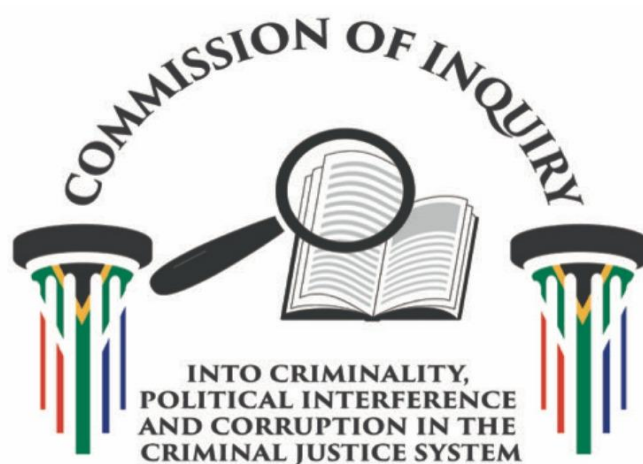


**JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM**

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

11 JUNE 2026

DAY 118



PROCEEDINGS ON 11 JUNE 2026

CHAIRPERSON: Good morning, South Africa. As you all see, today we, the entire Commission, are donning the Bafana Bafana jersey. Since today is the opening of Bafana's 2026 FIFA World Cup campaign, it is fitting to show them our unwavering support. We try to do well.

I cannot resist telling this brief story. I have not alerted the person who is the subject of the story that I am going to do so. According to the initial terms of reference,
10 the Commission's life was supposed to be six months only. My colleague, Commissioner Khumalo, used to tell us his plans to go to the World Cup. Look where he is today. Right now, he would have been in Mexico to watch this football extravaganza. Unfortunately, once the period of the Commission was extended, those plans were dashed.

Commissioner Khumalo and everyone within the Commission who has had to make personal sacrifices one way or the other to see to it that the work of the Commission succeeds, many thanks to you all.

20 Back to the subject of this morning, I urge all South Africans to support our team. Bafana Bafana, pull all stops and make us proud. Thank you all. Good morning, Ms Segeels-Ncube. Good morning, Chief Mashaba.

CHIEF MASHABA: Morning, Chair. Good morning.

ADV SEGEELS-NCUBE: Good morning, Chair.

CHAIRPERSON: And good morning, Mr Mosikili.

ADV MOSIKILI: Thank you, Chair. Chair, seated next to me is Mr Piet Du Plessis from BDK Attorneys.

CHAIRPERSON: Yes.

ADV MOSIKILI: Chair, today we are scheduled to have Mr Tumelo Nku appearing. BDK Attorneys have since brought a postponement application explaining the circumstances that do not permit or allow for Mr Nku to be present today. The application was served and made present and available
10 to the Commissioners and the Evidence Leaders. We have considered the reasons there and we found it to be prudent to allow, to agree to a postponement, Chair, but obviously that would be subject to the endorsement of that arrangement.

So as things stand, Chair, we would endorse that the appearance be postponed and he be ordered to appear next Thursday, being the 18th of June 2026, Chairperson. And Mr Du Plessis is here to confirm that arrangement, Chair.

20 **CHAIRPERSON:** Thank you. Please place yourself on record, Mr Du Plessis.

MR DU PLESSIS: Good morning, Chair. My name is Piet Du Plessis from BDK Attorneys in Johannesburg. We represent Mr Tumelo Nku in these proceedings.

CHAIRPERSON: Yes.

MR DU PLESSIS: He was supposed to attend today for his evidence. Unfortunately there was a family bereavement. It is all documented and the Evidence Leaders kindly considered his request for a postponement. He will be available next week and the date arranged, subject to your approval, is then the 18th of June, next Thursday.

CHAIRPERSON: Thank you, Mr Du Plessis. We have read the application and the view that we take is that it is very sparse on facts, but because we think we are going to have
10 a full day anyway, and because of the agreement between the parties, we will grant the application. But I doubt that, had circumstances been different, we would have granted it. So it is granted and, where is Mr, oh, Mr Nku is not here.

ADV MOSIKILI: He is not here, Chair.

CHAIRPERSON: Oh, all right. Shall we assume then that the terms of the order will be conveyed to him, Mr Du Plessis?

MR DU PLESSIS: I will do so, Chair. Thank you very much.

20

RULING

CHAIRPERSON: Thank you. The hearing of the evidence of Mr Nku is postponed to Thursday, 18 June 2026. Thank you.

ADV MOSIKILI: Thank you, Chair.

MR DU PLESSIS: Thank you, Chair. May I then be

excused?

CHAIRPERSON: Yes, you are, Mr Du Plessis.

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, yesterday I had asked Chief Mashaba if there was anything he wanted to say that was not contained in his statement before we proceed with cross-examination. He indicated that he would like to say something. So Chief?

CHAIRPERSON: Yes. Yes, Chief Mashaba?

CHIEF MASHABA: Yes, thanks, Chair. I do not have my
10 files with me.

ADV SEGEELS-NCUBE: The files are next to you, but they will just help you through. Are you going to refer us to anything specific in the files?

CHIEF MASHABA: No.

ADV SEGEELS-NCUBE: Okay.

CHIEF MASHABA: I just forgot that I, after the harassment of General Khan, I called PC, General Mawela, and PC said to me he is chairing a meeting, I must talk to General Mthombeni. After I spoke to General Mthombeni through
20 PC's phone, General Mthombeni said, hey, we are busy, just talk to Brigadier ...[intervenes].

ADV SEGEELS-NCUBE: Shibiri.

CHIEF MASHABA: Shibiri, and then maybe she will come and assist you guys there. That is what I forgot to add after the, after Khan. And then the second one is after Phakula's

arrival, that we cordoned off the scene. And then the third one, just to clear the alleged argument between Booyens guys and us, myself and Warrant Officer Magane. That is what I think I forgot yesterday. Thanks, Chair.

CHAIRPERSON: Ja, you have not substantiated the last point.

CHIEF MASHABA: Oh, the arrival of Booyens Sector bakkie, we spoke to them. They said, guys, we are attending to a complaint that there is a hijack or you guys
10 are bogus, can you please identify yourselves? We identified ourselves, and then they were happy. And they spoke to their control room, in our presence, that there is no hijack. These guys are genuine, are not bogus cops, so everything is in order. Plus, already, the driver of the truck is going to be arrested.

So, the argument that is being said was that there was a misunderstanding between us and them, that where are we going to detain, or where are we going to book the consignment. So we said, we think because we started in
20 Alberton, this thing started in Alberton, we will go back to Alberton. They said, no, no, no, we cannot go to Alberton. It is happening now. You opened it in our area, in Booyens, so we will have to book them here in Booyens. Then we agreed, we said, no, no problem.

In any way, there was no plan of going to Alberton.

It was just that we thought because we started in Alberton, we would end up in Alberton. So it was just to clear that, because it was like we had a plan of going to Alberton, or something like that. Thanks, Chair. Thanks, Commissioners.

CHAIRPERSON: Thank you, Chief Mashaba.

ADV SEGEELS-NCUBE: Thank you, Chief. Chief, there is another aspect. The first one that you raised about PC Mawela, General Mawela, is that the Provincial
10 Commander?

CHAIRPERSON: Commissioner.

ADV SEGEELS-NCUBE: Because the Provincial Commissioner is Mthombeni.

CHAIRPERSON: Oh.

CHIEF MASHABA: Before Mthombeni.

ADV SEGEELS-NCUBE: At the time, okay. So what was, because you referred to Mthombeni as PC, what was he at the time?

CHIEF MASHABA: 2021, General Mawela was the PC.

20 **ADV SEGEELS-NCUBE**: And ...[intervenes].

CHIEF MASHABA: General Mthombeni was the Major General, second in charge of.

ADV SEGEELS-NCUBE: The province.

CHIEF MASHABA: Ja, of Mawela. After Mawela went on retirement, General Mthombeni took over. He is now the

PC.

ADV SEGEELS-NCUBE: And then you said you were advised to contact Brigadier Shibiri.

CHIEF MASHABA: I was not advised.

ADV SEGEELS-NCUBE: Okay.

CHIEF MASHABA: I am saying I spoke to General Mawela. I called General Mawela. General Mawela gave, he said, I am chairing a meeting. He gave the phone to General Mthombeni. General Mthombeni said, what is the problem?

10 I said, no, we are having a problem here, there is a general here, Khan, he is harassing us. He said, what is the problem? I said, we were following on information of drugs, of a truck carrying drugs.

Well, he said to me, okay, let me, we are busy, let me give you Shibiri, talk to Shibiri, on one phone, General Mawela's phone. Then I spoke to Shibiri. Shibiri said, okay, where are you guys? I said, Aeroton. Then they said, General Mthombeni said, Shibiri will come there and check what is happening and assist where possible.

20 **ADV SEGEELS-NCUBE:** And did you, so did you speak to Brigadier Shibiri?

CHIEF MASHABA: I did not see him. He did not arrive.

ADV SEGEELS-NCUBE: Okay.

CHIEF MASHABA: I did not see him.

ADV SEGEELS-NCUBE: Thank you. So that is what you

want to clarify or include as part of your statement?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Okay, thank you.

CHIEF MASHABA: Yes, Chair.

ADV BALOYI SC: Ms Ncube, you asked, did you speak to Brigadier Shibiri. Do you mean at the scene or on the phone?

ADV SEGEELS-NCUBE: At the scene and on the, on the phone and you say he did not come to the scene. Over the
10 phone ...[intervenes].

CHIEF MASHABA: On the phone, General Mthombeni said, Shibiri will come, then gave the phone to Shibiri. Then Shibiri asked me, where are you guys? I said, we are in Aero-ton. He said, oh, okay, I am coming. But I am saying on the scene, I did not see him. He did not come.

ADV SEGEELS-NCUBE: Okay, thank you.

CHAIRPERSON: May I just, before we start, Chief Mashaba, are you able to tell us in full, as fully as possible, what your duties are? Happily, you still hold the same
20 position you held then. So tell us what your, to the extent that there may have been changes, you may touch on that. Just tell us as fully as possible what your duties are and, or were.

CHIEF MASHABA: As we speak, or the duty of me in my position, or a duty of a Traffic Officer, Chair?

CHAIRPERSON: I prefer to say your duties, your duties. If they entail also doing duties as a Traffic Officer, you can tell us that as well, but I just want to know what your duties as a Chief Inspector were.

CHIEF MASHABA: Well ...[intervenes].

CHAIRPERSON: And to the extent that maybe you may forget, I will even ask that you give us a document that sets them out.

CHIEF MASHABA: Well, I do not have ...[intervenes].

10 **CHAIRPERSON:** No, no, no, I know you do not. That may follow. That may follow today's hearing. That may come after today's hearing.

CHIEF MASHABA: Oh, okay. Maybe let me, let me start with, let me start with, because I think it is proper that maybe I clarify certain things.

CHAIRPERSON: Yes.

CHIEF MASHABA: Because there is, maybe it is a perception of, or a confusion that a Traffic Officer cannot do law enforcement or ...[intervenes].

20 **CHAIRPERSON:** Do not pre-empt that. Maybe when you are being probed further, you may then address the perceptions. Or what I want you to do is to itemize as fully as possible everything that fell within the purview of your functions and indeed even your powers as of July 2021.

CHIEF MASHABA: Yes.

CHAIRPERSON: Please, as fully as possible. And if that includes your involvement in what you just mentioned now in the context of what you say are misperceptions, you may add that in the itemization. Do you follow me?

CHIEF MASHABA: I get you, Commissioner.

CHAIRPERSON: Please, please then, let us have the itemization.

CHIEF MASHABA: Okay, let me say in 2021, the Acting DD that I was, I was in charge of, I was second in charge of
10 the district, Sedibeng, heading three, four, yes, four offices. That is Ratanda, that is Heidelberg Weighbridge. That was, that is Heidelberg region. Vereeniging region. Meaning the four, the three, the four were reporting to me, I would go and inspect the offices. I will go and attend meetings in the district with the police, the district office in Vereeniging and come back and brief the Heads of, of the offices that is Vereeniging, Heidelberg, Heidelberg Weighbridge and, well, Ratanda is just a satellite small station because it is, it is small.

20 So our duty, my duty is to monitor the performance of the offices, the three offices, to attend to complaints of the members, to hold meetings with the offices and address challenges thereof.

ADV BALOYI SC: If that is the fullness of the description of your position at the time, it sounds more like a

managerial position. Is that, is that a correct description?

CHIEF MASHABA: I can say DD is a Brigadier level in the police.

ADV BALOYI SC: Yes.

CHIEF MASHABA: Yes, so it is managerial.

ADV BALOYI SC: Thank you.

CHIEF MASHABA: Yes.

CHAIRPERSON: Can you please zoom in on the misperceptions you alluded to, or misperceptions
10 ...[indistinct] that you alluded to?

CHIEF MASHABA: Well ...[intervenes].

CHAIRPERSON: Regarding law enforcement, as you said.

CHIEF MASHABA: Well, following, following the events in the Commission, I could hear there is a separation in SAPS and Traffic. So I think it is maybe proper that I put to the Commission that there is no difference in being a Traffic Officer and being a Policeman, because we work under one boss, that is the State, but given different duties.

CHAIRPERSON: I think what is crucial is exactly the
20 difference in duties. Tell us those differences.

CHIEF MASHABA: I am still ...[incomplete].

CHAIRPERSON: Thank you. Thank you. Sorry for interrupting you then, Chief Mashaba.

CHIEF MASHABA: Okay. We are given, a Traffic Officer, let me say a Traffic Officer is a Policeman specializing in

roads. That is our key responsibility. Roads, I mean accidents, road safety, and everything that comes with roads. And what gives us the authority and power, it is the Act now as law enforcement officials and peace officers that we also have a mandate to fight crime. So I think that what gives us the power and the authority to, from time to time, work with the Police in fighting crime.

CHAIRPERSON: Is this a blanket power or is it restricted in any way? Can you do any and everything that members
10 of SAPS are empowered to do?

CHIEF MASHABA: Yes, I can do.

CHAIRPERSON: Any and every with no restriction whatsoever?

CHIEF MASHABA: Yes, I can do, except investigating a docket. That, and I do not have the power over, but other than that, as a law enforcement official, it does not mean when I see, for an example, a crime in progress, let us say rape, I can turn a blind eye. I cannot turn a blind eye, and I cannot just turn a blind eye because I do not work with
20 rapes. It is not my line of duty, but it is crime in progress. I cannot just turn a blind eye. But when I am with the Police, jointly working, the protocol dictates that the Police will take the lead. I will be playing the supporting role.

CHAIRPERSON: You referred to, I hope I am not interrupting you.

CHIEF MASHABA: No.

CHAIRPERSON: All right. You referred to an Act that sets out your duties. What Act are you referring to?

CHIEF MASHABA: I wanted to be very careful because I am talking to law gurus here. I cannot preach gospel to the Bishop. We are empowered by Criminal Procedure Act 334, Act 51 of 1977. It gives us the power now as the peace officers to fight crime.

CHAIRPERSON: Any other Act?

10 **CHIEF MASHABA:** Well, other acts are following it. I am talking now the powers to fight or to prevent, crime prevention. That is where we fall in. Other acts will be more on Traffic.

CHAIRPERSON: So basically, on your point that there is a misperception that you cannot fight crime, your reliance is on the Criminal Procedure Act.

CHIEF MASHABA: Yes, Chair.

CHAIRPERSON: Nothing else. Because you then say there are other Acts that relate to Traffic matters. So that
20 is not general and that is not addressing what you refer to as a misperception.

CHIEF MASHABA: So ...[intervenes].

CHAIRPERSON: It is just the Criminal Procedure Act and for the rest it is ...[intervenes].

CHIEF MASHABA: It is Traffic.

CHAIRPERSON: Traffic, Acts relating to Traffic ...[intervenes].

CHIEF MASHABA: Yes.

CHAIRPERSON: Traffic matters.

CHIEF MASHABA: The one that gives me power and authority is this Criminal Procedure. That is the one.

CHAIRPERSON: Is the Criminal Procedure Act not more process-related rather than, how should I put it? For example, I know that around, sections around the 20's,
10 there are powers with regards to arrest and things like those. Is that the sort of powers you are talking about or what other powers in the Criminal Procedure Act are you talking about?

CHIEF MASHABA: Yes, that is the powers I am talking about.

CHAIRPERSON: Okay. Now, what I want to get an idea of is, would you, for example, of your own accord go around investigating crimes, not arresting now, in terms of the Criminal Procedure Act, and not about Traffic matters. So
20 would you go around, for example, of your own accord investigating matters like murder, robbery, of your own accord?

CHIEF MASHABA: No.

CHAIRPERSON: No.

CHIEF MASHABA: Hence I am saying ...[intervenes].

CHAIRPERSON: What restricts you? What circumscribes your powers?

CHIEF MASHABA: Hence I am saying, maybe, maybe when I said dockets, investigating dockets, that is what I ...[intervenes].

CHAIRPERSON: Let us say there is no docket at this stage, but you want to find out if a murder has been committed, you want to find out if an armed robbery has been committed, there is no docket. A docket will only
10 come into existence once, indeed, it has been found that a crime appears to have been committed and then a docket is opened.

So I am asking you about pre all of that. Would you of your own accord just leave your house and say, I am going to investigate if a murder was committed, if an armed robbery was committed, would you do that?

CHIEF MASHABA: Specifically, not that I can out of my own way go investigate a murder, but if it is brought to my ...[intervenes].

20 **CHAIRPERSON:** Or an armed robbery.

CHIEF MASHABA: I cannot hear you, Chair?

CHAIRPERSON: I am saying or an armed robbery.

CHIEF MASHABA: Or an armed robbery.

CHAIRPERSON: Ja, you would not do that, you say?

CHIEF MASHABA: I would not do that. I will either, not

either, I will report to SAPS.

CHAIRPERSON: Okay, before you move on, thank you about the point about reporting to SAPS. And before you move on to the unless, because you had unless, what circumscribes your powers? What is it that stops you from investigating the armed robbery or the murder?

CHIEF MASHABA: Remember, Chair, I said in the beginning, I am a Policeman specializing ...[intervenes].

CHAIRPERSON: Yes, okay.

10 **CHIEF MASHABA**: In traffic-related matters.

CHAIRPERSON: So what circumscribes your powers is the very fact that you are a Traffic Officer and therefore, in terms of the legal prescripts that you said relate to Traffic Officers, you are expected to work within that lane, the lane created by those prescripts. So that is what circumscribes your powers, correct?

CHIEF MASHABA: Correct, Chair.

CHAIRPERSON: Now you had the unless. You were saying you would not, of your own accord, just investigate a
20 murder or an armed robbery unless. What did you want to say, do you still remember?

CHIEF MASHABA: I think I was cancelling the unless.

CHAIRPERSON: You are cancelling the unless?

CHIEF MASHABA: I cancelled the unless.

CHAIRPERSON: So you are saying what you would rather

do if you believe that a murder or armed robbery has been committed, you would report to SAPS.

CHIEF MASHABA: If it is brought to my attention or knowledge ...[intervenes].

CHAIRPERSON: Yes, yes.

CHIEF MASHABA: Yes, I must do something as a law enforcement official. Step number one, I will have to report, make the relevant authority aware.

CHAIRPERSON: All right, all right. Thank you. Thank you
10 very much, Chief Mashaba.

CHIEF MASHABA: Thank you, Chair.

CHAIRPERSON: Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you.

ADV BALOYI SC: Can I just understand the limitations of when you can intervene, is it, it has to be a crime that is happening on the road. Is there such a limitation?

CHIEF MASHABA: Not necessarily on the road. Well, on the road, I do not need any permission from SAPS on the road because that is where my crime scenes are.

20 **ADV BALOYI SC:** Yes.

CHIEF MASHABA: As a Traffic Officer.

ADV BALOYI SC: Okay.

CHIEF MASHABA: But on other related, not related, on other crimes committed, I will have to seek assistance that SAPS, I have got this information, not that out of my will, I

can just go and do it. No, no, no, I need to report it to SAPS and seek for assistance. Once SAPS joins, or I make sense to them, is then that jointly we will go and do that.

ADV BALOYI SC: All right, thank you.

ADV SEGEELS-NCUBE: And Chief, the area of your jurisdiction, so I am not going to canvass what Chair canvassed with you about your duties and responsibilities, but when you are performing those duties, you have a specific area of jurisdiction that you must perform those
10 duties and you cannot go beyond that, or can you?

CHIEF MASHABA: Do I have a jurisdiction?

ADV SEGEELS-NCUBE: Yes, the areas. You mentioned earlier Sedibeng, Heidelberg Weighbridge, can you go beyond your district?

CHIEF MASHABA: Yes, my jurisdiction is Gauteng.

ADV SEGEELS-NCUBE: The whole of Gauteng?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Okay, when, what is the significance then of you being the Deputy Director for the
20 Sedibeng area? What does that mean?

CHIEF MASHABA: That was where I was based.

ADV SEGEELS-NCUBE: So ...[intervenes].

CHIEF MASHABA: I am based in Sedibeng district, but nothing limits me in the province to go and work. I cover all the Metros and all the Local Traffic, I mean all the Local

Metro, no, no, all the Local Authorities within the province.

ADV SEGEELS-NCUBE: But insofar as your role is concerned as the Inspector or as the Acting Deputy Director, as the Director, the Acting Deputy Director, is that what you are saying?

CHIEF MASHABA: No. No. Like for instance now, like I said yesterday, I am no longer an Acting. Remember when you act, it is not a permanent post.

ADV SEGEELS-NCUBE: Yes, but we are talking about in
10 2021, because you were the Acting Deputy Director.

CHIEF MASHABA: Still, nothing stops me.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: Hence, I am saying to you, my jurisdiction is Gauteng. I am not like your JMPD that works within their boundary. I am not like Tshwane. I am not like Ekurhuleni. I am not like Emfuleni. I cover all the Metros and the Local Municipalities. That is my jurisdiction.

ADV SEGEELS-NCUBE: I just want ...[intervenes].

ADV KHUMALO SC: Can I ask you a question on that
20 point? Sorry to interrupt you. Chief, let us say it was 2021 and you were occupying the position you were occupying in July 2021, are you saying because your jurisdiction covered the entire Gauteng, let us assume this Commission was sitting in July 2021 and you hear that a stolen vehicle was in the Commission's premises, would you then have the

power to come and raid the Commission's premises, because according to you, you conduct law enforcement and your jurisdiction is the whole of Gauteng. I am just trying to understand what you mean by anywhere in Gauteng you can conduct law enforcement.

CHIEF MASHABA: To come and raid, as in, inside the premises, inside the yard?

ADV KHUMALO SC: Yes, to come and search and seize and look for the stolen car.

10 **CHIEF MASHABA:** No, no, no, I would invite SAPS.

ADV KHUMALO SC: You would invite SAPS?

CHIEF MASHABA: I would invite SAPS.

ADV KHUMALO SC: Because you yourself would not have the power to come and search and seize goods in the Commission's premises.

CHIEF MASHABA: Not necessarily that I cannot, but I am saying, well, to limit a lot of issues, a lot of questions, it is simply, it is quite simple to just invite SAPS because they are the ones that quickly can apply for search warrants and
20 stuff like that.

ADV KHUMALO SC: And you would choose any SAPS officer of your choosing? You would take any SAPS junior officer to tag along?

CHIEF MASHABA: Depending on the information that I get, I do not just choose. I do not just choose. I will,

remember SAPS, they also have their area of operation like, let me say for instance, Moroka. Moroka Police Station, if I get an information that there is something in Diepkloof hostel, I cannot just call somebody in Moroka because he is a Policeman. I need to relate that to a Diepkloof member because that is his area of operation.

ADV KHUMALO SC: Okay.

ADV SEGEELS-NCUBE: Now, Chief, please go to your statement at paragraph 1, the last sentence in paragraph 1.

10 You say, and let me know when you are there, page 1, paragraph 1. Do you have it?

CHIEF MASHABA: In 2018?

ADV SEGEELS-NCUBE: No, in 2013, I was promoted to a Chief Provincial Inspector post. Do you have it?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Okay, promoted to a Chief Provincial Inspector post at the Premier's office. That I can understand to be provincial. You then say you were politically removed and the following day the matter was not
20 placed on the roll. I was then suspended and my reinstatement, I was transferred to Vereeniging regional office as the Head of the service point region. So that is a region. Then you say in 2020, paragraph 3, I was appointed as an Acting Deputy Director, Sedibeng District, Southern Corridor. That is very specific. You are not in a provincial

role then.

CHIEF MASHABA: I am not?

ADV SEGEELS-NCUBE: You are not in a provincial role in 2020 when you are appointed Acting Deputy Director, Sedibeng District.

CHIEF MASHABA: I am occupying that position in the provincial office, in the district of Sedibeng.

ADV SEGEELS-NCUBE: Yes, but in the district of Sedibeng. So there would be other Acting Deputy Directors
10 for other districts within Gauteng.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Yes. So you are only the Acting Deputy Director for the Sedibeng District. You are not for any other district. Do you accept that?

CHIEF MASHABA: I am placed in Sedibeng. I do not know what this, where is this taking us? Is it a question or ...[intervenes].

ADV SEGEELS-NCUBE: Yes, it is a question.

CHIEF MASHABA: What is the question?

20 **ADV SEGEELS-NCUBE:** Do you accept that you were the Acting Deputy Director of the Sedibeng District, yes?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: And that the district is not the province. A district, the Sedibeng District is not Gauteng province.

CHIEF MASHABA: Yes, it is not a province. It is a municipality.

ADV SEGEELS-NCUBE: Yes. And that is the role that you were in, in 2021.

CHIEF MASHABA: Yes, Chair.

ADV SEGEELS-NCUBE: Okay. Now in that role, in the district, what were your responsibilities and your duties? What were you doing on a day-to-day basis when you were not chasing down drugs with Mr Nku? What were you
10 doing?

CHIEF MASHABA: Specifically, what was I doing with Mr Nku?

ADV SEGEELS-NCUBE: No, when you were not chasing drugs with Mr Nku, what were your daily responsibilities as the Deputy Director for the Sedibeng District?

CHIEF MASHABA: But I think I have answered that because I said I would visit the three offices.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: And Ratanda, that is a satellite station.

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

CHIEF MASHABA: The three, the four offices where I was in charge of. But that does not take the fact that I am still occupying the position in the province. So, my role was to address complaints, address challenges, be it resources, be it conflicts among the members, be it non-performance from

managers. Those were my responsibilities there.

ADV SEGEELS-NCUBE: Yes, that was your day-to-day responsibilities as the Deputy Director. Now, you then go beyond that and you tell us about the province. But you say that because you want to explain why you went beyond the Sedibeng District on the 9th of July 2021, is that not so?

CHIEF MASHABA: I do not just, I do not want to just say yes, yes.

ADV SEGEELS-NCUBE: No, you do not. I am not
10 expecting you to say yes, yes. Please give me your honest answer.

CHIEF MASHABA: What is your question now? Sorry about that.

ADV SEGEELS-NCUBE: When you are telling us about the province, that you had responsibilities within the province, when you do that, are you reporting to, for example, the Deputy Director for that district that you are going to, because you are only for the Sedibeng District.

CHIEF MASHABA: I report to the Director.

20 **ADV SEGEELS-NCUBE:** And who is the Director?

CHIEF MASHABA: Pompi then.

ADV SEGEELS-NCUBE: Yes, and on that day, you did not report to Pompi.

CHIEF MASHABA: On the day of?

ADV SEGEELS-NCUBE: The 9th of July 2021.

CHIEF MASHABA: No, I did not report.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: Remember, yesterday I said, I want to emphasize that the information is a sensitive information. I need to be careful because it involves senior law enforcement officials.

ADV SEGEELS-NCUBE: Yes, this is the information that you got from Mr Nku.

CHIEF MASHABA: Yes, Chair.

10 **ADV SEGEELS-NCUBE:** A civilian.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Who is telling you not to report to your boss.

CHIEF MASHABA: No, he is not telling me not to report. He is saying, be careful who you involve because it involves senior law enforcement officials. And remember, I hear you want to push me to why did I not report.

ADV SEGEELS-NCUBE: I am not ...[intervenes].

20 **CHAIRPERSON:** Sorry, sorry. Chief Mashaba, please try not so, what, just answer the questions that are asked. You may, in your mind, try to anticipate whatever you think the Evidence Leader wants to take you to. But you do not need to openly tell us what you think the Evidence Leader is trying to achieve. And sometimes, sometimes witnesses actually give terrible responses because they are trying to

anticipate what they think is sought to be achieved and sometimes they go totally wrong.

CHIEF MASHABA: Okay.

CHAIRPERSON: Just try as much as possible to answer the questions that have been asked.

CHIEF MASHABA: Okay, thank you, Chair.

CHAIRPERSON: Thank you.

CHIEF MASHABA: Thank you, Chair.

CHIEF MASHABA: Can you please repeat it.

10 **ADV SEGEELS-NCUBE**: You did not report to your Director because you said you were told by Mr Nku that you must be careful as to who you inform of this operation because there are senior law enforcement officials involved.

CHIEF MASHABA: Yes, Chair.

ADV SEGEELS-NCUBE: Okay. So you considered reporting to Director Pompei as being an issue that will compromise this operation.

CHIEF MASHABA: Correct.

20 **ADV SEGEELS-NCUBE**: Based on the information of a civilian.

CHIEF MASHABA: Correct.

ADV SEGEELS-NCUBE: And you must obviously have a good relationship with that civilian in order for you not to involve your boss in an operation where he is telling you that there are drugs involved.

CHIEF MASHABA: I also have a good relationship with my boss also, correct.

ADV SEGEELS-NCUBE: So why not inform your boss?

CHIEF MASHABA: I am not taking this information light because it talks about sensitive issues there.

ADV BALOYI SC: Can I just ask, did Mr Nku mention your superior, Mr Pompi, I think it is, as one of the people that you should not mention this to?

CHIEF MASHABA: Mr Nku does not know Mr Pompi.

10 **ADV BALOYI SC:** Yes, so how did you determine that one of the people that you should not be telling this is your immediate Supervisor?

CHIEF MASHABA: It is because my boss is one of the senior law enforcement officials.

ADV BALOYI SC: And when he says senior law enforcement officials, did he say SAPS, RTMC, Gauteng Province? Surely he must have given you a specific, did he say Crime Intelligence, did he say DPCI?

CHIEF MASHABA: No. When he says to me, senior law
20 enforcement officials, to me, I think I understand what he means.

ADV BALOYI SC: What does that mean? I do not understand what it means and maybe because of your experience, you can assist us to make sense of this conversation between you and Mr Nku. When he says

senior law enforcement officers, what do you understand him to say?

CHIEF MASHABA: Chair and Commissioners, it is not for the first time that such information has come, where, especially at my level, where I do not just, in actual fact, myself and Director Pompei, I do not report like I am a junior. I sometimes go and work and give report afterwards. So when he says to me, be careful who you involve, I know running a risk of reporting such information to the bosses, 10 sometimes you get to not become successful because the boss might have an interest in whatever information you got.

ADV BALOYI SC: I still do not know what it means or what you understood him to mean or to include or exclude in that senior officials. Are you, and really, maybe to be more specific, I try to be more specific in my question is, you are Gauteng Traffic. There is SAPS. We know you have spoken, you eventually do call Provincial Commissioner Mawela when now you are at the scene and there are 20 problems now.

So there is SAPS, there is JMPD, there is your Traffic and I have also included DPCI, I have included Crime Intelligence, and I think that is not the fullness of it. There are many others. And I am trying to understand that when Mr Nku, who you say you have a relationship with him,

when he says, so you do have specifics, at least in your mind, about when he says senior officials, do not include, do not alert senior officials about this, you have an idea in your mind, is he talking about your Traffic people?

Is he talking about SAPS? Is he talking about DPCI? Is he talking about Crime Intelligence and whatever other law enforcement? So I am trying to understand how you determined who not to inform, because there are hundreds of senior law enforcement officers.

- 10 **CHIEF MASHABA:** I think, Chair, what Nku was trying to say, I understood it, because he is not a law enforcement official. I knew that he means it can be SAPS, it can be us, it can be Metros, and others. When he, that is why specifically, he did not say, do not, be careful not to involve, let us say, be careful not to involve Samuel Mashaba. He said, do not involve senior law enforcement officials. He did not specifically say SAPS. So I think I understood him when he said, be careful.

ADV BALOYI SC: Thank you.

- 20 **ADV KHUMALO SC:** Can I ask you why you did not involve junior law enforcement officials, especially those that work within the Sedibeng region and reported to you, and those that are, whose activities on a daily basis are operational in nature, because you are more management at this stage. Why did you not involve any of those who report to you and

are operational officers?

CHIEF MASHABA: To be honest, Commissioners, nothing stopped me from doing that, or nothing stopped me from taking the operation or taking responsibility of the operation. But looking at, or listening to him tell me the info, it is irrelevant that I take it direct to where it belongs, that is SAPS.

ADV KHUMALO SC: And did you record any of this in any document? Is there any book that you use on a daily basis
10 to record this sort of information?

CHIEF MASHABA: Yes, we do, hence I am saying, at my level, I go and work and come back and report, give report to my boss.

ADV KHUMALO SC: No, but your own, not what you report to your boss. Is there a book or a diary that you keep and in which the day before and on the day of the 9th of July you recorded information that was given to you? Remember, you are not telling senior officers, you are not telling bosses, but you are keeping a record of your activities and
20 what you are busy with.

CHIEF MASHABA: Yes, I have got my diary, Chair.

ADV KHUMALO SC: So there is such a diary?

CHIEF MASHABA: There is. There was.

ADV KHUMALO SC: Where is it?

CHIEF MASHABA: My car, when I was locked up that day,

I had a lot of things in my car. It was taken to 13 in Aeroton, 13 pound, and a lot of my stuff was stolen in 13. So one of the, I mean, the diary was also in there. My jackets, my uniforms, a lot of things. So now I do not have that record with me, because it was stolen, it was taken in 20, in that day.

ADV KHUMALO SC: All right, can we leave it here then.

As far as I am talking only about Gauteng Traffic Police, as far as that part of law enforcement is concerned, for the
10 purposes of this operation, you preferred that only you be involved in this operation and nobody else from Gauteng Traffic Police?

CHIEF MASHABA: Yes, because the information came to me, Chair.

ADV KHUMALO SC: No, I accept that it came to you. I am saying for the purposes of this operation, you preferred that only you from Gauteng Traffic must be involved.

CHIEF MASHABA: Correct.

ADV KHUMALO SC: Thank you.

20 **ADV SEGEELS-NCUBE:** Thank you. Chief, this allegation that you make now, this version that Mr Nku told you to be careful who you involve, because there are high-ranking officials involved, the first time you mentioned that was yesterday, correct, when you were reading your statement. It was not in your statement.

CHIEF MASHABA: It was not in my statement.

ADV SEGEELS-NCUBE: And it was not in any other statements that you had prepared as part of the criminal investigation?

CHIEF MASHABA: If my memory serves me well, on the warning statement, if it serves me well, I wrote a lot of statements.

ADV SEGEELS-NCUBE: Okay.

CHIEF MASHABA: I think it is in my warning statement, if
10 it serves me well.

ADV SEGEELS-NCUBE: Okay. I want to read to you what Mr Nku says about that. Commissioners, it is in Mr Nku's statement on page 2. I am not sure if you now have that file, because he is not giving evidence today, but the statement had been made available. But I will read it into the record. At paragraph 2.3, he says:

20 “Communication of information. I informed Chief Mashaba of the information on or about 8 July 2021, around 7:30 p.m., after I became satisfied that the information was sufficiently specific to warrant operational follow-up, as the yellow jersey truck, which was carrying the container in question, had been

traveling in record time towards Johannesburg. In relation to Chief Mashaba, it was a last-minute request, as the high-ranking official who was supposed to have assembled the team to run the operation was not available at that point.”

So it seems to me that he actually was going to involve a high-ranking official, and you were his second
10 choice. And yet you say he told you to be aware of high-ranking officials getting involved in this operation.

CHIEF MASHABA: Well, I do not know who else did he try to involve and did not get, and he did not even make me aware.

ADV SEGEELS-NCUBE: But it ...[intervenes].

ADV BALOYI SC: The point that is being made is that Mr Nku himself, in his statement, was prepared to deal with a high-ranking official. He was prepared to share this information with a high-ranking official. And yet you say, he
20 said to you, do not, be careful, do not involve high-ranking officials. So what is being pointed out to you is the contradiction between what you say he said to you and what he says in his statement, that he was prepared to involve a high-ranking official and you are being asked to comment on that contradiction.

CHIEF MASHABA: If I may ask, contradiction how? Contradiction in the sense that he first started with a senior before coming to me?

ADV BALOYI SC: No, contradiction as in he was prepared to involve a high-ranking official to run the operation. That is what he says in his statement. He looked for a high-ranking official that would assemble a team to run that operation. He did not find that high-ranking official, right, and then he came to you.

10 But what is being put to you is on his statement, he was prepared to share this information and to involve a high-ranking official and yet you tell us that he warned you not to involve a high-ranking official. You understand what I am saying?

CHIEF MASHABA: I hear you, Commissioner.

ADV KHUMALO SC: Yes, so what is being put to you is that what you say he warned you not to do, he was prepared to do himself, to involve a high-ranking official and so he contradicts in his statement what you say he told you and is
20 your reason for not involving or not informing your superior.

CHIEF MASHABA: To me it does not sound like a contradiction.

ADV SEGEELS-NCUBE: Okay, did he tell you who the high-ranking official was that he initially wanted to get involved?

CHIEF MASHABA: No, he did not.

ADV SEGEELS-NCUBE: Okay. And so he says to you, do not be careful who you share the information with because there would be high-ranking officials involved. You take that to, you decide you are not going to tell anyone about this, you are going to deal with it on your own.

CHIEF MASHABA: I did not take it light, yes.

ADV SEGEELS-NCUBE: Sorry, you did not?

CHIEF MASHABA: I did not take it light, yes.

10 **ADV SEGEELS-NCUBE:** What does that mean, I did not take it light? Did not take what light, his caution or what?

CHIEF MASHABA: Yes, his caution.

ADV SEGEELS-NCUBE: Okay. So did he give you information as to what drugs they were, the quantity? Did he give you any of that intel?

CHIEF MASHABA: Well, he did not tell me exactly how big the consignment is. He did not. He just said to me, there is this in this truck.

ADV SEGEELS-NCUBE: And he gave you the details of
20 the truck?

CHIEF MASHABA: Yes, in the morning, Friday.

ADV SEGEELS-NCUBE: The Friday. So you knew the Thursday of possible drug trafficking the night before?

CHIEF MASHABA: Correct.

ADV SEGEELS-NCUBE: Okay. And in your mind, what

action do you then take, because now it is an operation which you have decided that you are going to deal with.

CHIEF MASHABA: I said to him, please make sure it is possible, I mean, it is positive. You make sure it is correct, the information is correct before I can activate.

ADV SEGEELS-NCUBE: Activate what?

CHIEF MASHABA: Manpower.

ADV SEGEELS-NCUBE: Okay, what manpower were you going to activate?

10 **CHIEF MASHABA:** He is talking about the information of the truck carrying drugs. Obviously, Mashaba alone cannot do that. I will need assistance from other people. That is the manpower that I mean.

ADV SEGEELS-NCUBE: Okay. This plan you only come up with after he confirms to you that there is, in fact the truck does have drugs and it is on its way.

CHIEF MASHABA: It is not a plan?

ADV SEGEELS-NCUBE: No, no, you said you are going to activate manpower. That must be a plan. You are not just
20 going to activate manpower without a plan.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Yes, so that plan which included activating manpower, you only come up with the morning of the 9th.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Not the night before.

CHIEF MASHABA: After he confirms that, now the truck is here, come and join me.

ADV SEGEELS-NCUBE: Okay, the truck is where now, in Johannesburg?

CHIEF MASHABA: Yellow Jersey truck stop.

ADV SEGEELS-NCUBE: So when he calls you the Friday, the truck is already at the Yellow Jersey truck stop.

CHIEF MASHABA: Yes.

10 **ADV SEGEELS-NCUBE:** Okay. And when he called you the night before, did he tell you where the truck was then?

CHIEF MASHABA: No, he did not tell me.

ADV SEGEELS-NCUBE: Okay. And what information did he give you for you to be sure that there was in fact drugs there? Did he tell you, he must have given you some information. It cannot just be there is a truck with drugs because you say to him the night before, make sure. So what additional information did he give you the next morning that gave you the assurance that he made sure that
20 the drugs are in there?

CHIEF MASHABA: No other additional information. He said to me, there is this truck coming from Durban, it is carrying drugs, can you assist? I said, provided you make sure you are telling the truth, I do not think that will be a problem. I would then make necessary arrangements.

ADV SEGEELS-NCUBE: Okay, no you said, you say to him, make sure that he is positive. In your statement you say:

“I then asked Mr Nku to first confirm if the information was positive before I could act on it.”

Which means that he would have had to do something in order to give you that confirmation that the information was positive. The night before you are not
10 certain, you say to him, make sure. The next morning when he calls you, what does he say to you that gives you the assurance that you are not, this is not just a wild goose chase?

CHIEF MASHABA: The truck I was talking about yesterday is here.

ADV SEGEELS-NCUBE: Yes, but that does not tell you anything. It is just telling you the truck is here. How does he know that there are drugs in there? What is he basing his suspicion on and what is he telling you about that?

20 **CHIEF MASHABA:** I do not know. Remember, I am only acting on the information he gives. And to me, if he says, what we are looking for is here, come, to me it means it is positive, so I need to come and assist.

CHAIRPERSON: But Chief Marshaba, you said that he must establish if the information is positive. All that you

are telling us now is that he said the truck is here. That says nothing about, or let me go one step back. This was not about the truck, or rather not only about the truck arriving in Johannesburg. Your concern about whether this was positive concerned the contents of the truck. Am I wrong? It was not just about the presence of the truck. It was about the contents of the truck, correct?

CHIEF MASHABA: You are correct, Chair.

CHAIRPERSON: Yes. Now your focus seems to be about
10 the presence of the truck in Johannesburg because all you say is that he said the truck is now here. That says nothing about the contents of the truck and that alone could not have satisfied you on what you wanted to be sure of, is this positive, make sure that this is positive.

CHIEF MASHABA: Remember, Chair, he is the one bringing information to me. When I say to him, please, I do not want to leave what I am doing to come and do things that are not there.

CHAIRPERSON: Exactly.

20 **CHIEF MASHABA:** To make sure.

CHAIRPERSON: Yes.

CHIEF MASHABA: So if to me, if to me, if he says to me, here is the truck, it means he would have made sure. That is why he is even calling again.

CHAIRPERSON: I do not understand that. I do not

understand that. The presence of the truck in Johannesburg says nothing about what you were insistent about, make sure, I do not want to leave things that I am doing here for nothing. So we have not gone past that line. For all you knew, things could well have been exactly the same as the previous day.

The truck is here. That says nothing about whether what you wanted to know had in fact been established. You do not know that. The presence of the truck in
10 Johannesburg says nothing about that. That is what that is what Ms Segeels-Ncube wants to establish.

CHIEF MASHABA: It says nothing about?

CHAIRPERSON: What you wanted to know about, which is, is the info, make sure that the information is positive. I do not want to leave things that I am doing to come there for nothing. So make sure that the information is possible, I am sorry, is positive. All you get told is that the truck is here. That basically means nothing for your purposes, which is to know that the information is positive.

20 **CHIEF MASHABA:** Chair ...[intervenes].

CHAIRPERSON: Do you understand me?

CHIEF MASHABA: No, I hear you.

CHAIRPERSON: Yes.

CHIEF MASHABA: I am saying he is the one ...[incomplete].

CHAIRPERSON: Or to ask the question differently, what makes the information positive just because the truck is now present in Johannesburg? What makes the information positive?

CHIEF MASHABA: For him to confirm that the truck I was telling you about from Durban, it is now, has touched down in Johannesburg. That means the information he has got about this truck ...[intervenes].

CHAIRPERSON: No, no, no, I do not see the logic in that.
10 I do not see how you skip to the, that means. Not merely by saying the truck is now in Johannesburg, there is a leap in your logic there. There is a quantum leap, in fact, in your logic. That means cannot come from the truck is now in Johannesburg. It simply cannot.

CHIEF MASHABA: Well, unless, Chair, the answer that I am trying to give or the answer that I am giving is that if you receive an information as a cop, as a law enforcement official, I know how to verify without you telling me the details of that information. If you say to me, I am following
20 on information from Durban to Johannesburg, please be on standby, once you say to me, the information I was telling you about has now arrived, it means, because it is your information, you know what you are talking about, it means it is positive. So the question, I mean the answer I am giving, I think it is, to me, that is how I understood it and

that is how I acted.

CHAIRPERSON: You see, being prepared to act on a statement that merely says the truck is now in Johannesburg, would make sense only if you already knew, you yourself already knew that this truck contained whatever it is that you were interested in. Otherwise, there is simply no logic in saying, I was told that the truck was now in Johannesburg. That meant that the information I wanted had been established.

10 There is simply no logic in that. You would only be satisfied by a statement that says the truck is now in Johannesburg if you knew what the contents of the truck were. That is the only thing that makes sense. Otherwise, what you say, Chief Mashaba ...[intervenes].

CHIEF MASHABA: No, Chair ...[intervenes].

CHAIRPERSON: Does not make sense.

CHIEF MASHABA: No, Chair, I do not agree.

CHAIRPERSON: Make it logical then because that is why it is simply not logical and the example that you give does
20 not assist and I am not prepared to be dragged into that example. I am talking about specific facts here. You say, I am not going to leave what I am doing here for information that may well not be established or may well not be truthful. And all you get is that the truck is here and that satisfies you that the information you wanted established has in fact

been established. That does not make sense. It is as simple as all that. So if you say you were satisfied, make it logical, make it make sense, otherwise, that is why it simply does not make sense.

CHIEF MASHABA: I was satisfied, Chair.

CHAIRPERSON: I want to know why. That is what I am engaging you on. I want to know why or how could you have been satisfied.

CHIEF MASHABA: Yes, I was satisfied because at the
 10 back of my mind, the information I got is the truck will be carrying drugs from Durban. Obviously, when you say the truck I was telling you about yesterday, it is already here, obviously, I know I am coming for the truck that you told me about yesterday that are carrying drugs and the truck is here. That is why I acted.

CHAIRPERSON: Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Chief Mashaba, you just said now that, you were, the information you were given was that there will, that truck will be carrying drugs. So Mr Nku
 20 knew it as a fact that there were drugs in there.

CHIEF MASHABA: That is his information, yes, he knew.

ADV SEGEELS-NCUBE: But in your statement, you say, which was allegedly suspected to have drugs in its cargo. So it was an allegation. And earlier on, you also dealt with it on the basis of a suspicion that there would be drugs.

Now you are saying he told you as a fact that that truck will be carrying drugs. So Mr Nku knew for a fact that there were drugs in that truck.

CHIEF MASHABA: Mr Nku knew because he is the one who has got details of that truck.

ADV SEGEELS-NCUBE: Okay. So did he tell you that the Thursday night that there will be drugs in the truck?

CHIEF MASHABA: The truck is carrying drugs.

ADV SEGEELS-NCUBE: Definitively?

10 **CHIEF MASHABA**: Yes, I knew the Thursday.

ADV SEGEELS-NCUBE: Okay. So we can forget about your statement where you say that it was allegedly suspected. Your information was that there are drugs in that truck.

CHIEF MASHABA: To me it is an allegation. It is not a confirmation. To me I will treat it as an allegation, hence I said please make sure it is positive.

ADV SEGEELS-NCUBE: But it brings us back to what the Chair is saying. So if Thursday night you are not satisfied
20 with what he is given you because you do not activate your plan Thursday night, what is it that he tells you Friday morning that makes you activate your plan to get somebody involved, to take you away from your regular duties so that you can go and chase these drugs with him? What does he say to you? Did he give you pictures of it, of the drugs?

CHIEF MASHABA: No, he did not.

ADV SEGEELS-NCUBE: Okay, what did he say?

CHIEF MASHABA: I do not know. I do not, maybe you want me to tell you what you want to hear. I am saying to me it is enough when he says the truck is here.

ADV SEGEELS-NCUBE: Okay, no verification done by your, on your side?

CHIEF MASHABA: No.

ADV SEGEELS-NCUBE: No verification of the information
10 from a civilian done from your side as a law enforcement officer?

CHIEF MASHABA: The verification would be, I need to come and okay, with the truck, I need to come and open. That is the only verification. Other than that, I treat it as an allegation.

ADV SEGEELS-NCUBE: Okay. Did it at any point occur to you that you are getting information from a civilian and perhaps you should involve Crime Intelligence to verify the information that he had given you?

20 **CHIEF MASHABA:** Crime Intelligence, this thing already it is Thursday. On Friday it was in progress already. I do not think I had that luxury of time.

ADV SEGEELS-NCUBE: No, you did, because you knew Thursday night that there are drugs in the vehicle. You went to bed, you slept, you woke up the next morning, you

were given no new information, and then you still ask him to come back to you, and then you activate your team. You had at least eight hours. At least. So you did have the luxury of time.

CHIEF MASHABA: I did not have.

ADV SEGEELS-NCUBE: Okay, if you did not have the luxury of time, what were you doing between, the night, the evening when he told you about it, the next morning when you activated your plan?

10 **CHIEF MASHABA:** I slept and waited for his call the next morning.

ADV SEGEELS-NCUBE: Is that not a luxury of time?

CHIEF MASHABA: I slept.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: Waited for his call.

ADV SEGEELS-NCUBE: And maybe if you had activated Crime Intelligence that night, they could have taken over and they could have confirmed the information.

CHIEF MASHABA: No.

20 **ADV SEGEELS-NCUBE:** And is it not ...[intervenes].

CHIEF MASHABA: How ...[intervenes].

ADV SEGEELS-NCUBE: Okay.

CHIEF MASHABA: No, how do I activate something that I still am waiting for its confirmation? I cannot invite anybody until I am satisfied about it. And then on Friday, it is now in

progress. So will I have time to involve or to invite Crime Intelligence?

ADV SEGEELS-NCUBE: Yes, you would have. And that truck was coming from Durban.

CHIEF MASHABA: Please, okay, sorry. Please, let us talk. Let us talk a practical thing here. Let us not talk theory.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: I am saying, I am saying to you I did
10 not have time and there was no time because how do I have time where this thing is in progress?

ADV SEGEELS-NCUBE: Yes, you do. Are you not in charge of the roads? Are you not in charge of the Heidelberg Weighbridge? Must that vehicle not pass the Heidelberg Weighbridge from Durban to Johannesburg?

CHIEF MASHABA: If it would have passed the weighbridge, I would have known because it was going to be overloaded, it was not going to pass.

ADV SEGEELS-NCUBE: Yes, but you know that it must
20 pass there or it took another route, because you are being given information, tracking information, because how does Mr Nku know that the vehicle is now in Johannesburg? It must be that when he spoke to you the Thursday night, the vehicle was not yet in Johannesburg, correct?

CHIEF MASHABA: It was not yet, yes.

ADV SEGEELS-NCUBE: Yes. So it would have passed your district on its way to Johannesburg, correct?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Yes. And it would have, if it took the correct route, which I am assuming it would have, because Scania is not going to put its vehicles on a back road, so it would have taken the official road, which has a weighbridge, which you are in charge of, correct?

CHIEF MASHABA: Yes. Remember, I am not carrying that
10 duty either to follow or to make sure where is it passing.

ADV SEGEELS-NCUBE: No ...[intervenes].

CHIEF MASHABA: I am ...[intervenes].

ADV SEGEELS-NCUBE: No, no, Chief, that is not correct. You told us how you are in charge of the Heidelberg Weighbridge to inspect those offices. That vehicle must pass the Heidelberg Weighbridge. If Mr Nku had given you the details of this truck and told you where this truck was going to, presumably he gave you the license plate details of this truck, because how would you know which truck to
20 find when you get to the logistics company?

So you knew the drivers, you knew the license plate of that vehicle. You were in charge of the Heidelberg Weighbridge, so you could have asked your members to stop that vehicle at the weighbridge. You could have, and then you could have inspected it at the weighbridge. And if

it was overweight, that would have given you more suspicion and you would have had the manpower within your district officially conducting the operation. But you missed that opportunity intentionally so that it can go to Johannesburg, which is out of your district. Why would you do that?

CHIEF MASHABA: Ai, we are going to take the whole day because ...[intervenes].

ADV SEGEELS-NCUBE: I have all the time. Let us take
10 the whole day. I want to know if the truck is coming from Durban to Johannesburg and has to pass the Heidelberg Weighbridge, why do you not activate your official team and tell them if you see a truck coming to that weighbridge because it must. It is a truck and buses must.

I know this because I used to be a hostess on the bus. Those trucks must stop on the weighbridge. Or they can pass if authorization is given from somebody for them to pass, which happens, and you could have done that.

CHIEF MASHABA: How do I activate on something the
20 details I got on Friday.

ADV SEGEELS-NCUBE: No, you got it on Thursday. Thursday.

CHIEF MASHABA: Information, I got the information on Thursday.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: The details of the truck, I got it on Friday morning.

ADV SEGEELS-NCUBE: Okay, so you got the details now on Friday morning?

CHIEF MASHABA: Not now. I have been saying that.

ADV SEGEELS-NCUBE: So you get given the details of the, so that is the new information you are given on Friday that we have been asking you all along.

CHIEF MASHABA: You see now, I am saying and I have
10 been saying it, where did I say I got the details of the truck on Thursday? Where is it?

ADV SEGEELS-NCUBE: We asked you what new information were you given that made you activate your team on Friday. You said he did not tell me anything new. He did not. He just told me the truck has arrived. Do you recall that evidence?

CHIEF MASHABA: Ai.

ADV SEGEELS-NCUBE: Do you recall the evidence?

CHIEF MASHABA: I said the information came on
20 Thursday. The details of the truck was given to me Friday morning, hence, when you said to me, why did you not activate Crime Intelligence, I said, this thing is in progress, how do I have a luxury of time to inform other people, whereas crime is being committed now, it is moving now. So same with the, and there is a lot of trucks that comes

from Durban that does not pass through our weighbridge, especially trucks that are carrying wrong things. They do not. So I did not have the details of the truck. And I did not say I had the details of the truck on Thursday. I said I got the information on Thursday. That is what I remember saying.

CHAIRPERSON: Let me take you back, Chief Mashaba, to something you said when I was engaging you right at the beginning. You said that when a crime outside of Traffic
10 matters, in fact, I specifically referred to murder as examples of cause and armed robbery, you said you would report that to SAPS. At what level of SAPS would you report this?

CHIEF MASHABA: At what level, Chair?

CHAIRPERSON: Yes, within SAPS. Who would you report to within SAPS?

CHIEF MASHABA: It will depend what kind of information. If ...[intervenes].

CHAIRPERSON: Let us say the examples I gave, murder
20 and armed robbery, where would you report that?

CHIEF MASHABA: Well, if that information I get that, let us say for instance, the murder is committed by Madlanga.

CHAIRPERSON: Please, do not use me. Do not use me as your example.

CHIEF MASHABA: Okay, sorry, sir. If the murder is

committed by Mosikili.

ADV MOSIKILI: Please ...[indistinct].

CHAIRPERSON: I will, just say by Mr X or something like that.

CHIEF MASHABA: Oh, well, if it is committed by Mashaba, I cannot report that to Mashaba for obvious reasons.

CHAIRPERSON: You see, I am not sure how to engage with that because now I do not know whether I should take Chief Mashaba as being Chief Mashaba within the
10 Provincial Traffic Department. That is my difficulty, because my question relates to you reporting to SAPS, if you see what I mean. So now I do not know where to place you. Do I place you within SAPS? Do I leave you within the Traffic, the Provincial Traffic Department? So ...[intervenes].

CHIEF MASHABA: I think ...[intervenes].

CHAIRPERSON: So please make your example relate to reporting to SAPS.

CHIEF MASHABA: I think, Chair, what, in all honesty
20 ...[intervenes].

CHAIRPERSON: Yes.

CHIEF MASHABA: What makes us sit here is the issue that I involved SAPS, hence we are talking SAPS.

CHAIRPERSON: Can you please answer my question directly. I want to know in accordance with the requirement

that Provincial Traffic Officers must report crimes that do not fall within their purview or functions to SAPS. So I want to know, in terms of the applicable prescripts, who you would have to report, the examples that I gave, murder or armed robbery, who within SAPS would you have to report to? I am asking for a direct answer, please.

CHIEF MASHABA: I will report to a police station that is where that murder has occurred. Let us say if it happened in Alberton, I will report to Alberton.

10 **CHAIRPERSON:** And now let us come closer home. And in respect of a suspected crime relating to narcotics, where would you report that, something like that? Let us leave out the situation where for whatever.

CHIEF MASHABA: I will start ...[intervenes].

CHAIRPERSON: Yes, where would you report something like that?

CHIEF MASHABA: I will start with its jurisdiction of that narcotics, where is it.

CHAIRPERSON: Okay, now again coming even closer
20 home, now here we know that we had narcotics that were alleged to be transported from Durban to Gauteng, where would, that is a moving jurisdiction as it were, so where would you report something like that?

CHIEF MASHABA: Alberton.

CHAIRPERSON: Within SAPS.

CHIEF MASHABA: Alberton.

CHAIRPERSON: Alberton.

CHIEF MASHABA: Because it is in Yellow Jersey. Yellow Jersey is policed by Alberton.

CHAIRPERSON: So you would look where the truck would ultimately land or end up.

CHIEF MASHABA: Yes, Chair.

CHAIRPERSON: All right, all right. Thank you. Yes, yes, Ms Segeels-Ncube.

10 **ADV SEGEELS-NCUBE:** Thank you, Chair. I was wondering if this would be a convenient time to take the tea adjournment.

CHAIRPERSON: Let us adjourn and resume at 25 past 11.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. I just wanted to find out if Commissioner Khumalo had handed up, are you going to deal with it, or? Okay. Chief, can I just go
20 back to what we were discussing just before the adjournment about the information that you had on the Thursday night. Had you asked Mr Nku about the details of the truck, well you did not ask him about the details of the truck on Thursday, he just told you about a truck with drugs.

CHIEF MASHABA: I did not, yes.

ADV SEGEELS-NCUBE: You could have asked him that evening, Thursday evening, the details of the truck.

CHIEF MASHABA: I could have.

ADV SEGEELS-NCUBE: Yes, you could have asked him for the details of the truck to get more information from him, correct? You could have.

CHIEF MASHABA: Well, yes.

ADV SEGEELS-NCUBE: He did not say to you, I do not have any details about the truck as yet, that is all I have.

10 **CHIEF MASHABA:** The only details I have is that there is a truck coming from Durban to Johannesburg with drugs in it. That is, he did not say to you that is the only information he had.

CHIEF MASHABA: No, he did not.

ADV SEGEELS-NCUBE: Okay, so, if you had gotten the information which you say you did not have, the details of the truck, the license plate, if you had elicited that information from him the Thursday night, you could have activated the team at the Heidelberg Weighbridge to be on the lookout for that truck, correct?

20 **CHIEF MASHABA:** If I would have, sorry?

ADV SEGEELS-NCUBE: If you had asked him for the license plate and details of the truck on the Thursday, you could have asked your team at the Heidelberg Weighbridge to look out for the truck, correct?

CHIEF MASHABA: I do not think so.

ADV SEGEELS-NCUBE: Why not?

CHIEF MASHABA: Well, it depends, because hence I am saying, I am treating it, it is sensitive information. I will not just say, look out for the truck, as if I am interested in, or doing business with such things.

ADV SEGEELS-NCUBE: No, no, no.

CHIEF MASHABA: Hence I am saying, it depends.

ADV SEGEELS-NCUBE: No, it is not sensitive information to say to your team, to say to the people at the Heidelberg
10 Weighbridge, there is a truck with license plate XYZ, please be on the lookout, and when this truck comes by the Weighbridge, pull it over and make it wait. There is nothing wrong in saying that. You could have done that.

CHIEF MASHABA: No, you do not just say that. If I am saying, look out, be on the lookout for this truck, what is it doing, how about this truck? Look out for?

ADV SEGEELS-NCUBE: Yes, but you have a suspicion, and you do not want to share that information with anyone else at the moment, right? That is your version.

20 **CHIEF MASHABA:** Hence I am saying, it depends. I was not going to do it.

ADV SEGEELS-NCUBE: I know you were not going to do it. You did not do it. I am asking you whether you could have done it.

CHIEF MASHABA: No.

ADV SEGEELS-NCUBE: You could not have?

CHIEF MASHABA: No.

ADV SEGEELS-NCUBE: So as the Acting Deputy Director of the Sedibeng district, and the Chief Provincial Inspector, who you indicated you were responsible for doing inspections at the Heidelberg Weighbridge, you could not have simply said to them at the Weighbridge, there is a vehicle that is going to come past here. If it does, pull it over, call me, and I will come out. Why could you not do
10 that?

CHIEF MASHABA: Remember the information I got, it is, it does not fall under our mandate. So if I would have said that to them, I am saying that to them to do what? To call me, and then? I was not going to do it, because I know it is going to give us difficulty in dealing with it. It still needed SAPS.

CHAIRPERSON: Now, bearing in mind that you said you would have to report something like this to SAPS, did you report?

20 **ADV MOSIKILI:** Yes, I reported.

CHAIRPERSON: To whom?

CHIEF MASHABA: I did not report. I requested manpower in the morning.

CHAIRPERSON: My understanding is that asking for manpower to then engage in an operation like you did is not

the same as reporting to SAPS. So your answer is you did not report.

CHIEF MASHABA: I did not report.

CHAIRPERSON: And this is something that you ought to have reported, not so.

Reported to who, Chair?

CHAIRPERSON: To SAPS.

MS GOQA: When, on Thursday or Friday?

10 **CHAIRPERSON**: It does not matter. But before engaging in an operation, did you not have to report? I asked you earlier whether you would have to report something that involves narcotics, and I think your answer was yes, you must report something like that.

CHIEF MASHABA: On this one, Chair, I was cautioned on this one, hence, I did not report directly to SAPS.

CHAIRPERSON: So you do not comply with the prescripts based on something that a civilian tells you. So you basically bow to the wishes of a civilian, and you do not act
20 in the manner you are required to. You said you had to report something like this to SAPS, and you say that you did not report, and you say you did not report because you were cautioned by Mr Nku, a civilian. So basically you are saying Mr Nku said do not comply with your prescripts, and you did not comply with your prescripts. Is that what you

are telling us?

CHIEF MASHABA: I did not bow.

CHAIRPERSON: That is the effect of it.

CHIEF MASHABA: No, I did not bow, hence, you can also see, Chair, that me not reporting according to the prescripts like Chair is saying.

CHAIRPERSON: No, no, no, you gave us the prescripts. You gave us the prescripts. Yes, continue.

CHIEF MASHABA: I did not bow to the civilian. Most of
10 the time, you get information and still use your own discretion, sir. You do not just report anyhow.

CHAIRPERSON: Use your discretion to the extent of not complying with prescripts?

CHIEF MASHABA: Not complying to the prescripts, my discretion to the operation that I will engage myself in. If that operation was unsuccessful, yes, it would mean, if it was not successful, then it would mean I would have broken the law, so it is not a criminal offence.

CHAIRPERSON: No, I want a direct answer to my
20 question. My question is, are you saying you are entitled to use your discretion contrary to applicable prescripts? Is that what you are saying?

CHIEF MASHABA: Yes, Chair.

CHAIRPERSON: And where do you get that entitlement from? If it is directly contrary to existing prescripts, where

would you get the entitlement from?

CHIEF MASHABA: I cannot say where do I get exactly, but at times you apply your mind, Chair. Yes, you could see me, as long as the decision you are taking, you will be able to substantiate. I do not think there is a problem.

CHAIRPERSON: If your exercise of discretion is contrary to prescripts as you accept it is, would you accept that the exercise of a discretion in those circumstances would be unlawful?

10 **CHIEF MASHABA:** No, it is not a criminal offence.

CHAIRPERSON: No, no, no, I am not asking you about a criminal offence. I am asking you about something may be contrary to prescripts without being a crime. Do you understand that?

CHIEF MASHABA: Yes, Chair.

CHAIRPERSON: Yes. Now, my question is, if you say that your exercise of discretion, and you have accepted this, your exercise of discretion is contrary to prescripts in those circumstances, do you accept that such exercise of
20 discretion is unlawful? The answer must be yes. I cannot see any other answer to that.

CHIEF MASHABA: No, Chair. If it finds me to be in the wrong, it is unlawful.

CHAIRPERSON: No, no, no, the lawfulness or otherwise cannot depend on the ultimate outcome. It can never be.

The lawfulness or otherwise must be determined at the stage you are acting, because the prescripts exist already and it is a question of whether you act in accordance with them or you do not. And if you do not act in accordance with them, surely acting contrary to them must be unlawful. It is as simple as all that, because otherwise, if it is contrary to the prescripts, where would the lawfulness come from?

CHIEF MASHABA: How we operate as law enforcement
10 officials, I do not see it as unlawful.

CHAIRPERSON: Where does the lawfulness come from?

CHIEF MASHABA: Hence I am saying, if it find to be wrong, my actions ...[intervenes].

CHAIRPERSON: It is wrong at the entry point, Chief Mashaba. It is wrong at the entry point. Once you act contrary to the prescripts, that is unlawful. It must be, surely, regardless of what the outcome might be at the end. That is very logical. That is simple, simple logic.

CHIEF MASHABA: Okay, fine, Chair. If we are not talking
20 this case, it is unlawful.

CHAIRPERSON: Thank you.

CHIEF MASHABA: If we are not talking this, it is unlawful.

CHAIRPERSON: Thank you. Now, my earlier question was, and what makes this case different? What makes this case different?

CHIEF MASHABA: Because it is ...[intervenes].

CHAIRPERSON: In terms of, because you have accepted that with narcotics, which this case was about, with narcotics, you have to report that to SAPS and we know that you did not report. I am correct thus far, am I not? We know that you did not report.

CHIEF MASHABA: Yes.

CHAIRPERSON: So, based on the prescripts that you told us about, that must be, even in this case, that must be
10 unlawful. So, I want to understand the distinction you appear to be drawing about this case.

CHIEF MASHABA: Not that I bowed to the information, but because of being cautioned, I do not see it as ...[intervenes].

CHAIRPERSON: Being cautioned by Mr Nku, a civilian.

CHIEF MASHABA: Yes, Chair.

CHAIRPERSON: Now, that takes me back to my original question. My question was, so you follow, I will avoid bow because you seem not to want to subject yourself to the
20 verb bow. Now, you choose to follow what Mr Nku says to you, the result of which is you breaching existing prescripts. So, that is the choice you made.

CHIEF MASHABA: I do not choose, Chair. I do not choose. I think, like I am saying, if I will be found to be in the wrong, yes, I would agree. But, in this case, in this

case, because at the ultimate end we know that our past was successful. I still give myself a tap on the shoulder.

CHAIRPERSON: So, the breach of prescripts becomes irrelevant because of a fortuitous outcome. The breach of the prescripts right at the beginning becomes irrelevant, according to you.

CHIEF MASHABA: Hence, I said, Chair, if I can substantiate my actions, yes.

CHAIRPERSON: I will end this debate because it does not
10 make sense. I will make it, from your side, not my side. What I am saying makes sense. I will end this debate, Chief Mashaba, by saying I suggest to you that one, you breached existing prescripts which we get from you and in respect of which you actually accept the breach.

Two, I will go further, everything I have said thus far, you have agreed to and this is the part that you do not agree with. I will further suggest to you that your conduct was unlawful. You may comment if you want to. That is, the conduct of not following prescripts but instead following
20 what Mr Nku said to you, that was unlawful. You have no discretion not to follow existing principles. That is what I suggest to you. Other people will say that is what I put to you. Do you care to comment?

CHIEF MASHABA: I do not agree with you, Chair.

CHAIRPERSON: Thank you. For the reasons that in the

end the bust was successful, that is your main reason.

CHIEF MASHABA: That is one of the reasons, yes.

CHAIRPERSON: That is the reason.

CHIEF MASHABA: That is the reason.

CHAIRPERSON: Thank you.

CHIEF MASHABA: I do not agree with you.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: Can you just clarify in response to Advocate Ncube's question. You said something along
10 these lines, I think she was asking you why you did not involve the team in the weighbridge and in response you said, information I got did not fall within our mandate. What did you mean by that, it did not fall within our mandate.

CHIEF MASHABA: Are we talking drugs? And it is not our specialty, that is what I mean.

ADV KHUMALO SC: So because the information you got involved drug trafficking, it did not fall within the mandate of the Traffic Police, is that what you meant?

CHIEF MASHABA: It does not fall within, but nothing, like
20 I am saying, nothing stops us from acting, hence I am saying, you choose information. Nothing stopped me from, I would have brought my team and stopped it and did it. But because to save time and other things, I said, no, you know what, this thing is going to give us problems, it is going to give us, make, I mean, talk too much, let me just give it to

SAPS. That is where it belongs.

ADV KHUMALO SC: Thank you.

ADV SEGEELS-NCUBE: Chief, the information you get on Thursday night is that there is a suspicion that there is drugs on the truck coming from Durban to Johannesburg. I am following on what Commissioner Khumalo is asking you, because you did say, when I asked you, why would you not just give the information to people at the weighbridge to just pull over the truck and wait for you to come, right, and you
10 said that falls out of my mandate.

Now, why does going to the Yellow Jersey Logistics company to try and stop, try and get the truck there, why does that fall within your mandate? Is it simply because you had a SAPS member with you?

CHIEF MASHABA: I did not have a SAPS member with me. I called the SAPS member after.

ADV SEGEELS-NCUBE: Okay.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: So why do you go to Yellow
20 Jersey Logistics without the SAPS member, with the civilian, without any backup at that point, but you cannot mobilize your official team at the weighbridge to look out for this vehicle and pull it over?

CHIEF MASHABA: So, sorry, what is your question? You are taking it too long.

ADV SEGEELS-NCUBE: Yes, okay.

CHIEF MASHABA: I even forget the question.

ADV SEGEELS-NCUBE: You say when you went to the Yellow Jersey Logistics, you did not go with the police officer.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: So you went there with the civilian, or you met the civilian there. You met Mr Nku there, correct?

10 **CHIEF MASHABA:** Yes, Chair.

ADV SEGEELS-NCUBE: Okay, so what, why could, why were you mandated to go with Mr Nku to Yellow Jersey Logistics, but you were not mandated to simply tell your team at the weighbridge to pull over the vehicle if they come across the vehicle?

CHIEF MASHABA: Because the information came to me. I wanted to verify. If I saw it fit, nothing, I am still saying, nothing would have stopped me to call my team.

ADV SEGEELS-NCUBE: Yes, and you could have done
20 that the night before, but then it would have been official because it is at the weighbridge.

CHIEF MASHABA: No, let us leave the night before, hence I am saying, the night before I waited for the confirmation for Friday. So if when I got there, if, let us say if I wanted to, I would have called my team because nothing stops me

from doing that. It is crime prevention. But I saw it fit that let me call the nearest police station.

ADV BALOYI SC: Sorry, I am confused by this and earlier evidence that you gave. I was under the impression that you cannot go into premises to investigate a crime. Now you say if you wanted to, you could have called your team to go into the premises and you chose to call SAPS. Am I misunderstanding something in your evidence?

CHIEF MASHABA: I think you are misunderstanding,
10 Chair.

ADV BALOYI SC: Okay, clarify it.

CHIEF MASHABA: I am saying, and I said from the beginning, I saw it fit that let me involve SAPS, and in the beginning I also said applying for search warrants, it is simple and easy for SAPS. But hence I said this thing, or the road is a crime scene for us. I would have waited for it to come, calling my team. When it goes to the road, we pounce on it and there was nothing wrong with it.

ADV BALOYI SC: Yes, my question is different. We know
20 this truck was on the road at some point that you are now involved and you did not stop it. So let us park what you could do once the truck, what you could do when the truck is on the road. I am asking you a question about you went into premises. You went into Yellow Jersey premises. They refused you opening the truck. You allowed it to get onto

the road. You did not stop it in the way that you say you could have stopped it. And then it got to Scania, then you got into Scania premises and that is where you actioned this.

Those are the facts. That is what happened. There is no controversy about the movement of this truck from Yellow Jersey, your presence at Yellow Jersey, its movement to Scania, and you arriving and getting into the Scania property. There is no controversy about that, no?

10 **CHIEF MASHABA**: I did not try to enter and I was refused.

ADV BALOYI SC: Sorry, I do not understand what you are saying?

CHIEF MASHABA: If I heard you correct, Commissioner, you are saying I was refused to enter.

ADV BALOYI SC: No, I did not say that. I am saying to you the facts that have been established from your statement, Mr Nku's statement, Mr Magane's statement, the employees of the two different companies' statements, the common facts are you, Chief Mashaba, went into the
20 property of Yellow Jersey when the truck was there. You meet with Mr Nku, he briefs you, and then you speak to Magane eventually, and the three of you proceed to Yellow Jersey where the truck was parked. Am I correct so far?

CHIEF MASHABA: That is not correct. I did not go to Yellow Jersey.

ADV BALOYI SC: So you did not enter that property?

CHIEF MASHABA: I did not enter. I entered with Magane.

ADV BALOYI SC: Yes, that is what I am saying. You were there on that property. What is it that you are disagreeing with?

CHIEF MASHABA: Oh, I said, I heard you saying I entered and I was refused.

ADV BALOYI SC: I did not say that. I did not say that. Please try and walk with me here. Do not anticipate me.
10 Just walk with me, and you can correct me if I am wrong. I am saying to you, you, Magane, went to Yellow Jersey property.

CHIEF MASHABA: Yes, Chair.

ADV BALOYI SC: You entered that property, right?

CHIEF MASHABA: Correct.

ADV BALOYI SC: You then left the property following the truck. The truck left for Scania. You were behind the truck.

CHIEF MASHABA: Correct.

ADV BALOYI SC: You were accompanied by a Yellow
20 Jersey employee. You gave us his name, right, that you said he can join you just to make sure that you are not bogus.

CHIEF MASHABA: He gave us the escort, correct.

ADV BALOYI SC: Yes. So you all travelled together in convoy, and then you arrived at Scania, this yard, the

Scania yard, and you all went on to the property. I am right so far, right, in that recollection of the evidence?

CHIEF MASHABA: Correct, yes.

ADV BALOYI SC: Ja, so there is no controversy about that. My question is, I earlier understood, much earlier in the day, today, I understood your evidence to be that you do not, as Traffic Police, get onto a property to investigate a crime. I understood your evidence to be that, and I was asking you to correct me if I am wrong in that understanding
10 of your evidence, that when it is now on a property, you do not have the jurisdiction to go and investigate it. You call the SAPS, and you go in with the SAPS.

CHIEF MASHABA: Hence, I said, Commissioner, as a Traffic Officer, it is something else. As permitted by law, under 334, nothing stops me. Hence, I was asked at some stage ...[vernacular], what else can you do. I said, the only thing that I cannot do is to investigate the docket. Other than that, I can, Chair, Commissioner, I can.

ADV BALOYI SC: So are you saying you did not need the
20 SAPS to be there for you to conduct the operation that you eventually conducted? SAPS did not have to be there.

CHIEF MASHABA: To make things easy, Chair, you quickly involve people that you know life will be easy when you are with, because that is the area of expertise, so that is SAPS.

ADV BALOYI SC: Ja. Chief Mashaba, that is not my question. Please, it is not my question. My question is, and it is simple, it is straightforward, it is, is your evidence that to conduct this operation at Scania, where you instructed them to open the container, and it was opened, the drugs fell out, and they were put onto a van. It could have been anyone's van.

My question is simply this, for that to happen, for you to be able to instruct, to get onto the property, instruct,
 10 open this container, put these drugs onto a van, you did not need the presence of SAPS. And I am simply at this point not debating the correctness of whatever your answer is. I am asking to clarify, is that your evidence, you did not need the SAPS to be there? This is an operation that you, Traffic Officer, could have called your other colleagues and did exactly the same thing without SAPS. It is simply that.

CHIEF MASHABA: I am saying, Chair, Commissioner, I needed SAPS, but I am still saying nothing would have stopped me from doing that if I was following or did exactly
 20 what I did from Yellow Jersey. Nothing would have stopped me to have entered into that premise. Nothing. But I needed SAPS.

ADV BALOYI SC: Okay, just so that I am clear. You could have done what you did at Scania without involving the SAPS.

CHIEF MASHABA: I could have done that.

ADV BALOYI SC: You could have done it.

CHIEF MASHABA: I could have done that, yes.

ADV BALOYI SC: And there is nothing that required you to involve the SAPS.

CHIEF MASHABA: Nothing like what, Commissioner, if I may ask?

ADV BALOYI SC: Call it a prescript, a rule, a procedure, whatever. There is nothing that obliged you, maybe let me
10 use the word, nothing compelled you to bring the SAPS onto this operation. It is an operation that, in terms of the law, your prescripts, your rules, your protocols, you are entitled to do exactly what you did without the SAPS.

CHIEF MASHABA: If I had reasonable suspicion, nothing would have stopped me.

ADV BALOYI SC: Do not add facts that are not part of this case that we are dealing with. The facts remain the same. Nku tells you on the 8th there is a truck coming up, right? Nku calls you on the 9th. You meet with him. He briefs you.
20 You all go to Yellow Jersey, or you bring Magane onto the picture. You all proceed to Yellow Jersey. You get onto the road. You all proceed to Scania. You all got into Scania's property, right.

You instruct the Scania people to open the container. The drugs fall out. Those facts do not change,

and we do not add anything. I am saying to you, on these facts, are you saying to us there is no protocol, rule, prescript, law, nothing, that obliged you to bring the SAPS onto this operation on the property of Scania as it unfolded there?

CHIEF MASHABA: Nothing.

ADV BALOYI SC: Okay, thank you.

CHIEF MASHABA: Nothing.

ADV BALOYI SC: Thank you.

10 **ADV SEGEELS-NCUBE**: Thank you, Commissioners. Chief, I will come back to this aspect. I just wanted us to deal with your relationship with Mr Nku. How do you know Mr Nku?

CHIEF MASHABA: I know him through a friend in 2019 as a businessman in a forum of business against crime.

ADV SEGEELS-NCUBE: So was your relationship with him a social one, business, with Mr Nku? What kind of relationship was it, were you guys friends?

CHIEF MASHABA: Not friends. A contact, I will say.

20 **ADV SEGEELS-NCUBE**: A contact in what sense, business contact?

CHIEF MASHABA: Socially it means I will go out with him, maybe go drink or maybe go party or something. I am not in business with him, and I do not do that with him. It is just a contact, a person that I know.

ADV SEGEELS-NCUBE: Did you do any work for him in your official capacity?

CHIEF MASHABA: I would, ja, he once gave me an information. Unfortunately, other informations were out of the province, out of my jurisdiction. I could not assist. But I remember he once gave me the information of diesel, this fake diesel in Vereeniging and we did it with the police.

ADV SEGEELS-NCUBE: Okay, so that was something that was within your jurisdiction?

10 **CHIEF MASHABA:** I did it with the police.

ADV SEGEELS-NCUBE: Okay, and what was the one that was, that you said you could not do it because it was out of the province?

CHIEF MASHABA: Well, because it is out of my scope, out of my jurisdiction, I would not want to entertain such.

ADV SEGEELS-NCUBE: Oh, he did not give you details of it?

CHIEF MASHABA: No, he did not. He just said, for instance, let us say there is something in Beitbridge. I
20 said, no, I do not want to know. Beitbridge is really out of my jurisdiction.

ADV SEGEELS-NCUBE: Did you, so did you consider him an informant, an acquaintance, what was it?

CHIEF MASHABA: I would say an informant because he was doing it voluntarily.

ADV SEGEELS-NCUBE: And were you aware of what type of business he was doing?

CHIEF MASHABA: I was not aware.

ADV SEGEELS-NCUBE: Okay, did you know whether he had a boss? Was he reporting to a boss?

CHIEF MASHABA: No, I do not know.

ADV SEGEELS-NCUBE: You did not know if he was reporting to a boss?

CHIEF MASHABA: No.

10 **ADV SEGEELS-NCUBE:** He never mentioned to you that he was speaking, that he had a boss that he was doing certain work for?

CHIEF MASHABA: No.

ADV SEGEELS-NCUBE: Okay, and you say that you did not know what type of business he was doing?

CHIEF MASHABA: Yes, I did not know.

ADV SEGEELS-NCUBE: Okay, I want us to go to a bundle which is called, if you look at the spine and we will ask them to assist you, WhatsApp's and Screenshots bundle
20 and if you can go to the tab that is labelled CJC274.3.

CHIEF MASHABA: Page 55?

ADV SEGEELS-NCUBE: Yes, page 55.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Now, CJC274.3, which starts on page 55 and goes up until page 124.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: It is WhatsApp messages between Mr Nku and somebody whose name is saved as Doggy Hawks. And we have confirmed that that is, the number that is associated with Doggy Hawks is a number, which I am not going to read out, that was RICA'd to you in 2019. I am going to ...[intervenes].

CHIEF MASHABA: Doggy Hawks?

ADV SEGEELS-NCUBE: Yes. Okay, so what I am
10 proposing to do is there is an exhibit that I am going to hand up which shows the number and confirms, and I want you to confirm that that is indeed your number. And, Chair, we will hand it up. It is CJC275.1. I think, are you handing up all of them?

CHIEF MASHABA: Which page?

ADV SEGEELS-NCUBE: She will hand up a copy to you.

CHIEF MASHABA: Oh. Thank you.

ADV SEGEELS-NCUBE: Do you have it?

CHIEF MASHABA: Yes.

20 **ADV SEGEELS-NCUBE:** So do you see the first number there and then it says @s.whatsapp.net and then it says Doggy Hawks? Do you see that?

CHIEF MASHABA: I still use the number, yes.

ADV SEGEELS-NCUBE: Is that your number?

CHIEF MASHABA: That is my number.

ADV SEGEELS-NCUBE: Okay. So the chats at 55 to 124, CJC274.3, is between that number and Mr Nku's number, okay. And I want to go through these chats just for us to establish the kind of relationship that you had with Mr Nku and some of the activities that the two of you were engaged in. Now if we could start at page 56, you will see that the white blocks, that would be you messaging. That is why it says received because these are messages from Mr Nku's phone. And then in the green, that is him sending the
10 message to you.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Now the third white block, which is from you, it says:

“Good morning. Yes, we met very late yesterday with Captain Mataboge. He is talking to his colleagues today and we expect a positive answer.”

I just wanted to know, just to orientate ourselves, who is Captain Mataboge? Do you know him?

20 **CHIEF MASHABA**: I cannot remember.

ADV SEGEELS-NCUBE: You cannot remember?

CHIEF MASHABA: No.

ADV SEGEELS-NCUBE: Okay. And then the last white box there, it is you sending him a message:

“I sent my boys.”

Just above that, Mr Nku sends a message:

“Thanks, abuti. Please do not forget
the full details for the roster.”

And you give a thumbs up and you say:

“I sent my boys.”

This is in February, the 18th of February 2019.
Who were you referring to when you spoke to Mr Nku about
your boys, I sent my boys?

CHIEF MASHABA: Hey, this is how many years ago, I
10 cannot remember what we were talking about here.

ADV SEGEELS-NCUBE: Okay. But in the context of your
relationship, who would boys be? So if you had told him
that you sent your boys, who would it have been? If he is
asking you, he is telling you, please do not forget the full
details for the roster. You say thumbs up and you say, I
sent my boys.

CHIEF MASHABA: Like I am saying, I would not
remember.

ADV SEGEELS-NCUBE: Apologies, go ahead.

20 **CHIEF MASHABA:** My boys, I do not remember.

ADV SEGEELS-NCUBE: Would it have been members of
your team?

CHIEF MASHABA: I do not think so.

ADV SEGEELS-NCUBE: What other boys could you be
sending and telling Mr Nku that you were sending?

CHIEF MASHABA: It can be friends.

ADV SEGEELS-NCUBE: Okay. Did you have mutual ...[intervenes].

CHIEF MASHABA: Depending on what we were talking about here.

ADV SEGEELS-NCUBE: Okay, go to the next page. You will see at the top he sends you the praying hands or high five, which signifies he is grateful. And then your message, you say:

10 “I will bring back your dignity to your
 bosses.”

Who were his bosses?

CHIEF MASHABA: I do not know him as having any boss and I do not even know and I do not remember what were we talking about here.

ADV SEGEELS-NCUBE: Okay, but you must know that he had bosses because you say, I will bring back your dignity to your bosses. So for you to bring somebody's dignity back to your bosses, you must know that he is faced with a
20 situation where he either needs to redeem himself to his bosses or there is something that is troubling him regarding his bosses. Why do you, and how were you going to bring his dignity back to his bosses?

CHIEF MASHABA: I cannot remember what we were talking about.

ADV SEGEELS-NCUBE: You do not recall?

CHIEF MASHABA: I do not recall.

ADV SEGEELS-NCUBE: Okay.

ADV KHUMALO SC: Look, sorry. I think, Chief Mashaba, even allowing for you know the passage of time, that this is in 2019 ...[intervenes].

CHIEF MASHABA: Yes, Chair.

ADV BALOYI SC: This kind of communication, this kind of language speaks more to you knowing something about his
10 relationships, his activities, and his relationships. That is what it speaks of, and I do not, I expect that even with the passage of time, because you describe him as someone you are close to, so you know something about his relationships, and you should be able, I would expect you to be able to hazard something. You know, to say, well, I may have been talking about his employer. I may have been talking about his friends. I knew that he was involved with this and that.

So to give a blank, I do not know because it was in
20 2019, if this was an arm's-length relationship between you and Mr Nku that you really do not have much to do with, I would see how you would struggle. But it is someone you have described as someone very close that you also socialize with. So the passage of time really should be able to get you to suggest possibilities of who you could have

been referring to.

It may not be completely helpful ultimately, but I think a blank, I do not know, does not seem to be an attempt at giving some information. So I guess what I am putting to you is, surely, given the nature of your relationship that you describe as close, you should be able to hazard some suggestions who you could have been referring to.

CHIEF MASHABA: I do not know, Commissioner. I am
10 not, I cannot recall.

ADV BALOYI SC: Do you know anything about his life other than you socializing with him? I mean, he is your informer. You say he has informed you about other things in the past, so you do have quite a relationship with him. You do.

CHIEF MASHABA: I know nothing about his life. I do not even know where he stays. Even today, I do not even know.

ADV BALOYI SC: Thank you.

20 **CHAIRPERSON:** Let me ask basically the same question about the bosses, but slightly differently. As you sit there now, you say you know nothing about Mr Nku's bosses. But would you accept, based on the content of this chat, that at the time, you must have known something about his bosses?

CHIEF MASHABA: Not unless I am maybe reminded that this is what you guys were talking about. But for now, I cannot recall anything because there is nothing that we did.

CHAIRPERSON: My question does not relate to what you were talking about. It relates to the fact that there, in so many ways, you refer to his bosses. Do you accept that at that time, I am not asking about now, at that time, you must have known something about his bosses? Let me read this.

10 “I will bring back your dignity to your
 bosses.”

 You could not have written about his bosses if at that time, you did not know something about them. Do you follow me?

CHIEF MASHABA: I get you, Chair.

CHAIRPERSON: So, do you accept that at that time, let us forget about what you know now or do not know now, at that time, you knew something about his bosses, otherwise, what you wrote there would not have made sense whatsoever. So do you accept that at that time, you knew
20 something about his bosses?

CHIEF MASHABA: I would not agree because anything with cellphones, it is possible. So at that time ...[intervenes].

CHAIRPERSON: I do not ...[intervenes].

CHIEF MASHABA: Maybe because we were ...[intervenes].

CHAIRPERSON: Yes, yes.

CHIEF MASHABA: We were, if it is really me here, if we were talking about those bosses and the dignity, at that time, if it is me ...[intervenes].

CHAIRPERSON: So you are saying anything, you just said anything is possible about phones and you have added to that, that if it is you, you said speaking or maybe writing, so are you now suggesting that it may well be that the content of the chats has been tampered with? Is that the
10 suggestion you are making now?

CHIEF MASHABA: There is that possibility.

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you.

ADV BALOYI SC: Can I just follow up on this? So assuming that there is no tampering here with these communications from Mr Nku's phone, let us assume that for purposes of the question that the Chairperson is asking you, assuming there was no tampering and this is an accurate, unadulterated reflection of your conversation, you
20 must accept that at this point you knew something about his bosses, him having bosses, even if you may not have known who are the bosses, but you knew something about his bosses.

CHIEF MASHABA: I must accept?

ADV BALOYI SC: I am saying you must. It seems logical.

Assuming, remember where I start, I start by saying let us assume for purposes of my conversation with you that this, which you see, this WhatsApp message at page 57 is an accurate reflection, assumption, let us assume it is an accurate reflection of what you said to Mr Nku, it is not doctored, it is an assumption. Let us assume it is not doctored, it is not made up. It is in fact what you sent to him, we assume. Can you accept, as I suggest you should, that you must have known something about him having
10 bosses if this was, this indeed is from you.

CHIEF MASHABA: If it was indeed from me?

ADV BALOYI SC: Yes.

CHIEF MASHABA: Let me accept until this is brought to me exactly where was this conversation going.

ADV BALOYI SC: Okay, thank you. Thank you, Ms Segeels.

ADV SEGEELS-NCUBE: Okay. Can I ask you, while we are on the boss topic, if you go to page 110 of that same bundle, this is still a chat between you and Mr Nku.

20 **CHIEF MASHABA:** 11?

ADV SEGEELS-NCUBE: 110. The second last, do you see there is a picture there, and then the second last white block, that is from you.

“Either they take it or leave it, enquiry
will be there, but you cannot go to big

boss empty handed. We need to open
their mouth with ...”

I think you meant to say with something or
...[indistinct] something. Do you see that message?

CHIEF MASHABA: Sorry, you said 112?

ADV SEGEELS-NCUBE: 110.

CHIEF MASHABA: Oh, 110, yes.

ADV SEGEELS-NCUBE: Do you see that? You sending
this message to Mr Nku.

10 **CHIEF MASHABA:** Either?

ADV SEGEELS-NCUBE: They take it or leave it, enquiry,
and we will get to the context of this. I just want to
reference the boss.

“Either they take it or leave it, enquiry
will be there, but you cannot go to big
boss empty handed. We need to open
their mouth we something.”

I think you meant to say with something. Do you
see that?

20 **CHIEF MASHABA:** Yes, I see it.

ADV SEGEELS-NCUBE: Ja, and that message is at 8:25
on the 25th of March. And then if you go to page 141 of that
same bundle, this is now a chat, these are chats between
Mr Nku and somebody identified as Iby Boss, I-B-Y Boss.

CHIEF MASHABA: 141?

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: Yes, which one?

ADV SEGEELS-NCUBE: That whole page there.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Flip to 110, put your finger at 110 and 141.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Now you see the picture at 110, the blurred picture at 110?

10 **CHIEF MASHABA:** It is blurry, yes.

ADV SEGEELS-NCUBE: Yes. Do you see it also appears at 141 in a chat between Mr Nku and Iby Boss?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: So whatever you sent to him, he then sent to Iby Boss. You see on 110 he is receiving it from you?

CHIEF MASHABA: Yes, I see.

ADV SEGEELS-NCUBE: And then at 141 it shows that he is sending it.

20 **CHIEF MASHABA:** Yes, I see.

ADV SEGEELS-NCUBE: Yes, that picture. And the message on 110:

“Is this the boy?”

You asking him:

“Is this the boy?”

On 141 he is sending it ...[intervenes].

CHIEF MASHABA: Yes, yes.

ADV SEGEELS-NCUBE: Iby Boss:

“Is this the boy?”

So the exact message that you are sending him.

CHIEF MASHABA: I see.

ADV SEGEELS-NCUBE: And then the message where you say:

10 “Either they take it or leave it, enquiry
will be there, but you cannot go to big
boss empty handed. We need to open
their mouth with something.”

If you go to 141 that same message is there. Do you see that?

CHIEF MASHABA: Either they take it or leave it. Yes, I see.

ADV SEGEELS-NCUBE: Yes. And then if you look at your page 110, the next page, 111, it says:

20 “Drugs enquiry opened.”
Do you see that?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: If you go to page 142, which is now a conversation between Iby Boss and Mr Nku, he says:

“Salaam boss, they just came back to my guy now.”

You are the guy. You are Mr Nku's guy.

CHIEF MASHABA: Which one are you talking about?

ADV SEGEELS-NCUBE: 142.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: He is sending a message to, after he sends all those same messages that you sent ...[intervenes].

CHIEF MASHABA: Yes, I see.

ADV SEGEELS-NCUBE: He then sends a message to lby

10 Boss saying:

“Salaam boss, they just came back to my guy now.”

Do you see that?

CHIEF MASHABA: Yes, I see.

ADV SEGEELS-NCUBE: And then the boss says here yes.

And then at the next green box he says:

“Give me till 3pm to check with my guy, then that means they have the correct file.”

20 Do you see that? Do you see that on 142?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: The boss says, okay, and then lby Boss starts an audio call, and then the next message is from Mr Nku to the boss:

“Drugs and money laundering enquiry

opened, so ball is in their court. We are not going to approach Big Boss empty handed. It is a serious one.”

Do you see that message?

CHIEF MASHABA: Yes, I see it.

ADV SEGEELS-NCUBE: Now look at 111, which is your chat to Mr Nku, the first white block on 111.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: -:

10 “Drugs and money laundering enquiry opened, so ball is in their court. We are not going to approach Big Boss empty handed. It is a serious one.”

Do you see that?

CHIEF MASHABA: Yes, I see it.

ADV SEGEELS-NCUBE: Were you aware that Mr Nku was communicating with Iby Boss?

CHIEF MASHABA: I think I am getting somewhere here.

ADV SEGEELS-NCUBE: It is coming to you now?

20 **CHIEF MASHABA:** Ja. If Nku says to me, I talk to the boss, that necessarily mean I know that person he is talking to. I will only refer him as the boss because Nku says to me, that is my boss. I do not even know this Iby Boss. I do not know.

CHAIRPERSON: Sorry, Ms Segeels-Ncube, can you please

explain the point you made about the text at the top of page 142, Salaam, boss, they just came back to ...[intervenes].

ADV SEGEELS-NCUBE: My guy now.

CHAIRPERSON: My guy now.

ADV SEGEELS-NCUBE: I was simply asking him if he is Mr Nku's guy that Mr Nku's referring to when he says to Iby Boss, they just got back to my guy now. That is what I was asking him and he said he does not know who is the guy.

CHAIRPERSON: Oh, all right, all right.

10 **ADV SEGEELS-NCUBE**: Ja.

ADV KHUMALO SC: Similar question as the Chair. I thought it related to an enquiry that had been opened and I think ...[intervenes].

ADV SEGEELS-NCUBE: Yes, that is where we are getting ...[intervenes].

ADV KHUMALO SC: [Indistinct]... [cross-talking].

ADV SEGEELS-NCUBE: Yes, so, I just wanted to establish the boss and then I said we would get back to the enquiry.

ADV KHUMALO SC: Thank you.

20 **ADV SEGEELS-NCUBE**: Okay. So, you say that you did not know that he had a boss but you were referring to boss because he said there is, or you did not know who the boss is.

CHIEF MASHABA: I did not know who the boss is. Like I am saying, when he talks to me and say the boss, that is

the boss said, I will also refer that person as the boss.

ADV SEGEELS-NCUBE: Okay.

CHIEF MASHABA: That does not necessarily mean I know the person.

ADV SEGEELS-NCUBE: Okay. But I had asked you earlier whether you knew if he had a boss and you said no. And I said did he ever speak to you about the boss and you said no. Now you are saying you referred to boss because he referred to somebody as his boss but you do not know
10 the boss.

CHIEF MASHABA: Hence I said when I started right now or before I will agree I, or if as we go I know where is this taking us. But now that he is talking about the boss, the boss, the boss, I know that I do not know any of his bosses.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: But you knew, it looks like, and I am trying to understand your answer, you knew that he is dealing with someone that he refers to as boss. Is that, that is what you are saying that you knew with whoever he
20 communicates or has dealings there is someone that he refers to as boss and you also, you just continued to use the same descriptor.

CHIEF MASHABA: Yes.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: Now do you recall what the drug

and money laundering enquiry was about?

CHIEF MASHABA: I do not recall.

ADV SEGEELS-NCUBE: Were you involved in anything related to that, because why are you sending him information that the enquiry has been opened?

CHIEF MASHABA: Did I say the enquiry has been opened?

ADV SEGEELS-NCUBE: The first one that I said to you either they take it or leave it, on page 141, which is the
10 same message that you sent to him, he sends to his boss:

“Either they take it or leave it, enquiry
will be there but you cannot go to big
boss empty-handed. We need to open
their mouths with something.”

CHIEF MASHABA: So what is the question?

CHIEF MASHABA: I am asking what was your involvement in this enquiry because you knew that there is an enquiry and what was this enquiry about.

CHIEF MASHABA: I am not sure because obviously I do
20 not open enquiries.

ADV SEGEELS-NCUBE: Okay. So you must have known somebody that does, that can open enquiries.

CHIEF MASHABA: Maybe.

ADV SEGEELS-NCUBE: Do you want to tell us who that person is or should we go to it and then it may jog your

memory?

CHIEF MASHABA: Maybe let us go to ...[incomplete].

ADV SEGEELS-NCUBE: Okay, go to 110 just so that we can see that you do then communicate that the enquiry has been opened. At page 110, the last block, you see that the message is cut off. If you go to 111, you send a message saying ...[intervenes].

CHAIRPERSON: Is it a conscious decision now no longer to flight this?

10 **ADV SEGEELS-NCUBE:** I was not aware that it was not.
At 111, at the top:

“Drugs enquiry opened.”

That is you sending that message.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Do you see that?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: So you would have known that the enquiry was opened. How would you get that information?

20 **CHIEF MASHABA:** Yes, according to this, yes, I would have known.

ADV SEGEELS-NCUBE: Yes. Now, I am trying to find out from your point of view how do you get to know about enquiries being opened? If you say that you do not open enquiries, how do you get to know?

CHIEF MASHABA: Maybe the person that I referred this to opened that enquiry and confirmed to me that the enquiry is opened.

ADV SEGEELS-NCUBE: That person would be where, in another agency?

CHIEF MASHABA: Obviously, it would be maybe a SAPS member.

ADV SEGEELS-NCUBE: Okay, so would you have referred the matter to them and asked them to open an enquiry or
10 asked them if an enquiry has been opened?

CHIEF MASHABA: Ask them to open an enquiry.

ADV SEGEELS-NCUBE: Why? You must then know the facts in order for an enquiry to be opened, and it is specific, drugs and money laundering enquiry opened. So the ball is in their court. That is what you say.

CHIEF MASHABA: Because ...[intervenes].

ADV SEGEELS-NCUBE: But we cannot, we are not going to approach Big Boss empty-handed.

CHIEF MASHABA: Because he is talking drugs and
20 money, I know I would have done nothing about it. I would have referred it to somebody else and that will be in SAPS and nowhere else.

ADV SEGEELS-NCUBE: You say that would have been in SAPS and nowhere else.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: But you would have communicated with that person at SAPS.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Okay. And so you said earlier when I asked you about your relationship with Mr Nku and whether you had done anything for him in terms of your work, and you mentioned two incidents, one that was within your jurisdiction, one that was not. What is this one about? How is this within ...[incomplete].

10 **CHIEF MASHABA**: Surely, unless proven otherwise, surely this would have been just a communication. It did not go anywhere because I do not remember this going anywhere unless proven to me that I am lying.

ADV SEGEELS-NCUBE: I am not suggesting that you are lying. I am just trying to get the information as to what you knew about this enquiry and who you would have dealt with regarding this enquiry, because it seems to me that you are giving him information about an enquiry, a drugs and money laundering enquiry, which I am not sure that he should have
20 access to, and you are referencing his boss that the boss cannot be left empty-handed, the big boss.

CHIEF MASHABA: So what is the question, sorry?

ADV SEGEELS-NCUBE: I am trying to understand why you would make such a statement. Why would the enquiry being opened, be something that is related to the big boss and

him being empty-handed, we cannot leave him empty-handed?

CHIEF MASHABA: Because he talks about something that I know there is nothing I can do about.

ADV SEGEELS-NCUBE: Sorry, just say that again, he is talking about?

CHIEF MASHABA: Something, money, drugs and money laundering, I said there is nothing I can do about this, especially when you are talking an enquiry. It would have
10 meant I referred this to somebody else.

ADV SEGEELS-NCUBE: Yes, so ...[intervenes].

ADV BALOYI SC: No, it does not necessarily mean you referred. It may also mean that you asked someone in SAPS whether there is an enquiry opened and now you are telling Mr Nku that there is an enquiry opened. So that is the other possibility.

CHIEF MASHABA: Yes, correct.

ADV BALOYI SC: Yes.

ADV KHUMALO SC: What is the reference to we? Who is
20 we in that chat? It says we are not going to approach big boss empty-handed. Who is we in that chat?

CHIEF MASHABA: I cannot recall we, who did I refer to. I cannot.

ADV KHUMALO SC: But it obviously includes you.

CHIEF MASHABA: When I say we, it means yes, I am

involving myself.

ADV KHUMALO SC: You and somebody else.

CHIEF MASHABA: Yes.

ADV KHUMALO SC: And why would you need to approach the big boss? Why would you and somebody else need to approach the big boss?

CHIEF MASHABA: Because he is talking about big boss.

ADV KHUMALO SC: Yes, but it is his boss. Why would you need to approach the big boss?

10 **CHIEF MASHABA:** He is talking about the boss.

ADV KHUMALO SC: I understand that he is talking about the boss, but you are saying we are not going to approach the big boss. I asked who you are referring to and you said it is you and somebody else. Now why would you be approaching the big boss, because it is not your boss, it is Nku's boss, so why would you be approaching the big boss?

CHIEF MASHABA: I do not recall.

ADV KHUMALO SC: Thank you.

CHIEF MASHABA: I do not recall.

20 **ADV SEGEELS-NCUBE:** Okay, let us just go back to the sequencing. We are now on page 57 of the bundle. The first green box there, which is from Mr Nku to you, after you say, I will bring your dignity to your bosses, back your dignity to your bosses, he says:

“Abuti, I am not one to talk a lot or

boast, but you will see the type of opportunities this will open up. I can only guarantee a formidable financial future.”

And you say:

“Dankie Mfethu.”

And then:

“I believe.”

So what was that about? Clearly there is a link to
10 the boss here because you are going to give him his dignity back to his bosses and there is going to be opportunities that are going to guarantee you formidable financial future. You must remember that. I would remember if somebody was promising me a formidable financial future.

CHIEF MASHABA: I do not, because I know there is nothing that came to me as a benefit financially this time. I do not know of that. I would not know.

ADV BALOYI SC: Maybe not this time came, but I mean you will see, and I am sure you will remember, even
20 without, before your memories jolted, that there are WhatsApp messages that involve money conversations between you and Mr Nku and bank account exchanges and confirmations of proof of payment. So, we know from the documents that there has been money exchanges between you and Mr Nku. So, and I preface myself to say, keep that

in mind when you answer that you will still do the exercise of looking through your financial dealings or conversations with him.

Now, you must remember, even if it is in 2019, that what was he talking about when he says you will see the type of opportunities this will open up. You do not ask, what are you talking about? He says, I can only guarantee a formidable financial future and you say, “dankie mfethu”. So you knew at the time what he was talking about, but I
10 have prefaced myself by saying, well, there is also financial exchanges as we go along that happened.

So you surely must be able to answer the question about what was this conversation about opportunities that will open up and the financial future that he says you will be guaranteed.

CHIEF MASHABA: At that time, it means I knew.

ADV BALOYI SC: Yes. And we are asking you to tell us what it was.

CHIEF MASHABA: At that time, it means I knew, but I
20 cannot recall.

ADV BALOYI SC: Oh, you will not recall for us.

CHIEF MASHABA: Exactly.

ADV BALOYI SC: You just will not recall for us.

CHIEF MASHABA: I cannot.

ADV BALOYI SC: You will not. You just will not recall for

us. You do not want to.

CHIEF MASHABA: No, I ...[intervenes].

ADV BALOYI SC: I think let me put it to you because we are doing this and I think we are going from how it is proceeded so far. I anticipate we are going to be doing this exercise the same way the whole afternoon and I want to put to you that there is a big difference between you do not want to tell us what this was about, you do not want to, and you genuinely do not recall.

10 And I want to suggest to you that you do not want to even try and remember if you have forgotten. You do not even want to, you do not want to tell us what these conversations are about. That is what I am putting to you, that that is what I am picking up in the way you are dealing with this.

CHIEF MASHABA: Genuinely. I do not recall.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Can you, before we leave this chat, the very first one, can you recall an instance where Mr Nku
20 would have lost his dignity with his bosses and you would have had to do something to restore that dignity for him, because what you are making here is a promise to him to bring back his dignity that he has lost with his bosses. That is what the chat says, even if you do not remember what the context was. But are you aware of an instance where his

bosses were not happy with him and you had to do something in order for his bosses to be happy with him?

CHIEF MASHABA: Honestly, Commissioners, I do not want to be seen as denying everything, but I am genuinely saying I do not recall.

ADV KHUMALO SC: Okay.

ADV SEGEELS-NCUBE: Okay, can I then just take you, we are still on page 57. You ask him in the, I think it is, you have got one, two, three, four, after the first green, block,
10 there is four white blocks. The fourth one, you are asking him:

“Who is sending you info for the criminals, just checking.”

Then he says:

“The check-in boy, the one who checked us in on the day in question.”

You say:

“Okay,”

Now what were you dealing with here? What were
20 you talking about here, because it seems to me it has something to do with the airport, a plane, checking in. He was going somewhere and he is getting information from the check-in boy.

CHIEF MASHABA: I totally I am lost.

ADV SEGEELS-NCUBE: You do not recall any of your

conversations with him between 2019 and 2021, nothing, with Mr Nku?

CHIEF MASHABA: I do not remember us doing anything together.

ADV SEGEELS-NCUBE: Do you recall asking him for money?

CHIEF MASHABA: Well, for money, yes. He gave me, he gave you money.

ADV SEGEELS-NCUBE: Why? Why are you receiving
10 money from him?

CHIEF MASHABA: Maybe as a friend.

ADV SEGEELS-NCUBE: I thought he was not really a friend.

CHIEF MASHABA: Sorry?

ADV SEGEELS-NCUBE: I thought he was not a friend. I suggested that he was a friend. You said he was not a friend.

CHIEF MASHABA: I said he is a contact.

ADV SEGEELS-NCUBE: Yes.

20 **CHIEF MASHABA:** So I am saying, okay, maybe if I say as a friend, I would mean as my contact. I said not social or not business. Not necessarily mean it is not a friend. He is a contact, yes, but I know I do not go out with him and I do not do business with him because I do not know what kind of business he does.

ADV SEGEELS-NCUBE: Okay, go to page 64. You see the top message there? You are reporting back to him about a meeting. Do you see that?

CHIEF MASHABA: I just, I managed, yes.

ADV SEGEELS-NCUBE: Yes, you see that?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: I see the name Mashego that says Gauza.

CHIEF MASHABA: Yes.

10 **ADV SEGEELS-NCUBE:** You gave him, you sent him Gauza's business card if you look at the bottom of that page.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: And Gauza is someone in Organized Crime.

CHIEF MASHABA: I know.

ADV SEGEELS-NCUBE: Who is he? Is he a colleague of yours?

CHIEF MASHABA: No, he is a SAPS member.

20 **ADV SEGEELS-NCUBE:** Okay, how do you know him?

CHIEF MASHABA: I, through a friend, but I am not even close to this guy.

ADV SEGEELS-NCUBE: Okay, so why are you meeting with him and others?

CHIEF MASHABA: I cannot recall exactly what we met for.

I seriously cannot.

ADV SEGEELS-NCUBE: And then you say to him:

“And tomorrow they meeting the guys
for enquiry.”

So you do know.

CHIEF MASHABA: It is a long time ago. I genuinely do not recall.

ADV SEGEELS-NCUBE: Okay, if we gave you these messages for you, during the lunch adjournment for you to
10 go through them again, do you think it will jog your memory?

CHIEF MASHABA: If you?

ADV SEGEELS-NCUBE: If I gave it to you over the lunch adjournment to read over it, do you think it will jog your memory?

CHIEF MASHABA: Exactly if you tell me where to go exactly, I will maybe.

ADV SEGEELS-NCUBE: Okay. I want to know ...[intervenes].

20 **CHIEF MASHABA**: Ja, remember something.

ADV SEGEELS-NCUBE: How often do you meet with Gauza? Have you met with him from 2019 to today? How often have you met with him?

CHIEF MASHABA: I do not even know when last did I see him.

ADV SEGEELS-NCUBE: Okay, so we know you saw him at least once in 2019, because you say you have met with him.

CHIEF MASHABA: Ja, because I do not, I know him, but I do not know when last did I see him.

ADV SEGEELS-NCUBE: Okay, would it have been more than this one time?

CHIEF MASHABA: If we would have met, I do not even think he is more than five times.

ADV SEGEELS-NCUBE: Okay.

10 **CHIEF MASHABA**: Yes.

ADV SEGEELS-NCUBE: So then it should not be difficult for you to try and figure out why you were meeting with him and other people and then telling Nku that there is going to be a meeting the guys for an enquiry because surely you would not be, it cannot be more than once or even twice that your meeting with Gauza would have an impact on Mr Nku that you need to report to Mr Nku about it, unless you report to Mr Nku about Gauza every time you meet with Gauwza.

20 **CHIEF MASHABA**: I do not know. I do not know. Like now I can put it to you now that I am sure it is more than, it is more than five years not talking to Gauza.

ADV BALOYI SC: Ja, but the WhatsApp message, the third one, surely must jolt your memory. It speaks about you going, you must go to, you say we must go to Giyani to go

look for these guards with the help now of Gauza. And then operation is now very close and promising the guys are toeing the line. So surely this kind of WhatsApp message from you to Mr Nku must remind you what it is that you and Mr Nku were talking about here in these various exchanges and your meeting with Gauza therefore.

CHIEF MASHABA: If Commissioners, if this would have carried on, like I am saying, I know for sure for five years, if not six, I have never met, I have never spoken to Gauza.

10 **ADV BALOYI SC:** Ja, no, I accept, at least for purposes for now, that you have not spoken to Gauza for five years. I am making a different point that you have quite a detailed SMS, WhatsApp message rather, the third one that you send to Mr Nku, and it speaks about going, doing an operation in Giyani. You say we must go to Giyani to look for these guards.

So it is very specific. With the help now of Gauza and them, operation is now very close and promising the guys are toeing the line. So I am saying to you, it is, you
20 are a Traffic Officer in Gauteng. It is not every day that you get involved, even 10 years ago, it is not every day that you would get involved in operations that take you to Giyani.

CHIEF MASHABA: Yes.

ADV BALOYI SC: And I am saying to you that, for that reason, this must remind you, you must be able to

remember, to remember why were we talking about Giyani by the way, which you do not do every day in your job. Why were you and Nku talking about going to Giyani to do an operation to look for these guards, surely.

CHIEF MASHABA: I can assure you that, Chair, I mean, Commissioners, I can assure you that I do not recall because we did not go to Giyani.

ADV BALOYI SC: Yes, you may not have gone to Giyani, but ...[intervenes].

10 **CHIEF MASHABA:** Yes.

ADV SEGEELS-NCUBE: You spoke about going to Giyani. This is not something that you would have sucked out of the air and put a random message about Giyani. It cannot be. It is a message that suggests there are other conversations that preceded it, including and which also explain a meeting with Gauza, Ntate Ngwana and Mvinjelwa 50. There is that preceding conversations before you get to, we must go to Giyani to find these guards.

And what I am suggesting to you for your comment,
20 for your response, is it is not every day you would have been involved with Giyani, even in 2019. It is not every day. So this must have been an exception, hopefully. And if it was one of the few times or even an exception, you must be able to remember it, what this was about. You can conclude by saying, we never went to Giyani, but you

should be able to say, this is what this was about, but nothing came of it.

CHIEF MASHABA: You know, Commissioners, not everything that you communicate on WhatsApp can be true. Not everything. So ...[intervenes].

ADV BALOYI SC: What do you mean by that? Are you saying you may have made-up this which you say?

CHIEF MASHABA: I would have maybe, I would have maybe talking to Nku here, but because I do not even
10 recall, I might maybe be lying here because you know for a fact not everything in the WhatsApp or in the message you say or you type is correct or true.

ADV BALOYI SC: No, I do not know that. I do not. You can tell us that in your communications, not everything you say is necessarily true. And if that is what you are telling us, and I must say that until you tell me that I mishear you and misunderstand you, that is how I understand you. You are saying not everything that you say is necessarily true. That is what you are saying.

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

ADV BALOYI SC: Okay.

CHIEF MASHABA: Because, oh.

ADV BALOYI SC: And I am going to put this challenge to you that then that also must apply to your evidence right now because you are stating a general position. You are

sitting there, we have to be cautious. That is what you are telling us. We have to be cautious when we deal with your responses and your evidence because on your own confession, not everything that you say is necessarily true.

CHIEF MASHABA: On WhatsApp.

ADV BALOYI SC: Thank you, Chief.

ADV KHUMALO SC: Just on this, the very first challenge, can you recall a time when you met with these three people and you were in a meeting with them? So if you look at
10 Gauza, Ntate Ngwana and Mvinjelwa.

CHIEF MASHABA: I met with Gauza at his house alone. I met with Mosa alone, not with Gauza. This Mvinjelwa I do not remember.

ADV KHUMALO SC: When you met with Gauza and Twala, were you discussing the same issue, although you met with them separately?

CHIEF MASHABA: No.

ADV KHUMALO SC: It was different issues.

CHIEF MASHABA: Yes, Commissioner.

20 **ADV KHUMALO SC:** If you remember that it was different issues, then you must remember what those issues were.

CHIEF MASHABA: Gauza, I think I was, I wanted him to ask, I mean, I wanted him to assist. If my memory serves me well, I think I wanted him to assist, I wanted him to assist or I wanted him to meet with somebody regarding the

case that that person said Gauza is the only one that can assist.

ADV KHUMALO SC: Okay.

CHIEF MASHABA: Not necessarily knowing exactly what was that. I mean, if you met with somebody seven years ago and then you did not speak for five years, it is difficult to remember exactly what were you guys talking about.

ADV KHUMALO SC: It is exactly that that makes you remember because it is not somebody you see often. So if
 10 you saw somebody seven years ago and that was the last time you saw them, it is exactly that will make you remember. If you communicate with somebody regularly, you communicate about so many things that you will not have a specific memory of what you were discussing. But if it is somebody that you say you have not seen him for five years and you went to his house to discuss something, then surely you must remember what that was.

CHIEF MASHABA: What I remember exactly with Mashego was that there is a case that he needed to assist somebody
 20 with. That is why I went to him. Then he said, I am at home. I said, please send location. That is when I got to him. And I know I prefer that let me be a middleman here. Let me not be a middleman. You said I must go do this for you. I got him. Please talk to him directly because I do not want to be caught up in a crossfire tomorrow that I

facilitated something that I do not know.

ADV BALOYI SC: When you say you met, maybe let me first ask, Mosa Twala, is that a member of the SAPS?

CHIEF MASHABA: Yes.

ADV BALOYI SC: And you say you do not know or you do not remember Mvinjelwa 50.

CHIEF MASHABA: Mvinjelwa, I do not remember.

ADV BALOYI SC: Okay. And when you say you met with them separately, what, on different days? Is that what it means?

CHIEF MASHABA: Yes. Yes, Commissioner.

ADV BALOYI SC: Then explain why in that page 64, WhatsApp, you say, I managed to meet with them just now. Your text says you met with them just now.

CHIEF MASHABA: I?

ADV BALOYI SC: You text as you met with them just now and if you met them over different days and not together, why would you describe, why would you say I met with them just now?

20 **CHIEF MASHABA:** Hence I am saying I do not recall meeting the three of them at once.

ADV KHUMALO SC: Can we at least agree this ...[intervenes].

CHIEF MASHABA: Yes.

ADV BALOYI SC: Even if you do not, even if I were to

accept you do not recall, can we at least agree this, that this text, the way you wrote it, says you, suggest you met them together?

CHIEF MASHABA: According to the text?

ADV BALOYI SC: Yes.

CHIEF MASHABA: Yes.

ADV BALOYI SC: All right, thank you.

ADV SEGEELS-NCUBE: Then can we go to page 78.

There is a message that you sent there on the 28th of March
10 2019 at 3:14 p.m. and you say:

“We winning Tumza dignity is going.”

Do you see that?

CHIEF MASHABA: Yes, I see.

ADV SEGEELS-NCUBE: I suppose you do not know why dignity is going now. Earlier on you said you are going to get dignity back for him, so this must refer to somebody else. Do you recall what it was?

CHIEF MASHABA: Dignity is going?

ADV SEGEELS-NCUBE: Hm.

20 **CHIEF MASHABA:** Ja, you see, this means, I said I will bring it back, now it is going. It means nothing happened.

ADV SEGEELS-NCUBE: Are you not succeeding? You were not succeeding in getting his dignity back. Why would you say we are winning? Winning means that you are doing something good for him.

CHIEF MASHABA: How can I win with somebody that is going?

ADV SEGEELS-NCUBE: I do not know. That is your message. We winning Tumza dignity is going. So you must be talking about somebody else's dignity that is going because you and Tumza are winning.

CHIEF MASHABA: Ja, no, I hate the fact that it is like I am denying everything and I do not want it to be that way because it is like I am hiding something. But seriously,
10 until we get to the bottom of this whole thing, I would then agree that all these dignities, all these bosses, now I know, I remember.

ADV SEGEELS-NCUBE: Okay, I am going to give you an opportunity during the lunch adjournment to go through them. But until then, can I then ask you, you see you send a message, the next message is smiley face.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: And then a few hours later on the same day you say:

20 “Do not feel annoyed and I am not
 taking advantage.”

 And then you send him a bank account details.
Whose bank account details are those?

CHIEF MASHABA: It is my business bank account.

ADV SEGEELS-NCUBE: It is your business bank account?

CHIEF MASHABA: Yes, closed. I do not even remember, this time it was open, but it is my business.

ADV SEGEELS-NCUBE: Yes, it must have been open if you are giving him your business bank account. Why are you giving him your business bank account just before you say, please do not feel annoyed and I am not taking advantage?

CHIEF MASHABA: It would mean please do not feel annoyed, I am not taking advantage, obviously, put
10 something in my account.

ADV SEGEELS-NCUBE: Ja, why must he put something in your account?

CHIEF MASHABA: Maybe he would have, maybe he give it a boosting or borrowing me, I do not know.

CHAIRPERSON: You said what, boosting? You said what?

CHIEF MASHABA: And maybe that is English.

ADV SEGEELS-NCUBE: Boasting.

CHAIRPERSON: Boasting. Boosting or boasting?

ADV SEGEELS-NCUBE: Boasting, boosting?

20 **CHIEF MASHABA:** Boost.

CHAIRPERSON: Boost.

ADV SEGEELS-NCUBE: He is boosting you.

CHAIRPERSON: Meaning in this context? I know what boosting means, but in this context, what do you mean?

CHIEF MASHABA: He is giving me some extra cash. That

is what I mean.

ADV SEGEELS-NCUBE: Out of nowhere?

CHIEF MASHABA: Maybe in our lingo, like say
...[vernacular].

ADV SEGEELS-NCUBE: Okay.

CHAIRPERSON: Okay.

CHIEF MASHABA: I do not know in English how do you
put it.

ADV SEGEELS-NCUBE: I am sure you do not recall how
10 much he gave you.

CHIEF MASHABA: I do not recall.

ADV SEGEELS-NCUBE: Then on page 83.

CHAIRPERSON: No, sorry, sorry, sorry. Below that, there
is done. Does that mean you were boosted or given the
money?

CHIEF MASHABA: If I said done, it means he did.

ADV SEGEELS-NCUBE: Ja.

CHAIRPERSON: It is him saying so, so he was telling you
that he had deposited money into your account.

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

ADV SEGEELS-NCUBE: But you were complaining
because you said there was nothing. Did you see the
message? You say thumbs up:

“Thank you.”

And then at 10 past 11, you say:

“Nothing.”

You see you send a message saying nothing?

CHIEF MASHABA: Hence I said it is my old business. I do not know. Do you see now.

ADV SEGEELS-NCUBE: Let us just go to page 82. It seems that he sends you a screenshot that he is made the payment, and you say:

“Eish, that is the correct account.”

But it seems you are not getting the money. And
10 then on the next page, on 83, you say:

“I am sorry.”

In the next message:

“Tumza still not through.”

And then he says:

“Abuti, please bear with it. It should
be as soon as the bank opens up their
system tomorrow morning, 9 a.m.”

And then you say:

20 “It kills me, but sharp, hope you are
good.”

And then the next morning:

“Hola, I am still not sorted Tumza.”

Then the next message:

“Starting to stress, I am getting calls
now from eish.”

Who are you getting calls from? You must remember that.

CHIEF MASHABA: I do not remember, honestly.

ADV SEGEELS-NCUBE: -:

“It is not April Fools. I am serious, my brother.”

CHIEF MASHABA: I do not remember.

ADV SEGEELS-NCUBE: Okay, he then sends you the bank confirmed payment. And the next page, you say:

10 “Please send proof.”

Because you clearly do not trust that he has. Do you see that, page 84?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: And then you say:

“I am in here, please send Tumza.
They want to see.”

Who is they?

CHIEF MASHABA: Like I am saying, I do not even know what we are talking about here.

20 **ADV SEGEELS-NCUBE**: No, Chief. This is on the 1st of April 2019, you stressed. You are clearly somewhere where payment needs to be made immediately. You are there, you say, I am in here, please send Tumza, they want to see. Who would want to see that you are getting a payment from Nku into your business bank account? Does that happen

every day? Did it happen every day in 2021 that you cannot recall?

CHIEF MASHABA: 20?

ADV SEGEELS-NCUBE: In 2019.

CHIEF MASHABA: We are talking seven years ago here.

ADV SEGEELS-NCUBE: Yes, but how many times were you somewhere where you needed money to be sent immediately by Tumza to you into your business bank account? How many times did that happen in 2019?

10 **CHIEF MASHABA:** Not many times.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: Not.

ADV SEGEELS-NCUBE: Okay.

CHIEF MASHABA: Ja.

ADV SEGEELS-NCUBE: So, and then if you go to page 86, it says:

“It cleared at 2 p.m. Thanks again, we will call after or give update.”

20 So something is happening and it is all on the 1st of April. Then on, still on 86 you say:

“They say call online and because it was done on Saturday it is on smart block so they can release after one hour after your call.”

And you send him the number online and then the

money must have come through because you say:

“Thank you very Tumza. It has reflected. Lifesaver my brother.”

So he saved your life. How often did he save your life by paying you?

CHIEF MASHABA: Maybe he saved it this time.

ADV SEGEELS-NCUBE: Yes, why? What bind were you in that you saved your life by paying money into that account?

CHIEF MASHABA: I do not remember what we were
10 talking about or what transaction we were talking about here. But I can see and confirm because that is my account number and now it says it has reflected. And I know ...[intervenes].

ADV BALOYI SC: Can I, oh, sorry, sorry, Chief, carry on.

CHIEF MASHABA: And I know this account is closed long time.

ADV BALOYI SC: Can I say, Chief, this sequence of WhatsApp messages speak to you receiving money from Nku to pay other people, to distribute to other people? That
20 is what this speaks of, and that is the important thing. Even if you say, I do not remember. What is undeniable, is you are getting money from Nku for whatever purpose, but that, whatever reason he was paying for, it was to pass it on or you were going to pay other people that required proof of payment that were putting you under pressure. You accept

that is what this demonstrates?

CHIEF MASHABA: According to this, I accept.

ADV BALOYI SC: Yes, thank you.

ADV KHUMALO SC: Do you remember how much it was?

CHIEF MASHABA: No.

ADV KHUMALO SC: You know, when you boost somebody, you give them R100.00 and R200.00, but if it is a serious business transaction, it is a lot of money.

CHIEF MASHABA: It is not. It means it was not a serious
10 business transaction. That is why I cannot remember.

ADV BALOYI SC: Maybe just to clarify in the light of what Commissioner Khumalo has said now, to clarify what it is I am putting to you. I am putting to you that this was not a boost to you. You were going to be paying other people that you and Mr Nku were involved with. That is what I was putting to you. That you say he was boosting you, a boost as we understand it and as you explained it, is to make you cash liquid, to give you money to assist you personally.

What I am putting to you is this series of WhatsApp
20 messages where you say they are putting me under pressure, send me proof so I can show them, what it demonstrates is that whatever transaction or dealings you and Mr Nku were doing, these WhatsApp messages was about payment to your account so that you can pay other people known to you and Mr Nku. That is what I am saying

they demonstrate.

CHIEF MASHABA: When, according to the according to the messages here, it suggests that, but Commissioners, I want to say if, if really I was doing something wrong, I would not leave paper trail like this.

ADV BALOYI SC: But this does not come from your phone. It comes from Mr Nku's phone.

CHIEF MASHABA: Oh.

ADV BALOYI SC: So he is not like you, clearly. It was
10 found in his phone.

CHIEF MASHABA: I cannot ...[indistinct].

ADV BALOYI SC: No, I am saying he is clearly not like-minded. You say you would not leave this paper trail. And I am saying, well, these were found in Mr Nku's device and it is communication between you and Mr Nku. So the paper trail comes from Mr Nku's cellphone.

CHIEF MASHABA: No, this is, this is worrying because my account is there. So if really I was doing something that wrong, how do you, if I was in any dodgy business with him,
20 how do I give him my account number and something that can be traced after?

CHAIRPERSON: Sense of impunity, Chief Mashaba.

CHIEF MASHABA: Oh.

ADV BALOYI SC: At that time, you just did not foresee that things will get to this point. I mean, that is what

happens. Human conduct, you did not foresee it will get to this point. But the established fact, which you admit, you are not denying, you did give him your account number. And I understood you to accept that you are saying to him, you are being put under pressure and saying they want proof of payment, I understood you to accept that yes, it demonstrates or at least suggests that the money you were receiving was to be distributed to other people as well.

CHIEF MASHABA: Well, according to this, it suggests
10 that.

ADV BALOYI SC: Yes, thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. Is this a convenient time to take the lunch adjournment?

CHAIRPERSON: Let us adjourn and resume at 14:35. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. Chief, could I
20 ask you to go to page 89 of that WhatsApp and screenshots bundle that we were busy with? Do you have page 89?

CHIEF MASHABA: Yes, I have got it.

ADV SEGEELS-NCUBE: These are still the chats between you and Mr Nku. We will see one green block and then there is a white block. The second white block, you say:

“Boroko dololo.”

What are you referring to him?

CHIEF MASHABA: I cannot sleep, *boroko dolo*.

ADV SEGEELS-NCUBE: Hey?

CHIEF MASHABA: I cannot sleep.

ADV SEGEELS-NCUBE: You cannot sleep. And then you say to him, this is on the 15th of April. Just wait. Thank you, Chair. So you are saying to him you cannot sleep. And then the next message on the 15th of April, you say:

10 “We need to work. Responsibility piling
 up, *esh*, mark timing.”

Why do you need to work with Mr Nku, who is a civilian?

What work are you looking to go into with him?

CHIEF MASHABA: Maybe here, maybe I am talking about, or maybe the information, I do not know. And maybe, Commissioners, I have tried to go through these chats. I do not want to lie. 2019, I cannot recall. And I do not want to be seen as I do not want to be helpful to the Commission. Because a lot of things here, I do not remember. But then,
20 still, we need to work responsibility piling up, mark timing, I do not know.

CHAIRPERSON: But what you – it is not even a question of recalling, but what is factual is that you were in constant contact with Mr Nku. That is what these chats show.

CHIEF MASHABA: Yes, in 2019, I can see we were

communicating.

CHAIRPERSON: And the texts or chats that Ms Segeels-Ncube has taken you to are not about him providing you with information regarding criminality. It is just that you are, the two of you are involved in something, whatever it was, which you say you have forgotten about.

And when I am saying involved in something, I am not suggesting criminality. But you were involved in something. You were in constant contact with him. And
10 that had nothing to do with him providing you with information relating to criminality.

CHIEF MASHABA: I agree.

CHAIRPERSON: Like, for example, we are expecting Cocaine coming from wherever, and let us get ready to intercept it. At least on the chats that you have been taken to, there is nothing resembling any of that you accept so far. You are interacting constantly on whatever it is you are interacting about.

CHIEF MASHABA: Yes, I agree, Chair, that we were busy
20 with something. But what, I am not sure. I do not know.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Okay, thank you. And then, in fact, at the last message, you say:

“Are we meeting today?”

You say:

“We need to work. Responsibility is piling up. Mark timing.”

So you are, in fact, looking to him for a further avenue or another avenue to earn income because you are not going to be working for free. So whatever it is you are doing for him, you are expecting to get payment from him.

CHIEF MASHABA: But I do not see anything that talks about that here.

ADV SEGEELS-NCUBE: No, no, no, I know, but you are
10 not going to work for free. You say we need to work. Responsibility piling up. Responsibility can only pile up if you need money. It is for money. That is your responsibility that you are referring to.

CHIEF MASHABA: Let me say yes. Well, every man hustles. So ...[intervenes].

ADV SEGEELS-NCUBE: Yes, I mean, it is logical.

CHIEF MASHABA: Yes, every man hustles. But here, I do not remember what. But let me agree with you, yes.

ADV SEGEELS-NCUBE: So this would have been a side
20 gig, something on the side that you were going to do with him?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Okay. And so then you must know, have details about what it is that you intended to have on the side with him. What was it?

CHIEF MASHABA: Well, most of the time when he calls or called, he would need favours or he would need to meet with somebody or he will ask me, can you do this for me? Can you? I have got a problem. Do you know, let us say maybe, do you know Petros in Potchefstroom or something? I would say, I do not know. But here, I can see we were talking constantly, but honestly, honestly, I cannot remember exactly what we were talking about or what deals were we talking about here. Because I do not remember
10 any dodgy deals with him.

ADV SEGEELS-NCUBE: Why do you assume that it would be dodgy deals? Why do you associate Nku with dodgy deals?

CHIEF MASHABA: No, because I would maybe assume that maybe the chats, or the chats looks like there is something wrong that we are doing or there is dodgy businesses that we are doing. Hence, I am saying I do not know exactly here.

ADV SEGEELS-NCUBE: So you agree that is what it looks
20 like when one reads these chats, that there is something untoward going on between the two of you?

CHIEF MASHABA: It paints that picture.

ADV SEGEELS-NCUBE: Yes, it is a reasonable inference to make when one reads it.

CHIEF MASHABA: It paints that picture.

ADV SEGEELS-NCUBE: Yes.

ADV KHUMALO SC: Sorry to interrupt. In one of the questions you asked, I wanted to follow up because you said it is a side gig and Chief Mashaba agreed and said yes. So I just needed to know, what side gigs did you do with Nku in 2019?

CHIEF MASHABA: Side hustle?

ADV KHUMALO SC: Yes, side hustle.

CHIEF MASHABA: Seriously? Well ...[intervenes].

10 **ADV KHUMALO SC:** Let me tell you why I am asking you this. When the question was put to you that it was a side hustle you and Nku were doing, you agreed. So my follow up question is, what side hustles did you do with him in 2019? Let us limit it to that period.

CHIEF MASHABA: Well, to be honest with you, Commissioners, Nku, maybe I did not put it nice at the beginning. He would be very much helpful to me. He would help me, he would assist me with a lot of things. So ...[intervenes].

20 **ADV KHUMALO SC:** Financially?

CHIEF MASHABA: Financially, yes. Not official.

ADV KHUMALO SC: Yes.

CHIEF MASHABA: Not official. For an example, maybe let me say I am renovating at home. I would maybe cry to him and say, hey, can you please assist? I am lacking. Not

necessarily that we were busy with some dealings. No, he would be helpful in that sense ...[intervenes].

CHAIRPERSON: You would ask for money to buy material when you are renovating. Is that what you mean?

CHIEF MASHABA: Either I would be buying material or I would be paying the guys that ...[intervenes].

CHAIRPERSON: Or the people doing the work.

CHIEF MASHABA: Yes, yes, Commissioner.

ADV KHUMALO SC: And what would you do for him in
10 return?

CHIEF MASHABA: For?

ADV KHUMALO SC: What would be the quid pro quo? He gives you money, assists you financially, and what did you do for him in return?

CHIEF MASHABA: Nothing. Depending on what assistance will he be asking from me, I will then assist if I can.

ADV KHUMALO SC: So can we leave it here? Up to this point, I think we can now accept that he was not just a
20 source. He was something more, because he also assisted you financially.

CHIEF MASHABA: I agree, Chair.

ADV KHUMALO SC: Thank you, Ms Ncube.

ADV SEGEELS-NCUBE: Okay, and then on page 90. You had asked him on page 89:

“When are we meeting?”

He did not respond on the 15th, so on page 90 on the 16th,
you say:

“I would prefer you tell me what is wrong,
Mfowethu, that just ignoring calls. That
is not how we work. If it is a stop, please
tell so. I can stop bothering by calling,
calling. I cannot talk alone.”

So again, you are referencing that is not how we work. If it
10 is a stop, please tell so I can stop bothering by calling,
calling. What were you referring to that you thought was
being stopped here or he wanted to stop?

CHIEF MASHABA: Mr Nku, it is somebody who does not
like the phone, or somebody that travels a lot. You might
call him and call him and not get. You end up drawing a
conclusion to say maybe he is ignoring you. Not knowing
maybe he was out of the country. He is like that. Maybe,
maybe here.

ADV SEGEELS-NCUBE: No, but you are referring to him,
20 you are saying to him:

“Just ignoring calls, that is not how we
work. If it is a stop, please tell so I can
stop bothering by calling.”

So a stop to what?

CHIEF MASHABA: Like I am saying, it would have been

maybe the help that I asked because I do not want to say now I do not know because it also put me in a bad light to say I am not useful to this Commission.

CHAIRPERSON: You say he travelled a lot. Did he go to Brazil a lot or did he ever go to Brazil as well?

CHIEF MASHABA: I do not know exactly where he goes.

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV BALOYI SC: Before you come, you see in that WhatsApp on page 90, you say that is not how we work. So
10 you are working with him on something. And then you say if it is a stop on whatever you are working with, that is how to read this paragraph. If it is a stop, please tell me so that I stop and I do not keep calling you. So you were working on something with him.

This is not a case of him. It is about him giving you help, financial help about something. It has nothing to do with it. This is about something you are both working on. And then you say to him, if there is a stop to this work that we are doing together, let me know so that I can stop and
20 then not call you. So you were working with Mr Nku in 2019 April on something. You must be able to remember it.

CHIEF MASHABA: The interpretation might suggest we were doing something. But I know, Commissioners, how I communicate at times. Every word has more than one meaning. Everybody knows that. In 2019, I know it is not a

work that most of the time, 2019, 2020, I know I was busy at home.

ADV BALOYI SC: The stop would be what? On that interpretation, and I do not agree with you that there is a question of interpretation. You use very clear words. It does not require interpretation. But working with what you are saying, if it was about you, something to do with your building at home, where you say if it is a stop, please tell me so I can stop bothering you. If it is a stop, what stop
10 could he tell you?

CHIEF MASHABA: Stop ...[intervenes].

ADV BALOYI SC: He is not going to tell you to stop building at your house.

CHIEF MASHABA: Yes.

ADV BALOYI SC: So it cannot be about your building at your house.

CHIEF MASHABA: Maybe let me say a stop to assist because I am saying I will stop calling or I will stop bothering you.

20 **ADV BALOYI SC:** No, you are saying whatever we are working on, tell me if we are putting a stop to it. Then I will not call you. That is what this communicates. Whatever we are working on, tell me if we are stopping, and then I will stop calling you. And what I am putting to you is, it could not have been about renovating your house because, and I

would like to believe that Mr Nku is not going to tell you to stop renovating your house. So this is not about renovating your house.

CHIEF MASHABA: I do not recall what was that ...[intervenes].

ADV BALOYI SC: Thank you.

CHIEF MASHABA: Commissioners.

ADV SEGEELS-NCUBE: And you see, when you look at, you then send that message, he does not respond, and that
10 is sent on the 16th. On the 18th, you call. You call one, two, three, three times. Then on the 22nd, you send him a message saying:

“Tumza, something is not right.”

And then on the 22nd, you call again, and again, and again on the 22nd. And then on the 24th, you say:

“When are you back?”

So it seems like you were trying to reach him, and he was not really responding. You then say:

“Tumza, something is not right.”

20 So the fact that you are not able to get hold of him immediately after you send a message is something that is troubling you, which means that you were in regular contact with him, and you must have been doing something with him that you felt that now I am not getting anything back from you, something is not right.

CHIEF MASHABA: Like I said in the beginning, he does not like the phone. So when I say something is not right, I know he might have been out of the country. Hence, I ended up saying if you are out, when are you back?

ADV SEGEELS-NCUBE: Okay.

CHIEF MASHABA: I do not know whether I am assisting.

ADV SEGEELS-NCUBE: No, it is fine. Go to page 91. He then says:

10 “I am going to Singapore tomorrow, then I
 will be back on Saturday, guaranteed.”

So then on page 92, on the 24th of April, you say to him:

 “*Eish*, I am broke, Tumza. Financially
 embarrassed.”

Then you send messages, he is not responding to you, so on the 28th, I count one, two, three, four, five times you tried to get hold of him. You were looking for money from him?

CHIEF MASHABA: Yes.

20 **ADV SEGEELS-NCUBE:** And then on the 29th, you even
say:

 “Please call or answer.”

CHIEF MASHABA: Yes, Commissioner.

ADV BALOYI SC: Chief, how is it okay? Why should we say or consider it okay and harmless that you are asking for and are receiving money from a person who you say is not

your friend? And in other communication, we see that he is involved in arranging drug deliveries and drugs coming from, not your operation, but in other correspondence, we see that he is involved with getting drugs off a ship, being transported, having to be delivered somewhere to somebody who is not law enforcement. How should we look at a law enforcement officer like yourself being funded by a person like that? How is that not problematic?

CHIEF MASHABA: Maybe I have put it wrong in the
10 beginning that our relationship was based on information. He tends to be, even now, we communicate because now he tends to be my younger brother, I can say. Maybe I have put it wrong in the beginning.

ADV KHUMALO SC: Let me ask you this. You made witness statements to IPID. You made witness statements to the police after the July incident in Aeroton. And in all those statements, you described Mr Nku as an informant, as a source. Were you lying under oath? Because in all those affidavits, you did not describe him as a friend, you did not
20 describe it as somebody who often gave you money when you were desperate for cash. So were you lying in all those affidavits when you said he is just a source, he is just an informant?

CHIEF MASHABA: I was not lying, Commissioners. Maybe it is because we are talking about the Aeroton matter. That

is why I said – I mean, let us say, Commissioners, I know a person that I am busy with, with our own things. But on this issue of 2021, I am being asked who is this person, how I related to this person. On this one, the role he played is he gave me information. I was not lying under oath.

ADV KHUMALO SC: But do you accept that how IPID and other institutions would have dealt with the information would have been different if you said this is a friend of mine who often gives me money, I have side hustles with him, he
10 often gives me money to do renovations at my house, that is the person I got information from?

CHIEF MASHABA: But for obvious reasons, Commissioners, if you say that as a law enforcement official, you are saying I am being funded.

ADV KHUMALO SC: But that is a fact. That is a fact. He was funding you.

CHIEF MASHABA: But, Commissioners, I will be answering something that I am not asked.

ADV KHUMALO SC: No, but your conduct is far more
20 serious than that because as a result of your complaint to IPID, police officers were investigated and they were charged. They were not dismissed, but some of them could have been dismissed. And it led to divisions within SAPS where Crime Intelligence and ordinary SAPS and Hawks, what we call them DPCI now, were fighting. And the

feedback from the NPA was that these are misunderstandings and fights between law enforcement. That is how they characterise all of this.

And it starts with you giving information that is clearly false to IPID because you were the main complainant in the IPID complaint. And IPID records what you gave as follows, I received information from a source. And that is different from saying I received information from a friend of mine who often gives me money and that I have
10 a side hustle that I am running with.

Not that it is unlawful because we do not know what that side hustle was. But that is material information that you withheld from IPID, from the police.

CHIEF MASHABA: So I would have caused a division within SAPS and Crime Intelligence?

ADV KHUMALO SC: That is what the complaint led to.

CHIEF MASHABA: No, I do not agree, Commissioners. The complaint, I was very angry about what happened on 2021. I still am because that was a genuine operation. And
20 ...[intervenes].

ADV KHUMALO SC: We will get into whether the operation was genuine or not. For present purposes, all I was confining myself to was you were not truthful in all those affidavits when you described Mr Nku as a source, because he was more than a source to you.

CHIEF MASHABA: Well, he is more than a brother even now.

ADV KHUMALO SC: Yes. So you were not truthful in those affidavits in your description of your relationship with him.

CHIEF MASHABA: For what? For the information that was needed for 2021? I am truthful.

ADV BALOYI SC: No, you were not truthful in not disclosing the nature of what you say now in this last
10 engagement was the true nature of your relationship. You were not truthful about it. Even when you started with us, you were not truthful. And you have said why. You say, I could not disclose it then. I could not say it then because then what would it look like, that a police officer is being funded by somebody?

You are correct. That is how it looks. And it is your reason for not being truthful about the nature of your relationship. Then I agree with Commissioner Khumalo that had you disclosed the true nature of your relationship with
20 the person that you say gave you the information, it would create a different way of looking and interrogating what was going on there in that operation. And you withheld that material information.

CHIEF MASHABA: Commissioners, what we were doing or what I am doing with Nku in favour, I mean in him, maybe I

will be saying if it is taken as a funding, it is unofficial. But on my official capacity and basis, I do not think I was lying. But other things, it is not only Nku that I know.

ADV BALOYI SC: We know. We do not even need to get there. We know or we can assume that it is not just him that you know. We are talking about your relationship with him and let us not distract from that. You are funded. You have told us. He funds your renovations here. You say, I am broke. Earlier we read something and you agreed it
10 indicates you are receiving money from him to distribute to other people.

So your relationship with him is not just an informer. You actually are working together. There is things that you are doing together and you call them a side hustle. So the truth of your relationship with Mr Nku, you did not disclose it in 2021. Before us here, it comes out, it changes.

You started off, he is an informer, you have an arm's length relationship, you have even an acquaintance.
20 Eventually you have to accept that on the documents before us, it does show that you are not being truthful about the nature of that relationship and you concede to that, that well, we are friends. You end up saying that.

And the point that is being made to you is, had you disclosed the nature, the true nature of your relationship

with Mr Nku, it may well have led to different lines of enquiry. And I want to suggest that you were aware of that. That is why you were not frank about the nature of the relationship.

It is because you knew that it potentially opens lines of enquiry about what that operation was all about and you were avoiding that line of enquiry. And in that way, you were being dishonest about the relationship with Nku. As you were, and I want to put it to you, as you have been with
 10 us. You may comment if you want to, Chief. Otherwise, Ms Segeels, back with you.

ADV SEGEELS-NCUBE: Thank you, Commissioner ...[intervenes].

CHIEF MASHABA: Commissioners, I know, and I do not want to seem to be diverting, I know how honest I am. Together with the people that work with me, they know how honest and how I operate. On this one, I would not say I have seen it, that it will come as I am lying under oath on this one. I did not see it, that it can be interpreted that
 20 way.

And my humble apologies again that I gave a wrong picture about my relationship with Nku because truth be told, something of 2019, I forgot about it. I do not even, I never thought it would be dark until I am this deep. So, humbly, I would agree, I did not see it will be interpreted

that way.

ADV BALOYI SC: Thank you. Ms Segeels?

ADV SEGEELS-NCUBE: Thank you, Commissioner. Chief, do you recall how much you received from Mr Nku into your, the business bank account?

CHIEF MASHABA: Honestly, I do not recall.

ADV SEGEELS-NCUBE: And you said that your relationship with Mr Nku started in 2019.

CHIEF MASHABA: Yes, Commissioners.

10 **ADV SEGEELS-NCUBE:** Can I just take you back to page 78 of the bundle? So your relationship starts in 2019 and by March you already feel comfortable enough to ask him for money and send him your business details. Do you see that, where you sent the business FNB details?

CHIEF MASHABA: Yes, Commissioners.

ADV SEGEELS-NCUBE: Okay. So that is in March, end of March. And you say you do not recall it, it was R20 000. Does that figure sound right? That it was R20 000?

CHIEF MASHABA: If it was R20 000, I recall that I was
20 busy at home. He was assisting.

ADV SEGEELS-NCUBE: Okay. So he gave you R20 000 in March and your relationship started earlier that year. At least three, or maximum three months earlier.

CHIEF MASHABA: I know it is 2019.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: But when exactly, I cannot say. The beginning of the year or ...[intervenes].

ADV SEGEELS-NCUBE: Ja, I am giving you the benefit that it started in January of 2019 to make it a bit longer. It could have been later, but my point is by March 2019, you feel comfortable enough to give this person your business details. He is comfortable enough in the relationship to give you R20 000. And this is somebody that you just met that year. That is what you are saying?

10 **CHIEF MASHABA:** Yes, Commissioners.

ADV SEGEELS-NCUBE: And you did nothing for him to get that R20 000?

CHIEF MASHABA: No, nothing.

ADV SEGEELS-NCUBE: Okay. And then there was another amount in May of 2019. Are you aware of that? Do you recall that?

CHIEF MASHABA: In May?

ADV SEGEELS-NCUBE: Did you say you recall it?

CHIEF MASHABA: No, no, no.

20 **ADV SEGEELS-NCUBE:** Okay. I will get to it. It was May 2019, but I will get to that one. And that was for R10 000. Can we go to page 92 again? Back to page 92. I had already dealt with that where you had said to him that you are broke, you are financially embarrassed, and then there is a series of calls or attempts for you to get hold of him.

And on page 93, on the 29th of April at 08:02 a.m., he says to you:

“Let us meet 7 p.m. I am in a meeting with the SG.”

Do you know which SG he was referring to here?

CHIEF MASHABA: No, I do not know.

ADV SEGEELS-NCUBE: Okay. And you say, I am assuming you mean:

“Where are we going to meet?”

10 He says:

“Anywhere in the south.”

And that is early in the morning. You give a thumbs up, and you say:

“Call after meeting then.”

And you do not get a response from him at 6 o'clock in the evening when you are at home. You say:

“I am home waiting.”

And it does not seem like, I do not know if you called him, did you meet up with him? Do you recall?

20 **CHIEF MASHABA**: No, I do not recall, Commissioners.

ADV SEGEELS-NCUBE: Okay. You then send a message to him on the 2nd of May saying to:

“Tumi, I guess it is clear we leave these things.”

Do you recall what things you were going to leave now with

him?

CHIEF MASHABA: I do not recall, Commissioners.

ADV SEGEELS-NCUBE: Go to the next page because it seems to involve other people as well. You say:

“You are not communicating and my people awaits response from me that I do not know.”

Who are your people?

CHIEF MASHABA: I hate to keep on saying I do not recall,
10 I do not know, but honestly, it cannot ring the bell. I do not know.

CHAIRPERSON: Chief Mashaba?

CHIEF MASHABA: Chair?

CHAIRPERSON: It does not look like this related to several matters or several issues. This must have been one theme. That is the distinct impression I am getting. For you to say that you have forgotten every and anything about this, let me tell you that to me it looks like you are feigning this forgetfulness. Your comment?

20 **CHIEF MASHABA:** It will look like, Commissioners, hence I am saying, in 2019, honestly, honestly, I do not remember what we were busy with. All I know or can recall is that I was busy fixing at home. And other than that, I know there was no other businesses or side dealings with the Nku.

CHAIRPERSON: Are you suggesting by saying that, that

everything relating to these texts was about you renovating.
Is that what you are suggesting?

CHIEF MASHABA: That is the only thing that I remember I was busy with in 2019.

CHAIRPERSON: But it could not have related to renovating. What was this about? That your people, you have already been asked that before. And that was not about money. It was, for me, that I do not know. If you are talking about money, you would have said so that I should
10 know by when I may pay them. So this was not about money. You were involved in something else.

CHIEF MASHABA: I am even afraid to say I do not know again because ...[intervenes].

CHAIRPERSON: You do know. You do know. That is why I am saying you are feigning this forgetfulness. You do know.

CHIEF MASHABA: Honestly, Commissioners, if I knew, I was not going to deny. I can promise you I was not going to deny. I do not remember who or what was this all about.

CHAIRPERSON: Yes, Ms ...[intervenes].

20 **ADV KHUMALO SC**: Can I just check one thing? Chief, did you travel overseas in 2019?

CHIEF MASHABA: I have never travelled overseas.

ADV KHUMALO SC: All right, thank you.

ADV SEGEELS-NCUBE: Okay. May I continue? Okay.
We are still on page 94. You then say to him:

“You are real not playing open and tiding
me. Why do you not say what is
happening, Tumza?”

And then you say:

“Where did I go wrong?”

So clearly, there must have been something that was going
on between the two of you where you feel that his lack of
communication is an indication that you were doing
something wrong or you went wrong or did not bring your
10 end of the bargain. Do you not recall?

CHIEF MASHABA: I do not recall.

ADV SEGEELS-NCUBE: Okay. Can we go to page 95?

You say to him, on the 5th of May:

“You must be happy that the rally is
over.”

Surely you remember which rally?

CHIEF MASHABA: On the?

ADV SEGEELS-NCUBE: The 5th of May 2019. You say to
him:

20 “You must be happy the rally is over.”

And your next message:

“Distraction is now over.”

Do you see that?

CHIEF MASHABA: The rally?

ADV SEGEELS-NCUBE: Yes. So he must have

communicated to you that he was being distracted by a rally.

CHIEF MASHABA: I know Tumelo is an ANC person. Obviously, if he is talking the rally, maybe he is talking ANC issues.

ADV SEGEELS-NCUBE: Elections, 2019, May 2019.

CHIEF MASHABA: I just know that the rally, he is an ANC person.

ADV SEGEELS-NCUBE: Okay.

10 **CHAIRPERSON:** No, it is you. You are saying if he is talking rally, then he must be talking about the ANC. It is you saying this, not him. You are saying you must be happy the rally is over. So it is you talking about that. So you have basically not responded to the question by Ms Segeels-Ncube ...[intervenes].

CHIEF MASHABA: So ...[intervenes].

CHAIRPERSON: Perhaps please repeat your question. Yes.

ADV SEGEELS-NCUBE: You are the one that says to him
20 you must be happy the rally is over. So he told you he was at the rally, so you know what rally he is referring to.

CHIEF MASHABA: 2019?

ADV SEGEELS-NCUBE: Yes, May 2019.

CHAIRPERSON: You even say in the very next chat:

“The distraction is now over.”

So obviously, you were aware of what rally he was talking about. Or rather, what rally you were talking about which would have been distracting him.

CHIEF MASHABA: Like I am saying, 2019. Like I am saying, I know if it is something to do with rallies, it is ANC things. So I cannot remember 2019, what was happening or what was the rally all about or which rally was this.

ADV SEGEELS-NCUBE: Okay. See, you then send a message on the 6th because he is not responding:

10 “Please talk to me. You are stressing me
 seriously. I do not want...”

And I think you meant unfinished businesses because you say unfinished later. And then you say:

“Please just tell me what is happening.

At least let me know.”

So he is a significant figure in your life at this point because nobody sends such a distressing message to somebody that is a mere acquaintance. You are either very reliant on him for finances or for something else. So what was going on?

CHIEF MASHABA: Well, I know business, business will mean anything that has to do with money or finances.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: I know for a fact. But then, hey, it is difficult ...[intervenes].

ADV SEGEELS-NCUBE: Well, you had unfinished business with him because you say, I do not want unfinished business. So you do have business with him. So you are saying to him:

“Please just let me know what is happening. At least let me know. If we are done, then we are done.”

It is not coming from his side. It is coming from you. You are the one that is reaching out to him all the time. You are
10 the one that is desperate to make contact with him. So why? If you are giving him, so you are giving him nothing in return, but you want to know what you have done wrong. That is what you are telling us. You are saying to us, he kept giving me money and I did nothing for him in return. So why would there be anything wrong from your side? What could you do wrong if there was nothing expected from you?

CHIEF MASHABA: Like I am saying, Mr Nku, what is the problem about him? It is him not answering. But then to
20 get his attention, I would maybe write something that might maybe make him call me fast, but that does not necessarily mean we were in any business dealing here.

ADV SEGEELS-NCUBE: No, it must mean, because you are saying, you are actually saying unfinished business. I do not want to have any unfinished business. So you have

business with him?

CHIEF MASHABA: It is a difficult one.

ADV SEGEELS-NCUBE: It is a difficult one because you do not want to tell us what it was or it is a difficult one, why?

CHIEF MASHABA: It is a difficult one because I even hate now to say I do not remember. I do not recall.

CHAIRPERSON: Where do you understand him to be getting his money from? The very fact that he could have
10 given you R20 000, where do you understand him to be getting his money from?

CHIEF MASHABA: I just know him as a businessman. He is in business with Coca-Cola. Ja, that is what I know of. What he is doing in Coca-Cola, I cannot tell.

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Okay. Can we go to page 96? He then responds on page 95, you will see on the 14th of May, he says:

20 “Afternoon, Abuti. Apologies. You will understand the dynamics of everything when we meet. I could not respond nor meet you at the time. I am done with my tasks. I am just awaiting clearance.”

Please tell me you remember what he was referring to you, referring to here. He is done with his tasks and he is

awaiting clearance. Clearance for what?

CHIEF MASHABA: I do not know will I be safe to say what was happening in 2019. I will be asked, each and every one, sentence by sentence, honestly, honestly, 2019, I do not know what ...[indistinct]. And I want to be honest with the Commission. I do not recall. Not that I am playing with the Commission.

ADV SEGEELS-NCUBE: You do remember that you were renovating that time though.

10 **CHIEF MASHABA:** That is the only thing that I remember.

ADV SEGEELS-NCUBE: Okay. Go to page 97. On the 21st of May, you say:

“We must meet Tumza.”

Why? Why is it a must? You are the one that is reaching out to him. We must meet. Why must you meet with him?

CHAIRPERSON: Let me ask you to go back please and please hold your thought on where you are.

ADV SEGEELS-NCUBE: Yes.

CHAIRPERSON: Page 96, after asking when do you meet
20 and there is no response, then you say that is the third chat from you, third chat. You say:

“*Firm e wele naa.*”

Has the firm gone under, is that the correct translation?
Firm e wele naa.

CHIEF MASHABA: Yes. *Firm e wele naa.*

CHAIRPERSON: That is you asking him. And then you say:

“Mara, y o bue Mfowethu.”

So basically, if the firm has gone under, why are you not saying anything about that? Am I interpreting this correctly?

CHIEF MASHABA: You are interpreting it correctly, Commissioner.

CHAIRPERSON: And I already know you will say you do
10 not know what that was about. Or do you just surprise me and say, at least this one you do recall and then tell me what it was about?

CHIEF MASHABA: Actually, it frustrates. It really frustrates because I really want to ...[intervenes].

CHAIRPERSON: What firm were you talking about? And what was its relevance in your chats?

CHIEF MASHABA: It can be our friendship that I am talking about here. Because, and I want to say to the Commission, if really, really, something happened in 2019, I
20 was going to quickly, rather than what I have mentioned, I was going to quickly remember.

CHAIRPERSON: You see, from its March, I think the first chats you have been referred to, we are now in May. And I do not think that this is a whole lot of themes that you and Mr Nku are engaging on. It does not matter that it was

2019. You could not have forgotten one or two themes that the two of you were engaging about. You could not. You are simply not being truthful in this regard. I cannot but make that suggestion to you.

CHIEF MASHABA: Honestly speaking, Chair ...[intervenes].

CHAIRPERSON: No ...[intervenes].

CHIEF MASHABA: Honestly.

CHAIRPERSON: You are not being honest, Chief
10 Mashaba. You are not. You are not. You are adopting that stance because you know that this trail of emails brings you so close to Mr Nku in ways that have nothing to do with what you have been telling us about, but more about your involvement in this drug bust. I take it, Mr Lee Segeels will still through these chats take you to a point where that becomes even clearer.

Your involvement with Mr Nku had nothing to do with him being your informer, and that your involvement on the 9th of July 2021 had nothing to do with him being your
20 informer. You want to comment? Of course, we are still going to go through these chats. You want to comment on what I have just said?

CHIEF MASHABA: My involvement with him on the 9th had everything to do with the drug bust.

CHAIRPERSON: And I started by saying, surely, if from

March to May you appear not to have been engaging on several or numerous themes, but at best for you, maybe two at the most, there is no way you would have forgotten what you were engaging on.

CHIEF MASHABA: But honestly speaking, Commissioners, seven years ago, it is a long time for me to easily remember what was actually happening.

CHAIRPERSON: You see, I would understand you. I am actually very forgetful. But forgetful as I am, if there was
10 only one thing that I was engaging with a particular person on, that fact, the fact of the engagement, the nature of the engagement, I would remember. What I would not remember, perhaps, would be blow by blow accounts of our interactions.

That is totally different. What you are telling us is that you do not even remember the nature of those engagements. Surely you are not being truthful. You are simply not being truthful.

CHIEF MASHABA: Commissioners, I just do not know how
20 to put it, but I am saying if this chat will lead us to something that will be proven to me, not that I am in defence, something that will be proven to me that you have been denying, you have been denying, you have been denying, this is what you have been doing ...[intervenes].

CHAIRPERSON: You are not even ...[intervenes].

CHIEF MASHABA: This is what ...[intervenes].

CHAIRPERSON: You are not even denying thus far. All you are telling us, response after response, is I have forgotten, I have no recollection.

CHIEF MASHABA: And I am being honest, Commissioners, I totally forgot. Until you get to exactly reminding me, okay, you have been saying you do not forget, I mean you do not remember. I want to put it to you, this is what you have done in 2019. Finally.

10 **CHAIRPERSON:** Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. Back to page 97. You say you do not recall why you had to meet with Tumza. At the bottom on the 21st of May, he says:

“I have just done with my meeting. I am going to spend the day in Luthuli. Will be available any time from 6 p.m.”

So, Luthuli, what is that in reference to?

CHIEF MASHABA: Luthuli is ANC House.

ADV SEGEELS-NCUBE: Okay. And then you say to him:

20 “On 8, please.”

So he must please honour the meeting. On the next page, page 98. Now, I want to skip a few pages and go to page 100. It is on the 22nd of May. There is a photo that he sends to you at 08:37 p.m. with the name Khensani. Do you see that?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: And then you say:

“Get and send more details.”

You then also say:

“Hola, bring more, maybe surname and
shift times so we can quickly visit.”

Do you recall what this was about?

CHIEF MASHABA: Khensani.

ADV BALOYI SC: To try and help you to jog your memory.

10 It starts at page 98 where you say:

“Just waiting for you, Tumza.”

At page 98, you say:

“Just waiting for you, Tumza.”

This is on the 22nd of May at 16:18 in the afternoon. And then he, at 20:37 that evening, he sends you this picture in response to you saying, waiting for you. He sends you the picture. He gives you a name. You ask for more details. You say, get and send more details. That is at page 100.

And then as Ms Segeels has read for you:

20 “Bring more, maybe surname and shift
times so we can quickly visit.”

That is you saying. And then he says:

“I am waiting. I will get by, by 09:30.”

You do thumbs up. And then you say:

“[Indistinct]... cannot wait.”

And then you have a laughing emoji. He apologises for the delay and says:

“My guy is still at the mosque. Sorry boss, he is working in the morning shift. If they go, it must be around 5, 6 p.m. this evening.”

And then he gives you Emirates and counter number, 50 to 58. He says:

“That is from my guy.”

10 Remember the last thing you did, you asked for details.

CHIEF MASHABA: Yes, Commissioners.

ADV BALOYI SC: So he gives you Emirates and a counter number. And then you say, okay, at the bottom of 101. And then you say, next Tumza, at 102. And then you send a picture of the airport, the check-in counters which three of them appears from the colour to be Emirates. And then you write, you say:

“Here now.”

So you have got that sequence. Remember you started off
20 by saying, so we can go and visit in the morning. Shift times, give me shift times, you said, remember. So we can quickly visit. That is what you said after he sent you the picture.

And then he comes back. He does give you time. He says, this guy is working in the morning shift. If they

got it, it must be around 5, 6 p.m. this evening. So he has given you shift times of Khensani that you asked for. And then he gives you the details. It is Emirates. He gives you counter numbers. And then he sends you a picture.

So you must know what this is about. It is not every day, even in 2019, that you and Mr Nku were discussing Emirates flights and counters and people who work shifts that you were going to visit. You have to remember. You must remember what this was about.

10 **CHIEF MASHABA**: On this one, Commissioner, I remember just a little bit on this one ...[intervenes].

ADV BALOYI SC: All right, let us try ...[intervenes].

CHIEF MASHABA: And then it goes back to my communication with Mashego. On this one, I now remember when you said to me Khensani. On this one, Nku had a problem that somebody of – I mean, I cannot remember if it was gold or either gold or platinum, Nku needed help. But I remember now when you are talking Khensani, Nku needed help to say, do you know Gauza and these other guys?
20 Because there is that thing, I cannot remember if it is gold or platinum, they stole it from the airport.

I said, I do not know, but I can find out who those guys are. Because I know that name, I mean, it is in our circle of friends or something like that. But I know, I mean, Nku needed assistance that, can you please get me Gauza's

number so that I meet with him? I tell him what all can he assist to recover that thing that belongs to somebody that Nku knows.

That is when I got to look for Gauza and the other two guys. It is only now that we are talking Khensani that I remember. That is the reason why I met Mashego. I wanted Mashego to assist Nku about maybe recovering whatever that was lost at the airport because they were working there, or they are still working there. I do not
10 know.

ADV SEGEELS-NCUBE: Okay, look at the entry on 103 where he speaks about a previous event on the 5th of May. This is what he sends to you. You say get a surname, he says on it, and then he says:

“On the 5th of May on the night flight at 22:20 p.m. a 150k USD was stolen from a client's bag. Ayanda checked him in, the passenger's name...”

He gives the name:

20 “...and also 4 million in cash rands was also stolen from two bags from another passenger.”

CHIEF MASHABA: Sorry, which one?

ADV SEGEELS-NCUBE: 103.

CHIEF MASHABA: 103. Yes?

ADV SEGEELS-NCUBE: He is referring to an incident that occurred on the 5th of May. He is sending that to you. What do you know about that, about Ayanda being the person that checked in the passenger, 150k USD and 4 million in cash was stolen?

CHIEF MASHABA: Now I remember. It was the dollars that got lost or stolen at the airport. That is how he requested me to assist and get the three guys because they were working at the airport. This is the assistance he
10 needed from me.

ADV SEGEELS-NCUBE: The check-in guys at the Emirates counter?

CHIEF MASHABA: No. No, the details he was giving me here was for me to give to the policemen that are working at the airport. You see, I cannot even remember what was it, I am saying gold or something. I remember it was, yes, money stolen from the airport of somebody that Nku knows.

ADV SEGEELS-NCUBE: But Khensani is somebody that works at the Emirates check-in counter. Where is
20 Khensani?

CHIEF MASHABA: I am not so sure, but Khensani is somebody that was maybe assisting Nku. For sure, Khensani is not police. Okay, if you go to the next page, it says:

“When you grab him, ask him about

Ayanda. They work together on this.”

He is referring to Khensani.

CHIEF MASHABA: When they?

ADV SEGEELS-NCUBE:

“When you grab him, ask him about

Ayanda. They work together on this.”

So the previous message is telling you that Ayanda was the person that checked in a passenger on the 5th of May and money was stolen. And then the other one, it was, he gave
10 you Khensani's details, which led you to the airport, to Emirates counter 50 to 58.

CHIEF MASHABA: Then it would mean those things were stolen by Khensani.

ADV SEGEELS-NCUBE: Okay, so ...[intervenes].

CHIEF MASHABA: That is why... Sorry.

ADV SEGEELS-NCUBE: No, go ahead. That is why?

CHIEF MASHABA: That is why he sent me the picture for Mashego and the guys to find out about this Khensani.

ADV BALOYI SC: No, it is not for Mashego and the other
20 one to find out about Khensani, because you actually do go to the airport. You do. If you look at page, after he has given you Khensani's picture, at page 102, you say at 07:22 on the 23rd, you say:

“Here now.”

And then at the same, the next eight seconds, you send him

a pin location, which places you, yes, this thing is cut up, but it places you at OR Tambo. So it was not to give to others. It was in fact for you to go and find Khensani. That is why you speak about grab him.

CHIEF MASHABA: Which? Which? I am sorry.

ADV BALOYI SC: Okay, let us do this slowly. Okay, remember at 100 you have got the picture of Khensani and you ask for details. And then at the bottom of that page 100 you say:

10 “Hola. Bring more, maybe surname and
 shift times so we can quickly visit.”

So on this message, you are going to visit once you get the shift times.

CHIEF MASHABA: Eight?

ADV BALOYI SC: Page 100 at the bottom, bottom of page 100 you say:

 “Bring more, maybe say name and shift
 times so we can quickly visit.”

20 That is you saying. And then at page 101, he is the one
 that gives you Emirates, counter 50 to 58. Can you see
 where I am reading towards the bottom?

CHIEF MASHABA: Yes.

ADV BALOYI SC: Okay. So he gives you the details. And then in fact, before that, just above that, he says:

 “Sorry, boss. Guy is working in the

morning shift. If they got, it must be
around 5, 6 p.m. this evening.”

That is Mr Nku to you at 08:33 in the morning, 08:33:10.
And then you respond, rather, he sends another message
immediately after. He says:

“Emirates, counter 50 to 58.”

So he is telling you, that is the only way of reading this, he
is telling you where to find Khensani. It is the day shift and
they must go and grab him in the evening. And then you
10 say, at the bottom of that 101 page, you say, okay. Next
page, you send him the picture of check-in counters.

CHIEF MASHABA: Yes, Commissioner.

ADV BALOYI SC: You see that. And then you say, that is
at 07:22:25. And then at 07:22:30, you say here now. And
at 07:22:38 you send him a pin location.

CHIEF MASHABA: Yes, Commissioners.

ADV BALOYI SC: Yes. And then you say get a surname.
And what I am saying to you is you actually went to the
airport yourself. You were not forwarding this information
20 that Mr Nku gives you. You were not forwarding it to
Gauza. Or even if you forwarded it to Gauza, you actually
went to the airport yourself.

CHIEF MASHABA: I agree, I went.

ADV BALOYI SC: Yes.

CHIEF MASHABA: But not with, not accompanying Gauza

and them.

ADV BALOYI SC: Yes.

CHIEF MASHABA: Yes, I went.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: Just to take you back, just to take you back to page 63. This is another incident where you are at the OR Tambo Airport and you are asking for details of the baggage guy. And you place yourself there because you say in the third last chat:

10 “I am on the ground now.”

Are you on page 63?

CHIEF MASHABA: Yes, Commissioners.

ADV KHUMALO SC: Do you see that?

CHIEF MASHABA: Which one exactly?

ADV KHUMALO SC: The third last chat. So third from the bottom.

CHIEF MASHABA: We are on the ground now?

ADV KHUMALO SC: Yes.

CHIEF MASHABA: Yes, Chair.

20 **ADV KHUMALO SC:** So you are referring to yourself and Gauza and other people because what then follows on page 64 is that you had a meeting with Gauza and them. So there must have been an incident in February of 2019 when you were at the OR Tambo International Airport and you asked for details of one of the baggage guys and those

details were provided to you by Mr Nku.

CHIEF MASHABA: Yes, what is the question, Commissioner?

ADV KHUMALO SC: What were you doing with Mr Nku at OR Tambo International Airport that required that you get details of the baggage guys?

CHIEF MASHABA: I think I was maybe introducing him to Gauza and them.

ADV KHUMALO SC: For what purpose?

10 **CHIEF MASHABA**: For him because he needed assistance. There is dollars that got stolen at the airport.

ADV KHUMALO SC: No, but that is the May incident. This is a different incident in February. Do they get stolen twice?

CHIEF MASHABA: That is the only thing that I could remember when you mentioned Khensani. But for this one, I will be lying.

ADV KHUMALO SC: Does this not have to do with the stolen gold or platinum? Because if you read the earlier
20 chats, this is the chat we went through earlier where you said you will bring back Nku's dignity to his bosses. Is that why you then involved these four people? Because you guys are trying to recover whatever that was stolen?

CHIEF MASHABA: I think so. Yes, Commissioner.

ADV KHUMALO SC: So you basically put up a team to go

and recover stolen gold or stolen platinum on behalf of Nku's bosses?

CHIEF MASHABA: I do not put up a team. I ask if they can assist.

ADV KHUMALO SC: Yes, it is the same thing. If you ask them to assist, it means you are putting a team together. And the idea was what? That you will go recover the stolen gold or stolen platinum on behalf of Nku's bosses?

CHIEF MASHABA: They will go because they work there.

10 I do not work there, Commissioner.

ADV KHUMALO SC: All right, thank you.

ADV SEGEELS-NCUBE: But on page 64, the message there is – are you still on page 64? After you speak about the meeting that you had and the guys meeting the guys for the enquiry, there is the third message, the fourth message from you:

“And my team is now complaining a bit.

Please top up if you can. I am winning,

trust me.”

20 You are winning the team's trust in this operation that he must top you up with money?

CHIEF MASHABA: My team is complaining.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: Not, not, not. I know that the top up will be or would mean money.

ADV SEGEELS-NCUBE: Yes. So your team was successful because there is going to be an enquiry lodged. And now you are saying, but they are complaining because either he is not paying you at all or he is not paying enough and you are asking for a top up. And you say I am winning their trust, so give something to maintain their trust because if you do not pay, then they are not going to trust me to deliver on these kind of jobs.

CHIEF MASHABA: It means I made money here.

10 **ADV SEGEELS-NCUBE**: Yes, you did.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Yes, and your team.

CHIEF MASHABA: And?

ADV SEGEELS-NCUBE: And your team.

ADV SEGEELS-NCUBE: Yes.

CHIEF MASHABA: And who was your team?

ADV SEGEELS-NCUBE: Gauza and them.

20 **ADV KHUMALO SC**: And sorry to interrupt, Advocate Ncube. I think earlier when we engaged you, I have misinterpreted chat number 3. Because when we first looked at it, we assumed that it meant one of the guys was missing. Do you see the chat that says:

“Ekse T ra shota mfethu.”

Remember we talked about that chat earlier?

CHIEF MASHABA: Yes.

ADV KHUMALO SC: Reading it again now, it looks like you are talking about money and you needed money to be topped up because what was made available for the team was not sufficient.

CHIEF MASHABA: No, and I can tell you for sure that all this, now that I remember what you are talking about when we are talking this, it never materialised. That is why ...[intervenes].

ADV KHUMALO SC: No, we are not there yet. We are not
 10 on whether you went to Giyani or not. We are still dealing with, there was a team that was put together and you do say that my team, which means it is a team that you put together, is complaining a bit. Please top up.

And I think you have admitted that topping up refers to money. Now I am taking you to the chat before that. It says *ekse T ra shota mfethu* meaning the money is not enough. So when you read them together, what they basically mean is the team is here, but the money that has been given is not enough and Nku must top it up so that the
 20 team can proceed to do whatever way that they were supposed to do.

CHIEF MASHABA: No, I know for a fact, Commissioners, nothing was given from Nku. The top up would mean, or here means ...[vernacular].

ADV KHUMALO SC: No, but ...[vernacular] and *ra shota*

are two different things. *Ra shota* means you are short of cash. It is not enough.

CHIEF MASHABA: I am not excluding myself because I can see here is *ra shota*. *Ra shota* means I was there, but because it never materialised that is why I could not remember exactly what was happening because it went nowhere this thing.

CHAIRPERSON: But surely what you are saying, look at the next chat, please top up. That must be about money. It
10 just must be. *Ra shota*, please top up. It is about money.

CHIEF MASHABA: Okay, I agree.

CHAIRPERSON: Thank you, thank you.

ADV BALOYI SC: But also what team would you have been talking about? You are surely not speaking about your subordinates in the Traffic Department. What team were you speaking about?

CHIEF MASHABA: The very same ones on top. The three guys on top.

ADV BALOYI SC: Mashego, Twala, and Mvinjelwa 50?

20 **CHIEF MASHABA:** Yes.

ADV BALOYI SC: So you were arranging for police officers to be paid by Mr Nku. When you say, please top up, you have accepted its cash. So you are asking Mr Nku to – you have constituted a team of the three and they are all police officers. You are arranging with Mr Nku to pay

them.

CHIEF MASHABA: Well, obviously, Commissioners, if you are asking a favour from people, they would always tell you how they work and they would maybe demand what they demand. And I would just relay that back to Mr Nku because he needs help.

ADV BALOYI SC: So you have a team. You constitute because you refer to them as my team. You constitute a team of police officers to do a favour for Mr Nku, who will
10 then pay them. It only makes sense if these police officers were not executing their duties, they were working outside of their duties for Mr Nku, who pays them. It only makes sense if that was what was happening here. Is that what was happening?

CHIEF MASHABA: Yes, Commissioners.

ADV BALOYI SC: Okay, so you organised SAPS members to provide services at a fee to a civilian outside of their duties. Thank you. And you say when you organise these three, that you are now arranging for payment from Mr Nku,
20 you say, what were they doing? What were they doing for Mr Nku? Remember, this is still in February.

CHIEF MASHABA: That is why I am mixing the two. It is the dollars and the gold that was stolen from the airport.

ADV BALOYI SC: So that must be the gold, if it was one of the two, because we know the R4 000 000 and the

dollars, \$150 000, that is in May. It is in a May trip, and this conversation is in February, so this must be the gold.

CHIEF MASHABA: I know I was in contact with the guys for those two things only.

ADV BALOYI SC: And you say this team that you constituted, they were doing what? They were trying to find the gold for Mr Nku or whoever else he was assisting?

CHIEF MASHABA: Yes, they were trying to get it, to recover it.

10 **ADV BALOYI SC:** Is that not typically a police job? Typically a police job where a complaint is laid with the police that something has been stolen from me, and Mashego, Mosa Twala, and Mvinjelwa would do it in the normal course of their functions.

CHIEF MASHABA: They are policemen.

ADV BALOYI SC: Yes, but you have just said they were not doing this in the course of their employment. It was a side hustle that they were doing for Mr Nku. So they were not acting as police officers here. They were acting as a
20 private army or private team which is paid, which is hired and paid by Mr Nku.

CHIEF MASHABA: Side hustle, Commissioners. I spoke about side hustle somewhere. I said I approached these guys because they worked there. How are they going to recover it? They are the only ones that knows.

ADV BALOYI SC: Yes.

CHIEF MASHABA: Yes, either they will officialise it. I cannot dictate to them, do it official or unofficial. I cannot.

ADV BALOYI SC: No, but you know they are not doing it official. That is why you are arranging for money for them. You know it is not official. If it were official, you would know that they will be paid their salaries. They do not get any more than that. And if there are bonuses, they will get bonuses. I do not know how the police work in respect of
10 that.

But you would know if it was official that they would be paid in the normal course. Here you have arranged them and you are arranging for payment. In fact, you are asking for top-up. So it indicates they were already receiving payment. And what I am putting to you is, in fact, I think you accept it was a side hustle.

And what I am putting to you is, but here you are about an alleged complaint of loss of gold. And what you do is you organise a team of police officers to do the work
20 for a private citizen and then to be paid by the private citizen when in fact all of that is supposed to be normal police duty.

And here you are coming up with a scheme where police officers who are paid by the public, who are employed as such, to do exactly that. You organise them to

work for a private citizen at a fee. That breaks the law, it seems to me, on every level that you can imagine. All of you have broken the law if you say, which is what you say. If you say that is what happened, then all four of you should be prosecuted, honestly.

You have broken the law. You break the law. You use police officers to engage in private business that is paid for by a citizen or a member of the public. Surely you must accept, even if you say at that time I did not think about it
 10 that way, but sitting there, you have to accept it is wrong on all levels that you can think about.

Plus, you are using their position at the airport. You say from their position they would know what to do. So you are quite conscious that you are getting police officers to use their positions and power that they get out of the law by virtue of employment, nothing more, by virtue of employment, to use those positions to serve the interests of Mr Nku, who pays them, but who is also your funder. It is just wrong in every way you look at it. And it is liable to
 20 criminal prosecution, I put to you. You can comment, Chief, if you want to. I do not know what you would say, but I am putting to you what this is. It is just plain criminal conduct.

CHIEF MASHABA: No comment, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Commissioner. Chief, can we then continue from page 104, which is still the

incident of Khensani that we were dealing with? At the top, Mr Nku says to you, when you grab him, referring to Khensani, ask him about Ayanda, which we dealt with from the 5th of May. They work together on this. And then you say:

“That is nice, grabbing him will work.”

And then you say:

“They did not give either cell phone number or surname. We can get all we want.”

10

What were you referring to there? We can get all we want? Were you looking for more details? What was it?

CHIEF MASHABA: I think I was looking for details.

ADV SEGEELS-NCUBE: Okay. He then says:

“I am on it.”

You give thumbs up, and then he sends you the Emirates flight number. You say thumbs up. He sends you a number saying that it is Khensani's number. And then on the next page, you then say:

20 “Tumza, I am stuck.”

This is now at 06:52 a.m. on the 24th. You say, Tumza, I am – sorry, 06:35 p.m. later that day, you say:

“Tumza, I am stuck.”

So you were successful. Were you successful in grabbing Khensani?

CHIEF MASHABA: Like I am saying, none of this materialised. So we were not successful.

CHIEF MASHABA: So why did Mr Nkou then send you R10 000 on the 25th of May?

CHIEF MASHABA: Clearly, it was not for this. It was for something else. Not for this because this, I never entertained it anymore for what he was sending me. I do not remember what it was for, but it is not for something that I did for him.

10 **ADV SEGEELS-NCUBE:** So it is coincidental that you go to the airport when he tells you to go and grab someone. We do not know if you were successful. You say you were not successful. But you do not remember much of anything. So we are not sure if maybe your memory is correct that you were unsuccessful here. And then he pays you R10 000 immediately thereafter. The next day, on the 25th of May, you receive R10 000 from him.

CHIEF MASHABA: I would say because of our relationship. Maybe for trying to assist him, That is what he
20 did.

ADV SEGEELS-NCUBE: Okay. Go to page 107.

ADV BALOYI SC: Before you do that, sorry, Ms Ncube. Chief, in your statement at paragraph 2, you say you were removed, you were politically and forcefully removed and arrested and detained in 2018. And then you were

suspended. When were you reinstated? You do not give us dates.

CHIEF MASHABA: 2018.

ADV BALOYI SC: Sorry?

CHIEF MASHABA: 2018.

ADV BALOYI SC: You were reinstated in 2018?

CHIEF MASHABA: I know I was locked up in 2018.

ADV BALOYI SC: Ja. No, what I am asking is, you were then also suspended. You do say in your paragraph that
10 you were arrested and then the matter was not placed on the roll. You say that, and you were then released the following day, the very next day. So I am asking about the suspension.

You say I was then suspended. And then you say, upon my reinstatement, I was transferred to Vereeniging Regional Office as Head of Service and Region. So my question is, the suspension, when was it lifted? I may have forgotten. You might have said it somewhere, but I may have forgotten. After your suspension in 2018, when is it
20 uplifted that you return to work?

CHIEF MASHABA: It normally takes – I cannot remember is it 60 or 90 days?

ADV BALOYI SC: Yes, you did say. You did say nothing came out of it. So the time elapsed and you went back to work.

CHIEF MASHABA: Yes, and within that period, you must be taken for a hearing.

ADV BALOYI SC: A DC.

CHIEF MASHABA: So that did not happen. That is how I was reinstated.

ADV BALOYI SC: Okay, and you went back to work?

CHIEF MASHABA: Yes, Commissioner.

ADV BALOYI SC: Okay, let me ask my question anyway. So in 2019, you are the Head of Service, of Service Point,
10 Head of Service Point in Vereeniging Regional Office. That is in 2018 when you go back to work, after the lifting of your suspension.

CHIEF MASHABA: 2018, 2019, somewhere there.

ADV BALOYI SC: Okay, I think what I am wanting to verify is that in 2019, you are the Head of Service Point Vereeniging, in 2019.

CHIEF MASHABA: Yes, Commissioners.

ADV BALOYI SC: Okay. So these events that we are discussing in 2019, you are Vereeniging Regional Office,
20 Head of Service. That is your position at that point.

CHIEF MASHABA: Not Head of SAPS.

ADV BALOYI SC: No, I am saying Vereeniging Regional Office, Head of the Service Point. Yes, that is what I was trying to say.

CHIEF MASHABA: Yes, Commissioner.

ADV BALOYI SC: That is in 2019. Why are you in an operation in OR Tambo then? Explain in 2019.

CHIEF MASHABA: Like I said, in the province, we do not have jurisdiction ...[intervenes].

ADV BALOYI SC: Ja, that is not a road. Unless you say OR Tambo is defined as a road. And I am not in a position to argue with you about it because I have never thought of it as a road and so I would not know how to dispute it until I have looked it up. So my question comes from the
10 assumption that OR Tambo is not one of the roads that you can do operations on.

So my question of why are you in an operation at OR Tambo, but also maybe let me add to it, just in case you say it is a road, let me add to it, that what you are doing there, what puts you at OR Tambo is not a crime in progress, like you explained earlier, that you are a law enforcement officer. If a crime happens within where you can see it, you must act, you are expected to act, and you have the right and the power to act.

20 This investigation about whether it is about gold, following up on stolen gold, or about dollars in May, all of which is in 2019, it is not your hot pursuit case, right? This stuff that has happened already historically and you are following up on suspects. Why is that? How are you involved with this operation?

CHIEF MASHABA: OR Tambo is the airport.

ADV BALOYI SC: Yes. You have jurisdiction over that?
You have powers there?

CHIEF MASHABA: Which powers, Commissioners?

ADV BALOYI SC: As a Traffic Officer.

CHIEF MASHABA: Obviously, I did not get into the airport
and dig into what was happening. Because I found the guys
that are working there, I went with Tumelo to introduce to
them. That necessary does not mean I went inside airport,
10 inside the in-airport. No, but airport still, because it is
Gauteng still. We do work at the airport and ...[intervenes].

ADV BALOYI SC: Ja, no, sorry, sorry, finish, sorry.

CHIEF MASHABA: We do work at the airport depending on
what is the operation.

ADV BALOYI SC: Yes. Well, as an infrequent, as qualified
user of the airport, I know that you do, I do see Traffic
Officers giving people tickets.

CHAIRPERSON: But that is not inside the terminal
building.

20 **ADV BALOYI SC:** Yes.

CHAIRPERSON: I know where Traffic Officers like to park
and stop people. It is usually as you turn to go straight
towards the terminal building. Traffic Officers like to stop
there. That is not inside the terminal building.

ADV BALOYI SC: My question is, you have an operation,

which we have established is not an official police operation, because these three people who are your team that are paid by Nku, they are not in a police operation to follow up on this. You have accepted that. So we know that whatever is going on there, they are not doing official police functions. We know that.

The question is you are part of it. That is why you are at the airport. In fact, Mr Nku says – you tell Mr Nku we will go and arrest, we will grab him. So you make yourself
 10 part of that operation of grabbing him, whoever he is, Khensani or whoever. So my question is, you are at that time in 2019, the Head of Service Point Vereeniging region. You are in OR Tambo.

You are going to effect an arrest. You are part of a group of people that are doing unofficial SAPS business, and therefore you must also be doing unofficial Traffic Department business. All of you paid by Mr Nku. I am asking, why are you part of this operation, you? Why are you participating in the arrest, possible arrest, you say did
 20 not succeed?

Why are you participating in the planned arrest of someone who is associated or that you are following up in respect of theft of somebody's gold? And you are a Traffic Officer who is based in the Service Point office in Vereeniging. Why are you part of an operation to arrest a

person in OR Tambo? That is not Traffic Officer duty to arrest this particular suspect if you found him. It is not Traffic Officer duty. So why are you there?

CHIEF MASHABA: I did not participate in that operation. I was at the airport trying to assist Nku and introduce the guys to Nku. It necessarily does not mean I went inside the airport or I was part of the operation.

ADV BALOYI SC: But you understand my difficulty that you in your WhatsApp message to Nku, you say we will grab
10 him, we will go and grab him and then Nku tells you when you grab him, he must take you to Ayanda or something like that. So you are associating yourself with a team that is making the arrest.

So my question remains valid or still stands, but why are you part of even the planning, let me say, of the planning to go and effect an arrest when you are a Traffic Officer, has no business in the arrest of people or in an operation to arrest anybody where it is not a hot pursuit case and it is not on the road? That is my question really.

20 **CHIEF MASHABA:** Commissioners, it does not mean because I said we are going to grab means necessarily that. I know with the WhatsApp it would mean I was part of the team. But because of the airport, if that is what I meant that it is going to happen, I am also here around. Not necessarily that I am part of that operation, I am part of the

grabbing.

ADV BALOYI SC: All right. Thank you, Chief. Thanks.

ADV SEGEELS-NCUBE: Thank you. We are still on 107. As I indicated, you received payment on the 25th of May. So if we look at the message where we have got the thumbs up and the thank you, the grateful hands, you say:

“Please inform after doing it, Tumza. My notification is giving problems.”

That is still on the 24th. And then also still on the 24th:

10 “Niks Mfethu.”

On the 25th is when you receive payment. Then on the 29th of May, you say:

“Tumza, I see DD is back. Let us move on our issues.”

Who is DD?

CHIEF MASHABA: DD is Tumza's uncle.

ADV SEGEELS-NCUBE: Whose uncle?

CHIEF MASHABA: Tumelo's uncle.

ADV SEGEELS-NCUBE: And who is he?

20 **CHIEF MASHABA:** He passed away. It is ...[intervenes].

ADV SEGEELS-NCUBE: Can you give me his name?

CHIEF MASHABA: Kebby Maphatsoe?

ADV SEGEELS-NCUBE: Is that the name?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: And what were you meaning by

he is back?

ADV KHUMALO SC: Just before that, why do you call him DD? Is DD not supposed to be initials of a person?

CHIEF MASHABA: Like I said, Commissioners, when Nku calls me or calls somebody boss, I automatically call boss. As to who he means, I do not know.

ADV SEGEELS-NCUBE: This is ...[intervenes].

ADV KHUMALO SC: This is you writing here. This is not Nku, sorry. This is you saying I see DD is back.

10 **CHIEF MASHABA:** Yes, Commissioner.

ADV KHUMALO SC: So what is the name of this person that you call DD and why do you call them DD?

CHIEF MASHABA: He calls Kebby Maphatsoe DD.

ADV KHUMALO SC: But why is that not KM? Why is it DD?

CHIEF MASHABA: That I am not sure. And let me maybe not answer for Nku. Maybe he knows.

ADV SEGEELS-NCUBE: You are saying DD, so you know the person as DD?

20 **CHIEF MASHABA:** Yes, because he calls him DD.

ADV SEGEELS-NCUBE: Okay, and this is in May 2019?

CHIEF MASHABA: Yes, Commissioner.

ADV SEGEELS-NCUBE: Is DD not former Deputy President DD Mabuza who was reappointed in May 2019 as the Deputy President?

CHIEF MASHABA: DD ...[intervenes].

CHAIRPERSON: Sorry, sorry. Can you please clarify the reappointment?

ADV SEGEELS-NCUBE: When President Ramaphosa was appointed in his full appointment after the general elections in May 2019, he appointed DD Mabuza as his Deputy President. Do you recall that?

CHIEF MASHABA: I recall that.

ADV SEGEELS-NCUBE: Are you not referring to that DD?

10 **CHIEF MASHABA:** No.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: I think in fairness to you, let us put this to you that the person widely referred to as DD was the late Deputy President Mabuza. Your explanation, or your explanation why you say DD here was the uncle Kebby Maphatsoe, is simply not – it does not add up. It is not satisfactory. And I want to suggest to you that you are not being honest in saying DD is Kebby Maphatsoe.

CHIEF MASHABA: If ...[intervenes].

20 **ADV BALOYI SC:** I want to suggest you are not being honest. In all your exchanges here, Mr Nku does not make any reference whatsoever to an Uncle DD. There is the coincidence that, as Ms Segeels says to you, that in this period Deputy President Mabuza had just been re-appointed, if that is the correct word. Re-appointed or re-

elected Deputy President. And you are saying this is a reference to Mr Maphatsoe. It is just, it is improbable, I want to suggest to you.

CHIEF MASHABA: If it was DD Mabuza, I was going to say, I mean, why do I have to lie if it is DD Mabuza? Plus, he is no more. What would be my reason to say ...[intervenes].

ADV BALOYI SC: Well, Mr Maphatsoe, as far as I remember, is also no more. But in that sense, I will suggest
10 to you why you would – the motive, or why you would not want to be honest about it. It is because you would then have to account for what does moving on our issues have to do with DD, with Deputy President Mabuza. You would have to answer that question. And I suspect you find it more difficult to answer that than to say this was a reference to Maphatsoe, to the late Mr Maphatsoe.

CHAIRPERSON: Please comment.

CHIEF MASHABA: No comment.

CHAIRPERSON: And what had Mr Kebby Maphatsoe
20 returned to?

CHIEF MASHABA: What was?

CHAIRPERSON: What had he returned to, Mr Kebby Maphatsoe? You see that I see DD is back. What was he back to? What had he returned to?

CHIEF MASHABA: No, I think Kebby Maphatsoe was out

of the country. So I was saying to Mr Nku, I see he is back, so let us move on our issues. As to what was the issues then, I do not remember.

CHAIRPERSON: And where had you seen that? Where had you seen that he was back? It was quite easy to know that the late Deputy President was back to his position because that would have been public knowledge. So you would know that he was back. And how would you have known that Mr Kebby Maphatsoe is back? You say, I see.

10 You are not saying Mr Nku has told you.

CHIEF MASHABA: Obviously I would be seeing him on TV. He can be on TV even if he is abroad. He can be on TV even if he is abroad.

CHIEF MASHABA: No, I cannot be saying he is back while I am seeing him abroad on TV. He must have been landed in our country ...[intervenes].

CHAIRPERSON: No, no, no. You can see him on your TV screen even if he is abroad. That is what I mean. So it cannot be an answer that it was because you saw him on
20 TV. That does not necessarily tell you that he is back. We see people who are in Russia, who are in Kenya, who are in Nigeria, we see them on TV screens. That does not necessarily mean that they are in South Africa.

CHIEF MASHABA: But I would be saying he is back where? I am saying he is back in the ...[intervenes].

CHAIRPERSON: I should be the one putting questions to you. And I have started this by saying to you that it makes more sense that perhaps it was a late Deputy President because you would have seen that he was back to his position as the Deputy President of the country, not of the party.

You would have seen that because it would have been public knowledge. So it makes sense for you to say, I see that he is back. But with Mr Kebby Maphatso it is not
 10 necessarily the same, and that is why I was asking, how would you have known? Or how would you have seen? Because you say you have seen this for yourself, basically. And not necessarily that you heard from Mr Nku. And all you are able to tell us is that it is because you saw him on TV and I am saying to you that is not an answer. So that takes me back to the point that it makes more sense that you were probably talking about the Deputy President of the country. Your comment?

CHIEF MASHABA: No comment.

20 **ADV KHUMALO SC:** Can I pick it up from there? You see, Chief Mashaba, in the era of Google, you should not be lying about facts that are publicly verifiable. And what you are doing now is you are lying to the Commission. And I do not often use that word, lying. I prefer somebody is untruthful. The elections in May 2019 were around the 8th.

By the 13th, the results were known. And on this day, the 29th, President Ramaphosa announced his cabinet. So it is obvious, looking at those facts, that the person you are referring here to is then Deputy President DD Mabuza and nobody else. So you are simply not being truthful with the evidence you are giving. And the question is why? Why are you lying on such a meaningless issue? This is a side issue in the greater scheme of things. Why are you lying about it?

10 **CHIEF MASHABA**: I am not lying, Commissioners. Can I please? I know Mr Nku calls Kebby DD. Like I am saying, if it was DD Mabuza, I would see no reason to lie about a late person.

ADV SEGEELS-NCUBE: Chief, if it was Kebby Maphatsoe, he only came into office on the 15th of June 2019 after Mr Jeff Gadebe resigned from his seat. So how would you know in May, on the 29th of May 2019, that he was going to take over from Mr Jeff Gadebe when he resigned?

CHIEF MASHABA: Kebby Maphatsoe?

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

CHIEF MASHABA: Please repeat the question.

ADV SEGEELS-NCUBE: You say this is a reference to Kebby Maphatsoe and this is on the 29th of May. Right? On the 29th of May, he was not part of a Member of Parliament. He only became a Member of Parliament on the 15th of June

2019 after Mr Jeff Gadebe resigned from his seat. You know that. So how could you know on the 29th of May that he was back, that he was going to get back into as a Member of Parliament?

CHIEF MASHABA: Now that you are telling me, what I was meaning here is he is back, he is back in the country, now that you are reminding me, I remember what you, what ...[indistinct] maybe he was back for this, I do not know.

ADV SEGEELS-NCUBE: You see, you referred to the he is
10 back, let us move on now issues, you are tying the two together, which means the person is back in some kind of a position where it will allow you to move on with your issues, you and Mr Nku to move on with your issues. Why are you – there must be a link between the person being back and you being able to move on with your issues.

CHIEF MASHABA: I know that there is a lot, or there was a lot that he was doing for Nku as an uncle.

CHAIRPERSON: Do you accept as a fact that President Ramaphosa announced his 2019 Cabinet on 29 May 2019?
20 Do you accept that as a fact? It is a matter of relative ease for that to be proved. Do you accept that?

CHIEF MASHABA: I accept that now you are saying the date and ...[intervenes].

CHAIRPERSON: It was 29 May. And the date of this the date of this chat is also exactly that same date, 29 May

2029. You see that?

CHIEF MASHABA: I see that, Commissioners.

CHAIRPERSON: And who had returned to their position on that date between Mr Kebby Maphatsoe and Deputy President DD Mabuza? Or let me ask the question differently. You must accept that Deputy President DD Mabuza had returned to his position of Deputy President of the country. You accept that as well?

CHIEF MASHABA: I was not talking about the position
10 here, Chair.

CHAIRPERSON: No, I am asking you the question. Do you accept that on that date 29 May 2019 when the Cabinet was announced he returned to his position of the Deputy President of the country? You accept that?

CHIEF MASHABA: Yes, I accept.

CHAIRPERSON: What you are refusing to accept is that you are talking about him here, DD, that he is back. And he could only have been back to his position as the Deputy President of the country.

20 **CHIEF MASHABA:** Yes, I do not mean DD. I mean the uncle.

CHAIRPERSON: And what did he ...[indistinct] it takes us back to him. Have he been outside of the country? And coincidentally now he is back on the 29th, back in the country. I will tell you that in the face of the facts that you

and I have just gone through, what you say does not make sense altogether. What makes sense is that you are referring to Deputy President Mabuza. That is the only thing that makes sense in the circumstances.

CHIEF MASHABA: I would not comment any further, Chair.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Chief, I can just finish the last point on this. The last chat that I want to ...[intervenes].

ADV BALOYI SC: Can I just finish something on this?

10 Because you are going to another chat ...[intervenes].

CHAIRPERSON: May I ask the Evidence Leaders? I said it is a matter of relative ease to get the evidence so that it does not appear that we are working on mere surmise or, you know, on non-existent facts. May I ask the Evidence Leaders to get evidence on this? It could just be a document making the actual announcement. As you know that document would be admissible evidence here because in commissions there are no strict rules as those rules that apply in, for example, court proceedings.

20 **ADV SEGEELS-NCUBE:** We will do so.

CHAIRPERSON: And by the look of things, we will still be here tomorrow, and that document will be put to Chief Mashaba.

ADV SEGEELS-NCUBE: We will.

CHAIRPERSON: But anyway, he said it does not deny it,

but we still need that document or that proof.

ADV SEGEELS-NCUBE: We will do so ...[intervenes].

ADV KHUMALO SC: Sorry, Chair. I suppose it would apply to what you put to him that the rally had to do with the elections and other things ...[intervenes].

ADV SEGEELS-NCUBE: Well, he referred to the rally.

ADV BALOYI SC: Chief, I just want to explore this a bit. Assuming or accepting that for purposes of this, that DD referred to there is the uncle and in particular Mr Kebby
10 Maphatsoe. We get to this WhatsApp on the 29th of May having looked at the earlier WhatsApps about the search for the gold and the search for the dollars and the R4 000 000. So at least we have now, as at this point, identified specific projects that you are doing with Mr Nku, at least those two.

Now my question is, if you are saying to him because this is you speaking, you say DD, your uncle, is back, let us move on our issues. What involvement did his uncle that you say here have, or what involvement did his uncle have in your issues with Mr Nku? Because this must
20 mean that there had been dealings that involved or touched upon his uncle. That is why you say your uncle is back, let us move on with our issues. Can you just explain the involvement of the uncle?

CHIEF MASHABA: Like I said, Commissioners, the issues that his uncle maybe would assist as an uncle maybe would

be in his businesses. But to my benefit, it would mean maybe I will use it at my advantage maybe for a growth career-wise ...[intervenes].

ADV BALOYI SC: That is not my question. You see, your statement is very firm. Now that your uncle is back, let us move on our issues. And I am saying to you that the premise for this is his uncle was involved in something that you and Mr Nku were dealing with in your issues. That is the only way this makes sense because it seems to come
10 out of nowhere.

There is no discussion earlier on, there is no mention of him, the person that you say is the uncle. So it happens suddenly here in this WhatsApp where he gets mentioned. So I am saying, well, you have a context to it of this uncle's involvement in your issues.

And I must say, the answer can be maybe. It has to be a firm answer. You cannot say maybe it was about him and his businesses. He was involved in something that you and Mr Nku were. And it is you talking. Yes, it is you
20 talking.

CHIEF MASHABA: Yes, Commissioner.

ADV BALOYI SC: So you must know what the uncle was involved with that concerned you and Mr Nku. And I am asking you, what was that?

CHIEF MASHABA: Assisting Nku in his businesses.

ADV BALOYI SC: All right. Let us ...[intervenes].

CHAIRPERSON: No, no, no, no. It is our issues. It is our issues. You cannot exclude yourself. No.

CHIEF MASHABA: Well, what benefits Nku will benefit me. As a friend or – yes, I agreed already that ...[intervenes].

CHAIRPERSON: And getting more monies like you got the R20 000? It benefits you in that sense?

CHIEF MASHABA: Not monies, Commissioners.

CHAIRPERSON: Benefits you in what sense?

10 **CHIEF MASHABA:** It benefits me career-wise.

CHAIRPERSON: How?

CHIEF MASHABA: Well, I would have say how, but ...[intervenes].

CHAIRPERSON: I am asking you how. So you must please say how because I am asking you.

CHIEF MASHABA: When I say career-wise, obviously I would mean growing at work. Indeed ...[intervenes].

CHAIRPERSON: How so? How so? How does that come about? How do you grow as a result of Mr – yes, yes.

20 Coming back.

CHIEF MASHABA: Well, maybe here I would mean a position maybe.

CHAIRPERSON: So you mean Mr Maphatsoe would assist you progress professionally?

CHIEF MASHABA: With that, yes.

CHAIRPERSON: And would that be proper?

CHIEF MASHABA: It would be proper, Commissioners.

ADV SEGEELS-NCUBE: Thank you, Chief ...[intervenes].

ADV KHUMALO SC: Sorry. We must remind ourselves of the guarantee Mr Nku made to you in February. He guaranteed you a formidable financial future. That is the guarantee he made to you on the 18th of February 2019. He said types of opportunities will be opened up. I can only guarantee a formidable financial future. Remember that?

10 **CHIEF MASHABA:** I remember that, Commissioner.

ADV KHUMALO SC: So our businesses must be financially related benefit to you. Do you accept that?

CHIEF MASHABA: I accept that, Commissioner.

ADV KHUMALO SC: Thank you.

ADV SEGEELS-NCUBE: The last one I want to deal with is the next message, where on the 4th of June, you sent a message:

20 “Tumza, morning. *A re sebetseng*
 mfethu. I want us to look after Faith.
 She is now my MEC. Things are going to
 change for the best and beneficial to me.
 Please, Mfowethu.”

You were speaking about Faith Mazibuko.

CHIEF MASHABA: Yes, Commissioner.

ADV SEGEELS-NCUBE: Who was appointed the MEC for

Community Safety on the 13th of May 2019.

CHIEF MASHABA: Yes, Commissioner.

ADV SEGEELS-NCUBE: Okay. So you are saying to Nku that you guys must work because you want to look after the MEC. Things are going to change for the best and beneficial to me. Please, Mfowethu. What did you mean there? I mean, it is obvious, but let us hear your version.

CHIEF MASHABA: Is it obvious?

ADV SEGEELS-NCUBE: Yes, it is obvious.

10 **CHIEF MASHABA:** Okay. I am very close. I was very close that time to the MEC. Because I was ill-treated all the time, I knew when she is back, the treatment will be better. I knew for the fact.

ADV SEGEELS-NCUBE: Okay, but what is the reference of, let us work, I want us to look after Faith? The two of you must look after Faith by working. Working on what? Your side hustle?

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: So that you can look after her by
20 doing what for her?

CHIEF MASHABA: There will be ways of talking to a person sourcing money. Not necessarily meaning, I am saying give me money, I want to look after this person.

ADV SEGEELS-NCUBE: You are saying let us work so we can look after this person. So the only work the two of you

were doing was the side hustle, which we have explored this afternoon. That is the work you are referring to.

CHIEF MASHABA: Yes.

ADV SEGEELS-NCUBE: Yes. Why would you need to look after the MEC with Mr Nku?

CHIEF MASHABA: Why would I want to look after the MEC?

ADV SEGEELS-NCUBE: Yes, let us work, I want us to look after Faith. She is now my MEC. Things are going to
10 change for the best and beneficial to me. Please, Mfowethu.

CHAIRPERSON: Let us take a short, short adjournment. I will not state the time. We will come back when we are ready, please. Please think about your answer so long, Chief Mashaba. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Please repeat your question, Ms Segeels-Ncube. I hope you still remember it.

20 **ADV SEGEELS-NCUBE:** I am going to try, Chair. You asked the witness to remember his answer, not for me to remember the question, but it related to the WhatsApp regarding the MEC for Community Safety, Ms Faith Mazibuko, and I was asking you why would you need to work with Mr Nku to look after the MEC. And we were

referring to that the work would only have been the side hustle, and you were going to explain what you meant.

CHIEF MASHABA: I honestly, Chair and Commissioners, I honestly do not have an answer.

ADV SEGEELS-NCUBE: You do not have an answer. Earlier on, you said that you and the MEC were very close, and you knew that things were going to – you were going to have better working conditions with her there. I then said, you know, that could not be what you were referring to. You
10 must have been referring to the side hustle, and that you were going to use whatever benefits come out of the side hustle to look after the MEC.

So you cannot say you honestly do not know. You must know what you were referring to what the benefits, the best and beneficial for me, to me, that what you were referring to.

CHIEF MASHABA: Not that I do not want, honestly, I do not know what will be my fair answer to the Commission.

ADV SEGEELS-NCUBE: Your fair answer, we want your
20 honest answer. You do know because you had said to him, and this is somebody that is a close friend of yours, you are close to the MEC. So you must know what it is that you had in mind to look after her with Mr Nku, whatever benefits were going to come from there. You must know.

CHIEF MASHABA: Because I spoke about the relationship,

how close we are. Further than that, it will just be, it was just a communication. Not that I really meant let us do something, let us work. Hence, I am saying on this one, honestly, I do not have an answer.

ADV SEGEELS-NCUBE: Did ...[intervenes].

ADV BALOYI SC: Sorry. You say let us work. That is what you say, let us work. So you are referring to whatever it is that you had been working on with Mr Nku. It has to be that you are referring to. Whatever you were doing with Mr
10 Nku, let us do that. Let us keep doing this so that I can have, I am able to look after Ms Mazibuko. That is what I am saying. Let us keep doing what we have been doing. It only makes sense. That is what you are saying here. What do you say to that?

CHIEF MASHABA: No comment, Commissioners.

ADV BALOYI SC: No, you have to have a comment. You choose the easy way to wind the clock down when you say no comment. It is simply, you are just winding down time. Maybe we should remind you that you do have an obligation
20 to give satisfactory answers. If you do not, it is a criminal offence. The Commission will lay a complaint with the police for you to be prosecuted.

Having said that, I want to say to you, in this message you are saying to Mr Nku let us keep working, let us keep doing what we have been doing. We know, this is

in June, we know that you have off-the-books operations with him and your team that he is paying. We know at least two of them. We know that.

So, you are either referring to those same kind of operations or others that we still have not come to, and we may never come to know, but we know you are doing operations. In fact, operations that are not authorised by law. We know you are doing that.

And when you say to him let us keep working, you
10 are referring to that. You are referring to the operations that you do with Mr Nku, and it can only be so. Otherwise, this comes from nowhere and you were just making up a WhatsApp, and please, I do not want to tempt you to even say, ja, I was just making it up because sometimes when I write WhatsApp messages, I do not tell the truth.

You are talking about whatever work you have been doing. So, Ms Segeels is correct when she says your side hustle. That is what you must have been talking about. You are not talking about official duties, your official duties.
20 You are talking about side hustle. And I actually think it is to be generous to you to call what you are doing with Mr Nku a side hustle.

It is simply unlawful conduct that the two of you are engaging in. You using your position and getting SAPS members to use their positions to do things that are not in

the books, that are not authorised by their organisation. That is what this is about. When you say *a re sebetseng*, let us keep on doing what we are doing, so that I am able to look after Ms Mazibuko. And I put it to you as a positive statement.

You can comment or not comment if you want, but I put it to you that that is what this is about. It is whatever it is that you are doing with Mr Nku, the operations you are conducting, the activities you are conducting with Mr Nku, 10 which are not on the books, this is what you are referring to when you said let us keep working, so that I can take care of Ms Mazibuko. You can comment if you want to.

CHIEF MASHABA: I have got no comment, Commissioners.

CHAIRPERSON: I note – sorry, sorry, sorry.

ADV BALOYI SC: And when you say that she is now my MEC, things are going to change for the best and beneficial to me, you are saying if Mr Nku helps you to take care of her in this way, where you say *a re sebetseng*, it means let 20 us carry on with what we have been doing, and work harder, in fact.

You are saying that will enable you to take, you say we, when I say you, I mean we in the plural because that is the language you use, you and Ms Nku, and you say it will help your situation. You are saying it will buy you favours

with the MEC and she will act in your favour because you are taking care of her.

And again, you can comment if you want, but that is what that means, that you are saying if I take care of her, she will do things for me. As an MEC, she will help me out in the job. Is that what you meant?

CHIEF MASHABA: Commissioner, if you can know how we are treated politically, you would maybe understand what I mean. Hence, I am saying other SMSs would be make-up
 10 SMSs. But in this instance, I meant I have been badly treated. I know the treatment will be better. Not that I will be doing something because the treatment will be better, I need to pay back. I did not mean that, and I do not mean that. That is why I am saying, can I please not comment any further?

ADV BALOYI SC: Well, I am quite happy to have the last word on this now that you say you do not want to comment any further. In fact, what you are saying here is because you will take care of her, things will be good for you. That
 20 is what this is. This is what the words that you have used. And that speaks to corruption of, I will take care of her, and then she will make things better for me. That is all that these words mean that you have written, the relationship you are creating.

She will help you out if you take care of her. That

is what you are saying. And I say to you, here you are speaking about corrupting an MEC by taking care of them, and then because you take care of them, they will do things for you. They will make your life easier, things to be better for you. That is what you are doing. That is one.

Two, here you are again introducing, if they had not met before, if they had nothing to do with each other before, here you are bringing a politician, an MEC, into the realm of Mr Nku, who we see from other evidence is quite
10 problematic. He is involved in activities about drug trafficking. That is the evidence before this Commission, and that will still play out.

He is involved in that, and here you are yet again having introduced him to SAPS members, doing his bidding. You are doing his bidding. You go to operations. You give him people's numbers. You do all of those things. Here you are, if they had nothing to do with each other before this, here you are bringing an MEC improperly into a relationship with that problematic character, and you are as crude as to
20 say that let us work so that I am in a position to take care of her so that she can take care of me.

You say that. That is corruption defined, what you are speaking about in this paragraph, and it is a problem I state that the obvious, you are breaking the law and acting unlawfully where you are organising it with somebody who

is a problematic personality, and I think you know Mr Nku's business and what he is involved with.

You know it, and here you are bringing him yet again to a politician so that you can both corrupt her so that she can assist you. It is a criminal offence, or it is criminal conduct, in fact. Thank you. You said you have nothing more to say. Thank you. Yes, thank you.

ADV SEGEELS-NCUBE: Thank you. Thank you, Commissioner. Chair, we will adjourn for the day.

10 **CHAIRPERSON**: When I looked at my time earlier and I said you would be here, I think it was around six minutes past four. Now we are done. What I suggest is that, I have not discussed this with my co-Commissioners. I am praying that they will agree. What I suggest is that once you have laid your hands on the information we said you should find, that should be sent to Chief Mashaba.

Chief Mashaba, if upon receipt of that information you want to comment on it, you are aware of the issues that we raised with you around that information. So if upon
20 receipt of that information you want to respond, you may do so by means of an affidavit.

ADV SEGEELS-NCUBE: He is coming back tomorrow, Chair.

CHAIRPERSON: Okay. Forget everything I said then. So the information hopefully will be shown to you tomorrow.

And from you, Chief Mashaba, remember what I engaged you on right at the beginning, which is around your conditions of employment and your functions, your powers. Please, please bring documentation on that aspect. We want to see in black and white what your powers, functions, et cetera, are. Please, please.

CHIEF MASHABA: Okay, Commissioner. It is that – it is okay.

CHAIRPERSON: Thank you. I am sorry, I am sorry for
10 misleading you. I am sure you were quite relieved when I said you were done. Sorry about that. Let us adjourn until 09:30 tomorrow.

INQUIRY POSTPONED TO 12 JUNE 2026

INQUIRY ADJOURNS

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