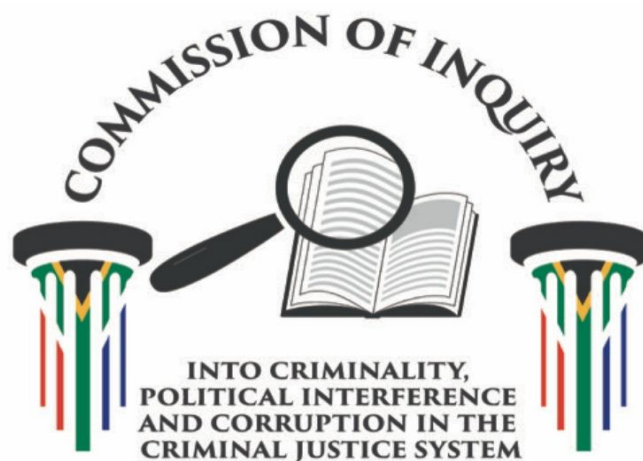


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

22 JUNE 2026

DAY 123



PROCEEDINGS HELD ON 22 JUNE 2026

CHAIRPERSON: Good morning, Mr Chaskalson.

ADV CHASKALSON SC: Morning, Chair.

CHAIRPERSON: May I ask you to please place yourself on record?

MS DU PLESSIS: Good morning, Chair and Commissioners. My name is Sandy Du Plessis. I am an attorney from ...[indistinct] Du Plessis Attorneys, and I represent Mr Mike Van Wyk.

10 **CHAIRPERSON:** Good morning, Ms Du Plessis. Thank you. Yes, who must I look at? Is it the applicant or Mr Chaskalson?

ADV CHASKALSON SC: Chair, there is an application for a postponement. I understand it is going to be supplemented with additional facts relating to the health of Mr Van Wyk. I have not seen any further affidavit. I do not know if there is one yet.

MS DU PLESSIS: Commissioners, if I may just clarify the position. An application for postponement was launched on
20 Saturday before 11 o'clock, as was agreed between the parties. There is going to be a little bit of a dispute thereto. The opposing affidavit thereto was filed, and also reply thereto. I have compiled a comprehensive bundle, indexed and paginated as well.

Subsequent to that, yesterday, when consulting

with Mr Van Wyk, he suffered yet again from severe panic attacks. Now, earlier this week, he saw a psychiatrist by the name of Doctor Arnold Lawrence.

CHAIRPERSON: Earlier when, I am sorry? Earlier?

MS DU PLESSIS: Sorry?

CHAIRPERSON: You said earlier when? Earlier?

MS DU PLESSIS: Earlier, the first consultation, let me get my letter here, was on the 17th of June.

CHAIRPERSON: All right, all right, yes.

10 **MS DU PLESSIS:** If I may just pass the history quickly in context without wasting any time. So, Doctor Lawrence consulted with him, and subsequently thereto as well, placed him on medication, which he had to change, and he did change in terms of his letter as well. Yesterday, when I finally spoke to the psychiatrist, Doctor Lawrence, he said to me the patient needs to be admitted to the psychiatric unit at Jacaranda Hospital, which has a separate psychiatric unit.

20 So, I phoned my colleague immediately to alert her in terms thereof, and said that obviously a medical certificate will be provided, but beyond that, I also prepared a further affidavit from Doctor Lawrence himself, that was now last night, which I am waiting for at the moment.

The contents of the affidavit was canvassed with the doctor, but I am waiting for it to be signed and

commissioned at the Kameeldrift Police Station, where my assistant is currently. I have provided a copy of the letter. It is not a medical certificate, as we know, just to say it is a medical illness.

It is a letter, but the affidavit sets out what has been done and what is the position. So, I must apologise to the Commission that it is late, but the moment I got aware of it, and also bearing in mind it was Father's Day yesterday also for the specialist. I got hold of him and the affidavit
10 was prepared. So, I apologise for that delay, but I can confirm that we did everything in our power to have it here as soon as possible.

CHAIRPERSON: Do you have any idea by when this will be received, the affidavit?

MS DU PLESSIS: Chairperson, yes, I have just contacted my assistant. If I may just have a look on my telephone, because I did ask her how far they are? Two minutes ago she said to me they are busy signing and commissioning the affidavit now at the Kameeldrift Police Station. Yes, that
20 was 09:33, so it was exactly two minutes ago.

CHAIRPERSON: If it was being commissioned, then it should come through any time now.

MS DU PLESSIS: It should come through. Unfortunately, Kameeldrift is about, I think, 25 minutes ...[intervenes].

CHAIRPERSON: No, it may be emailed, if that is practical.

MS DU PLESSIS: Yes.

CHAIRPERSON: That is the best, rather than waiting for someone who is going to drive. If it is commissioned, just something emailed to us should do.

MS DU PLESSIS: They obviously do not have scanning facilities, therefore I asked my assistant ...[intervenes].

CHAIRPERSON: Smartphones these days ...[intervenes].

MS DU PLESSIS: It is ...[indistinct] to take photographs ...[intervenes].

10 **CHAIRPERSON:** They do scan. In fact, they actually do scan.

MS DU PLESSIS: Yes, but they do scan quite correctly. But I asked my assistant, please take photographs immediately thereof and send it to me.

CHAIRPERSON: Yes, yes.

MS DU PLESSIS: I have also conveyed that to the attorney as well, in order to save time.

CHAIRPERSON: Yes, let us rather do that than wait for someone who is going to drive. Anything else, Ms Du
20 Plessis?

MS DU PLESSIS: I do not know if there is anything further. I understood that we would have a conversation this morning, early as there were more WhatsApp documentation that is supposed to be ready, but I do not know from Mr Chaskalson.

CHAIRPERSON: I will hear from Mr Chaskalson in just a minute.

MS DU PLESSIS: Thank you.

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Chair, I think in the circumstances, it is probably best to wait for the medical affidavit to arrive. Just for the record, our position will be, obviously, if Mr Van Wyk is not medically fit to appear, then we are not going to insist that he appears today, if that is
10 what the affidavit confirms.

But we have a very real problem in that we have 30 days of evidence left, and if we lose today, that is one out of 30 days that we will have lost. And so what we will propose, if Mr Van Wyk is medically unfit to testify today, is that his appearance gets postponed to another date, but we use the day to put before the Commission the real evidence that we would want to question him on, WhatsApp chats, videos, and the like, so that that evidence can go into the record today, and that Mr Van Wyk then, when he is well
20 enough to return, can come back to answer very specific questions on it. And that way we will use today and save a great deal of the time that we would otherwise have to use when Mr Van Wyk returns.

CHAIRPERSON: Thank you, Mr Chaskalson. Perhaps respond to that, the proposal, when we already have that

affidavit as well, yes.

MS DU PLESSIS: Chairperson, I have it on a photograph here, but I agree with Mr Chaskalson. It would be prudent to have the entire document with us. May I just add that from the outset, and in the affidavit itself, and especially the attorney's annexure marked MW3 to the answering affidavit, Mr Van Wyk has been a cooperative witness and it flows from the chronology of events that when there was a request, acknowledgement of receipt was sent by my office.

10 Just in the past week, there were a number of events that took place.

CHAIRPERSON: Just quickly tell me what the nature of this annexure is, or the chronology. All right, all right.

MS DU PLESSIS: The chronology is set out on page, I think it is 68.

CHAIRPERSON: It starts at 12, does it?

ADV KHUMALO SC: You have already paginated, that is why it is 68 on yours. We do not have your paginated set.

MS DU PLESSIS: Correctly so. I have them here ready,
20 and my colleague said to me that we will have to come in. If I may just find the relevant page?

CHAIRPERSON: Perhaps let us just adjourn. We will come back once copies of everything have been prepared, and when we come back you may continue on the point you are addressing now. Let us adjourn.

MS DU PLESSIS: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson?

ADV CHASKALSON SC: Chair, we have now seen the affidavit of Mr Van Wyk's psychiatrist and we accept that he is not in a medical state to testify today, but we have reached an agreement on how to proceed subject to the agreement of the Commission.

10 What the proposal is, is that we will use today for me to take the Commission through the Evidence Bundle so that the inferences that we seek to draw and the evidence that we are concerned about is clear. Mr Van Wyk will then, if he wants to file a supplementary affidavit in the light of today's proceedings to clarify anything, will do so when he is able to do so, but with a deadline of 6 July.

 And if having seen his supplementary affidavit, we want to subpoena him for further questioning on very specific issues that may arise following that supplementary
20 affidavit, we will do so, but we will do so on at least seven days' notice, on at least seven days' notice. And hopefully that way we can confine any oral evidence of Mr Van Wyk to a relatively short period and we will be able to fit it into our schedule at some stage after 13 July. Chair, we have a draft, can I hand it up?

CHAIRPERSON: Yes. Do you confirm the agreement, Ms Du Plessis?

MS DU PLESSIS: Commissioners, yes, I do.

CHAIRPERSON: Thank you.

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RULING

I make the following ruling:

[1] The appearance of Mr Van Wyk is postponed *sine die*.

10 [2] The Evidence Leaders will address the Commissioners on the documents contained in the Evidence Bundle for Mr Van Wyk and the Statement Bundle for Mr Van Wyk and the voice and video files contained therein. If Mr Van Wyk wishes to file a supplementary affidavit to clarify any of the material on which the Evidence Leaders have addressed the Commission, he will do so on or before 6 July 2026. If the Evidence Leaders want to recall Mr Van Wyk for questioning on any issues after considering his
20 supplementary affidavit, they will give him at least a week's notice if in any subpoena they serve on him.

This ruling is by agreement.

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ADV CHASKALSON SC: Thank you, Chair. If I can then start taking the Commission through the evidence? And

maybe at the outset let me clarify that you should have, you can put the postponement file away for now and there should be three more files. A short file of the statement of Mr Van Wyk and then two volumes of an Evidence Bundle. The first will run to page 419 and the second will run to page 888.

CHAIRPERSON: Ms Du Plessis, I assume that since this is about your client, you may wish to stay or not?

MS DU PLESSIS: Commissioner, thank you very much. I
10 wish to stay.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: Sorry, Chair, I should place this on record, although it is not part of the ruling. We have undertaken to provide Ms Du Plessis with a transcript of today's proceedings by close of business tomorrow, so that she has it to take her client through.

Chair, then some clarificatory points at the start. The first is that we have undertaken in our discussions with Mr Van Wyk not at this period to deal with the, in fact, not
20 to deal with the SAPS Medicare Tshwane District contract. We understand that Mr Van Wyk is preparing a detailed statement relating to that contract and it will be made available to us and we hope to get it by the end of this week, but I will not be touching on it at all today.

Then there are a number of companies that will

feature in what I will touch on today and I should just clarify who they are. The first company is Medicare24 Holdings. That is Mr Van Wyk's company. It is to be distinguished between the Medicare24 Tshwane district, which is Mr Matlala's company, which is a franchisee of Medicare24 Holdings.

Then there is a company called Anubis, A-N-U-B-I-S, Protection Services. That is a security company of which Mr Van Wyk is a director and we understand him to be the
10 key player of that company. Then there is also CAT VIP Protection, which is the security company of Mr Matlala that we have encountered previously.

There is one further point of clarification I want to make before I begin, which is that there are two sets of WhatsApp chats that are included in the Evidence Bundle. The first is the chats extracted from Mr Matlala's phone, the chats between Mr Matlala and Mr Van Wyk. They start at page 1 of the Evidence Bundle. The timestamps on those chats are correct South African times. The software setting
20 extracted those chats with South African times.

There is a second set of chats which run from page 559 in Volume 2 of the Evidence Bundle. Those are the chats between Mr Van Wyk and Mr Julius Mkhwanazi of the EMPD. Now on those chats, unfortunately the chats were extracted using UTC, which is that two hours' time

difference between South African time.

CHAIRPERSON: And you say these are from whose phone? From Mr Van Wyk's phone?

ADV CHASKALSON SC: From Mr Van Wyk's phone and the chats with Mr Mkhwanazi. Now the time difference is not an issue, save in one narrow respect that we will address later. I should clarify up front that when it says 07:15 in the morning, the South African time was 09:15 in the morning for those chats, not for the Matlala chats.

10 I think the best way to start is with the Regulation 10(6) Notice that was served on Mr Van Wyk last year in October and to which he responded in an affidavit on the 2nd of December. And because we are not, much of that, much of what was included in that notice addressed the SAPS Medicare contract.

 And because we are not going to be dealing with it today, I should highlight the parts of that notice and the statement which we will be dealing with. And if I can ask you then to start at page 22 of the Statement Bundle? And
20 the questions that were asked of Mr Van Wyk relating to chats with Mr Matlala that we will be dealing with today are the questions that are at 3.1, 3.2, 3.5 and 3.6.

 And if I can take them sequentially, Mr Van Wyk was asked to address an exchange of messages between himself and Mr Matlala on 7 February 2025, and the

relevant chats in that regard start at page 152 of Volume 1 of the Evidence Bundle. And there you will see at the foot of page 152 that on the 7th of February, Mr Matlala forwarded to Mr Van Wyk one of these news reports that I think we have seen in several other chats already, and the headline is Breaking News, NPA ID guns for National Police rogue unit, and in capitals, the NPA Investigative Directorate, ID, raids National Police Commissioner Fannie Masemola and National Crime Intelligence Head Lieutenant
10 General Khumalo officers after serving them with notices of arrest. This comes after an investigation lodged by Parliament's Police Portfolio Committee.

Now, we have seen that report before. I do not want to dwell on it, but what I do want to dwell on is the exchanges that follow. So if we go down to page 153, you will see that Mr Van Wyk's response to that report was:

“Not good.”

And Mr Matlala then corrected him and said:

20 “It is actually good. My person is going to be a National Commissioner now.”

And Mr Van Wyk responded:

“I remembered you told me something like that.”

So in the face of the report about the troubles of General Masemola and Lieutenant General Khumalo, Mr Matlala

thought that his person was going to be a National Commissioner now. Now, Mr Van Wyk did address this in his statement, and we see his response at page 8 of his statement. And on page 8, paragraph 4.2, he says:

10 “Regarding the WhatsApp
communications from Mr Vusi Matlala
regarding the articles in the National
Commissioner, I made it clear that I have
never been introduced to high-ranking
police officials and that Mr Vusi Matlala
never introduced me to any high-ranking
SAPS official. Mr Vusi Matlala made it
clear on numerous occasions that he had
contact with high-ranking officials, but he
never mentioned their names, and I was
never involved in any meetings except
operational meetings or discussions with
any of them apart from Brian, as
explained hereinabove...”

20 And that relates to something involving the Medicare24
SAPS contract, which we are not addressing. So his
version was that Mr Matlala made it clear that he had
connections with high-ranking SAPS officials, but he never
said who they were. So he was not in a position to, by
inference, he was not in a position to know who Mr Matlala

was referring to when he said my person will be National Commissioner. There was a second chat on that day which Mr Van Wyk addressed, and that was the chat at 19:36 on 7 February, page 153. And there Mr Van Wyk said to Mr Matlala:

“So it was George that set up the sting with the Hawks.”

And he explained what that chat related to at page 7 of his statement, where he said that the WhatsApp communication
10 marked, the 4.9 refers to the annexure, to the bundle, but it is this WhatsApp communication:

“The WhatsApp communication does not relate to the SAPS contract in as far as I know. I have had previous business relations with George van der Merwe, which related to close protection services, which was not a constructive business relationship and which I terminated.”

20 So he is identifying George, who set up the sting with the Hawks, as George van der Merwe. Now, Mr van der Merwe was the General Manager of the Optimum coal mine that was run by the Gupta family. And if we go to CJC302, there is a video that we should play. And we have it flighted now ...[intervenes].

ADV BALOYI SC: Is that CJC ...[intervenes].

ADV CHASKALSON SC: CJC302.

ADV BALOYI SC: The video, is that ...[intervenes].

ADV CHASKALSON SC: The video is CJC302, where Mr Van Wyk appears to be introducing Mr Julius Mkhwanazi to George.

[VIDEO PLAYED BACK]

10 “Hi, George. Just a quick video. I want
to introduce you to General Julius from
Ekurhuleni. He is the Head of the EMPD
on this side. I think this is a person I
would love to introduce you to, so you
can have a one-on-one with him so that
your transport problems can be sorted
out. He also has all the contacts for
Tshwane in JMPD due to his rank and
everything. So ja, I would just like to
introduce you to Julius, and then we all
can get together and you guys can talk
20 and it is a good connection to have.”

And we would be interested to know what the introduction of George van der Merwe to Julius Mkhwanazi was designed to achieve.

CHAIRPERSON: And what evidentiary material do we have on the company that you said was what, belonged to the

Guptas, but you need only answer to that if it is relevant to everything else.

ADV CHASKALSON SC: Yes, this is after the Guptas had left the country.

CHAIRPERSON: Okay.

ADV CHASKALSON SC: These events take place after the Guptas leave the country. Mr van der Merwe is best known for his role as General Manager of the Optimum Coal Mine, which was the mine, the purchase of which was the subject
10 matter of the Public Protector Report back in 2016.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: It is a matter of public record, but we do obviously, for one thing, we have the Public Protector's Report from 2016.

CHAIRPERSON: Thank you, thank you.

ADV CHASKALSON SC: The next chat that we raised with Mr Van Wyk is at page 22 of the Statement Bundle, which was, which refers under 3.2, to an exchange of messages on the 25th of February. And that exchange is to be found
20 at page 195, at the foot of 195 of the bundle, and again it starts with a video which we should play. And the video is a video that Mr Van Wyk plays to Mr Matlala, sends to Mr Matlala.

[VIDEO PLAYED BACK]

That video of a man wounded inside a car riddled with bullet

holes was sent by Mr Van Wyk at 13:07 on 25 February. It is preceded, if we go to page 195, by two messages from Mr Van Wyk. The first is at the foot of 195:

“This guy also had an issue with George.

This guy's name is Max from Today
Destiny.”

And we have established that the video is a video of a man named Maxwell Mlangeni, who was the owner of a company, who is the owner, he survived that gun assault, he is the
10 owner of a company called Today's Destiny Logistics. What followed in the exchange is, if we go down to page 196, Mr Van Wyk said:

“Do you know what his, is his surname
maybe?”

And Mr Matlala said:

“Moyo.”

Mr Van Wyk said:

“Thanks.”

And there was then a photograph, and the photograph, and
20 underneath the photograph Mr Matlala said:

“Themba Moyo.”

The photograph we have actually identified as the photograph of a man called Mr Thomas Moyo. He is the General Manager of Today Destiny Logistics. He is not the person who was shot, who was the owner of Today Destiny

Logistics, who was Mr Maxwell Mlangeni.

The shooting took place on the Bethal Road south of eMalahleni, relatively close to the Optimum Coal Mine. And then we see at the start of the chats that Mr Van Wyk said:

“This guy also had an issue with George.”

Mr Van Wyk was asked to address those chats, and he did so at page, I lost my reference, he did so at page 8 of his statement. No, at the foot of page 9 of his statement, paragraph 6.2, and his response on pages 9 and 10 was:

“The WhatsApp communication from 19 to 23 mainly relates to a photograph of a person I was informed by Mr Matlala as Mr Themba Moyo who was shot. I am also involved in the private security industry and, as such, is part of many WhatsApp groups relating to this industry. This photograph was circulated on one of them. I do not remember which one. It is for that reason I sent it on to Mr Matlala.”

We emphasise the person who was shot was not Mr Moyo, it was Mr Maxwell Mlangeni, and he was described by Mr Van Wyk as Max from Today's Destiny. We would like to

question further if the occasion arises.

ADV KHUMALO SC: Assuming you would also want to question him on what he meant by the guy also had an issue with George.

ADV CHASKALSON SC: Indeed, we would. Then the next set of issues on which we asked Mr Van Wyk to respond are the issues at paragraph 3.5. They were issues which we thought related to cash transactions and were reflected in WhatsApp communications between Mr Van Wyk and Mr
10 Matlala. The one that I would emphasise for present purposes is 3.5.2 which is a chat on the 24th of March, which is at pages 334, starts at the foot of 334 and goes on to 335 ...[intervenes].

ADV BALOYI SC: Mr Chaskalson ...[intervenes].

ADV CHASKALSON SC: Of Evidence Bundle Volume 1.

ADV BALOYI SC: If I may just ask, you skip 3.3 and 3.4 of that list of chats, is it because it covers the topic?

ADV CHASKALSON SC: It relates to the contract.

ADV BALOYI SC: Okay, thank you. Number?

20 **ADV CHASKALSON SC:** 334. The picture is mainly at page 335. There you will see that Mr Van Wyk WhatsApps to Mr Matlala a photograph of a bag of cash, R200 notes bound up with rubber bands. His explanation for that picture is at page 16 of his Statement Bundle, paragraph 6.19, where he says:

“The money bag contained in this photograph is cash monies that I won at a casino, and one can see from the casino bag that this is a typical casino bag and the notes are also tied in a particular way which is only done by casinos. I can make my records available that I have indeed won approximately R200 000 shortly before.”

10 And then he says:

“I never sent Mr Matlala photographs of any monies that I won at a casino.”

Which, again, is odd because I think he is suggesting that this section of the WhatsApps is tampered even though it accurately reflects a photograph of money that he won at a casino shortly before the message says it was sent.

We then come to one of the more important chats, and this one requires a fair amount of contextualisation because what the Evidence Leaders will be submitting in
20 this regard is that it is evidence of Mr Matlala and Mr Van Wyk involved in the dealing in Cocaine. In dealing with Cocaine.

The starting point is at page 378. Sorry, let us start, Mr Van Wyk at 3.6 of his notice was asked to address the exchange of messages on 6 April 2025 from 10:25 to

10:48, and if we go to those messages, the starting point is a video that appears at the foot of 377 and the top of page 378, and we need to play that video.

[VIDEO PLAYED BACK]

“[Speaks in vernacular]... 970. Ja, it is open.”

Now, if we go back to page 378, we will see that that video was sent by Mr Matlala to Mr Van Wyk. I should at this stage just record, although I will address it in more detail
10 later, that Mr Van Wyk disputes receiving this video, but the chats reflect that it was sent from Mr Matlala to Mr Van Wyk at 10:25 on the 6th of April. At 10:26 Mr Matlala sent Mr Van Wyk a message saying:

“Get me a good price.”

And at 10:31 Mr Matlala, sorry, Mr Van Wyk replied with a voice note, which we will play now. We are having a problem with the voice note. It is quite important. So we have listened to it several times, it says:

“We will go in at 02:50.”

20 [VOICE NOTE PLAYED BACK]

“We will go in at 02:50.”

ADV KHUMALO SC: Do we know whose voice that is?

ADV CHASKALSON SC: We do not know for certain whose voice that is. We would like to ask Mr Van Wyk whose voice that is, and in particular whether it is his.

ADV BALOYI SC: Mr Chaskalson, you say Mr Van Wyk disputes receiving that video.

ADV CHASKALSON SC: Yes.

ADV BALOYI SC: Where does he do that in his statement, where do we find that?

ADV CHASKALSON SC: He does it in his statement at page 17, paragraph 6.1, where he says:

10 “Once again, I received the video
 recording from the enquiries I made to
 the Commission and confirmed that I
 never received this WhatsApp video on
 my cell phone.”

ADV BALOYI SC: Thank you.

ADV CHASKALSON SC: But to go back to the sequence, we see back on page 378, after that voice note, at 10:36 there is an audio call from Mr Matlala to Mr Van Wyk, and then at 10:48 Mr Van Wyk forwards to Mr Matlala what appears to be a message sent to him by a third party:

20 “Mike, are we ready to take tomorrow
 afternoon. Has got important
 engagement in the morning, one.
 Wednesday we can take two again.”

We understand that video to be referring to the – sorry, that note to be a message sent to Mr Van Wyk referring to the bricks of Cocaine that were being weighed out on the video.

We will get to why we say it is Cocaine shortly. And Mr Van Wyk forwards that note to Mr Matlala at 10:48, and then there is a voice call at 10:49.

ADV BALOYI SC: Just for the record, why do you say this appears to be a forwarded message?

ADV CHASKALSON SC: No, that we can show that it is a forwarded message because on the extraction report of Mr Matlala's phone will show that that message is forwarded.

ADV BALOYI SC: Thank you.

10 **ADV CHASKALSON SC:** To understand the full chronology, one needs to look at Mr Matlala's chats with a third party, who for now will remain nameless. And those chats are reproduced from page 542. And why we knew to look at these chats is that we found the same voice note saying we will go in at 02:50, the identical file in these chats.

Those chats start earlier than the chats between Mr Van Wyk and Mr Matlala, and they start with a call on the 6th of April, the same day, at 07:48 in the morning.

20 Following the call, there is a deleted message at 07:49. We have established that that deleted message was the video that we see in the chats between Mr Van Wyk and Mr Matlala, and we have established that from the third party.

At 07:50 there is another call. At 07:52 there is another call. Then the third party sends Mr Matlala a

screenshot of the third party's exchanges with some other people. And those exchanges start with 100% at the top or 100 at the top at 09:07 in the morning. Then the fourth party, we shall call him or her, says:

“Are you winning?”

The third party says:

“I am waiting for him to come back, but
he said 350k, it is too much.”

The fourth party says:

10 “300.”

At 09:25, Mr Matlala says to the third party:

“Okay, I am also getting good price, so
you can make profit.”

The third party sends a thank you emoji. And at 10:22 Mr Matlala says:

“How many bricks you have?”

20 There is then a call at 10:32. But to go back to the chronology before we get to the call at 10:32, the video to Mr Van Wyk is sent at 10:25. So after Mr Matlala says to the third party how many bricks you have, he sends the video to Mr Van Wyk at 10:25. If we can just play that video again, there is something on that video that I want to draw attention to.

So it is evident throughout the video, but these bricks actually are branded. They say Prestige on them,

and they have a crown symbol on them. And we asked the SAPS if they were aware of any narcotics that are branded in this fashion and we received an information note from Brigadier Allen, who is the Section Head of Chemistry in the SAPS, and that information note appears at page 752.

And if we go to 752, we will see the information note. It explains the background, and it is signed by Brigadier J Allen, Section Head Chemistry at 758. For present purposes, we would ask the Commission to focus on
10 the information note from paragraph 3.25. And there Brigadier Allen says, he explains that the images were sent to his department originally through SAPS Head Office, having received them from the Commission and what the Commission's enquiry was. And then at 3.25, he says:

“Following the circulation of the images
in the video to all the SAPS Forensic
Science Laboratories that perform drug
analysis, feedback was received that
such blocks with the indicated logo or
20 imprint as depicted in the above included
image from the video have indeed been
received by the Forensic Science
Laboratory. The following drug-related
case lab number and Booyens case
number is noticeable. Exhibit material in

this case has been received for analysis by the Forensic Science Laboratory on 21 July 2025, and the analysis process has been concluded.”

Over the page 3.32:

“In the specific case, two evidence sealing bags with seal numbers...”

Numbers are given:

10 “...were received together containing six blocks with a total weight of about six kilograms, each block weighing approximately one kilogram.”

Our video showed five blocks, each showing approximately one kilogram:

20 “The blocks were tested by Forensic Science Laboratory and have tested positive for Cocaine. Of the six blocks, three blocks had the Prestige imprint as in the video, and the other three blocks did not have the same imprint. The following are relevant images of the blocks that were received in the specific case with the imprint clearly similar to the imprint on the blocks in the video material. Photos 3, 4, and 6.”

And then over the page on photo 3, one can see the block is now fragmented, but one can see the same crown symbol and the same Prestige imprint on it. And then, again, there is, if one goes down to page 757 at photo 6, one sees the crown symbol and the Prestige stamp on it.

So, we would submit to the Commission that although that may not be the case in a criminal trial, for the purposes of the Commission's conclusions, the Commission can, in the absence of any other evidence, conclude that
10 what the video is describing is one kilogram, five one-kilogram bricks of Cocaine being weighed out.

If we go back to the sequence, we will remember that at 10, the start of the communications between Mr Van Wyk and Mr Matlala is at 10:25 with the video, followed by Mr Matlala saying get me a good price at 10:26. Then there was the voice note from Mr Van Wyk to Mr Matlala saying, sorry, the voice note sent by Mr Van Wyk to Mr Matlala saying we will go in at 02:50. That was at 10:31.

If we then go back to the chats with the third party,
20 page 543, at 10:34, footer page 543, at 10:34 Mr Matlala sends a screenshot to the third party of Mr Matlala's WhatsApps with someone who is saved on his phone as Bishop. Again, for now, Bishop will remain nameless.

What the screenshot shows is that at 09:11, Bishop sent to Mr Matlala a screenshot from his phone of Bishop's

communications with Thando, Mario, Chino, Finest Group LDA, and someone whose symbol on Bishop's phone was a T. Then Bishop responded at 10:27 to Mr Matlala or forwarded a message to Mr Matlala at 10:27 saying:

“It is all over now, bra. My brother, price is very down. They do not want our prices.”

At 10:28, Mr Matlala had a voice call to Bishop. That screenshot was sent at 10:34. Immediately after that
10 screenshot, Mr Matlala forwards a voice note to the third party. If we can play that voice note?

[VOICE NOTE PLAYED BACK]

“We will go in at 02:50.”

So, he has forwarded to the third party the voice note that Mr Van Wyk sent to him a few minutes earlier saying, we will go in at 02:50. The sequence continues at 10:34 and at 10:35. There are calls between Mr Matlala and the third party that we see at 545.

If we go back then to page 378, we see a minute
20 after those calls at 10:36, Mr Matlala calls Mr Van Wyk. And at 10:48, Mr Van Wyk forwards to Mr Matlala:

“Mike, we are ready to take tomorrow afternoon. We have got an important engagement in the morning, one. Wednesday we can take two again.”

And at 10:49, Mr Van Wyk calls Mr Matlala. If we go back in the sequence to the third party chats at page 545, the next stage is a voice call from the third party at 11 o'clock. A voice call back from Mr Matlala at 11:33. A message from the third party saying:

“We can only do 350k because my cost is 300k. The 250k worth stock, it is the cheaper one. We do have it as well, but this one, the 350k, it is 100% pure.”

10 And that is the end of the sequence. Mr Van Wyk's response we have already touched on. It is at page 17 of his witness statement where he says:

“Once again, I received the video recording from the enquiries I made to the Commission and confirmed that I never received this WhatsApp video on my cell phone.”

We do not accept that answer, and the reasons why we do not accept this answer are the following. As I have
20 confirmed, we have tracked down the third party. We interviewed the third party, took a statement from the third party, and the third party admits that he sent the video to Mr Matlala.

He also admits that the WhatsApps that were exchanged by Mr Matlala and him, that we have taken the

Commission to, are authentic and he has given us a record of the same WhatsApps on his phone. Included in those WhatsApps are the voice notes saying we will go in at 02:50.

So if Mr Van Wyk did not receive the video and send the voice note, someone else would have had to plant the video and the voice note into a WhatsApp chat between Mr Van Wyk and Mr Matlala because we know that the video and the voice note are authentic, at least insofar as they
10 appear on the third party's WhatsApps.

Now, to plant that video into the WhatsApps of Mr Van Wyk and Mr Matlala, we are informed, would probably be technically impossible. Because the chats between Mr Van Wyk and Mr Matlala were extracted from an image of Mr Matlala's iPhone 16 and we are informed that it is not possible to plant a message or a media file into a WhatsApp chat record on an Apple iPhone 16 without leaving a trace that the file of the whole WhatsApps was amended at a later date when the planting would have taken place.

20 But leaving aside the technical problems and the potential, what we are told is a technical impossibility, we submit that there is a factual impossibility as well. Because as we saw, well, let me – I did not highlight it at the time, but if we go back to the third party chats at page 545, sorry not 545, 542.

The video that was sent by the third party was deleted for everyone by the third party. That video is what was once at the chat at 07:49:59. This message was deleted, it now says, and on WhatsApp when you delete for everyone. that is what will remain after you have deleted for everyone.

ADV BALOYI SC: So it was deleted by the third party?

ADV CHASKALSON SC: Yes.

ADV BALOYI SC: For everybody?

10 **ADV CHASKALSON SC:** Yes. And I mean, it would be a logical thing to do at the end of your exchanges in what is, or what appears to be a Cocaine sale. The third party of course did not realise that Mr Matlala had forwarded the video on to Mr Van Wyk and he could not delete a video that Mr Matlala had forwarded further.

But for present purposes, what is significant is that there was no trace of the video on the chats between Mr Matlala and the third party. And indeed there is no trace of the video anywhere on the phone other than in the chats
20 between Mr Matlala and Mr Van Wyk. So if one has to postulate a notional tamperer[sic] who wants to frame Mr Van Wyk and/or Mr Matlala, they would have had no access to a video to plant because the only place on the phone where the video appears is in the chats between Mr Van Wyk and Mr Matlala.

What the denial postulates and the thesis of a tamperer postulates is that there was this video sitting somewhere on the phone, which could then have been extracted and planted in the chats between Mr Matlala and Mr Van Wyk. But the only place that the video was, was in those chats. And the authenticity of the video is confirmed by the person who originally sent it to Mr Matlala, but who subsequently deleted it.

So we know the video is real. We know that the
 10 voice note saying we will go in at 02:50 is real. And it would have been impossible for a third-party tamperer to plant that real video in the chats of Mr Van Wyk and Mr Matlala because that third party, that notional tamperer would not have had access to the video anywhere else on the phone. There is no sign of the video anywhere else on the phone.

CHAIRPERSON: Besides this issue of where the video would have been taken from in order to plant it, besides that, are we going to get technical or expert evidence on
 20 the impossibility of planting?

ADV CHASKALSON SC: We will.

CHAIRPERSON: All right.

ADV KHUMALO SC: Mr Chaskalson, still on the Cocaine issue, I see that the report from FSL references a Booyens case number. We know that the Aeroton case, the

Booyens case number was 2021. This one is 2025, and it cannot be the inquiry relating to the loss of the 136kgs. It is completely different.

ADV CHASKALSON SC: It is completely different and it involves ...[intervenes].

ADV KHUMALO SC: Now, is this another case of Cocaine having been lost while in police custody or we do not have that situation?

ADV CHASKALSON SC: No, no. This is the case
10 involving some suspects, some Brazilian suspects who on the basis of intelligence were raided and were found in possession of Cocaine.

ADV KHUMALO SC: So some of it was recovered by the police?

ADV CHASKALSON SC: No, this is not – we have no way of linking the Aeroton Cocaine to this Cocaine. We are not suggesting that what is being weighed out on that scale came from Aeroton.

ADV KHUMALO SC: But what they were able to establish
20 was that FSL has in its possession bricks of Cocaine that have the similar logo as the one that was being weighed in this video that we are discussing.

ADV CHASKALSON SC: Correct.

ADV KHUMALO SC: Now, what is the connection between those two? The one that is at FSL and the one that we see

in the video, other than the logo?

ADV CHASKALSON SC: We have no connection other than the logo.

ADV BALOYI SC: Mr Chaskalson, you may have said it earlier and I may have missed it. The third party, because you are giving an account from your engagements with the third party, should we assume that there will be a statement or something from that third party?

ADV CHASKALSON SC: Yes, yes.

10 **ADV BALOYI SC:** All right, thank you.

ADV CHASKALSON SC: There is in fact a sworn statement from the third party.

ADV BALOYI SC: Thank you.

ADV CHASKALSON SC: Chair, we have run to 11:25. I am not sure how you would like to structure breaks today in the absence of a witness.

CHAIRPERSON: Let us come back at 12 at midday. Let us adjourn and resume at midday.

INQUIRY ADJOURNS

20 **INQUIRY RESUMES**

CHAIRPERSON: Yes, Mr Chaskalson?

ADV CHASKALSON SC: Chair, we are going to move to a different set of chats now, which are the chats between Mr van Wyk and Mr Mkhwanazi and that sequence starts, for our purposes, on page 584 of file 2. And in this

...[intervenes]

ADV BALOYI SC: We are closing this file?

ADV CHASKALSON SC: Yes, the first file we are not going to return to for quite a while.

ADV KHUMALO SC: You said 582?

ADV CHASKALSON SC: 584.

ADV KHUMALO SC: 584, thank you.

ADV CHASKALSON SC: The foot of page 583, in fact. And in this file, there are a lot of exchanges on voice note,
10 so it will have to move quite slowly through the voice notes because they are significant. If we see on page 58, the foot of 583, we see that at 11.26 p.m. on the 8th of October 2021, Mr Julius Mkhwanazi sends to Mr van Wyk a letter from Ekurhuleni reflecting a meeting to be held on the 12th of October. And the meeting, according to the letter, is said to be a proposed meeting with Medicross.

Mr van Wyk responds to that WhatsApp on page 585 the next morning, it looks like it is at 5 a.m. or 4.59 a.m., but remember these times are two hours out, so it is
20 actually 6.59. He sends a voice note, and can we just play that voice note? Sorry, sorry, before we get to the voice note, if we can see underneath the letter calling for a meeting, Mr Mkhwanazi has said:

“Good morning, we are visiting your offices
on 12 October, we are winning.”

And he says, with the chief and the chief is going to be a reference to Chief Mapiyeye, who at that stage is believed to be someone who is going to, whose approval is going to be necessary for what Mr van Wyk and Mr Mkhwanazi are planning. The voice note sent back by Mr van Wyk is sent at 6.59, message time 4.59. And it is... [Loss of audio – S2 – 0:03:53 to 0:04:13]

[VOICE NOTE PLAYED BACK]

10 “We do not only just respond to medical emergencies, we can respond to riots, anything. We are on the scene if something happens, we can help with crime combating, drug busts, because we know...”

Sorry, Chair, the volume only came on halfway through, so we are going back to the beginning.

[VOICE NOTE PLAYED BACK]

20 “Yes, it is not Medicross, it is Medicare24, so the letter is wrong. Do you think we are going to win with him? Because I do not know if we are going to win with him, if he will allow us what we want to do. Remember, our aim is to be a specialised unit for you guys, to work with you guys, so we do not only just respond to medical

emergencies, we can respond to riots, anything. We are on the scene if something happens, we can help with crime combating, drug busts, because we know all the drugs, a lot of stuff we want to do.

So, ja, I just hope we win with him.”

So Mr van Wyk is talking about setting up a specialised unit that will not just be medical response, it will also be crime, security, drug busts.

10 **CHAIRPERSON:** You do not have the exact wording somewhere there?

ADV CHASKALSON SC: We have not transcribed these voice notes. Hopefully they will come out in the transcription accurately.

CHAIRPERSON: Yes, yes.

ADV CHASKALSON SC: We can get them transcribed.

CHAIRPERSON: Agh, no, no, no, maybe we should just go ahead. I just had difficulty following everything. Maybe it is just me.

20 **ADV CHASKALSON SC:** On a lot of... [Loss of audio – 0:05:51 to 0:06:57]

CHAIRPERSON: Maybe when the transcript comes out, we should just check if they have been able to capture everything.

ADV CHASKALSON SC: Yes, we certainly will.

CHAIRPERSON: Thank you, thank you.

ADV CHASKALSON SC: And, Chair, for a lot of these voice notes, what we have found is that it sometimes helps to play them twice. Because you hear the voice note once, and then when you know what it is about, when you hear it the second time, certainly for the longer ones.

CHAIRPERSON: Yes, yes, yes.

ADV CHASKALSON SC: So can I suggest that we replay that?

10 **CHAIRPERSON:** Please.

ADV CHASKALSON SC: Because it is quite an important introductory note.

CHAIRPERSON: Yes, thank you.

ADV BALOYI SC: Mr Chaskalson, can you just confirm, the green bar we can see that it is Mr van Wyk, Mike. The white bar, have we confirmed that it is Mr Mkhwanazi?

ADV CHASKALSON SC: We have, yes.

[VOICE NOTE PLAYED BACK]

20 “Yes, it is not Medicross, it is Medicare24, so the letter is wrong. Do you think we are going to win with him? Because I do not know if we are going to win with him, if he will allow us what we want to do. Remember, our aim is to be a specialised unit for you guys, to work with you guys, so

we do not only just respond to medical emergencies, we can respond to riots, anything. We are on the scene if something happens, we can help with crime combating, drug busts, because we know all the drugs, a lot of stuff we want to do.

So, ja, I just hope we win with him.”

So if there are three things that I took from that voice note, the first was that the letter was addressed to the wrong
10 company. It should be Medicare, not Medicross. The second is there was a concern about whether we were going to win with him, which is Chief Mapiyeye and the third was that what Mr van Wyk had in mind was much broader than medical response. It was a specialised unit that was going to be dealing, in addition to medical, with crime response, drug busts.

Mr Mkhwanazi responds immediately in the next chat, which has message time 5.03, which is 7.03. And if we can play that.

20 [VOICE NOTE PLAYED BACK]

“I agree with you, good morning. I agree with you hundred percent. But for now, let us formalise with him, just to meet with him, so that he may feel that he is part of the process. But with him, we are not

going to disclose everything. We will discuss when I am there. I will be around you around 9.30 to 10 o'clock."

So, Mr Mkhwanazi is expressing agreement and saying we need to make Chief Mapiyeye feel like he is part of the process, but we will not disclose everything to him now.

The next stage in this process starts at the footer page 585, where we see a screenshot is sent by Mr Mkhwanazi to Mr van Wyk at message time 6.05 on the 12th of October and it is a screenshot of his exchanges with Chief Mapiyeye and at the foot of the screenshot, towards the bottom of ...[intervenes]

CHAIRPERSON: Are you skipping the other, I do not know if it is a voice note, are you skipping that one deliberately or...?

ADV CHASKALSON SC: Yes, to sort of simplify the narrative I have edited out.

CHAIRPERSON: All right.

ADV CHASKALSON SC: There is a lot that is more of the same, but in the interest of speeding up the process, I am just pulling out highlights. Of course, I mean Mr van Wyk will see the transcript of today's session and if he is of the view that there were important pieces that I missed and that cast a different light on things, he can draw that to our attention. So, at the foot of that screenshot, Mr Mkhwanazi,

who is green, says to Chief Mapiyeye:

“Good morning, Chief. At what time can we confirm our meeting today at Boksburg? We have only confirmed a day, but not times.”

That is the meeting with Medicross and the response is:

“I will come back to you, just waiting for Liesel.”

And underneath the screenshot, Mr Mkhwanazi has said,

10 “Good morning, I hope you are doing well.
I am waiting for him to confirm the times.”

That was on the 12th of October. Two days later, Mr Mkhwanazi forwards to Mr van Wyk a message that someone within EMPD has sent to him, saying:

“Afternoon, Director, please check your email. I have sent the first draft for the MOU between Medicare24 and EMPD.”

20 So there is now work underway on an MOU and, in fact, the draft MOU that ultimately materialises is in the bundle at page 806 and there are several points that I would make in relation to this draft MOU. The first is, it is a highly advanced draft which is already signed by Mr Mkhwanazi, which we see at page 811. So he has signed to say he supports this MOU.

The second point I would make about the MOU is

that this MOU is drafted as an MOU between EMPD and Medicare24, not Medicare24 Tshwane. It is Medicare24 / Anubis Protection Services and Anubis, you will recall, was the security company associated with Mr van Wyk. So this is going to be the MOU with Mr van Wyk's entities and there is a separate MOU that has been drafted for Mr Matlala's entities. We see that at page 813, where there is a draft MOU for Cat VIP. And at 814, there is also Mr Mkhwanazi's signature on that one.

10 **CHAIRPERSON:** But Mr Chaskalson, the one on 806, without mentioning whether it is holdings or Tshwane, can a third party tell which Medicare24 this is?

ADV CHASKALSON SC: A third party cannot, but it is represented by Mr van Wyk. Whereas if we look at 814, we see that the Cat VIP draft is represented by Mr Matlala. It looks like there are two separate MOUs, one for Mr Matlala's entities, one for Mr van Wyk's. But again, I accept that I may be wrong in this regard, but Mr van Wyk can set us straight.

20 The important issue in relation to the content of the Medicare24 MOU, is if we go to 810, we are looking again at an MOU that will go beyond medical care support. So in paragraph 4 at 810, we see:

“Medicare24 / Anubis Protection Services
can assist when needed. All members are

registered with PSIRA and are issued
firearms through our VIP Protection Unit
that are owned by Medicare24 Holdings.”

And the other key issue that will become important is the
last bullet point of this draft at page 811, which says:

“EMPD will assist with the registration of
vehicles under EMPD as official vehicles
and we will be permitted to use blue and
red lights to respond for and on behalf of
10 EMPD. The cost of this will be for
Medicare24 / Anubis.”

So what we see in these MOUs is what has already loomed
large in the proceedings of the Commission. It is this
process by which a private company is trying to put itself in
a position to get blue lights and have access to vehicles
which are part of the EMPD fleet.

And a second process which has not fully been
explored before the Commission yet, which is the attempt to
set up some sort of specialised unit into which Mr Matlala's
20 entities and Mr van Wyk's entities will be able to
participate, which will go beyond healthcare. It will involve
security services performed somehow in the name of EMPD
or in association with EMPD. If we then go back to page
588, on the 21st of October we see shortly after midnight a
message from Mr van Wyk saying sorry, from Mr

Mkhwanazi, message time 00.34, so actual time would be 2.00 in the morning.

“Good morning, Mike. We have been working on the document MOU. I have sent it to you to peruse it. I may come with Germaine so that you touch on issues you think must be included so we proceed with it and other matters to be finalised.”

And then given the hour, Mr Mkhwanazi says:

10 “Permission to sleep.”

Two pages down, on 590, on the 8th of November, Mr van Wyk sends to Mr Mkhwanazi at message time 08.35, top of the page, a mock-up of a card that represents something of a joint venture between Anubis Protection, which is the security company, and EMPD. And it says:

“High risk, close protection, specialised services. For enquiries refer to EMPD, Brigadier JD Mkhwanazi”

20 So he is preparing cards that his members of this planned specialised unit will be able to hand out and the contact point for anyone who wants to query them is Director Mkhwanazi and he follows that message saying:

“Do you think we can do this so long?”

Mr Mkhwanazi says:

“Please guide me.”

And he responds with a voice note which we must now play, which is the voice note at message time 08.37.

[VOICE NOTE PLAYED BACK]

10 “Yes, morning, how are you doing? I hope you had a *lekker* weekend. Ja, I am just trying to get everything in place now, and done, and if we can get somewhere. So this is cards that I see some of the metros are using for people that has a little bit of authority, but we need a letter still to authorise us to use it. It does not make us traffic officers, it just says that we work in conjunction with EMPD. I do not know, if you just want to put your mind maybe around it.”

20 So Mr van Wyk is referring to the cards and he is saying we also need a letter and that letter is going to be a letter from the EMPD saying that these private people are working in association with the EMPD. If we go down to 596, we now start moving towards blue lights as part of this process. And it is the 26th of November and at 16.52 message time Mr van Wyk messages Mr Mkhwanazi and if we can play that message.

[VOICE NOTE PLAYED BACK]

 “Hi Julius, sorry to bother you, I need to

know something. I bought myself a new bakkie because my other bakkie is done now. So they are branding it for me and everything. Would I be able to put blue and red lights in? It will only be ready on Friday. But I do not want to drive with something and then I get arrested for impersonating a police officer. And then I need to register just on the fleet and then
10 just tell me the signs. Can we put EMPD at the back of the bakkie? Will you find out for me please? I will really appreciate it. Thank you.”

Can we just play that again because again it is an important note.

[VOICE NOTE PLAYED BACK]

“Hi Julius, sorry to bother you, I need to know something. I bought myself a new bakkie because my other bakkie is done
20 now. So they are branding it for me and everything. Would I be able to put blue and red lights in? It will only be ready on Friday. But I do not want to drive with something and then I get arrested for impersonating a police officer. And then I

need to register just on the fleet and then just tell me the signs. Can we put EMPD at the back of the bakkie? Will you find out for me please? I will really appreciate it. Thank you.”

So again there are three key points here. Mr van Wyk wants to know if he will be entitled to put blue and red lights on his new bakkie. Now the red lights are neither here nor there because if it is for an emergency services
10 vehicle, you are entitled to display red lights and Medicare24 was a registered emergency care provider. But the blue lights you need some sort of police authority for. And he is saying to Mr Mkhwanazi, can I put blue lights on?

He is also talking about needing to sort something out with the fleet, which we understand to be having the vehicle registered on the EMPD fleet, which in turn will then justify the blue lights. And lastly he wants to know if he can put EMPD branding on the vehicle. And bear in mind this is his own bakkie that he has just purchased. The following
20 day, page 597 at message time 17.32, he sends a follow-up voice note.

[VOICE NOTE PLAYED BACK]

“No, thanks Julius, I appreciate it because my partner is a little bit stressed that if they pull him over, my business partner,

the one that is paying us, so he is more hectic about the fleet story. But I hope you enjoy your honeymoon this weekend and that you guys have fun and enjoy Cape Town and drink a lot of wine and then when you are back, we will make a turn so we can chat a little bit.”

So Mr van Wyk is again coming back in relation to authority for the blue lights because his business partner, and this is
10 not Mr Matlala, this is somebody else, his business partner is anxious about driving around in a vehicle that might get him arrested. The process continues and then still on page 597 on the 1st of December, Mr Mkhwanazi sends a voice note at 14.26.

[VOICE NOTE PLAYED BACK]

“Mike, I have already instructed my team to deal with the policy on what we will be discussing on Friday.”

So Mr Mkhwanazi is saying my team has been instructed to
20 deal with the policy and we understand that policy to be related to the issue of outsiders to the EMPD having their cars registered on the EMPD fleet and having blue lights.

ADV BALOYI SC: Just a question, can I just check this? In that voice note where Mr van Wyk says that my partner is conscientious that he does not drive and get arrested, and

you say it is not Mr Matlala?

ADV CHASKALSON SC: Again, Mr van Wyk will clarify this but I do not understand that to be Mr Matlala. I think in the context of what we see elsewhere in the chats and indeed in an interview that Mr van Wyk gave to ENCA, he was talking about a business partner in Medicare24 Holdings and possibly in Anubis, a man who later passed away shortly, well not shortly thereafter but at a later stage, it is not Mr Matlala.

10 **ADV BALOYI SC:** Okay, all right, no, I ask because I think how this was treated when Commissioner Mkhwanazi testified, it may have been discussed with him on the basis that it is a reference to Mr Matlala, the one who is paying us. I think it was discussed in that way and I just wanted to check whether you see it as a fact that it is not Mr Matlala.

ADV CHASKALSON SC: I cannot say again, it is something that Mr van Wyk can clarify. I believe it is not Mr Matlala and certainly in the ENCA interview, which is a later exhibit as well, Mr van Wyk describes the person as not
20 being Mr Matlala, being somebody else.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: And I think for the record it was put to Commissioner Mkhwanazi that it is Mr Matlala, but he denied that it was Mr Matlala and said he is a business partner. He was even prepared to write a note to us. So...

ADV CHASKALSON SC: We will clarify. We did not have access to the full chat when Commissioner Mkhwanazi was being questioned on these issues.

ADV KHUMALO SC: But the clip was played and he was asked on the very clip.

ADV CHASKALSON SC: At that stage we had a selection of clips, we did not have the full chat. But I think in the context of the full chat, certainly I draw the inference that it is not Mr Matlala. But again, Mr van Wyk knows who he
10 was speaking about and if it was Mr Matlala, he can say so. If it was a different business partner, he can say so. Now, there is a related process that runs through these chats. We are linked to the establishment of this specialised unit.

Mr van Wyk and Commissioner Mkhwanazi are floating the idea of establishing a reserve force for the EMPD, which would then involve private individuals who are not EMPD employees being engaged by the EMPD in some sort of capacity, just like police reservists engage with the SAPS, although they are not SAPS members and we had
20 planned to, there were a couple of presentations that were put together by Mr van Wyk and that appear in YouTube clips that are linked in these chats.

Up until about four or five days ago, the links still worked, but they have been taken down now. I assume Mr van Wyk has access to the original clips that were put onto

YouTube and we can get them in due course, I have no doubt. But until I was preparing yesterday, I did not realise that the links no longer worked. If you go to YouTube, you just get a page that says this video is no longer available. But what appears from those videos is a very developed proposal for the establishment of an EMPD reserve force, like the reserves that SAPS has.

And the first sign that we have of that as an idea growing out of the special force idea appears at that
10 message on the 2nd of December 2021 at the foot of page 597, spilling over onto page 598, where Commissioner Mkhwanazi says:

“Good morning Mike, we are starting with a project of reserve formation.”

And Mr van Wyk responds:

“Please contact me so I know where we stand and hopefully I will be in charge of the reserves, LOL.”

Two days later, Mr van Wyk sends that mock-up on page
20 600, sends that mock-up of the specialised services JV between Anubis and EMPD through to Commissioner Mkhwanazi again. And in response to that, Commissioner Mkhwanazi sends him a message saying:

“Good morning Mike. Kindly prepare, Cwabe will be coming to finalise the issue

of appointment cards today, I have already given him a clue and we will be meeting with our fleet guy this morning so we get directions since the cars have increased and finalised.”

So what this is straddling is ...[intervenes]

CHAIRPERSON: I notice that these are not being flighted.

ADV CHASKALSON SC: Up at the top is the mock-up of the business card and then the message from Commissioner

10 Mkhwanazi:

“Good morning Mike, kindly prepare, Cwabe will be coming to finalise the issue of appointment cards today, I have already given him a clue and we will be meeting with our fleet guy this morning so we get directions since the cars have increased and finalised.”

And there are several issues here. The one is that to arrange blue lights, the vehicles have to be put onto the
20 EMPD fleet. So Commissioner Mkhwanazi seems to be saying:

“I am meeting our fleet guy this morning so we get the directions since the cars have increased and finalised.”

In other words, there are now more cars that need to be put

onto the fleet. Once we finalise that, it will be possible to get blue lights authorised. But separately from that, there is an issue of wanting official appointment cards as officers with some sort of policing authority and the message from Commissioner Mkhwanazi is to say:

“Cwabe will be coming to finalise the issue of appointment cards today, I have given him a clue.”

Mr van Wyk responds to that message:

10 “What must I tell him so that we are on the same page?”

And the response of Commissioner Mkhwanazi is interesting. He says:

“Yes, the appointment should not specify the demarcation and we need it as soon as yesterday. I will also call and remind him again after 8.30 on the issue of adding members to appointment cards.”

20 So what Commissioner Mkhwanazi is saying, is these cards that will be issued to you, that will qualify you to have some or that will represent you as having some policing authority, should not specify the demarcation. In other words, they should not say EMPD. They should just say something about your status. They need it as soon as yesterday, so it is urgent. And the issue of adding members to appointment

cards, you need to speak to him about what happens when you need new people to get cards. And Mr van Wyk says:

“Cool.”

Now we get to something which in our view looks like a bribe that is paid by Mr van Wyk to Commissioner Mkhwanazi in respect of these appointment cards and the authorisation of blue lights and if we go to the foot of page 600, top of 601, Mr van Wyk sends two messages on the 6th of December to Commissioner Mkhwanazi. The first says:

10 “The amount we spoke about is APPT.”

And then he says ‘approved’. So the amount we spoke about is approved. Now in context, we believe that what is being talked about there is an amount of money. But we accept we may be wrong and Mr van Wyk is always able to correct us if we are wrong. There is then an interlude in the chat when Commissioner Mkhwanazi sends a series of photographs about a competitor to Medicare24 that appears to be transporting live ostriches in an ambulance. [Laughter] Sorry. Mr van Wyk at the foot of 603 gives his

20 response and if we go down ...[intervenes]

CHAIRPERSON: Sorry Mr Chaskalson, I waited a little bit and I thought there would be more clarity on what you believe is a bribe. Can you...

ADV CHASKALSON SC: We are going to get to that.

CHAIRPERSON: Are we going to get there?

ADV CHASKALSON SC: We are certainly going to get to that.

CHAIRPERSON: All right, all right.

ADV CHASKALSON SC: So at the foot of 603, and it is quite a long sequence, which is why, I mean I had to start there, but it runs through all the way to 13 December. So 9 December at the foot of 603, there is a voice note sent by Mr van Wyk at 13h00.

CHAIRPERSON: And whilst you are looking, I think these
10 are emus, not ostriches. [Laughter]

ADV CHASKALSON SC: I do not claim any zoological expertise, Chair.

[VOICE NOTE PLAYED BACK]

“Yes, do we know what is going on? Is there any answers maybe on that other story?”

So Mr van Wyk is asking Commissioner Mkhwanazi, are there any answers on that other story? His response is, on top of 604:

20 “Good afternoon my brother, I am finishing this project this afternoon, but I have pushed, we will brief, it has been a busy week.”

“Cool, thanks...”

Says Mr van Wyk;

“...just had hectic pressure on me.”

And then things come to a head on 13th December at page 604. Well, even before we get to 604, to 13 December, if we look at 10 December 747, Commissioner Mkhwanazi forwards to Mr van Wyk a message:

“Saying, good morning madam, yes, but how far are we? I spoke to Mike, we are under pressure, all of us.”

So clearly there is something urgent awaiting that they both
10 need to do, or to get done. And then on the 13th of December, Mr van Wyk sends this voice message to Commissioner Mkhwanazi at 9.45.

[VOICE NOTE PLAYED BACK]

“Hey Julius, good morning, I hope you had a good weekend. I will see if I am going to have a good week, all depending on what you are going to answer me. What, what where are we standing my friend? I need to know, please, please, please, I mean
20 you want to do Christmas shopping, I need to make sure my boss is not in jail for blue lights, so can you please, please just see what we can do?”

So Mr van Wyk is saying, I need to know where we stand, you need to do Christmas shopping. And we are going to

suggest that what that is saying is, you need to get money to do Christmas shopping, I need to know that my boss is not going to be arrested for blue lights. In other words, I need blue lights to be authorised. What then happens is at 15 minutes, 20 minutes later, at message time 4 minutes past 10, he sends a follow-up voice note.

[VOICE NOTE PLAYED BACK]

“Julius, just please answer your video call,
I want to show you something.”

10 So he is asking Commissioner Mkhwanazi to pick up a video call, because he wants to show something to Commissioner Mkhwanazi. The response of Commissioner Mkhwanazi is to send him a PIN, and to say on the following page at 605:

“Hi Mike, I am at the Arrive Alive podium, I
will call you now.”

In other words, I cannot take a video call now, I am at the arrive live podium. Mr van Wyk says:

“Okay.”

And then on page 606, he says:

20 “Can I send you something, but you need
to delete after?”

And Commissioner Mkhwanazi says:

“Sure.”

And then he sends him a video that we have seen already, which is the video at 10.51.

[VOICE NOTE PLAYED BACK]

“Hey Julius, I hope you have a warm day like we have here. You know, it is warm, there is a fan of mine. You know, it is warm, there is a fan of mine is not working so *lekker*. I do not know if it is because it is hard. I am not sure what it is doing. Anyway, I have another one. Let us put this one here and try this one. It is also
10 hard. I am going to spend this fucking money, nè. Please tell me where we are going. Have a *lekker* day.”

The response of Commissioner Mkhwanazi to that video is at the foot of 607, going over to 608. 13 December, he says:

“We will push tomorrow. Well motivated.”

And how we understand those messages is he will push to get the blue lights sorted out tomorrow and Mr van Wyk motivated his case very well with the video.

20 **ADV KHUMALO SC:** It could be casino winnings, Mr Chaskalson. That money could be casino winnings.

ADV CHASKALSON SC: It could indeed.

ADV BALOYI SC: You see how it is in rubber bands.

ADV CHASKALSON SC: It could indeed. But if it was casino winnings, we suggest it was being offered as

something which Commissioner Mkhwanazi could use for his Christmas shopping. The process then continues and at 609, on the 15th of December, Mr van Wyk sends a photograph of what is actually the Cat Security address. He follows that up at 609, 10 with a pin to that address and he explains at the foot of 610 that it is floor 8 Cat Security and he says 7 a.m. Commissioner Mkhwanazi confirms and we are talking at this stage about processes to finalise two separate issues.

10 The one is the organisation of the vehicles so that they will appear on the EMPD fleet and be able to use blue lights. And the second is these appointment cards that will give the appearance that the holders have some sort of policing power. There is an issue in relation to the appointment cards which relates to criminal records because the process of issuing cards to law enforcement authorities involves some sort of criminal record check and we see that manifesting at the foot of page 610 and 611.

 And they have just confirmed the meeting at Cat
20 Security's offices and then at the top of 611, Mr van Wyk says 'who is the' and it should read 'two with the records'. Commissioner Mkhwanazi responds:

 "I am lost."

Mr van Wyk says:

 "Who is the criminal records?"

And then he sends a voice note to amplify. And if we can play that voice note. Sorry, I have jumped ahead of myself there. Mr van Wyk responds to the query about criminal records and says:

“Trinity spoke about two people. The tough guy and the black one guy. Let me confirm with her in the morning, Mike.”

He says:

“Please, I will appreciate it.”

10 And then he sends the voice note.

[VOICE NOTE PLAYED BACK]

“You just maybe cannot just ask her quickly who it is. I know Vusi sorted his problems out, but we might need to look at how we are going to pass that or go around that one. And then the white people, I just cannot put my, who can that be, because I have checked all the guys and did criminal checks on them as well.”

20 [VOICE NOTE PLAYED BACK]

“You just maybe cannot just ask her quickly who it is. I know Vusi sorted his problems out, but we might need to look at how we are going to...”

So if we just go slowly through it, he says can you ask her

to check who it is, because two people who are earmarked for cards, have been flagged with criminal records. He says:

“I know that Vusi sorted out his problem...”

And Vusi is a reference to Mr Matlala. And we are inferring that the problem that Mr Matlala had was that he had been convicted of housebreaking and sentenced to 4 years' imprisonment in 2001, which meant that he should have a criminal record. And that if he sorted out that problem, it
10 was sorted out illegally, because if you are sentenced to a term of imprisonment without the option of a fine, you cannot have your record expunged.

But he then asks to identify who the other... He is assuming it is not Mr Matlala, it is two other people and he is asking for Mr van Wyk to get them identified.

[VOICE NOTE PLAYED BACK]

“...but we might need to look at how we are going to pass that or go around that one. And then the white people, I just cannot put
20 my, who can that be, because I have checked all the guys and did criminal checks on them as well.”

So he does not know who it could be who has come up with a criminal record. What then happens is, on the 16th of December, at page 612, is Commissioner Mkhwanazi sends

Mr van Wyk a letter which is going to confirm the existence of some sort of joint venture arrangement between Medicare24 and Anubis with EMPD and the letter appears at page 612 and it is dated 16 October. It seems to be backdated. And it says:

10 “This letter serves to confirm that the
 EMPD, under the command of Acting
 Deputy Municipal Police Commissioner
 Brigadier JD Mkhwanazi of Specialised
 Services, has an endless working
 relationship with Medicare24 (Pty) Ltd and
 Anubis to assist EMPD officers in any
 security and medical emergency services
 including the COVID-19 pandemic in and
 out of the City of Ekurhuleni. These are
 the following vehicles that we work with...”

20 And there are three vehicles that are listed there and these
 will be vehicles which in due course are fitted with blue
 lights and their registration numbers are given, but it is not
 just their registration numbers, they are register numbers,
 which are numbers on the EMPD fleet register are also put
 there. Mr van Wyk responds to that message on 613 and he
 says:

 “Please keep the rest the same as it is
 right with Medicare24.”

And just to Commissioner Khumalo's point earlier, Medicare24 without Tshwane District is right according to Mr van Wyk on this letter.

“Please just change and add the following for Anubis. Anubis Protection Services...”

So he wants the proper name of Anubis to be there, and then he says:

“VIP Protection and Security.”

And as he will explain in his next message, he wants the
10 letter to say that we do not just provide medical services, the partnership extends to VIP protection and security services too. Commissioner Mkhwanazi responds:

“Anubis is added here please unless we want it separate.”

And then Mr van Wyk spells out what he wants. He says:

“This is what it must say: This letter serves to confirm that the EMPD, under the command of Acting Deputy Municipal Commissioner Brigadier JD Mkhwanazi of
20 Specialised Services, has an endless working relationship and memorandum of understanding with Medicare24 (Pty) Ltd and Anubis Protection Services to assist EMPD officers in any VIP protection, security and medical emergency services,

including the COVID-19 pandemic in and out of the City of Ekurhuleni.”

So he wants this letter to reflect the new, I forget what they called it, specialised service that was being planned. Commissioner Mkhwanazi responds:

“Fully agree my brother, content is super.”

And then on the 16th he says:

“Everyone currently has appointments...”

Says Mr van Wyk, and he says:

10 “...there is no training needed at this point of time.”

Lower down on the 16th, at 12.13 he says:

“Appreciate if you can make those changes and send through.”

There are two different conversations that are being spliced through. So there is still a concern about two guys, and presumably that is going to be the two guys with police records. Mr van Wyk responds to that at the top of 614. He says:

20 “Not needed at this point of time as they do not drive vehicles.”

So we do not need appointment cards for those two, they are not going to be driving vehicles and everything seems to be in order. At the foot of page 615, still on the 16th of December, going over to 616, sorry, before we get to the

foot of page 615, what we see on the main body of 615 is that Mr van Wyk sends through a SAPS clearance certificate certifying that Mr Matlala has no criminal convictions. Now this document, it seems to us, could not lawfully have been issued, because he did have a criminal conviction for housebreaking in 2001, and that was not a conviction that was capable of being expunged.

ADV KHUMALO SC: But the document itself is authentic.

ADV CHASKALSON SC: That we have not checked. We
10 can consult.

ADV KHUMALO SC: Because if it is not authentic, the issue you raise does not arise. So if it is a fraudulent document produced by Mr van Wyk and Mr Matlala, and SAPS has nothing to do with it, then the issue of whether it could be lawfully issued or not falls away.

ADV CHASKALSON SC: I take your point, and we will follow that up. We have the identity of the person who purports to have signed it. Immediately below that certificate, Commissioner Mkhwanazi says:

20 “I will send the correct document when I am
home.”

And that is a reference back to the corrected letter, which will now have the proper name of Anubis Protection Services, and will extend the description of the work that is done together with the EMPD to include security services

and VIP protection. Then, on the 17th of December, at message time 4.57, Commissioner Mkhwanazi says:

“I am still waiting for a response from the National Commissioner, I think he is on holiday, he usually responds fast, like you.”

And it seems that there was some permission that was sought from the National Commissioner. But at 6.24 on the 17th of December, he says:

“I am sending.”

10 Mr van Wyk says:

“Thanks, I will check.”

And he sends his email. And then at message time 6.55 on page 617, Mr van Wyk sends a voice note.

[VOICE NOTE PLAYED BACK]

“Hi Julius, I received your email, but it is not signed, can we just make sure it is signed, please? I cannot use that letter if it is not signed.”

So he is complaining that the letter that has come through
20 is unsigned, he needs a signed letter. It is presumably the letter in the reframed terms that will describe Anubis correctly and refer to the expanded services. Commissioner Mkhwanazi responds by a voice note at 7.04 and he says:

“When I am coming to you, I sign it, I will sign it for you, I am aware, thank you, my

brother.”

And he says I will come and sign it in person at your place. And then at 7.37, Mr van Wyk sends a voice note back saying, essentially saying, can you send the similar letter for Mr Matlala so that you can sign both when you come to me. But we will play that voice note.

[VOICE NOTE PLAYED BACK]

“Probably do you want, agh, hear me, sorry Julius, do you not want to send me Vusi's
10 letter as well so I can print it as well and
then you can sign that and I will see you
now.”

So he is asking for the letter for Mr Matlala's entities to be produced at the same time and then both will be signed together. [Speaker 2]

Going down to page 621, at the top of the page, Commissioner Mkhwanazi sends a message:

“Good day my brother, tomorrow at 9
o'clock we are making appointment cards,
20 please be at Kempton Park.”

So these cards that will describe the holders exercising some police powers are now finally going to be produced. It seems that notwithstanding that promise, the cards were not produced on the 20th of December and because of delays due to the time of year, the process gets picked up again in

January. So at 631, on the 14th of January at message time 6.17, Commissioner Mkhwanazi messages:

“Hi my brother, I am available at any time,
the card guy is waiting for our call, let us
make it Monday.”

Chair, I see we have reached 1 o'clock, my guess is that this total process will not take more than another hour, I do not know how you would like us to proceed, whether we should take a break now or...

10 **CHAIRPERSON:** Let us take the lunch break now and come back at 2.00. Let us adjourn and resume at 2 p.m.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Chair, we had reached page 631 and we were on 14 January where there was a message saying from Commissioner Mkhwanazi:

20 “Hi my brother, I am available at any
time, the card guy is waiting for our call,
let us make Monday.”

Then a series of exchanges which we will, the immediate response which is on the 19th of January is a voice note which we will play now. It is 5782.

VOICE NOTE PLAYED BACK

“Hi, Julius, Mike her. Can we please see

if we can confirm tomorrow morning
quickly just for the appointment cards
early please, I will appreciate it.”

So, Mr Van Wyk is asking for confirmation of the
meeting tomorrow for the appointment cards. If we then go
down to page 639, at the top of 639 it is now the 25th of
January and cards have been issued and Mr Van Wyk is
now going to ask for confirmation that they have been
loaded onto the law enforcement system. That is the voice
10 note at 096, sorry, the voice note at 6 a.m. It turns out we
do not have this voice note available. But the response
from Commissioner Mkhwanazi speaks to it anyway and he
responds to that voice note:

“Hi Mike, you are loaded on a system,
you are just not in as employees, but are
finalizing today with the National Chief
for other national objectives.”

So the message is you are loaded on a system and
we are finalising the details today with the National Chief.
20 If we go all the way down to 14 February this process finally
seems to, or almost, finish.

CHAIRPERSON: Sorry, is the National Chief the National
Commissioner?

ADV CHASKALSON SC: I would think it would be the
National Commissioner.

CHAIRPERSON: All right, all right. Thank you.

ADV CHASKALSON SC: Certainly earlier in the conversations there is a reference to speaking to the National Commissioner who usually responds quickly, says Commissioner Mkhwanazi. Then at the foot of 644 we see on the 14th of February a screenshot sent by Commissioner Mkhwanazi of his chats with an employee, Xolani Mkhwanazi. And if we go down, and this screenshot is being sent to Mr Van Wyk, and Commissioner Mkhwanazi is

10 saying:

“Bafo, can Mike collect the cards tomorrow? Eita. We are willing to fetch it even this afternoon.”

The response comes back:

“Sorry for late response, Bafo, any time, Bafo. Let us make tomorrow at 10 a.m.”

And underneath that:

“Good afternoon Mike, let us make tomorrow morning at 10 a.m.”

20 And we infer from that that at 10 a.m. on the 15th of February these cards were finally collected by Mr Van Wyk. There is one last detail in relation to the cards which is on the 1st of March, we see at page 666. There is a voice note sent by Mr Van Wyk at 07:02 which is actually 09:02 in the morning. If we can play that.

VOICE NOTE PLAYED BACK

“Good morning, Julius ...[indistinct]. Just want to check, what is happening with the national appointments as well? What is going on there, that side? Do we need to do this first before that happens? What, how are we doing that?”

And so, on the 1st of March, Mr Van Wyk was still concerned about national appointments. The response of
10 Commissioner Mkhwanazi in the next message at 07:22 message time on the 1st of March is:

“Good morning, Mike. I was speaking with Kwabe yesterday, we are meeting this week.”

And we do not pick up anything further in the chats relating to these appointments. But what the chats do show in our submission is a process stretching over several months in terms of which Mr Van Wyk and Mr Matlala were able to acquire some form of appointment that would reflect
20 their status as having certain law enforcement, well, some kind of law enforcement status and with that blue lights for their vehicles, and that to get to that process, there appears to have been a fairly substantial cash bribe at least offered to Commissioner Mkhwanazi.

There is more in the chats that we will come back

to between Commissioner Mkhwanazi and Mr Van Wyk, but before we leave the topic of these appointments and the blue lights and the vehicles, I want to take us to certain chats between Mr Matlala and Mr Van Wyk that appear to be relevant in that regard. And for this I need to go back to file 1, and if we can go to page 239 of file 1. And the context for the chats that I am going to take the Commission to now is twofold. The first is the context that we have just been looking at, that there has been a process

10 by which Mr Matlala and Mr Van Wyk have acquired a status which has enabled them to have blue lights fitted to some of their vehicles.

The second is that by March 2025 where we picked up this process, both Mr Matlala and Mr Van Wyk appear to be in financial difficulties and that in part has to do with problems which we have seen elsewhere in securing payment on the SAPS contract. Now on page 239 there is a chat that is sent by Mr Matlala to Mr Van Wyk on the 6th of March of 19:50 and Mr Matlala sends a chat saying:

20 “Ntokozo Motsumi, 7 Viscount Road,
Bedfordview, 2008, Vhazwimi Security
and Protection.”

And the background to that chat is a chat between Mr Matlala and Mr Stephen Motsumi that starts, sorry, just to get the chronology again, those messages get sent to Mr

Van Wyk at 19:50 on the 6th of the 3rd. If we go to page 867, at the foot of 867, you see there are a series of calls from Mr Matlala to Mr Motsumi and at the end of that at 19:24 on the 6th of March, Mr Matlala says:

“Please send me the address and the name of the person in charge of your company. My CEO needs to prepare the letter first thing in the morning.”

Over the page Mr Motsumi says:

10 “Oh, sorry let me do it now.”

And then he gives the name of Ntokozo Motsumi, 7 Viscount Road, Bedfordview, 2008. And that is the message that is then forwarded to Mr Van Wyk at 19:50 on page 239. Now the significance of that message emerges a little later and if we go to page 244 we see that on the 7th, that is the following day at 13:54, Mr Matlala messages Mr Van Wyk saying:

“You forgot the old man's letter.”

20 There are then a series of calls and at the foot of page 244 going over to 245, Mr Van Wyk forwards a document which has the file name 07032025 MVW EMS Vehicles. That document that is forwarded appears at page 854 and what that letter says is, it is a to whom it may concern letter. It is from Mr Van Wyk and it says:

“With this letter I, Mike Van Wyk, in my position as

CEO of Medicare24 Tshwane District (Pty) Ltd advise that Ntokozo Motsumi from the below organisation has our permission and mandate to register and operate all our emergency response vehicles throughout South Africa.”

And the company and address of Ntokozo Motsumi is given as Vhazwimi Security and Protection.

“Should you have any questions with regard to this mandate, please feel free to contact us.”

10

Now what this letter is doing is essentially making the fleet of Medicare24 Tshwane District available to Vhazwimi Security and Protection for use. We need to find out from Mr Van Wyk if that fleet is the fleet with blue lights on it, because one of the attractions of that fleet to anyone involved in security would appear to be the fact that, well may well be the fact that it has blue lights. The broader context for why Medicare24 is giving access to its vehicles to Mr Motsumi's company appears again in the chats and there we see that on page 444, which is file 2 ...[intervenes].

20

ADV KHUMALO SC: Mr Chaskalson, before we go there, you see this letter is the reason why earlier this morning I was confused because everything that Mr Van Wyk was doing with Mkhwanazi, with Commissioner Mkhwanazi in

relation to the issue of vehicles it was not clear to me whether it was for Holdings or for Tshwane24, Tshwane (Pty) Ltd.

Now looking at this letter I am even more confused. I take your point. I think, I mean this is a question on which we will seek clarity from Mr Van Wyk but part of the answer may well lie in the chronology because the negotiations at the beginning were taking place in 2001, 2002.

What is happening now is 2005, three years later
10 and the arrangements in relation to the franchise agreement may well have evolved over those three years but the short answer is I cannot answer that question to you. The earlier negotiations were definitely in two parts. There were certain letters that were going to be signed for Mr Van Wyk and his entities. Anubis for instance has nothing to do with Mr Matlala to the best of our knowledge.

There were others for Mr Matlala. What has happened by the time we get to 2025, we are not sure. But what does happen in 2020, in April 2025 is that a loan
20 agreement is concluded between Mr Motsumi and Medicare24. That document is sent by Mr Matlala to Mr Van Wyk on the 23rd of April 16:24 and we see that at page 444, and ...[intervenes].

ADV BALOYI SC: According to this it is Tshwane, Medicare Tshwane.

ADV CHASKALSON SC: Indeed. No, this is definitely Medicare Tshwane, because this is the company that is engaged in SAPS contract and is in financial difficulties, yes.

ADV BALOYI SC: Yes.

ADV CHASKALSON SC: The earlier issue is whether that company has access to blue lights or not in 2025. That loan agreement in draft form appears at page 850 and the terms of that loan are that Mr Motsumi is going to advance
10 R20 million to Medicare24 Tshwane on or before 27 April 2025, and the repayments we see in paragraph 3.1 are going to be in monthly instalments paid to the lender via electronic banking transfers calculated at 20% of the monthly nett profit of Medicare24 Tshwane District.

“The lender shall be entitled to such repayments until July 2027, alternatively until such time as the lender has received the sum of R100 million in profit, whichever comes first.”

20 So this is a variation on the agreement that Mr Carrim told us he had with Medicare where the terms of repayment are structured in accordance with the financial wellbeing of Medicare24. So it is somewhere between a loan and an equity investment in the company. If we see what happens further in relation to that draft, if we go to

873 we see that that draft is forwarded to Mr Motsumi at 19:24 on the same day as it was forwarded to Mr Van Wyk.

So it was forwarded at 16:24 to Mr Van Wyk. Sorry, it was not forwarded at 16:24 to Mr Van Wyk. It came from Mr Van Wyk to Mr Matlala at 16:24. That is page 443 and it is forwarded by Mr Matlala to Mr Motsumi at 19:24.

And later the same day on the, sorry, not the same day, on the 25th of April, if we go down to page 874, Mr
10 Matlala says:

“I am sending acknowledgement of debt
from Chairperson of the board soon.”

And at 16:25 he sends an acknowledgement of debt and that exchange with Mr Motsumi is reproduced in a screenshot that Mr Matlala sends to Mr Van Wyk at pages 455 and 456 and that the screenshot is sent 14:05 where the message:

“I am sending acknowledgement of debt
from Chairperson of the board soon.”

20 It was sent at 14:04 to Mr Motsumi, appears at the bottom of the screenshot. Mr Van Wyk says he is confused. There is then a call and then the acknowledgement of debt is sent by Mr Van Wyk it seems in two drafts or in two versions at page 456 at 15:23 and then thereafter at page 457 at 15:49.

That acknowledgement of debt appears at page 847 and it is in the name of Tsakani Matlala who describes herself as Chairman of the board of directors for Medicare24 Tshwane and duly authorised to sign on behalf of the company and it reflects a debt of 20 million arising out of a business loan from Mr Motsumi, reflects the same terms of repayment as we saw in the contract, the loan agreement, and at the foot of page 849 it is signed by Tsakani Matlala on the 25th of April.

10 **ADV BALOYI SC:** What page number?

ADV CHASKALSON SC: 849 is the signature.

ADV BALOYI SC: Okay, my copy does not have Tsakani's name and signatures, if I am at the right page. My 849 ...[intervenes].

ADV CHASKALSON SC: Is it a redacted version?

ADV BALOYI SC: It is a clean copy.

ADV KHUMALO SC: 851.

ADV BALOYI SC: No. Hold on, hold on. Ja, no.

ADV CHASKALSON SC: It is 853 I am told. I have got
20 incorrect pagination on mine. 853.

ADV BALOYI SC: 853. Acknowledgement of debts, that is at 851. And then 853, okay, hold on, Mr Chaskalson.

ADV KHUMALO SC: Mr Chaskalson, there are two documents. One is the memorandum of agreement and the other one is the acknowledgement of debt.

ADV CHASKALSON SC: Yes, I think I have them in my pagination switched around, but the acknowledgement of debt on the third page of the acknowledgement of debt is the signature of Tsakani.

ADV BALOYI SC: Yes, I have that at 853.

ADV CHASKALSON SC: Then the references that I gave you for the loan agreement are three pages out. That sequence ends at 15:23. No, I am sorry, I have lost my reference again, but the acknowledgement of debt is sent
10 to, from Mr Matlala to Mr Motsumi at 16:25 and that is at the foot of page 874. That document that is sent at 16:25 is the signed acknowledgement of debt and so what we see and what we would be interested to hear from Mr Van Wyk on is an arrangement in terms of which Mr Motsumi in his personal capacity is advancing R20 million to Medicare24 Tshwane District in late April 2025 and that in return, in addition to agreeing to repay the amount out of profit up to an amount of R100,000.00, R100 million, Medicare24 is also signing over authority over all of its vehicles to Mr
20 Motsumi's security company, Vhazwimi Security. If we go back then to the chats between Mr ...[intervenes].

ADV KHUMALO SC: Are you leaving the issue of the loan?

ADV CHASKALSON SC: Of the?

ADV KHUMALO SC: Of the loan.

ADV CHASKALSON SC: We are leaving the issue of the

loan.

ADV KHUMALO SC: I am also interested to, I do not know if we can link that to my recollection of Sergeant Nkosi's evidence, was that the reason why he shared the internal audit, the SAPS internal audit with Mr Motsumi was because Mr Motsumi had lent or advanced funds to Mr Matlala for the purposes of this contract. So Mr Motsumi had interest in this contract for that reason and that is why Sergeant Nkosi needed to share that audit with him. So I am
10 wondering if this is the same loan or it is unrelated.

ADV CHASKALSON SC: In fact, Sergeant Nkosi shares that document before this loan is concluded.

ADV KHUMALO SC: Before.

ADV CHASKALSON SC: But when we get to the financial flows, Mr Motsumi is advancing, well Mr Matlala is repaying Mr Motsumi before this loan agreement is concluded. So we infer that there is ...[intervenes].

ADV KHUMALO SC: An earlier ...[intervenes].

ADV CHASKALSON SC: An earlier arrangement in relation
20 to some funds that have been advanced from Mr Motsumi to Mr Matlala.

ADV KHUMALO SC: Thank you.

ADV CHASKALSON SC: We were taken to this set of chats just because it is certainly our *prima facie* view that they are linked to the blue lights and the fleet registration of

the vehicles, but going back to the chats with Commissioner Mkhwanazi, there are other issues which we want to draw to the attention of the Commission and the first relates to a venture which we suspect did not ever materialise but which was going to be a joint venture in relation to an anti-hijacking unit and for that we need to go to page 672. And in fact, if we can start with 671.

And at 671, Commissioner Mkhwanazi forwards to Mr Van Wyk a post by a company called Makopano, which is
10 a 24/7 armed reaction company, advertising a success that they have achieved in recovering stolen hijacked stock. And underneath that, Commissioner Mkhwanazi writes at 08:54:

“They did not do shit, stood outside talking shit while we counted stock and had to suffocate with burning plastic fumes.”

Then underneath he writes, and this is significant:

“Good morning. It is truck hijackings.
20 Security companies are charging 10% of what is being recovered. Please consider it. I will tell on how to deal with the matter.”

So, Commissioner Mkhwanazi is alerting Mr Van Wyk to the fact that some security companies are able to

receive payouts of 10% on the stock that they recover from hijackings. Lower down, he says, sorry, the immediate next message he explains is from my team, and he says:

“Good morning my brother. The industry has huge money. I have established a team now that deals with this.”

And Mr Van Wyk then says, in a voice note at 08:57, essentially that he wants to be involved.

VOICE NOTE PLAYED BACK

10 “So, Julius, how can we get involved?
How can my team get involved with this?
I mean, we can make nice deals here.”

ADV CHASKALSON SC: So he says, how can we get involved? How can my team get involved here? We can make nice deals here. The response of Mr Mkhwanazi is:

“I will establish a team of brand owners, EMPD and you. That is where we will be getting information about hijacked trucks, robbed stock.”

20 Mr Van Wyk says:

“Cool. So we need to start putting stuff together.”

And the response of Commissioner Mkhwanazi:

“Eish, my brother, we have tools, only need two marked vehicles. I know you

are registered at Psira.”

So it seems that what is being contemplated here is an arrangement in terms of which Mr Mkhwanazi and Mr Van Wyk will collaborate so that Mr Van Wyk gets tip-offs from EMPD about where hijacked trucks may be and then there will be a 10% reward for recovered stock, which presumably is going to be shared.

And this process continues. If we go to page 695, and Mr Van Wyk sends a voice note at the top of that page
10 on the morning of 18 July.

VOTE NOTE PLAYED BACK

“Morning, Julius. I just want to find out if we can meet one other time in this week so we can finalise and see how we can get involved with the specialised units. So I can speak to Vusi. As we spoke on Friday we can get vehicles and stuff. If you can just let me know, and then what vehicles would you suggest we use? I
20 can tell him as well, please, so we can get this on the move. And then maybe that can help with the uniforms and the badges and everything, and it is going to help Vusi as well. So, ja, I will appreciate it. Thanks.”

So he is talking about badges and uniforms for this specialised unit that they are talking about. And then at page 698, on the 24th of July, a week later ...[intervenes].

CHAIRPERSON: Oh, a week later. Oh, I was going to say, please always mention the year. Thank you.

ADV CHASKALSON SC: We are in 2022 at this stage. And at 698, Mr Mkhwanazi sends him a message at, message top of the page, message time 5:44.

10 “You are added at group. Please confirm. This is where hijackings are followed and monitored.”

So, Commissioner Mkhwanazi has added Mr Van Wyk to a group which will be monitoring hijackings.

ADV BALOYI SC: You are getting it wrong, Mr Chaskalson. He is asking are you added, not you are added.

20 **ADV CHASKALSON SC:** Yes, thank you for that correction. And in fact, the other chats bear it out, are you added at group, please confirm. This is where hijackings are followed and monitored. So he is seeking for confirmation. If we go down to message time 5:48 on the same page, still 24 July, Commissioner Mkhwanazi again asks for confirmation. He says:

 “Please confirm the group addition.”

So he wants Mr Van Wyk to confirm that he has

received this invitation to a group that monitors hijackings. Mr Van Wyk has not and we see that at, over the page at message time 06:04, where he says:

“Have not received the group.”

And the response of Commissioner Mkhwanazi is then to send a message to the group asking for Mr Van Wyk to be joined and we see that in the screenshot on page 702, which is a screenshot taken by Commissioner Mkhwanazi and it reflects a message where he says:

10 “Good morning. This is Brigadier
Mkhwanazi, EMPD. Kindly add Mike to
the groups.”

And he gives Mr Van Wyk's contact details to be added to the group. We do not see anything more in the chats in relation to this group, but the plan seems to have been for a joint venture between Mr Van Wyk's entities and either the EMPD or Mr Mkhwanazi in a personal capacity, so Mr Van Wyk's entities would get advance notice of where hijacked cargos were and would be best placed to recover
20 stolen cargos and get the rewards.

There is another issue in which the sort of blurring between Mr Van Wyk's private enterprises and the EMPD is worth flagging and for that we need to go to page 685. And here what Mr Van Wyk will ask for is a letter on an EMPD letterhead saying that his companies are in a joint venture

with EMPD and he needs it because he wants to, or he not wants to, he has purchased weapons of a nature that he cannot get licensed without a letter of that nature. And so if we play that voice note at 30 May 2022 at 09:24. We are struggling with that.

VOICE NOTE PLAYED BACK

10 “Hi, Julius, brother. I hope you had a
 lekker weekend and a good one. I am
 just waiting for, what is her name,
 Jasmyn, just to come see me. She made
 an appointment so when she is here I will
 tell her what is going on and then we are
 going to start with training. So I just
 want to know where we are standing, but
 I need urgently a letter from you, please,
 on an EMPD letterhead. I bought more
 firearms for the company. Just state that
 we are involved with you guys, busy with
 JV, and that we assist you with special
20 operations, so I can just get the other
 firearm licenses quickly with your
 motivation. I will really appreciate it if
 you can, please. Thanks.”

So he is specifically asking for a letter saying that they are involved in specialized operations with the EMPD

so he can get firearm licenses for firearms he has already bought.

VOICE NOTE PLAYED BACK

10 “Hi, Julius, brother. I hope you had a
 lekker weekend and a good one. I am
 just waiting for, what is her name,
 Jasmyn, just to come see me. She made
 an appointment so when she is here I will
 tell her what is going on and then we are
20 going to start with training. So I just
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 firearms for the company. Just state that
 we are involved with you guys, busy with
 JV, and that we assist you with special
 operations, so I can just get the other
 firearm licenses quickly with your
 motivation. I will really appreciate it if
20 you can, please. Thanks.”

And then he follows that up with more details he wants in the letter. That is the next voice note at the top of page 686.

VOICE NOTE PLAYED BACK

“And if you can just say that we are

registered as peace officers or something, I do not know, whatever, so it just makes it better.”

And so to enhance the strength of the letter he wants a reference to the fact that they are registered as peace officers. Now, all of these favours that Commissioner Mkhwanazi is being asked to provide and in many cases is providing to Mr Matlala and to Mr Van Wyk, we submit look like favours for which gratifications are paid.

10 And we have already referred to the video with the R100.00’s bundle being used as a fan. But if we look at the bank statements of Commissioner Mkhwanazi, we see several other payments and the first one is on page 803. And the statements we are looking at here are a current account of Commissioner Mkhwanazi. At 803 on the 5th of May, there is a payment of R20,000.00 which comes with a reference Matlala. That amount was paid from the accounts of Cat VIP, Cat Protection and Security and we see that at page 821. And you will see that on 5 May there is a
20 R20,000.00 payment with the same reference, Matlala.

Then on the 10th of December 2022, we see on page 805 that there is another R30,000.00 payment into the account of Commissioner Mkhwanazi with the reference Matlala. It is page 805 and 10 December 2022. And that R30,000.00 payment comes from a different company of Mr

Matlala, Black AK Trading, that we had seen in another context. I think that was the company that paid amounts to Brigadier Matjeng. And at page 828 we see that R30,000.00 payment on 10 December also with the reference, Matlala.

Then there is a payment which seems to be linked to a conversation between Commissioner Mkhwanazi and Mr Van Wyk, because if we go to page 686, we see that on the 17th of June 2022 at message time 05:36, Commissioner
10 Mkhwanazi messages Mr Van Wyk saying:

“Good morning, Mike. Poverty is dealing
with me. I am home.”

And after Commissioner Mkhwanazi complains about his poverty to Mr Van Wyk on the 17th of June, on the 18th of June a R20,000.00 payment is made into his account with the reference Matlala, and that is at page 804 and that payment comes out of the Medicare Tshwane bank account and the statement reference there is page 826. And 18th of June there is a R20,000.00 payment with the reference,
20 Matlala. There are in fact two R20,000.00 payments on that day, but the one of them has the reference Matlala that we see on the corresponding reference in Commissioner Mkhwanazi's accounts.

Chair, those were the issues that we wanted to highlight in these chats and documents. We accept that a

lot of what we are doing here is reasoning from, are inference from documents and that our inferences may have been mistakenly drawn but we submit that they are most likely inferences. If we have got anything wrong we would invite Mr Van Wyk to respond on affidavit in terms of the postponement, the agreement embodied in the postponement application ruling.

And if we, obviously if we accept his responses on affidavit there will be no need for him to come back. But if
10 we want to interrogate any of them we will ask for him to be accommodated at some stage in our calendar going forward.

CHAIRPERSON: Thank you, Mr Chaskalson.

ADV BALOYI SC: I think on inferences to be drawn, you, and I am thinking about the earlier, where we started with these WhatsApp messages, including the ones disputed by Mr Van Wyk, and the one that jumps up is the one where he says that is a casino bag, obviously that is money. Is the idea that with each set of WhatsApp messages, for example the money messages, you say this is the inference that we
20 are going to draw, or if you do not speak to it, for example the casino bag, what he says is a casino bag, what will you be asking the Commission to make of that, of inferences to draw, or is it a case of if you have not spoken to it now at the end of your presentation, if you do not flag a particular set or transaction that is on WhatsApp, and you do not

indicate what inferences you are going to ask to be drawn from that, that Ms Du Plessis can accept that there is no issue there, there is nothing for Mr Van Wyk to answer to. I raise this to, in anticipation that when we do eventually deliberate, we will have to deal with what in fact was put up, even in his absence, for him to compel him, to feel he is compelled to come and answer. I am trying to address that question.

ADV CHASKALSON SC: Well, can I suggest a way
10 forward, that within the next 48 hours we draw up a comprehensive list of inferences after we have seen the transcript and have identified what we have already put in issue in the transcript. We will draw up a comprehensive list of inferences that we will be asking the Commission to draw from these chats in the absence of Mr Van Wyk, and that we provide that to Ms Du Plessis, and that she and Mr Van Wyk can consider that in deciding whether or not to respond on affidavit, and what to address in response on affidavit. Can I ask, actually not for, can I ask for three
20 days, to do it by close of business Thursday?

CHAIRPERSON: That is in order, Mr Chaskalson.

ADV BALOYI SC: Second question. It is something that you did not touch on, and I ask because on the face of it, it looks like something that we would, that would fall or would be covered by the terms of reference on the face of it.

There is, sorry, I had flagged it. I think there is two or three exchanges that speaks to an MMC, contacts with MMC, and somewhere a name is given of a PA, of an MMC. The question is, is that something that you have looked at, or that is going to be looked at, or have you formed a view about what it might be?

ADV CHASKALSON SC: What we, it is something that we would certainly have canvassed with Mr Van Wyk. What appears from the chats is that there was an attempt by Mr
10 Van Wyk and Mr Mkhwanazi to get the MEC for Safety and Security or Municipal Policing, whatever the description was, on board with this idea of a specialised unit that could work alongside EMPD, but that never materialised. We certainly, from the chats themselves, we cannot draw any inferences in relation to that MEC. In fact, from the chats themselves, it seems that the MEC was not interested.

ADV BALOYI SC: Thank you. Thank you, Chair.

ADV CHASKALSON SC: MMC, not MEC.

CHAIRPERSON: Do you wish to say anything, Ms Du
20 Plessis?

MS DU PLESSIS: Chairperson, thank you very much. I have listened carefully to the proceedings, made notes and the list of inferences would just make it a lot easier to respond comprehensively, to do so together with the transcriptions and voice notes which I have canvassed with

my colleagues, to do so on or before the 6th of July.

CHAIRPERSON: Thank you, thank you. Nothing else on the table for today?

ADV CHASKALSON SC: Not for today.

CHAIRPERSON: Thank you. Let us adjourn and resume at 9:30 tomorrow.

ADV CHASKALSON SC: Thank you, Chair.

CHAIRPERSON: Let us adjourn.

INQUIRY POSTPONED TO 23 JUNE 2026

10 **INQUIRY ADJOURNS**

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