation for two
10 years and now he wanted a favour from you and you were willing to do a favour from him. You were willing to do a favour for him rather.

WITNESS I: No, I was not willing as I did not, Commissioner.

ADV KHUMALO SC: Thank you.

ADV POOE: Witness I, I would like for us to then have a look at what happens at this meeting that was facilitated by Mr Matlala.

ADV BALOYI SC: Maybe before you move on, you took us
20 to those WhatsApp messages. Maybe let us ask the question even if the answer may seem obvious.

ADV POOE: Okay.

ADV BALOYI SC: At page 227, Witness I, of that bundle that start at page 226, in fact let us start at 226, Mr Mogotsi says to Mr Matlala:

“I think he needs cash.”

And we know from Mr Mogotsi's evidence that this discussion was about you, your meeting, that you want cash to be able to assist, if you are going to assist them. Then Mr Matlala, that is Dlamini there, we know Dlamini is Mr Matlala from the evidence.

WITNESS I: Yes.

ADV BALOYI SC: Dlamini says:

“Okay, arrange with Khan to give him
10 cash if the information he has is worth
it.”

Did you receive any payment from ...[intervenes].

WITNESS I: No.

ADV BALOYI SC: About relating to the case of Mr Khan, of General Khan?

WITNESS I: No. Commissioner, earlier on you remember I mentioned the fact that the transcripts of the recording have been contaminated with, as they do not reflect truly what has happened. I never received any cash. I was awaiting
20 the CI guy and Brown to contact me to bring the bag as they promised so I could arrest them, but the facts of those, they do not reflect here. That is why I say the recording was contaminated, only what is displayed it is what benefits them.

ADV BALOYI SC: And maybe just to confirm, where there

is reference to a bag in the transcript, that, is that a reference to money?

WITNESS I: Ja. Yes ...[indistinct].

ADV BALOYI SC: All right, thank you.

WITNESS I: Thanks, Commissioner.

ADV BALOYI SC: Thank you, Mr Poee.

ADV POOE: Witness I, if we can then turn to, maybe perhaps we deal with, before we deal with the transcript, just to note at paragraph 220 no, page 220 of the same
10 bundle.

WITNESS I: [Indistinct]...

ADV POOE: 220.

WITNESS I: Yes.

ADV POOE: Just to contextualize this, this was an application to get verbal authorization to run a section 252A entrapment. Remember yesterday you explained to us that this is one of your responsibilities now at TOMS.

WITNESS I: Yes.

ADV POOE: You will see at paragraph 2 of that document
20 that there is a description of what transpired at that meeting.

WITNESS I: Yes.

ADV POOE: And you will see there, briefly it explains that there was a meeting between you and the CI officer where you indicated that you were going to give evidence before a

departmental hearing whereby Major General Khan is charged with misconduct.

WITNESS I: Yes.

ADV POOE: It is alleged that you then told these two men that the disciplinary hearing was a set up but that you were willing to change your testimony at the hearing in order to assist Major General Khan in winning the case. They enquired why you would do this and you indicated that Mr Mogotsi would be in a position to assist you by utilizing his
10 political influence to get you a promotion to a full Colonel. It is also indicated that you said you also expected a bag in addition to that promotion. And then at the conclusion of this, there was an agreement that you will meet again to finalize this transaction, right. Now your version is that is not what happened. The two men came to you to entice you to change your testimony. Is that correct?

WITNESS I: Yes. And further Commissioner, I would like to indicate that I would say Brown Mogotsi maybe misled the people who were doing the application because it is not
20 truly the facts which really happened. It is him and the CI guy who informed me they need to fix things. They will arrange I get a promotion and get a bag.

ADV POOE: All right. Now, if we go back now to the transcript, if you go to page 197, you will see there, that is where the transcript starts. When the recording started,

there was a discussion about a Brazilian shop somewhere in Rivonia and it seems Mr Mogotsi was on the phone and you enquired whether he was joining. And just to remind everyone that man 1 is you, man 2 is a CI officer, and man 3 is Mr Mogotsi. You will see there just towards the bottom of the page, so you will see there, there is where man 2 starts and says here, it starts there, sorry ...[intervenes].

WITNESS I: [Indistinct]...

ADV POOE: At, towards the foot of the, the bottom of the
 10 page where man 1, where you start speaking in Sesotho and man 2 says introduce yourself. Can you see that? Maybe that is the easiest one to point you to.

WITNESS I: Ja.

ADV POOE: Yes, you can see that? Man 2 says introduce yourself. You respond and say I do not know him. It is the first time I see him. Man 2 then says he told me he was coming to meet someone and then he asked me to come. Says oh ja. And then you respond and say oh ja, he brought you to me. And man 3 says he brought me home.
 20 You then, the CI officer then says talk to me, what is happening? Then you start and say no, it was though the, and then it is inaudible, so I do not know they told you why. Now if you go to the next page you will see the explanation that you then give and you say and apparently he said there is someone who can assist us in this whole thing. Then it is

inaudible. And then I said okay, we will go and discuss the condition. And then it is inaudible and then you say this one is safe. Let us just say it is a syndicate. Can you see that?

WITNESS I: Yes.

ADV POOE: And what it appears is that the CI op ask you what we are there for and then you explain that somebody says you can assist with this whole thing. And then it starts. I do not want to go through the whole thing but the
10 gist of what happens is that you then explain that there is this disciplinary hearing coming up. You had a meeting with the employee rep and the employee rep you say, the way I was consulted with Khumalo there is no chance of possibility. And then you say I cannot make sure from the evidence and the statement I made and the evidence you can overlook legally. Right. And you then tell them that there is a plot against Khan and then there is intermittently you speak about the problems within DPCI and ultimately you eventually get to your conditions for changing your
20 statement. And then you tell them that you need assistance with your promotion and you complain about the promotion process within TOMS and then there is then the reference to the bag. And what it seems like is that you called them to a meeting, you explained to them what you have to offer. You told them your conditions and they told you that they

needed a statement. There was a whole discussion about whether a statement would suffice. Eventually it landed at writing to the Minister in order to stop the hearing from happening and there you will indicate to the Minister that there was a plot against General Khan. And that is what the transcript of this meeting shows. This is then supported by the evidence, the statement from the CI officer and it is also the testimony of Mr Mogotsi.

WITNESS I: Commissioner, can I just interject. Between
10 this transcript it seems like some of the things are not here. That is why I was insisting I believe the recording has been contaminated or manipulated to look as it is, because it is not fully, everything else is indicated there. It seems like there is a selective things which have been put in here.

ADV POOE: Now, even accepting that the recording may be contaminated, you see what happens after that meeting is that a proper enquiry is then registered to entrap you and that suggests that they were trying to undertake now a legitimate operation, whereas on your version after they
20 tried to bribe you as it were, you do not do anything, nor do you register an enquiry. Do you understand the difficulty with your version?

WITNESS I: Yes.

ADV POOE: And what is worse, outside of reporting it, you reported to one person who you say was not part of the

meeting and that person, there is no affidavit or anything that he has filed to corroborate your version. Do you acknowledge that?

WITNESS I: I will say it is because it was never asked. If it could have been asked, it could have been provided.

ADV POOE: All right. Now ...[intervenes].

WITNESS I: And, can I continue?

ADV POOE: Yes, yes, you can.

WITNESS I: And secondly, in respect of registering,
10 remember as I told you that some of the things as you report them they are being escalated further. Remember, if I reported this, it is very much obvious that it was going to get to General Khan's attention that I intend in prepping his member about the meeting I had with him and Mr Mogotsi. And previously, I did have operations where I requested section 252 authorization instantly on time of action and I received verbal authorization and executed the operation. I believe, I think two or three operations I had where I requested authorization telephonically instantly when it is
20 time to operate. And that was the plan again in this instance so that I could secure arrest of the two people.

ADV POOE: Now, Colonel, if you consider the application that was drafted in that regard, it was that verbal authorization that was sought. So you can get that quick authorization had you requested it, but you took no steps to

do so.

WITNESS I: Commissioner, as I indicated that previously I did get authorization verbally. Telephonically I explained everything. They say once the operation is completed, do paperwork. It has happened.

ADV POOE: So you mean for something else, not for this instance?

WITNESS I: Yes.

ADV POOE: Then I am not sure how it helps your point.

10 **WITNESS I:** It helps my point in that the intention I had is still ...[indistinct] that if they phoned me back and said, let us meet after this day, I was going to initiate that telephonic request for authorization and once received, I execute it.

ADV POOE: Just to note, there was an agreement to meet, and hence that is why they did this verbal authorization.

WITNESS I: But they never came back to me.

ADV POOE: Yes, but you had agreed to a meeting with them.

WITNESS I: Yes.

20 **ADV POOE:** In fact, I think there was even a date for a meeting.

WITNESS I: No, Commissioner. They said they will come back to me and they never came back to me. And I saw somewhere, I saw somewhere in the transcript, Mr Mogotsi alleged I am not around, I am out of province. I mean, like,

cross-reference could be made. I was in Pretoria the whole time.

ADV POOE: You were in Pretoria the whole time?

WITNESS I: Yes, that whole month.

ADV POOE: Ja. Well, Colonel, I am going to put to you that your version is improbable. It is not supported by any external evidence. And in fact, we have at our disposal multiple statements from various people who have testified, including documentation and transcripts that show the
10 opposite of what you are saying in relation to this meeting. Do you have ...[intervenes].

WITNESS I: I will dispute that to the Commissioner. I will dispute that.

ADV POOE: Thank you, Colonel. Commissioners, there are other topics that the witness covered, but I do not intend to go into those topics with this witness.

ADV KHUMALO SC: Witness I, the same file on, it is file 2, on page 240. It says, Colonel Steyn exhibit bundle. That is the same file you were dealing with now. Are you
20 ...[intervenes].

WITNESS I: Yes, 240.

ADV KHUMALO SC: Are you on page 240?

WITNESS I: Yes, Commissioner.

ADV KHUMALO SC: You will see there that Advocate Chaskalson was leading the evidence of Brown Mogotsi and

they were reading from paragraph 35 of his statement.

WITNESS I: Yes.

ADV KHUMALO SC: That is in line 4.

WITNESS I: Yes.

ADV KHUMALO SC: And it says, they are reading from the statement:

10 “In December 2024, Matala referred me
 to a high-ranking police officer and I
 subsequently met him. I knew him as I
 had conducted an operation with him in
 the past. He shared information with
 me of the intention to graft a negative
 finding in respect of the disciplinary
 hearing against Major General Khan.”

 So Matala says, sorry, Mogotsi says, it was Matala
who referred him to you.

WITNESS I: The question, Commissioner?

ADV KHUMALO SC: Say that again?

ADV BALOYI SC: What is your question.

20 **WITNESS I:** I am asking, the question is, Commissioner?

ADV KHUMALO SC: So do you dispute that what Mogotsi
said that it was Matala who referred him to you and that he
subsequently met you?

WITNESS I: No.

ADV KHUMALO SC: You do not dispute that?

WITNESS I: Yes.

ADV KHUMALO SC: And then lastly on page 242, they are continuing with Brown Mogotsi's statement. Brown Mogotsi says it was you who wanted money. So if you read from line 18, Mr Mogotsi says:

“He spoke about something. He said
yes, he was talking about a bag.
Maybe he implied cash, but he never
said a bag of cash.”

10 Do you see that?

WITNESS I: [Indistinct]... Commissioner.

ADV KHUMALO SC: And then later on he says, it goes back to the chat that Commissioner Baloyi was referring you to, where Mogotsi says the reason why he had to go back to Matala is because the person Matala had referred him to was asking for cash. Therefore, he needed to go back to Matala to tell him that you were asking for cash. And that is how it came about that discussion about Khan.

WITNESS I: No. Commissioner ...[intervenes].

20 **ADV KHUMALO SC:** [Indistinct]... [cross-talking] for you.

WITNESS I: I will dispute that. Maybe Mr Mogotsi wanted cash himself, because me, what was asked was that I change the statement, they will facilitate I get a promotion and a bag. Maybe Mr Mogotsi, when he related to other people, he puts me in a picture which he is the one who is

doing that, because from what you are indicating to me, the only narrative I could make is that it is him, Mr Mogotsi, who wants it and displays it as if it is me, because on the meeting, it is him and the CI guy who offered me a bag and a promotional post.

ADV KHUMALO SC: All right, thank you.

CHAIRPERSON: Thank you very much, Witness I. You are excused.

WITNESS I: Thank you, Commissioner.

10 **CHAIRPERSON:** Yes, Ms Pooe.

ADV POOE: Chair, we are ready to commence with the next witness. We do have an application though from that witness that needs to be dealt with before. So, because we just need to set up the witness, we are just going to ask for a short indulgence just to test the sound and make sure that the witness is ready and then we can commence.

CHAIRPERSON: We will hear from you then. Let us adjourn.

INQUIRY ADJOURNS

20 **INQUIRY RESUMES**

CHAIRPERSON: Yes, Ms Pooe.

ADV POOE: Commissioners, as mentioned before the adjournment, we do have an application by Chief Mashaba to be heard partial *in camera*. Chief Mashaba is here, but we have set him up remotely for purposes of moving this

application and depending on the Commission's ruling, we will then, there will be a decision about how we proceed. Chief Mashaba is also unrepresented. However, there is a short application before the Commission setting out his reasons. He is also online to explain his reasons.

CHAIRPERSON: Thank you, thank you. And I assume when you say partial *in camera*, as I understand the application, it is about him not being here physically, but his face being shown and just testifying remotely. But
10 everything else ...[intervenes].

ADV POOE: Chair, I think we will have to get clarity on whether or not he wants his face shown.

CHAIRPERSON: All right.

ADV POOE: However, it is not an anonymity in the sense of his name or anything.

CHAIRPERSON: Okay, all right. All right, all right. Good afternoon, Chief Mashaba.

CHIEF MASHABA: Good afternoon, Chair.

CHAIRPERSON: Let us start perhaps right at the end.
20 That is the issue I raised just now, now, now. Do you want your face not to be shown?

CHIEF MASHABA: Not to be shown, sir, Chair.

CHAIRPERSON: All right, thank you. We have read your application. Can you please just state your basis very briefly on the understanding that we have read the

application, but state why exactly you want to testify remotely and also in particular that your face not be shown.

CHIEF MASHABA: Chair, thank you. The reason ...[intervenes].

CHAIRPERSON: You do not have to mention your medical condition, yes, yes, by name. You do not have to mention it by name. Yes, yes.

CHIEF MASHABA: Oh, okay. No, I am not well. Medically, I am unfit. But I have seen it necessary that I
10 physically come so that it must not give the Commission an impression that maybe I am running away or something like that. But I also wanted to, maybe the Evidence Leader, to see how I look so that she believes or he believes what I say. So I am not well, Chairperson.

CHAIRPERSON: You see what I want to, in fact we want to get an idea of is if you can testify, you can speak from where you are, what is the difference between that and being here in this auditorium?

CHIEF MASHABA: Well, if the Chair sees it fit, I can
20 come, but ...[intervenes].

CHAIRPERSON: No, no, I am asking. Sorry, sorry, do not misunderstand me. I want you to explain at this stage. I am not making a ruling. I just want you to explain. I want to understand what the difference is.

CHIEF MASHABA: Maybe rephrase the question, Chair.

CHAIRPERSON: I am saying, you are saying you can testify from where you are. What I want to understand is why is it that you cannot testify in this auditorium?

CHIEF MASHABA: Well, I have got, I am struggling to, I have got a short breath and I am struggling to also walk properly. Maybe that is the reason why I said I cannot. I am also coughing. So maybe that is the reason I said I cannot appear in this state.

CHAIRPERSON: Anything else, Chief Mashaba?

10 **CHIEF MASHABA:** Other than that, no, there is no other reason, Chair.

ADV BALOYI SC: Chief Mashaba, just so that we understand, you are not, you are seeking to testify, your name, in your application you did not ask for your name not to be revealed, and in the application you are also not asking that your face not be shown. So, am I correct to understand your application as being, you are really asking for a virtual hearing, that is all, instead of sitting in the auditorium?

20 **CHIEF MASHABA:** Yes, Chairperson.

ADV BALOYI SC: Okay. Thank you.

CHAIRPERSON: Something I forgot, your medical certificate says, or rather, ja, you are not well until 5 June 2026. Do you want to comment on that, because ordinarily if you were to make a request of this nature, perhaps we

would, I hope I do not sound overly strict, we would have expected perhaps that you got another medical certificate going beyond 5 June. Did you want to comment on that?

CHIEF MASHABA: I actually thought after being discharged, on the 1st, I will then monitor my health. If I come right, I will then come. If I not by right, I would have went back to hospital. But because I think this is part of the reasons, maybe it is stressing this thing, I said I want to get it over and done with.

10 **CHAIRPERSON:** Oh, thank you, thank you. There is Chief Mashaba, Ms Poee.

ADV POOE: Commissioners, the Evidence Leaders oppose this application for a number of reasons. The first is, as Chair has noted, the sick note does not cover the current period and so as matters stand, we do not have anything from Chief's doctor asserting that he is unwell, except his say-so. The second is that the application itself is quite belated. Chief was subpoenaed on 21st of May, hospitalised on the 25th of May, and discharged from the 1st of June.

20 Thereafter, he informed us of his hospitalisation and discharge and it was only last night that Chief Mashaba approached us to tell us about potentially bringing this application. Moreover, the Commission, when approached by witnesses who have health reasons and need reasonable accommodations so that they are able to testify, we have

done so, including having intermitted breaks for witnesses to be able to take medications or indicate if they are uncomfortable and I see no reason why the same approach should not be adopted with Chief Mashaba. He was well enough to come to the Commission, we can hear him clearly, he can present himself to the stand, and if necessary, and there is evidence to that effect, he can be excused or the testimony can proceed through other means.

CHAIRPERSON: Chief Mashaba, do, thank you, Ms Pooe.

10 Do you wish to respond to the submissions by Ms Pooe?

CHIEF MASHABA: Well, it was explained to me, Chair, that my application is late, but I still reiterate that if the Commission sees it fit, I can still come, because I do not want to be seen as I want to maybe delay or I am running away from the proceeding.

CHAIRPERSON: Thank you. Anything else?

CHAIRPERSON: No, maybe to save time of the Commission also, let me not go further. That is my submission for now.

20 **CHAIRPERSON:** Thank you, thank you. Let us adjourn. We will indicate when we are ready.

INQUIRY ADJOURNS

INQUIRY RESUMES

RULING

CHAIRPERSON: Chief Mashaba, let me start by thanking

you for stating in so many words that despite your application and what you are asking for, you are otherwise prepared to come and testify in open session. Many thanks for that. It shows that you are not in the least trying to be obstructive, which indeed we cannot at this stage of the Commission's processes afford, because we have very little time. Many, many thanks for that.

Unfortunately, we must dismiss your application and you must testify in open session. We may sound a bit
10 unsympathetic or not empathetic, but the view the Commission takes is that one, your medical certificate says that you are in a condition to, I think it uses the what, the word, the term work? Beyond the 5th of June 2026. There has been no updated medical certificate after that. Also, it sounds to us that you can speak and you speak well, I would say, based on what we heard during your application. For those very brief reasons, we will refuse the application.

But importantly, let me say this. We were informed very informally that you may need some accommodation in
20 terms of perhaps seeking breaks here and there, that is, breaks that are in intervals that are shorter than what we are accustomed to. I assure you that we will be very accommodative and I also want to say to you that you should feel free to indicate if you want to ask for a break. That is the ruling.

I assume we will have to adjourn again for the witness to come in.

ADV POOE: Yes, Chair.

CHAIRPERSON: Let us adjourn. You will indicate when.

ADV POOE: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Good afternoon Commissioners.

10 Commissioners, the next witness is Chief Mashaba. He has elected to take the oath.

CHAIRPERSON: Good afternoon Chief Mashaba.

CHIEF MASHABA: Good afternoon, Chair, Commissioners.

CHAIRPERSON: Please place your full names on record.

CHIEF MASHABA: Samuel Tsiane Mashaba.

CHAIRPERSON: Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth. If so, please raise your right hand and say, "So help me God".

20 **CHIEF MASHABA:** So help me God.

SAMUEL TSIANE MASHABA (duly sworn states)

CHAIRPERSON: Thank you. Thank you, Chief Mashaba.

ADV SEGEELS-NCUBE: Thank you, Chair. Chief Mashaba, in front of you I have put out your file with your witness statement that you prepared for purposes of your

evidence today. If you could just go and check from page 1 and then go to page 12 and confirm that the signature on page 12 is your signature please.

CHIEF MASHABA: Yes, it is my signature.

ADV SEGEELS-NCUBE: And do you confirm the correctness of your statement?

CHIEF MASHABA: Yes I do, Chair.

ADV SEGEELS-NCUBE: Okay, Chief, how we are going to deal with it this afternoon is you will be given liberty to
10 either read your statement or give your version of events insofar as the Aero-ton drug bust is concerned and your involvement therein. If you feel more comfortable reading your statement, which is preferable, then please do so. We will not interrupt you but we may ask clarifying questions and then we will adjourn for the day and tomorrow we will then do the cross-examination. Do you understand?

CHIEF MASHABA: Yes I do.

ADV SEGEELS-NCUBE: Okay, so if we can then proceed and start on page 1 of the documents. And again, as the
20 Chair said, if you do need a comfort break, if you can just give us an indication and we will oblige. Thank you.

CHIEF MASHABA: Okay.

ADV SEGEELS-NCUBE: Please proceed on page 1 and you can start from paragraph 1, introduction, and just read from paragraph 1.

CHIEF MASHABA: -:

“I, Samuel Tsiane Mashaba, state the following under oath in English, that I am an adult male Traffic Officer. I joined Gauteng Traffic office in 2003 as a trainee in Boekenhoutkloof Traffic College in Pretoria West. In 2004, I again joined a provincial taxi violence task team. In 2006, I was then seconded to Premier's Office as a Supervisor.”

Correction, I omitted as an Acting Supervisor.

“PPI, to form VIP escort unit, assisting the Premier's team, the President and the Deputy President's convoys. In 2013, I was then promoted to a Chief Provincial Inspector post at the Premier's office in charge of the same teams, Premier RSA 1 and 2. In 2018, I was politically and forcefully removed. I was even arrested and detained at Johannesburg Central together with my three other colleagues and the following day the matter was not placed on the roll and we were

released. I was then suspended. Upon my reinstatement, I was transferred to Vereeniging regional office as the Head of the service point or region. In 2020, I was appointed as the Acting Deputy Director, Sedibeng district, Southern Corridor. The Aeroton Drug Bust.”

ADV SEGEELS-NCUBE: Before you proceed to the Aeroton drug bust, what is your current position?

10 **CHIEF MASHABA:** Chief.

ADV SEGEELS-NCUBE: And when were you appointed Chief?

CHIEF MASHABA: 2013.

ADV SEGEELS-NCUBE: So you say in 2020 you were appointed as Acting Deputy Director.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: But you say that now you are the Chief. What is, I am not following.

CHIEF MASHABA: I was acting ...[intervenes].

20 **ADV SEGEELS-NCUBE:** Yes.

CHIEF MASHABA: On the, in 2020.

ADV SEGEELS-NCUBE: Oh, so you retained your permanent position as the Chief but you were appointed as the Acting Director.

CHIEF MASHABA: I was the Chief. I am the Chief,

appointed 2013. In 2020, I was appointed as the Acting.
This is the next level after the Chief.

ADV SEGEELS-NCUBE: Yes, that is why I am asking, are
you still now the Acting Deputy Director or the permanent
Deputy Director or what is your title?

CHIEF MASHABA: [Indistinct]... I am demoted. I am still a
Chief.

ADV SEGEELS-NCUBE: Okay, so you, so that was just
your acting post in 2020 and you did not get a permanent
10 appointment. So your position now is back to what it was in
2013, before the, okay. Thank you.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: You may proceed.

CHIEF MASHABA: -:

“Aeroton Drag Bust. On Thursday, the
8th July 2021, I received a tip-off from
Mr Tumelo Nku of a truck travelling
from Durban to Johannesburg, which
was allegedly suspected to have drugs
20 in its cargo. I then asked Mr Nku to
first confirm if the information was
positive before I could act on it. On
the following morning, February the 9th
July 2021 ...”

CHAIRPERSON: Friday you mean.

ADV SEGEELS-NCUBE: Friday.

CHIEF MASHABA: Friday, sorry.

“At about 5 o'clock a.m., I received a call from Mr Nku who confirmed that the information was positive and that I should come meet him at a certain place in Alberton. I then left the house to the agreed location, driving a silver-grey state VW Golf 7.”

10 And I need to emphasize this, whereas it is not in the statement, that the information I got was that I need to be careful who to involve because it involves senior law enforcement officials.

“So I met Mr Nku and he gave me a briefing on his information.”

CHAIRPERSON: Sorry, sorry, this about not involving others, was it Mr Nku who said this?

CHIEF MASHABA: Yes, Chair.

CHAIRPERSON: All right, thank you.

20 **CHIEF MASHABA:** -:

“I met Mr Nku and he gave me a briefing on his information and the truck in question. After the briefing, I decided to engage the process for intercepting the truck and to have it

searched. I needed backup to conduct such a process and it is in that regard that I sought assistance from other officers. I contacted Warrant Officer Phokungwane from Alberton SAPS Detectives. I requested him to come and assist me. He indicated that he was not available as he had just got vaccinated. He also could not refer me to anyone else on duty at Alberton SAPS. However, he gave me Warrant Officer Magane's contact number to check if he could assist me. I then phoned Warrant Officer Magane for assistance. He told me he could not assist at that moment. However, he did indicate that if I did not get assistance, I can check with him later on. I then phoned Lebo from PIU, Gauteng, who told me he does not have a motor car and could not assist as well. At about 15 to 20 minutes, I phoned Warrant Officer Magane again for assistance. Fortunately, he was now available and he agreed to come

to assist. I sent him my location and within 30 minutes, he arrived where I was with Mr Nku. He was driving his official vehicle, a Nissan NP300 bakkie. I then introduced him to Mr Nku and after briefing him, Mr Nku narrated the information again to Warrant Officer Magane. He then decided we would go to the premises of Yellow Jersey Logistics where the truck was allegedly parked. We then approached the premises and asked for a Depot Manager. After a short while, the Manager came to whom we introduced ourselves. We informed him that we wanted to conduct a search in one of the trucks in the premises. I remember him by his first name, Hardus. We gave him the exact container number which we got from Mr Nku, which we requested to search. He agreed and confirmed that the truck in question was still in the premises. He also advised that the truck was carrying the load for their customer,

Scania in Aeroton where the truck would ultimately go. When we wanted to search the truck, Hardus told us that he would have a problem allowing us to break the seals at Yellow Jersey Logistics as the customer might have an issue with that. I suggested that we escort the truck to the customer and let Hardus or his security escort us to confirm that we are not bogus cops. Hardus agreed. We were then accompanied or escorted by Yellow Jersey Logistics security to Scania's office in Aeroton. As such, it was me, Warrant Officer Magane in the black Nissan bakkie belonging to the state, Mr Nku's BMW, as well as the Yellow Jersey escort bakkie that went with the truck to Scania at Aeroton. We arrived in Aeroton at about 8 o'clock a.m. When we reached Scania, we introduced ourselves and explained to Scania employees the reason we were there. We then requested to see the Manager. We then directed the truck

be parked at the offloading bay. We, that is myself, Warrant Officer Magane and Mr Nku, parked about 80 meters from the truck where the truck was parked. The person who introduced herself as a Manager was Ms Jolene, who was also the recipient of the truck. Another person by the name of Cornelius also came. He is the one who gave instructions to the Scania workers to open the container. When the container opened, black bags started falling down. At that point, we realized that the tip-off was indeed correct. There were drugs in those bags. As the truck was still loaded with truck parts, we decided to bring the Nissan bakkie driven by Warrant Officer Magane next to the truck so that we can secure the exhibits and further search the container if there were more drugs other than what we could see. We loaded the fallen bags into Warrant Officer Magane's black Nissan bakkie, assisted by Scania

employees. We directed that the truck further reverses onto the bay so that the forklift can drive in and offload the truck parts. I then informed both Jolene and the driver, Vusi Mthembu, that I was placing them under arrest for possession of drugs. We then started to count all the bags to be 23 in number, and we placed them securely on the bakkie. I was informed by Warrant Officer Magane that he contacted Warrant Officer Phakula from National Investigative Unit to come help process the scene. While still waiting for Warrant Officer Phakula, private security and Booyens SAPS then came in to where we were parked. The SAPS members found me standing with Warrant Officer Magane outside waiting for Warrant Officer Phakula. They informed us that they got a complaint about bogus cops members. We then introduced ourselves to the two police officers, and they were satisfied with our identities. Thereafter

Warrant Officer Phakula arrived driving a red Kia Cerato. I went to meet him with Warrant Officer Magane, and we briefed Warrant Officer Phakula about what had happened. I also pointed to him that the driver whom I already placed under arrest. After getting the information, Warrant Officer Phakula requested to see the person who was receiving the cargo. I had him request Warrant Officer Magane to contact the photographer, which Warrant Officer Magane did through assistance of Booyens SAPS members. Warrant Officer Phakula was busy obtaining a statement from Jolene when suddenly several police cars with officers started driving in. There was a lot of commotion and we got the feeling that we were viewed with suspicion. I can say that there were instances of confrontation. One of the officers who had confrontation with Warrant Officer Phakula was later known as Warrant Officer Rikhotso, who was

accompanied by Colonel Ndlela.
 However, Colonel Ndlela was happy
 with the success and congratulated us.
 Warrant Officer Rikhotso had a problem
 and started arguing with Warrant
 Officer Phakula, and his argument was
 that why did we not have an enquiry to
 effect an arrest, which Warrant Officer
 told him there was no time to open an
 10 enquiry. Then he said Major General
 Khan of Crime Intelligence was on his
 way. Warrant Officer Phakula had
 earlier called members of the
 Provincial Dog Unit, K9, to come to the
 scene. They then arrived together ...”
 [intervenes].

ADV SEGEELS-NCUBE: Just do not mention the name.

CHIEF MASHABA: The name of?

20 **ADV SEGEELS-NCUBE**: Yes, do not mention, just say at
 this point.

CHAIRPERSON: The first name on the third line, third line
 of paragraph 20.

ADV SEGEELS-NCUBE: Yes, so the Lieutenant Colonel,
 do not mention that name.

CHIEF MASHABA: Okay.

“... together. At this point ...”

Then the Captain, I must mention?

ADV SEGEELS-NCUBE: Yes, the Captain is fine.

CHIEF MASHABA: Oh.

ADV SEGEELS-NCUBE: So can I just read it.

CHAIRPERSON: Sorry, sorry, perhaps the best would have been to make changes beforehand, otherwise what happened with Sergeant Nkosi ...[intervenes].

ADV SEGEELS-NCUBE: Previous.

10 **CHAIRPERSON**: Will happen here as well.

CHIEF MASHABA: No, I think I get you. Can I proceed?

ADV SEGEELS-NCUBE: It only appears there for now.

Yes, you may proceed.

CHIEF MASHABA: Yes.

20 “Captain Modupi also arrived. The Dog Unit members were ready to perform their duties. When General Khan arrived, he stopped them. Everything got out of hand. He did not ask for a briefing from us and simply did not want to listen to us. He went to other persons instead and got the version which he entertained. He was behaving like a man with all the powers and took charge of the scene. General

Khan instructed Warrant Officer Magane to sit in his bakkie. That is where the altercation between me and General Khan began when I confronted him and asked, why is he instructing Makhani to sit in his car, which looks like an arrest. General Khan also took me to where my car was parked. He then took my cellphone, searched my car for drugs, but there was nothing. He then took my service firearm and put it in the exhibit bag. He then called two TRT SAPS members to guard me and I must stay next to my car, meaning I was removed from the scene and told me he wants to talk to my boss, Chief Director Advocate Thami Mayisela. He then called Deputy Director Mandla Sikhonyane and asked if he knows me. The phone was on speaker, Mandla then agreed he knows me. Then General Khan asked to talk to my boss, Chief Director Advocate Thami Mayisela. Then fortunately my boss and Mandla

Sikhonyane were together and Mandla gave the Chief Director Advocate Thami Mayisela the phone still on loudspeaker. He enquired whether I am still employed, suspended or fired at the department. My boss confirmed that I am still an employee and asked Khan what is the problem. Khan responded that he found me on the scene of drugs in Aeroton. My boss said he does not care what I did, I must just be locked up. Then General Khan wanted to release me. I refused and said if he releases me, he must release the other guys also. But if he arrests them, he must also arrest me. At this stage there was chaos with a lot of police officers on the scene. Our success was hijacked from us by police officers who wanted to claim our success. The only reason for them to claim success was by arresting us and that is exactly what they did. At around half past 1, 13:30, we were arrested by DPCI Hawks team that

came last at the crime scene. These were Brigadier Sekgobela, Colonel Steyn, Colonel Maluleka, Captain Sebola, Captain Nortje. They arrested us and took charge of the scene. The driver, Vusi Mthembu, Cornelius and Ms Jolene who were placed under arrest, were released and the truck was not even taken to SAP13. After the

10 arrest, we were taken to Booysens Police Station for detention and was detained at around 19:30 until Monday the 12th July 2021. To our surprise, we were treated very bad during detention in the cells and we were told as per General Kadwa's instructions that we are not allowed to be visited, where the toilet was not even working and nothing was allowed from our families outside,

20 food, toiletries and water. We appeared at the Booysens Magistrate Court on Monday the 12th July 2021 for bail. Still on Monday in court, our lawyer, JP Venter, told us that the Control Prosecutor and his team were

refusing to place the matter on the roll. However, General Kadwa and Brigadier Sekgobela came to court and threatened them, the prosecutors and the lawyer, to enrol the matter. The case was then postponed to the next day, the 13th of July 2021. We were then remanded in custody for seven days for a formal bail application. We were then transferred to Johannesburg Prison, Sun City. Our bail application was on the 21st of July 2021. During the bail application, Captain Sebola said we had been arrested for possession of allegedly 700kg of drugs, Cocaine. The Magistrate in Westgate Court asked whether the drugs were weighed and if so, which method was used, which he could not answer. Again, the Magistrate suggested that our arrest was rushed or made prematurely. Again, Captain Sebola could not answer or rebut the suggestion. We were then granted bail. On our way from court, my

Supervisor, Director Pompei, served me with a letter of notice to suspend dated 20 July 2021. Copies of the events of suspension and disciplinary hearing to be attached.”

But until today, I do not know what is happening with my departmental case. I do not know whether it is still on or not.

ADV BALOYI SC: Can I ask, Chief Mashaba, does that
10 mean you are not back at work yet?

CHIEF MASHABA: I am back at work, but I do not, I do not know how far is the case departmental.

ADV BALOYI SC: Okay. So you were never suspended?

CHIEF MASHABA: I was suspended.

ADV BALOYI SC: Following this letter?

CHIEF MASHABA: Yes.

ADV BALOYI SC: And then you went back to work?

CHIEF MASHABA: Yes.

ADV BALOYI SC: Without any process? Without a
20 disciplinary process or anything?

CHIEF MASHABA: The disciplinary process was not followed.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: Is the case that the period of suspension expired and because it had expired you had to

go back to work?

CHIEF MASHABA: Yes, Commissioner.

ADV KHUMALO SC: It is usually three months, right?

CHIEF MASHABA: Yes, 90 days.

ADV SEGEELS-NCUBE: You may proceed.

CHIEF MASHABA: -:

10 “Booyensens CAS 252/10/2021, defeating
the ends of justice and obstruction of
police officers from executing their
lawful duties. The Booyensens CAS
252/10/2021 case emanates from our
arrest and detention by General Khan,
Crime Intelligence, General Kadwa,
Brigadier Sekgobela, Captain Sebola,
Captain Nortje, Colonel Steyn, and the
Gauteng DPCI team. That case was
transferred to IPID for further
investigation. IPID then took the
matter to Director of Public
20 Prosecutions in South Gauteng for a
decision. Advocate Chauke decided
not to prosecute the suspects in the
matter, reason being it was just a
misunderstanding among different law
enforcement officers. This was

surprisingly different from the reason or motivation given by the same office of Advocate Chauke when we made our presentations for our case to be withdrawn. IPID then recommended that all members involved in our arrest must be charged departmentally. However, General Khan was charged, whose hearing was presided by Lieutenant General Mkhwanazi, KZN Provincial Commissioner. General Khan was not found guilty. An impression was created that he was being victimized. Major General Kadwa of the DPCI and his team were not charged. During General Khan's hearing, the DPCI issued a report that all their members are cleared. At the same time, there was media reports that witnesses in the General Khan's hearing, that is us, were facing an immediate re-enrolment of their case. Our case has not been re-enrolled as reported. Our Booyens CAS 98/07/2021 was provisionally withdrawn

on 12 October 2022 and finally withdrawn by Advocate De Kock from NDPP in January 2024. In 2025-11-03, I lodged a grievance of unfair treatment, harassment and victimization with our labour section. Again, it was ignored and remained unresolved. A copy of the grievance are attached. In 2025, December, I was then moved to head office as the Head of SLEU, Special Law Enforcement Unit. It is an undercover unit dealing with high-priority crimes, internal affairs and anti-fraud and corruption in the province, working with other law enforcement units, SAPS, DPCI and Metros, et cetera, till date. I know and understand the contents of the statement. I have no objection in taking the prescribed oath and I consider the oath to be binding on my conscience."

ADV SEGEELS-NCUBE: Thank you, Chief. Is there anything else you want to add to your statement before we adjourn and finalize this part of your questioning?

CHIEF MASHABA: Not that I can think of now.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Chief Mashaba, we will adjourn at this stage, resume at 9:30 tomorrow morning.

CHIEF MASHABA: Okay, Chair.

CHAIRPERSON: You must not be late.

CHIEF MASHABA: I cannot hear, Chair?

CHAIRPERSON: You must not be late.

CHIEF MASHABA: I must?

10 **ADV SEGEELS-NCUBE:** Do not be late.

CHAIRPERSON: Not be late. Do not be late.

CHIEF MASHABA: Okay, I will not be.

CHAIRPERSON: Let us adjourn.

INQUIRY POSTPONED TO 11 JUNE 2026

INQUIRY ADJOURNS

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