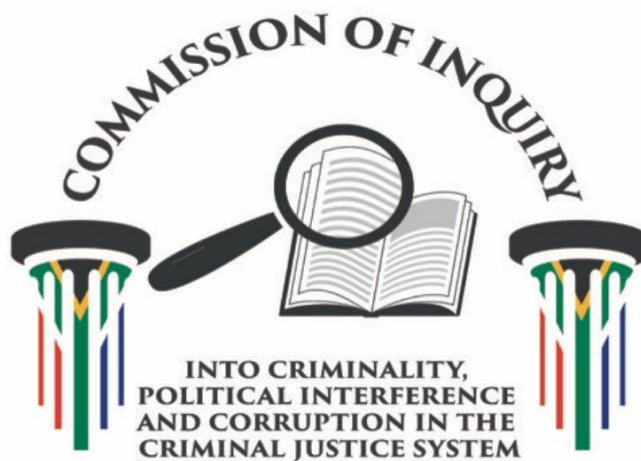


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

10 JULY 2026

DAY 137



PROCEEDINGS HELD ON 10 JULY 2026

ADV SELLO SC: Good morning, Chair. Good morning, Commissioners. Commissioners, today we start a new stream, but before we do so, there is before you two applications in respect of two witnesses for their testimony to be had *in partial camera*. In anticipation of the order, the respective orders being granted, we have taken the liberty of naming one Witness N and Witness O. And we are just simply following the order of the witnesses thus far *in*
10 *camera*. I will start with the first witness, which is the Witness N *in camera* application.

You should have before you two bundles, one for Witness N and the other for Witness O. Please do not look at the spine. I learned that it is mislabelled as statement, but it is actually the *in camera* application. It should be the only two files before you. Now, if you turn our attention to Witness N's application, at the get-go, I must disclose to you, Commissioners, that the application was served out of the prescribed time period and we start by asking for
20 condonation for the late filing of the application.

It was filed, as I understand, yesterday morning, eventually, scheduled for Wednesday evening, but for reasons that are not immediately necessary for the moment, it was filed yesterday morning. It was duly received by the press, and there has been no indication of any opposition to

the application. So, first and foremost, we would like to apply for condonation. The basis for the late file ...[intervenes]

CHAIRPERSON: Sorry, please repeat what you are saying about the evening? Because you say service was in the morning and then you said something about ...[intervenes]

ADV SELLO SC: I said it had been due for service Wednesday evening.

CHAIRPERSON: Oh, I see.

10 **ADV SELLO SC:** And actually the service was effected only yesterday morning. So, there are different reasons for the late service of these respective applications. In respect of Witness N, the witness was scheduled to testify in person. If then I may turn to the actual affidavit to explain the circumstances that led to this application being moved and for that purpose, I would like to refer you to page 5, from paragraph 5.

20 “This witness is a female, adult female, and member of the PKTT team currently deployed in the Eastern Cape to investigate matters relating to the University of Fort Hare.”

So, that is her main assignment, and that is where she has been.

“During the course of investigations,

through an intermediary, she was approached and informed of a complaint from members of the public relating to a specific senior investigator at IDAC in the Eastern Cape. She was approached because of the trust reposed in members of the investigating team in the Fort Hare matter. She took the matter up and investigated and concluded that the concerns expressed, warranted further investigations.

10

She registered an inquiry and proceeded with the investigations. Her challenge now becomes, because she is part of a bigger team investigating a much broader issue, the Fort Hare issues, the disclosure of her identity, both physical in terms of her pictures and images, and her name, risks the inadvertent disclosure of her team members in the entire Fort Hare investigation. Their success thus far is based in large part on the fact that they are “anonymous”, and they are able to access the community, and those who want to provide evidence in so far as Fort Hare is

20

concerned, are comfortable to approach them and be seen with them.

She, as part of the investigating team, is protected by members of the NIU and TRT and is always in their company. The disclosure of her face and her identity will by definition extend to the members of her protection team. That would require the PKTT to replace almost the entire team that has been seen in her presence and reconstitute the team for the purposes of the Fort Hare investigations. Her employers expressed serious concerns with that and their unintended impact on the original investigation for which she is tasked and requested whether her identity could be withheld, but her testimony in no way will it be curtailed by these issues.

So the application is that she testify virtually, remotely, her voice will not be distorted, her name will be withheld, and her images will not be distributed.”

And that is the application in so far as Witness N is concerned, Chair.

CHAIRPERSON: Paragraph 6, having said everything that

you have said, do you think paragraph 6 is necessary? Of the notice of application or the notice of...

ADV SELLO SC: Of the notice or of the affidavit, Chair?

CHAIRPERSON: Of the notice, of the notice, even 7, even 7.

ADV SELLO SC: I agree with you, it is overly broad, it defeats the very purpose of the application being made now. Her testimony is not subject to any non-disclosure and her transcript would be freely available as any other,
10 except under the, you know, the new name of Witness N.

CHAIRPERSON: It seems, it seems...

ADV SELLO SC: Absolutely, Chair.

CHAIRPERSON: You simply used a precedent, I assume.

ADV SELLO SC: Ja, that is the risk of precedence, huh?

CHAIRPERSON: Yes.

ADV SELLO SC: And judging by what the Chair says, that must be a problem that afflicts the next application, but we will deal with it at the time, when the time comes.

ADV KHUMALO SC: I take it you will report yourself then?

20 **ADV SELLO SC:** For... I am happy to report myself, Commissioner, as long as I know what for, misconduct.

CHAIRPERSON: I will do as I always do in these applications, I am not going to rattle off what you have in the notice of application, I will just say the application is granted, and then you will furnish me with a draft order for

me to have a look at, and then the Commission Secretary will sign it.

ADV SELLO SC: As I understand, a draft order has been presented, it should be in your bundle.

CHAIRPERSON: Let us finalise all of that at a later stage.

ADV SELLO SC: As soon as I have disposal of both applications, we shall make the respective...

CHAIRPERSON: For your present purposes, application granted.

10 **ADV SELLO SC:** I am indebted to the Chair.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you. The next application then is in respect of Witness O, following the order of things.

20 "Today, the Commissioners will actually hear evidence from four witnesses. Three witnesses cover the same issues, but they play different roles. The application the Chair has just granted in respect of Witness N is a separate issue, now we are left with the other three.

Of the three, two will be present in the auditorium to testify. These are investigators into an issue that had arisen some time back, but their investigations were triggered by a whistle-blower. So

effectively, the facts they relied upon to initiate the investigation are for your purposes, we concluded hearsay. The original whistle-blower is prepared to testify to confirm the correctness of the reports she had made to the investigators, and any documentary evidence she may have given in support of her report.

10 That whistle-blower, however, is a member of SAPS, is currently in service, and has got serious personal concerns. One is she was eventually persuaded to report the matter, but only as a whistle-blower, to enjoy the benefit of anonymity while shedding light on the concerns there may be. Her disclosure was then initiated in terms of the Protected Disclosures Act, and her name has not been circulated or published in any manner.

20 She would like to Commission to provide the necessary evidence, but would prefer that the anonymity extends. Since she reported the matter, she has had no negative reaction from, in particular, her seniors and her colleagues within the

SAPS environment. She fears that if her identity is now disclosed, she may suffer pushback and some level of occupational detriment, including intimidation or any other that may eventually affect her employment.

10 Her request is for the Commission to extend the protection afforded her by the Protected Disclosures Act, and as a whistle-blower, and not require her to disclose either her name or her physical identity and it is on that basis that she moves the application for an *in camera*. If the Commissioners are inclined to grant it, the idea is that she, as with Witness N, will be testifying virtually, remotely, her voice will not be distorted.

20 It is accepted that those people who are impacted by her evidence will know who she is, and that has always been the case, even during the stage of investigation. But the broader SAPS community does not know who she is, and that is what she is quite desirous to retain and that is the sole basis for why she is *in camera*.

She will take any questions that the Commissioners may have for her, particularly because the investigators significantly relied on her own documentation and report, as long as the questions do not run the risk of disclosing her identity within the SAPS environment.”

That is the second application and the basis for moving it, and equally it is partial *in camera*, and she is scheduled, I
10 think, sometime today in the afternoon.

CHAIRPERSON: I did not hear you apply for condonation.
Must I assume that service was late?

ADV SELLO SC: Service was late, and if the Chair has regard to the notice of motion, once again we are applying for condonation.

CHAIRPERSON: I do see it signed 9 July.

ADV SELLO SC: Yes, thank you for bringing it to my attention. Yes, the late delivery of this particular application was a delay in determining whether or not her
20 evidence is wholly necessary before this Commission, or whether it is sufficient for the investigators to run with the whistle-blower report she had made. Some issues for clarification became apparent, and neither investigator could speak to those issues.

She was quite reluctant to place herself on this

platform, and it took some persuasion, and I think she was only the day before yesterday, or yesterday, finally persuaded with the necessary level of support to present herself before you. So, this is a sort of a late determination to present this witness, but now we find ourselves in a position where her presentation of her testimony has got this attended difficulties. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Sello.

ADV BALOYI SC: Ms Sello, if you would perhaps just
10 clarify where you speak about persuasion, that she was persuaded. It is capable of an understanding that you may, or the Commission may have gone out fishing for a witness to come and testify. If you could just explain that.

ADV SELLO SC: Yes, indeed. No, no, no. Thank you, Commissioner Baloyi. To the contrary, the evidence leaders worked with the investigators. They have got their docket relating to that particular investigation, but the underlying cause of investigation was the whistle-blower's report. The report is available, as I understand it, but there
20 are certain issues around the events on which she blew the whistle that would require engagement with her, and it became necessary to consult with her.

The consultation itself was not an issue to clarify. The question that arose was, in light of some facts not contained in the original report, can the investigators

purport to give clarity on that? And it was determined that perhaps her appearance before yourselves would serve to clarify all factual issues surrounding the incident, and therefore enable the investigators to act in the manner they did. The persuasion was in relation to her giving clarity directly to the Commission, because that required that she appear.

Does she stand by her report? Absolutely. Does she stand by everything the investigators did? At her
10 instance, she does. She was just interested in retaining the anonymity and not be known that she was the instigator of the entire investigation. As I indicated, both investigators would, in essence, if they speak to some fact that they learned from her through engagement and consultations, which they did, but that is not reflected in the original report she made, would basically be testifying on the basis of hearsay.

To cure that, it was considered that if she avails herself to deal with all material facts around that issue,
20 then any hearsay that would have been testified to by either investigator, would be cured by her own appearance. So persuasion was not because she was hunted down or sought by the evidence leaders. Her identity, her name, and her report was always available. It was a question of how are those presented to the Commission. Thank you.

ADV BALOYI SC: Thank you.

CHAIRPERSON: So it was more an issue of how anonymity would be maintained.

ADV SELLO SC: Indeed, indeed, Chair.

CHAIRPERSON: That is all.

ADV SELLO SC: That is all.

CHAIRPERSON: No reluctance at all with regards to the content of the testimony. There she was prepared to testify.

10 **ADV SELLO SC:** Yes.

CHAIRPERSON: But how do you make sure that my identity will not be disclosed?

ADV SELLO SC: And that is the only basis, as I say, for which she moves the application.

CHAIRPERSON: Thank you. Thank you.

ADV KHUMALO SC: I wanted to add, Advocate Sello, that she was willing to give the statement, the issue of anonymity related to her appearance.

20 **ADV SELLO SC:** Was she willing to give a statement to the Commission? She could have given a statement to the Commission, but then she would have still had to be a Witness O or some witness. And the question was if she is willing to give a statement, questions arise in the course of presenting the statement and we thought the Commission would best be served by her being available to clarify some

questions.

The benefit we would not have if she just submitted a statement. Because, as I say, the original report she made is in the docket. And she would have made a statement more or less along the same lines. So the issue was if she could avail herself to provide any clarity that the Commissioners may require. And once again, on the basis of anonymity.

CHAIRPERSON: The earlier comment with regard to 6 and
10 7 applies here.

ADV SELLO SC: As I had said, yes, Chair.

CHAIRPERSON: Yes.

ADV SELLO SC: Thank you.

CHAIRPERSON: I will do what I did with the first application, which is merely to say the application is granted. You will attend to the content, the full content.

ADV SELLO SC: Definitely, we shall do so shortly, Chair.
I am indebted to the Commissioners. Commissioners, we are ready then to start with our first witness. Maybe if we
20 get two, three minutes to settle down, to bring the witness in, and we should be ready.

CHAIRPERSON: We will stand outside. Let us adjourn.

ADV SELLO SC: Thank you.

CHAIRPERSON: It is not necessarily three minutes. We will come back when we are told to.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Who is leading in this one?

ADV SEGEELS-NCUBE: It is me, Chair.

CHAIRPERSON: Good morning, Ms Segeels-Ncube. Good morning, Colonel Roelofse.

COL ROELOFSE: Good morning, Commissioner.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Good morning, Chair. Good
10 morning, Commissioners. Chair, the first witness is retired
Colonel Kobus De Meyer Roelofse, and he will take the
oath.

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

COL ROELOFSE: So help me God.

KOBUS DE MEYER ROELOFSE: (duly sworn states)

CHAIRPERSON: Thank you, Colonel.

20 **EXAMINATION BY ADV SEGEELS-NCUBE**: Thank you,
Chair. Colonel, there should be in front of you two files.
One is a small file with your witness statement, and then
there is a second file that we will be using, which says
IDAC Exhibit Bundle, Witness Bundle. Yours should say
Witness Bundle. Do you have it?

COL ROELOFSE: Yes, I do have it.

ADV SEGEELS-NCUBE: And then if I could ask you to go to the file with your statement, and if you can confirm that page 12 of that statement, the signature on page 12 of that statement is your signature.

COL ROELOFSE: Yes, it is correct. It is my signature.

ADV SEGEELS-NCUBE: And do you confirm that from page 1 to 12 is the statement prepared for purposes of your evidence today?

10 **COL ROELOFSE:** That is correct, Commissioner.

ADV SEGEELS-NCUBE: Do you confirm the correctness of the contents of the statement?

COL ROELOFSE: I do.

ADV SEGEELS-NCUBE: Colonel, so if we can start with your evidence. And usually what seems to be, assist with flow of the evidence is for you to read your statement into the record. But, of course, there will be instances where we will ask questions of you and where you feel the need to elaborate or where you have failed to state something and
20 want to now deal with it, you are more than welcome to do so at the appropriate time as you are going through your statement. So do not feel restricted by us saying that you must read your statement. You are welcome to add as we go along.

COL ROELOFSE: Yes, thank you, Commissioner.

ADV SEGEELS-NCUBE: Shall we start at the introduction, which is paragraph 1?

COL ROELOFSE:

“I was a member of the South African Police Service, SAPS, with the rank of Colonel, attached to the Directorate of Priority Crime Investigations, commonly known as the DPCI, and also known as the Hawks. I retired on the 31st of January 10 2025. In May 2020, I was part of a team...”

Maybe I must just clarify the team. The team just consisted of me and Captain McLean.

ADV SEGEELS-NCUBE: Captain Mark McLean.

COL ROELOFSE: Mark McLean, yes, relating to this matter. There were a team placed at IDAC with more members of the DPCI, but in terms of this matter and CI, Crime Intelligence Investigation, it was just me and Captain McLean and myself.

20 “It was part of a team placed at the Investigative Directorate of the National Prosecuting Authority, or now known as IDAC, with a special assignment to conduct investigations relating to inter-alia state-owned enterprises. Captain McLean and I also investigated matters relating to the

Crime Intelligence Division, including the Secret Services account that we started in 2011. While conducting investigations into Crime Intelligence, we became familiar with Crime Intelligence officials who would provide us with information. At times, these officers would provide information to ongoing investigations or matters that we were not aware of.”

- 10 **CHAIRPERSON**: Is the voice carried sufficiently? Colonel, can you please sit centrally in relation to the two microphones? Try to be central. No, just you. Yes, centrally. And pull them as close as possible, if they do come closer.

COL ROELOFSE: Is that close enough, Commissioner?
My wife told me to speak up. [Laughter]

CHAIRPERSON: You better obey then.

COL ROELOFSE: Ja.

CHAIRPERSON: Let us continue. Paragraph 3, I think.

- 20 **COL ROELOFSE**: Paragraph 3 of my statement:

“The purpose of this statement is to inform the Commission of a matter regarding events in 2018 reported to Captain McLean and me in 2022 involving Advocate Andrea Johnson and Major General Khan, Feroz

Khan.”

Commissioners, for context, maybe I should just refer to our investigation in 2020 in terms of Crime Intelligence and the conduct that we experienced at the time, which included the using of the media to put pressure on us when we investigated this matter from Crime Intelligence. Major General Khan played a huge role in that. In fact, I have a witness that is still in the programme who testified or who has provided me with an affidavit regarding General Dramat
10 at the time, where he was a witness to a conversation where General Khan was also, to place a media report regarding the rendition to get rid of General Dramat because we were reporting to him directly at the time.

So that media report was then placed and there was a lot of fallout in respect of that. But that is what they are capable of and that is what they are doing. So I expect no less now than what we went through. That is only one incident that I am now informing this Commission of. There were various other incidents of the same thing in 2011. We
20 have informed the police management at the time of this. I have given so many briefings to police management regarding Khan, Crime Intelligence, and the things that they were getting up to. But nothing was done. In fact, we were just first it was covertly, they tried to stop us covertly, but later on it just became overtly.

So between the police and the NPA, we struggled about 15 years, 12 years to get a Crime Intelligence matter on the roll because of all the interference that we experienced. And I testified to this in the Makgoro Commission as well as the Zondo Commission relating to these incidents. We could have stopped this in 2012 or 2011, if the police had listened to what we were saying to them. Sorry, Commissioner, there was just a little bit of context in terms of what we have been experiencing.

10 **ADV SEGEELS-NCUBE**: Sorry, Colonel. As I understand it, you really wanted to mention this to give context regarding this specific incident, that it is not an isolated incident and the significance of this incident. Although it relates to a smaller matter, there were bigger matters that were being investigated.

COL ROELOFSE: That is correct, Commissioners. This is a pattern of behaviour that I have experienced, and this specific incident just forms part of that pattern of behaviour. The impunity, the fact that they think they can get away with
20 it, and they did for a long time. So it is in that context that I am referring to what happened in 2011 because, how do I say, I have seen this movie before.

ADV SEGEELS-NCUBE: Thank you, Colonel. Then if we can go to the next page.

COL ROELOFSE: Paragraph 4.

“Sometime in May 2022, a Colonel who was a captain at the time of the incident in 2018, and a lieutenant Colonel when she approached us in 2022, in Crime Intelligence, approached Captain Mark McLean and me to make a disclosure which I deemed to be in terms of the Protection Disclosure Act of 26 of 2000. She informed us that in 2018, she shared an office with General Khan, who had been appointed as the Head of Operational Intelligence Support in September 2017. General Khan shared an office with the Colonel and another member of Crime Intelligence because at the time he had not yet been assigned to his own office. The Colonel informed us that on 4 July 2018, while she was working in the office, General Khan, who was attending a meeting in the main boardroom, approached her, handed his cell phone to her and requested her to give an email address to the person on the other end of the phone.

General Khan told the Colonel that the

person on the other end was Andrea. She did not immediately recognise the voice, but it was a female voice on General Khan's phone.”

Paragraph 6:

10 “According to the Colonel, the female caller requested her personal email address and she complied. The Colonel told us that the female caller told her that she would send her an email and the contents of the email must be given to General Khan and thereafter, the Colonel must delete the email. Shortly after the call, the Colonel received an email from a Gmail address bearing the name Andrea Johnson@ ...[intervenes]”

ADV SEGEELS-NCUBE: Colonel, you do not have to read the Gmail address into the record.

COL ROELOFSE: Okay.

20 **ADV SEGEELS-NCUBE**: You can just start with the subject header.

COL ROELOFSE:

“The subject header of the email was Petle Complaint. The email had photo attachments and an audio file. The email

contained photographs of the A1 statement of Brigadier Petle, at the time a Crime Intelligence officer, in a criminal complaint by her against General Khan for assault common, intimidation as well as a J88 medical report and an audio recording of General Khan taken at the time of the alleged incident.

10 The alleged incident took place on 26 June 2018 and the A1 was commissioned on the same day at Silverton police station and the case opened under Silverton CAS number 422/06/2018. The email from Andrea Johnson's Gmail address to the Colonel's private email address was a forwarded email originating from Barry Bateman, who at the time was a senior journalist. Mr Bateman had sent the Petle complaint email with the attachment to
20 Andrea Johnson's Gmail address on the 3rd of July 2018.

The Colonel printed the email and attachments, placed them in an envelope and gave the envelope to General Khan. She did not delete the email as requested

by the female caller.”

ADV SEGEELS-NCUBE: Colonel, if we can just pause there and if you can go to the Exhibit Bundle file and go to page 5, just to confirm that this is what the Colonel confirmed to you was the email that she had received.

COL ROELOFSE: That is correct, Commissioners. That is the email that was provided to me that she received. And she was able to retrieve the email from her email box.

ADV SEGEELS-NCUBE: So on page 5, what we see is that
10 the top of the page it says:

“Forward Petle complaint”

And then it has Andrea Johnson and a Gmail email address to the Colonel at her Gmail address and it is sent from my iPad, meaning that Andrea Johnson sent the email from her iPad and the email is dated Wednesday 4 July 2018 at 12.42 p.m. Correct?

COL ROELOFSE: That is correct.

ADV SEGEELS-NCUBE: And then just below that it says:

“Begin forwarded message”

20 So she was forwarding a message that she had originally received from Barry Bateman on the 3rd of July 2018 at 18.05.01 to Andrea Johnson subject saying:

“Petle complaint”

And then there is a message in his email saying:

“I have included the recording.”

Signed BB.

COL ROELOFSE: That is correct, Commissioners.

ADV SEGEELS-NCUBE: Commissioners, we are just having an issue with displaying the redacted version. I think they have not done the connection.

CHAIRPERSON: Let us continue.

ADV SEGEELS-NCUBE: Yes, thank you.

CHAIRPERSON: At least you have placed the entire content of the cover email on record.

10 **ADV SEGEELS-NCUBE**: Thank you. Then if we go back to your statement, Chair, it is being displayed now, and then if we can go back to your statement at paragraph 8.

COL ROELOFSE: Yes, Commissioners:

20 “The Colonel had essentially disclosed to us that General Khan was given the contents of the criminal complaint against him, when he was not entitled to the contents of the docket, as the suspect, and importantly, before he submitted a warning statement as a suspect. At this stage, General Khan had not been charged and no decision had been made whether or not to prosecute.

 The Colonel informed us that General Khan's statement in the criminal complaint

was typed by another colleague in the office on the same day and that the email was received and Commissioned by her, the Colonel, also on the same day, being the 4th of July 2018. In other words, General Khan prepared this e-statement with the benefit of the evidence against him.

10 This was particularly concerning in this case because the complainant and the suspect worked at the same place and the suspect was the complainant's senior and direct super superior. Receipt of such sensitive information would enable the suspect to manufacture and tailor his version, but also approach other witnesses to influence their versions before they are approached to submit statements."

Paragraph 9.

20 "We informed the Colonel that she would have to provide us with an affidavit setting out this incident and we will investigate the matter further."

ADV SEGEELS-NCUBE: Thank you, Colonel. If we can just pause there and go back to the exhibit file and just to

identify the attachments to the email that was sent by Andrea Johnson to the Colonel. If you can go to page... You will see at the foot of page 5, you will see it says 13 attachments and then it goes over the following few pages until page 18. You will see if you go until page 10, these are all the photographs and can you just identify to us what those photographs were of?

COL ROELOFSE: Commissioners, these were photographs of the actual statement of the complainant, Brigadier Petle.

10 I cannot read them from this. My eyes are not that good, but I presume they are a full version.

ADV SEGEELS-NCUBE: There are better copies from page 11.

COL ROELOFSE: So what I know from this, not from reading it, but I recognise the documents from what she has given to me at the time and on which affidavit was prepared.

ADV SEGEELS-NCUBE: And then you also said that it included an audio recording, correct?

20 **COL ROELOFSE**: That is correct, Commissioners.

ADV SEGEELS-NCUBE: And we see that on page 10, the last attachment on page 10 says 2018-07-03 audio with a number.

COL ROELOFSE: 787, it is also on page 8, the top of page 8.

ADV SEGEELS-NCUBE: Yes.

COL ROELOFSE: And then there is also photos of the J88 that was inside the docket at the time.

ADV SEGEELS-NCUBE: Yes, the J88 appears on page 9, the second last photograph on page 9.

COL ROELOFSE: That is correct, Commissioners.

ADV BALOYI SC: Is it correct then that, especially when you make reference to the J88, that these documents would have been the content of a docket?

10 **COL ROELOFSE:** That is correct.

ADV SEGEELS-NCUBE: It is a proper description.

COL ROELOFSE: That is correct, Commissioner. It would have been in the docket itself.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: And then if I could just ask you, Colonel, why was it so concerning to you that the suspect in this case, General Khan, had been given the contents of the docket? I know you say there is issues about he may influence the investigation, but at which stage? I mean, we
20 do know that if somebody is then charged as an accused person, they are entitled at some point to the docket. Why was it a concern that it was at that stage?

COL ROELOFSE: Commissioners, when we got hold of the docket, because we went to the police's archive and we physically fetched the actual docket, it became clear from

the docket and the entries in the docket that General Khan would have been interviewed on, and I now have to rely on the date that the interview was held, and I cannot remember that specifically off the top of my head. But he was supposed to be interviewed by the investigating officer on that specific day, and he received this document just prior to be interviewed for a warning statement on that specific day.

10 So he would have known the contents of the complainant's statement prior to him submitting his warning statement. And to me that is a huge red flag and a very huge concern because you are not entitled to any statements at that point in time. You are entitled to what the charges, and I think in this case it was assault common, happened on such and such a date. That is what you are entitled to. And they do give you that information when they take your warning statement.

20 But to come to the investigating officer with a prepared statement, warning statement, it seems to me that you had to have prior knowledge of your version of events based on the evidence that was given to you and on which you can base your affidavit. So that was my biggest concern. We cannot sit and put our thumb on the scales of justice one way or the other. It has to be done correctly.

CHAIRPERSON: In sum, you are saying having the

complainant's statement, there was at the lowest, there was the possibility of him tailoring his version in accordance with the content of the statement.

COL ROELOFSE: Yes, Commissioner. In fact, I will go a little bit further than that because there is another reason as to why you want the complainant's statement beforehand. You want to see what she is saying or he is saying. And you have to then, and you will tailor your version so that it does what the complainants say. So it is
10 difficult for me to understand any other reason for you doing it because that is the only inference that I take away from this.

And that is why it was so concerning. And I mean this kind of modus operandi is being, I have seen this before where suspects get access to documents prior to them having warning statements or prior to them when they are only entitled to have documents. So this does happen and in this specific case it did happen.

CHAIRPERSON: How does that differ from a situation
20 where before a witness testifies in Court, that is a Criminal Court, they actually do get the statement? So in a sense one could say or make the point that the situation is similar. So what is the difference?

COL ROELOFSE: No, it is not similar, Commissioners. From my point of view, and I am an investigating officer, it

is very important to me when I do a warning statement that I inform the suspect of the complaint, not what the witness was saying, because I need the suspect's version of events, if he is going to give it to me or not. That is a different ballgame. If he is not giving it to me, then obviously I cannot take it further. But if he is willing to give it to me, I cannot tell him beforehand what the suspect said because it is unethical and it is not allowed.

CHAIRPERSON: Thank you, thank you.

- 10 **ADV KHUMALO SC:** Can I just find out, in the normal course of events, when does a suspect become entitled to the contents of a docket? If things are done procedurally, when does the suspect become entitled?

COL ROELOFSE: Procedurally is when he is either represented or not represented in the case before Court and there is a disclosure to the defence, either to his lawyer or to himself, the suspect himself. That is when you get entitled to the documents.

ADV KHUMALO SC: So it is after you are charged?

- 20 **COL ROELOFSE:** After you are charged.

ADV KHUMALO SC: Not during the investigation.

COL ROELOFSE: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Thank you.

ADV BALOYI SC: Colonel, at this point, Ms Johnson would have been in the NPA at this point.

COL ROELOFSE: That is correct, Commissioner.

ADV BALOYI SC: In terms of process, is there a legitimate basis on which she would have had access to the docket at this point of things?

COL ROELOFSE: No, Commissioner. I just want to clarify, we are talking about 2018 now?

ADV BALOYI SC: Yes.

COL ROELOFSE: Ja, no, there was no reason for it. It was a station matter. In other words, it was confined to that
10 specific police station and I cannot remember which jurisdiction, in terms of Court, they fall under. What did I say? It was the Silverton CAS?

ADV SEGEELS-NCUBE: Silverton, yes.

COL ROELOFSE: Sorry? Silverton case, yes. So they would have fallen under that jurisdiction of that Court, for that area. So in the normal course of business, she does not have any reason as to why she wants to get hold of the docket. In fact, if she wanted to get hold of the docket, she probably would have been able to. She could have just
20 called for it because of her position within the NPA and I think she was Head of Organised Crime at the time, if I am not mistaken. So she would have been able to call for the docket in her capacity as an advocate within the NPA. Whether there was a reason for her to call for it, I do not know, because it would not normally fall within their

mandate, what they investigate and what they prosecute. But under normal circumstances, there is no reason for her to request the docket.

ADV BALOYI SC: Thank you.

CHAIRPERSON: Also, other situations where there would be early access by prosecutors are those instances where the investigation is prosecution-directed. So there are those instances where...

COL ROELOFSE: Yes, but...

10 **CHAIRPERSON:** Yes, yes. I am not countering what you said. You are saying but?

COL ROELOFSE: No, what I am saying is at the time, you must remember, this is at the station level. So you are talking about prosecutorial advice in terms of a docket. What I cannot say now is whether the docket went to a prosecutor before the time or not. And if it did, yes, that prosecutor can have access.

CHAIRPERSON: I am just talking generally.

COL ROELOFSE: I understand that, sir, but she could
20 have contacted the prosecutor as well.

CHAIRPERSON: Yes, yes.

COL ROELOFSE: So she did not have to contact someone else.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you, Colonel. Then if we

can go back to your statement, page 4, the investigation.
That is the heading.

COL ROELOFSE: In paragraph 10:

10 “In June 2022, after the meeting with the
Colonel, I wanted to interview Mr Bateman
regarding the email he sent on the 3rd of
July 2018. I contacted Mr Andrew Leask of
AfriForum because Mr Bateman was now
employed at AfriForum as a media
manager. Captain McLean and I
interviewed Mr Bateman in the presence of
Mr Leask and Advocate Gerrie Nel, also of
AfriForum.

20 Mr Bateman informed us that he received
the email attachments on the 3rd of July
2018 via WhatsApp from a source that he
was not willing to disclose. Mr Bateman
said that Advocate Andrea Johnson, who at
the time was a senior public prosecutor in
the National Prosecuting Authority,
requested the information from him, being
the A1 statement, J88 and audio file, and
he complied with the request on the same
day.

I could not remember why Advocate

Johnson requested the information.”

ADV SEGEELS-NCUBE: He could not.

COL ROELOFSE: Sorry, he could not remember.

Paragraph 11.

“Mr Bateman also stated that he had a very good relationship with Advocate Johnson going back to 2011.”

ADV SEGEELS-NCUBE: Colonel, your voice is tapering again. Just raise it. Please listen to your wife's advice.

10 **COL ROELOFSE**: Sorry, wife. [Laughter]

“Mr Bateman also stated that he had a very good relationship with Advocate Johnson going back to 2011. He saw nothing untoward about Johnson's request. Mr Bateman was requested to provide a statement regarding the matter.

Despite numerous follow-ups prior to my retirement in 2025, January, for the statement, I was informed that he only
20 provided the statement to Captain McLean in June 2026, four years after we met with him and requested the statement.”

ADV SEGEELS-NCUBE: Thank you, Colonel. Can we then go to the Exhibit Bundle and go to page 45? And I just have a few questions for you regarding the interview with

Mr Bateman. And 45, it says BB1. It is an attachment to Mr Bateman's statement that he provided to Captain McLean this year. But I just want to deal with the attachment to that, which is the WhatsApp that he received from his source with the information. Correct?

COL ROELOFSE: I am sorry, just repeat, who is it from and to whom?

ADV SEGEELS-NCUBE: The BB1 is what Mr Bateman indicated is the WhatsApp conversation where he received
10 the information from the source that he eventually sent to Advocate Andrea Johnson.

COL ROELOFSE: That is correct, Commissioners.

ADV SEGEELS-NCUBE: And the first, you see it is on the 3rd of July 2018, at 11.08, the source sends the audio clip. And his message, Mr Bateman's message is:

“What is this about? I make out a General
Khan and Brig Petley.”

And then the next message is from the source:

20 “An incident between them. He allegedly
also assaulted her with a pen. Case was
opened, assault and intimidation.”

And Mr Bateman then asks:

“When did this take place?”

The source says:

“A week ago.”

And then Mr Bateman says:

“How assault with a pen?”

And then you can see that on the left, the attachments are being sent, the same attachments that we looked at earlier, which is the A1 statement.

COL ROELOFSE: That is correct, Commissioners.

ADV SEGEELS-NCUBE: Now, can I just understand, so we are now in 2022 when you meet with Mr Bateman, Mr Leask, is it Leask?

10 **COL ROELOFSE**: Leask, yes.

ADV SEGEELS-NCUBE: And Advocate Gerrie Nel of AfriForum.

COL ROELOFSE: That is correct, Commissioners.

ADV SEGEELS-NCUBE: And we understand, of course, Mr Bateman's decision not to reveal his source. But did he explain to you how it came about that Advocate Johnson requested the information? How did he say that, how she knew that he had this information and had received it the very day that she requested from him?

20 **COL ROELOFSE**: Commissioners, he maintained from the first time that I saw him, he did not deny that he provided the documentation and the WhatsApps. What he could not remember at that time is why it was asked of him. But he confirmed it was asked by Advocate Johnson. But he could not remember as to why it was asked from him. He is

explaining it in the sense that, you know, we are in communication regularly. So it might be just he was giving her information, she was giving him information from what I understood. So it might be in that context. He cannot specifically remember why she asked him. But she was specific in terms of what she asked him. Because otherwise he would not have provided this.

ADV SEGEELS-NCUBE: Yes, if you just look at page 46 of the bundle, because then I just want to... If you look at
10 page 46, this is the email that he sends to her later that evening, 3 July 2018, at 18.05. So he sends it to her, what, six hours, six, seven, ja, six hours later, six, seven hours later. He receives it that same day. So when you engage him, did he explain whether he already had the information and she knew he had the information? Or whether she asked him to get the information? And he then got it, because it cannot be a coincidence that she requests it on the very day that he receives it from a source.

COL ROELOFSE: No, the impression that I had during the
20 whole conversation is that she specifically requested this docket. He would not have known giving it to her if it was not requested.

ADV SEGEELS-NCUBE: Yes.

COL ROELOFSE: Which is, as far as I am concerned, a logical answer from his point of view.

ADV SEGEELS-NCUBE: Yes, her request, yes, but how would she know that he had it and had received it that same day that she requested from him?

COL ROELOFSE: From what I understood, she requested him to see if he can get it.

ADV SEGEELS-NCUBE: Okay.

COL ROELOFSE: So he was supposed to source the documents and then provide it to her.

ADV SEGEELS-NCUBE: So he initiates her request and
10 asks his source to get it.

COL ROELOFSE: That is what I understood, yes, that is correct, Commissioners.

ADV SEGEELS-NCUBE: That would seem to be in line, because any other scenario would not make sense. It would just be a happy coincidence for her to ask it on the same day that he has it without even knowing that he had it. She would have to have known that he had it to request it. Or, as you say, the impression you had was that she requested him to obtain it for her.

20 **COL ROELOFSE:** Ja, I think one should also take into account that between the request on the same day, which was in the morning, it was only sent in the afternoon late, which suggests to me that it took some time for him to source the documents.

ADV SEGEELS-NCUBE: Yes, but it would seem that on

page 45, by 12 o'clock at least, he already has it, because the attachments start coming in at 11.24.

COL ROELOFSE: That is correct, Commissioners.

ADV SEGEELS-NCUBE: And he gets the audio recording at 11.08. So if it was an instance where she requested it from him to obtain it, so he did not have it at the time that she made the request and she wanted him to get it for her, then I suppose he gets it and we do not know what informs his decision to only send it later that evening, because he
10 only sends it at 6.00 in the evening to her.

COL ROELOFSE: That is my sense when I had an interview with him in terms of what happened.

ADV SEGEELS-NCUBE: But he did not specifically give you the information about how the request came about, whether it was her asking him to get it for her, or whether she knew that he already had it and asked to send it to her.

COL ROELOFSE: No, Commissioners, as far as I am concerned, he was quite clear on that. He was asked to source the documents, because he would not have
20 otherwise... I do not see a scenario where he would volunteer information like that to her.

ADV BALOYI SC: Ms Ncube, because we have Mr Bateman's statement, I think you should put on record what he says about this topic. I know you have had the discussion with the Colonel and you have an account from

his interview of Mr Bateman, but I think, in fairness to Mr Bateman, and for completeness of your discussion, you should put what he says. So it seems he deals with it from paragraph 5, maybe, and then 6 and 7.

COL ROELOFSE: Yes. Commissioner Baloyi, the reason why I am asking the Colonel is because that interview happens in 2022, and the statement is in 2026, so I just wanted to know, when he had the conversation in 2022, what was his version as to the request, because in 2026,
10 Colonel Roelofse was not around when the statement was taken. That was Captain McLean.

ADV BALOYI SC: I understand that, but because we do have the statement on this very topic that you are canvassing, I think it should be put on record.

ADV SEGEELS-NCUBE: So if you go to page 14 of the bundle, that is Mr Bateman's statement, which he deposed to in June 2026, and at paragraph 5, he says:

20 “5. In July 2018, a voice recording and pictures of an affidavit deposed to by Brigadier Petle of the South African Police Services were sent to me. The recording was of a conversation between SAPS’ Major General Feroz Khan and Petle.

6. I received the information from a

source whose identity I cannot reveal.

I attach hereto a redacted screenshot of the message.

7. I do not have any recollection of the circumstances that led me to send the recording and documents to Johnson. However, I can only infer that it was following a discussion and in response to a request from Johnson. I received the information and sent it to Johnson on the same day, 3 July 2018.”

COL ROELOFSE: Commissioners, it is more or less in line in terms of what was said to me. I think this is now four years later. I think he probably could not remember all the detail that he gave to us when we had the conversation with him in 2022. But it is in line, and that is how I understood it as to what had happened. There was a request, and based on the request, he would have provided the information.

ADV BALOYI SC: Thank you.

- 20 **ADV SEGEELS-NCUBE:** We can go back to your statement at paragraph 12, page 5.

COL ROELOFSE:

“In August 2022, I received a statement from the Colonel setting out the events on 4 July 2018. At this stage, Advocate

Johnson was the head of IDAC, where I was placed even though I was attached to the DPCI. I could not approach Advocate Johnson, given the allegations of interference and defeating the ends of justice. At this stage, Captain McLean had also ascertained that the NPA decided on 15 December 2021 already not to prosecute the assault and intimidation docket, and the docket had been withdrawn from the CAS system on 13 January 2022.”

ADV BALOYI SC: Colonel, what does it mean the docket had been withdrawn from the CAS system?

COL ROELOFSE: It actually should read closed, Commissioner. What we have, we have a CAS administration system, which is an administration system for our dockets. So if the case docket is opened, it would be registered on the CAS system. So at the end of an investigation, whether it is unfounded, whether a warrant of arrest was issued, you will then close the docket and it will be closed on the CAS system, as in I think in this specific case, it was a *nolle prosequi*, if I am not mistaken. So the docket would have been closed on the CAS system as a *nolle prosequi*.

But as I said, I do not have the docket in front of

me, so I am not sure exactly as what it was closed. But then it would get archived. So that is in essence what happened. So there will not be any further queries on the administration system, bring forward dates and that kind of thing. But the docket will show that it has been archived, and you can go and find the docket there.

ADV BALOYI SC: It does not mean, because that is how I had read it, because I do not know your systems. So when you say withdrawn from the CAS system, I had read it to mean it had been deleted from the systems.

COL ROELOFSE: No, it cannot be deleted. There will always be an audit trail, so you cannot delete that.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Page 5, paragraph 13 of your statement, Advocate Johnson's knowledge of the allegations against her.

COL ROELOFSE:

“I decided to approach the National Head of the DPCI, Lieutenant General Lebeya, for assistance, because of the circumstances that I found myself in. I met General Lebeya in the last week of August 2022, but I do not recall the exact date. I informed him of the allegations contained in the Colonel's statement and furnished

him with a copy of the Colonel's statement.

I told General Lebeya that we needed the NPA to assign a senior prosecutor to the matter.

I expected General Lebeya to request the NPA head, at the time, Advocate Shamila Batohi, for a senior prosecutor to be assigned to the case. I could not take the matter to a lower Court due to Advocate Johnson's position as Head of IDAC. Advocate Johnson's position also placed me in a precarious position, because I had been placed at IDAC in Advocate Johnson's office, as part of a duty arrangement between the DPCI and IDAC."

10

Paragraph 14:

"On 7 September 2022, Advocate Johnson approached me at work, I was still at IDAC at the time, and asked me to see her in her office. She told me that she had been called by Advocate Batohi's office, who informed her of the Colonel's affidavit and the allegations against her, Advocate Johnson, contained therein.

20

Advocate Johnson told me the name of the

Colonel who deposed to the affidavit. I found it extremely concerning that Advocate Batohi would have told Advocate Johnson about a protected disclosure implicating her, Advocate Johnson, in wrongdoing. I also thought that perhaps Advocate Johnson was able to figure out the identity of the Colonel without Advocate Batohi informing her thereof.

10 But then Advocate Johnson continued to reveal that she knew the Colonel's affidavit was commissioned by Colonel Odendaal, and she relayed information contained in the Colonel's affidavit. She then told me that she read the Colonel's affidavit, and that she denied any wrongdoing."

Paragraph 15:

20 "She also informed me that she spoke to Mr Bateman before meeting with me, and told Mr Bateman not to worry. She also said that she understood the reason I approached General Lebeya. By this I understood Advocate Johnson to mean that given that the allegations implicate her, she understood why I did not deal with the

incident within IDAC, but instead went to the Head of the DPCI.”

Paragraph 16:

“When Advocate Johnson approached me on the 7th of September 2022, I already knew that she had spoken to Bateman...”

I can just say here that I did not tell her that I knew that she had spoken to Bateman;

10 “...because Mr Leask told me that Bateman
had informed Mr Gerrie Nel of the
conversation between him, Bateman, and
Advocate Johnson. Mr Leask did not give
me the details of what was discussed
between Mr Bateman and Advocate
Johnson. I do not recall the exact date
when he would have informed me of the
call, but from my WhatsApp exchanges with
Mr Leask on 5 and 6 September, I think it
would have been on the 6th of September
20 2022.”

Paragraph 17:

“During our investigation, I was able to confirm that General Lebeya met with Advocate Batohi on the 2nd of September 2022. That was confirmation for me that

General Lebeya gave the Colonel's affidavit to Advocate Batohi, which I did not take issue with, since my reason for approaching General Lebeya was for assistance with the appointment of a senior prosecutor.

10 To my knowledge, the only people who had sight of the Colonel's affidavit when I met with General Lebeya were the Colonel, Captain McLean, General Lebeya, and me. Advocate Batohi is the only other person, the only person I can think of, who would have shown or given the Colonel's affidavit to Advocate Johnson after General Lebeya gave it to her at the meeting on the 2nd of September 2022.

20 I do not believe that General Lebeya showed or shared the Colonel's affidavit with Advocate Johnson. The irony of the situation was not lost on me. Advocate Batohi, by sharing the Colonel's statement with Advocate Johnson, did the same thing Advocate Johnson had done by sharing Brigadier Petley's criminal complaint against General Khan with him."

Paragraph 18 ...[intervenes]

ADV BALOYI SC: Before you proceed, Colonel, in this discussion with Advocate Johnson, did you ask or did she say why it was that she forwarded the documents to General Khan? Did she say anything about that?

COL ROELOFSE: Commissioners, she said nothing. I would have expected under the circumstances, if she was told, if she was given access to the affidavit of the complainant, of the Colonel, then I would have expected,
10 that was my expectation, I mean, firstly, I did not expect that it would have been given to her, but now it has been given to her. She had access to it. I would have expected the following reaction. Where can I sign the affidavit?

Because this was done, I was duped by providing this information to him. I understand the problem and I think I need to provide you with an affidavit to further your investigation. That is what I expected. Because to me that would have been the right thing to do. But she did not touch on why she asked for it. She did not try to explain
20 the situation. She just said to me, and I think it is quoted here somewhere, I did not do anything wrong. And that is the extent of what she said.

And apart from that, she was telling me about, she spoke to Bateman. She is now speaking to me. We both are witnesses in this matter. After that conversation with

Bateman, it took us four years to eventually get Bateman's statement. So from where I sat, that call did in fact play a role in him not finalising his affidavit. And it is a very subtle way to tell someone not to assist in an investigation.

I mean, in mere fact, in one of the WhatsApps, she tells him, I am giving you a heads up, the Hawks will come and talk to you. I mean, you do not do that. That is not your function, to do that kind of thing. So I had a huge problem with the situation as it was. I have been fighting
10 with the NPA, as I said, since 2011. So I have been through this process. I know that when the NPA is not going to prosecute or do not want to have a look at the docket or at the situation, they will not.

So it took the matter that I was with, the Mdluli matter, it took about 12 years to get into Court. So I knew at that point in time when I had this discussion with her that we are very limited in terms of what we can do from now on. Because I am not going to risk the Colonel's career and life by continuing the situation that I now know for sure the NPA
20 is not going to do anything about. So that is the position that I found myself in.

And I was very upset by it. But it happens within our environment at times. So you have to deal with it.

ADV BALOYI SC: When she says, I did nothing wrong, when she says that to you, did you understand her to say by

forwarding these documents to General Khan she did not consider that to be anything wrong about it? Was that your understanding of her?

COL ROELOFSE: That was my understanding from the comment she made. There was no explanation as to why. Because on the face of it, there cannot be, and that is my interpretation, there cannot be a good explanation as to why you did it. Except if you did not know and you were duped. And then I expect the other reaction which I described
10 earlier. Where can I sign the affidavit? Because I was put in a position where I was not supposed to be put in. And you get that normally with a lot of these cases that you investigate: had I known that scenario. So if she had known, then she would not offer assistance in terms of an affidavit. If she did not know, I would have gotten her assistance. So that is how I see the situation.

ADV BALOYI SC: Thank you, Colonel.

ADV SEGEELS-NCUBE: Thank you, Commissioner. Colonel, back to your statement, paragraph 17, on page 7.

20 **COL ROELOFSE**:

“I have led many investigations into corruption by police officials within the SAPS, with a specific reference to Crime Intelligence. I am well aware of how important it is not to prematurely release

the name of a witness. It puts the investigation into jeopardy, and more importantly, it has the potential to put the life of the witness in danger. This is amplified in this specific situation because General Khan and the Colonel were both working at Crime Intelligence in the same office at the time.

10 As stated earlier before my meeting with Advocate Johnson, I had already been informed that Advocate Johnson had spoken to Mr Bateman about the Colonel's affidavit. My interaction with Mr Leask on 5 and 6 September is set out below, and I have provided the Commission with the screenshots of the exchange as well.

20 Mr Leask told me that Mr Bateman sent a WhatsApp message to Advocate Gerrie Nel after his conversation with Advocate Johnson on 5 September. I quote the conversation between Mr Leask and me below, as well as the forwarded messages with my translation from Afrikaans to English where necessary."

ADV SEGEELS-NCUBE: Thank you, Colonel. If we can

just pause here. Commissioners, the conversation appears on page 49, the screenshot, and the Colonel had apologised for the quality thereof. He needed his daughter to assist him with taking the screenshot, so it is on page 49, and you will see it there. That is between you and Mr Leask.

COL ROELOFSE: That is correct, Commissioners. That is between myself and Mr Leask.

ADV SEGEELS-NCUBE: You may proceed, Colonel. You do not have to read the date and time, and we are looking
10 at the screenshot, so you can just read the translation, perhaps, from Mr Leask.

COL ROELOFSE: The translation from the affidavit?

ADV SEGEELS-NCUBE: Yes.

COL ROELOFSE: It says:

“Hi, Kobus, we need to talk.”

Which is on the 5th, and on the 6th, there is a missed call from Mr Leask, and also on...

ADV SEGEELS-NCUBE: I think you are now at paragraph 20, so there is the missed call, and then you explain what
20 happened after there, because there is a gap between the missed call and the next message. So you can just go to your statement, paragraph 20.

COL ROELOFSE: Paragraph 20:

“Although I do not have a clear recollection, at this stage, Mr Leask and I

must have had a telephonic conversation about the matter. I recall I was in Cape Town between 2 and 6 September 2022, and flew back to Gauteng on the 6th of September 2022, it would have been in the afternoon. I think it was during this call, on either the evening of 5 September or 6 September 2022 that Mr Leask informed me of the conversation between Mr Bateman and Advocate Johnson.

10

I say so because after Mr Leask requested us to talk and his missed call, the next message is from me asking which number was used, referring to the number that Advocate Johnson used to contact Mr Bateman. During this call, Mr Leask told me that Advocate Johnson contacted Mr Bateman to assure him not to worry. I remember asking Mr Leask to tell Mr Bateman to immediately make a note of what he could remember and what was discussed with Advocate Johnson. The WhatsApp exchanges continue below.”

20

At 14.25, I asked which number was used. Mr Leask responded. I will read the English version.

“BB says he got a call on WhatsApp and she said he must go to Signal. I do not know which one she used, but it was to her number.”

And then it gives a number and it says:

“I will find out.”

Then I send him a thumbs up.

ADV SEGEELS-NCUBE: If we can just then go to that message where that references that Mr Bateman said that
10 he got a call on WhatsApp and she said he must go to Signal on page 58 of the Exhibit Bundle. If you can just explain to us what we are looking at on page 58.

COL ROELOFSE: This is a screenshot or a photo that I took of, I think it is Mr Bateman's phone, with the request by Advocate Johnson to go to Signal.

ADV SEGEELS-NCUBE SC: The request from Advocate Johnson to Mr Bateman?

COL ROELOFSE: To Mr Bateman.

ADV SEGEELS-NCUBE: On the 5th of September.

20 **COL ROELOFSE:** That is correct, Commissioners. I can also inform the Commission that on various occasions Advocate Johnson was not only stating to me but to the office as well, you need to use Signal because WhatsApp is not as secure as you think and she prefers to use Signal because it is much more secure. So I presume that is the

reason why he was asked to go to Signal.

ADV SEGEELS-NCUBE SC: And this was the call on the 5th of September which you knew about already when Advocate Johnson approached you on the 7th of September.

COL ROELOFSE: That is correct, Commissioners.

ADV SEGEELS-NCUBE SC: Okay. So we can go back to your statement at paragraph 21.

COL ROELOFSE:

10 “Mr Leask and I arranged to meet to discuss the matter further. He sent me his location because the location was different to where I had met him and Mr Bateman and Advocate Nel the first time.”

And it just shows a map that was sent to me.

ADV SEGEELS-NCUBE SC: And then paragraph 22.

COL ROELOFSE:

20 “If I recall correctly, on 7 September 2022, I would have met Mr Leask after my meeting with Advocate Johnson. I do recall that Mr Leask sent the WhatsApp exchange between Bateman and Advocate Johnson and Advocate Nel before I went to meet him. I know that I did not have the WhatsApp exchange between Mr Bateman and Advocate Nel when I met Advocate

Johnson, which means that Mr Leask forwarded the exchange to me after my meeting with Advocate Johnson but before my meeting with him.”

Paragraph 23, page 10:

“Mr Leask forwarded the WhatsApp messages from Mr Bateman to Advocate Nel on 5 September 2022 to me. These messages are quoted below.”

10 **ADV SEGEELS-NCUBE SC:** And then, if we could go to page 51 of the Exhibit Bundle. So this is what Mr Leask forwards to you which is a conversation, which is the messages that Mr Bateman sends to Advocate Nel after he gets the call from Advocate Johnson on the 5th of September.

COL ROELOFSE: That is correct, Commissioners, after his discussion with her.

ADV SEGEELS-NCUBE SC: Okay, you can then just read from the forwarded, sorry, 51.

20 **COL ROELOFSE:** Must I read from the actual document?

ADV SEGEELS-NCUBE SC: Yes, I think it is easier. I will just remind you that there is redaction so I will tell you when to stop.

COL ROELOFSE: Okay, it starts as follows.

“Sorry to hassle you, Mr Nel. Andrea just

called me, called to say she was called into a meeting with the NDPP. Lebeya had approached the NDPP last week with information.”

ADV SEGEELS-NCUBE SC: Then you do not have to read the next part. You can start again by ‘she has provided statement’.

COL ROELOFSE:

10 “She has provided statement about an email that I apparently sent in 2018, something about requesting information. Unclear. Andrea not worried. She says there is nothing that she said to me or communicated that she could not repeat.”

ADV SEGEELS-NCUBE SC: ‘Elsewhere’ on the next page, 53.

COL ROELOFSE: In the middle of the page it continues:

20 “...that she could not repeat elsewhere. Referred to issues between Khan and Petle, said I often approach her about media issues and questions. Told the NDPP she is not interested in seeing the statement...”

Next page;

“...saying that if there is to be an

investigation, they must investigate. Just wanted to give me the heads up in the case, in case the Hawks came asking...”

Next page;

“...came asking questions. She says Kobus was approached with the statement and he works for us, so he had no choice to approach Lebeya.”

ADV SEGEELS-NCUBE SC: By Kobus, that is you.

10 **COL ROELOFSE:** That is me, yes, Commissioners.

“Reiterated that he is not concerned...”

Sorry that reiterated, I presume she is;

“...that she is not concerned. She has work to do and will get on with what she has to do.”

Says...

ADV SEGEELS-NCUBE: Next page.

COL ROELOFSE:

20 “...says if there is something to explain, she will. Told me not to be worried.”

And then there is another photo of the phone itself.

ADV SEGEELS-NCUBE: With the message to go to where the request is:

“Are you on Signal?”

COL ROELOFSE: That is correct, Commissioners.

ADV SEGEELS-NCUBE SC: And this, Mr Leask, forwards to you before you met with him.

COL ROELOFSE: That is correct.

ADV SEGEELS-NCUBE: Okay.

COL ROELOFSE: Yes, Commissioners.

ADV SEGEELS-NCUBE SC: Then if we go back to your statement at paragraph 24 on page 11.

COL ROELOFSE:

10 “While I was in the meeting with Mr Leask,
I took a screenshot of his phone containing
the messages from Advocate Johnson to Mr
Bateman on 5 September 2022, where she
asked him if he was on Signal.”

Paragraph 25.

ADV SEGEELS-NCUBE: Conclusion.

COL ROELOFSE:

20 “I do not know as a fact that General
Lebeya gave the Colonel's affidavit to
Advocate Bateman. However, Advocate
Johnson ...[intervenes]”

ADV SEGEELS-NCUBE: Advocate Batohi.

COL ROELOFSE: Oh, sorry, Advocate Batohi.

“However, Advocate Johnson told me that
Advocate Batohi showed her the Colonel's
affidavit (when I when I met in brackets,

when I met with her on the 7th of September 2022). In Mr Bateman's WhatsApp messages to Advocate Nel on 5 September 2022, he said that Advocate Johnson told him that Advocate Batohi approached her about the Colonel's affidavit.

10 He says that Advocate Johnson told him she was not interested in seeing the statement. Mr Bateman also mentioned in his WhatsApp messages to Advocate Nel and Advocate Johnson that I told him that ...[intervenes]”

ADV SEGEELS-NCUBE: Told him that I had no choice.

COL ROELOFSE:

20 “...I had no choice and no choice but to approach General Lebeya. This confirms to me that General Lebeya met Advocate Batohi and gave her the Colonel's affidavit. And thereafter, Advocate Batohi either showed or gave the Colonel's statement to Advocate Johnson.”

There is a part in one of the messages, and I do not recall reading it, in which he, Bateman, as part of his WhatsApp messages, says there was an issue between Khan and

Petle. That information could have only come from the affidavit itself. From the...

ADV SEGEELS-NCUBE SC: Yes, it is there. You did read it.

COL ROELOFSE: I did, sorry. So if I did read it, I am sorry, but that information was in the affidavit.

ADV SEGEELS-NCUBE SC: Yes, it is on page 53 of the screenshots.

COL ROELOFSE: If you have access to the affidavit, you
10 would have known that kind of detail.

ADV SEGEELS-NCUBE SC: You may continue, paragraph
26.

COL ROELOFSE:

“On 31 January 2025, I retired from the
South African Police Service. At that
stage, we were unable to secure the
appointment of a prosecutor to consider
both Brigadier Petle criminal complaint
against General Khan and the allegations
20 against Advocate Johnson of what I
considered to be defeating the ends
justice. When I retired, the docket was
assigned to Captain McLean, who had
worked with me on the case from the start
and to whom I report regularly on my

interactions with role players where he had not accompanied me.

I think it is important for the Commission to hear from Captain McLean and the Colonel as well, because they will corroborate my version, especially regarding what I reported to Captain McLean contemporaneously. It may be important corroboration if those implicated attempt to
10 rewrite history.”

And then paragraph 28:

“I hope that my testimony will assist the Commission in its important work.”

ADV SEGEELS-NCUBE SC: Thank you, Commissioners. That is the evidence of the Colonel.

ADV BALOYI SC: Colonel, when you met with Advocate Johnson on the 7th of September, did you mention to her or did you get the impression, if you did, that she knew that this was a protected disclosure?

20 **COL ROELOFSE:** Commissioner, I cannot answer the question because she did not allude to anything like that. But what I do know, if she had access to the affidavit, which I believe she did, she would have seen it would have been in, it was a protected disclosure based on the facts in the affidavit itself.

ADV BALOYI SC: Based on the facts, you mean the nature of the allegation?

COL ROELOFSE: The nature of the allegation, where she worked, the fact that she could be intimidated, the fact that the guy was a superior officer. So those are the things, if you look at the Act itself, those are the kind of things that you look out for when it is a protected disclosure.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: *Kolonel*, I prefer the Africans because
10 I am RAU'tjie.

COL ROELOFSE: And I do not prefer the rank because, quite frankly, I am not a good, I am not a huge fan of the ranks within the police.

ADV KHUMALO SC: The English and the Australians prefer Colonel.

COL ROELOFSE: Yes.

ADV KHUMALO SC: In paragraph 12 of your statement, you seem to be suggesting that what Advocate Johnson did amounts to interference with investigation and defeating the
20 ends of justice. What is it about her conduct constitutes, according to you, interference with investigation and defeating the ends of justice?

COL ROELOFSE: Well, Commissioner, there is two, well, there is more than two issues, but the one that comes to mind is the fact that she would warn a suspect before the

time of and provide the statement, before that person is entitled to the statement, the suspect is entitled. And as a prosecutor, she must know that. The second thing is calling the witnesses and calling me in and calling Bateman. That, to me, is another huge red flag because she is, as far as I am concerned, an implicated person.

She did not deny that she was duped by Khan. She did not say that, had I known this was the issue. So that never happened. So as far as I am concerned, when I was
10 in there and that happened, that is why I am saying this, that it was done deliberately. So there is more than two things, and it is also the effect of a call from someone of her stature to a witness saying to him, I am giving you a heads up that Hawks is going to come and talk to you. That, to me, is also not on.

And then the second thing is to imply you do not have anything to worry about, you know, sort of trying to comfort the guy. But why make the call in the first place? Because you are telling him, actually, you know, you have
20 got something to worry about, so make sure that you say the right thing. That is my inference from the situation itself. Because we do not do things like this when we investigate matters. As an investigating officer, I do not do things like this. So I expect more from a prosecutor when it comes to this kind of action.

ADV KHUMALO SC: And then the documents that she would have obtained from Mr Bateman. I understand that Mr Bateman at the time was a journalist?

COL ROELOFSE: That is correct.

ADV KHUMALO SC: So is it not fair then to say the documents or the docket or his contents were already in the public domain because the journalist already was in possession of them? Even the journalist himself could have given them to General Khan.

10 **COL ROELOFSE:** I understand the question, but the docket or the information in the docket is not supposed to be in the public domain. It got there in an unsanctioned format. Because if you look at it, Mr Bateman was not entitled to that document. So it is not part of the public domain. The public domain comes when you go to Court and the documents are handed up. Then it is public domain.

But at that point in time, it is not in the public domain. The fact that you have a source who gave you the
20 documents does not make it in the public domain. Not as far as I am concerned when it comes to a reporter. You cannot circumvent the process just because the source gave you the information.

ADV KHUMALO SC: So in short, you say even Mr Bateman was not properly in possession of the docket and

Ms Johnson should have known that when she received it from him and she should not have shared it with the suspect in the assault complaint?

COL ROELOFSE: That is correct, Commissioners. And I think what takes it further for me is the fact that she requested that private emails be used. Because it was done on her Gmail account. She asked the Colonel to go to her Gmail account and she also asked the Colonel to delete the emails when it was done. So those things, if it was an
10 above board conversation, you would use your NPA email account. You would request the documents because you are actually entitled to request documents in her position.

But if you want to put a layer between yourself and the request, that is when you go off the grid and you do it that way. She had access to her official email. She did not have to use her Gmail address and did not have to ask the witness to destroy or to delete the emails. So those are the things that is what informed me of what she did in terms of this specific issue.

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

CHAIRPERSON: On the face of it, subject to an explanation by Advocate Johnson, there appears to be impropriety. Just making a comment.

COL ROELOFSE: That is correct, Commissioner. There appears to be, and I think to me, and once again, it is my

opinion. Once again, if there was not any impropriety, she would have told me on the 7th. She would have volunteered information saying that I was duped. It might not look good, but it is an explanation and we could have actually gone after General Khan, because what she is allegedly guilty of, he is also allegedly guilty of because he sourced the documents from her.

CHAIRPERSON: Thank you. Thank you. Ms Segeels-Ncube, is there a reason why we did not listen to the audio
10 that came with the email?

ADV SEGEELS-NCUBE: Chair, we thought that we would play it when...

CHAIRPERSON: When Witness N is it?

ADV SEGEELS-NCUBE: Witness O, in the incorrect order, yes, Chair.

CHAIRPERSON: Oh, all right.

ADV SEGEELS-NCUBE: Or even Captain McLean comes because he was the investigator.

CHAIRPERSON: But are there issues of confidentiality
20 with regard to it? Why should it not, why should the public not...

ADV SEGEELS-NCUBE: No, there is not, Chair. We will play it.

CHAIRPERSON: In that case, should we not play it here? Or will it be played when...

ADV SEGEELS-NCUBE: Chair, when Captain McLean comes because he is the current investigating officer.

CHAIRPERSON: All right, no, that is fine, that is fine. I was just concerned if we played outside of this...

ADV SEGEELS-NCUBE: No, we will not.

CHAIRPERSON: ...this forum.

ADV SEGEELS-NCUBE: In this forum, Chair.

CHAIRPERSON: All right, all right.

ADV BALOYI SC: Colonel, at the end of paragraph 17, you
10 read what you describe as the irony in the conduct of Advocate Batohi vis-à-vis Advocate Johnson, that very last part of paragraph 17. Do you, in so many words, consider the conduct of Advocate Batohi to have been inappropriate in the same way as well? I just want to be clear what it is you are saying about it.

COL ROELOFSE: I do not know, I do not know. I was not privy to the conversation between her and Advocate Johnson, or between her and General Lebeya. But if she has read the affidavit that was given to her, and I am
20 talking about Advocate Batohi, she would have realised that what she is doing then by showing that affidavit to Advocate Johnson, that is exactly the same that Johnson did with Khan.

So I would have expected her to understand the situation, because what I would have expected from her is

to appoint a prosecutor, and if she wanted to, institute disciplinary proceedings. That is what I would expect in the circumstances like this. But that did not happen. So I was never contacted by a prosecutor. So as far as I am concerned, there was never a prosecutor appointed, and there was no disciplinary proceedings after that as well. I was not contacted by the NPA for disciplinary proceedings.

I mean, if you have an affidavit like that in front of you, you have to take some action. And the same applies
10 to an explanation. If an explanation was given to her that was duped, I did not know what this guy was going to do with this, then it is the same explanation that I expected her to give me, but it was not given to me. So I am not sure what took place between the two of them, but I am sure that she should have seen the circumstances in respect of the affidavit of the Colonel vis-à-vis the circumstances of the affidavit given to General Khan.

ADV BALOYI SC: I guess what I am trying to get in very clear words, so that there is no confusion about this is, in
20 respect of Advocate Johnson's conduct to General Khan, as it relates to General Khan, you unequivocally say there was interference with an active investigation. And what I am seeking to clarify with you is, do you similarly express the same view about Advocate Batohi speaking to Advocate Johnson about this investigation that you are now

conducting into her behaviour? Do you consider that to have been an interference in an investigation or not?

COL ROELOFSE: Commissioner, it is a difficult question to answer because as I was not there. So I do not know her intent. So I only can deduce from the actions what the intent was. Now, I am not sure that the intent was to derail the investigation, but if you look at what happened afterwards, the fact that no one was appointed, no disciplinary action was taken, and sharing this document, 10 because she must have realised this is exactly the same situation that Advocate Johnson is finding herself in. So under those circumstances, I have no doubt that, let me classify it, she made exactly the same mistake, if you want to call it a mistake, because it is not a mistake, as Advocate Johnson did by her actions.

ADV BALOYI SC: Thank you.

CHAIRPERSON: The witness may be excused?

ADV SEGEELS-NCUBE: Yes, Chair

WITNESS EXCUSED

20 **CHAIRPERSON:** Thank you very much, Colonel.

COL ROELOFSE: Thank you, Commissioners.

CHAIRPERSON: Let us adjourn and resume at 11.45.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Is it still you, Ms Segeels-Ncube?

ADV SEGEELS-NCUBE: Yes, yes, Chair.

CHAIRPERSON: Good morning, Captain McLean.

CAPT. McLEAN: Good morning, Commissioners.

CHAIRPERSON: Do you pronounce it MacLean?

CAPT. McLEAN: McLean, not toothpaste, McLean, but the
A out.

CHAIRPERSON: I am asking because when I was a
student, we had a dean who was Dean McLean, but written
exactly the same way.

10 **CAPT. McLEAN**: Same way.

CHAIRPERSON: Yes. Yes?

ADV SEGEELS-NCUBE: Thank you, Chair. The Captain
will take the oath.

CHAIRPERSON: Do you swear that, oh, please place your
full names on record, Captain.

CAPT. McLEAN: Mark McLean.

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

CAPT. McLEAN: So help me God.

MARK McLEAN: (duly sworn states)

CHAIRPERSON: Thank you, Captain.

EXAMINATION BY ADV SEGEELS-NCUBE: Thank you,
Chair. Captain, in front of you are two files. The first one

has a small file with your statement in it, and then the second file is an Exhibit Bundle. I just want you to confirm in the small file, page 8, that the signature that appears on there is your signature.

CAPT. McLEAN: That is correct.

ADV SEGEELS-NCUBE: Do you confirm that the statement was prepared for purposes of your evidence today?

CAPT. McLEAN: Correct.

ADV SEGEELS-NCUBE: Do you confirm the correctness of
10 the contents of the statement?

CAPT. McLEAN: Correct, Commissioner.

ADV SEGEELS-NCUBE: Thank you. Chair, given that Captain McLean is corroborating to a large extent Colonel Roelofse's evidence, we have agreed that certain parts of his statement, he will not read it, but he will basically summarise based on what Colonel Roelofse has done, has already testified to, and then he will continue at a certain point with aspects that only relate to him. And when we deal with what it is that the Colonel had given, the
20 information the Colonel had given to him, we will then play the recording as well. Thank you. Captain, if we can then start with your statement on page 1. And you can read this part into the record, and then if there is any portions that you want to elaborate on or clarify, you can do so. You do not have to feel restricted. Thanks.

CAPT. McLEAN: Thank you, Commissioner.

“I am a member of the South African Police Services with the rank of a Captain attached to the Directorate of Priority Crimes Investigation, also known as the Hawks. In May of 2020, I was part of a team placed at the Investigating Directorate, the ID, of the National Prosecuting Authority, also commonly known as IDAC, as part of a duty arrangement between IDAC and the DPCI, where we were assigned to conduct investigations relating to inter-alia state-owned enterprises or state-owned entities. We investigate these matters relating to the Crime Intelligence Division, including the Secret Service Account, SSA. While conducting these investigations into Crime Intelligence, the team became familiar with Crime Intelligence officials who would provide the team with information. At times, these officers would provide information on ongoing investigations or matters that we were not aware of as a team.”

ADV SEGEELS-NCUBE: Now, Captain, when Colonel Roelofse gave evidence, he mentioned that investigations had started as early as 2011. Were you involved in those investigations?

CAPT. McLEAN: That is correct, Commissioners. In 2011, I think it was March, it was our public holiday, we were informed to form part of a team coming up to Gauteng to investigate a murder of Oupa Ramogibe in Vosloorus against General Mdluli at the time.

10 **ADV SEGEELS-NCUBE:** Okay, and at that stage, was it just you and Colonel Roelofse?

CAPT. McLEAN: It was myself, Colonel Roelofse, Colonel Viljoen, Piet Viljoen, and Cathy Williams, Sergeant Cathy Williams.

ADV SEGEELS-NCUBE: And just insofar as you have mentioned the issue about the Secret Services Account, was that also part of the 2011 investigation?

CAPT. McLEAN: Not right in the beginning, Commissioners. Like I said, as things progressed, because
20 you are dealing with a murder of the then Divisional Commission of Crime Intelligence, the officials in Crime Intelligence, you get to know them and then they will approach you with information. And that is exactly what transpired here.

ADV BALOYI SC: You say information unrelated to...

CAPT. McLEAN: Unrelated to the murder, Commissioner.

ADV SEGEELS-NCUBE: And then Colonel Roelofse mentioned something about, he said we could have stopped this in 2011 and did not really elaborate. I think it was actually my fault that I did not ask him to elaborate on. Do you have a view on that? Because I had engaged you on that issue as well, about 2011.

CAPT. McLEAN: Yes, Commissioners. Most of these issues that is arising now that is coming out at the
10 Commission, not all, we already knew about some of these things in 2011. And it was brought to the attention of a lot of Generals that something must be done.

CHAIRPERSON: Can you just please explain these things?

CAPT. McLEAN: These things was the abuse of the Secret Service Account. We opened, at that time we opened two other separate cases that was running. One was against General Lazarus and Colonel Barnard. And then the other matter was General Lazarus, General Mdluli and Colonel Barnard. The first one was on a Lyttelton matter against
20 General Lazarus and Barnard for abusing the Secret Service Account. What they did was they created within a server provider ...[intervenes]

CHAIRPERSON: I just wanted to get the nature, not necessarily details.

CAPT. McLEAN: Thank you, Commissioner.

ADV SEGEELS-NCUBE: I think the Chair's question was more about what are these things that you say could have been stopped in 2011. That was the context, not the actual cases that were investigated, but the reference to that this could have been stopped in 2011.

CAPT. McLEAN: Like I said, the abuse of the Secret Service Account, the appointments, all of that was known to us in 2011.

ADV SEGEELS-NCUBE: Okay. You may continue.

10 Paragraph 3.

CAPT. McLEAN:

“The purpose of this statement is twofold.

The first is to inform the Commission of a matter regarding events in 2018 reported to me and the retired Colonel Roelofse in 2022 involving Advocate Andrea Johnson and Major General Feroz Khan. And secondly, to corroborate retired Colonel Roelofse's version of events.”

20 **ADV SEGEELS-NCUBE:** Okay. Then can I just pause to ask you, so you go in May 2020 as part of the duty arrangement. Where are you based? Are you based at IDAC?

CAPT. McLEAN: Both myself and Colonel Roelofse at the time, and the rest of the team was based at the DPCI in

Cape Town.

ADV SEGEELS-NCUBE: Okay. And then in May 2020, when you are now on the special assignment?

CAPT. McLEAN: It was myself and Colonel Roelofse who was placed at ID when they started, to assist with investigations there.

ADV SEGEELS-NCUBE: And at that stage, Advocate Johnson was not yet at IDAC?

CAPT. McLEAN: No. Advocate Johnson only arrived there
10 in 2022.

ADV SEGEELS-NCUBE: Okay. And your assignment, was it specific to Crime Intelligence?

CAPT. McLEAN: Not specifically to Crime Intelligence, but also to state-owned enterprises.

ADV SEGEELS-NCUBE: Okay. And at that stage, had you been aware of Major General Feroz Khan within Crime Intelligence?

CAPT. McLEAN: We were aware of General Khan, but not all the issues that came out in the Commission at that
20 stage.

ADV SEGEELS-NCUBE: Now, I am just meaning the person, so he was...

CAPT. McLEAN: Correct. We knew him.

ADV SEGEELS-NCUBE: You may then go to paragraph 4 of your statement on page 2. And as indicated, this portion,

Colonel Roelofse had given extensive evidence on the disclosure by the Colonel. If you could just, for purpose of corroboration, just summarise what transpired with the witness that disclosed the incident.

CAPT. McLEAN: Commissioners, at the time, I think it was May, we were approached by, actually, General Jacobs, who informed us about the Colonel, who had information regarding an incident that took place in 2018 relating to Major General Khan and Advocate Johnson.

10 **ADV SEGEELS-NCUBE:** And you were referring to General... Did you say General Jacobs?

CAPT. McLEAN: It was referred to us by General Jacobs.

ADV SEGEELS-NCUBE: And General Jacobs was...

CAPT. McLEAN: He was the head of the Division for Crime Intelligence at the time. The Colonel was working under him in his office as a staff officer.

ADV SEGEELS-NCUBE: Okay. Continue.

CAPT. McLEAN: We then approached the Colonel, and like Colonel Roelofse testified, we then requested a
20 statement with all the necessary documents, a recording that she had, that was sent to her.

ADV SEGEELS-NCUBE: And just briefly tell us what it is that she had communicated to you.

CAPT. McLEAN: She informed us that in July of 2018, the 4th of July of 2018, she was in her office, and Major General

Khan was also there, but he was in a boardroom not far from her office, next to, he was in a meeting, he came to her office with his cell phone, he was talking to some person on the cell phone. He then informed the Colonel that it is Andrea on the phone, and that... He then handed his phone to the Colonel. The Colonel was then requested by the lady on the phone to give a personal email address, and she will send something for General Khan that she must give to General Khan, and then she must delete the email,
10 which she did.

ADV SEGEELS-NCUBE: Okay, and she then provided you with the information.

CAPT. McLEAN: That is correct, Commissioners.

ADV SEGEELS-NCUBE: And what was that that she had provided you with?

CAPT. McLEAN: She provided us with a statement, her own statement, a statement of the A1 in a docket of Silverton 422/05/2018, and the J88.

ADV SEGEELS-NCUBE: And the email as well?

20 **CAPT. McLEAN:** And the email.

ADV SEGEELS-NCUBE: Okay.

CAPT. McLEAN: And also the recording.

ADV SEGEELS-NCUBE: When you say the recording, what do you mean?

CAPT. McLEAN: It is a recording that was... I think it was

done by the complainant, Brigadier Petle, of the assault case, and that was also given to the Colonel.

ADV SEGEELS-NCUBE: Okay. Had you ever interviewed Brigadier Petle?

CAPT. McLEAN: Correct, Commissioners.

ADV SEGEELS-NCUBE: Okay. And she confirmed that that recording was a recording of a part of the incident, a portion of the incident.

CAPT. McLEAN: That is correct, Commissioners.

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

CAPT. McLEAN: It also forms part of that case docket.

ADV SEGEELS-NCUBE: Okay. Chair, we will play the recording now.

[VOICE NOTE PLAYED BACK]

“**Brig Petla**: Open.

Maj-Gen Khan: Morning.

Brig Petla: Mmm.

Maj-Gen Khan: How are you?

20 **Brig Petla**: Good, yourself? Can you close the door?

Maj-Gen Khan: No, I do not want to talk with the door closed.

Brig Petla: Why?

Maj-Gen Khan: I have got my reasons.

Brig Petla: What will be the reasons?

Maj-Gen Khan: No, no, no, leave that to me.

Brig Petla: No, but you come here into my office and you just leave the door wide open.

Maj-Gen Khan: [indistinct]

Brig Petla: No, but the door was closed.

Maj-Gen Khan: No, no, no, I do not close, because I do not want tomorrow to be accused of anything here.

Brig Petla: What would I accuse you for?

Maj-Gen Khan: [indistinct]

Brig Petla: Ja, but what have I ever accused you for, about?

Maj-Gen Khan: Ja, but I do not want ...[intervenes]

Brig Petla: You see this door, you cannot talk to me in an open place, people will ...[intervenes]

Maj-Gen Khan: Let us go to another place.

Brig Petla: No, there is no other place.

Maj-Gen Khan: You can come here.

Brig Petla: No.

Maj-Gen Khan: You can come here. Why

you do not want to come here?

Brig Petla: I do not want to come there because it is not warm enough. I have got my health reasons.

Maj-Gen Khan: [indistinct] ...[intervenes]

Brig Petla: No, no, no, sit here and then close the door.

Maj-Gen Khan: No, I do want to.

10 **Brig Petla**: Even if you do not close it fully, if you do not trust me.

Maj-Gen Khan: [indistinct] ...[intervenes]

Brig Petla: Or go you can get a witness, if you feel ...[intervenes]

Maj-Gen Khan: No, call your witness.

Brig Petla: And then you will wait until I call my witness then.

Maj-Gen Khan: I do not need to listen to you.

20 **Brig Petla**: But you said call your witness, so how do I call when you are walking out?

Maj-Gen Khan: Where is Zandi? Where is Zandi?

Brig Petla: Khan, if you are coming here to shout at me ...[intervenes]

Maj-Gen Khan: I am not your Khan, I am

General. Do not address me as Khan.

That is the last time you call me Khan.

Brig Petla: You see now.

Maj-Gen Khan: You call me General.

Brig Petla: No, do not shout at me.

Maj-Gen Khan: You call me General. You do not call me Khan. I am not your friend, I am your commander. Do not address me as Khan. Am I clear to you?

10 **Brig Petla**: [No answer]

Maj-Gen Khan: Am I clear to you?

Brig Petla: [No answer]

Maj-Gen Khan: Do not address me as Khan. You have no discipline. Do you know standing orders of the police?

Brig Petla: [No answer]

Maj-Gen Khan: Are you familiar with standing orders?

Brig Petla: [No answer]

20 **Maj-Gen Khan**: Are you familiar, Brigadier?

Brig Petla: [No answer]

Maj-Gen Khan: I am not Khan to you. I am not your friend. Where were you this morning?

Brig Petla: [No answer]

Maj-Gen Khan: I am here from 7.30. Why were you not at work?

Brig Petla: [No answer]

Maj-Gen Khan: Answer me.

Brig Petla: [No answer]

Maj-Gen Khan: Where were you this morning?

Brig Petla: [No answer]

10 **Maj-Gen Khan**: What time did you start work?

Brig Petla: [No answer]

Maj-Gen Khan: You are not going to talk to me? The pen is very powerful. You have lots of issues at the moment. You want me to add to them?

Brig Petla: [No answer]

Maj-Gen Khan: Brigadier, you want me to add to your issues?

20 **Brig Petla**: [No answer]

Maj-Gen Khan: I need to know where were you. I need answers from you.

Brig Petla: [No answer]

Maj-Gen Khan: You want me to add to your issues?

Brig Petla: [No answer]

Maj-Gen Khan: Have I been rude to you? Why are you rude to me? Do I call you Catherin? Lebo? I have never called you anything but Brigadier. But can you say the same in your heart? You cannot. Do some introspection and find out why these things are happening to you. Okay?

Brig Petla: [No answer]

10 **Maj-Gen Khan**: Okay?

Brig Petla: [No answer]

Maj-Gen Khan: You come to my office tomorrow morning at half past 7. I will see you at work. Bring your witnesses. And that is General for you."

ADV SEGEELS-NCUBE: Thank you, Chair. That is the audio. Captain, could I ask you to please identify the female voice?

CAPT. McLEAN: The female is Brigadier Petle.

20 **ADV SEGEELS-NCUBE**: And the male voice?

CAPT. McLEAN: Is General Khan.

ADV SEGEELS-NCUBE: And when you interviewed General Petle, we know that one of the allegations was that there was assault. Did she tell you what had transpired?

CAPT. McLEAN: Commissioners, we did not go into detail

of what transpired, because I have listened to the recording and read a statement. So we basically just went over a statement of what transpired and she confirmed what was in her A1 statement at the time.

ADV SEGEELS-NCUBE: And to you, what did she say was the assault?

CAPT. McLEAN: The general spoke about a pen. And if I look at the J88 and what Brigadier Petle is saying, it is more about the pen. Because he was doing this. And the
10 J88 also speaks about injuries on the chest.

CHAIRPERSON: And what is the description of the injuries?

CAPT. McLEAN: It just shows that there is marks. Like if somebody press you with a pen, that is the type of injuries it shows on the J88.

ADV SEGEELS-NCUBE: On page 17 of the Exhibit Bundle.

ADV BALOYI SC: Captain, the J88 is completed by whom?

CAPT. McLEAN: An independent doctor, Commissioner. I must also state that when I went to fetch the initial docket,
20 the original docket, the 422, some of the J88 pages is missing. So I am following up with the doctor to see if we can get a proper J88.

ADV SEGEELS-NCUBE: So if you go to page 17, which is the J88, can you just identify to us how does one see what the injuries are? We are not displaying it though.

CAPT. McLEAN: If I look at the J88, there is a few pictures of a body there, Commissioners. And you can see where the doctor made circles. It is where you can, what I see as, that is my version of a pen, when somebody pokes you with a pen.

ADV SEGEELS-NCUBE: Okay.

CHAIRPERSON: I am looking at page 20.

CAPT. McLEAN: 17.

CHAIRPERSON: No, 20, is that not where the doctor is
10 explaining the nature of the injuries perhaps?

ADV SEGEELS-NCUBE: Yes.

CAPT. McLEAN: Yes.

CHAIRPERSON: I cannot read that. Do we have something legible? I do see swelling, for example. And then number 3, because there is one, two, three. I also see what looks like four, multiple, something, something.

ADV SEGEELS-NCUBE: Chair, that is all that we have of the docket and there is on page 33 a bigger version of it.

ADV BALOYI SC: On page?

20 **ADV SEGEELS-NCUBE:** Page 33, I think it says one swelling on the upper part of the middle left forearm. That is at 1. And then it gives a, I guess, the size of it, plus minus 2.2, I cannot see what that is. And then the second one, bruise superficial on facial left. And then three, four multiple small bruises on, I cannot read the rest. And then

if you go to page 17, which has the markers of the injuries. We can go then back to your statement. So that is what was contained in the docket.

CAPT. McLEAN: Correct.

ADV SEGEELS-NCUBE: Or what the Colonel had given you as what she had received from Advocate Andrea Johnson.

CAPT. McLEAN: That is correct.

ADV SEGEELS-NCUBE: Okay. And then if you can just
10 then go to page four of your statement.

CHAIRPERSON: I am just, sorry, sorry, sorry. I have just been trying to cross-refer here. I have gone back to page 17 because looking at number 2, which is what? No, number 1. The swelling, no, bruise, bruise, number 2, superficial on, is that facial? And left. So I went back to 17 and I am looking at what appears there. If you look at the top line, one, two, there is a circle there, do you see that?

CAPT. McLEAN: On top of the head.

CHAIRPERSON: Yes.

20 **CAPT. McLEAN:** Correct, Commissioner.

CHAIRPERSON: And it is on the left hand side.

CAPT. McLEAN: That is correct.

CHAIRPERSON: If this has not been filled in, would you ordinarily have the circle that we see there?

CAPT. McLEAN: No.

CHAIRPERSON: Or is that circle ...[intervenes]

CAPT. McLEAN: That is where the doctor will say this is where injuries, when he you examine the patient, that is where it shows.

CHAIRPERSON: Then the doctor means that as an indication. All right, I just wanted to know, all right.

ADV SEGEELS-NCUBE: Thank you.

CHAIRPERSON: Thank you, thank you, Ms Segeels-Ncube.

10 **ADV KHUMALO SC:** Ms Ncube, before you go to the disclosure, Captain, I am just trying to understand procedurally what happened. So you have the complaint from the whistle-blower and then you have the statement from the docket from the 2018 incident. What do you do now? Do you open a separate docket dealing with what the whistle-blower told you Advocate Johnson did. What exactly do you do? Is that a new case or do you open a new docket?

CAPT. McLEAN: Correct, Commissioner. So what we did
20 in this case or with any other case, we do not use the original case docket that is there. We try to preserve that as it is for the Court to see what was in that case docket. So what we did in this case, we opened an inquiry into the matter. And in that inquiry, I did not even want to place the statement of the Colonel in that inquiry. I just wrote up the

investigating diary, although I know I had the original statement. So that is how we proceeded with this.

ADV KHUMALO SC: So you open an inquiry and then it has an inquiry number?

CAPT. McLEAN: Yes, 8/9/2022.

ADV KHUMALO SC: Do you investigate it as a criminal offence? What do you investigate it as?

CAPT. McLEAN: As a normal criminal offence, but it is just an inquiry at that stage. Until you have all the
10 evidence, all the statements, and then open a case docket.

ADV KHUMALO SC: Let me tell you where I am going with this so that you can understand me. There is a suggestion by a witness before you that once your investigation started, how the content of the whistle-blower statement was shared between DPCI and the NPA and Advocate Johnson may in itself have been improper. So what I am trying to understand is, if it is a normal inquiry as opposed to a criminal investigation, is there anything untoward with the statement being shared between various units or
20 institutions?

CAPT. McLEAN: I do not, we do not have an issue because we requested, the reason we gave that copy of the statement to General Lebeja is to request a prosecutor from the NPA to assist us, to guide us in the investigation and also to get our Section 205s authorised because

otherwise we could not get anything done. That is the only reason we did it that way. But there is nothing untoward.

But where it becomes a problem ...[intervenes]

ADV KHUMALO SC: Sorry, I know Advocate Ncube is getting to that. I just needed to understand, is it a criminal investigation or is it an inquiry? The difference between the two, you have clarified it.

CAPT. McLEAN: It is a criminal investigation. The one has just got an inquiry number and the other will have a
10 case number when the investigation is finalised.

ADV SEGEELS-NCUBE: Thank you, Captain. Page 4 of your statement, the investigation, paragraph 10, you can read there.

CAPT. McLEAN:

“In June of 2022, after meeting with the Colonel, Colonel Roelofse and I met with Mr Andrew Leask of AfriForum and Advocate Gerrie Nel and Mr Bateman. As an aside, Advocate Nel and Andrea
20 Johnson worked together at the NPA at some point and most notably on the prosecution of Oscar Pistorius.”

I can add there, at that time in 2011, Advocate Johnson also worked with us when we did the General Mdluli matter, the fraud and corruption matter. But later she withdrew

from all activities on that investigation. Obviously because her husband is working for Crime Intelligence, Junaid Johnson.

ADV SEGEELS-NCUBE: Okay.

CAPT. McLEAN:

10 "I have read Colonel Roelofse's statement submitted to the Commission and confirmed that my recollection of the meeting is the same as his, as contained in his statement. In particular, I want to highlight that Mr Barry Bateman told us that Advocate Johnson had requested the information, the Petle criminal complaint, from him.

20 I note that in his statement that I obtained from Mr Bateman on the 23rd of June 2026, he stated he does not have a recollection of the circumstances that led to him sending the information to Advocate Johnson. However, he can only infer that it was following a discussion and response to a request from Advocate Johnson.

 This, together with Mr Bateman's reluctance to provide a statement when the same was requested in 2022, suggests to

me that Mr Bateman is aware that Advocate Johnson's request to him was not..."

ADV SEGEELS-NCUBE: Innocuous. Now, can I just ask you, at the time when you asked Mr Bateman for his statement in June 2022, had he prepared something? Did he give an undertaking that he would prepare a statement? Why did it take four years to secure that statement?

CAPT. McLEAN: We did have... Colonel Roelofse did get a draft statement from Mr Barry Bateman. There were
10 questions that we had relating to the events and how it occurred and we wanted his downloads of the cell phone. But when Advocate Johnson were informed by Advocate Batohi and he received a call from Advocate Johnson, I think it was for that reason that we could not finalise his statement at that point in time.

ADV SEGEELS-NCUBE: But what do you mean by that? I mean you are just leaving it hanging in the air. What do you mean that that is the reason that it took so long to get the statement from him?

20 **CAPT. McLEAN:** I can just say that my... But what I think what Mr Bateman was doing was to see whether anything is going to happen with the investigation before finalising his statement. Because if I was in issues and I received, he is trusting the police, he is informing us of the information that he received or the request that he received. Now, all of a

sudden, the same person who he gives the information about is phoning him. I will also perhaps just wait until something will happen from the NPA's side.

ADV SEGEELS-NCUBE: But he did not express to you the reason why he was delaying with the statement?

CAPT. McLEAN: Not at all.

ADV SEGEELS-NCUBE: Okay. And do you recall how many times you would follow up to get the statement from him?

10 **CAPT. McLEAN:** Quite a few times. But I must say that Advocate Gerrie Nel and Mr Leask assisted me a lot in this matter to get the statement finalised.

ADV SEGEELS-NCUBE: Okay. Then you can continue with your statement. At page 5, the top of page 5, you say, 'I would suggest the call Mr Bateman received'. That was where you were at, middle of that paragraph.

CAPT. McLEAN:

20 "I would suggest that the call Mr Bateman received from Advocate Johnson in September of 2022, which I deal with later, had played a part in him not finalising his statement. We requested the statement from Mr Bateman in June of 2022, but Mr Bateman only provided the statement in June of 2026, four years after he was

requested to submit the statement.”

ADV BALOYI SC: When he submits the statement now in June 2026, is it because you followed up on it or he volunteered it finally?

CAPT. McLEAN: Sorry, Commissioner. Yes, Commissioner, after I now received or I requested a prosecutor and there was a promise of a prosecutor, I then requested Mr Gerrie Nel and Andrew Leask again to assist me to get the statement done, because we need to give it to
10 the prosecutor so they can have a picture of what transpired.

ADV SEGEELS-NCUBE: Okay, continue with your statement. I think it is paragraph 13.

CAPT. McLEAN:

“In August of 2022, we received the statement from the Colonel, setting out events of 4 July 2018. At this stage, Advocate Johnson was the head of IDAC where I was placed, even though I was
20 attached to the DPCI. We could not approach Advocate Johnson given the allegations of interference and defeating the ends of justice. At that stage, I had also obtained the assault and intimidation docket to establish whether the information

of the Colonel was indeed the A1 statement, J88 and audio file of the incident.

I confirmed that what the Colonel gave us matched the information contained in the docket. According to SAPS records, on 15 December 2021, the NPA informed the investigating officer that it would not prosecute the assault and intimidation case against General Khan and on the 13th of January 2022, the docket has been withdrawn.”

ADV SEGEELS-NCUBE: Then on the next topic, if I could just ask you, it is Advocate Johnson's knowledge of the allegations against her. That, you were not personally involved in the meeting between Advocate Johnson and Colonel Roelofse or his approach, Colonel Roelofse's approach to General Lebeya, correct?

CAPT. McLEAN: Correct, I was not personally involved, I did not attend the meeting with Colonel Roelofse with General Lebeya, our Commissioners.

ADV SEGEELS-NCUBE: And then, do you know whether General Lebeya did give the Colonel's affidavit to Advocate Batohi?

CAPT. McLEAN: Commissioners, what I can say about

this, because I recently interviewed General Lebeya, I asked him about the incident and whether he can remember any of such that happened. At that stage, General Lebeya could not remember and he requested me to get his diary from his office, his old office, which I did. I saw that there was indeed a meeting on the 2nd of September 2022 with the NDPP, although there is no reference to what the meeting was all about.

ADV SEGEELS-NCUBE: Okay. And have you obtained the
10 copy of the diary?

CAPT. McLEAN: That is correct, Commissioners.

ADV SEGEELS-NCUBE: Okay.

CAPT. McLEAN: Unfortunately I asked my office permission to share it with the Commission and they never replied to me in an email.

ADV SEGEELS-NCUBE: Okay. And then at paragraph 15, this is the, you were not involved in the, like I said, the meeting between Colonel Roelofse and Advocate Johnson. But did Colonel Roelofse tell you what transpired in that
20 meeting?

CAPT. McLEAN: I can confirm that Colonel Roelofse was approached by Advocate Johnson and what transpired on that specific day.

ADV SEGEELS-NCUBE: And does what he says transpired accord with what he told you at the time, you heard his

evidence, does it?

CAPT. McLEAN: That is correct, Commissioners.

ADV SEGEELS-NCUBE: Then if I could ask you to then read from paragraph 16 on page 7 of your statement.

CAPT. McLEAN:

10 “Both Advocate Batohi and Advocate Johnson are well aware of the potential serious consequences of their conduct, which has the potential to compromise the investigation and place the safety of whistle-blowers like the Colonel at risk. Had it not been for the Colonel's decision not to delete the email from Advocate Johnson to her and then to come forward with the information, we never would have known as a senior prosecutor and now the Head of IDAC had furnished a suspect with the contents of a docket when he was not entitled to this information at that time.”

20 **ADV BALOYI SC:** Captain, you say at the beginning of that paragraph both Advocate Batohi and Advocate Johnson are well aware of the serious consequences of their conduct, so you are saying Advocate Batohi discussing this matter with Advocate Johnson would have consequences, would have had consequences for the case, can you just

explain that?

CAPT. McLEAN: Commissioner, yes, the very same thing that we are accusing or saying Advocate Johnson did by supplying a person of interest with a copy of a docket to prepare himself and to prepare himself to make a statement, to tailor the evidence that is there in the case docket, is exactly the same what Advocate Batohi did to Advocate Johnson at that time.

ADV BALOYI SC: Yes. Maybe then just to be clear,
10 explain what you say in paragraph 14 right at the end, this is where you discuss the meeting of General Lebeya and the NDPP and you say in the last sentence:

“I think it is likely that General Lebeya met Advocate Batohi on that day and gave a copy of the Colonel's statement, which is what we expected him to do.”

Can you just explain that in your own words, when you say General Lebeya was expected to give it, what would have been the purpose of him giving this to Advocate Batohi?

20 **CAPT. McLEAN**: Commissioner, yes, the purpose of giving the statement to, a copy of the statement to Advocate Batohi, the sole purpose of that is so that Advocate Batohi can be in a position to see for herself and read for herself the statement and the implications of what Advocate Johnson did. It was not given to her with the purpose of

sharing it with a person of interest, definitely not, Commissioners.

ADV BALOYI SC: Yes, I mean it seems there may have been, you give it to her for purposes of making the decision about appointing a prosecutor or for her to institute disciplinary action, was that the second part, was it ever in the contemplation when you gave it to her, in which case it would explain why she would discuss it with Advocate Johnson?

10 **CAPT. McLEAN:** Commissioner, at that point, we only wanted a prosecutor to see whether what is told to us is indeed so, so that we can get cell phone records and see if we can collaborate what the witness is talking about. That is the sole purpose of it.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: I want to, Captain, follow up from that. In paragraph 12 and 15 of your statement, so obviously you talk about the meeting between General Lebeya and Advocate Batohi on the 2nd of September, but
20 then in paragraphs 12 and 15 you talk about Advocate Johnson speaking to Mr Bateman after she is made aware of this whistle-blower complaint or the statement. Now, my understanding is that once there is such a complaint, Mr Bateman would be a Witness Or a potential witness.

CAPT. McLEAN: That is correct, Commissioner.

ADV KHUMALO SC: Now, would it be proper for Advocate Johnson, when the complaint is against her, to be talking to witnesses and assuring them that they have nothing to worry about and this is not...

CAPT. McLEAN: Sorry, Commissioner. That is where we are saying the interference came, Commissioner. Why will you, knowing that you are a person of interest, you know the witness, why will you now go and approach the witness? Are you trying to intimidate the witness? Are you trying to
10 tell the witness the Hawks is going to come there, tailor your evidence? We do not know. But it is improper for a person of interest, especially a senior prosecutor within the NPA, knowing the law, to approach a witness in this fashion. Thank you, Commissioners.

ADV KHUMALO SC: And you even tell them that the Hawks might be coming to speak to you.

CAPT. McLEAN: Correct, Commissioner. That is what I am talking about, Commissioner.

CHAIRPERSON: Why did you have to wait for Mr
20 Bateman's statement which you only received in June 2026? I do understand a statement from Mr Bateman could have completed the picture. But if it was not forthcoming, why wait for it forever?

CAPT. McLEAN: That is a good question, Commissioner. Like I said, after requesting the statement from Mr Bateman

in June 2022 and subsequent getting a call from Advocate Johnson telling him we know, do not worry, we are still friends. The Hawks is going to come to you. What we understood was he became sick. I am not sure whether that had a direct impact on him becoming sick. I can only say if I was in his shoes, I think I would have done the same thing. Because here I am trusting the police. I am giving them the evidence. But now it goes back to the person of interest. And the person of interest, who is supposed to
 10 uphold the law, then phones the witness trying to intimidate the same witness. I would also think, if I was in his shoes, I would wait until I am approached again.

CHAIRPERSON: I am not sure that answers the question why you waited until four years later.

CAPT. McLEAN: Why I waited, Commissioner?

CHAIRPERSON: Yes.

CAPT. McLEAN: I had to...

CHAIRPERSON: The two of you as investigators up to the retirement of Colonel Roelofse and then you continuing until
 20 a period of four years had elapsed. At which point you did get Mr Bateman's statement.

CAPT. McLEAN: Commissioner, I think my biggest issue was that we did not have a prosecutor at the time. And for me to go back to the witness and say I want your statement, I must be able, I must be in the position to tell him yes,

indeed, we have prosecutor, we will proceed. I must try and convince him now again to give me that statement and trust us again. But what happened before that, is in my opinion, the reason why we were struggling to get the statement and only got it in this year.

CHAIRPERSON: All right, no, thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. Captain, I think that Commissioner Khumalo has paragraph 15 of your statement as well which you maybe if you can read that
10 portion.

CAPT. McLEAN:

“On the 7th of September 2022 Colonel Roelofse told me that Advocate Johnson approached him at work and they had a brief meeting in the office. According to Colonel Roelofse Advocate Johnson told him that she saw Colonel's statement and mentioned the Colonel's name as well as the name of the officer who commissioned
20 the Colonel's statement, Colonel Odendaal. He also told me that Advocate Johnson told him that Advocate Batohi had discussed the matter with Advocate Johnson and showed her the Colonel's statement. In other words, Advocate Batohi now revealed

to Advocate Johnson that the Colonel had implicated Advocate Johnson in wrongdoing. I was disappointed with Advocate Johnson's conduct."

ADV SEGEELS-NCUBE: Batohi.

CAPT. McLEAN: Agh Advocate Batohi's conduct.

"She had done for Advocate Johnson what Advocate Batohi did for Advocate Johnson, had it not been for General Khan."

10 **ADV SEGEELS-NCUBE:** No, just read it again, sorry.

CAPT. McLEAN:

"In other words, Advocate Batohi is doing exactly the same as what Advocate Johnson did for General Khan. Colonel Roelofse, who told me that Advocate Johnson told him that she spoke to Mr Bateman before meeting him with Colonel Roelofse, and that told Barry Bateman not to worry."

20 **ADV SEGEELS-NCUBE:** And then we were at 16. So maybe you can just then read from paragraph 17.

CAPT. McLEAN:

"If Advocate Johnson was of the view that her conduct was proper, she would have sent the information directly to General

Khan in her professional capacity as a senior prosecutor using a work email address. Advocate Johnson clearly understood that what she did was a contravention of her duties as a prosecutor who must act without fear, favour and prejudice. In this instance she clearly intended to favour General Khan, so that he could have the benefit of the complainant's statement and the contents of the docket when he prepared his warning statement, which he submitted on the same day that Advocate Johnson sent the information to the Colonel.

The Colonel also informed me of a discussion he had with Mr Leask on the 5th or the 6th of September 2022, before he met with Advocate Johnson on the 7th of September 2022. Mr Leask told Colonel Roelofse that Mr Bateman informed Advocate Nel about the conversation he had with Mr Bateman..."

Sorry.

ADV SEGEELS-NCUBE: That he, Mr Bateman, had with Advocate Johnson.

CAPT. McLEAN: Correct.

“...on the 5th of September 2022 regarding the Colonel's statement. I confirmed that Colonel Roelofse informed me of the WhatsApp conversation with Mr Leask and that on the day when Advocate Johnson called Mr Bateman about the Colonel's statement, Mr Bateman had sent a series of WhatsApp messages to Advocate Gerrie Nel, setting out the conversation with Advocate Johnson on the 5th of September 2022.”

ADV SEGEELS-NCUBE: Conclusion.

CAPT. McLEAN:

“After Colonel Roelofse retired at the end of January 2025, the docket was assigned to me. On the 23rd of June 2026, I finally obtained a statement from Mr Bateman. My opinion of Mr Bateman's statement is that he is trying to downplay the series of Advocate Johnson's conduct ...[intervenes]”

ADV SEGEELS-NCUBE: Seriousness.

CAPT. McLEAN:

“...the seriousness of Advocate Johnson's

conduct by saying that he saw nothing unusual about sending the information to Advocate Johnson and that he had no reason to question her integrity or intentions. Be it as it may, a prosecutor has now been assigned to the case. After Colonel Roelofse retired I was unable to secure a suitable prosecutor for the case to progress in the matter in so far as

10 Advocate Johnson is concerned.”

CHAIRPERSON: What was the problem in that regard?

CAPT. McLEAN: Excuse me?

CHAIRPERSON: What was the problem in that regard? You say after Colonel Roelofse's retirement, you were unable to secure a suitable prosecutor. What was the difficulty?

CAPT. McLEAN: Commissioner, I had to wait for Advocate Batohi to vacate her post before I could approach the NPA again for a prosecutor.

20 **CHAIRPERSON:** All right, thank you.

ADV SEGEELS-NCUBE: Why do you say that? Why do you say you had to wait for her?

CAPT. McLEAN: Because of what happened to us in 2022 when Colonel Roelofse approached Advocate, agh General Lebeya to approach Advocate Batohi and subsequent to

that, Colonel or Advocate Johnson, then spoke to our witnesses.

ADV SEGEELS-NCUBE: Okay.

ADV KHUMALO SC: Maybe you need to explain what was different this time. When you went to the NDPP in May this year, what was different to what happened in August 2022?

CAPT. McLEAN: There was a new NDPP appointed at the NPA. That was the difference. We did not have Advocate Batohi there anymore.

10 **ADV KHUMALO SC**: But did the new NDPP know that he has to appoint a prosecutor or did you have to make representations to him?

CAPT. McLEAN: We first had to approach him and explain to him about the investigation. In actual fact, after approaching, the new NDPP was approached via other prosecutors, it was only yesterday that a meeting could take place between myself and some of the prosecutors at the NPA. And then only, now, there is movement on the matter. It was only yesterday afternoon at two o'clock.

20 **CHAIRPERSON**: Why was it necessary for the appointment of a prosecutor to be done at the level of the NDPP, Advocate Batohi? To be honest...

CHAIRPERSON: There are, for example, there are Directors of Public Prosecutions, the DPPs. Could they not appoint a prosecutor?

CAPT. McLEAN: Commissioner, the person that is involved in this matter, we were looking at her stature in the organisation, very senior, now the Head of IDAC, worked with all the prosecutors, most of the prosecutors in Gauteng. The only way and the only reason we waited for the new NDPP, is to get us someone that is not in this province, that does not know Advocate Johnson or did not work with her much, to assist us with this prosecution. That is the only reason.

10 **CHAIRPERSON:** Assuming that this happened at a time when there was still, what? Four years or even more, in fact. NDPP is there for seven years. Let us say everything had happened, or rather the beginning of everything had happened when seven years of Advocate Batohi's period was still to run, would you have waited for seven years?

CAPT. McLEAN: To be quite honest, we were actually, we did not know what to do at the time, Commissioner. And even after she left, our only hope was to see the new NDPP and to get a prosecutor to assist us to take this case
20 forward.

CHAIRPERSON: I am just trying, you know, in my mind, I am trying to think what makes someone that senior different. Let us say somebody that senior within the NPA had committed the offence of murder, for example, would you not just investigate that crime in the same manner you

would investigate any other crime and take it to the relevant Magistrates Court, for example, for the initial Court processes, bail applications, first appearance, bail applications, and so on? Then the prosecutor would be the prosecutor at that level. You do not need an NDPP to pronounce on that.

CAPT. McLEAN: That is correct, Commissioner, but like I said, I was thinking of where Advocate Johnson was sitting, excuse me, and the influence she have, we normally do
10 investigations, take it to the local Courts, but this one, we had to approach the NDPP's to assist us with a prosecutor, because of where she was sitting.

CHAIRPERSON: You are repeating what you have been saying throughout and you are not addressing the analogy I am drawing, just to understand your thinking, you are not addressing that.

CAPT. McLEAN: Commissioner, I do not know what to answer.

CHAIRPERSON: Okay, all right.

20 **CAPT. McLEAN**: The issue is simple for me, approach any prosecutor at any Court, they will go to Advocate Johnson and say, this docket is here. There will be influence, like she was influencing the witnesses. That same influence could have been practiced to these prosecutors, if we had to approach any prosecutor at any of these local Courts, it

would have been the same result as what Advocate Batohi did with us giving the statement or informing Advocate Johnson about the investigation.

CHAIRPERSON: With the exception that there might be exceptions of prosecutors who might say, on my CV I want to have on there that I prosecuted someone as senior as the Head of IDAC. Anyway, you have made your responses. Thank you very much, Captain.

CAPT. McLEAN: Thank you, Commissioner.

10 **ADV KHUMALO SC:** Sorry, Captain, I want to follow up on this discussion. Did Advocate Batohi refuse to appoint a prosecutor?

CAPT. McLEAN: To be honest with you, Commissioner, we just never heard anything from Advocate or General Lebeya or Advocate Batohi.

ADV KHUMALO SC: But did you ask for a meeting or make a follow-up? Because I do not want you leaving here with the suggestion that Advocate Batohi refused and because she refused, you decided to wait until her term was
20 finished, then you approached her successor and he agreed. So it is just not clear to me what happened after you correctly gave the docket or the inquiry to your superior, General Lebeya. He engaged with Advocate Batohi, with a view to her appointing a prosecutor. But you never received feedback that she refuses to appoint a

prosecutor.

CAPT. McLEAN: That is correct, Commissioner. We never got any response from her office. And because of, I do not want to say because of Colonel Roelofse that was interacting with General Lebeya, he should have gone back. He informed me what transpired now with him going to General Lebeya, General Lebeya going to Advocate Batohi. If Advocate Batohi wanted to give us a prosecutor, why would you then discuss the matter with a person of interest,
 10 instead of just saying to General Lebeya, I am going to give you this prosecutor from wherever, they will assist you with whatever you need. And then only, when the investigation is done, bring it back to me and then we will make a decision.

ADV KHUMALO SC: But now you take over the inquiry from Colonel Roelofse at the beginning of January. Advocate Batohi is still there. What stopped you from approaching her and say, please appoint a prosecutor, I am now the investigating officer in this matter? What is your
 20 reason for waiting until she has left and then approaching her successor? It cannot be Mr Bateman's statement because that only comes in late June. So in May already you had approached Advocate Mothibi. What stopped you from approaching Advocate Batohi when you became the investigating officer in January and asking her to appoint a

prosecutor?

CAPT. McLEAN: Commissioner, let me just go back to when we started in 2011. So in 2011 when we started with the General Mdluli investigation, we requested assistance from the NPA. We requested the police to assist us with declassifying documents. We waited 12 years. So with all these things that happened to us in the past and knowing that Colonel Roelofse was already approaching General Lebeya, he already approached Advocate Batohi, I did not
10 see why a different response from Advocate Batohi to the one it was given to General Lebeya, no response, no prosecutor.

ADV KHUMALO SC: You do not know what that response was because you never got feedback. So it cannot be correct to say you assumed that she will give the same response if you did not know what that response was.

CAPT. McLEAN: The only response that I got is what Colonel Roelofse said what happened to him and Advocate Johnson. We never heard back from Advocate Batohi or
20 General Lebeya.

ADV SEGEELS-NCUBE: Captain, you do not know if General Lebeya in fact asked Advocate Batohi to appoint a prosecutor.

CAPT. McLEAN: When I had a discussion with General Lebeya, he said that is exactly what he did. What we

requested, he requested from Advocate Batohi.

ADV SEGEELS-NCUBE: When did he say this to you?

CAPT. McLEAN: In this year, a few weeks ago.

ADV SEGEELS-NCUBE: But he also does not recall having the meeting.

CAPT. McLEAN: Correct.

ADV SEGEELS-NCUBE: But he recalled ...[intervenes]

CAPT. McLEAN: He said, sorry, Advocate, he said that if we requested from him to get a prosecutor, that is exactly
10 what he would have done when you went to Advocate Batohi.

ADV SEGEELS-NCUBE: But he does not recall.

CAPT. McLEAN: He does not recall.

ADV SEGEELS-NCUBE: Thank you.

CAPT. McLEAN: But he also told me yesterday in a WhatsApp when I requested his statement and how far he is. He informed me that he is still drafting on his statement, but he is waiting for his counsel to settle the statement.

ADV SEGEELS-NCUBE: Thank you.

20 **CHAIRPERSON**: Assuming that Advocate Batohi showed the documents to Advocate Johnson in this manner, I see all this, what the hell is going on here? Would that have been wrong? I am not saying that is what happened, but I am just putting that to you because all of us do not know what happened. And at this stage, one does not want us to

leave this room with a negative impression about Advocate Batohi, when we do not know what actually transpired. Would there have been anything wrong if that was what transpired?

CAPT. McLEAN: If in this case, it was indeed like we were told that Advocate Johnson said to Colonel Roelofse, if it was indeed like that, and I do not have any reason not to believe what Colonel Roelofse is saying, yes, then there is a lot wrong. Because how can I, as a head of a department,
 10 and I receive information of wrongdoing in my department, of one of my senior staff members, I must address it. But the question is, what was asked from me? What must I do? The simple question that we ask, give us a prosecutor to investigate the matter so we can put it to bed if there is nothing. If there is something, let us prosecute. That is what our request was. So yes, there was lots, everything wrong with the conduct of Advocate Batohi.

CHAIRPERSON: All right, okay, maybe also the fact that nothing appears to have happened in the face of what
 20 Advocate Johnson had done in relation to the Colonel now, the Colonel who made the disclosure. I am saying, I am adding to what you are saying, I am saying maybe one could add to what you are saying, the fact that nothing ever became of that, when on the face of it, that appears to have been improper.

CAPT. McLEAN: Correct, Commissioner.

CHAIRPERSON: All right.

ADV SEGEELS-NCUBE: Thank you, Commissioners, that is the evidence of this witness.

CHAIRPERSON: Thank you very much, Captain.

CAPT. McLEAN: Thank you, Commissioners.

CHAIRPERSON: You are excused. Can we adjourn to come back at 2.00 p.m.?

ADV SEGEELS-NCUBE: Yes, Chair, because the next
10 witness is the *in camera* witness. Partial *in camera* witness.

CHAIRPERSON: But we are going to be here?

ADV SEGEELS-NCUBE: Yes.

CHAIRPERSON: Let us adjourn and resume at 2.00 p.m.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Do I now ...[intervenes].

ADV SEGEELS-NCUBE: Yes, it is still me, Chair.

CHAIRPERSON: Oh, it is still you, oh.

20 **ADV SEGEELS-NCUBE:** Yes. Chair, the next witness is Witness O, who has been identified to us as the Colonel by the other two witnesses, and she will be giving evidence in partial camera. Witness O, are you there?

WITNESS O: I can hear you, Counsel.

ADV SEGEELS-NCUBE: Thank you. Chair, the witness

will take the oath.

CHAIRPERSON: Good afternoon, Witness O.

WITNESS O: Good afternoon, Chair and Commissioners.

All protocols observed.

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

WITNESS O: So help me God.

10 **WITNESS O** (duly sworn states)

CHAIRPERSON: Thank you. I forgot – yoh. Let us start, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: I am sure you know what I almost did there. I almost said please state your full names for the record.

EXAMINATION-IN-CHIEF BY ADV SEGEELS-NCUBE:

Witness O, I just want to confirm that you have in front of you two files. The one contains your statement, which
20 should be until page 6, and then the other is an exhibit bundle.

WITNESS O: It is correct.

ADV SEGEELS-NCUBE: Okay. Do you confirm on page 6 of the statement that that is your signature?

WITNESS O: That is my signature.

ADV SEGEELS-NCUBE: And do you confirm the correctness of the statement at page 1 to 6?

WITNESS O: I confirm the correctness thereof.

ADV SEGEELS-NCUBE: Okay. Witness O, we have been introduced to you by the other two witnesses as Colonel, so forgive us if we do refer to you as Colonel now and then. Could I ask you to start with your statement at paragraph 1, and as indicated, you do not need to say where you are currently deployed within SAPS.

10 **WITNESS O:** Okay, thank you.

“I am an adult female employed within the South African Police Service, formerly attached to the Crime Intelligence Division, and currently still employed in SAPS with the rank of a Colonel.”

ADV SEGEELS-NCUBE: Continue.

WITNESS O: Do I continue? Okay.

20 “The purpose of this statement is to inform the Commission of my personal involvement regarding an incident that occurred on 4 July 2018, involving Advocate Andrea Johnson and Major General Feroz Khan, and my subsequent disclosure of this incident to members of

the Directorate for Priority Crime Investigation, also known as the Hawks. At the time of the incident, I held the rank of a Captain.”

ADV SEGEELS-NCUBE: Okay, the next ...[intervenes].

WITNESS O: Can I continue?

ADV SEGEELS-NCUBE: ... is the incident on 4 July 2018. Please proceed.

WITNESS O: -:

10 “On 4 July 2018, I was working in my office when Major General Khan, who was attending a meeting in the main boardroom, entered my office on the ground floor near the boardroom and handed me his cellphone and requested me to give my personal email address to the person he was speaking to on the cellphone. He said the person's name is Andrea. On the other end of General

20 Khan's phone was a female. The conversation was brief and I could not immediately place the voice of the female caller. The female caller asked for my private email address and told me that I should give the contents of the email to

General Khan. I gave her my email address. She told me that once I have given the contents of the email to General Khan, I must delete the email. I thought it was a strange request, but I obliged. At 12:46, I received the email from an email address with the name Andrea Johnson.”

ADV SEGEELS-NCUBE: You do not have to read it into
10 the record, the email address.

WITNESS O: Okay.

ADV SEGEELS-NCUBE: And then could I just ask you, you say that the female caller asked you to give the contents of the email to General Khan. Did she say how you should do that, in other words, must it be, should you email it? Should you print it? How would General Khan get the contents of the email?

WITNESS O: I cannot recall now the exact words or exactly what she said, but I printed the email and gave it to
20 him. I placed it in a white envelope.

ADV SEGEELS-NCUBE: Okay.

CHAIRPERSON: And what do you mean when you say you obliged?

WITNESS O: I gave my personal email address to the caller.

CHAIRPERSON: All right, thank you. I thought you meant you deleted it.

WITNESS O: No, I did not delete the mail.

ADV SEGEELS-NCUBE: Okay.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: So when you say in paragraph 4 that you obliged, you are referring to the request to provide the contents of the email to General Khan?

WITNESS O: Yes, and to give my private email address to
10 her, yes.

ADV SEGEELS-NCUBE: Okay, thank you. And then paragraph 5.

WITNESS O: Okay.

“The subject header was Phetlhe
Complaint. The following documents and
audio file was attached to the email.”

Should I read it out?

ADV SEGEELS-NCUBE: No, you do not need to. We take
note that it was photographs and audio. We will go to those
20 documents just for you to confirm that that is indeed what
was attached to the email. But before that, when you saw
the subject header, “Phetlhe Complaint”, did you know what
it is related to?

WITNESS O: Not at that stage. Only when I opened the
files, I realized it is related to an incident that occurred

between Brigadier Phetlhe and General Khan.

CHAIRPERSON: Perhaps just a minor, minor issue. The documents, or rather you itemized them under 5.1 to 5.13 of your statement. Please continue.

ADV SEGEELS-NCUBE: Thank you. Thank you, Chair. And did you know a person known as Phetlhe?

WITNESS O: Yes, I knew Brigadier Phetlhe. She was working under General Khan.

ADV SEGEELS-NCUBE: Okay. Then could I just ask you,
10 you can continue with your ...[intervenes].

ADV BALOYI SC: Maybe before that, the person named Andrea that you ultimately speak to and eventually are able to know who it is, before this telephone call, had you ever spoken to her?

WITNESS O: Not personally, but I could not recall exactly when, but I did attend a meeting where she was also. And also, I followed her on the TV when she covered the matter of Oscar Pistorius.

ADV BALOYI SC: Okay, so you did not have a personal
20 relationship with her?

WITNESS O: No, not a personal relationship.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you. So can we then go to paragraph 6 of your statement.

WITNESS O: -:

“The attachments consisted of 12 JPG photos and one audio file. The audio file is available if required. The above-mentioned material has been under my control since I received it on 4 July 2018. I did not delete the email. I realized that the person I had spoken to was Advocate Andrea Johnson, who was a senior prosecutor at the time and is currently
10 Head of the Independent Directorate of the National Prosecuting Authority, also known as IDAC. The attachments and ...”
[intervenes].

ADV SEGEELS-NCUBE: Sorry, Witness O, can I just ask you, why did not you delete the email?

WITNESS O: Well, I thought the request was strange. Why would you email something and then request to delete it? So I was thinking, I was cautious and I kept it.

ADV BALOYI SC: When you say you realized that the
20 person you had spoken to was Andrea Johnson, you realized this from the email itself?

WITNESS O: From the email, yes. Her email, or her name appeared on the email.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: Thank you. You can proceed with

paragraph 7.

WITNESS O: -:

“The attachments to the email from Advocate Johnson originated from the Gmail address from Mr Barry Bateman, known to me at that time as a journalist. Mr Bateman sent the email to Advocate Johnson at 18:05 on 3 July 2018 with the same subject header. I assisted General Khan by printing ...” [intervenes].

ADV SEGEELS-NCUBE: Sorry, Witness O, if you can, in the second file that you have, go to page 5, just to confirm. We have already dealt with it, but just for you to confirm for the record that this was the email.

WITNESS O: I confirm that this is the email.

ADV SEGEELS-NCUBE: Are you on page 5?

WITNESS O: On page 5, yes.

ADV SEGEELS-NCUBE: And you confirm that that was the email that you received from Advocate Andrea Johnson?

WITNESS O: Yes, I see my private email address on top, so I confirm that this is the email I received.

ADV SEGEELS-NCUBE: And at the bottom of page 5 until page 8, actually page 10 I think it is, can you confirm that those were the attachments to the email?

WITNESS O: I confirm that those are the attachments to

the email.

ADV SEGEELS-NCUBE: And what were the attachments, the photos, what were they photographs of?

WITNESS O: When I printed them, I realised that it seems like the contents of a docket. It looks like an A1 statement of Brigadier Phetlhe.

ADV SEGEELS-NCUBE: Had you read the contents?

WITNESS O: No, I did not. No.

ADV SEGEELS-NCUBE: Okay.

10 **ADV BALOYI SC:** In that page 5 email, you confirm, because, you confirm that the, because the email address is not shown, it has been redacted for good reason, but you confirm that the email address of Andrea Johnson is not an NPA or SAPS email address?

WITNESS O: Yes, I confirm that it is a Gmail address.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner. You may continue.

WITNESS O: -:

20 "I assisted General Khan by printing the contents of the email. There was nothing strange about this because at the time, General Khan did not have his own support staff as yet, and I used to assist him with his administration together with

another colleague of mine. What was strange was that the information was sent to my private email, and I was instructed to delete the email thereafter. After I received the email from Advocate Johnson, I forwarded the email to my SAPS email address, printed the attachments, put the contents in a white envelope, and gave it immediately to General Khan. Whilst I was printing the attachments, I realized that they were photos of the contents of a case docket and an audio file. I cannot remember whether I somehow gave the audio recording to General Khan. The email contained ..." [intervenes].

ADV SEGEELS-NCUBE: Can I just ask you then if you could please go to page 8 of the bundle.

WITNESS O: Okay.

20 **ADV SEGEELS-NCUBE:** And just to confirm that at the date there, there is an email from your Gmail account to another email address with your name, and is that the work email address?

WITNESS O: At the time, it was my work email address, yes.

ADV SEGEELS-NCUBE: Okay, and then the date and time is 4 July 2018 at 13:45.

WITNESS O: No, it says 12:45.

ADV SEGEELS-NCUBE: 12:45, my apologies, 12.45. Correct?

WITNESS O: Yes, correct.

ADV SEGEELS-NCUBE: You can go back to your, if we can then go to page 9. That is, again, the attachments till page 11 of the email.

10 **WITNESS O:** Okay.

ADV SEGEELS-NCUBE: And then back to your statement at paragraph 10.

WITNESS O: -:

20 "The email file contained photos of the A1 statement of Brigadier Phetlhe, a female Crime Intelligence Officer who had made a criminal complaint against General Khan for an incident that occurred on 26 June 2018 at the Crime Intelligence office. She had accused General Khan of assault and intimidation. What I know now is that the audio file contained a recording of parts of the incident between General Khan and Brigadier Phetlhe. I was aware of the

alleged assault and intimidation incident
because on the day of the incident,
General Khan came to our office and told
my colleague and me about it. My
colleague assisted General Khan ...”
[intervenes].

ADV SEGEELS-NCUBE: Sorry, Witness O, do you recall
what he told you had occurred?

WITNESS O: Yes, when he came to our office, he
10 indicated, I cannot now exactly recall the words, but it came
down to he has put her in her place. But the way he
explained it, it was out of his character for me.

ADV SEGEELS-NCUBE: You say it was out of his
character that the incident occurred?

WITNESS O: Yes, and that he had this altercation with
Brigadier Phetlhe. I did not know him as a person that
fights with other people.

ADV SEGEELS-NCUBE: Okay. Continue, paragraph 11.

WITNESS O: -:

20 “My colleague assisted General Khan
with a draft of his statement in the
alleged assault and intimidation matter. I
know this because General Khan later
came to me to commission the statement,
which I did. I cannot remember whether

my colleague and General Khan were already busy with the statement when I handed them the contents of Advocate Johnson's affidavit, but I know that they continued drafting the statement after I handed General Khan the white envelope. I also know ..." [intervenes].

ADV SEGEELS-NCUBE: Sorry, Witness O. Can we just make a correction there, when I handed him the contents of Advocate Johnson's email, not affidavit.

WITNESS O: Okay, sorry, I am making the correction. I will read the paragraph again.

"I cannot remember whether my colleague and General Khan were already busy with the statement when I handed them the contents of Advocate Johnson's email, but I know that they continued drafting the statement after I handed General Khan the white envelope. I also know that I commissioned the affidavit sometime after I handed General Khan the white envelope. I am aware that it is stated on General Khan's statement that it was commissioned at 12:30, but this is not

correct. I only commissioned the affidavit after I handed the white envelope to General Khan, which I would have handed to him shortly before 1 or at 1 o'clock at the latest. In support of this, I have looked at the properties information of the typed statement and I noticed that the document was modified at 13:33."

- 10 **ADV SEGEELS-NCUBE**: Okay, Witness O, if you can just pause there, there is a few things to deal with in that paragraph. So, if you go to page 116 of the bundle.

WITNESS O: Okay.

ADV SEGEELS-NCUBE: And until 118, is that the statement that was prepared by General Khan on the 4th of July 2018?

WITNESS O: I confirm it is, but not with this strikeout at the bottom here. I made a copy of this affidavit when I signed it, or when I commissioned it for myself.

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

WITNESS O: On my copy, there is nothing striked out.

ADV SEGEELS-NCUBE: Okay, you are referring on page 118, you confirm that that is the affidavit ...[intervenes].

WITNESS O: Yes.

ADV SEGEELS-NCUBE: And you confirm that where it is

the Commission of oath that is your signature.

WITNESS O: I confirm that.

ADV SEGEELS-NCUBE: And what you are saying is that the time that is referred to there where it says:

10 “I certify that the deponent is
 acknowledged, that he knows and
 understands the contents of the
 statement which was sworn to before me,
 and he placed his signature in my
 presence in Pretoria on 2018-07-04 at
 12:30.”

... that is an incorrect time.

WITNESS O: Yes.

ADV SEGEELS-NCUBE: You say it would have been later based on ...[intervenes].

WITNESS O: Yes.

ADV SEGEELS-NCUBE: What you could see from, when the properties of the document which we will get to.

20 **WITNESS O:** I confirm that. The time and date was
 already pre-typed when General Khan gave me the
 statement.

ADV SEGEELS-NCUBE: And this is important because of the time when Advocate Johnson sent the email to you, it was also after that, after 12:30.

WITNESS O: Yes. I commissioned the statement after

receiving the email.

ADV SEGEELS-NCUBE: Okay. And in support of that, you mentioned the properties of the document being the statement of General Khan which we find on page 38 of the bundle. You can go there.

WITNESS O: I confirm this is the last document, date modified 2018-07-04, 13:33.

ADV SEGEELS-NCUBE: Okay. So what you are saying is that it follows that he would have only commissioned, you
10 would have only commissioned his statement after half past 1.

WITNESS O: Yes.

ADV SEGEELS-NCUBE: Can we go back ...[intervenes].

ADV BALOYI SC: Sorry, before you move on, at that page 118, the affidavit, the strikeout that you say was not there when you commissioned this, there are initials next to, I suppose, verifying or confirming the strikeout. Does any of that scribbling belong to you?

WITNESS O: No, ma'am.

20 **ADV BALOYI SC**: Okay, thank you.

ADV SEGEELS-NCUBE: Thank you. We can go back to your statement.

WITNESS O: -:

“Some time later, the same day, I think,
or a day later, General Khan gave the

white envelope with the contents of Advocate Johnson's email back to me. I kept the envelope, and as stated above, I did not delete Advocate Johnson's email. I do not have one specific reason for keeping the envelope and not deleting the email. The request just seemed suspicious, especially because Advocate Johnson asked for my personal email address and sent the email from her personal email address and asked me to delete the email thereafter. I kept the information and thought that if there was ever an investigation into the assault matter, that perhaps this would be relevant. But Brigadier Phetlhe resigned some time in 2020, and nothing became of the assault case. I was very fearful to volunteer information, especially given the environment at Crime Intelligence at the time. I was also aware that Advocate Johnson's husband, Colonel Junaid Johnson, worked at Crime Intelligence, and him and General Khan had worked closely together. A disclosure of this

nature may have been detrimental to me. However, when Advocate Johnson was appointed the Head of IDAC in early 2022, I started thinking about this incident again, and it troubled me all over again. At the time, members of the Hawks were placed at IDAC to investigate matters at Crime Intelligence. I approached them on the condition that my identity would be protected. I informed them of the incident and that I would prepare a statement setting out my recollection of the incident. I did so in August 2022. As far as I am aware, the DPCI officers investigated the matter, but nothing has come of it.”

ADV SEGEELS-NCUBE: Sorry, Witness O, just for confirmation, that statement of yours appears on page 1 to 4 of the bundle. If you can go to the exhibit bundle, and then the annexures thereafter, do you confirm?

WITNESS O: 1 to 4, where, ma'am?

ADV SEGEELS-NCUBE: Page 1 to page 4 of the exhibit bundle, page 1, 2, 3, 4.

WITNESS O: Yes, I confirm this is my statement and my signature.

ADV SEGEELS-NCUBE: And this was the statement that you had submitted to the DPCI officers?

WITNESS O: Yes, in 2022.

ADV SEGEELS-NCUBE: Okay, thank you. You can continue.

WITNESS O: -:

10 “I am confident that the person I spoke to
 on General Khan's phone on 4 July was
 Advocate Johnson, and that she is the
 person who sent me the email, instructed
 me to give the contents of the email to
 General Khan, and delete the email
 thereafter. I do not know if Advocate
 Johnson and General Khan have any
 connection, other than the fact that
 General Khan and her husband work
 together. In January 2020, I was invited
 to General Khan's 50th birthday party,
 where Advocate Johnson and Colonel
20 Johnson were also in attendance. I do
 not know if Advocate Johnson denies that
 she told me to give the contents of the
 email to General Khan, and delete the
 email thereafter, but if she does so deny,
 she would have to explain why would she

send the email to me, a person that she does not know. I trust that my testimony will be of assistance to the Commission and its work.”

ADV SEGEELS-NCUBE: Thank you, Witness O. Chair, that is the evidence of this witness.

ADV BALOYI SC: Witness O, in paragraph 15 where you say, after Advocate Johnson was appointed Head of IDAC in 2022, you started thinking about this incident again, and it
10 troubled you all over again. Can you just explain a bit what is it about that would have triggered that concern, when she got appointed?

WITNESS O: I think because she was appointed to an important post, it concerned me because if this was above board, she would have sent it at the time from her official email to my official email, and that for me was suspicious.

ADV BALOYI SC: And did General Khan give you any explanation when he said you speak to her on the phone, why the email was being sent to you?

20 **WITNESS O:** No, he did not give me an explanation.

ADV BALOYI SC: Before and after?

WITNESS O: No.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioners.

CHAIRPERSON: Thank you very much, Colonel, you are

excused.

WITNESS O: Thank you, sir. Thank you, Commissioners.

ADV SEGEELS-NCUBE: Chair, we just need a short stand down to get Witness N ready.

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

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Are our laptops supposed to be like this?

MR MICHAELS: Yes, Chair.

10 **ADV MOTLHASEDI:** Chair, we have tested the connectivity and the audio with respect to the next witness and it is ...[incomplete].

AUDIO DEVICE: This meeting is being recorded.

CHAIRPERSON: Okay, maybe let us go on then.

ADV MOTLHASEDI: Chairperson, it seems Mr Michaels is attempting to get visual for the witness.

CHAIRPERSON: Should we not just maybe two or three minutes? We will hear from you when this is sorted out.

ADV MOTLHASEDI: Indeed so, thank you, Chair.

20 **CHAIRPERSON:** Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Good afternoon, Ms Motlhasedi.

ADV MOTLHASEDI: Good afternoon, Chairperson, and Commissioners. We apologize for the mishap. The next

witness is Witness N, who has indicated that she will be taking the oath.

CHAIRPERSON: Good afternoon, Witness N.

WITNESS N: Good afternoon, Chairperson.

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

WITNESS N: So help me God.

10 **WITNESS N** (duly sworn states)

CHAIRPERSON: Thank you.

EXAMINATION-IN-CHIEF BY ADV MOTLHASEDI: Thank you, Chair. Witness N, I would like to start off by confirming that you should have two white files in front of you. The one file should contain your witness statement as well as annexures, and there should be another larger file which contains the exhibit bundle. Do you confirm?

WITNESS N: I confirm, Advocate.

20 **ADV MOTLHASEDI:** Thank you. If I ask you to put the exhibit bundle aside, we will be working largely from the file containing your witness statement and annexures. Are you with, do you have that file nearby?

WITNESS N: I do.

ADV MOTLHASEDI: Thank you. The first eight pages of that file contain your witness statement. Please confirm

that that is your statement as prepared for purposes of your testimony before the Commission.

WITNESS N: That is correct, I do confirm.

ADV MOTLHASEDI: And you stand by its contents and affirm them to be true?

WITNESS N: Yes, I do.

ADV MOTLHASEDI: Thank you. And if you turn to the last page of your witness statement on page 8, do you confirm that the signature that appears there on page 8 is yours?

10 **WITNESS N:** I confirm it is my signature.

ADV MOTLHASEDI: Thank you. Witness N, I would invite you to turn to page 1 of your witness statement under the heading of “introduction”.

WITNESS N: I am there.

ADV MOTLHASEDI: Thank you. You can start by, I will invite you to read your statement, and at various points we will ask you questions for clarification where necessary. But you could please start at paragraph 1.

WITNESS N: Okay.

20 “I am an adult female employed by the South African Police Service as a Detective. I hold the rank of a Sergeant, and I am a member of the Political Killing Task Team deployed to the Eastern Cape Province to investigate matters relating

to the University of Fort Hare. In addition to my assignment to the PKTT, I am a Detective in the KZN Anti-Corruption Unit, and my duties in this role include gathering comprehensive and complete evidence at the scene of crime and during the investigation of case dockets, gathering information and compiling of case dockets, maintaining and ensuring case docket management, recruiting and maintaining sources.”

ADV MOTLHASEDI: Thank you. Witness N, just to clarify with respect to paragraph 3, the duties you set out there, are they duties, general duties in your role as a Detective, or are they specific to your assignment to the current task team you are a member of?

WITNESS N: They are general duties to a Detective, but they do summarise the mandate of the Corruption Unit, the Anti-Corruption Unit.

20 **ADV MOTLHASEDI:** As well as your current assignment?

WITNESS N: That is correct.

ADV MOTLHASEDI: Thank you. Can I invite you to turn to page 2 of your witness statement, and you can continue under the heading of “Overview”, please.

WITNESS N: -:

“In the course of my work, I am sometimes approached by the members of law enforcement, informers and members of the public who want to report suspected criminal activity or otherwise disclose potentially unlawful conduct. I would then meet with these individuals, consider the information that they are sharing and discuss with my superiors what steps I should take in relation to the information that I received. Towards the end of 2025, I received information concerning alleged criminal conduct on the part of Mr Suneel Belochan, a senior Investigator at the Investigating Directorate Against Corruption, which is known as IDAC.”

ADV MOTLHASEDI: Please continue.

WITNESS N: -:

“The information contained in this statement remains under investigation, and I bring it forward in order to assist the Commission and for the Commission to determine whether it necessitates further direction by the Commission.”

ADV MOTLHASEDI: Thank you. Yes, please continue to paragraph 7 under the heading “Engagement with the Complainant”.

WITNESS N: Paragraph 7 reads as follows.

10 “In December 2025, I was conducting investigations in the Eastern Cape when I was contacted by Mr Neil. Mr Neil was a director in the Department of Community Safety in the Eastern Cape. He was responsible for community police relations and is known to me as we had previously worked together on some criminal matters. Mr Neil explained that he has been approached by a Mr Asif Habib Muhammad, who is a Pakistan national ...”

If I may add there, he has an RSA identity document.

20 “... who complained that he, along with other Pakistani shop owners, were being assaulted by a law enforcement officer. Mr Neil further informed me that Mr Asif Muhammad had been assaulted by the same law enforcement official earlier in 2025, and that, despite laying a criminal

complaint, Mr Asif Muhammad had not been assisted. I agreed to sit down and talk to Mr Asif Muhammad. In December 2025, an initial meeting was held between Mr Neil, Mr Asif Muhammad, members of the Tactical Response Team, and I. At that meeting, Mr Asif Muhammad informed me that he had been assaulted by his landlord, which is Mr Suneel Bellochun on the 27th of September 2025. He explained that his landlord was a law enforcement officer and a member of IDAC. He said that during the assault, Mr Bellochun had punched him, leaving him with a bloody nose, loose teeth, and torn clothes. He provided a photograph he had taken of himself displaying the injuries he said had been caused by the assault. This photograph is attached as X1.”

ADV MOTLHASEDI: Thank you, Witness N. I will just place on record that Annexure X1 appears on page 1 of your annexure bundle. We will not flag that visual, but just for you to confirm that that is the image that was provided to you, page 1 of your annexure bundle.

WITNESS N: It is, Commissioners.

ADV MOTLHASEDI: And perhaps for completion, can I inquire why in paragraph 10 that initial meeting was attended by members of Tactical Response Team as well?

WITNESS N: Commissioners, because I am always accompanied by members of Combat, which happened to be the Tactical Response Team on the day.

ADV MOTLHASEDI: Thank you, Witness N. You are at paragraph 11 on page 3.

10 **WITNESS N:** Paragraph 11.

“Mr Asif Muhammad explained that on the same day of his assault, he went to the East London Police Station and laid a criminal charge against Mr Bellochun for assault with the intent to cause grievous bodily harm. He further explained that on the same day, he received a telephone call from someone who said that they are calling from the East London Police Station. While he was still speaking to that person, Mr Bellochun could be heard shouting that Mr Asif Muhammad must come back to the police station and that my police will deal with you.”

That is quoted from what he actually said.

ADV MOTLHASEDI: Thank you, Witness N. Please proceed.

WITNESS N: Paragraph 13.

10 “Mr Asif Muhammad said that later that day, he received an SMS from Mr Bellochun informing him that a case of fraud in the amount of R400,000.00 had been opened against him by Mr Bellochun. Mr Asif Muhammad explained to me that he had lived at a property belonging to Mr Bellochun, believing that he would be safe living at a property belonging to a policeman. Instead, he was further subjected to more demands for money and that he witnessed the delivery of suspicious goods to the property such as televisions, et cetera. I then cautioned Mr Asif Muhammad that the information he was providing with
20 regards to an official had to be verified. Upon being presented with this information, I elected to go to the East London Police Station and asked the Branch Commander to uplift the dockets. In the usual course, if a member of the

public approaches me with such information, I would either advise them to go to the police station and report the crime or I would commence a preliminary investigation myself. In this case, however, Mr Asif Muhammad had already laid a complaint and he informed me that since opening the case in September, he had never been contacted by a member of the SAPS. I then decided to approach the Branch Commander for the East London Police Station and explain the situation to him. He gave me permission to uplift the dockets and make copies. I in turn undertook to update the Branch Commander in the event that my investigation yielded any developments.”

10

And I turn over to the paginated file.

“I took it upon myself to make further enquiries as the matter involved possible police corruption which I am empowered to investigate. This gives a member of the public an anonymous route to report information about potentially criminal conduct by a police officer, staff member

20

or volunteer.”

ADV MOTLHASEDI: Witness N, when you say in paragraph 19 that you took it upon yourself to make further enquiries, and you say at the end of the sentence you know that this is something which you are empowered to investigate, please expand on that and explain what you mean by empowered to investigate.

WITNESS N: When I say empowered to investigate, Commissioners, I mean that since I am in the Anti-
10 Corruption Unit, we look into the abuse of entrusted power or authority for personal, financial or potential gain and also that corruption undermines the rule of law and erodes public trust in institutions. I am under Anti-Corruption, so, and a police officer so I am empowered to do so.

ADV MOTLHASEDI: Okay, please proceed. You are at paragraph 20 on page 5.

WITNESS N: -:

20 “I also took steps to verify the information that I received from Mr Asif. In particular, I contacted a law enforcement who I was informed had resided in the same property belonging to Mr Bellochun. I spoke to him in order to seek further information about the property and left my contact details with

him. On the 22nd of December 2025, I was contacted by Mr Bellochun via a WhatsApp call and text making me to understand who he was. The WhatsApp texts are attached as X1.1. He communicated with me using the number ...” [intervenes].

ADV MOTLHASEDI: You do not need to, you do not need to read the number, right. Yes, you can continue with the
10 sentence.

WITNESS N: Okay.

“Which is the same number that Mr Asif Muhammad has registered as “Suneel.Bro” on his phone.”

ADV MOTLHASEDI: And before ...[intervenes].

WITNESS N: I thereafter ...[intervenes].

ADV MOTLHASEDI: Hold, Witness N. Before we go to the annexure that you referenced in paragraph 21, please explain to the Commission why you received a phone call on
20 the 22nd of December from Mr Bellochun, why did he phone, telephone you?

WITNESS N: Remember Commissioners, I had proceeded to the law enforcement officer above on paragraph 20. So when I left, I had left my details with him and I believe Suneel might have been contacted by the individual and

then he took it upon himself to confirm or to inform me of what he did.

ADV MOTLHASEDI: Thank you. And if I could ask you to go to page 2 of your annexure bundle, page 2, that is Annexure X1.1.

WITNESS N: X1.1, I am there.

ADV MOTLHASEDI: Yes, and please describe what is that image we are looking at there.

WITNESS N: It is an extract of a WhatsApp communication
10 between Suneel Bellochun and myself.

ADV MOTLHASEDI: And you confirm that there is a telephone number right underneath that name?

WITNESS N: That is correct.

ADV MOTLHASEDI: Right. Could I then ask you to turn to page 55 of your annexure bundle, page 55. That is under Annexure X7, which we will get to later, but please go to page 55.

WITNESS N: I am there, Commissioners.

ADV MOTLHASEDI: Thank you. And so when you say in
20 your paragraph 21 that he communicated with me using the same number, which is the number that Mr Asif Muhammad has registered as Suneel.Bro on his phone, are you referring to the image on page 55?

WITNESS N: Yes, Commissioners, this image is that of Mr Asif and this is how he has saved Mr Suneel Bellochun and

it is the same number that also refers to the same number that I saved differently though.

ADV MOTLHASEDI: Thank you, Witness N. You can then proceed to paragraph 22, please.

WITNESS N: -:

10 “I thereafter managed to obtain both dockets. The assault case where Mr Asif Muhammad is the complainant is registered as East London CAS 436/9/2025 and is attached as X2. The fraud docket where Mr Bellochun is the complainant is registered as East London CAS 4 ...[indistinct] 9/2025 and is attached as X3.”

ADV MOTLHASEDI: Proceed to paragraph ...[intervenes].

WITNESS N: -:

20 “Upon obtaining the dockets and considering the contents, I noted that the assault docket was closed as undetected.”

Commissioners, if you may just note, it says that just a week later, but I have amended to say just two weeks later, because it is not the 3rd. In fact, it is the 9th of October 2025 that the docket was filed undetected.

ADV MOTLHASEDI: And for further clarification then,

could you go to page 4 of your annexure bundle. That is Annexure X2, correct?

WITNESS N: That is correct.

ADV MOTLHASEDI: Correct. And that is the East London CAS 436 which you are referring to, is that correct?

WITNESS N: That is correct, Commissioners.

ADV MOTLHASEDI: That is the assault docket where Mr Muhammad is the complainant.

WITNESS N: That is correct, Commissioners, of which at
10 the bottom left is the stamp dated the 9th of October 2025.

ADV MOTLHASEDI: And the stamp is what reads as undetected, is that correct?

WITNESS N: That is correct.

ADV MOTLHASEDI: Thank you.

ADV BALOYI SC: Witness O, on that same page, in the middle, it seems to record the nature and description of offence. You see where I am reading, where I am looking?

WITNESS N: I do Commissioners, yes.

ADV BALOYI SC: Ja, what is that? What does it say?

20 **WITNESS N:** The nature and description of the offence is abbreviated ASS GBH, which refers to assault with grievous bodily harm.

CHAIRPERSON: With intent to do grievous bodily harm.

WITNESS N: Pardon, thank you, Chairperson. With intent to cause grievous bodily harm, yes.

ADV MOTLHASEDI: Thank you, Witness N. While still on page 4, would you please read, you have just described to the Commissioners what the nature and description of the offence is. Do you see the column right, on the right of that titled “crime code”?

WITNESS N: That is correct.

ADV MOTLHASEDI: And the other column immediately to the right of that titled “nature of property / injuries”.

WITNESS N: Yes, Commissioners.

10 **ADV MOTLHASEDI:** Could you read what is filled out underneath there, please.

WITNESS N: It is written:

“Loose teeth and bleeding nose.”

ADV MOTLHASEDI: Thank you, Witness N. You are now at paragraph 24 of your statement on page 6.

WITNESS N: Yes, Commissioners.

20 “I met with Mr Asif Muhammad and updated him on these developments. He was disappointed with the outcome and shared more information with me about the background of his relationship with Mr Bellochun with the hope that he could still seek justice. In January 2026, he prepared a statement which I attach as X4.”

ADV MOTLHASEDI: You can proceed.

WITNESS N: -:

“The upshot of this statement is that he arrived in South Africa in 1998 as an undocumented immigrant from Pakistan. In order to survive he started a small shop and where he thought ...[indistinct] East London along with other Pakistani nationals. Some time during the year 10 2000 he was pulled over by Mr Bellochun for driving without a license. Mr Bellochun demanded a bribe from him and he paid it. A few months thereafter, Mr Bellochun began extorting money from Mr Asif Muhammad as well as other Pakistani shopkeepers in the area. Mr Bellochun did so because he knew that many of them were undocumented immigrants or that they were operating 20 businesses without permits. They paid him so as not to be raided by the police. He had borrowed money from Mr Bellochun at exorbitant rates and even after paying Mr Bellochun back, Mr Bellochun continued to demand more

money from him. He also explained that Mr Bellochun participated in unlawful activities such as selling counterfeit cigarettes and that Mr Bellochun had assisted some Pakistani nationals to obtain fraudulent South African identity documents in exchange for money.”

ADV MOTLHASEDI: Witness N.

WITNESS N: Pardon?

10 **ADV MOTLHASEDI:** Witness N.

WITNESS N: Yes, I am good.

ADV MOTLHASEDI: Yes, you referenced Annexure X4 in paragraph 25.

WITNESS N: Yes, I did.

ADV MOTLHASEDI: Thank you. Could you turn to page 27 then of your annexure bundle.

WITNESS N: Yes, I am there.

20 **ADV MOTLHASEDI:** And please confirm that that is the affidavit of Mr Asif Muhammad whose contents you refer to in paragraph 26.

WITNESS N: Affirmative, Commissioners, this is the affidavit.

ADV MOTLHASEDI: Thank you.

WITNESS N: May I proceed with this statement?

ADV MOTLHASEDI: Yes, Witness N, you are now on page

7, paragraph 27.

WITNESS N: -:

“Mr Asif Muhammad further shared with me that Mr Bellochun routinely exploited other Pakistani nationals who were desperate for money. He introduced me to two of his acquaintances who provided statements in support of this.”

I am not going to read the name.

10 **ADV MOTLHASEDI:** Yes, please do not read the name and we have redacted those, but please just continue with the content of your statement there.

WITNESS N: Okay.

“The particular individual prepared a statement where he shared details that he borrowed R20,000.00 from Mr Bellochun at interest of R3,000.00 per week. Mr ...[indistinct] ...”

Pardon.

20 “... explained that he gave his car to Mr Bellochun to keep until he repaid the loan. When the guy was unable to repay the loan, he contacted Mr Bellochun requesting the car back so that he can sell it and repay him but Mr Bellochun

refused and instead sold the car himself
and kept all the money. His statement is
attached as X5.”

ADV MOTLHASEDI: Can I ask you at that juncture,
Witness N, to please go to Annexure X5. It is on page 30 of
your annexure bundle, page 30.

WITNESS N: Yes, that is the statement.

ADV SEGEELS-NCUBE: And can you confirm, thank you.

WITNESS N: Confirm.

10 “Another individual prepared a statement
confirming the above account of the guy
who sold the vehicle, who gave the
vehicle back and his statement is
attached as X6.”

ADV MOTLHASEDI: Please turn to page 32 of your
annexure bundle and confirm that that is the statement you
are referencing in paragraph 27.2.

WITNESS N: I do confirm that is the statement.

ADV MOTLHASEDI: Please proceed, Witness N.

20 **WITNESS N:** -:

“In that same engagement Mr Asif
Muhammad explained to me that he fears
for his life as Mr Bellochun regularly
demands money from him and that he has
received WhatsApp text from Mr

Bellochun asking him to pay his money
back or else he will kill him.”

ADV MOTLHASEDI: And, Witness N, what do you, what did you understand as with reference to the statement that Mr Bellochun regularly demands money from him? Why was money being demanded from Mr Asif Muhammad?

WITNESS N: I understood this to be some kind of a protection fee, Commissioners, that Mr Bellochun was extorting from this individual.

10 **ADV MOTLHASEDI**: And your basis for that understanding stems from?

WITNESS N: It stems from the provided bank statement from the victim which depicts regular payments, weekly or two days apart or three days apart of exorbitant amounts.

ADV MOTLHASEDI: Witness N, perhaps before we go to those bank statements, in the paragraph immediately thereafter, in paragraph 29, you deal with the issue of the WhatsApp conversations. Perhaps address that paragraph and then let us continue from there please.

20 **WITNESS N**: -:

“He shared a printout of the WhatsApp conversation which I attach as X7. A reading of the messages reveals a pattern of Mr Bellochun repeatedly demanding money from Mr Asif

Muhammad and threats to him are highlighted. He also provided bank extracts.”

ADV MOTLHASEDI: Before, Witness N, before we get to paragraph 30, you reference Annexure X7 in paragraph 29. You see that?

WITNESS N: X7, yes, I do.

ADV MOTLHASEDI: Could I ask you to go to page 33 of your annexure bundle, page 33.

10 **WITNESS N:** Yes, I am there, Commissioners.

ADV MOTLHASEDI: And what is the, where did you source this document?

WITNESS N: It was Mr Asif Muhammad himself who gave me this printout ...[intervenes].

ADV MOTLHASEDI: Thank you.

WITNESS N: From his cellphone and the conversations between himself and Suneel.

ADV MOTLHASEDI: And, Witness N, this document is quite a voluminous document, but in certain places, certain
20 aspects of the document have been highlighted. I will take you, for example, to page 46.

WITNESS N: Yes, where it says:

“I will kill you.”

ADV MOTLHASEDI: The pink highlight on page 46.

WITNESS N: That is correct.

ADV MOTLHASEDI: Do you see the date there? Could you read the date and the time?

WITNESS N: The date is the 21st of August 2025 at 17:25.

ADV MOTLHASEDI: And the sender of the message is?

WITNESS N: It is written "Suneel.Bru".

ADV MOTLHASEDI: And this is the individual who, the screenshot that you referred to earlier on page 55?

WITNESS N: That is correct.

ADV MOTLHASEDI: And in your witness statement, you
10 indicate that this is an extract provided to you by Mr Asif Muhammad of his WhatsApp chats with Mr Bellochun, is that correct?

WITNESS N: That is correct, yes.

ADV MOTLHASEDI: And who highlighted, who presented this highlight in the text? Who made these markings in the WhatsApp chats?

WITNESS N: When Asif pointed out, I then highlighted it as he pointed out the, because I did ask him to show me when exactly and where does he state certain averments
20 were made.

ADV MOTLHASEDI: And, so if in your reference in paragraph 29 to saying that there was regular demands of money and threats to him, are highlighted. Those are the highlights you refer to here?

WITNESS N: Yes, Commissioner.

ADV MOTLHASEDI: So if we turn to page 49 for example, page 49 of your annexure bundle.

WITNESS N: 49, yes.

ADV MOTLHASEDI: There is a highlight there in the middle of the page.

WITNESS N: I see that, which is the 11th of September 2025.

ADV MOTLHASEDI: And please read what the message says and who is the sender, according to your
10 understanding.

WITNESS N: The message is written at 16:23 by Suneel.Bru, and it says:

“My people are looking for you.”

ADV MOTLHASEDI: Thank you, Witness N. There are numerous continuations of the highlights that you have indicated you made. And when you were presented with the extract of this communication, what did Mr Asif Muhammad say the purpose was? What did he intend to show you by providing these WhatsApp chats to you?

20 **WITNESS N:** He wanted to prove that the reason for him to fear for his life by the threats made by an enforcement law officer and that he claims to be killing him, with the threats amounting, with the, it escalated towards the violence that was promised to him.

ADV MOTLHASEDI: And on that score, could you turn to

page 53 of that Annexure X7, page 53.

WITNESS N: I am there.

ADV MOTLHASEDI: And do you see the highlighted text on page 53?

WITNESS N: I do, yes.

ADV MOTLHASEDI: Could you read the first highlighted text into the record?

WITNESS N: The first is on the 26th of September 2025 at 11:24. Suneel.Bru text:

10 "Dies, your crook bastard."

ADV MOTLHASEDI: And the next highlight?

WITNESS N: The next highlight, it is still on the 26th of September 2025 at 11:32 where Suneel.Bru text:

"You must die in the streets. You are rotten. Muslim bastard, God knows you are a crook. You a crook, that is why you suffer. You ..."

I do not know, I cannot ...[intervenes].

ADV MOTLHASEDI: Thank you, Witness N. Thank you.

20 And that date of the 26th of September 2025, that date is one day before the assault that Mr Asif relate to you he was the victim of, is that correct?

WITNESS N: Yes.

ADV MOTLHASEDI: Thank you.

WITNESS N: It is before all cases were opened, including

the fraud that was opened by Suneel.

ADV MOTLHASEDI: Witness N, you are now, let us go back to your witness statement. At the bottom of page 7, you deal with the issue of the bank statements at paragraph 30.

WITNESS N: -:

“He also provided bank extracts showing the transactions between himself and Mr Bellochun and I attach this as X8.”

10 **ADV MOTLHASEDI:** Could we please go to Annexure X8 in your annexure bundle. It starts on page 56.

WITNESS N: Yes, I am there.

ADV MOTLHASEDI: Could I ask you to explain how you sourced this document and what it is?

WITNESS N: Mr Asif Muhammad explained that he has a Capitec account of which he gave the account number and when I asked him for the transactions, he then brought along this printout, which is a, which is from his bank app.

ADV MOTLHASEDI: And so if we turn to page 57 of
20 Annexure X8, could you explain what that is? At the top of the page is a blue box. Could you read the content of that? It says ...[indistinct] [intervenes].

WITNESS N: Page 57, Commissioner, repeats the account number that Asif stated to be of Suneel Bellochun business account for Nedbank.

ADV MOTLHASEDI: And how would one interpret the figures below there?

WITNESS N: There is a total which is written on top and he states that is the transactions he made to that account, which amounted to R203,099.88.

ADV MOTLHASEDI: And the entries beneath that?

WITNESS N: Those are the transactions that are made with those dates.

10 **ADV MOTLHASEDI:** And, Witness N, if we turn over to page 58.

WITNESS N: Yes, Commissioners.

ADV MOTLHASEDI: And please explain what is the content of that blue box at the top of the page, as well as the information beneath that?

WITNESS N: That blue box, Commissioners, depicts the account of Suneel Bellochun, which is his normal account that was given to Asif Muhammad by him. So he had two different accounts, one business account and this one, but both of them are Nedbank.

20 **ADV MOTLHASEDI:** And the transactions beneath that?

WITNESS N: And below that, the total of the transactions made is R84,300.00.

ADV MOTLHASEDI: And, Witness N, the bank statements provided are also quite comprehensive. I will not take you through all of them. I will ask you to draw some

observations based on the entries themselves. If I ask you, if you could please turn to page 61 of Annexure 8.

WITNESS N: Yes, I am there.

ADV MOTLHASEDI: Do you see that there are certain markings on the page?

WITNESS N: That is correct.

ADV MOTLHASEDI: Could you please explain to the Commission what those markings indicate, what relevance they have?

10 **WITNESS N:** As he submitted this bank extract, I wanted to understand where and how will I identify the transactions that he was talking about and as he pointed out, I would take some of those transactions that he mentioned.

ADV MOTLHASEDI: And so am I correct in saying that the bank statement was presented to you by Mr Asif Muhammad?

WITNESS N: That is correct.

ADV MOTLHASEDI: He then pointed out certain transactions to you relating to deposits made in favour of
20 Mr Bellochun.

WITNESS N: That is correct.

ADV MOTLHASEDI: And the markings we see on the statement are markings by you based on the conversation with Mr Asif Muhammad?

WITNESS N: That is correct, Commissioners. Some are

highlighted and some are just marked by a pen.

ADV MOTLHASEDI: And, Witness N, having been placed in possession of the WhatsApp's and the bank statements, what complaint or what was Mr Asif Muhammad communicating, what point was he making to you by providing you with the WhatsApp extracts as well as the bank transactions?

WITNESS N: He was explaining the kind of abuse that he is faced as well as the extortion. So with me asking for the
10 proof for him to submit in order to gather the evidence, this was, indeed concluded to amount to criminal activities.

ADV MOTLHASEDI: And perhaps for clarification, what did you understand the purpose of these payments to have been? You have taken us through them in some detail and provided the statements in their totality, but what did Mr Asif Muhammad tell you was the purpose of these payments?

WITNESS N: Some, Commissioners, of the payments are that of rent and then the other transactions are that when
20 he says he had borrowed a certain amount of money from Mr Suneel Bellochun and he would charge an interest, but the interest here shows to have been paid exorbitantly. It does not amount or equate to, if you do the calculation, it becomes more than that. So I drew an inference to say this could have been protection fees because of what he

narrated to me.

ADV MOTLHASEDI: So if in certain parts of what Mr Muhammad told you, he acknowledged that he paid rent to Mr Bellochun and in certain instances he borrowed money from you, was an exercise done in order to attempt to determine what exactly, which transactions specifically he claims were with reference to the payment of so-called protection fees, as you say?

WITNESS N: Not entirely, Commissioners, because there
10 are no contract details. So with just these amounts appearing, it can only be deducted with the bare information that is in front of us, but it would need a proper investigation into the matter to subpoena the bank for the actual bank accounts in order to be able to calculate and be able to do a proper analysis.

ADV MOTLHASEDI: Okay, Witness N, that is the conclusion of paragraph 7, page 7. Could I ask you to ...[intervenes].

ADV BALOYI SC: Maybe before you move off the
20 WhatsApps, Witness O, I just want to get your overall view of what was going on, the nature of the relationship between the complainant and Mr Bellochun. Now, the WhatsApp texts that you have here in the transcript, and I am going to pick paragraphs quite randomly and then ask you a question. If you turn to page 35, I want to start there,

but I am being random. There is a lot of this throughout this document, but I am going to read and then propose to you what it looks like and get your comment. So at paragraph 35, this is on the, is it 07-08-2025, at 10:11.

WITNESS N: Yes, Commissioner Baloyi, I am there.

ADV BALOYI SC: Okay, so there, Suneel.Bru says:

10 “I am in so much that you will not believe. I am so sick from stress. I can fall. I did not eat all day yesterday and today from stress.”

That is the one. And then go to page 36, at 07-08-25, 18:57, Suneel Bru says:

20 “I downloaded all the messages. You are making me a fool and a liar. My name is rotten because of you. My account is so bad. No one in my family even wants to borrow me money because you never paid them back. Everyone does not call me or Zaira because of you. I sold my mother's jewellery because of you.”

And then in the same page, you go towards the bottom, 07-08-2025, 19:17. You see where I am?

WITNESS N: I do see.

ADV BALOYI SC: Suneel.Bru says:

“What about Enzo and Leon? You

worried about you, what about me?

Tomorrow, if I do not get the 25K to pay them, I will make sure I will F up everyone that F'd up my life."

And then the next page, I am going to read for you. You do not have to keep up with me, but I just want to, it makes my point. The next page at page 37, 08-08-25, 14:14:

10 "Every promise you make, I tell Enzo and Leon. Now they are telling everyone I am a crook and running away with their money."

And maybe I can stop there. There is a lot of the same thing as the one that I have just read now. Now, it seems to suggest that Mr Bellochun may, firstly, they have a relationship where they are lending money to each other with the complainant, one. But two, that in fact, Mr Bellochun is also getting money from other people, so, sort of like a money lending scheme that involves other people, 20 such as Enzo and Leon, that he is complaining that they think he is running away with their money. In your investigation, if you have already gotten to that point, what is your overall impression of what Mr Bellochun is involved with?

WITNESS N: Commissioner Baloyi, yet I have not gone

through to those people, but my conclusion to this kind of relationship was that it is not a proper relationship, because it is either they are loan sharks or there is this kind of protection fee, as I have stated before, because there is this lending of money to and fro. And then when the payment comes back, it does not come necessarily to that amount that was borrowed.

ADV BALOYI SC: Yes.

WITNESS N: It is ...[indistinct] kind of, if I can explain it
10 that way.

ADV BALOYI SC: All right. Thank you.

ADV MOTLHASEDI: Thank you, Commissioner. Witness N, perhaps to tie up this point, could I ask you to go to page 27 of your annexure bundle, page 27.

WITNESS N: Yes, I am there.

ADV MOTLHASEDI: Now that is Annexure X4.

WITNESS N: Correct.

ADV MOTLHASEDI: And this is the affidavit you referenced earlier as being made by Mr Asif Muhammad.
20 Could I ask you to turn to paragraph 3 there, please.

WITNESS N: Yes, I am there.

ADV MOTLHASEDI: Could you read paragraph 3.

WITNESS N: -:

“In the year 2014, he was suspended
from work.”

ADV MOTLHASEDI: Just hold on for me, please. Could I ask you to start at paragraph 2.

WITNESS N: Okay.

“After 4 to 5 months, he approached to
raid my shop and asked ...” [intervenes].

ADV MOTLHASEDI: I apologize, Witness N, could you start at paragraph 2?

WITNESS N: Where it says I was stopped ...[intervenes].

ADV MOTLHASEDI: [Indistinct]... [cross-talking] yes,
10 please.

WITNESS N: Oh, okay.

“I was stopped by an Indian police officer
stationed at Duncan Village.”

ADV BALOYI SC: Ms Motlhasedi, sorry, paragraph 2 of
...[intervenes].

ADV MOTLHASEDI: Commissioner Baloyi, we are on page
27.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Annexure X4. Paragraph 2, you can
20 continue, Witness N.

WITNESS N: -:

“I was stopped by an Indian police officer
stationed at Duncan Village at the time
by the name Suneel Bellochun back in
the year 2000 when I was driving without

a license. He asked me to give him R100.00 and I did. After 4 to 5 months, he approached to raid my shop and asked for R500.00, and I made a plan and gave him. He would do the same to all my neighbouring shops and asked me to tell my friends to make a plan, and I did. He therefore never arrested us. This went on for some years.”

10 **ADV MOTLHASEDI**: Thank you, Witness N. You indicated in paragraph 8 that when Mr Muhammad was introduced to you, the complaint was that he, along with several other Pakistani shop owners, were being extorted. Having listened to what you read in paragraphs 2 and 3, have you come to a point in your investigation where you have determined or are in the process of determining whether the complaint made by Mr Asif Muhammad is limited to him or whether there are other shop owners who have a similar complaint to him?

20 **WITNESS N**: No, Commissioners, it is beyond Asif Muhammad coming forth. It is, there is other exploited foreigners.

ADV MOTLHASEDI: And how would you know that? Have you interviewed them? Have they approached you? What is the basis for saying that there are other shop owners in

the position of Mr Asif Muhammad?

WITNESS N: Besides just the two that submitted their statements there is, unfortunately, Commissioners, it did not make it to my statement, but I do undertake to provide the Commission should a need arise. There is an article dated 2014, December 30, from the Daily Dispatch, whereby Mr Bellochun was arrested on a sting operation by the DPCI officers for the very same conduct, whereby he was soliciting R30,000.00 from a spaza shop owner, who only
10 raised R27,000.00 and promised to pay him the outstanding amount of R3,000.00 on the Saturday, which is then the day that he was apprehended when that R3,000.00 transaction took place.

ADV MOTLHASEDI: But you confirm that that article that you are referencing is not part of your statement at present?

WITNESS N: No, it is not part of the article.

ADV MOTLHASEDI: Will you provide that to us?

WITNESS N: That is correct, Commissioners, yes.

20 **ADV MOTLHASEDI:** Thank you. And Witness N, you had just dealt with paragraph 30 of your statement, which then brings you to paragraph 31 on page 8.

WITNESS N: Yes, Commissioners.

“Mr Asif Muhammad remained quite
adamant that he wanted some

assistance. In particular, he asked me, as a law enforcement officer, how can a person who is a wanted suspect with a J50 warrant of arrest work for an organisation such as IDAC? I asked him what was he talking about, and he then showed me an article displaying that a warrant for arrest was issued for Mr Bellechun, which was as per Pretoria West CAS 97/05/2021, which I attach the article as X9.”

ADV MOTLHASEDI: Witness N, please then turn to Annexure X9, that is on page 115 of your annexure bundle, Annexure X9.

WITNESS N: Page ...[intervenes].

ADV MOTLHASEDI: 115.

WITNESS N: Correct, I am there, Commissioners.

ADV MOTLHASEDI: And is that the article that you are referring to in paragraph 31?

20 **WITNESS N:** Indeed, this is the article.

ADV BALOYI SC: Ms Motlhasedi, maybe you look at page 116, it looks like that is where it starts, if it is the same.

ADV MOTLHASEDI: Okay. Witness ...[intervenes].

WITNESS N: Yes, Commissioner Baloyi.

ADV MOTLHASEDI: Yes, please. Could you please turn

the page over to 116.

WITNESS N: Yes, Commissioner Baloyi, I am there, 116.

ADV MOTLHASEDI: Could you read the heading of that picture of the document laying there?

WITNESS N: The heading states:

“IDAC appoints a wanted suspect.”

ADV MOTLHASEDI: And if you look at the bottom of the page, do you see that last paragraph there?

WITNESS N: Yes, I do.

10 **ADV MOTLHASEDI:** And if you flip the page to page 117.

WITNESS N: Yes.

ADV MOTLHASEDI: Could you explain if this is one news article or two?

WITNESS N: No, it is one.

ADV MOTLHASEDI: And which page does it begin on?

WITNESS N: It begins on the second page, 116, as Commissioner Baloyi stated, because on top it says the person who published it and the days, and then the second page is supposed to be 115 and the last page be 117.

20 **ADV MOTLHASEDI:** The second page is 115?

WITNESS N: Correct.

ADV MOTLHASEDI: Even though it has a heading on the top?

WITNESS N: That is correct. This is how the victim had brought it to me, so that is why I concluded it is one article,

Commissioners. I may stand to be corrected.

ADV MOTLHASEDI: But on a reading now of page 115, in light of the boldness of the heading there, do you see the heading on page 115?

WITNESS N: Oh, yes, pardon me for that. It reads two different headings. The other on 115 reads the heading of:

“Corruption allegations prompt
Parliamentary enquiry focussed towards
some IDAC officials.”

10 **ADV MOTLHASEDI**: And the heading on page 116 reads?

WITNESS N: The heading on 116 reads:

“IDAC appoints a wanted suspect.”

ADV MOTLHASEDI: Can we focus on page 116, because it deals with the contents of your paragraph 31.

WITNESS N: Yes, Commissioner, I am there.

ADV MOTLHASEDI: Are you able to give the date of that article?

WITNESS N: The date of the article is, it states published two days ago, 19 July 2025.

20 **ADV MOTLHASEDI**: And the first paragraph there starts “in a startling revelation”.

WITNESS N: Yes, that is correct.

ADV MOTLHASEDI: Please read that.

WITNESS N: -:

“In a startling revelation the

Investigations Directorate against Corruption, which is IDAC, has appointed Suneel Bellochun as a senior investigating officer despite him having a warrant for his arrest for alleged fraud. The second status surrounding this appointment raised concerns regarding accountability and transparency within the entity.”

10 **ADV MOTLHASEDI**: Could I ask you to read the following paragraph that starts “the case against”.

WITNESS N: -:

“The case against Bellochun was opened by a former police officer, James Ramanjalum.”

I cannot pronounce that, pardon me.

ADV MOTLHASEDI: Please continue.

WITNESS N: -:

20 “Who opened a case, a docket of fraud at Pretoria West CAS 97/5/2021. Following the lodging of the complaint, a warrant for Bellochun's arrest was issued, yet he remains at large, further complicating the trust vested in IDAC and the South African Police Services.”

ADV MOTLHASEDI: We can note the contents of the paragraph immediately thereafter, but could I please ask you to read the final paragraph on page 116.

WITNESS N: It says:

“According to a sworn statement from
Investigating Officer David Mashaba ...”
[intervenes].

ADV MOTLHASEDI: Yes, continue.

WITNESS N: -:

10 “His attempts to arrest Bellochun were
thwarted by fraud and money laundering
charges in 2018 and lodged her
complaint in 2020.”

ADV MOTLHASEDI: It looks as if something is, it looks as if the page immediately thereafter does not follow the sequence of this article.

WITNESS N: I note that, Commissioner.

ADV KHUMALO SC: Ms Motlhasedi, it looks like ...[intervenes].

20 **CHAIRPERSON:** Does it not? Does it not?

ADV MOTLHASEDI: Start at 115 ...[indistinct].

CHAIRPERSON: I am saying 117, is it not a continuation from 116? It seems to read well or not, not at all.

ADV KHUMALO SC: It looks like we have two different articles and both of them are incomplete.

WITNESS N: That might be the case, Commissioner Khumalo, yes.

ADV KHUMALO SC: Because 117 could belong to either, but it does not follow. You know, when you read 115 separately, 117 looks like it is out of context, and it is the same with 116.

ADV MOTLHASEDI: Agree. I agree with that, Commissioner Khumalo. Perhaps the point being made, Witness N, is that you were provided with an article by Mr
10 Asif Muhammad. That is what you say in paragraph 31, correct.

WITNESS N: That is correct.

ADV MOTLHASEDI: And the article according to your paragraph 31 makes reference to a Pretoria West CAS 97/05/21.

WITNESS N: Yes, Commissioners.

ADV MOTLHASEDI: Have you had regard to that docket?

WITNESS N: I just recently had sight of it, Commissioners.

ADV MOTLHASEDI: And so what you attach at X9 is what
20 you were provided by Mr Muhammad, is that correct?

WITNESS N: That is correct.

ADV MOTLHASEDI: Chairperson, we can confirm that the docket referred to in paragraph 31 was obtained by the Commission and it is included in the exhibit bundle in its totality. The witness indicated that she only recently had

come to be in possession of it and it was secured and included in the exhibit bundle as CJC369.1. Witness N, you are at paragraph 32 of your statement.

WITNESS N: Yes, Commissioner.

10 “After receiving these statements and after discussion with my superiors, I opened an enquiry as per Eastern Cape PECO 04/06/2026 wherein these matters have been registered for further investigations. Upon opening this enquiry, I intend to take up the following steps which is to compile a section 205 application for the bank account numbers provided to me, request the history of the vehicle ownership registration for the Nissan Captiva and therefore analyse all the evidence, thereafter the case docket.”

20 **ADV MOTLHASEDI:** And with reference to your paragraph 33.2 when you say you are going, you intend to request the history for the vehicle ownership registration, is that a reference to the content of the affidavit you cite in your witness statement about the car that was sold?

WITNESS N: That is correct, Commissioners.

ADV MOTLHASEDI: Thank you, Witness N. Chairperson,

those are our questions for Witness N.

CHAIRPERSON: Thank you very much, Witness N, you are excused.

WITNESS N: Thank you, Chairperson.

ADV MOTLHASEDI: Thank you, Chair.

CHAIRPERSON: We resume at 9:30 on Monday.

WITNESS O: Monday, yes, Chair.

CHAIRPERSON: Let us adjourn.

INQUIRY POSTPONED TO 13 JULY 2026

10 **INQUIRY ADJOURNS**
