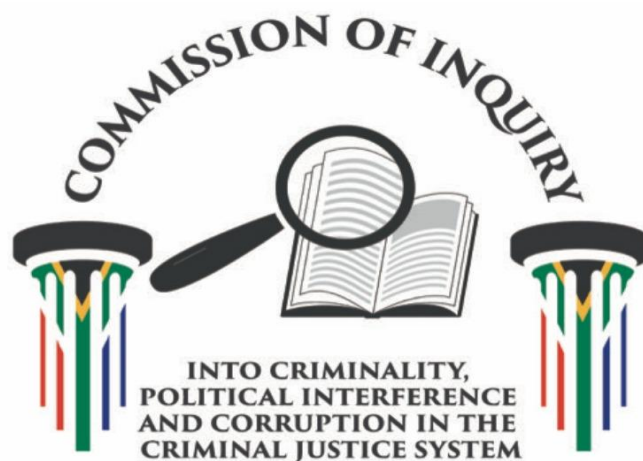


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

17 JULY 2026

DAY 142



PROCEEDINGS ON 17 JULY 2026

CHAIRPERSON: Good morning, Mr Sikhakhane, and is there, oh, the Interpreter, okay.

ADV SIKHAKHANE: Good morning, Chair and Commissioners.

CHAIRPERSON: Yes, and good morning Warrant Officer Mpangase.

WARRANT OFFICER MPANGASE: Morning, Commissioner.

CHAIRPERSON: Thank you. Yes.

10 **ADV SIKHAKHANE:** Chair, as you have mentioned it is Warrant Officer Mpangase who is giving evidence today, and it is in line with the Port Shepstone stream. His evidence will just deal with some of the decisions that he had made. We have had evidence of other witnesses in relation to some other issues, and I do not need to, I do not think it would be wise to repeat that evidence. Can I ...[intervenes].

CHAIRPERSON: Thank you for this. So, thank you. I am saying thank you for indicating that you will avoid
20 repetition. Thank you for that.

ADV SIKHAKHANE: Thank you, Chair. Can I request that the witness be sworn in then.

CHAIRPERSON: Warrant Officer, will you be - I will say this for the first and last time. After this I will use your name. Mr Interpreter, can you please give me your name so

that I can address you by name from this point onwards?

MR NKABINDE: Vusimuzi Cuthbert Nkabinde.

CHAIRPERSON: Thank you, Mr Nkabinde. Thank you.

Warrant Officer, will you be swearing or affirming?

ADV SIKHAKHANE: I will be swearing.

CHAIRPERSON: Please place your full names on record.

WARRANT OFFICER MPANGASE: Mbongeleni Felix
Simangaliso Mpangase.

CHAIRPERSON: Do you swear that the evidence you are
10 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”.

WARRANT OFFICER MPANGASE: So help me God.

MBONGELENI FELIX SIMANGALISO MPANGASE (duly
sworn states)

CHAIRPERSON: Thank you, Warrant Officer. Yes, Mr
Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. In fact, I wanted to
deal with the question of Mr Nkabinde after he was sworn
20 in. So the witness has requested the services of an
interpreter or translator, from English to isiZulu and *vice*
versa, and obviously that would apply when we ask
questions to the witness. And I would request kindly that,
or there is a request that we keep the questions short so
that there is enough chance to allow the interpretation or

translation as it were.

Before you, Chair, or the Commissioners, there would be files, and I would like you to just concentrate on the witness statement for present purposes. I will also rely on the exhibit files, which I think you would have. Apologies for the many files, but I will keep the reference to those three or four files. And Mr, Warrant Officer Mpangase has those files. Confirm?

WARRANT OFFICER MPANGASE: Yes.

10 **MR NKABINDE:** Confirmed.

EXAMINATION-IN-CHIEF BY ADV SIKHAKHANE: And the file that we are going to start with is file 1. Thank you. And at page 1, that is your statement or a statement with your name. Do you confirm?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Can you then turn to page 4 of that very statement.

CHAIRPERSON: You are silent, Mr Nkabinde.

ADV SIKHAKHANE: And at the bottom section is your
20 name. Is that your signature?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: And then I take it that is your statement, which you will rely on.

WARRANT OFFICER MPANGASE: That is correct.

ADV SIKHAKHANE: Commissioners, Mr, Warrant Officer

Mpangase, apologies, was served with the necessary Rule 3.5 notices, and equally with Regulation 10.6 notices and they are in that file as tab, in tab 5 and 6, and particularly the regulation 10 is under tab 7. And in particular, the questions would start from page 18 of that file, just to contextualize the giving of the evidence. Thank you. Then just on the structure for today, what we would prefer or what we would request that happens is that you go through the statement, read it out, and put it on record.

10 **WARRANT OFFICER MPANGASE:** Yes.

ADV SIKHAKHANE: And you would have considered the questions in the Regulation 10.6 notice, and where you require to add or elaborate, please do so.

WARRANT OFFICER MPANGASE: Yes, understood.

ADV SIKHAKHANE: Can we then start with your statement from the beginning.

WARRANT OFFICER MPANGASE: I have just noted there is a mistake concerning the date on paragraph 3. It is written as 21st instead of 22.

20 **ADV SIKHAKHANE:** Chair, we will attempt to cure that issue in the appropriate manner, considering that it is ...[indistinct] [speaks very soft] just a statement. Are there any other issues that you would want to ...[incomplete].

WARRANT OFFICER MPANGASE: No.

CHAIRPERSON: Oh, sorry, sorry. We have encountered

those minor mistakes and the witnesses have just corrected them through their testimony, so you do not need to bother with the technicalities around that. Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you. Thank you, Chairperson. Can I then request you to continue with your statement.

WARRANT OFFICER MPANGASE: Okay.

10 “I, the undersigned, Mbongeleni Felix Mpangase, states under oath in English. I am a Warrant Officer in the South African Police Service with service number 06386687. I am currently attached to Pietermaritzburg SAPS to investigate cold cases within uMgungundlovu District.”

CHAIRPERSON: Do not, just keep that sentence with your cell number.

WARRANT OFFICER MPANGASE: -:

20 “I confirm that during the year 2021, I was employed as a detective within the Directorate for Priority Crime Investigation, based in Durban. I was attached to Serious Organized Crime Investigation Unit, tasked to investigate national priority violence crimes, which included murder, robbery with

aggravating circumstances, bank robberies, among others. On the 22nd of June 2021, I booked on duty at 7:30 a.m. at the office, which is situated at 136 Victoria Embankment. At an unspecified time, I received a call from Lieutenant Colonel Jacob and he asked me if I was available for an operation and if I was, I must be on standby, because a crime intelligence operative, whom I knew, had information about a container that was containing approximately 7 to 8 kilograms of Cocaine, which was, at the time, suspected to be at CHS Depot, Isipingo.”

ADV SIKHAKHANE: Sorry, Warrant Officer, I do apologize, but I just want to maybe understand, when you said, it is just a minimal, you knew the crime intelligence operative, did you work with him before?

WARRANT OFFICER MPANGASE: Yes, I had worked with him only once.

ADV SIKHAKHANE: Thank you.

WARRANT OFFICER MPANGASE: -:

“I informed Lieutenant Colonel Jacob that I was available to assist. He then asked me who else can come with me to do this

operation. I suggested Warrant Officer Sibiya to him, and he agreed. I then approached Warrant Officer Sibiya, who was sitting at his office, and agreed to assist in this operation. So both of us were then ready for an operation. After Warrant Officer Sibiya had agreed and wanted to assist, I then contacted Lieutenant Colonel Jacob and informed him that Warrant Officer Sibiya was on board for an operation. Lieutenant Colonel Jacob advised that I should expect a call from a CI operative who would provide more information. He further stated that Warrant Officer Sibiya and I would attend. I requested that Lieutenant Jacob also attend, as the CI operative was his, and that I had no prior experience attending to such information. I stated that the information required someone experienced and well-versed in these types of operations. He agreed and indicated that he would book himself on duty and join us. A few minutes later, the operative phoned me and told me we

had to meet at Isipingo for a briefing. I informed Lieutenant Colonel Jacob about this. He then said we must come and pick him up at his house. As I did not have a car, I approached Warrant Officer Sibiya, who was using Lieutenant Colonel Jacob's car. So we then went to pick him up, and the three of us proceeded to Isipingo, where we met the CI operative, who then briefed us on the information. After a short briefing, we proceeded to CHC depot. At the depot, we met an Asian female. We introduced ourselves to her as police and informed her the purpose of our visit. She told us that she is the manager of the depot, and then she was aware of our pending visit. I believe the CI operative had already spoken to her prior to our arrival. She granted us permission to search for the container, and it did not take a long time to locate it. Once we identified it, we brought it down to the ground to be searched. Before the container was identified, Lieutenant Colonel Jacob had

already assigned me to take note of the search. I recorded names and cellphone numbers of people observing the search, as well as those who were employed at the depot. My assigned role during this drug bust or drug interception was to take notes. Lieutenant Colonel Jacob and Warrant Officer Sibiya were responsible for taking photos of the scene. At all times, I was working under the supervision of Lieutenant Colonel Jacob. Before the container was opened, Lieutenant Colonel Jacob and Warrant Officer Sibiya took photos of the container and the seal number, as well as the container number. I recorded the names of the people present. Among those that I had noted were Sergeants Mkhize, Sergeant Govender and Ntuntuko Khuzwayo, who were present during the search of the container. The container was properly locked and sealed, and the seal was intact. I do not recall who broke the seal and opened the doors of the container. Upon opening, I observed

black canvas bags placed directly behind the doors of the container. Lieutenant Colonel Jacob removed one of the bags and opened it. Inside the bag were bricks of hard substance, suspected to be cocaine. These bricks were wrapped in yellow and black plastic wrappings, bearing inscriptions of Jaguar and TikTok emblems. Photos were taken of the bag before it was removed from the other bags, and again it was opened, as well as its content. These photos were taken using a cellphone camera. Twenty-seven bags were offloaded from the container and placed on the ground. Further search was conducted and nothing was found in the container, except for the cargo that was there, for which details of it I do not recall. If my recollection serves me well, I also recall that the uniformed members who were there during the search and the seizure had left. They were phoned to come back and assist with the transportation of exhibits from the depot to the Isipingo

SAPS. They indeed came back and exhibits were loaded in the Hyundai H1 and transported to Isipingo SAPS with the sole intention of storing them there for safekeeping. When we were at Isipingo SAPS, we offloaded the exhibits and placed them on the ground and photos were also taken while they were on the ground and the bags were recounted. After we had finished a recount, bags were opened and we counted the content of each bag and it was found that each bag had 20 bricks of Cocaine. Only one bag had 21 bricks of Cocaine. I requested the exhibit clerk to give us FSL bags so that we can seal the exhibits and he said he did not have the size that we were looking for. I then personally entered the exhibits in the SAP13 register at Isipingo as instructed by Lieutenant Colonel Jacob. While I was entering exhibits in the register, the exhibit clerk asked me a strange question. He wanted to know where we were going to keep the exhibits. I told

him that we were going to leave them there for safekeeping. He told me that he had no space to keep the exhibits there, we must take them with us and keep them somewhere. I then told him to inform Lieutenant Colonel Jacob. When Lieutenant Colonel Jacob heard this from the clerk, he started making calls to look for a place to store these exhibits.

10 Lieutenant Colonel Jacob told me that since they are refusing to keep the exhibits there, I must book them out to be taken to forensic lab. He started by calling Amanzimtoti FSL, and they said they do not have space. They were renovating the building since it was damaged by heavy rains. After that, Lieutenant Colonel Jacob made a call to inform Brigadier Nyuswa that we are

20 unable to find space to store the exhibits. After talking to Brigadier Nyuswa, Lieutenant Colonel Jacob told me that we must take the exhibits to Port Shepstone storage. After the decision was made to take the exhibits to Port Shepstone, an

arrangement was made for vehicles to transport the exhibits to Port Shepstone. There was an escorting team comprising of Warrant Officer Mdlalose and Warrant Officer Mkhwanazi. I cannot recall who else was there as part of the escorting team. We arrived late in the afternoon at Port Shepstone offices and we were received by a Port Shepstone official who showed us their walk-in safe where exhibits were stored. I do not know the name of the DPCI official that gave us the keys to the safe. I am not certain whether General Senona and Brigadier Nyuswa came in before our arrival or arrived while we were busy storing the exhibits in the storeroom. I can recall that both came inside the storeroom while we were busy storing the exhibits. General Senona was checking if the storeroom was suitable to store exhibits. After storing the exhibits in the safe, the safe was locked and General Senona instructed that the keys be left with him. The safe keys were handed over to him

accordingly. We all left and went back to Durban. Nobody complained about anything. Everything was perfect and in order and everybody was happy with the seizure. On the following day, I received an instruction from Lieutenant Colonel Jacob that I must go back to Port Shepstone to unpack the exhibits and seal them in the forensic science lab bags. I then requested Captain Nthanzi, now the deceased, Captain Vries, but I do not recall who else was there to assist. We proceeded to Port Shepstone and unpacked and sealed the exhibits in the FSL bags. They were then entered in the Port Shepstone SAP13 register which was brought to DPCI offices by the Port Shepstone clerk. After we had finished, I locked the safe and I personally took back the key to General Senona and booked it back on the register since I had booked it out in the morning. Again, I received a call on the next day from Lieutenant Colonel Jacob that I must go back to DPCI offices and take samples

from each bag. I again requested Captain Vries and Captain Nthanzi and I do not recall who else came with me. We went into the safe. I randomly picked up five bags and took out samples from each brick which I randomly selected. I placed the samples inside the FSL exhibit bags and sealed them. The bags were marked with Durban Central OCI Enquiry 28/06/2021 and Port Shepstone SAP13/883/2021 which I later handed over to Warrant Officer Sibiya for safekeeping until Lieutenant Jacob comes back from leave. I wish to state on record that Ntuntuko Khuzwayo introduced himself as the custom official. This could have been clarified had a statement been taken from him shortly after which would have confirmed his occupation. I had no reason to mislead anyone or falsify information. Similarly, I had no reason to state that Sergeant Mkhize and Sergeant Govender and other police officials were there observing the search if they were not there. I also want

to state that I concur with Lieutenant Colonel Jacob that I am an experienced drug investigator. I have been doing drug investigation for more than 10 years, doing buy and bust covert operations in KZN, but I have never attended a drug interception of this magnitude from start to finish, either at the harbour or container depot. The only reason I took part in this covert operation is because I was requested to assist and I personally wanted to learn from Lieutenant Colonel Jacob as to how to manage these type of operations and the whole process from start to finish. I also want to state that I was shocked and surprised when I heard that drugs were stolen from Port Shepstone DPCI storage. I was surprised because I was under the impression that drugs were long transported to forensic science laboratory, Pretoria as I had overheard in the passage, in the office that they were going to be taken there for storage. I wish to state that I do not know who

broke into the Port Shepstone storage
and I was not aware that there were no
proper security measures in place. That
is all that I wish to state.”

CHAIRPERSON: May I just ask this very quickly, Mr
Sikhakhane. I do hear you, Warrant Officer, saying that you
are experienced, or rather you are an experienced drug
investigator and that you have been doing investigations for
more than 10 years, that is drug investigations. But I
10 understood the beginning of your affidavit to say that as at
22 June 2021 your area of operation was violent crime,
national priority violent crime. Is that so?

WARRANT OFFICER MPANGASE: That is correct.

CHAIRPERSON: As you are saying that, that is your area
of operation being violent crime, priority violent crime, you
give examples of that and at the end you say, end of the
sentence, paragraph, the last sentence, paragraph 2 you
say “among others”, that is after itemizing examples of
violent crimes, you say “among others”. In the context I
20 understand “among others” also to relate to violent crimes,
am I correct?

WARRANT OFFICER MPANGASE: That is correct.

CHAIRPERSON: Now let the, all right, let me ask this. On
the morning of 22 June 2021, were there no members whose
area of operation was narcotics or drugs?

WARRANT OFFICER MPANGASE: There were.

CHAIRPERSON: Can you give me a few names?

WARRANT OFFICER MPANGASE: There were two groups. One was headed by Captain Mbele, the other one was under Lieutenant, Colonel at that time, the name is Moodley.

CHAIRPERSON: And were the two and/or members under them on duty on the morning of 22 June 2021, do you know?

WARRANT OFFICER MPANGASE: Yes, they were.

CHAIRPERSON: Do you know why Colonel Jacob would
10 have called you, you being somebody whose area of operation was a priority violent crime, instead of calling those people whose area of operation was narcotics?

WARRANT OFFICER MPANGASE: The reason which I could recall, Colonel Jacob was not in good terms with both groups.

CHAIRPERSON: Does that mean he did not work with them?

WARRANT OFFICER MPANGASE: Yes, he did not work with them.

20 **CHAIRPERSON:** So whenever he worked within his area of operation, he always got people who were not within his area of operation?

WARRANT OFFICER MPANGASE: Even if I do no longer recall very well, because he was in control of the SANEB group, the people who were under him I do not remember.

CHAIRPERSON: Ja, I am happy you mention that. I am happy you mention that. So he was not all by himself, he had people under him as well?

WARRANT OFFICER MPANGASE: If I recall correctly.

CHAIRPERSON: And he called you and not them on the morning?

WARRANT OFFICER MPANGASE: I think the reason is that he was not in good terms with them.

CHAIRPERSON: Just remind me, I do remember the name
10 Moodley, I have forgotten the other name, you said it was?

WARRANT OFFICER MPANGASE: Captain Mbele.

CHAIRPERSON: And the rank, and Moodley's rank?

WARRANT OFFICER MPANGASE: At that time he was Lieutenant Colonel.

CHAIRPERSON: So you are telling us that Colonel Jacob was not in good terms with Colonel Moodley, not in good terms with Captain Mbele, not in good terms with all the people under them, not in good terms with the people under him, under Jacob himself. He was not in good terms with
20 all those people.

WARRANT OFFICER MPANGASE: If I try to refresh my mind, Jacob was in charge of SANEB and this particular SANEB was divided into two. One was belonging to Captain Mbele, the other one was Lieutenant Colonel Moodley. Those indeed were the groups he was not in terms with.

CHAIRPERSON: Are you able to give us numbers perhaps? Do you have any idea how many people we are talking about?

WARRANT OFFICER MPANGASE: I can count them.

CHAIRPERSON: Yes.

WARRANT OFFICER MPANGASE: Warrant Officer Reddie who are under Moodley; Warrant Officer Pillay, Karl Sander, I do not remember the other.

CHAIRPERSON: But there was another one? The one that
10 you say you do not remember, so you know there was someone else but you do not remember the name.

WARRANT OFFICER MPANGASE: I am certain about the three.

CHAIRPERSON: And so it will be four including Colonel Moodley?

WARRANT OFFICER MPANGASE: Yes. Now there was also a white person there, I have just forgotten his surname.

CHAIRPERSON: Five.

20 **WARRANT OFFICER MPANGASE:** Yes. And then when we come to Mbele, Brian Malinga, Warrant Officer, Captain Nthanzi, Captain Vries if I am not mistaken, also Gumede, Warrant Officer.

CHAIRPERSON: Five including Captain Mbele.

WARRANT OFFICER MPANGASE: There is another

female person. The surname has just evaded me. It is a Xhosa surname.

CHAIRPERSON: So six.

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: A total of eleven people.

WARRANT OFFICER MPANGASE: That is correct.

CHAIRPERSON: Are you telling this Commission that Colonel Jacob did not have good relations with all eleven colleagues?

10 **WARRANT OFFICER MPANGASE**: Those that I am certain about, Colonel Moodley, Captain Mbele, those I am certain about.

ADV SIKHAKHANE: Do I understand you to be saying that he did not relate well only with two of the eleven?

WARRANT OFFICER MPANGASE: Those that come to my mind, yes.

CHAIRPERSON: So automatically then that means there was no issue with the remaining nine.

WARRANT OFFICER MPANGASE: I would not know.

20 **CHAIRPERSON**: If you do not know we must take it to be so. Now this takes me back to my question, the question I asked right at the beginning. Now you have nine colleagues, why is it that Colonel Jacob called you when he had colleagues within his own unit? Why does Colonel Jacob call a colleague who is in another division altogether,

a division concerned with priority violent crime and leave nine colleagues within, or whose area of operations is narcotics and drugs? Why did he call you?

WARRANT OFFICER MPANGASE: I would not know why he came to that decision. What I could say, that is me and him had a good relationship.

CHAIRPERSON: Would I be unfair to ask if he did not choose you because he thought you might be pliable to do whatever it was he wanted to do, pliable or malleable or
10 compliant?

WARRANT OFFICER MPANGASE: I would not know.

CHAIRPERSON: Thank you, Mr Sikhakhane.

ADV BALOYI SC: Can I just ask a follow-up to this. What other operations, and please describe them, what other operations had you done with, I think it is Colonel Jacob?

WARRANT OFFICER MPANGASE: I recall one.

ADV BALOYI SC: Tell us about it.

WARRANT OFFICER MPANGASE: An operation which is somehow similar to this one. Information also came from
20 CI, CI operation, same person. He also gave us information about a container which was there, but I cannot remember where exactly it was. Whether it was in Phoenix or Durban North, I cannot remember well. We went there and we conducted the operation, but on our arrival, the drugs were no longer there. We do not know who removed them. That

is the only other operation I went with.

ADV BALOYI SC: And when was that?

WARRANT OFFICER MPANGASE: Same year, I think two or three months apart.

ADV BALOYI SC: Yes, so when Colonel Jacob says you are an experienced, I think, investigator or police officer in drug busts, he can only speak to that one operation, because you have not had any other operations with him?

WARRANT OFFICER MPANGASE: No.

10 **ADV BALOYI SC:** Tell us about that. That is why I asked you what other operations have you done with him. You say you have done only one and that one operation you described, you actually found nothing. So, and now you say he can speak to your vast experience. If he has not worked with you in drug busts, how does he know anything about your experience in drug busts?

WARRANT OFFICER MPANGASE: I did work at SANEB Unit which deals with investigation of the drugs only. He knew about that.

20 **ADV BALOYI SC:** So your answer is you have worked with him. Because remember my question to you was, have you worked with him, you said once. And now I am trying to understand when you say he is able to speak to your experience, how would he know if he has not worked with you before?

WARRANT OFFICER MPANGASE: I had worked with him in the same office, but not in the drug section. I never worked with him there.

ADV BALOYI SC: So, when he says he knows that you are an experienced, it is because you have worked in the same organization, not because he has seen your involvement in operations and how you conducted yourself in operations for him to be able to say you are an experienced person. It is only because you worked for the same organization.

10 **WARRANT OFFICER MPANGASE:** We were working in the same office, but I was working in another section.

ADV BALOYI SC: What was that section?

WARRANT OFFICER MPANGASE: SANEB.

ADV BALOYI SC: What did you do in that section?

WARRANT OFFICER MPANGASE: Drug investigations.

ADV BALOYI SC: So you got involved in drug busts?

WARRANT OFFICER MPANGASE: Yes.

ADV BALOYI SC: Thank you.

CHAIRPERSON: Yes, Mr Sikhakhane.

20 **ADV SIKHAKHANE:** I think that takes care of some of the questions, but just to follow up on that. On your paragraph 18, which is page 4 of your statement, you do not need to go there, you say that you were an experienced drug investigator and would you, would that mean you, because to make that statement that must mean that you know how

to handle drug investigations and scenes?

MR NKABINDE: Just repeat the question. The question is?

ADV SIKHAKHANE: You would have experience and knowledge how to deal with ...[incomplete] [interjection by Interpreter].

WARRANT OFFICER MPANGASE: Yes, that is so.

ADV SIKHAKHANE: Thank you. That is before June 2022, 2021, apologies.

10 **WARRANT OFFICER MPANGASE:** Yes, that is correct.

ADV SIKHAKHANE: Then, and at that time you were also a Detective or Warrant Officer, which is a senior position. Well, not too senior.

WARRANT OFFICER MPANGASE: Just Warrant Officer.

ADV SIKHAKHANE: Okay, no, thanks. But you would have had a fair amount of training in scenes and investigations.

WARRANT OFFICER MPANGASE: Yes, it is so.

20 **ADV BALOYI SC:** [Indistinct]... just ask a question on the back of that. In these other operations that you say you were involved with as an investigator, what role have you played in those operations?

WARRANT OFFICER MPANGASE: One will receive information that drugs are being sold at Mbele's. Then you would apply for an authority to go and purchase and then

you would get somebody who would go and make this purchase. Once the operation has been given to me, then I would go and get hold of that particular person who would go and buy the drugs. After he had made the purchase, thereafter I would arrest, arresting that particular dealer who has sold it. Those were among many cases that we were involved in.

ADV BALOYI SC: So you were involved in setting up, I think it is commonly referred to as sting operations, where
10 you would get somebody to go buy and then arrest.

WARRANT OFFICER MPANGASE: That is correct.

ADV BALOYI SC: Thank you.

ADV SIKHAKHANE: I think earlier, either in response to the Chairperson or Commissioner Baloyi, you had cited an example of scenes or busts that you were involved in. So I would just want to confirm, you had been involved in similar drug seizures or busts?

WARRANT OFFICER MPANGASE: I had never done it.

ADV SIKHAKHANE: Okay, let us then go back to your
20 statement.

ADV KHUMALO SC: Before you go there, there seems to be confusion in the earlier answer and the answer given now. If Warrant Officer can just clarify this, has he ever attended a drug bust, such as one involving containers or moving drugs, trucks as in vehicles? Sorry, my voice is a

bit terrible. Has he ever attended to a bust where drugs were in a container or a large truck or something similar to that?

MR NKABINDE: So there is another part there, Commissioner, container and?

ADV KHUMALO SC: Trucks.

WARRANT OFFICER MPANGASE: Never.

ADV KHUMALO SC: Or at a harbour.

WARRANT OFFICER MPANGASE: No.

10 **ADV SIKHAKHANE:** I think where we were a bit, but perhaps there is an explanation to it, is where there is reference to the fact that you were an experienced investigator.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Then, if we go to the date in question, I had requested to understand earlier on when we were going through it, that your interaction with the CI operative, had you, you have only worked with him once as well?

WARRANT OFFICER MPANGASE: Prior to this operation.

20 **ADV SIKHAKHANE:** Correct. And then now, in relation to this operation, I do not want to waste too much time, I think we can take it for granted that you are familiar with the National Instruction and the relevant protocols around seizures and crime scenes.

WARRANT OFFICER MPANGASE: Yes, when it comes to

overt operation, yes.

ADV SIKHAKHANE: Can you clarify that?

WARRANT OFFICER MPANGASE: An overt operation is an incident like when a police officer has been murdered. I take it, it is well known by almost everybody that that had transpired. So if you are called upon to attend such a scene, I would know exactly what to do, such as armed robbery case scenes, those are openly known cases which are not hidden. It is known. But when it comes to covert
10 operations, it is not known by many what type of operation are you involved in. Even the scenes thereof are not similar. You attend to them differently.

CHAIRPERSON: Please explain that, why should what you do at the scene differ according to whether an operation is covert or overt?

WARRANT OFFICER MPANGASE: I will make this example when it comes to covert operation. If you get any information about the post office, if there is a certain parcel containing drugs, you go and seize it or take it, then you
20 would not take it to the police station which is under the same jurisdiction as that post office, in avoidance of the leakage of information.

CHAIRPERSON: Sorry, sorry, sorry, Warrant Officer, I do not quite see why the destination of what you have seized has anything to do with how you handle the crime scene

itself. Where the exhibit lands ultimately, to my mind, subject to your response, has nothing to do with how you handle the crime scene. Please make me understand. I am not saying you are wrong, you know better, you are the expert, but it does not really make sense to me.

WARRANT OFFICER MPANGASE: What I want to clarify is, the covert operation and the overt operation, the operations thereof are not the same. One would be in the public knowledge, people will know what has happened.

- 10 **CHAIRPERSON:** You see what, the latter, the latter, the last thing you have said now, explains the difference between the two, which is something that you have done already. And also, the first thing you said, which is that you do not handle the crime scenes in the same manner, that too is already before us, you have told us that. I have asked you a question as to why it is that the ultimate destination of the exhibit has anything to do with the question, what is the difference between handling the crime scene in an overt situation and a covert situation? What is
- 20 the difference and why should there be a difference?

In explaining that, what you said was, the difference is with a covert operation, you take the exhibit to a police station outside of the jurisdiction where the crime, or rather where the exhibit was retrieved. So I said, I do not quite see why that has anything to do with how you

handle the crime scene itself. Where the exhibit lands ultimately, to me, has nothing to do with how you handle the crime scene itself. That is what my question is about.

MR NKABINDE: Commissioner, with due respect, I will try to summarize it. It was a bit long.

CHAIRPERSON: Oh, I am sorry, I am sorry, I am sorry. Maybe let, sorry, sir, let us just start. I am not saying you are wrong.

MR NKABINDE: Yes.

10 **CHAIRPERSON:** I am not saying you are wrong, I just want to break it down. You remember when I asked you the difference, or rather, why it is that, oh, no, no, no, I asked, what is the difference in the manner in which you handle crime scenes, the crime scene in respect of a covert offence and the crime scene in respect of an overt and you said, with a covert offence, operation, operation, you retrieve the exhibit, and you do not take it to the police station within which the area of retrieval falls and instead, you take it to some other police station.

20 **WARRANT OFFICER MPANGASE:** We first take it to the office where it is going to get registered into SAPS13.

CHAIRPERSON: But you said you take that exhibit to some other police station, not the one within which this police station falls.

WARRANT OFFICER MPANGASE: Actually, it happens

like this. You go, first go to your office, designated office where you register it in SAPS13. Thereafter, you take it to the lab.

CHAIRPERSON: Okay, I will not belabour that, and I will not make any further follow-up. The point is, this takes me back to the question I asked, what is the difference in the manner in which you handle the crime scenes in respect of the two types of operations.

WARRANT OFFICER MPANGASE: It is minimal. The
10 crime scene of the overt you just do things there and there openly, anybody can take a view thereof. When it comes to the other one, covert, even if people are present, you will endeavour or you will try to swiftly move these so that it could not, the information should not leak to the suspects.

CHAIRPERSON: And you do that regardless of the nature of what is being retrieved? You come in, you grab whatever it is, and you whisk it away immediately, whatever its nature. Is that what you are saying?

WARRANT OFFICER MPANGASE: I do not say that. No, I
20 do not say that.

CHAIRPERSON: The more you try to explain, the more you get me confused, Warrant Officer.

WARRANT OFFICER MPANGASE: Yes, the crime scenes are sort of somehow similar. But indeed, there are some of the functions that you would not perform on one, but do that

on the other.

CHAIRPERSON: I can ask you a lot more questions around this, Warrant Officer, but we have heard a lot of evidence already from quite a number of your colleagues, some much, much senior than you and we have a fair understanding of how crime scenes are handled. We are close to being experts ourselves now in the area. Even though I am still confused by your answers, I will just simply leave it there in the interest of time. Of course, I am not
10 serious when I say that we ourselves are close to being experts in the area.

ADV BALOYI SC: As a follow-up to this. The difficulty with what you are explaining the difference between covert and overt operations leading to how you treat scenes differently, the difficulty with that is there is a National Instruction that says that you must enter, for example, you must enter exhibits at the police station within which the crime occurred and that instruction does not distinguish covert and overt operations.

20 **WARRANT OFFICER MPANGASE:** I do understand.

ADV BALOYI SC: Okay, thank you.

ADV SIKHAKHANE: Thank you, Commissioners, and I think that was, my follow-up question was the reference to the National Instruction about crime scene management and I do not want us to go to a further debate on it, save to put

it to you in this fashion that it says something, it does not, it, basically it says that, if I may just read it:

“The principles of crime scene management and the different phases of handling a crime scene set out in this National Instruction should be applied to any type of crime scene.”

WARRANT OFFICER MPANGASE: I hear.

ADV SIKHAKHANE: And that National Instruction must be
10 complied with.

WARRANT OFFICER MPANGASE: Yes, I hear.

ADV SIKHAKHANE: Just a quick one. In terms of this National Instruction, I could not distinguish or I could not locate this covert and where can that be found, that distinction?

WARRANT OFFICER MPANGASE: Well, I would say it was the manner in which we operated in SANEB. It seems it was not correct.

ADV SIKHAKHANE: Thank you. And as the Chair had
20 said that a lot of witnesses have come and said some of the things that happened at that scene were not in accordance with the National Instruction, including your senior, Colonel Jacob. Do you want to comment?

WARRANT OFFICER MPANGASE: Well, remember that I was requested by Jacob to assist him. He was with CI

operative. When I complied or agreed to assist him, yes, I was not working with the drugs. I agreed to this because I wanted to gather experience as to how to handle such cases, because I had never attended such before.

CHAIRPERSON: Warrant Officer, Mr Sikhakhane's question is whether you would dispute the fact that the crime scene on that day was not handled properly, would you dispute that?

WARRANT OFFICER MPANGASE: I concede, agree.

10 **ADV SIKHAKHANE:** Thank you.

ADV BALOYI SC: Can I, just to clear something that I think is obvious from what you have said, but just to be certain. Colonel Jacob, when he called you to come and assist and you agreed, it was not because you have experience when you agreed to go. It was not because you have experience in these kind of drug busts. You agreed because you wanted to learn. You had no experience whatsoever. Did I hear you correctly?

WARRANT OFFICER MPANGASE: Yes, and assist.

20 **ADV BALOYI SC:** Yes, and the same with, I think it was Warrant Officer Sibiya, he had no experience. He told us he had absolutely no experience. So you both were going to be learning on this operation.

WARRANT OFFICER MPANGASE: That is correct.

ADV BALOYI SC: Thank you.

ADV SIKHAKHANE: Thank you. Just before we get into too much detail, there is something I want to understand. You said you interacted with Duma, the CI operative once.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: And then I just want to ask, in terms of this operation, when do you first learn of the information about these suspected drugs or container with drugs?

MR NKABINDE: This particular one?

ADV SIKHAKHANE: Yes.

10 **WARRANT OFFICER MPANGASE:** On the date of the 22nd.

ADV SIKHAKHANE: Yes.

WARRANT OFFICER MPANGASE: On the very same day, the 22nd.

ADV SIKHAKHANE: Okay. Now the difficulty that is that Captain Duma who is that CI operative, testified and in his statement said he had discussed this information with you and Jacob prior to this date.

WARRANT OFFICER MPANGASE: Not with me, maybe with Jacob, because the first time I got to know about this
20 was on the 22nd.

CHAIRPERSON: Do you want to please take us there, Mr Sikhakhane.

ADV SIKHAKHANE: Indeed. So I was, it is in the statement bundle which you may not have readily available but I will refer to it.

CHAIRPERSON: All right, maybe that is, please continue with your questions. Perhaps we should, please find it during the tea break and then you can draw it to our attention.

ADV SIKHAKHANE: If I may, Chair, I have got it from the transcript and which was quoting the statement. I can read it out for the record to save that time.

CHAIRPERSON: All right, all right.

ADV SIKHAKHANE: Can I read it?

10 **CHAIRPERSON:** Yes, please.

ADV SIKHAKHANE: On his testimony of the 2nd of June 2026, he testified, and that is at page 138 of the transcript, quoting his paragraph 15 of his recent statement to the Commission, and it reads as follows:

“On 26 June 2022 ...”

I think it was just a mistake on that.

“I contacted Colonel Jacob, who was the unit commander.”

20 **CHAIRPERSON:** Mr Nkabinde, you should wait until Mr Sikhakhane is done talking. You spoke at the same time with him towards the end. We will have problems with the transcription.

MR NKABINDE: [Indistinct]... please.

CHAIRPERSON: Perhaps please repeat the last thing you said, Mr Sikhakhane.

ADV SIKHAKHANE: He said:

“I contacted Colonel Jacob, who was the unit commander of ...[indistinct] unit, and Warrant Officer Mpangase from DPCI, Durban. I provided the intelligence that I had gathered and requested their assistance to conduct an inspection of the commodity on one of the containers that were suspected of being used to
10 smuggle 27 kilograms of Cocaine at CHC Container Depot.”

And then, further down, it says:

“Prior to providing this intelligence, I had communicated to both of them and highlighted that there might be a container with the shipment of drugs that they need to assist with in conducting the search.”

And then, lastly, it says:

20 “Whilst I was still following up on intelligence gathering, I requested them to be on standby as I will request their assistance.”

WARRANT OFFICER MPANGASE: What I remember is that I personally received that information on the 22nd day

from Jacob. That CIA was going to phone us.

CHAIRPERSON: Mr Nkabinde, you must be steeped in American spooks and all that. It is C-I, not C-I-A.

MR NKABINDE: Oh, did he say that? To my extreme apology.

ADV SIKHAKHANE: Thank you. I was just indicating whether ...[indistinct].

CHAIRPERSON: Are you done with the explanation, Warrant Officer?

10 **WARRANT OFFICER MPANGASE:** Yes.

CHAIRPERSON: Yes, Mr Sikhakhane, perhaps let us take the adjournment at this stage, if that is fine with you.

ADV SIKHAKHANE: Indeed, Chair.

CHAIRPERSON: And come back at 11:30. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Sikhakhane.

20 **ADV SIKHAKHANE:** Thank you, Chair. Thank you, I just want to finish off with a few questions on the morning of the 22nd of June. If you look at paragraph 3 of your statement, the last sentence you refer to 7 to 8 kilogrammes of Cocaine and Jacob and Sibiya and everyone that has come before the Commission referred to 27 kilogrammes.

INTERPRETER: How many kilogrammes?

ADV SIKHAKHANE: 27 kilogrammes.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Which one is correct, according to your recollection?

WARRANT OFFICER MPANGASE: I am not sure if I am mistaken, but if I recall, the first container contained 7. It is possible, probable... it is possible that that is the information which was provided by us, that the container had 7 or 8 kilogrammes. But I could be mistaken.

ADV SIKHAKHANE: Just to make sure that I understand,
10 so the 7 to 8 kilogrammes that you refer to, that number exists? It is not a mistake on this statement?

WARRANT OFFICER MPANGASE: It is possible that that was the information pertaining to that particular container.

ADV SIKHAKHANE: And when was that?

WARRANT OFFICER MPANGASE: That was given to us by the CI operation initially. Before this one.

ADV SIKHAKHANE: Is that prior to the 22nd?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Okay.

20 **CHAIRPERSON:** When you say before, what are you referring to?

WARRANT OFFICER MPANGASE: There was information which the CI provided to us about the container.

CHAIRPERSON: Is that about the container which was found not to have any narcotics?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Thank you. Thank you, Chair. If I may, I would like to refer you to your statement, your earlier statement, it can clarify matters. If I may, Chair, and the witness, it is file 2 of the exhibit files.

INTERPRETER: File 2 of exhibit 5.

ADV SIKHAKHANE: CJC244.

INTERPRETER: CJ244.

ADV SIKHAKHANE: CJC244.

10 **INTERPRETER:** CJC244.

ADV SIKHAKHANE: 244. It is part of the statements of the inquiry.

CHAIRPERSON: What is written on the spine?

ADV SIKHAKHANE: On the spine? It is exhibit bundle, Chair. File 2. Page 656.

INTERPRETER: Page 656.

ADV SIKHAKHANE: Can you confirm if this is your statement?

WARRANT OFFICER MPANGASE: Yes.

20 **ADV SIKHAKHANE:** And at 658, it bears your signature, and the date of the statement is 23rd November 2021? Do you confirm?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: And then if you go particularly on this point at paragraph 2, it refers to 27 kilogrammes.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: And this was obviously at the time when your mind was still freshen.

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: Sorry, you forget your mic, Mr Nkabinde. Maybe just keep it on, if we are not running into any technical problems, just keep it.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: So in the statement, the new one,
10 there could just be that mistake about the reference. Just for your benefit.

INTERPRETER: Just repeat that?

ADV SIKHAKHANE: I am saying just for your benefit that we clarify that point.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Thank you, Chair. Please put that, not away, but we will refer to it later on. And perhaps while we are on that statement, what did you rely on in making the statement?

20 **WARRANT OFFICER MPANGASE:** Which one?

ADV SIKHAKHANE: The one in November 2021. Your initial statement for the inquiry.

WARRANT OFFICER MPANGASE: My mind was still fresh and I was still remembering.

ADV SIKHAKHANE: And did you not make notes?

WARRANT OFFICER MPANGASE: There are notes.

ADV SIKHAKHANE: And those notes were filed?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Thank you. Then if we go back to the morning of the 22nd, of the 22nd, there is an issue. What I am interested in a bit is, you say that in relation to Sibiya, who was not, I think we have established that he has indicated himself, testified that he was not in narcotics, but I just need to understand from paragraph 4, you say, this is
10 now in the current statement, you say that it is you that suggested Warrant Officer Sibiya to Jacob.

WARRANT OFFICER MPANGASE: Yes, that is so.

ADV SIKHAKHANE: And on what basis were you suggesting him?

WARRANT OFFICER MPANGASE: It is because I had the knowledge that Jacob was not in good terms with others. And secondly, Sibiya was the one who was very close with me.

ADV SIKHAKHANE: Would it not have been prudent
20 though, because it is a matter, it is not who gets along with who, it is a matter of conducting an operation, to get someone with more knowledge?

WARRANT OFFICER MPANGASE: Yes, indeed, there were people who were better qualified or experienced in regards with this type of job.

CHAIRPERSON: By that do you mean those who were available were only Captain Mbele and Colonel Moodley? Because those are the only people you said did not relate well with Colonel Jacob.

WARRANT OFFICER MPANGASE: The other reason that I did not consider these others, is because they were working under the supervision of the people who were not in good terms with Jacob.

ADV BALOYI SC: What did you know about the
10 relationship between Colonel Jacob and whoever Warrant Officer Sibiya reported to?

WARRANT OFFICER MPANGASE: They had a good relationship.

INTERPRETER: They were right, if I quote verbatim.

ADV SIKHAKHANE: Just to understand generally and to assist, so was it more important that you get people with knowledge, well, people who, with less knowledge than to perhaps upset Jacob?

WARRANT OFFICER MPANGASE: Well, it was in my midst
20 of knowledge that there were people that were not in good relationship with him, so he was going to rather have somebody who he did not have any bad blood with. I then recommended or suggested to Jacob that Sibiya was available and he never had any qualms about it.

ADV SIKHAKHANE: There is a particular version that

Jacob had in his statement of, and perhaps you will correct me if I read it wrongly, of 9 November 2021 and it appears in that file that we had, file 2, at page 589.

INTERPRETER: Page 5?

ADV SIKHAKHANE: 589

INTERPRETER: 589

ADV SIKHAKHANE: Under CJC243. Yes, at the bottom there, page 589. At paragraph 4 in this statement, and this was in relation to the Port Shepstone case after the theft,

10 he says:

“I decided that we needed another member to assist and asked Warrant Officer Mpangase to speak to Captain KG Sibiya, then Warrant Officer, who was under my command.”

INTERPRETER: He spoke to Mpangase, am I correct?

ADV SIKHAKHANE: Yes and asked Warrant Officer Mpangase to speak to KG Sibiya.

WARRANT OFFICER MPANGASE: That did not happen
20 that way.

ADV BALOYI SC: So Colonel Jacob was untruthful with the Commission and under oath when he said he asked you to go and find out of Sibiya, if Warrant Officer Sibiya was available, he was being untruthful?

WARRANT OFFICER MPANGASE: That is possible.

Possibility is that he was remembering well.

ADV BALOYI SC: Ja and the other possibility is he was just being plain untruthful.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Thank you, that is the clarity of your version and I think he decided testify to the fact that he was the one that requested that you speak to Sibiya in his testimony, but we then have to move from there.

WARRANT OFFICER MPANGASE: Yes, it was not that
10 way.

ADV SIKHAKHANE: Now, you know, I think earlier we then corrected or you did confirm that we know that it was 28 kilogrammes of Cocaine that you are to engage in an operation in relation to.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: And in terms of planning, what was the plan around this operation?

WARRANT OFFICER MPANGASE: There was no plan in place.

20 **ADV SIKHAKHANE:** And at this time, you reported to Colonel Jacob.

WARRANT OFFICER MPANGASE: I was reporting under Lieutenant-Colonel Hlongwa.

ADV SIKHAKHANE: And did you inform him about this operation?

WARRANT OFFICER MPANGASE: I did not.

ADV SIKHAKHANE: And then perhaps before we go there, there is a version about you contacting Nyuswa, and I think, how was your interaction with Nyuswa? Perhaps let me rephrase. How regular was your contact with Brigadier Nyuswa?

WARRANT OFFICER MPANGASE: It was not that regular. I would only consult with him when there was a need.

ADV SIKHAKHANE: Then I must ask, why was there a
10 decision to contact Brigadier Nyuswa in this specific case, and not your superior?

CHAIRPERSON: Sorry, sir. Mr Sikhakhane, did you suggest that it was Warrant Officer Mpangase who contacted Brigadier Nyuswa?

ADV SIKHAKHANE: Yes, yes.

CHAIRPERSON: Oh, okay, okay.

ADV SIKHAKHANE: Perhaps maybe we must ask to verify.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: I understand, Chair.

20 **CHAIRPERSON:** Yes.

ADV SIKHAKHANE: On the date, did you speak Brigadier Nyuswa?

INTERPRETER: Sorry?

ADV SIKHAKHANE: About this operation.

WARRANT OFFICER MPANGASE: I do not recall.

ADV KHUMALO SC: [Indistinct – 0:22:04] Yes, paragraph 3, the highlighted portion. Did you see, Warrant Officer, this is Colonel Jacob's statement, he says:

10 "I told him I will get back to him, that is Duma, and called Warrant Officer Mpangase to find out his availability. He indicated that he was aware of the situation by Captain Duma and he was sensitised about Captain Duma's reservations about utilising other members of the unit. I told him..."

I assume this means you;

20 "...that I was on leave, but I was willing to book on duty, if the provisional commander gave permission to do so. He said he would brief Brigadier Nyuswa of the situation and get back to me. A short while later, he called me and indicated that he has spoken to the Brigadier and that all was in order with regards to me booking on duty to follow up on this information."

WARRANT OFFICER MPANGASE: Yes, I do follow.

ADV KHUMALO SC: Perhaps the question is, did you have that discussion with Colonel Jacob and did you, following

the discussion with him, then have a discussion with Brigadier Nyuswa about Colonel Jacob booking himself in?

WARRANT OFFICER MPANGASE: I do not remember.

ADV BALOYI SC: Does I do not remember mean it may have happened, you just do not have a memory of it or no, nothing like that happened?

WARRANT OFFICER MPANGASE: If he had uttered those words or said that, I would be in a position to remember. Ja, somehow complex here, because there is one question
10 which arises, him being commander, why does he not communicate directly with somebody who is in par with him, same position, why then he communicate with me? That is my main problem.

ADV BALOYI SC: So should we accept your answer to be nothing of sorts happened, you did not speak to Nyuswa about Colonel Jacob booking onto duty?

WARRANT OFFICER MPANGASE: No, that does not come into my mind, that I did speak to Jacob.

ADV BALOYI SC: Thank you.

20 **CHAIRPERSON:** To Nyuswa, not to Jacob.

WARRANT OFFICER MPANGASE: Yes, I am talking Nyuswa.

ADV SIKHAKHANE: I will just beg your indulgence, you referred to Nyuswa's statement, I know that file is not there, but I seem to recall that he confirms that he received a call

from Warrant Officer Mpangase, but I will just get that specific reference.

INTERPRETER: From Mpangase?

ADV SIKHAKHANE: Yes. Okay, then there is the three of you and I will not go further into it, you then go and fetch Jacob ultimately.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: And Jacob himself testified and I will just get that specific reference, that this also was a big
10 operation, he had not been involved in such a big operation. I suppose you cannot refute that at this point, you would not know.

WARRANT OFFICER MPANGASE: Yes, it is correct so.

ADV SIKHAKHANE: And then you went and met, so it is the three of you, you then go meet Captain Duma.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Now, you know that there is this how to handle the crime, the crime scene and all of this, what measures did you or you said there was no plan when you
20 initially talking to Jacob and Sibiya, but now you have got a briefing session at a garage, was there no discussion about getting exhibit bags, how the scene is going to be managed, who was going to be in charge, can you just elaborate on that?

WARRANT OFFICER MPANGASE: No, there was none.

ADV SIKHAKHANE: Okay, so none of you thought perhaps you should call the LCRC?

WARRANT OFFICER MPANGASE: No one.

ADV SIKHAKHANE: Okay. And then you proceeded to the warehouse and I do not think there is much to deal with there, other than to perhaps ask this. You say that Jacob, Lieutenant-Colonel Jacob assigned you to take notes of the search.

WARRANT OFFICER MPANGASE: Yes.

10 **ADV SIKHAKHANE:** And when was this now? Because obviously there was no planning prior, but now when do you then, when does Jacob then assign these rolls, and we know that he assigned other roles to Sibiya.

WARRANT OFFICER MPANGASE: When we were at the depot.

ADV SIKHAKHANE: And then he took charge by, naturally he said he took charge or everyone just followed him as the senior person.

WARRANT OFFICER MPANGASE: Yes.

20 **ADV SIKHAKHANE:** And now, and obviously he was off duty, now he booked himself on duty, what was your understanding, was your understanding that he was then going to continue with the operation, being in charge?

WARRANT OFFICER MPANGASE: Yes, it is like that.

ADV SIKHAKHANE: Chair, perhaps before I forget, in

relation to this statement, just for your notes about Nyuswa, it is in his statement at page 8, paragraph 26, where he references the discussion with Warrant Officer Mpangase.

ADV KHUMALO SC: Mr Sikhakhane, because it is not in one of the files that we have, is it not better to flight it, at least we can look at it on the screen?

ADV SIKHAKHANE: I will request that it be done, yes.

CHAIRPERSON: Sorry, Mr Sikhakhane, are you not able to move on to something else that will not require fighting
10 perhaps, so we continue, we do not have to have a stand down.

ADV SIKHAKHANE: I think that is better, perhaps let us just note it down.

CHAIRPERSON: Ja, please continue so long then.

ADV SIKHAKHANE: Then ...[intervenes]

CHAIRPERSON: It looks like our screens have come back on.

ADV SIKHAKHANE: I think, Chair, let me take your point, otherwise we delay some two minutes.

20 **CHAIRPERSON:** Is what we have in front of us not what you wanted to take us to?

ADV SIKHAKHANE: No, Chair.

CHAIRPERSON: All right, okay.

ADV SIKHAKHANE: He has got several statements, but he does mention that, but I was just referring to that paragraph

of his statement. Okay, just to move, then just to move then to the depot, right, you get there and obviously everyone was assigned a particular role and your role was to take notes of the search.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Okay. And Jacob, perhaps let me ask it differently, Jacob was in charge and took decisions?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Did you question him about some of
10 his decisions?

WARRANT OFFICER MPANGASE: No.

ADV SIKHAKHANE: And then you opened the container, I will skip some of the things, when you opened the container, it seems that everyone says the same things, 27 bags rather were in the container and that were offloaded.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Okay. And then there is just on this point one question about the decision to transport the exhibits, now we have got them as exhibits and the
20 applicable prescripts, and certain prescripts would apply.

INTERPRETER: Sorry?

ADV SIKHAKHANE: Okay, so I am saying now we have got these exhibits. And the relevant prescripts would then apply.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Now there is a decision that the exhibits must be transported to Isipingo.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: And Jacob has come and said, he took that decision.

WARRANT OFFICER MPANGASE: No, it is not so.

ADV SIKHAKHANE: Who took the decision?

WARRANT OFFICER MPANGASE: Jacob phoned Brigadier Nyuswa at Province and took him through the situation
10 which we were faced with at that particular time
...[intervenes]

CHAIRPERSON: Sorry, sorry, we are not talking about the removal to Isipingo. It is about moving them from the depot to Isipingo.

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: Is that what you are addressing, Warrant Officer?

WARRANT OFFICER MPANGASE: No, I was not.

CHAIRPERSON: I could hear.

20 **WARRANT OFFICER MPANGASE:** He is the one who took the decision.

CHAIRPERSON: He being Jacob?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: And did he consult any of you about this decision?

WARRANT OFFICER MPANGASE: No.

ADV SIKHAKHANE: And did you find it, you did not find anything untoward about that decision?

WARRANT OFFICER MPANGASE: Nothing.

ADV SIKHAKHANE: Chair, I will not belabour the point, I think around that it has been dealt with and what Jacob conceded himself. Then, let us move to Isipingo, where the exhibits are taken.

ADV BALOYI SC: Before you do that, let us look at your
10 paragraph 10 of the statement, the current statement. Page 2, you are there?

WARRANT OFFICER MPANGASE: Yes.

ADV BALOYI SC: Yes, in that statement you say that you recorded the names of people present on the scene:

“Among those that I had noted, were
Sergeant Mkhize, Govender, Khuzwayo
who were present during the search of the
container.”

Is that correct? Were these three police officers present
20 during the search?

WARRANT OFFICER MPANGASE: Yes, it is so.

ADV BALOYI SC: What did they do during that search, according to you?

WARRANT OFFICER MPANGASE: They were just around there observing, while we were working.

ADV BALOYI SC: Ja, you see, these three officers have deposited to affidavits which are before, they have statements which are before the Commission. We have also heard the evidence of Colonel Jacob who in the end, their testimony, the four of them say these were called just to, after he had unloaded the bags from the container, they were called to provide transport to go to Isipingo police station, that is when they were brought in, to come and help take these to Isipingo, they were not part of and did not
10 observe the search.

INTERPRETER: To transport, am I right?

ADV BALOYI SC: Yes.

WARRANT OFFICER MPANGASE: They were present, this is what I have noted and written in my statement, they were observing there.

ADV BALOYI SC: Yes, maybe yes you have written it in your statement, I can see it, I am reading it, that is not the issue, whether it is written or not, the issue is whether they were there to be part of the operation or to transport, just to
20 provide transport, because they were busy with their own operation, that is what they tell us in their statements. They were there for their own operation, not as part of your operation. Then they get called, once you have taken the bags out, they were asked to come and help transport, because they had the right transport for it to go to Isipingo,

to carry these bags.

INTERPRETER: ...[intervenes]

ADV BALOYI SC: Not what you are saying.

INTERPRETER: Sorry.

ADV BALOYI SC: Sorry, you can carry on, Mr Interpreter.

WARRANT OFFICER MPANGASE: Commissioner Baloyi, I did indeed put this on my notes after I transferred it to diary and later put it into my statement, that those people were there, present, observing.

10 **ADV BALOYI SC:** Yes, I do not think it makes it truthful that you wrote it in your diary and in your statement. I now want to read for you what one of them says and I have told you all three of them have submitted statements and Colonel Jacob as well, he started out saying they were part of the operation and ended up conceding that they were just there to provide transport.

WARRANT OFFICER MPANGASE: What actually happened, they were there, they left and they were recalled to come back to assist.

20 **ADV BALOYI SC:** Yes, that is another issue that I was going to take with you. You are the only one who says that, but let me read what Govender says, Govender says, Sergeant Govender says:

“On that date...”

Oh, I am told I should refer you to page 627, we can read it

together, file 2.

INTERPRETER: 627?

ADV BALOYI SC: File 2. So you see, I want you to go to page, to paragraph 3 rather, but it starts at paragraph 2, where he explains he was on duty on the 22nd of June 2021, he was posted as a driver of a marked state motor vehicle, conducting container inspections at the CHC and ISC depots. And then he says:

10 “Whilst busy with container inspection at
the CHC depot...”

Which is where we know that this container was found;

“...I was approached by two other police officials dress in civilian attire. They identified themselves as Lieutenant-Colonel Jacob from the DPCI and another Captain Duma from Crime Intelligence. They had inspected...”

So when they approach him, they had already inspected;

20 “...container number ... and had identified
some black canvass bags that allegedly had Cocaine in them. Sergeant Mkhize and I were requested to assist with loading these bags into our vehicle and conveying them to Isipingo SAP.”

And then in paragraph 5 he says this is what they did, they

then loaded the bags and then counted them and they proceeded to Isipingo. So the same with Mkhize and the other one that were there, they give the same story.

Colonel Jacob, like you, started off by saying they were part of the inspection, like you, and ended up accepting that in fact, yes, they were approached to come and provide transport, they were not part of the inspection. So if you insist and you want to rely on your pocketbook, your diary and your statement, that is what you recorded, it
 10 means you recorded a falsehood, you recorded something that did not happen.

It did not happen that way, according to these people that transported those drugs, according to Colonel Jacob. So you are being untruthful, if that is what you recorded on that day, because that is not what happened.

WARRANT OFFICER MPANGASE: Ja, this took place some time back, but I do not see any purpose or reason for saying that they were there, when they were not.

ADV BALOYI SC: What we suggested or put to Colonel
 20 Jacob and why he would say that they were part of the operation, is because he wanted to create an impression that other SAPS members, other than yourself and Sibiya, who had absolutely no experience in these kind of operations, and him who came back from leave just to do this operation and disappear on the same day, the reason

you say there were other people, there were other police officers, is to create the impression that this was a legitimate SAPS operation that involved other officers of the SAPS. That is the reason you would mention other people as being part of the operation, part of the inspection, when, in fact, they were not.

WARRANT OFFICER MPANGASE: I would not have mentioned that they were actually there, if it was not the case. I am scratching my head even now, why would I do
10 that?

CHAIRPERSON: Mr Sikhakhane, it looks like we have a technical problem, I am looking at our screens, there are vertical black bands that are hiding some of the wording and all over, all over the page and then surely, those cannot be intended redactions. Ja, look at that. Even dates, no, no, no, addresses, where the depot is, surely it could not have been intended to redact that and also the container number, we have seen that container number several times. The people who are assigning technically at
20 the back, do you have, I wonder if they have any – please, please, come close to us. You do see what is happening there? It cannot be intended redactions. Is there an explanation, Mr Sikhakhane?

ADV SIKHAKHANE: Chair, I am told that it is the file from which they were flighting, is corrupted, so I think we will

have to check it.

CHAIRPERSON: Okay, okay. Let us go ahead.

ADV BALOYI SC: Okay, Warrant Officer, just to complete this discussion with you.

CHAIRPERSON: But, sorry, sorry, you have no difficulty though, Warrant Officer, because you are reading from a hard copy, is that so?

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: Thank you.

- 10 **ADV BALOYI SC**: Just to complete this part. The other thing that you are the only one who is saying and the three ORS, I think we were told they are ORS members who were there, Govender, Mkhize and the other one that I do not remember, I think it is Khuzwayo, and Colonel Jacob do not say, is that the three came to your scene, left and were called back, you are the only one that is saying that. All four of them say they were brought in to and helped with taking these bags onto their vehicle, drove with you to Isipingo police station, these things were offloaded at
- 20 Isipingo and then they left to go and carry on with their functions. You say they were there present, looking, in fact, you said they were part of the inspection, during the search of the container, you say they were present, they left and then they were called back, you are the only one who is saying that.

WARRANT OFFICER MPANGASE: It is beyond my comprehension, I do not know. Because what reflects here is what I put on my handbook.

ADV BALOYI SC: Yes, I think the simple point I tried to make earlier, was the fact that you are repeating it, because you put it in your handbook and you repeat it in your statement today, it does not make it truthful, that therefore it is a fact that is what happened. What I want to put to you is the probability here is that the four are telling
10 the truth of what happened, you are making up a story and you may be making up that story because that is what you discussed with Colonel Jacob, that we will say that these three people were there when we did the search, we will say that.

And what you did not realise, is he comes and testifies and concedes that that is false to say they were there when you were conducting the search, and you are still stuck with that story that you concocted with him. Do you want to comment on that?

20 **WARRANT OFFICER MPANGASE:** Commissioner Baloyi, I hear you but I will stuck and reiterate that there was nothing untoward that me and Jacob came to agree upon, just what is on my notes is the true reflection of what transpired.

ADV BALOYI SC: Thank you. Thank you, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you. Just on that point, in your, as you present this, your version, at page 656, your initial statement in November 2021, it is under CJC244, page 656.

WARRANT OFFICER MPANGASE: Yes, found it.

ADV SIKHAKHANE: And at the bottom, this is where we are dealing with the opening of the container. You do not mention, just, and this time you ...[intervenes]

CHAIRPERSON: Sorry, sorry, Mr Sikhakhane, I think until
10 the problem has been resolved, you should just give up on
flighting these, thank you.

ADV SIKHAKHANE: So I wanted to refer neighbour Commissioner Baloyi to that, is that you do not mention that the seal was broken in the presence of those officials.

WARRANT OFFICER MPANGASE: I hear that.

ADV SIKHAKHANE: Can you perhaps explain the difference?

WARRANT OFFICER MPANGASE: Maybe I might have just forgotten to insert that statement.

20 **ADV SIKHAKHANE:** Now, if we are to talk of the probabilities as Commissioner Baloyi points them, is at this time and I think you will recall earlier we spoke that or you said at this time your mind was fresher about the events

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: That you relied on your notes.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: But an important fact is missing from this.

WARRANT OFFICER MPANGASE: I do concede, accept that.

ADV SIKHAKHANE: And then, in your later statement, that fact comes back.

WARRANT OFFICER MPANGASE: Yes, it is so.

ADV SIKHAKHANE: Yes. And just to follow up or to just
10 get some clarity, in terms of these statements, Colonel Jacob came and testified and said that at some point in relation to another incident, he spoke to members that were present at the scene about some of the events. Did you interact with him about these events, let us say this year?

WARRANT OFFICER MPANGASE: Advocate, if you can duly remind me, maybe I would recall.

ADV SIKHAKHANE: We will go to it, it was about the Isipingo, where we are going to now, about whether the exhibits were going to be stored at Isipingo or sent to Port
20 Shepstone. So I am saying that as an example, he says he was reminded.

WARRANT OFFICER MPANGASE: [Not interpreted]
...[intervenes]

ADV SIKHAKHANE: Okay, let me explain further, so what it would appear, is that Colonel Jacob must have had some

discussion around the events at Isipingo, which is one of the issues around these exhibits. Now, I want, oh sorry, apologies.

INTERPRETER: No, carry on.

ADV SIKHAKHANE: Now what I want to know is, it would seem to me that it would be probable that other issues may have been discussed. Now I want to understand whether generally you did discuss the events around this thing with Colonel Jacob any time this year.

10 **WARRANT OFFICER MPANGASE:** Discussing where?

ADV SIKHAKHANE: It is either you did or you did not.

WARRANT OFFICER MPANGASE: I do not recall.

ADV SIKHAKHANE: Thank you. Chair, I do apologise, the error of those black markings happens in not all the pages, it would seem some of the pages. The page that I want to refer to is fine, is not corrupted, can I display it so that we move over it? And it is in relation to Brigadier Nyuswa's statement, which I think, so that we kill that chapter.

CHAIRPERSON: That is in order.

20 **ADV SIKHAKHANE:** It is exhibit file.

CHAIRPERSON: Is it the same file?

ADV SIKHAKHANE: It is the same file, file 2, page 584.

INTERPRETER: 584.

ADV SIKHAKHANE: So this is a statement from Brigadier Nyuswa, talking about the events of this day, 22 June 2021.

The fourth paragraph, he talked, he says, and I quote:

“On Thursday morning of 22nd June 2021,
I received a call from Warrant Officer
Mpangase from Durban Serious Organised
Crime Unit, informing that Crime
Intelligence has contacted him regarding
a container at Isipingo, which might have
drugs and that he was proceeding there
with Lieutenant-Colonel Jacob and
10 Warrant Officer Sibiya, all from Durban
Serious Organised Crime.”

Would you still maintain that you did not speak to him?

WARRANT OFFICER MPANGASE: You see this Brigadier
Nyuswa, he is a man of integrity, so if he mentions that I
did, that would mean that is a fact, I did speak to him.

ADV SIKHAKHANE: Then, Commissioners, please put that
file not too far from your desk and go back to the statement,
but just for the benefit of the Warrant Officer, if we go to
the...

20 **CHAIRPERSON:** Yes, Mr Sikhakhane?

ADV SIKHAKHANE: Apologies, Chair, I see the time is
moving too fast for me. I will, I just thought I should
present what is in front of me even to the benefit of
Brigadier, of Warrant Officer Nyuswa. Can I ask that we go
to page 800 of the exhibit file, that is file 3. And that

CJC268. This is the investigation diary. Warrant Officer, can you confirm?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Who completed it?

WARRANT OFFICER MPANGASE: I did.

ADV SIKHAKHANE: We will come back to the other events that are recorded in this diary, but at paragraph 4, which goes onto page 801 from 800, which seems to suggest, maybe perhaps read it for the record, so that I do not
10 misread.

WARRANT OFFICER MPANGASE:

“The container was properly closed and locked at the scene intact. The seal was broken and the container was opened in the presence of the supervisor of the warehouse, customs official, Inchuchuba Khuzwayo [?], ORS members Sergeant Mkhize and Sergeant Govender and 27
20 black canvass bags were observed, placed right at the end of the cargo or commodity, just behind the container doors.”

ADV SIKHAKHANE: Thank you. And you entered these details when?

WARRANT OFFICER MPANGASE: 22/06.

ADV SIKHAKHANE: And if you turn over to page 802, we see your name just as the one who signed, but we see, is that your signature and name?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Do you confirm that what is recorded here, is accurate?

WARRANT OFFICER MPANGASE: I do.

ADV SIKHAKHANE: In all respects?

WARRANT OFFICER MPANGASE: Yes.

10 **ADV SIKHAKHANE:** Thank you. Then may we move to the other part about transporting the exhibits ...[intervenes]

ADV BALOYI SC: Should we close this file?

ADV SIKHAKHANE: Yes, please, apologies, apologies, yes, it was just to clarify those affidavit and statements I referred to. Apologies. We then, the decision to transport the exhibits, you have already said that it was taken by Colonel Jacob without consulting you.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Okay. Then you loaded the exhibits
20 and then you go to Isipingo, sorry, yes.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Did Colonel Jacob discuss with you and/or Warrant Officer Sibiya as to what would happen?

WARRANT OFFICER MPANGASE: That we were going to put the drugs in Isipingo's police station.

ADV SIKHAKHANE: So the idea was that the drugs or sorry, the exhibits, were going to be stored at Isipingo police station?

WARRANT OFFICER MPANGASE: Yes, that is so.

ADV SIKHAKHANE: And then, at this point, in this understanding, what would be your role?

WARRANT OFFICER MPANGASE: I was to accompany to go and store the drugs.

ADV SIKHAKHANE: Then you arrive at Isipingo and one of
10 the things that seem to be contentious, is around the booking in and the booking out of the exhibits.

WARRANT OFFICER MPANGASE: Yes?

ADV SIKHAKHANE: And the decision to book them out, who took that decision?

WARRANT OFFICER MPANGASE: I was instructed by Colonel Jacob that we should book the out and transport them to Port Shepstone.

ADV SIKHAKHANE: And then, let us then start with the booking in, we will come back to that question, to that point.
20 In our statement, as I understand it, you were the one booking the exhibits in the SAPS13 register.

WARRANT OFFICER MPANGASE: That is so.

ADV SIKHAKHANE: Can I just have a moment, Chair? Now, in terms of your experience, had you done a similar, well you had said you have never done a similar operation,

am I correct?

WARRANT OFFICER MPANGASE: I had never done it.

ADV SIKHAKHANE: And then, how were you then going to complete the SAPS13 register? Did you seek any guidance from anyone?

WARRANT OFFICER MPANGASE: I did not ask anybody else, I was told by Jacob that I must back them into the register. And the fact that I was clued up about entering these exhibits into the register, I know it.

10 **CHAIRPERSON:** This is something you had done before?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Perhaps I seem to be confused, so I just want to understand, so you had ...[intervenes]

CHAIRPERSON: My sense, my sense was that there was confusion between operation and entering exhibits in an exhibit register, I think his response earlier was or rather when responding earlier, he appears to have been under the impression that the question related to an operation of this nature and did I understand you correctly, Warrant Officer?

20 **WARRANT OFFICER MPANGASE:** Yes.

ADV SIKHAKHANE: Okay, perhaps let me be specific, so that we are clear and we do not, you know, create confusion. Had you, earlier we talked about you having experience in narcotics. What I want to know, had you then had some experience about entering suspected drug

exhibits in the SAPS13 register?

WARRANT OFFICER MPANGASE: Yes, I had.

ADV SIKHAKHANE: And in registering these exhibits, was it not needed that they have exhibit bags?

WARRANT OFFICER MPANGASE: Yes, they were supposed to.

ADV SIKHAKHANE: And in the absence thereof?

WARRANT OFFICER MPANGASE: We proceeded, carried on putting them in.

10 **ADV SIKHAKHANE:** So how was the register completed?

WARRANT OFFICER MPANGASE: By describing the exhibits.

ADV SIKHAKHANE: Okay, can I just request you to speak up? Now, I want us to go to your paragraph 13 of your statement. There are different versions which we have heard between Jacob, Sibiya and yourself in your statements. And you say you requested the exhibit clerk and I take that, who was the exhibit clerk, let me just not assume.

20 **WARRANT OFFICER MPANGASE:** Perumal.

ADV SIKHAKHANE: Is it Warrant Officer Jonathan Perumal [?]?

WARRANT OFFICER MPANGASE: Yes, that is the one.

ADV SIKHAKHANE: And you say that you spoke to him or approached him, so that you can get exhibit bags?

WARRANT OFFICER MPANGASE: Yes, I did speak with him.

ADV SIKHAKHANE: And at this time, your capacity is just being of assistance?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: And in your knowledge, you were to leave the exhibits at Isipingo?

WARRANT OFFICER MPANGASE: Yes, it is like that.

ADV SIKHAKHANE: Okay. Now, I am not going to talk or
10 refer you to an engagement that Jacob has, but what is of
interest to me, is if we go to that file 2 of the exhibit file,
and go to the statement or Perumal's statement, it is
CJC243, but particularly it is page 593. This is a statement
by Warrant Officer Perumal, the exhibit official at Isipingo.

WARRANT OFFICER MPANGASE: I see it.

ADV SIKHAKHANE: He refers at paragraph 3, he refers to
a discussion with Colonel Jacob.

WARRANT OFFICER MPANGASE: Yes, I can see that.

ADV SIKHAKHANE: But he does not refer to a discussion
20 with you.

WARRANT OFFICER MPANGASE: I see that.

ADV SIKHAKHANE: Would you say he is wrong?

WARRANT OFFICER MPANGASE: It is possible that he
spoke with Colonel Jacob, but I also spoke with him.

ADV SIKHAKHANE: Then, if I may request that we go

back to your earlier statement, at page 656. We have referred to this statement, but particularly I am interested at page 657, your paragraph 8 and again I remind you, that this is 23 November 2021, and the events were still fresh. At paragraph 8 of your statement, this is when you deal with booking the exhibits. You then do not refer to any engagement with Warrant Officer Perumal, as fresh as...

WARRANT OFFICER MPANGASE: Advocate, are you giving an impression that at no time had I communicated
10 with him about the bags?

ADV SIKHAKHANE: No, perhaps let me ask it differently. In your earlier statement, you did not record this fact, that you spoke to Warrant Officer Perumal about the exhibit bags.

WARRANT OFFICER MPANGASE: I do hear that.

ADV SIKHAKHANE: Then, if I may request that we also go to file 3. File 3. We have just referred to this and I asked you, this was the investigation diary which you completed or entered.

20 **ADV KHUMALO SC:** Let us give him the page number.

ADV SIKHAKHANE: Oh, apologies, page 800, 8-0, 8-0-1, apologies. 800, it consider to 801. Oh, apologies, 801 to 802, yes.

CHAIRPERSON: And you said the entry number is what?

ADV SIKHAKHANE: Entry 8.

CHAIRPERSON: Oh, thank you.

WARRANT OFFICER MPANGASE: Yes?

ADV SIKHAKHANE: And you completed this and perhaps you will pardon me if I miss it, but I could not locate where you referred to your interaction with Warrant Officer Perumal.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: If I may just ask, without being presumptuous, what would have been the rationale for that, would you, was it not significant or... according to you?

WARRANT OFFICER MPANGASE: I would say it was mistakenly left out.

ADV SIKHAKHANE: Okay, thank you. If I may request that we put that file away, I see the time is one.

CHAIRPERSON: And maybe just... We will take the adjournment now and come back at 2 p.m., and at 2 p.m. we will hear Mr Chaskalson and continue with Warrant Officer Mpangase thereafter. Let us adjourn.

ADV SIKHAKHANE: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Good afternoon, Mr Chaskalson.

ADV CHASKALSON SC: Good afternoon, Chair. Good afternoon, Commissioners. Commissioners, unfortunately, it was not possible to meet the timetables that were laid

down for this application. The Commission only received the postponement application at 03:30 this morning. The postponement application is a substantial application that raises non-frivolous issues to which we need to respond.

My colleagues were in touch with me on a regular basis yesterday, indicating their difficulties in getting the application to me or to us on time. So I do not want this to reflect on this criticism of them. It is not.

The result is that the application will now have to
 10 be heard at the next available evidence slot, which is next week, Friday. And I have reached agreement with Mr Premhid on a way forward. We have prepared a draft ruling which the Commissioners have in front of you. Maybe if I can read it out and then if there are any issues, you can address them with me. So the ...[intervenes].

CHAIRPERSON: Just a minute, Mr Chaskalson.

ADV CHASKALSON SC: Thank you, Chair. I should also just place on record that Mr Premhid certainly volunteered to come here for this postponement by agreement. But
 20 after asking your consent, I told him it was not necessary. So he is not absent in defiance of the Commission or anything like that.

CHAIRPERSON: Yes, yes.

ADV CHASKALSON SC: And ...[intervenes].

CHAIRPERSON: What we suggest, as you propose, we

have read the draft ruling, Mr Chaskalson, and I just whispered to my colleagues that they do not have a problem, nor do I, with it. So what I will suggest is, as you said, for you to go through it so that when I grant the ruling, I do not have to read it myself.

ADV CHASKALSON SC: Certainly, Chair.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: And just to explain the structure, the ruling deals with two separate issues. One is the
10 postponement application itself, the second is the in-camera application.

CHAIRPERSON: Please continue. Sorry, sorry, Mr Chaskalson.

ADV CHASKALSON SC: So the ruling in paragraph 1 deals with the postponement application, paragraph 2 with the in-camera application. Paragraph 1 says:

“1.1. The postponement application will
be heard at 11:30 on Friday, 24 July, on
the basis of the following timelines. By
20 20:00 on Friday, 17 July...”

That is today

“...2026, the Commission will furnish Mr Carrim with a list of non-medical factual issues on which it presently reserves the right to take issue with the allegations

contained in Mr Carrim's founding affidavit.

1.2. Together with the list of non-medical factual issues, the Commission will furnish Mr Carrim with cell phone geolocation and call record data and any other investigative material currently in its possession on which it may rely in relation to the non-medical factual issues.

1.3. If further investigative material comes into the possession of the Commission and the Commission seeks to rely upon it in the postponement application, it will make that investigative material available to Mr Carrim as soon as possible.

1.4. By 13:00 on Tuesday, 21 July 2026, Mr Carrim will serve and file a consolidated founding affidavit in support of the postponement application which he served on the Commission at 03:30 on the morning of Friday, 17 July 2026. This consolidated founding affidavit will replace the founding affidavit filed at

03:30 on the morning of Friday, 17 July 2026.

1.5. By 20:00 on Wednesday, 22 July 2026, the Commission will serve and file its answering affidavit to the founding papers of Mr Carrim's postponement application.

10 1.6. By 20:00 on Thursday, 23 July 2026, Mr Carrim will serve and file his replying affidavit.

1.7. The parties will serve and file short heads of argument on the postponement application by 20:00 on Thursday, 23 July 2026.”

So all of the papers in the postponement application will be in by 08:00 p.m. on Thursday and it will be argued at 11:30 on Friday. In parallel there is the process in relation to the in-camera application which is dealt with in paragraph 2 and it reads as follows:

20 “The application of Mr Carrim for the postponement application to be heard in camera will be decided by written ruling of the Chairperson handed down on or before 18:00 on Thursday, 23 July, on the basis of the following timelines. By

20:00 on Friday, 17 July 2026, the Commission will notify Mr Carrim whether or not it reserves the right to oppose his in-camera application. By 16:00 on Friday, 17 July 2026, the Commission will post on its website a notice to the media indicating that;

10 2.2.1. Mr Carrim's postponement application will be heard at 11:30 on Friday, 24 July 2026.

2.2.2. Mr Carrim has applied for his postponement application to be heard in camera.

2.2.3. A copy of the notice of motion in Mr Carrim's application detailing the in-camera protection that he seeks is attached to this notice marked A.

20 2.2.4. Mr Carrim seeks in-camera protection because he alleges that it is not possible for the postponement application sensibly to be heard in a manner that would separate information, the disclosure of which would implicate Mr Carrim's fundamental rights to privacy and dignity, from any other information to

be canvassed in the application.

2.2.5. Mr Carrim alleges that the information implicating his fundamental rights to privacy and dignity is;

2.2.5.1. private information relating to his medical condition and his medical treatment,

2.2.5.2. private information about Mr Carrim's family movements and the security threats he and his family have faced.

2.2.6. Mr Carrim submits that public disclosure of this information would;

2.2.6.1. risk serious harm to his treatment, dignity, standing within his religious community and public life,

2.2.6.2. place his children..."

It says their children:

"...at further risk in circumstances where threats have already been made, and

2.2.6.3. would prejudice his wife's independent business and livelihood, both of which have already been adversely affected by the publicity surrounding these proceedings."

And then the process for the media is set out in 2.3:

“Any media organisation seeking to oppose Mr Carrim's in-camera application must;

2.3.1. notify the Commission and Mr Carrim on or before 17:00 on Monday, 20 July, of its intention to oppose the application, and

10 2.3.2. serve and file any submissions in support of its opposition on or before 13:00 on Tuesday, 21 July 2026.

2.4. Beyond the notice described in paragraph 2.2 above, no media organisation or member of the public will be given access to the application papers of Mr Carrim or the contents thereof prior to the ruling of the Chairperson on the in-camera application.

20 2.5. If the Commission opposes the in-camera application, it will serve and file any submissions in support of its opposition on Mr Carrim on or before 13:00 on Tuesday, 21 July 2026.

2.6. Mr Carrim will file his submissions in support of his in-camera application on

or before 17:00 on Wednesday, 22 July
2026.

2.7. There shall be no oral hearing in
relation to the in-camera application.”

CHAIRPERSON: Thank you, Mr Chaskalson. A ruling is
granted in these terms.

ADV CHASKALSON SC: Thank you, Chair. May I now be
excused?

CHAIRPERSON: Perhaps, if you could, because I would
10 assume that this also needs to be posted together with the
notice referred to. If arrangements could be made for
signature by the Commission Secretary who signs our
rulings with an intro that says, by order of the Chairperson?

ADV CHASKALSON SC: Thank you, Chair.

CHAIRPERSON: Thank you. You are excused, Mr
Chaskalson.

ADV CHASKALSON SC: Thank you again, Chair.

CHAIRPERSON: Will it take time for Warrant Officer
Mpangase to be brought in? Do we have to go out?

20 **ADV SIKHAKHANE**: I do not think so, Chair. He should
have been outside.

CHAIRPERSON: Ja, let us wait and see. And how much
more time do you think you require, Mr Sikhakhane?

ADV SIKHAKHANE: Chair, I do not intend to elaborate
beyond my undertakings, but beyond three, I do not think.

CHAIRPERSON: Beyond what?

ADV SIKHAKHANE: I will not take beyond three.

CHAIRPERSON: Beyond three, okay.

ADV SIKHAKHANE: I think we have covered most of the grounds.

CHAIRPERSON: All right.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: All right. Thank you, thank you.

ADV SIKHAKHANE: Chair, I do apologise. It seems our
10 interpreter is now missing. He is the one that is missing.

CHAIRPERSON: Okay.

ADV SIKHAKHANE: Thank you, Chairperson. Good afternoon once again, Warrant Officer. When we broke for lunch, we were dealing with the events at Isipingo Police Station and your interaction with Warrant Officer Perumal.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Now, at that time, one of the versions is that mainly by Colonel Jacob is that he, at Isipingo, he then was to go back off duty to his leave and handed over
20 the scene to you, but he puts it much stronger than that. He says he appointed you as the investigator.

WARRANT OFFICER MPANGASE: Yes, indeed. When the time arrived that he needed to leave, he actually handed over to me that I needed to go with the people to Port Shepstone to transport those goods. He then asked me to

open the inquiry.

ADV SIKHAKHANE: And then ...[indistinct] just for the record, you appointed you as the investigating who took over of the inquiry.

WARRANT OFFICER MPANGASE: Yes, that is what he said.

ADV SIKHAKHANE: And for how long did he mention?

WARRANT OFFICER MPANGASE: Yes. When he informed me that I was going to be an investigating officer, I told him
10 that I could not resume those duties because I had other high-profile cases to handle. Yes, a serious violent crime, and those cases were already in court.

ADV BALOYI SC: So he was untruthful, therefore, in his evidence before us that when he left Isipingo Police Station to go back on his leave, remember he was off duty, when he left Isipingo Police Station to go back on his leave, he appointed you and you remained the investigating officer until he came back from leave. That evidence, from what you are saying, that evidence is untruthful.

20 **WARRANT OFFICER MPANGASE:** No, I refused to be an investigating officer. What happened was per his request, I opened the inquiry and I kept that inquiry with me. I retained it until he came back from his leave.

ADV BALOYI SC: Thank you.

ADV SIKHAKHANE: Thank you. And if I may, so your

version is that he would be, his version that you are an investigating officer is untrue.

WARRANT OFFICER MPANGASE: It is untrue.

ADV SIKHAKHANE: I think one of his, on both the 3rd of June and the 4th, that is what he confirmed about you. And then, just to be fair to you also, Warrant Officer, is it Sibiya, also said you were appointed as the investigating officer.

WARRANT OFFICER MPANGASE: Yes, he did appoint me to be an investigating officer, but I did not accept it because
10 of the already mentioned reasons. Then he said I should keep that inquiry until he returns, and that is exactly what I did.

ADV SIKHAKHANE: If I may, you may just clarify and take your version. In terms of the entries in the diary, just a pardon, maybe it is my ignorance, it would be fine that you make the entries even if you are not the investigator.

ADV SIKHAKHANE: Yes, the reason that the entries be done is because the inquiry had come to a standstill at that stage.

20 **ADV SIKHAKHANE:** [Indistinct]... I think it is that you were the one dealing with the inquiry, who had opened the inquiry. That is the reason you were making the entries in the investigation diary.

WARRANT OFFICER MPANGASE: Yes, it is like that.

ADV SIKHAKHANE: Just while we are on the diary, if you

go to File 3 of the Exhibit Bundle.

WARRANT OFFICER MPANGASE: File 3 of the Exhibit Bundle?

ADV SIKHAKHANE: File 3, CJC268 and page 803. Maybe let us start at 802.

WARRANT OFFICER MPANGASE: 802?

ADV SIKHAKHANE: Yes. So, when you make those entries in the diary, was there an inspecting officer or someone who checked your entries?

10 **WARRANT OFFICER MPANGASE:** No, no one.

ADV SIKHAKHANE: Then at 803, then that is where there is a handwriting. I am not sure whose handwriting is that. At this point, this is 23-06-2021. There is an entry about a 24-hour inspection. Who made this entry? Do you know?

WARRANT OFFICER MPANGASE: If I look at this, I would say the handwriting or the signature is that of Jacob.

ADV SIKHAKHANE: Then at the top there the date is 2021-06-23.

WARRANT OFFICER MPANGASE: Yes.

20 **ADV SIKHAKHANE:** Does that reflect or does that relate to the date when this entry was made?

WARRANT OFFICER MPANGASE: I would not know.

ADV BALOYI SC: Did you make this entry?

WARRANT OFFICER MPANGASE: No.

ADV BALOYI SC: You say the signature at the bottom is

whose signature? Are you able to tell? You are saying that is Lieutenant Colonel Jacob?

WARRANT OFFICER MPANGASE: We are talking about one entry here.

ADV BALOYI SC: Yes, on the 23rd of June.

WARRANT OFFICER MPANGASE: Yes, it is Colonel Jacob.

ADV BALOYI SC: So does it mean he was back at work on the 23rd? This is the day after the operation, right?

10 **WARRANT OFFICER MPANGASE:** No, he had not come back then.

ADV BALOYI SC: So how is that entry in your investigation diary?

WARRANT OFFICER MPANGASE: I do not have a clue.

ADV BALOYI SC: Thank you, Mr Sikhakhane.

ADV KHUMALO SC: Was the diary not with you the whole time?

WARRANT OFFICER MPANGASE: [Vernacular].

20 **ADV KHUMALO SC:** So how did Colonel Jacob manage to put an entry in your diary on the day that he is not with you and he is on leave?

WARRANT OFFICER MPANGASE: I do not remember. I do not know.

ADV KHUMALO SC: Does it mean you allowed Colonel Jacob to insert a false entry into your diary?

WARRANT OFFICER MPANGASE: I did not give him that permission.

ADV KHUMALO SC: But where else would he have got your diary? If it is your diary, how else and where else would he have got it?

WARRANT OFFICER MPANGASE: Well, when I look at this, the last time I had some entry in the diary, it was on the 23rd of June.

ADV KHUMALO SC: Yes, that we can see. So how is he
10 able to put another entry on the same date when he is on leave and he is not with you?

WARRANT OFFICER MPANGASE: Well, without any certainty, but I will presume that he entered this on his arrival coming back from leave, and he backdated this.

ADV KHUMALO SC: Yes, that is the only logical answer.

WARRANT OFFICER MPANGASE: Yes.

ADV BALOYI SC: The other possibility is, he did come into the office, you gave him your diary and he made that entry. That is the other possibility, on the 23rd itself.

20 **WARRANT OFFICER MPANGASE:** I would remember if that was the case.

ADV BALOYI SC: You would remember it, but you would not say it because on your construction and his construction, the story is, he came in on the 22nd to run this operation and he left from Isipingo Police Station, went

back on leave. You tell us you took over from that point, which is what he tells us too. You took over from that point until he came back.

You say you took over just to hold the inquiry file for him. He tells us you were the investigating officer and then he came back later when he finished his vacation leave and came back later. So this 23rd entry, it is your diary. If he made the entry and backdated it, you would know. It is your diary. You would know.

10 **WARRANT OFFICER MPANGASE**: Yes, well, according to me...

INTERPRETER: The witness is showing the Commissioner that as far as he is concerned, he is showing a page where he last entered this thing in the diary.

WARRANT OFFICER MPANGASE: I presume when he came back he then entered other entries.

ADV BALOYI SC: So, we know that you went back to Port Shepstone DPCI, well, Port Shepstone Police Station and DPCI offices on the 23rd and the 24th. Am I correct with
20 that?

WARRANT OFFICER MPANGASE: Yes.

ADV BALOYI SC: Why is the 24th not in your diary? You have the 23rd.

WARRANT OFFICER MPANGASE: The possibility is that at that stage, the inquiry was no longer with me.

ADV BALOYI SC: But it would still have been with you because you are holding for Colonel Jacob and he is on leave on the 24th. What do you mean it is no longer with you?

WARRANT OFFICER MPANGASE: Well, the only reason I can think of, nothing else, is that the inquiry was no longer in my possession.

ADV BALOYI SC: Okay. So who did you give the inquiry file to? Remember at this point, we are talking the 23rd, the
10 24th. I think Colonel Jacob, we see him signing on the 29th, and I think he said he came back from leave around that time. So you have the inquiry file. He told you, open the inquiry file. You opened it. When you say maybe that file was no longer with you, you must have given it to somebody by the 24th. That you must be able to tell us.

WARRANT OFFICER MPANGASE: There is a possibility that I handed these files over to Sibiya, Warrant Officer Sibiya.

ADV BALOYI SC: On the 24th, you would have already
20 given it to Warrant Officer Sibiya?

WARRANT OFFICER MPANGASE: I think so.

ADV BALOYI SC: Why would you give it to Warrant Officer Sibiya and then still go to Port Shepstone DPCI and police station and take samples? On the day that you are doing that, why would your diary be, or the file, be with Sibiya if

you are doing that job?

WARRANT OFFICER MPANGASE: I gave it to Sibiya because I had already spoken to Jacob that I was no longer going to carry on being an investigating officer. I had already told him.

ADV BALOYI SC: You told him on the scene that you will not be an investigating officer and then, according to you, Isipingo Police Station, and he said go open an inquiry file and hold it for him. So, I am discussing with you on that
10 basis, at least for our discussion, I accept that is what happened, that at Isipingo you said to him I will not be an investigating officer, and he says to you, okay, open an inquiry file and hold it for me. I accept that for our purposes.

You say to us, and then on the 23rd you went back and did something about these exhibits. On the 24th you went back and did something about these exhibits. Why would you give the inquiry file that you are holding for Lieutenant Colonel Jacob, why would you give it to Sibiya
20 when you are holding it for Jacob on the 24th?

WARRANT OFFICER MPANGASE: Yes, I would give a reason. Firstly, I was no longer working on this case, and secondly, I went to fetch the samples, and with the instruction of Jacob who said that I must hand the sample over to Sibiya. Then I took it upon me to give this thing as

well to him, Sibiya.

ADV BALOYI SC: So when you returned from Port Shepstone, you still had the file with you?

WARRANT OFFICER MPANGASE: If I remember correctly.

ADV BALOYI SC: So why did you not make the entry in the diary before you gave it to Sibiya, you gave this to Sibiya?

WARRANT OFFICER MPANGASE: I do not have any reason.

10 **ADV BALOYI SC:** Thank you, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, thank you, Commissioner. Just on this, before we get off, something that may clarify matters, but maybe raise another question. Colonel Jacob, on the 3rd of June in his testimony conceded to the fact that he made this entry and that he may have – well, on his own, and he may have made it when he came back. If I may just read what he said?

CHAIRPERSON: Does what you are about to read from explain the fact that the date of the entry is the 23rd of June
20 2021 as opposed to the 29th of June, when Colonel Jacob came back?

ADV SIKHAKHANE: Just to get some clarity, Chair?

CHAIRPERSON: Yes.

ADV SIKHAKHANE: So you are saying?

CHAIRPERSON: You are saying he conceded, that is

Colonel Jacob, that it is he who wrote this and you say that he explained in testimony that he must have made the entry when he came back.

ADV SIKHAKHANE: Correct.

CHAIRPERSON: Do I understand that to mean coming back from leave?

WARRANT OFFICER MPANGASE: Yes, on the 29th.

CHAIRPERSON: Now my point is, this entry is dated 23 June 2021.

10 **ADV SIKHAKHANE:** Yes.

CHAIRPERSON: So my question is, does what you are about to read from explain why the date is the 23rd of June 2021? If he says he may have made the entry when he came back, and we know that he came back on the 29th of June 2021. This is not about you.

ADV SIKHAKHANE: No, no, no.

CHAIRPERSON: It is about what he said in his testimony, which is in the transcript in front of you. So I just wanted to have an idea if he does explain that. Or perhaps let us just
20 let you read what he says.

WARRANT OFFICER MPANGASE: Ja, thank you, Chair.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: It is quite short. When he was questioned, and it was by Commissioner Baloyi, and perhaps you should clarify, about – sorry.

ADV BALOYI SC: [Indistinct].

ADV SIKHAKHANE: No, no, no. Colonel Jacob said when he was pressed around the 23rd, he says:

“Yes, but okay, it is not made on the 23rd because on the 23rd, I resumed my leave, meaning I was on leave. So if I look at this, and I will be honest, I either made it on the 22nd, just to, you know, as a formality to Warrant Officer Mpangase, or
10 I may have done it on my return to work because I see nobody did the inspection, the Inspectorate.”

CHAIRPERSON: He could not have made it on the 22nd. You say he says he could have made the entry on the 22nd.

ADV SIKHAKHANE: He says either on the 22nd or the 29th.

CHAIRPERSON: The 22nd would not make sense because we have Warrant Officer Mpangase's entries, which run all the way to the 23rd of June.

ADV SIKHAKHANE: Correct.

20 **CHAIRPERSON:** So if he made it on the 22nd, it would have had to come before Warrant Officer Mpangase's entries off the 23rd.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: So that is just out of the question. I am saying so, what he says there about the 22nd is simply out

of the question.

ADV SIKHAKHANE: Correct.

CHAIRPERSON: Yes. And then the question about the 29th stands because the entry is dated the 23rd ...[intervenes].

ADV SIKHAKHANE: So he ...[intervenes].

CHAIRPERSON: So anyway ...[intervenes].

ADV SIKHAKHANE: He may have falsified that. So, what is curious, obviously, is that there is a gap at the top of the
10 page for which he found space to make an entry, but that is obviously not something that you can answer.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Then let us go back just to one question on this Isipingo and then we move off it to Port Shepstone, and it is around the entry in the SAP13 and it was ...[intervenes].

ADV BALOYI SC: Before you do that, Mr Sikhakhane, the Isipingo SAP13, you say you made those entries. You entered the exhibits in the SAP13.

20 **WARRANT OFFICER MPANGASE:** Yes, it is so.

ADV BALOYI SC: And you also signed them out. So you signed them in and you signed them out.

WARRANT OFFICER MPANGASE: Yes.

ADV BALOYI SC: The reason that you gave for signing them out is that, and I think if we can just pull that SAP13 if

we have it, is you said they are going for analysis. Why did you say that when that was not true?

ADV KHUMALO SC: Warrant Officer, go to page 2 of that paper that A-Part that they have just given you. So they have just handed you a piece of paper. On page 2, to your right it will say A16 on top of that page 2.

WARRANT OFFICER MPANGASE: Page 2.

ADV KHUMALO SC: Then at the bottom of that page you will see an entry that says 4.1, and it says Warrant Officer
10 MF Mpangase, and then to your right, that is the entry Commissioner Baloyi is referring to.

WARRANT OFFICER MPANGASE: Okay. What could have happened here after I have inserted them, Jacob told me that we are going to take them out and transport them to the lab. Because they said Perumal himself, Perumal, said he could not keep them. Then the decision came from Jacob that we need to take them to forensics for analysis and storage. That would be the reason for me to enter this entry. No other reason.

20 **ADV KHUMALO SC:** But then when it became clear that the exhibits were not going to FSL, they were going to Port Shepstone, and even on the following day you put an entry in the Port Shepstone SAP13, why did you not correct the entry at Isipingo? Why did you not correct that? Because that is clearly misleading. The exhibits did not go to FSL

for analysis. They went to Port Shepstone from Isipingo. So why did you not correct the SAP register in Isipingo?

WARRANT OFFICER MPANGASE: I never thought of fixing it. But when you write a statement, it is a chain process. I was going to mention that.

ADV KHUMALO SC: Because you see, Warrant Officer, when all the officers who were transporting the exhibits from Isipingo, when you were leaving that police station, by then the discussion with Brigadier Nyuswa had taken place.
10 As everybody was leaving Isipingo Police Station, you all knew that these exhibits were going to Port Shepstone at the DPCI office. You had an opportunity then to correct this clearly incorrect entry in the SAP13 at Isipingo, and you did not correct it.

WARRANT OFFICER MPANGASE: In my mind I thought I will put a statement and put the chain of events indicating how it happened from Port Shepstone.

ADV KHUMALO SC: So the situation we have now is that for more than 24 hours there is no SAPS record of where
20 these exhibits are, because in Port Shepstone you only do the entry on the 23rd of July. Is it June? Of June. So from the period these exhibits are booked in and out of Isipingo Police Station to the time when you do the entry in the Port Shepstone SAP13, SAPS has no record of where these drugs are or where these exhibits are.

WARRANT OFFICER MPANGASE: I understand that, yes.

It is a point, yes, but we had a chance to rectify that on our statements because I was not the only one who was transporting these, because the people who were also present at Port Shepstone did see that we were putting them into the storage. So that was going to make up in our statements, using the word cover, it was going to cover what is in our statements that these things did indeed move from that area to the other.

- 10 **ADV KHUMALO SC:** I want to move from this point very quickly. Are you prepared to accept that it was a serious error on your part not to correct that entry in the SAP13? Because statements are not a place where you record the movement of exhibits. We have to record what happens to exhibits when they are booked in and out, and for what purpose is the SAP13? So should I leave it on the basis that it was poor judgement on your part and leave it there?

WARRANT OFFICER MPANGASE: I accept.

- ADV BALOYI SC:** No, Warrant Officer, I do not accept that
20 it was an error of judgement. And the reason I do not accept that it was an error of judgement is because, firstly, these exhibits, even if you say that Jacob said we are taking them to the lab for analysis, they are not in exhibit bags. So there is no way you would have, if you knew anything about this, there is no way you would have thought

that these exhibits are going to the lab. That is one reason.

The second reason is there and then you say in your statement, and everybody else says that in their statements, that calls were made and you knew as you were standing there that they are not going to the lab, they are not staying at Isipingo, they are not going to the lab. Other stations, according to Jacob, other stations were called. They did not have storage.

You all knew they were going to Port Shepstone.
10 When you signed them out, when you signed them out, you knew that they are not going to the lab. In fact, your entry says analysis. It does not say storage. It says analysis. So I do not accept that you are being truthful about this.

WARRANT OFFICER MPANGASE: Yes, I hear Commissioner Baloyi, but Jacob said since those people could not accept or agree to take them, these items, he said we would take them to the lab.

ADV BALOYI SC: Yes.

WARRANT OFFICER MPANGASE: After they told me that,
20 then I entered that into the book that we are taking them to the lab. The decision that we are going to take them to Port Shepstone, that was the decision which came only after I had made my entries. That is the only thing I could think of.

ADV BALOYI SC: I guess that is your best answer on this, but you have heard what my issue is. And then on the

second part where you say we would have fixed this with the statements, you say everyone was there, we were going to write statements and it would all be correct, I want to make this observation to you.

That, in fact, your statements, as we have shown this morning and with Colonel Jacob as well, is they are contradictory. You do not speak the same thing. Even you, as you were sitting there this morning, you were saying, well, he is wrong when he says this. When Govender says
10 this, he is wrong.

Your diary entries, you cannot explain why there is no entry on the 24th. You cannot explain why Jacob, who is supposedly on leave on the 23rd, has an entry in your investigation diary in a file that you are holding. So the documents that you say would have fixed it are completely unreliable and it is a point that was made to Colonel Jacob as well, that your documents are unreliable because they do not reflect accurately what happened in that period of the 22nd, the 23rd, and the 24th.

20 Even you, as you sit there, you say, well, I do not remember, maybe. So it is not a satisfactory answer to say that while we were all there, we were all going to do statements, to write statements, and we would have fixed this in the statements. Your statements contain falsehoods or misrepresentations, in fact. And that is an observation.

You can comment if you want to.

WARRANT OFFICER MPANGASE: I hear you, Commissioner, but what I can say, what I put there was what I could recall. If I had omitted anything, that could have been a mistake, which I could not remember. There is nothing which is untrue from what I have written there.

ADV BALOYI SC: Thank you. Thank you, Mr Sikhakhane.

ADV SIKHAKHANE: Commissioner, as I say, I am left with two minutes. Thank you, Chair. I will try, and I think as we
10 opened in the beginning, I want to go through some of the things we have heard from other witnesses, and I do not think it would be a fair use of time to go about what happened in the Port Shepstone offices.

Now, you then took these exhibits to Port Shepstone and then, obviously, you are in charge at this point and you place the exhibits in the safe. Colonel Prinsloo testified that there was no SAPS transfer register completed or any form of documentation either in recording the receipt of the exhibits and then to the other part of the
20 safe key. There was no formality or any documentation.

WARRANT OFFICER MPANGASE: That is correct.

ADV SIKHAKHANE: And the same with the key, there is no transfer, and we know that according to the prescripts, there needs to be entries about who takes the key.

WARRANT OFFICER MPANGASE: That is correct.

ADV SIKHAKHANE: Now, to the point of Commissioner Baloyi, which is about the integrity of the exhibits, what we see then is that what gets in to at Port Shepstone, there is nothing formally recorded as to the quantity. In fact, you start sealing it the following day. So, in essence, on the whole of the 22nd, there is no formal accounting of the exhibits.

WARRANT OFFICER MPANGASE: I do no longer remember where. You sort of suggest that we did not enter
10 them into SAP13 register?

ADV SIKHAKHANE: Well, in essence, when you get to Port Shepstone, there is no record of what goes on to the storage.

WARRANT OFFICER MPANGASE: I remember there was an arrangement containing SAP13 register, where the exhibit clerk from Port Shepstone arrived.

ADV SIKHAKHANE: Sorry, we are still on the 22nd.

WARRANT OFFICER MPANGASE: Yes. On his arrival, he had this register in his possession. He was a white person.

20 **ADV BALOYI SC:** This is only on the following day, even on your statement and according to Lieutenant Colonel Jacob and everybody else from Port Shepstone who has testified, that happened on the 23rd. You are being asked about the 22nd.

WARRANT OFFICER MPANGASE: I concede. Yes, I

agree.

ADV KHUMALO SC: So, when the exhibits were stored at the Port Shepstone offices of DPCI on the 22nd, there was no SAP13 register entry on that day?

WARRANT OFFICER MPANGASE: I would say so.

ADV KHUMALO SC: That is why you needed to go back to Port Shepstone the following day to deal with the SAP13 issue.

WARRANT OFFICER MPANGASE: I hear Commissioner
10 Khumalo, but may I with due respect state this? I do not recall exactly, but if that is what is written, then it should be. Do you ever recall that Jacob said we need to go back there to take the exhibit and put them into the bags. forensic exhibit bags. That is the reason why we went back on the 23rd. Ja, but when I really look deep into this, I think Commissioner, you are correct.

ADV KHUMALO SC: Because if you had put anything in the SAP13 on the 22nd, your diary would have said so. You would have recorded it in your diary.

20 **WARRANT OFFICER MPANGASE:** That is correct.

ADV BALOYI SC: You were responsible for the inquiry file at that point, when you moved from Isipingo Police Station to Port Shepstone. Why did you not arrange for an SAP13 clerk from Port Shepstone on the 22nd itself to come and enter these exhibits, or record the movement of these

exhibits?

Because after you remove them on the 22nd from Isipingo, as Commissioner Khumalo says, we have no record of where are they after they have been removed. Nothing is recorded. Where do they sleep that night? You are the in charge, because Colonel Jacob has left you in charge. So you have the responsibility to arrange that there should be an SAP13 clerk who comes and you do these entries. Why did you not do that?

10 **WARRANT OFFICER MPANGASE**: Well, I presume that because of the fact that we have already stored them in the Port Shepstone, there was no necessity that we register them on SAP13 in Isipingo – Port Shepstone, by the way.

ADV BALOYI SC: Does it mean at that time you did not know that the protocol or the national instruction requires that exhibits must be recorded in SAP13? They must always be accounted for? Is that what you are telling us, that you did not know that there was such a requirement at that point?

20 **WARRANT OFFICER MPANGASE**: No, I did not forget. The reason is just that we had already recorded them in SAP13 in Isipingo. And then at that time they were being transported to Port Shepstone.

ADV BALOYI SC: No, that cannot be your answer. They are not in an SAP13 once you book them out and you drive

out of Isipingo Police Station. And you do understand what the problem is that I am raising with you. You took them out.

You signed them out. You said they are going for analysis. You do not even say where for analysis. We know that was not true. They were going somewhere else for storage. You do not enter them anywhere. There is no record. So you cannot refer to Isipingo SAP13. It is irrelevant. You are done. You are finished with it as soon
10 as you signed them out and you drove out with them.

After that, they are not accounted for and there is a national instruction that says they have to be accounted for. And you either know the national instruction that requires that, or you say to us, I did not know that I am required to put them in SAP13. That is why I thought, because we have now put them in a vault in Port Shepstone DPCI, it is okay because I did not know or understand the national instruction. That is the only answer that would make sense, but it would be problematic, but it would make sense.

20 **WARRANT OFFICER MPANGASE:** I see from which angle, Commissioner, you are coming from, but I thought from my own thinking that there was no longer a need for us to put them again, to register them, because we had already done so in Isipingo SAP13. That was my own perception thinking. Well, on my own, I thought that it was going to be

fixed on the statements which we were going to make to cover that gap. That is how I thought.

ADV BALOYI SC: No, your explanation of why this happened is completely unsatisfactory, I must say that to you. Either you did not know what you were doing, as in you are incompetent, you do not know the national instruction required you to record them, and that is, if I am being kind to you, I will say, you were ignorant, you did not know what you were doing.

10 And maybe that is why Colonel Jacob brought you into this, because he knew he can leave you with this and you have absolutely no clue what is involved. That is why he gives you instructions as he is on leave. That is a generous explanation for your role in how you handled these things.

 The alternative is you knew exactly what you were doing, and it was sinister. There was no sound reason, it was deliberate, it was intentional, it was part of a scheme that we are going to do this, we will not account for it, we
20 will not put it in the books. Eventually when we put it in the books, no one is wiser what happened to the rest of it. Is that all of it, is it all accounted for, it was part of a scheme. That is the worst possible explanation for what happened, but there is no innocent explanation for what you did.

WARRANT OFFICER MPANGASE: I dispute the latter, the

second one. I could concede and accept the first one.

ADV BALOYI SC: Thank you, Mr Sikhakhane.

CHAIRPERSON: Warrant Officer, can you explain to me what the notion of booking out exhibits means? When you book them out after there has been an entry in an SAP13 register, and when you talk about booking them out, what does that mean? Let us use the English words here because you do know English. When you say booking out exhibits, what does that mean? Please use that English
10 expression, Mr Nkabinde. Am I correct to understand that to mean that you even make an entry in the register itself that you have now taken them out?

WARRANT OFFICER MPANGASE: Yes, I do know.

CHAIRPERSON: Now, assuming that you book them out and bring them back, you would have to re-enter them in the register or not?

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: Okay. Now, with that clarity, because you know these things better than I can ever hope to, with that
20 clarity, now, I do not understand your response to my colleague, Commissioner Baloyi.

Because in responding to Commissioner Baloyi, you say that you did not see a need for the entire period before they were eventually entered in a register in Port Shepstone, you did not see a need to enter them in a

register during the intervening period. And the reason you give for that is that that is because they had already been entered in the SAP13 register.

So, what I do not understand is that once you have booked them out, they are as good as never having been entered in the Isipingo register. It is on that basis that I do not understand your response to my colleague's question. Can you please make me understand? All right, let me leave it there. Can you please make me understand?

10 **WARRANT OFFICER MPANGASE:** I have already conceded that it was a mistake.

CHAIRPERSON: That is something else. That is something else. Yes, it may be related to the questions I am asking you, but it is something else. I want to understand why, in the face of the concept, booking out and its implications or effect, you responded that there was no need.

20 So, my question revolves around this concept and why you could ever say that there was no need. So, I understand you saying a mistake happened. If you are explaining why you did not enter them, what I want to understand is you said there was no need. That is something that is different from explaining why you did not enter them. Do you see what I mean? And the only explanation you gave for not entering them is that they had

already been entered. That is what I want to understand.
That is what I want to understand.

WARRANT OFFICER MPANGASE: Commissioner, as I have already stated, this is what I personally thought of, but not necessarily that that is what should have happened. I may ask to withdraw that part of my version that I thought there was no need.

CHAIRPERSON: So it was incorrect?

WARRANT OFFICER MPANGASE: Yes.

10 **CHAIRPERSON:** Thank you. Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Just on, if you – before we move over to the 23rd, in your diary, if I may request that you go to File 3, CJC268, it is the investigation diary, page 802. It is the investigation diary, page 802. It seems to be a continuation of entry number 8, but I am interested in the last sentence where, or maybe the full ...[intervenes].

CHAIRPERSON: Sorry, sorry, sorry. I deliberately avoid, when I engage you just now, Warrant Officer, I deliberately avoided referring you to a paragraph in your statement. I
20 just wanted to ask you about the notion or the idea of booking exhibits out.

And in asking that question, I deliberately avoided referring you to a paragraph in your statement. For completeness, I ask you this because in paragraph 13 of your statement, you say that Colonel Jacob said that you

must book the exhibits out to be taken to the forensic lab. So, that is why I focused on the notion of booking out.

WARRANT OFFICER MPANGASE: Yes. I do, I understand, I hear that.

CHAIRPERSON: I think I would accept it better if you said ...[vernacular]. Did we get a response? In fact, it is just for you to note, I am just referring you to the paragraph of your statement where I got this notion of booking exhibits out. It is just for you to note.

10 **WARRANT OFFICER MPANGASE:** I understand.

CHAIRPERSON: Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Just to complete on that, is there a difference between the booking out and the transfer of exhibits?

WARRANT OFFICER MPANGASE: I would say that is the same thing.

ADV SIKHAKHANE: Okay. No, thanks. Then I was at page 802, just in the interest of time. You say you make an entry there, the last entry, well not the last entry, at the top.

20 You say the exhibits were transported to Port Shepstone DPCI where they were locked in a vault and the keys to the vault were taken and kept by me.

WARRANT OFFICER MPANGASE: Yes, I see that.

ADV SIKHAKHANE: Would this be accurate? Would you maintain its accuracy?

WARRANT OFFICER MPANGASE: No.

ADV SIKHAKHANE: What could explain this?

ADV BALOYI SC: Why do you say that in your statement, in the entry?

WARRANT OFFICER MPANGASE: I cannot explain that because I was supposed to mention that they were put into the vault and locked in and General Senona took the key.

ADV BALOYI SC: Can we rely on anything that is in this diary at all?

10 **WARRANT OFFICER MPANGASE:** No, there are, but except those little mistakes like this one.

ADV BALOYI SC: Why would you say this is a minor mistake? It is a storeroom which has drugs in it which are not recorded anywhere on the SAPS system. There is no record of these drugs at this point, where they are, how many they are. There is absolutely nothing. And then you say, I kept the key. How can you say this is minor? It is not minor.

20 Maybe let me add even before you answer, another thing that points to it is not minor mistakes. We have no entry of what you did on the 24th. We know you went into this vault, you handled these drugs on the 24th. There is no entry of that in this diary. But in addition to that, there is an entry by Colonel Jacob on the 23rd, which you tell us he couldn't have made that entry on the 23rd. So there is

another false record in this diary. So it is not minor things, it is major things that mislead the reader of the diary.

WARRANT OFFICER MPANGASE: No, I do not undermine them. It is not so good to be sure. No, I do not regard them as that tiny, very small. But from now that we have addressed these issues, I would accept that I may have done this mistake from my part. Yes, but I accept that I am the one who entered this, and it was a mistake that I omitted that I was supposed to.

10 **ADV KHUMALO SC:** And you accept that the investigation diary is silent about what you did on the 24th of June 2021?

WARRANT OFFICER MPANGASE: Commissioner Khumalo, I did enter some of the things that we have done.

ADV KHUMALO SC: Warrant Officer, do not confuse the diary with the Port Shepstone SAP13. In the Port Shepstone SAP13, if you go to that loose document that was given to you, remember a loose document was given to you when we came back after lunch?

WARRANT OFFICER MPANGASE: Yes.

20 **ADV KHUMALO SC:** And the first page, remember we were in the second page where you talk about taking them out for analysis? Do you remember that?

WARRANT OFFICER MPANGASE: Yes.

ADV KHUMALO SC: So, if you go to page 8 of the same document.

WARRANT OFFICER MPANGASE: Page 8.

ADV KHUMALO SC: So it is the very last page on page 8.

WARRANT OFFICER MPANGASE: Yes.

ADV KHUMALO SC: Are you there?

WARRANT OFFICER MPANGASE: Yes, I am here.

ADV KHUMALO SC: Now, that is the SAP13, because you see top of the page it says SAP13, page 56.

WARRANT OFFICER MPANGASE: Yes.

ADV KHUMALO SC: Now, your entry there is 6.1 on the
10 right column, the extreme right column, and it says 24 June 2021, items 3.1 to 3.31, taken for investigation, Warrant Officer MF Mpangase. Do you see that?

WARRANT OFFICER MPANGASE: Yes.

ADV KHUMALO SC: So that is where you recorded what you did on the 24th of June 2021. But in your diary, the last entry by you is the 23rd of June, because what then follows is that false entry by Colonel Jacob, and then his other entries on the 29th and the 1st of July. So, in the diary you did not record the events of the 24th of June 2021.

20 **WARRANT OFFICER MPANGASE:** Yes, I ...[intervenes].

ADV KHUMALO SC: So do you now see my point?

WARRANT OFFICER MPANGASE: I do see the point.

ADV BALOYI SC: Can I just check something still on this? In that entry that Commissioner Khumalo raises with you, you say items 3.1 to 3.31, taken for investigation. So, you

removed all the exhibits on the day?

WARRANT OFFICER MPANGASE: Yes, it is so.

ADV BALOYI SC: On the day, on the 24th?

WARRANT OFFICER MPANGASE: Yes, it is so.

ADV BALOYI SC: Where were they taken? This is on the 24th, remember.

WARRANT OFFICER MPANGASE: Yes, in actual fact, not that I literally took them, but we are required on SAP13 that we must enter. We are required to state that, enter it, that
10 now they are moving from SAP13, Isipingo, Port Shepstone, now they are moving to Port Shepstone. I want to mean that we were taking them out of SAP13 register.

CHAIRPERSON: Port Shepstone register.

WARRANT OFFICER MPANGASE: Yes, Port Shepstone, indeed.

ADV BALOYI SC: So, we know you take them on the 24th out of the Port Shepstone police station register. After that, where are they recorded from the 25th until they are stolen? Where are they recorded, these exhibits? Because we know
20 they are no longer in SAP13 Port Shepstone.

WARRANT OFFICER MPANGASE: That is not recorded anywhere. What happened is when the exhibit clerk came with SAP13, I was stand to do so, that we enter the exhibits in SAP13 in Port Shepstone. When he arrived, when the clerk arrived, we then entered them into the register. We

then again removed them from the register. Not that we literally moved the items, what I mean by removing them from the register. This is all what happened.

ADV BALOYI SC: All right. We have the affidavit of the Port Shepstone Police Station exhibit clerk, and he says, page 781, the same file. Mr Sikhakhane, if you were going to deal with this, I would rather leave it to you. Are you happy for me to proceed?

ADV SIKHAKHANE: [Indistinct].

10 **ADV BALOYI SC:** Do you have the file in front of you? It is File 3 at page 781.

WARRANT OFFICER MPANGASE: Page 781, yes.

ADV BALOYI SC: So, here is what the exhibit clerk from Port Shepstone Police Station says. He says:

“I have knowledge of the paragraph 2.”

Firstly, he says:

20 “I am the person, my work at the exhibit office includes the processing and ensuring the safeguarding of property that is handed into the SAP13 at Port Shepstone.”

So, we have been made to understand that this is the custodian of exhibits. It is the one that looks and accounts for exhibits. And then, as you can see there as you are reading at paragraph 2, he says:

“I have knowledge of the entry made of exhibits under Port Shepstone SAP13...”

That number:

“According to the entry, it was a large amount of Cocaine that was handed in by Detective Warrant Officer Mpangase of the Durban DPCI office. I was not present when the entry was made into the SAP register, nor have I personally
10 seen any of the exhibits that was handed in as per this entry. All I can remember is that I got a call from Brigadier Sibiya on the office line asking me to assist members that is in need of forensic bags.”

So, we have the exhibit clerk saying he has never seen these exhibits. He was not there when the entries were made on the SAP13, which contradicts what you are saying that the exhibit clerk of Port Shepstone Police Station was
20 present when the entries were being made in their SAP13.

WARRANT OFFICER MPANGASE: I would make a request that we make a follow-up on what he has said, because I do not believe, because the person who brought the SAP13 register was the person who is employed there at Port Shepstone SAPS. Who that person was, I do not know.

ADV BALOYI SC: The reason I am reading this to you is to say you are incorrect to say the exhibit clerk. Now you say you do not know his name. You may have had somebody bringing the book. And yes, the evidence is somebody brought the book and you carried on with the people that were helping you to complete this. And I was simply putting to you that the exhibit clerk never saw those exhibits. It had nothing to do with the recording. And your evidence that the exhibit clerk was there is incorrect.

10 **WARRANT OFFICER MPANGASE:** Ja, that would mean it was just purely my assumption.

ADV BALOYI SC: Yes.

WARRANT OFFICER MPANGASE: Because they were ...[intervenes].

ADV BALOYI SC: They brought you the book. No, they were not involved. The evidence of the Port Shepstone DPCI people is all that Port Shepstone Police Station did is they gave you the book. They were not involved with your registering and counting those exhibits. That is the
20 evidence.

WARRANT OFFICER MPANGASE: I do agree.

ADV BALOYI SC: All right. And then let me complete this. In paragraph 3, the exhibit clerk says:

“I later saw the entry made into the
SAP13 in column 6. The evidence that

was handed in as per entries 3.1 to 3.31
was book out on the same day by
Warrant Officer Mpangase for further
investigation. I never saw any of the
items that was handed in, nor has any of
these items been physically handed into
any of the storerooms under my control.”

So that is what the clerk says.

WARRANT OFFICER MPANGASE: I would accept that if
10 indeed he is not the one who brought in the register.

ADV BALOYI SC: Yes. So back to my question. My
question is, once you have booked out all the exhibits,
remember your instruction, as you say in your statement
and what Colonel Jacob said to us was, on the 24th he
instructed you to go and take samples, not to book them
out, not to book out all the exhibits. He said, go take
samples. That is what he says. He sent you to go take
samples.

You, instead, on the 24th, according to the Port
20 Shepstone SAP13, you booked out all the exhibits out of
their records. My question is, once you have booked them
out, and therefore Port Shepstone Police Station is done
with them, they are not in their book anymore, where were
they recorded after that?

WARRANT OFFICER MPANGASE: They were never

recorded anywhere else.

ADV BALOYI SC: Lastly, so it is fair to say, because they are not recorded on any SAP13 after the 24th, it is fair to say that we do not, nobody knows, well, let me not say nobody. We, the Commission, do not know that when they were stolen later, because there is no record of how many are in SAPS' possession at that time, we have no way of knowing that the original number that was booked in on the 22nd at Isipingo Police Station, taken out, booked in at Port
10 Shepstone Police Station, the 3.1 up to 3.34, we have no way of knowing that they were still complete on the day that they were stolen, by the time they were stolen. There is no way of knowing, because you never made any record anywhere after the 24th of June. That must be correct.

WARRANT OFFICER MPANGASE: Yes, I hear. Yes, I do concur, but if the key was only handled by me, kept by me only, I would maybe confirm the number, but that was not the case.

ADV BALOYI SC: Thank you.

20 **ADV KHUMALO SC:** Can we do this? Warrant Officer, that eight-page document, that stand-alone eight-page document that we referred you to, just to complete the picture, the entries that you made in the Port Shepstone SAP13, 3.1 to 3.31, we do not have to go through all of them, just the first page and the last page.

It is on page 3 of that document. It starts on page 3 of that document, just go to page 3. That is the first item, 3.1. And that is you making those entries.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: I was just going to refer you to the exhibit file, so that he is not confused.

ADV KHUMALO SC: Maybe you can refer to it for completeness, but because we were dealing with this document, and we already went to item 6, I think, so 3.1 is
10 on page 3, and then the last entry, which is 3.31, is on page 7. And that is all you up to page 7.

WARRANT OFFICER MPANGASE: Yes.

ADV KHUMALO SC: And then on page 8 there is an entry there, 4.1. Can you just read that? What does it say? So on the left, there is an entry, 4.1, and that is still your handwriting. What does that say?

WARRANT OFFICER MPANGASE: 4.1?

ADV KHUMALO SC: Yes.

WARRANT OFFICER MPANGASE: Detective Warrant
20 Officer Mpangase, DPCI Durban.

ADV KHUMALO SC: Yes, what does it all say, 4.1, 4.2, 4.4? What were you recording there?

WARRANT OFFICER MPANGASE: I was recording the exhibits.

ADV KHUMALO SC: You were still recording the exhibits,

and then your last entry is then this 6.1 to 6.3, where you confirm that items 3.1 to 3.31 are taken for investigation.

WARRANT OFFICER MPANGASE: Yes.

ADV KHUMALO SC: And then after this entry, SAPS does not have a record, a written record, of where these exhibits are.

WARRANT OFFICER MPANGASE: Yes.

ADV KHUMALO SC: So, for example, SAPS does not have a written record that they are all accounted for and they are
10 in the safe at the headquarters or the office in Port Shepstone. SAPS does not have a written record of that.

WARRANT OFFICER MPANGASE: Yes.

ADV KHUMALO SC: And even the investigation diary, we know that after the 23rd it does not record anything relating to the custody and location of these drugs.

WARRANT OFFICER MPANGASE: Yes.

ADV KHUMALO SC: And maybe then, Mr Sikhakhane, for the benefit of the transcript, give us the pages in the actual files.

20 **ADV SIKHAKHANE:** It is under CJC264, starting at page 783, but the particular 6.1 is at 789.

ADV KHUMALO SC: So it is CJC264 from page 783 until page 789.

ADV SIKHAKHANE: Yes.

ADV KHUMALO SC: Thank you.

ADV SIKHAKHANE: Thank you.

CHAIRPERSON: So, may I just ask this quick question, Mr Sikhakhane? Can you please explain this, Warrant Officer? You enter the exhibits in the Port Shepstone SAP13 register and you immediately book them out of that register. What was the point of entering them in the register in the first place if you are immediately going to take them out?

WARRANT OFFICER MPANGASE: That was per Jacob's instructions.

10 **CHAIRPERSON:** That cannot be enough. You told us this morning that you are experienced in working with the SAP13 register. Do you remember saying that in the morning?

WARRANT OFFICER MPANGASE: Yes, it is like that.

CHAIRPERSON: Now, would you just accept what Colonel Jacob said? If what he said, surely this did not make sense to you, did it? He says enter these and immediately take them out of the register. Did that make sense to you?

WARRANT OFFICER MPANGASE: [Vernacular].

CHAIRPERSON: But did it make sense? I am asking a
20 different question.

WARRANT OFFICER MPANGASE: It does not make sense.

CHAIRPERSON: And you did it nonetheless, even though it did not make sense, you did exactly that nonetheless.

WARRANT OFFICER MPANGASE: I did.

CHAIRPERSON: And why would you have done that?

WARRANT OFFICER MPANGASE: I never thought of it that much.

ADV KHUMALO SC: And you knew that the exhibits were going to remain at the DPCI office in Port Shepstone and that they were not being taken for, the entry said what, for investigation? The entry said they were to be taken away for investigation and you knew that that was not the case. Correct?

WARRANT OFFICER MPANGASE: Not that they were not
10 going to be taken ...[intervenes].

CHAIRPERSON: No, but as you entered them and immediately booked them out, you knew that they were not going out for investigation at that point. Correct?

WARRANT OFFICER MPANGASE: Yes, it is.

CHAIRPERSON: And why you knew is because you yourself still locked them in that same walk-in safe. You locked them in there. They were not being taken out for investigation. That is how you knew. You enter them, you book them out, you make an entry that says they are being
20 taken for investigation. And yet you lock them in that same, same walk-in safe where they were before you made the entry and booked them out at the same time.

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: The effect of that or the essence of that is that you made a false entry knowing it to be false.

WARRANT OFFICER MPANGASE: To answer you, Commissioner, yes, I entered that entry, but that does not necessarily mean that the investigation was going to be done on that particular day. It would have been done after I have removed them. That was going to be entirely dependent on the IO, the investigation officer ...[intervenes].

CHAIRPERSON: Has it ...[intervenes].

WARRANT OFFICER MPANGASE: As to when is he going
10 to do it.

CHAIRPERSON: I am sorry. Please, please finish the sentence. Sorry, sorry, I spoke over you. Please ...[intervenes].

WARRANT OFFICER MPANGASE: Commissioner, please. Yes, it was going to be dependent on him as to when was he going to conduct the investigation.

CHAIRPERSON: Thank you. That does not answer the question which is this, but as at the time you made the entry that these were being booked out for investigation,
20 that was a false entry as at the time you made it, that was a false entry, because? Because you are leaving those exhibits inside that walk-in safe and you are locking them there and you are taking the key back to General Senona. As at the time you made that entry, it was false.

WARRANT OFFICER MPANGASE: I will try and clarify this

differently maybe to be understood.

CHAIRPERSON: Yes.

WARRANT OFFICER MPANGASE: The exhibits, when we refer to the entry that I stated that I was booking them out for analysis, that did not imply that I was directly or immediately taking them out for investigation. What I meant by that was that eventually they will go for analysis. When you take them out, therefore, you do not immediately take them straight to analysis. You take them, keep them in your
10 own safe in your office.

Before the expiry of seven days, while you are still keeping them, it would be only then when you remove them that you enter into the book, you make an entry. I wonder if the Commissioner will get where I am getting with this. When I stated that I removed them for investigation, that does not imply that was an immediate point. That was going to be the duty of the investigating officer to take them, transport them for analysis. I think that is my clear explanation.

20 **CHAIRPERSON:** Clear is something else. I will tell you that it is not. You said a few questions back that it would depend on the investigating officer as to when they would take the exhibits from the walk-in safe for analysis. Correct?

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: You had no control over that, did you?

WARRANT OFFICER MPANGASE: No.

CHAIRPERSON: So the IO could have done this the following day, they could have done it after three days, they could have done it after four months for all you know. Correct?

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: And yet you have made an entry that says, that books them out, underline booking them out of
10 the SAP13 register. You have made an entry that books them out of that register on the basis that they are going for analysis. You understand that?

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: And you think that it makes sense for you to have made that entry?

WARRANT OFFICER MPANGASE: [Vernacular]
...[intervenes].

CHAIRPERSON: No, no, no, no, no, no, no, I do not care. I do not care about others. I do not care about other, I am
20 sorry, that did not get translated. Can you please translate that? And also to translate the bit that, his response which was that he can refer me to other exhibit entries. I have already said it in English, so there is no need. So, my question is about whether to you it makes sense for you to have made such an entry when the investigating officer, for

example, could only have taken those exhibits out of that walk-in safe four months after the time you made the entry. As you sit there, can you ever, ever say that that makes sense? That your entry makes sense? Investigator, investigator, not me.

WARRANT OFFICER MPANGASE: Yes, to me it makes sense because the entry that I have inserted there is about things that were going to be investigated, because I know for the fact that they were indeed going to be investigated.

10 When the IO would investigate, it is none of my concern.

CHAIRPERSON: So let us use my four-month intervening period example. So, you are basically saying that effectively, for four months, which was a possibility that they are not taken for analysis for a whole four months, so you are effectively saying that it makes sense to you that these exhibits should not have been in any SAPS register, because they have been taken out of the Port Shepstone SAP13 register. So to you, as you sit there, it makes sense that they should not have been in any register. Are you
20 seriously saying so?

WARRANT OFFICER MPANGASE: It does not make sense that they did not work on the exhibits immediately after we found them, up to the expiry of four months, if that was the case. According to me, they should have done that a long time ago. If it was for me, I was going to do that

immediately, within seven days ...[intervenes].

CHAIRPERSON: It cannot lie in your mouth to say that. You cannot say that because earlier you already accepted that you had no control over the period when, or you had no control over the time by which the investigator could have taken the exhibits for analysis. You had no control over that.

So you cannot say what you have just said. You cannot tell us what you would have done or by when you
10 would have taken the exhibits for analysis. This was not you. And you accepted that you had no control over that. So you cannot say or give the explanation that you have just given.

WARRANT OFFICER MPANGASE: [Vernacular]
...[intervenes].

CHAIRPERSON: Please do not repeat the same thing you have just said, because I am asking you something else now, I am moving forward. I am saying you cannot say that because you had no control over, on the question of the
20 timing, the timing of taking the exhibits for analysis, you had no control over that. So you cannot repeat what you said two questions earlier.

WARRANT OFFICER MPANGASE: Maybe I do not follow the question.

CHAIRPERSON: I am saying you cannot say what does not

make sense is the fact that investigations, in my example, would not have taken place immediately, and you say, at the latest, within seven days. That is what you have said. Correct?

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: What I am saying is you cannot say that because you were not the investigator. You have said so earlier when you were being asked, and you said you did not even stand in prior to the return of Colonel Jacob.

10 Correct?

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: So what I am saying is, the explanation you give about by when the investigator ought to have taken the exhibits for analysis, you have no control over that. So what you are telling us and what you say does not make sense, does not respond to my question, because you had no control over the timing, the investigator's timing. You had no control over that. So the explanation you give simply does not make sense. Do you understand my

20 question now?

WARRANT OFFICER MPANGASE: Yes.

CHAIRPERSON: Now please respond and give me a response that makes sense.

WARRANT OFFICER MPANGASE: [Vernacular]
...[intervenes].

CHAIRPERSON: I know you said you understand my question.

WARRANT OFFICER MPANGASE: Yes, I did say so. I think I missed the point somewhere because when I endeavoured to answer, but the Commissioner says no.

CHAIRPERSON: If you understand the question, you should be able to give an answer, whatever the answer may be, but I will leave it there.

ADV KHUMALO SC: Warrant officer, just one thing from
10 me. I believe that that entry you made on the 24th of June is false. You were not booking out the exhibits for investigation.

WARRANT OFFICER MPANGASE: No, it was not. I am the one who entered that entry.

ADV KHUMALO SC: And let me explain why I say it is false and misleading. Because a day earlier, on the 23rd, and we see that in your diary, your last entry in the diary on page 802, you had already taken samples for investigation. You say samples were taken out of the bags, they were put
20 in exhibit bags, and they were sealed, and they were going to be taken to FSL.

So that is the investigation. So that happened the day before. What you were doing on the 24th had nothing to do with exhibits being sent to the laboratory for investigation because the day before, you had already done

that. So when you were making an entry on the 24th to say you are taking out all the exhibits for investigation, that was false and misleading because that was not the purpose of that entry.

It had nothing to do with exhibits being made available for the investigating officer to take them to the lab because that you had done the day before.

WARRANT OFFICER MPANGASE: I do not understand why would I put a false entry. What appears there is the
10 fact. It is the way it is, the way I have stated it. It is not a lie.

ADV KHUMALO SC: So I guess the entries in your diary will speak for themselves, and I will leave it there.

ADV BALOYI SC: Just still on this topic that you were holding the inquiry file for Colonel Jacob and everything that you did, we know from your statement he gave instructions on the 23rd, you say, you tell us that is what you say in your statement.

You had instructions to go and put the stuff in
20 exhibit bags, to enter them in the SAP13 to go and take samples. So you did not do anything independently. You were acting because you were holding for him. You were acting with everything that you did relating to these. Is that correct?

WARRANT OFFICER MPANGASE: Yes.

ADV BALOYI SC: Okay. So it must be then that when you make the entry in the Port Shepstone SAP13, that where you take out from their SAP13, where you take out these exhibits, that is not your own independent initiative because this is not your file, this is not your inquiry file. It must be that you were acting on Colonel Jacob's instruction to sign them out.

WARRANT OFFICER MPANGASE: No, it is not so.

ADV BALOYI SC: Okay, explain how it is you make that
10 decision independently, in a file ...[intervenes].

INTERPRETER: [Vernacular].

ADV BALOYI SC: Sorry.

WARRANT OFFICER MPANGASE: The exhibit clerk who was present at that moment, he is the one who said or suggested that since we keep them in, since we keep them in that DPCI, then he said we must book them out.

ADV BALOYI SC: So if that is so, and this is something we are hearing for the first time, if that is so, why was your entry not that? That they booked out for storage at DPCI?
20 Why did you not say that instead of this false recordal that you are taking them out for investigation?

WARRANT OFFICER MPANGASE: I would say, firstly, it was a mistake from my part. The second one, that we booked them out for analysis. That does not mean you booked them for analysis, meaning on that specific day they

are going to be analysed.

ADV BALOYI SC: No, that is not a good enough answer. We know you are not booking them out for investigation. We know that fact. So it is a lie that is recorded here that you are taking them out for investigation, but also as a matter of fact, it is a lie.

That is not why you booked them out. They were not to be investigated. According to you, they were being booked out because, out of their book, you are taking them
 10 out of the SAP13 because the clerk said to you, well, you are keeping them somewhere, take them out of my book. So they are out of their book.

They are not there. You know at that time, when you make this entry, that you are taking them out of the book because they are stored somewhere, not for investigation, because they are stored somewhere. And my question is, that is what you should have recorded if you were not intending to mislead about the purpose of taking them out, because this is misleading.

20 This says we took them out for investigation. We know for a fact that is not true. So you are misleading here, and you do not have a good reason why you chose to mislead in this way and say they are out for investigation on your own version, that they were taken out because they were being stored somewhere else.

And the diary should have said, for storage, because they are stored at the PCI. But as matters happen, there is absolutely no record of what you did with them after you booked them out. SAPS has no record of that.

WARRANT OFFICER MPANGASE: [Vernacular]
...[intervenes].

ADV BALOYI SC: [Vernacular].

WARRANT OFFICER MPANGASE: There was no reason for me to put that in. It was per the way we normally do
10 things.

ADV BALOYI SC: All right, thank you.

WARRANT OFFICER MPANGASE: Just take them out and use just right for investigation, for whatever purposes. So, we took them out.

ADV BALOYI SC: Thank you, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, thank you Commissioners. Just very brief questions and clarities. We have gone through what happened on the 23rd and 24th and I do not think we need to belabour those occurrences. What seems
20 to have been the case is that Colonel Jacob was hands on even when he was out of duty. Did you keep updating him or did he call you about what needs to happen or you were consulting him to say, I do not know, what must we do next?

WARRANT OFFICER MPANGASE: If I remember very well, I only spoke with him only twice, instructing me to go and

unpack the exhibits, as well as that I should go and take the samples. Thereafter I never interacted with him regarding work.

ADV SIKHAKHANE: Okay. Then just on the date of the 23rd, well which carries from the 22nd. If you go to the file, I think it is File 2, CJC243, page 579. That file. This is a statement by Andries Bernardus Van Den Berg [?].

WARRANT OFFICER MPANGASE: Yes, I can see the name.

10 **ADV SIKHAKHANE:** File 2, page 579.

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: So this is a statement from Warrant Officer Van Den Berg. I am not going to go through it in much detail. But if you turn over to page 580, we have heard about what transpired on the 22nd, how the exhibits were handled. But then on page 580, paragraph 4, he then details, and I just want to refer you to him assisting you about counting the exhibits. But what he says is that it seems that the scene was chaotic and no one was,
20 everyone was just handling the exhibits. Would you agree with this, or there was some manner of controlling the counting?

WARRANT OFFICER MPANGASE: I see that on this.

ADV SIKHAKHANE: So if they were about, I do not know the math per se, but 500, over 500 bricks, is it 500 bricks?

WARRANT OFFICER MPANGASE: 541.

ADV SIKHAKHANE: 541. And everyone was moving about, it could have happened that some people may have tampered with the exhibits.

WARRANT OFFICER MPANGASE: No, what you are is saying is not so.

ADV SIKHAKHANE: Okay, so it was the integrity of the exhibit was contained.

WARRANT OFFICER MPANGASE: Ja.

10 **ADV SIKHAKHANE:** Okay. Then what is most peculiar for me is what he then says about booking the exhibits. It is the highlighted part. He says:

20 "I also heard the members had to call around for forensic bags, and they spoke to Warrant Officer Nkomo of DFL at my office to arrange forensic bags that they needed. I arranged with Port Shepstone Station that Warrant Officer Mpangase can enter all the Cocaine into the SAP13 and sign it out for further investigation, avoiding transporting all the Cocaine to the station due to the security risks and logistics involved. I told the station the Cocaine was in the process of being moved to Cape Town and it just needed

to be booked in and out for the purpose
of the chain of custody.”

Is what he is saying there correct?

WARRANT OFFICER MPANGASE: I did not hear him
saying this.

ADV SIKHAKHANE: Okay. And your interaction with him
was just on the counting of the exhibits?

WARRANT OFFICER MPANGASE: I do not even remember
who this person is.

10 **ADV SIKHAKHANE:** Okay. No, that is fine. Then,
Commissioners, you can put that file aside. It may not, it
will need...

ADV BALOYI SC: Maybe because you are on this page in
that paragraph, to just further point out something that
Commissioner Khumalo pointed out to you in your diary,
that you took the samples on the 23rd. The deponent in this
affidavit at 580 says the same thing. He says you took the
samples on the 23rd, which is what you say also in your
diary. Okay.

20 **WARRANT OFFICER MPANGASE:** Yes.

ADV BALOYI SC: So, it is not correct in your statement
where you say that Colonel Jacob, on the next day,
remember in paragraph 16 of your statement, you say on
the following day, which is the 23rd, Colonel Jacob called
you to go and get FSL bags. And then in paragraph 17, you

say:

“Again, I received a call on the next day.”

That next day cannot be the 24th, it is the 23rd, on your diary and Van Den Berg’s.

WARRANT OFFICER MPANGASE: Yes.

ADV BALOYI SC: All right. Thank you.

WARRANT OFFICER MPANGASE: Yes, it is possible.

ADV BALOYI SC: Thank you.

ADV SIKHAKHANE: Thank you. And then on the days that
10 follow, you said you only discussed with Colonel Jacob, I
would presume, it would be the 23rd and 24th. Now he
comes back on the 29th. As the person handling the inquiry,
what was your plan about investigating the matter? Were
you simply just going to hold on to it and wait for Colonel
Jacob?

WARRANT OFFICER MPANGASE: My plan concerning
what?

ADV SIKHAKHANE: The exhibit and the inquiry.

WARRANT OFFICER MPANGASE: The exhibit I handed
20 over to – but before I answer, which exhibit are you
referring to?

ADV SIKHAKHANE: So you are in charge of this inquiry,
correct? You have done the sampling. In fact, I will go
there. I am asking, was it understood that you will not do
anything, that you did not have any desire to do anything or

investigate anyhow until Jacob comes back?

WARRANT OFFICER MPANGASE: Yes.

ADV SIKHAKHANE: Okay, and you know that the exhibit must be sampled within seven days?

WARRANT OFFICER MPANGASE: Yes, within seven days.

ADV SIKHAKHANE: Okay. Then when he comes back, that is Colonel Jacob, you would have gone with him on the 1st of July to the depot, back to the depot. Did you go with him? I am sorry, did you go with him?

10 **WARRANT OFFICER MPANGASE:** I just cannot remember, but it is possible.

ADV SIKHAKHANE: And did you take any statements within that month or shortly, either in June or July, from people that were there?

WARRANT OFFICER MPANGASE: No, never.

ADV SIKHAKHANE: Thanks. I will just paint what I see as a picture and you can comment on it. But what seems to have been the case is that one or two scenarios in which Commissioner Baloyi has pointed out is that either Colonel
20 Jacob was exploiting your ignorance or ignorance for this operation, you know, the two. And he was the one that was giving you instructions, but he remained the mastermind around these exhibits. He wanted to be in control. That is why he did not want anyone else who would have been more experienced.

WARRANT OFFICER MPANGASE: I would never say that with any certainty if that was the case.

ADV SIKHAKHANE: Okay. Commissioners, I think, let me not take it further.

ADV BALOYI SC: Warrant Officer, we got evidence from Colonel Jacob and General Senona that at some point you left the employ of DPCI. When was this? When did you leave?

WARRANT OFFICER MPANGASE: 2021.

10 **ADV BALOYI SC:** When in 2021?

WARRANT OFFICER MPANGASE: November, I think.

ADV BALOYI SC: And what was the reason for leaving? Was it retirement? Was it the resignation? That is unclear. We have got contradictory evidence about that.

WARRANT OFFICER MPANGASE: There are reasons, but these reasons are personal. I cannot say that in this open forum.

ADV BALOYI SC: So it was not – you were not due for retirement.

20 **WARRANT OFFICER MPANGASE:** No.

ADV BALOYI SC: Okay. So when Colonel Jacob said that it was widely known in the office that you were planning to retire and that is how you left, you retired, he is not correct.

WARRANT OFFICER MPANGASE: That is not true.

ADV BALOYI SC: Okay, which is what General Senona

said, he said it is not true that you were retiring. General Senona confirmed what you are saying. Are you presently back in the SAPS?

WARRANT OFFICER MPANGASE: Yes, that is so.

ADV BALOYI SC: Since when?

WARRANT OFFICER MPANGASE: 14 February.

ADV BALOYI SC: 2026?

WARRANT OFFICER MPANGASE: 2026, yes.

ADV BALOYI SC: All right, thank you.

10 **ADV KHUMALO SC:** Can we just? Did you retire or resign before the date when the exhibits were stolen or was it after? Because we know they were stolen during the weekend of the 7th and 8th of November. When did you resign or retire, was it after that or before that?

WARRANT OFFICER MPANGASE: I left before. I resigned before.

ADV KHUMALO SC: So how did you get to know that the exhibits were stolen?

WARRANT OFFICER MPANGASE: No, what I mean by
20 resignation is that I put the application thereof, but when they were stolen I was still around.

ADV BALOYI SC: Can you just explain that a bit? Because your letter of resignation said with immediate effect, that is what we were told, that you resigned with immediate effect. But if you say you put in a letter and the

exhibits were lost while you were still there, it suggests you gave notice. Can you just explain how that worked?

WARRANT OFFICER MPANGASE: I put in the resignation application. It was processed, I was then informed that I was going to resign in November.

ADV BALOYI SC: All right, thank you.

CHAIRPERSON: Warrant Officer, thank you very much. You are excused.

WARRANT OFFICER MPANGASE: Thank you.

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NO FURTHER QUESTIONS

CHAIRPERSON: Mr Nkabinde, many thanks to you too for the wonderful job you did. Most appreciated. We resume at 09:30 on Monday. Let us adjourn. Just, we resume at 09:30 on Monday, but we will be resuming with the testimony of Witness M, which will be in camera. Let us adjourn.

INQUIRY POSTPONED TO 20 JULY 2026

INQUIRY ADJOURNS

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