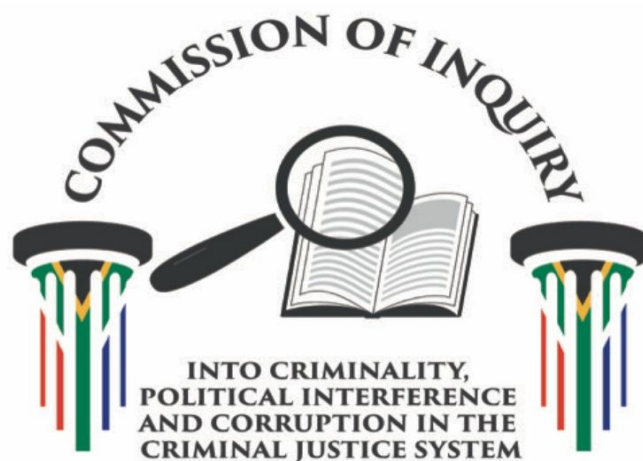


**JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,**  
**POLITICAL INTERFERENCE AND CORRUPTION IN THE**  
**CRIMINAL JUSTICE SYSTEM**

**HELD AT**  
**BRIGITTE MABANDLA JUSTICE COLLEGE**

**28 JULY 2026**

**DAY 149**



**PROCEEDINGS HELD ON 28 JULY 2026**

**CHAIRPERSON**: Good morning, Ms Sello. Good morning, Mr Bodlani. Good morning, Advocate Johnson.

**ADV JOHNSON**: Good morning, Chair.

**ADV BODLANI SC**: Good morning, Chair. Good morning, Commissioners.

**ADV SELLO SC**: Good morning, Chair. Good morning, Commissioners. Good morning, Mr Bodlani, and of course, good morning, Advocate Johnson.

10 **ADV JOHNSON**: Good morning.

**ADV SELLO SC**: Chair, before we commence, just to update you, your File 9, there have been additions to your File 9, CJC396. So we will get to it in the fullness of time. And by way of further housekeeping issues, Advocate Johnson, yesterday ...[intervenes].

**COURT**: Which file do we take?

**ADV SELLO SC**: No, no, no. You do not have to touch it for now.

**CHAIRPERSON**: No file, no file for now, for now.

20 **ADV SELLO SC**: For now, no file. I will indicate.

**CHAIRPERSON**: Okay.

**ADV SELLO SC**: Thank you, Chair. Yesterday, we went through the list of documents that were outstanding, chief amongst which is the inquiry file following the section 27 affidavit by Mr Adams.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** And other outstanding documents.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** We have not received anything since we last engaged. Are you able to indicate where we stand on those? And those documents are not only relevant for engagement with you, but for all witnesses within what we call the, we term the IDAC stream. So they would still be required.

10 **ADV JOHNSON:** Chair and Commissioners, Counsel, I understand. As of yesterday, I do not hold an official position. I am not the ID. Chair, out of respect for the Commission as well, I made sure that we shared the Presidential Minute with the Evidence Leader so that that was very apparent and signed.

So it had then become difficult to procure the documents in the manner I would have. What I did indicate to Counsel is that when I am not there, the next person to be able to approach for documents would be Mr Matthew  
20 Sesoko. He is the Head of Operations at IDAC and in terms of the structure, falls immediately below the Investigating Director.

And why I made that suggestion, Chair, is I do not want that there be a break in how the Commission does its work and how it is able to access documents. I therefore

make that suggestion, Counsel, so that the work of the Commission is not held up.

**ADV SELLO SC:** Just to confirm, before you vacated office, did you make a formal instruction to Mr Sesoko or whoever would be next in command to act upon the Commission's request or is that something that we will have to do all over again?

**ADV JOHNSON:** I did call a team meeting on Friday in order to also get information that was requested amongst  
10 others, the A1 Statement of Adams, that is how I got it. I did make the request there. Advocate Ramsamy was not in that meeting and the project manager undertook that he will find out from her if she has that file.

Given that I had done that, I would just send Mr Sesoko a reminder as soon as we have an adjournment to please follow up on that process. He was part of that meeting, Chair, on Friday and so would therefore be acquainted.

**ADV SELLO SC:** Just a quick one. Who is the project  
20 manager? You referenced the project manager. Can you attach a name?

**ADV JOHNSON:** He is Mr Tlale.

**ADV SELLO SC:** Mr Tlale?

**ADV JOHNSON:** T-l-a-l-e.

**ADV SELLO SC:** Thank you.

**ADV BODLANI SC:** Chair, perhaps this will assist as well. We get instructions from a representative of the NPA, Mr Mthunzi Mhaga. Now in the wake of Ms Johnson's departure from office, he has undertaken to follow up on these documents in keeping with the relevant protocols within IDAC and the NPA. We will report to the other side, perhaps after lunch, if we do not have anything immediately after tea. Thank you.

**CHAIRPERSON:** Thank you, Mr Bodlani.

- 10 **ADV SELLO SC:** Thank you, Chair. Thank you, Mr Bodlani and thank you, Advocate Johnson. Advocate Johnson, yesterday when we parted, we had dealt with the four supplementary statements that were commissioned by Investigator Rapetsu.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** And from your previous testimony, I had understood that there was a referral affidavit and then followed by the supplementary.

**ADV JOHNSON:** Correct.

- 20 **ADV SELLO SC:** So there are four. And on my understanding then, if there are four, if we go to File 9, okay, Chair, now we grab File 9. Starting at page 3487, that is CJC394. So, I, and this is my analysis, I would understand that based on the supplementary affidavits received, four, quote-unquote, independent investigations

then were triggered.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** Would that be fair? And the first, starting with the supplementary at 3487, relates to the issue of the forklift. We discussed that yesterday.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** That is the one. The second would be at 3489, and this relates, as paragraph 3 indicates, to high-ranking official security clearances and promotions.

10 **ADV JOHNSON:** Correct.

**ADV SELLO SC:** The third one is at 3491, and this is concerning General Lushaba. And the last would be the use of Secret Service funds to purchase resources for the PKTT. So, those are the four that I have managed to pick up. I think at the Ad Hoc you indicated there were six independent investigations. Do you recall that?

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** What are the other two, and what are they based on, if not on the supplementaries that we have  
20 at CJC394?

**ADV JOHNSON:** So, how I understand them, was the Lushaba matter, which is in court, falls under Villieria docket.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** Then we have the Mokwele matter, under

the Brooklyn 542. Then there is the Generals Khumalo and General Madondo matter, Brooklyn 543.

**ADV SELLO SC:** Okay.

**ADV JOHNSON:** And then there is the Langlaagte matter, which we had yesterday.

**ADV SELLO SC:** Yes, the forklift.

**ADV JOHNSON:** The other matters that would have been looked at would have fallen within the inquiry. So, in terms of the matters they were looking at, it was the  
10 housebreaking, it was vetting – sorry, it was housebreaking, it was appointment, it was a vetting, appointment again, it was forklift. I know that I am missing one. If you will just give me a moment, I am missing one.

**ADV SELLO SC:** Okay, take your time.

**ADV JOHNSON:** I am missing one. And because I also asked for this breakdown, Chair and Commissioners, from the team on Friday, for me to have clarity simply because I am not, sorry, simply because I am not involved directly in the investigations, how those investigations were. And  
20 sorry, the last one was the alleged manipulation of the procurement processes.

**ADV SELLO SC:** Is the manipulation of procurement processes not, did we not agree that the Langlaagte one?

**ADV JOHNSON:** Yes. So what they have done in Langlaagte, from what I understood, they would perhaps be

able to explain better, is Langlaagte looked at forklifts and procurement. That would be two. And then there is the other matters that I have given you. They did not have, it is four files.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** Langlaagte has forklift and contracts. And the one matter that we did give as well, that was not Langlaagte, yes, that makes it six, is the matter we disclosed on Sunday evening, Chair, where we indicated it  
10 is still under consideration, but it does deal with appointments and vetting and that matter is still under investigation. That would then make those matters six.

**ADV SELLO SC:** Okay. Please turn to File 2, page 512, a document that we have all become fairly familiar with. That is 512, File 2. That would be Mr Adams' section 27 referral. Now, at paragraph 5, page 514, Mr Adams states that he suspects that some funds became taken unlawfully from the secret fund and given to Police Minister, Bheki Cele.

Then the next allegation is the former Police  
20 Minister was also involved in appointing General Khumalo as the Divisional Commissioner of Crime Intelligence without an interview process and without Khumalo having worked as a senior manager in Crime Intelligence.

So, I read that to be two complaints. For current purposes, I am interested in the second, which really



relates to how General Khumalo was appointed as the Divisional Commissioner of Crime Intelligence by the former Police Minister, and I will stop there.

The second complaint, as I have just summarised it, and that particular issue we do not have a supplementary affidavit for to provide any further detail. As paragraph 5 is currently worded, how does that bring the matter within the mandate of IDAC? The fact that the former Police Minister appointed General Khumalo as the Divisional Commissioner  
10 of Crime Intelligence without an interview process and without General Khumalo having worked as a senior police manager in Crime Intelligence.

**ADV JOHNSON:** I know the Commissioners will correct me. If yesterday, I think I did recollect touching on it and indicating that this would become one of those matters where, with regards vetting and appointment, the matter would have to, it does not fall within the mandate, and the matter would have to be dealt with as we discussed, Commissioners, with the Mokwele matter, the standing order  
20 and a recommendation of what must happen with that. And I said in a similar vein that that must happen then with the Langlaagte matter with regards to forklift.

I just have to say here, I do not have an official position, but what I must do responsibly in a handover is write these up before the end of this week. I am not sure

who would act in that position, but write these up, summarise my point of view as conveyed to the Commission with what I conveyed should happen, and have that matter then escalated to the acting and copied to the National Director, because that would be the only safeguard I have, Commissioners, for them to then deal with the matters as we have now resolved.

**ADV SELLO SC:** Okay. But just for our purposes, what is set out in paragraph 5 does not relate to vetting. It is a  
10 slightly different issue. It is his appointment generally as the Divisional Head of Crime Intelligence.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** That is the complaint. And that is the one that you, as couched, you would say IDAC would not have mandate over.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** Staying with File 9 ...[intervenes].

**ADV BALOYI SC:** Maybe staying with paragraph 5. Good morning.

20 **ADV JOHNSON:** Good morning.

**ADV BALOYI SC:** The first part of that paragraph 5, the suspicion of funds being unlawfully taken from the secret fund to former Minister Bheki Cele, it seems to me that out of this whole affidavit, this would be the one that obviously would fall within the mandate of IDAC to investigate.

**ADV JOHNSON:** Correct.

**ADV BALOYI SC:** You accept that?

**ADV JOHNSON:** I accept that.

**ADV BALOYI SC:** Okay. Was anything done about it? Was any further statements taken? Was any investigation initiated on this allegation?

**ADV JOHNSON:** Commissioner Baloyi, I am not sure how far the investigation team has gone or what they would have done in relation to this matter.

10 **ADV BALOYI SC:** But you would know if an investigation was conducted. I mean, you know about the others.

**ADV JOHNSON:** Yes.

**ADV BALOYI SC:** If something was done and they have been classified into six legs, that you can speak to.

**ADV JOHNSON:** Correct.

**ADV BALOYI SC:** It is fair to say you would know if there was an investigation into this as part of the briefings that you are getting arising from this section 27.

20 **ADV JOHNSON:** Correct, and I did not receive a briefing on this.

**ADV BALOYI SC:** And so until there is evidence that there was an investigation, it is fair to surmise that nothing came out of this.

**ADV JOHNSON:** I have nothing to gainsay your proposition.

**ADV BALOYI SC:** Yes. Now, directing this to you, you have seen this affidavit, this section 27. You have told us it came to you. When you realise, I mean, you familiarised yourself with this and you were satisfied, as you have told us, that there was a case to be investigated further. When you see this, do you not ask, do you not say to them, what is happening about that allegation about Minister Cele? How come I am not hearing anything about it?

**ADV JOHNSON:** Commissioner, I know that in the section  
10 28(13), that would have been one of the matters as they were broken up and authorised. So I did not ask questions about how far they were with each investigation. They presented each leg of investigation as they got to their completion. I did not specifically ask about this, but I do know it forms part of the authorisation of the investigation.

**ADV BALOYI SC:** You see, it is the one allegation that I would have expected or thought it would catch your attention because it is the most serious of the allegations, but more importantly, it is the one allegation that squarely  
20 falls within your mandate, and yet you went on, your investigators, but including you, because you were getting briefings.

You signed off on a prosecution memorandum. You signed off on whatever was happening, the formal steps that needed to be taken. But the one allegation in this affidavit

that falls squarely within your mandate or would fall within your mandate, if there is any merit to it, it is quite curious that it is the one that you do not get involved with, that you are unable to speak to, that you do not seem to have paid attention to.

And that is quite a curiosity in the circumstances, considering that the rest of the affidavit has nothing to do with IDAC, right? The other allegations, they have absolutely, as you fairly conceded, have absolutely  
10 nothing to do with the mandate of IDAC, but the one that has is the one that nothing is done about.

And again, it raises the question, what in fact was going on? Why this misdirection? And it cannot be oversight. It cannot be. There was a deliberate decision to focus on the others. Hopefully we will find out why, but this speaks to, it was too inconvenient, maybe, to look at, or it was really not the focus of the intention of this affidavit and the investigation that follows. On the extreme end, it speaks to selective investigations and prosecutions, if this  
20 was overlooked.

**ADV JOHNSON:** I hear what you are saying, Commissioner Baloyi. If you grant me the opportunity during the tea, just because I know I get briefings.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** I am not going to absolve myself and just

agree that I may not have been briefed, I may not recall.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** But at no stage was there any instruction from my office that any part of any of these matters should not be dealt with.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** So I will come back after tea. I will be able to talk to at least one of the team members to ...[intervenes].

10 **ADV BALOYI SC:** Okay, to find out what happened with this?

**ADV JOHNSON:** Absolutely.

**ADV BALOYI SC:** Okay.

**ADV JOHNSON:** Because for us to draw the conclusions as they currently are, I would be remiss if I do not have proper information, and I will come back with that information if you grant me that opportunity.

**ADV BALOYI SC:** Okay, that is fine. I think it is a fair request. We can do that when you come back. Maybe I  
20 might as well follow up with this question. When you say you were getting briefings from your team, who is that team? Who gets to give you briefings? Because at some point it may be important to find out from those members what briefings exactly did they give you that on the face of it appears to have kept you in the dark or to have been

selective about what it is they tell you, and worse, that they may have misled you, right? So who is the team that we should look to if we want to know what briefings were they giving to you on these matters?

**ADV JOHNSON:** In the main, it would have been Advocate Ramsamy because she, when I talk of the prosecutors, Advocate Manilall had been vested with other matters, for example, the Transnet matters, Chair. He was quite busy, but she was the prosecutor who directly engaged the  
10 investigators and myself. It would have been Mr Perumal, Mr Padayachee, Mr Mlambo, Mr Charles Eals, and Mr Tlale would also, as the project manager, from time to time be in those briefings.

**ADV BALOYI SC:** Okay.

**ADV JOHNSON:** And the combinations varied, Chair, in terms of the availability of the members and what they needed to brief on.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** But that was the, and Mr Rapetsu, to the  
20 point, yes.

**ADV BALOYI SC:** Yes. And would there have been instances where you get briefings from, and I accept that the variations of the teams at any one time when they brief you would be different, so I do not expect that all of them would have been together, but would there have been

instances where you get briefings, you have received briefings from Chief Perumal in the absence of the others?

**ADV JOHNSON:** That would have happened, yes.

**ADV BALOYI SC:** You would have had those kind of instances?

**ADV JOHNSON:** Yes.

**ADV BALOYI SC:** And in those briefings, did Chief Perumal inform you or brief you that he has taken statements from Mr Adams and in the absence of the other  
10 members, the other two, Rapetsu and Ramsamy?

**ADV JOHNSON:** No.

**ADV BALOYI SC:** You never came to know about that?

**ADV JOHNSON:** I never came to know about that, and that is why yesterday when I was faced with two different sets, I was faced with them for the first time.

**ADV BALOYI SC:** Okay.

**ADV JOHNSON:** And I did indicate when the Perumal statements, for lack of, would have been taken versus, Chair, when the Rapetsu, I cannot tell you whose one is  
20 correct, because that is – I cannot make that assumption, given they were all together. So, of course, the Commission will make the relevant finding when everybody has testified, but I was faced with that yesterday for the first time.

**ADV BALOYI SC:** Okay. I accept that for our



conversation. The Perumal statements, and I guess the question applies also to the Rapetsu statements, the Perumal statements, have you seen them before this Commission, before you came to testify here? Did you see the statements that he took? And I am not asking about whether you knew at this point that they may well be made-up statements, but had you seen these statements before?

**ADV JOHNSON:** No, Commissioner.

**ADV BALOYI SC:** You had never?

10 **ADV JOHNSON:** No.

**ADV BALOYI SC:** Okay.

**ADV JOHNSON:** I was made aware that statements had been taken from Mr Adams on the 6<sup>th</sup> of January in the presence of the three of them, Rapetsu, Ramsamy, Perumal.

**ADV BALOYI SC:** Okay. Thank you. Thanks, Ms Johnson. Thanks, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. Perhaps to close out on the discussion you just had with Commissioner Baloyi, I think this is File 3 now, and that is a  
20 transcript before the Ad Hoc Committee, and in particular, I am interested in page 589.

Now, in relation to the paragraph 5 of Mr Adams' affidavit, that first part where Mr Adams indicated that he suspected that some funds were being unlawfully taken from the secret fund and given to the Police Minister. Just bear

with me. Let us start at page 587.

**CHAIRPERSON**: Perhaps for clarity, former Minister.

**ADV SELLO SC**: Indeed, Chair.

**CHAIRPERSON**: Yes.

**ADV SELLO SC**: Absolutely. Thank you so much, Chair.

Former Minister. Let us start at 587, at the top of 587. This is a question from Mr Nqola, and he asks, I quote:

10                   “Is it part of Adams' complaint that there  
                      was apparently a motor vehicle that was  
                      procured unlawfully through the PKTT  
                      funds, which is privately used by alleged  
                      former Minister Cele?”

Your response is:

                      “Not about a vehicle for the previous  
                      Minister, no.”

He asks:

                      “Is it not a part of the complaint?”

You say:

                      “Not that aspect.”

20   Which aspect then is part of the complaint? Because  
paragraph 5 simply says there is a suspicion that funds are  
being taken from the secret fund and given to the former  
Minister Beki Cele. So it would appear Mr Nqola had an  
idea that funds may have been used to purchase a vehicle  
from former Minister Cele, and you clarify that is not part of

the complaint. You said not that aspect.

**ADV JOHNSON:** Because ...[intervenes].

**ADV SELLO SC:** Sorry, that would suggest that there is a complaint regarding the unlawful use of the secret funds, but for a different purpose, to benefit Minister Cele.

**ADV JOHNSON:** I understood that funds were taken, allegedly taken to benefit the former Minister. When I say not that aspect, it is not clear from Adams' statement what the funds would have been used for.

10 **ADV SELLO SC:** Yes.

**ADV JOHNSON:** And that was my stipulation, because I could not determine from what we heard that a vehicle had in fact been procured for the former Minister. Even if the allegation that secret funds were taken and used for him and/or given to him, I could not say with certainty or any clarity that it was about a vehicle.

**ADV SELLO SC:** So I should not understand your response to Ad Hoc to mean not the aspect of buying a vehicle for former Minister Cele, but for another aspect or  
20 other aspects which I do not disclose. Am I understanding you correctly?

**ADV JOHNSON:** That is correct.

**ADV SELLO SC:** Now it is the other aspects that you did not disclose that I am interested to hear about.

**ADV JOHNSON:** And that goes to the question or the

request I made to Commissioner Baloyi for me to be able to get clarity, because I go only on what he said about the secret funds, and I would just require that detail of what those aspects, if any, have been brought to date. But at that time, I did not have details of aspects, Chair.

**ADV SELLO SC:** So, I hear your response. Considering your changed status with the institution IDAC, would you be able to access documents relating to these matters as a matter of interest?

10 **ADV JOHNSON:** I can make a request through Mr Mhaga to Mr Sesoko, and he is very helpful. If he is able to trace them, Chair, he will most certainly do.

**ADV SELLO SC:** Okay.

**ADV JOHNSON:** In fact, I did off the record speak to him yesterday to indicate that we might have to work through him, given that I do not have access to the documentation or documentation that might be required. So I will do that through Mr Mhaga.

**ADV SELLO SC:** Understood. Let us move then to page  
20 589 of the same transcript, and it is on the same topic. This now is a question from Ms T Sokanyile, and the question is:

“Advocate Johnson, on paragraph 29 of  
your sworn statement you indicate that  
the key challenge in relation to CI is the

use of funds. What and where are the gaps in relation to this accountability? Can you reflect on that?"

Your response states, and I quote:

"This would have arisen from previous investigations that were done, and not in IDAC."

Can you tell us? My understanding is the concerns around the abuse of secret funds does not arise from any  
10 investigations done by IDAC, but that there have been previous investigations. I do not know if those investigations established the abuse of the funds. So if you could just shed more light on that? Because beyond that, you then talk about the checks and balances that are necessary in the Auditor General's Office to properly regulate and audit the use of these funds and the like.

**ADV JOHNSON**: Correct. Chair, there were not such investigations at the time in IDAC, but there had been investigations previously in other law enforcement  
20 agencies, but where, amongst others, the Directorate of Special Operations, DSO, or colloquially the Scorpions. These matters arose way back in 2006/2007 when Advocate Gerrie Nel and I prosecuted the corruption matter of the late Police Commissioner Jackie Selebi.

It was in that process that we first came to

understand that there was use and abuse of the Secret Service funds. Fast forward a few years later, there were investigations then launched against the previous Divisional Commissioner, one Mr Richard Mdluli. And these matters, the Mdluli matter, is currently a part heard matter in the Johannesburg High Court.

It just took a long time. There were legal representation issues. And then one matter that had then since been finalised, also in the misappropriation and use  
10 of the slush funds, was charging the CFO of Crime Intelligence, Major General Solly Lazarus, who was found guilty, Chair, and sentenced to 10 years' imprisonment. And Advocate Nel and I had also been vested with that matter, but close to its completion, I had stepped down as I had been reassigned to another office.

The Mdluli matter is within the Office of the Director of Public Prosecutions in Pretoria, but there were IDAC investigators, prosecutors, that assisted in prosecuting that matter as it currently stands. So that is where my direct  
20 knowledge came from. It is from prosecutions that we conducted.

**ADV BALOYI SC:** Can I just clarify, even if it is just for information? It was not clear to me in your Ad Hoc Committee transcript, your testimony about Lazarus, who is now serving a prison term. At some point I got the

impression that he was CFO of the SAPS. Was he Crime Intelligence?

**ADV JOHNSON**: He was the CFO of Crime Intelligence, Commissioner Baloyi.

**ADV BALOYI SC**: Okay, and the conviction is about his use of Crime Intelligence? Because somewhere you spoke about a vehicle, a tender of vehicles, and then him getting a vehicle for himself and for his daughter, and I got the impression that is as far as it went ...[intervenes].

10 **ADV JOHNSON**: Because ...[intervenes].

**ADV BALOYI SC**: Was it more than that?

**ADV JOHNSON**: It was about the slush funds, it was fraud and corruption, and I did not finish off with the matter, so I am not sure what all he was finally convicted of, but he was convicted ...[intervenes].

**ADV BALOYI SC**: But the charge was about use of the slush funds?

**ADV JOHNSON**: Use of the slush funds, that is how it initially started. How the prosecution ended might be  
20 different, yes.

**ADV BALOYI SC**: Thank you.

**ADV SELLO SC**: And these cases you referenced – thank you, Commissioner Baloyi – these cases you referenced were all investigated, if I understand, in the first part of 2000s?

**ADV JOHNSON:** From 2006 onwards, yes.

**ADV SELLO SC:** Any of them, those investigations, fairly recent, let us say in the last five, six years, that you are aware?

**ADV JOHNSON:** I would not be aware only because any of those matters then would have happened before the advent of the ID in 2019, and if there were such matters, Chair, they would have gone to the DPCI, the Director of Priority Crimes Investigations, to deal with those matters, as it  
10 would also fall within their serious economic offences and their serious corruption mandate.

So one would have to check there. I would like to think that even if there were matters prior to the advent of the ID, they would have gone somewhere for them to have been considered, and that would have been the only place they could have gone to, as they had the previous DSO mandate.

**ADV SELLO SC:** No, thank you. You recall that ...[intervenes].

20 **ADV BALOYI SC:** If at the time of this testimony, which has been quoted here, if IDAC were investigating Mr Adams' allegation of funds being used for the benefit of former Minister Cele, that would have been an investigation that you would have spoken to.

**ADV JOHNSON:** Yes, ma'am.



**ADV BALOYI SC:** You would have had to say, we are presently seized with one investigation.

**ADV JOHNSON:** Correct.

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

**ADV SELLO SC:** Thank you, Commissioner Baloyi. You recall that this morning we did a recap on what the supplementary affidavits informed IDAC, and the last supplementary affidavit as commissioned by Investigator Rapetsu, is the one at File 9, 3493. We can put away File 3  
10 for now, Chair. Thank you.

**CHAIRPERSON:** You said 3493.

**ADV SELLO SC:** 3493, Chair.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** That should be CJC394.4. And you will recall yesterday when we touched on paragraph 3, wherein Mr Adams indicates that amongst the information he had received in October 24, it was alleged that Secret Service funds were used to purchase resources for PKTT, and that this team was previously led by Divisional Commissioner of  
20 Crime Intelligence, Lieutenant General Khumalo, who has close ties with the former Minister, and that it is alleged that the resources procured under the ban of the task team were for the benefit of Mr BH Cele and others.

Now, when we dealt with this supplementary affidavit and I pointed out that complaints concerning the

PKTT do not form part of the section 27 affidavit, and we discussed the possibility of there being perhaps another section 27 that specifically references the PKTT, if I understood you correctly, you advised that you were not aware of any investigation into the PKTT.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** Did I understand you correctly?

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** And you did not say, but the conclusion I  
10 drew is that for the first time yesterday at this Commission you found out that actually there had been an investigation of some kind into the affairs of the PKTT.

**ADV JOHNSON:** That there is an allegation in a supplementary.

**ADV SELLO SC:** That is more precise. You are quite correct. There is an allegation in the supplementary which supports a call for an investigation because it is supplementing the very section 27.

**ADV JOHNSON:** That is correct.

20 **ADV SELLO SC:** And you learnt of that yesterday.

**ADV JOHNSON:** Yesterday.

**ADV SELLO SC:** I would like us to turn our attention to still staying with File 9, CJC392.2. That should be at page 3362. No, that is at 3361, Chair. Same File 9 where we see the supplementary.

**ADV JOHNSON:** 3361?

**ADV SELLO SC:** 3361, yes. In fact, let us start at 3360.

This at 3360 is a letter you wrote addressed to the National Commissioner, and it reads:

“This office refers to the information previously requested in terms of section 28 of the NPA Act to which your office complied.”

And then at paragraph 3 you indicate:

10                   “Attached hereto the section 28 subpoena requesting further information.”

And that subpoena starts at 3361. You see that?

**ADV JOHNSON:** I see that.

**ADV SELLO SC:** And that subpoena has got a date stamp of the 3<sup>rd</sup> of April 2024, 2025. And if you look at 3362, it has, under the heading, details of the matter of, or other information, and I quote:

20                   “This investigation pertains to unlawful promotion appointment of personnel within the Division Crime Intelligence of the South African Police Service.”

Where does that matter come from? Because paragraph 5 of Mr Adams' affidavit complains specifically about the promotion, not even the promotion, the appointment of General Khumalo as the Divisional Commissioner of Crime

Intelligence. How do we land here where the subpoena now implies that there is a full-blown investigation into promotions, appointments of personnel within Crime Intelligence?

**ADV JOHNSON**: At this stage, Chair, we were not talking about a full-blown investigation. This being the 3<sup>rd</sup> of April, it would still have been the preliminary investigation and it would then invariably have related to the issues around the appointment of Brigadier Mokwele. This subpoena would  
10 have related to that matter, and you can see that from the ...[intervenes].

**ADV SELLO SC**: Okay. Yes. All right, then let us go to 3363 while we are on that. I am interested in item 1 of Annexure B at 3363.

**ADV JOHNSON**: Also deals with Khumalo.

**ADV SELLO SC**: Yes.

**ADV JOHNSON**: So promotion appointment of personnel. So it would have been Mokwele. And then when you read on this one, as I see ...[intervenes].

20 **ADV SELLO SC**: The 3<sup>rd</sup>.

**ADV JOHNSON**: It would have dealt with Mr – there is no Mr – Lieutenant General Khumalo.

**ADV SELLO SC**: Okay, and that is under item 1. It specifically references the appointment by deviation of Lieutenant General Khumalo.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** Where do we know appointment was by deviation?

**ADV JOHNSON:** Sorry, Counsel?

**ADV SELLO SC:** How did you land at the conclusion that the appointment was by deviation? The complaint was that the appointment, original complaint, was that the appointment was effected without an interview process. Do you recall?

10 **ADV JOHNSON:** I cannot recall, but I would have been given this information by the investigators because they ordinarily brought these subpoenas.

**ADV SELLO SC:** Okay.

**CHAIRPERSON:** Just for information, is this a concept that exists in the context of appointments? I know of the concept, for example, in the context of procurement, where instead of going through the usual routes like inviting quotations and the final one being an open public tender system, but something that would ordinarily fall under the  
20 latter or this last category may be done through what is called a deviation.

For example, if services are required urgently. So you talk about deviation. Do you ever talk about deviation in the context of employment? I am not saying you do not. I just need you to edify me.

**ADV JOHNSON:** If I can explain it in the NPA context, as I understand it there, and it relates then to government as a whole? Ordinarily posts must be advertised with all the bells and whistles that go with it in terms of format, forum, how long it lays, all of that.

When you find that you may not, after the entire process of applicants and the sifting thereof, you find that there are not sufficient suitable candidates, it is one of two things. You re-advertise, which in itself is again a costly exercise, or you ask for a deviation of the process, and you are allowed to ask for a deviation of the process through your department and through Treasury, which allows for, and you will forgive me, but for the loosely worded headhunting exercise, where you would then be able to identify somebody that is suitable for that position. It is in that context, Chair, that the word deviation is used within the recruitment framework.

**CHAIRPERSON:** So it is something, it is a concept that does exist.

20 **ADV JOHNSON:** It does exist.

**CHAIRPERSON:** Thank you.

**ADV JOHNSON:** Because you need approval for it. It is out of the ordinary.

**CHAIRPERSON:** Thank you, thank you.

**ADV SELLO SC:** Thank you, Chair, and if I understand you

correctly, then you equate the notion of deviation to headhunting.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** Okay.

**ADV JOHNSON:** At least in our space, it is easier to use that word.

**ADV SELLO SC:** Now, is headhunting in specific circumstances, is it per se illegal and lawful? Is it supported by law that the right authority may elect to  
10 headhunt?

**ADV JOHNSON:** It is supported by law, provided that there is certain prescripts that must be adhered to. So if those prescripts are not adhered to, then it makes it an unlawful exercise.

**ADV SELLO SC:** An irregular, yes. But then we know, having dealt with paragraph 5 of Mr Adams' affidavit, that this is purely a question of how General Khumalo was appointed by the former Minister of Police, and I think we have agreed that that would not necessarily fall within the  
20 mandate of IDAC. You recall when we were looking at the suspicion that Mr Adams has expressed at paragraph 5?

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** The fact that you ask for the detail here and the documentation to support that deviation, quote-unquote, does not in and of itself bring it within the ambit of

IDAC. So you were acting outside your mandate there?

**ADV JOHNSON**: No, Chair. We needed to consider whether or not, in terms of the allegations of, more especially the fraud and/or corruption, if in the alleged deviation that that had taken place ...[intervenes].

**ADV SELLO SC**: When was ...[indistinct] ...[intervenes].

**ADV JOHNSON**: That is how I understand it.

**ADV SELLO SC**: My apologies. Now you are imputing corruption in the deviation and fraud. Where do those  
10 notions now come from? We start from paragraph 5 of the referral affidavit. We do not have a supplementary affidavit we have just established on the issue of the appointment of General Khumalo. How do we even land on fraud or corruption? We have just, I think, agreed that deviation which is headhunting, properly executed and following applicable prescripts is permissible. When did we get to fraud and corruption and how?

**ADV JOHNSON**: Can we just, I know you say that, Counsel, that we only had the 27. If you look at the date of  
20 the summons, the summons is 3 April.

**ADV SELLO SC**: April.

**ADV JOHNSON**: By then we ought to have had the supplementary affidavits from Mr Adams.

**ADV SELLO SC**: No, we have them.

**ADV JOHNSON**: Yes.



**ADV SELLO SC:** Remember they are taken on the 6<sup>th</sup> of January.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** And we have clarified this morning what topics they specifically covered.

**ADV JOHNSON:** Yes, if I could just cast my mind there? It is confusing about which one I must now cast my mind to because you have given me two sets and one of which I only saw yesterday, but I cast my mind to the first set I have  
10 seen. Yes. If you look at – sorry, Commissioners, and sorry, Chair, I do not want you to play dice with the files, but it is in File 9. If we go to 3475.

**ADV SELLO SC:** 34?

**ADV JOHNSON:** 3475.

**ADV SELLO SC:** Okay.

**ADV JOHNSON:** File 9.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** And this having been taken on the 6<sup>th</sup> of January, the subpoena being the 3<sup>rd</sup> of April, paragraph 2:

20                   “On or about early October '24, I  
received information anonymously  
surrounding alleged fraud and corruption  
perpetrated by General Masemola,  
National Commissioner of the South  
African Police Service, and other senior

Generals of SAPS. The allegations related to the highly questionable appointment of General Khumalo as the Head of Crime Intelligence nationally. The following Minister of Police, Bheki Cele, was also involved this whilst serving highly skilled Generals within CI were overlooked.”

That is where they would have put into the subpoena, Chair,  
10 the fraud and corruption to which I referred. This is the document having been drafted then by investigators.

**ADV SELLO SC:** By ...[intervenes].

**ADV JOHNSON:** Investigators and prosecutors.

**ADV SELLO SC:** No, not investigators. We dealt with this yesterday. That is ...[intervenes].

**ADV JOHNSON:** The information from the investigators, this is a document that would be compiled by the prosecutors and this is where that information of fraud and corruption would have come from, where I conclude.

20 **ADV SELLO SC:** We settled this yesterday. What you are looking at is Mr Perumal's affidavit.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** That is not the investigators', plural, affidavit.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** And this is the questionable affidavit as to when Mr Perumal took this, took this statement and commissioned it ...[intervenes].

**CHAIRPERSON:** And not only when, there is also the question of where, which is the Cape Town/Pretoria issue.

**ADV SELLO SC:** Indeed. So, this I would think, based on our conversation yesterday as to what constitutes the true supplementary affidavit or statement by Mr Adams, this cannot be one of them. You have Advocate Ramsamy and  
10 Investigator Rapetsu who say they do not know where these documents come from.

And there is a question, a serious question, whether or not they were fabricated within IDAC because the two of the three main team of investigators that engaged Mr Adams completely disavow these documents, including the very one you have just relied upon. To assist you, besides that affidavit you rely on, personally I am not aware of any other document.

**ADV JOHNSON:** No.

20 **ADV SELLO SC:** There might very well be, but I am saying I am not aware of it. If you have a sense of what you might be looking for, please indicate. We will try and see if we can locate it for you in the meantime so that we can move on.

**ADV JOHNSON:** If, and I say if because it is an exercise

the Commission will still undertake about, which is the true set.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** There is some alluding thereto. If you look at the supplementary, if we are to say that the supplementary taken by Mr Rapetsu, although it is not as detailed, says on 3489.

**ADV SELLO SC:** Yes?

**ADV JOHNSON:** Paragraph 3, Commissioners, Chair:

10                   “Amongst the information it was alleged  
that certain high ranking police official  
security clearances and promotions were  
awarded as a result of alleged corrupt  
practices.”

That is the only other reference I can find.

**ADV SELLO SC:** And in fact that I think actually dovetails  
with what is in this, the original affidavit which is about  
security clearances, but now it has got promotions being  
awarded as a result of alleged corrupt practices. That  
20 cannot be talking to the original paragraph 5.

And even if we say they were, how that then lands  
you on Lieutenant General Khumalo, it is difficult for me to  
appreciate for the moment. But however you landed there  
this morning, you conceded that would still not be a matter  
that falls within the mandate of IDAC.

**ADV JOHNSON**: That is correct. No matter which way we debate it.

**ADV SELLO SC**: And then if we go back to our section 28, still staying with File 9, we are at page 3363.

**ADV BALOYI SC**: Ms Sello?

**ADV SELLO SC**: Yes?

**ADV BALOYI SC**: Are you still coming back to this document? Are you done with it? 3363.

**ADV SELLO SC**: I am at 3363. That is where I am going  
10 now.

**ADV BALOYI SC**: You are still busy with it?

**ADV SELLO SC**: Yes.

**ADV BALOYI SC**: Okay.

**ADV SELLO SC**: No.

**ADV JOHNSON**: Thank you.

**ADV SELLO SC**: You are most welcome. Staying then with 3363. If we say this, what we are dealing with at 3363 in my reading is much like the Mokwele matter. Items 1 to 5, it seems like what the documents requested relate all to the  
20 employment and recruitment of General Khumalo. And you remember the exercise that Commissioner Khumalo took you through to establish that the employment of Brigadier Mokwele, absent any unlawfulness and fraud and corruption, is purely an employment matter and does not fall within the mandate.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** And my proposition to you is similarly here.

**ADV JOHNSON:** Which is what I had alluded to previously must then be dealt with differently.

**ADV SELLO SC:** Which then would mean the requested information from items 1 to 5 ought not to be part of the section 28.

**ADV JOHNSON:** Correct.

10 **ADV SELLO SC:** Now, my interest really lies in items 6 and 7.

**ADV BALOYI SC:** Before you do items 6 and 7.

**ADV SELLO SC:** Yes, ma'am.

**ADV BALOYI SC:** Item 2, you are seeking a list of all provincial heads and section heads, major generals, in Crime Intelligence. You want their performance assessments for 2022. I think you meant 2023. You want all documentation related to two previous advertised processes, and you list what you want. You want, among  
20 others, panel appointments, long lists, short lists, interview records.

You want audio and video recordings of interviews. Four, you want to know about records wherein Lieutenant General Jacob's refused to return to Crime Intelligence. You also want an affidavit indicating whether Lieutenant

General Jacob has any civil or labour proceedings pending regarding his temporary transfer as Divisional Commissioner of Crime Intelligence.

Two questions. Where in the section 27 do these come from that there are issues about performance assessment, that there are issues about provincial heads and section heads, that there are issues about Lieutenant General Jacob? That is the first question. Where in your section 27 does this come from? That is the first question.

10           The second question is, what does it have to do with your mandate what happened with Lieutenant General Jacob, what happened with interviews, what performance assessments of major generals in 2022/2023? That is the second question. What does that have to do with the mandate?

So you can answer the first question, which is where do this, looking at the section 27 of Mr Adams, the one that is before us, where does these questions come from?

20    **ADV JOHNSON:** Commissioner ...[intervenes].

**ADV BALOYI SC:** Or where do these questions, where do these questions come from?

**ADV JOHNSON:** Commissioner Baloyi, for me these questions would seek to determine whether or not there was a necessity for the deviation, whether or not there were

suitable persons within Crime Intelligence based on their history and performance, and given that, that there should not have been a deviation, and the allegation then that there was corruption and fraud in how these processes were run. That is how I took it to read.

**ADV BALOYI SC:** Well, Mr Adams does not say anything about performance assessments. He says the appointment of General Khumalo, who did not qualify to be appointed and other Generals, and he does not say who, you sign off  
10 on a summons that requires information of provincial heads and section heads.

You want the performance assessments. I do not see how that arises from Mr Adams' affidavit. You can go and read paragraph 5 again, even the supplementaries. I do not see where this comes from.

**ADV JOHNSON:** For me, Commissioner Baloyi, this comes from what evidence would be required to prove the alleged deviation and/or irregularity.

**ADV BALOYI SC:** How would an assessment, how would  
20 records of assessments say anything about a deviation, whether a deviation was warranted or not? You look at the memorandum that justified the request for a deviation and the approval, and that is what you assess. Performance assessments have nothing to do with it, unless I do not know how things work in government.



**ADV JOHNSON:** No, I do not dispute that you do not.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** What I am saying is it would have given a better picture of whether or not there were other suitable candidates within the ambit of Crime Intelligence, and that you would therefore not have had to deviate but could have gone on the normal process of advertising for those positions ...[intervenes].

**ADV BALOYI SC:** Ja, it ...[intervenes].

10 **ADV JOHNSON:** That would make the – sorry.

**ADV BALOYI SC:** Sorry. Even if you found that this deviation request which was approved was not warranted, why would that, without more, indicate to you that we have a case to investigate maybe there is corruption? Surely it does not follow.

**ADV JOHNSON:** No.

**ADV BALOYI SC:** It does not. You accept it does not follow. Then Jacob, General Jacob, how does he enter the picture? Nothing has been said about his refusal to  
20 anything at all, in fact. He is not mentioned at all. You single him out and you know that he has refused to return to Crime Intelligence, even though Mr Adams does not say that in his affidavit. He does not mention him at all, let alone that he has refused to return to Crime Intelligence. In the next paragraph in 5, where does that come from?

**ADV JOHNSON:** Lieutenant General Jacob at the time was the Head of Crime Intelligence.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** So what this sought to determine was why he, what was the reason for him not going back, which necessitated the appointment of a different head?

**ADV BALOYI SC:** Mr Adams does not say anything about him.

**ADV JOHNSON:** No, he does not say ...[intervenes].

10 **ADV BALOYI SC:** I am assuming you do not go on a frolic of your own. You do not decide, oh, I happen to know, which obviously your investigators knew something about it. You obviously knew something about it that you would not have signed off if you did not know anything about it. You did not know about it from Mr Adams' affidavit. It is very specific.

You are not asking what happened to Lieutenant Jacob, which I would still ask you, why did you think something happened to him? Here, you know it is very  
20 clear. You know that he has refused to return to Crime Intelligence.

Where do you get that from? It is not in the section 27 affidavit. It is not in the supplementary affidavit, which at this point are the only documents that speak to appointments in Crime Intelligence. Where do you get it

from that General Jacob has refused to go to Crime Intelligence?

Someone told you that, told your investigators, and they did not tell you in any of the documents that are before us. So my question is, you are signing off on information that is not on record. Who told you or your investigators about General Jacob that you decide it is a matter that we must look into?

It is certainly not in the documents that have been  
10 presented to you. So it is fair for me to surmise that on the properly obtained information, which is the affidavit and the statements, nothing of sorts was said. It can only leave one explanation that this is information obtained in other ways, which are not properly explained on documents. You accept that?

**ADV JOHNSON:** I accept that.

**ADV BALOYI SC:** You accept that?

**ADV JOHNSON:** I accept that.

**ADV BALOYI SC:** Okay. Now, when you sign this  
20 summons that speaks to General Jacob when there is no basis whatsoever, that is one. Two, on a matter that on the face of it does not fall within your mandate, the issues about why he refused to return, I have to assume you have read these documents when you signed them. They are presented to you. You are briefed. I must assume you ask

questions because you read them.

**ADV JOHNSON:** Yes.

**ADV BALOYI SC:** Okay. What explanation? Because the Jacob thing is very jarring.

**ADV JOHNSON:** Yes.

**ADV BALOYI SC:** You know, it does not arise from any of the documents in front of you. What questions did you ask about why he is there, if you did not already know?

**ADV JOHNSON:** I did not already know, but if I can  
10 recollect?

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** My engagement with the investigator who brought the document for signature is the explanation that I did provide, Commissioner Baloyi, that they wanted to determine why he was not going back, why he could not go back, and because that would then either legitimate the deviation that you have someone in the post who has now been moved, refuses to come back, and then that deviation becomes legitimate.

20 But if the person is not in the post but is being precluded from coming to the post, it means that the deviation in itself is irregular ...[intervenes].

**ADV BALOYI SC:** So were you ...[intervenes].

**ADV JOHNSON:** That is the engagement I had and recollect for that purpose ...[intervenes].

**ADV BALOYI SC:** So you were told we are looking into the Jacob matter because we have been informed that he is precluded returning into his post. Is that what you were told?

**ADV JOHNSON:** Yes, and that is why there have to be this deviation of an appointment of Lieutenant General Khumalo.

**ADV BALOYI SC:** And the investigator who presents this to you and tells you this is whom amongst your investigators? I am sure they did not come as a team.

10 **ADV BALOYI SC:** Someone presents the summons to you, who does, and who tells you that?

**ADV JOHNSON:** I see on the face of the summons, it is Investigator Mlambo ...[intervenes].

**ADV BALOYI SC:** Do you say that ...[intervenes].

**ADV JOHNSON:** But I cannot ...[intervenes].

**ADV BALOYI SC:** Do you say that because it says enquiries ...[intervenes].

**ADV JOHNSON:** No, I am saying on the face of it, it is Investigator Mlambo ...[intervenes].

20 **ADV BALOYI SC:** Ja, what I am asking ...[intervenes].

**ADV JOHNSON:** But I cannot say that he was the only person, he came with the summons, and that he was the one who briefed me on all the details by himself ...[intervenes].

**ADV BALOYI SC:** So you do not ...[intervenes].

**ADV JOHNSON:** The chances are that Mr Perumal would have briefed me with Mr Mlambo because of the detail that I see in here.

**ADV BALOYI SC:** The reason you mentioned Mr Mlambo is what I wanted to check. The reason you mentioned him specifically is because at the bottom at page 1, it has him as the person to whom enquiries must be directed.

**ADV JOHNSON:** Correct.

**ADV BALOYI SC:** That is why you suspect him.

10 **ADV JOHNSON:** Ja, I said but he would have brought the summons, but I do not say that he would of necessity have been the one that gave me this detailed briefing. There is a lot of detail in here.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** And I would expect that that detail I got either from Mr Perumal or from Mr Padayachee, who were the leading investigators.

**ADV BALOYI SC:** Okay.

20 **ADV JOHNSON:** In fairness to Mr Mlambo, Mr Mlambo did carry out a bit more of the administrative functions, and we cannot impute this to him.

**ADV BALOYI SC:** Yes. So Chief Perumal and Colonel Padayachee, one of them or both of them would be the people that have compiled this list of what is required from the National Commissioner who has been summoned to an

interview.

**ADV JOHNSON**: That is correct.

**ADV BALOYI SC**: Thank you. Thanks, Ms Sello.

**CHAIRPERSON**: Sorry, please make me understand this. You say Mr Mlambo was on the administrative side, which is why you say the likelihood is that he would have been briefed by Colonel Padayachee or Chief Perumal. Looking at the foot of this page 3361, against enquiries where Mr Mlambo's name appears, it says senior investigator.

10 **ADV JOHNSON**: Yes.

**CHAIRPERSON**: Make me understand why you say Mr Mlambo was on the administrative side and therefore would not have been the one briefing you, even though this says he is a senior investigator?

**ADV JOHNSON**: On these documents. So what they would do is when there were summons, they gave it to a central point. That was his duty, but he had other investigative duties where he took statements, engaged with witnesses and so on in the legs of the investigation.

20           On this summons exercise, I use the word administrative exercise, but he is a senior investigator with senior investigative duties that he does conduct, has conducted and as part of the taskings of everything else in the team.

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

**ADV JOHNSON:** If I created the impression that he was an admin person with the rank of senior investigator, that is incorrect.

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

**ADV JOHNSON:** Thank you, Chair.

**ADV SELLO SC:** Thank you, Commissioners. Just on the last issue about Lieutenant General Jacob, you said he had been precluded from returning to the position he was acting in. That is what you were investigating. Then I do not  
10 understand your point 4, because at point 4 you specifically reference his refusal to return. How does his refusal to return convert to him being precluded from returning? Item 4?

**ADV JOHNSON:** Yes. So what I did indicate, Counsel, is we needed to determine whether he was precluded from returning, did he refuse to return? Because if there is documentation where he refuses to return, then that deviation has to go on.

If there is documentation where he has been  
20 precluded, which is paragraph 5, if you have the civil or labour proceedings pending, that precludes him from going back to that position and they could then also make the decision on whether or not the deviation must proceed.

**ADV SELLO SC:** So there must have been a theory that Lieutenant General Jacob refused to return.



**ADV JOHNSON:** There must have been ...[intervenes].

**ADV SELLO SC:** You were aware of that theory.

**ADV JOHNSON:** That is what I am ...[intervenes].

**ADV SELLO SC:** And now you are testing the truthfulness of that theory.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** Okay, by using a section 28 of NPA as IDAC. Okay. I had invited us then to go to item 6. Item 6 on the same someone's reads:

10                   “Original documentary files and  
                      applications for promotions of the  
                      commanders and members of Political  
                      Killings Task Team through deviation.”

You recall when we were considering the supplementary affidavit ...[intervenes].

**ADV JOHNSON:** Of the PKTT.

**ADV SELLO SC:** Yes, of the 6<sup>th</sup> of January, you indicated that you learned for the first time in this Commission yesterday that there was a complaint regarding PKTT.

20   **ADV JOHNSON:** Yes.

**ADV SELLO SC:** And that there were investigations.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** But on the 3<sup>rd</sup> of April 2025, you signed off a summons enquiring into promotions of commanders and members of the PKTT through deviation. How does that

come about? Firstly, it would suggest that you were aware that PKTT was under investigation or inquiry. You have to be aware for item 6 to make sense.

**ADV JOHNSON:** I have been made aware. In the briefing for the summons, I would have been made aware.

**ADV SELLO SC:** Yes, but so then when we deal with the supplementary affidavit of Mr Adams of the 6<sup>th</sup> of January 2025, you said earlier that you learned for the first time in this Commission that the PKTT was even under any  
10 investigation or inquiry.

**ADV JOHNSON:** Correct, in terms of ...[intervenes].

**ADV SELLO SC:** Please reconcile the two for me.

**ADV JOHNSON:** Sorry.

**ADV SELLO SC:** No, I am saying please reconcile the two for me because I had understood that it was a discovery for you yesterday that PKTT was ever being looked into by IDAC in any form.

**ADV JOHNSON:** In the affidavit, yes. I had not seen that in the affidavit ...[intervenes].

20 **ADV SELLO SC:** No, no, no.

**ADV JOHNSON:** I had not seen that ...[intervenes].

**ADV SELLO SC:** Let me clarify ...[intervenes].

**ADV JOHNSON:** [Indistinct] ...[intervenes].

**ADV SELLO SC:** Let me clarify my question. We looked at the section 27 as has been provided to us. You and I

agreed that it does not reference PKTT.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** We looked at the supplementary statement by Mr Adams dated the 6<sup>th</sup> of January 2025 as commissioned by Investigator Rapetsu, the one specifically dealing with PKTT. And you informed the Commissioners that you learned for the first time in this commission, and to be precise, yesterday, that the PKTT in any form was even a subject of inquiry by IDAC. That is what you said this  
10 morning, just barely an hour ago, that you learned for the first time yesterday.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** And I am saying then how, please explain your insertion of item 6 in a section 28 summons dated April 2025, which summons want all documents relating to promotions of commanders and members of the Political Killings Task Team.

One of two things. You were fully aware that IDAC was looking into PKTT, and I say looking into because I do  
20 not know if inquiry or investigating, but that PKTT was a subject of investigation/inquiry by IDAC. You authorised a summons requesting records of promotions within PKTT. On what basis and why?

**ADV JOHNSON:** So when I look, it is exactly as I said yesterday and earlier. It is the first time I see it in the

affidavit. And I know that I also indicated earlier, Chair, that I needed to find out if they had in fact done investigations. When I look at the section 28 subpoena, as I have indicated, Chair, given the detail of information that is in here, I would have been informed by one of the two investigators that they needed this.

**ADV SELLO SC:** Okay. We have established, at least through your testimony here today, that insofar as detail in items 1 to 5, which involves the appointment of Lieutenant  
 10 General Khumalo and all the other details regarding other major generals and their assessments and the position of Lieutenant General Jacob, based on the engagement you had with Commissioner Baloyi, you said that information you obtained from maybe Mr Mlambo and Mr Perumal. Where did you obtain the issue?

The PKTT issue is so divorced completely from what is required in terms of 1 to 5. It just slips in there. What does PKTT have to do with anything and who informed you that it is necessary to obtain those records because  
 20 PKTT is a subject of investigation? When we know neither the section 27 that we have and you had not seen the supplementary affidavit up until yesterday, July of 2026.

**ADV JOHNSON:** Correct. This again ...[intervenes].

**ADV BALOYI SC:** My apologies. Commissioner Baloyi engaged with you suggesting that you must have asked

questions, you have an engagement with whoever presents the subpoena for your signature and approval and you confirmed that yes, those interactions were had. So you must have discussed item 6, the digging into the PKTT. What were you informed about that and did it cross your mind that on what basis, to enquire on what basis are we investigating PKTT and any aspect of PKTT for that matter?

**ADV JOHNSON:** The questions from what I can recall, Chair and Commissioners, is it related again to the  
10 promotions and that was all it related to.

**ADV SELLO SC:** This is PKTT.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** You specifically mentioned it there.

**ADV JOHNSON:** To promotions.

**ADV SELLO SC:** Why are you investigating promotions within PKTT?

**ADV JOHNSON:** I can honestly not recall asking them about the PKTT as the PKTT. I would have asked questions around the applications, well not would not have asked  
20 about the PKTT. The original documentation filing applications for promotions of the commanders for me dealt with the issue of the promotions we were dealing with.

**ADV KHUMALO SC:** It says commanders and members, so it is not limited to commanders. It says commanders and members.

**ADV JOHNSON:** And members ...[intervenes].

**ADV SELLO SC:** And if I may add, not of SAPS but specifically of PKTT. So you cannot divorce that entire inquiry from PKTT.

**ADV KHUMALO SC:** So what this means is that IDAC was looking at the entire membership of the PKTT and the question is why? Why was IDAC investigating promotions and appointments in the PKTT? What was IDAC's interest in the PKTT?

10 **ADV BALOYI SC:** And maybe while you consider your answer, let me read for you what you said in the Ad Hoc Committee. You were discussing the PKTT and their involvement with that the National Commissioner said to you, I will arrange with the PKTT. He did not make clarification. You do not need to go there, but I will read it for you. At 583, you say:

20                   “And then the PKTT, like I indicated, it is  
                      a name that is known, but what they did,  
                      who they reported to, what the actual  
                      work was, was not within my knowledge  
                      and purview.”

So you say to the Ad Hoc Committee, I know nothing about the PKTT. Keep that in mind when you explain, when you give your answer to Ms Sello's question and Commissioner Khumalo. It is page 583, right at the bottom. That is File 3,

and it continues overleaf.

**ADV SELLO SC:** And if I may perhaps broaden precisely that point at 583, please read your entire response. Consider that where you say you were in, Advocate Arendse asked you:

“When did it first come to your knowledge  
of the existing of this task team?”

I guess the existence of this task team. That was the question. And you say:

10            “I indicated that when Lieutenant General  
Mkhwanazi on the 6<sup>th</sup> of July indicated  
that IDAC had arrested a member of  
PKTT, we did not know what he was  
talking about because we had arrested  
Lieutenant General Khumalo.”

And then, you know, what Commissioner Baloyi read out for you, which is the remainder of your own response.

**ADV JOHNSON:** Is it 583?

**ADV SELLO SC:** Yes. What I think both Commissioner  
20 Baloyi and I read from, 583, I just started with Advocate  
Arendse's question.

**ADV JOHNSON:** At the bottom.

**ADV SELLO SC:** Ja, the bottom, one third of 583. Chair, I  
see it is 10:56. Perhaps the questions posed to Advocate  
Johnson on this particular topic may require her to consider

a few documents. Might not be more appropriate that she does so during the tea adjournment.

**CHAIRPERSON:** Let us take the tea adjournment and come back at 11:30. Let us adjourn.

**ADV SELLO SC:** Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Ms Sello?

**ADV SELLO SC:** Thank you, Chair. Advocate Johnson,  
10 before we broke for tea, or we actually broke for tea slightly earlier, to give you an opportunity to consider whatever documents are at your disposal, to answer the question why it is, as of the 3<sup>rd</sup> of April 2025, as per the section 28 summons we are looking at, CJC392.2, you authorised that documentation be sought and obtained regarding promotions of the commanders and members of the Political Task Team, Political Killings Task Team, and particularly Commissioner Baloyi referred you to specific points in the Ad Hoc transcript where you dealt with the issue, the matter  
20 of PKTT. I trust that you have been able to go through whatever documentation you consider necessary and are able to provide an answer. Thank you.

**ADV JOHNSON:** Thank you, Commissioner Baloyi. I did not have any other documents, but I sought to refresh my memory by engaging with the people who would have



provided this document to me and for what conversations we would have had around this. And just to clarify, that when I spoke to the project manager and to Mr Padayachee, they both have confirmed that we are not investigating a matter against the PKTT, exactly as I recalled it, having seen the statement yesterday. I wanted clarification as well, so that it does not look like I am running away from something.

In terms of the Annexure B, Commissioners, I  
10 indicated that the information that I would have got from there, I would either have obtained from Mr Padayachee, Mr Perumal, or both. I called Mr Padayachee and Mr Padayachee indicated that I did not get that information from him and I also read more particularly paragraph 6 and he indicated that this subpoena was prepared by Mr Perumal. I did try to call Mr Perumal, he is on my call log, but he is not answering his phone, simply because I am unable to give the Commission a proper and meaningful answer without engaging him on why this was there, what  
20 feedback did he give me in order for me to have approved or to have signed it.

**ADV KHUMALO SC:** Can I ask a more direct question?

**ADV JOHNSON:** Yes sir.

**ADV KHUMALO SC:** Looking at these documents, speaking for myself, it looks like there was a hidden hand

driving IDAC's investigations into Crime Intelligence and PKTT and the question is who and what is that hidden hand? Because this is not Mr Adams' complaint, we have established that.

**ADV JOHNSON:** Correct.

**ADV KHUMALO SC:** So, where do all these things come from? I mean, if you just look at that entire Annexure B, this is not Mr Adams' complaint, not just item 6, but going into why Jacobs does not want to come back, going into  
10 performance assessments of all major Generals from 2022, 2023, not just Jacobs or Khumalo, if that was the issue, why Jacobs does not want to come back, of all Generals, of all Provincial Heads, of all Section Heads, this is a much broader investigation into Crime Intelligence and, quite clearly, all members of PKTT. Who was driving this? Because it is clearly not Mr Adams. This is not Mr Adams' complaint. This is now something else altogether.

**ADV JOHNSON:** I hear you, Commissioner, and...

**ADV KHUMALO SC:** Does it look that way to you too?  
20 Because I could be completely wrong. Let us be fair. I could be way off the mark. It is my observation and it could be hundred percent wrong. You sitting there now looking at this, what does it look like to you?

**ADV JOHNSON:** So, I hear, Commissioner, and I am not saying that your conclusion may not be wrong when you

read it as you read it, I am saying I am briefed on this matter by a chief investigator and the investigators conduct the investigations. At the time I signed this, I have nothing within my knowledge to gainsay the authenticity or the truth of what is being put to me.

However, in the manner that it comes forward and given the fact that I have also indicated I have not seen an investigation and we do not have one into the Political Killings Task Team. The project manager who sits with all  
10 of the documentation confirms the same, as does Mr Padayachee. The question that I am unable to answer for you is why this.

**ADV KHUMALO SC:** But you knew that there is a section 27 and you would have seen it at the latest, according to you, in mid-December, earliest sometime in November, and that should be the genesis of all the investigations IDAC is conducting. Now, assuming that that is the starting point, now look at item 1 to item 8 of this annexure to the summons that you issued in your name or that you signed  
20 on behalf of IDAC. What does it look like to you?

Just looking at, bearing in mind that your starting point is your section 27 which you have seen. Just look at this and draw an inference if you must, because you are not the investigator and you do not know who they are talking to and what that person is saying to them. But you know that

they must be guided by the section 27 and then they bring this to you. Now you look at it, what does it look like?

**ADV JOHNSON:** That they must be guided, Commissioner Khumalo, by the section 27, the A1, the additional A1 which we now see yesterday is different in most regards.

**ADV KHUMALO SC:** My question is, looking at this Annexure B if you had to draw an inference, what would that inference be?

**ADV JOHNSON:** That the investigator had other  
10 information.

**ADV KHUMALO SC:** Or other motives or they were conducting other investigations that had nothing to do with Mr Adams' complaint.

**ADV JOHNSON:** Or the A1 or the supplementary, yes.

**ADV KHUMALO SC:** And it begs the question, who was driving this and what was the motive? Commissioner Baloyi's question on Thursday, what was IDAC's motive? Was there political interference? Was there infiltration? Because those are the answers this Commission must ask.  
20 It is great that we are looking at facts but facts point to individual cases where things went wrong. What is the big picture? Is it political interference? Is it infiltration of IDAC by unknown people? Is it a hidden hand that we do not see in any of these documents? Those are the questions we must ask ourselves.

**ADV JOHNSON:** And the best person to answer would be the person who drew up this document and indicate the basis on which he lay for these documents.

**ADV BALOYI SC:** No, I do not think that is right. No. That is not right. The best person to answer is the person that authorises the summons. I think your investigators may well be entitled to put to you whatever they have gathered.

You are the final decision maker. You are the one that asks  
10 the questions. You are the one that approves. And so, you would have satisfied yourself that there is a valid basis for that inquiry into PKTT promotions of commanders and members. You would have satisfied yourself.

Otherwise, if you were not satisfied with his explanations, you would have said, as a responsible leader who is exercising their power within the law and for the purpose for which it is given, you would have said, no, I am not approving that. We are not doing six. Take it out and bring me back, a summons that speaks to why we are doing  
20 this investigation. You would have done that.

So no, it is not available to you to say the person who prepared answers. You are the one that must answer. Why did you approve? Maybe he was taking a chance with you, you know, Perumal, maybe he was acting on the instruction of a hidden hand, as Commissioner Khumalo

suggests. There are many maybes why he would have done that. But you are the last person to speak on this. You are the last person. You are the one that approves.

And you must have satisfied yourself that this is a legitimate line of inquiry. I am putting to you the position. And do you accept? You must accept that.

**ADV JOHNSON:** I accept the position.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** And that is why I had wanted clarification  
 10 because I could not independently, Chair, recollect the basis for the explanation. Where I have to agree with Commissioner Khumalo, not that I do not agree with you Commissioner Baloyi, yes, the questions that he asks. I am unfortunately unable to answer because I am not aware of a political motive. But I cannot shy away from there might have been a hidden hand in how this played itself out and what was given to me and how it was given to me. There has to be some other explanation for why this takes place.

**ADV BALOYI SC:** And can we agree and I know you had  
 20 not seen the supplementary affidavits. So I am not displacing that. But the one supplementary affidavit that you had not seen until yesterday that speaks to the PKTT. You find it at 3493. You have gone through that at paragraph 3. Can we agree that even that paragraph 3 would not be, could not be a basis for the request at

paragraph 7 of your summons? Because it says nothing about commanders and members of PKTT. It in fact says funds were used from the Secret Service fund to purchase resources for the PKTT. That is an accusation or allegation that is not and can never be the basis for the inquiry at page 7, nor the documents that you are asking for at paragraph 7 of your summons. Can we agree that?

**ADV JOHNSON:** That we agree.

**ADV BALOYI SC:** You agree that. Okay.

10 **CHAIRPERSON:** Advocate, at the time you signed this document, which was in April last year, surely you already knew that the minister, Minister Mcunu, had written a letter in terms of which he purported to disband the PKTT. Or maybe let me say he purported to disband or disbanded the PKTT. I am using both because at this stage, we as Commissioners have not decided whether the power to disband vests in him or in the National Commissioner, we are yet to decide that. So I will use both because we are yet to decide that legal question. But is it not so that at the

20 time you signed this document, you were already aware that the PKTT had been disbanded or purportedly disbanded?

**ADV JOHNSON:** If it was in the media at that time, I would have been aware. But I have not had engagements in that regard. I think the full important detail thereof came in after the 6<sup>th</sup> July briefing and that magnified what was going on.

If it was in the media space, yes, I would have most certainly known that that is what was being discussed.

**CHAIRPERSON:** Perhaps what we will do then is to check if it was not in the media because that is something that is relatively easy to do. Now, if you were already aware, you would probably also be aware that disbandment or purported disbandment was controversial.

**ADV JOHNSON:** Correct.

**CHAIRPERSON:** And that being the case, surely then  
10 mention of the PKTT in the manner in which it is mentioned,  
a generalised investigation of all PKTT members should  
have raised curiosity in your mind. Correct?

**ADV JOHNSON:** Correct.

**CHAIRPERSON:** Correct. And that would have been a basis for you to look more closely as to why the PKTT was included.

**ADV JOHNSON:** In the summons?

**CHAIRPERSON:** Yes.

**ADV JOHNSON:** Correct.

20 **CHAIRPERSON:** Yes. Which, if that be so, I have to ask this in this manner because you have said if it was out there in the media. So if that were the case, that should reinforce the point made by Commissioner Baloyi which is basically that you should be able to answer why you still signed this, despite the fact that it was making reference to the PKTT,



when at no stage there was reference before. And I say there was no reference because what is at 3493 does not relate to what is in the summons insofar as PKTT is concerned. Would you accept that suggestion?

**ADV JOHNSON:** I accept that.

**CHAIRPERSON:** All right. Thank you.

**ADV SELLO SC:** Thank you, Commissioners. From your responses then ...[intervenes]

**CHAIRPERSON:** Sorry, Ms Sello. May we request you and  
10 Mr Bodlani together with those assisting you to please engage in the exercise of finding out whether the issue of the disbandment of the PKTT was not out there before Lieutenant General Mkhwanazi's public statement on the 6<sup>th</sup> of July last year.

**ADV SELLO SC:** I think from my recollection it was out there by the beginning of the year, after the 2<sup>nd</sup> of January 2025, the letter disbanding.

**ADV KHUMALO SC:** Can I assist the two of you? Even if it was not in January. Remember in March there was a  
20 parliamentary engagement where General Mkhwanazi among others addressed the Ad Hoc. I think it is the Police Committee, not the full parliament. And arising out of that there was media coverage of that. So at least in March it was a topical issue.

**ADV SELLO SC:** I fully agree with Commissioner Khumalo.

So and the newspapers and press would have been replete with comments regarding PKTT by the 6<sup>th</sup> of July. So I doubt anyone in the country could say that they only learnt of it on the 6<sup>th</sup>..

**CHAIRPERSON:** Thank you very much. May I just get something concrete which I want to again engage Advocate Johnson about? Because once faced with that, you would have to answer, Advocate, why in the face of that controversy, you did not focus your mind on this, because  
10 you appear not to have done so. So with the concrete information in my hand I want to revisit this question with Advocate Johnson.

**ADV SELLO SC:** We shall do so, Chair. If I understand, the instruction is that we do sort of a press scan and to see what was publicly available and out there.

**CHAIRPERSON:** Please.

**ADV SELLO SC:** We shall do that.

**CHAIRPERSON:** Thank you very much.

**MR BODLANI:** We shall oblige, Chair.

20 **CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Advocate Johnson, based on the responses you have provided in particular ...[intervenes]

**CHAIRPERSON:** Just a minute. And I hope and pray Advocate Johnson will not say ah, that appears in items from this media house, no, I do not read that, no, I do not

watch those TV channels and so, I just hope and pray that will not be your escape route.

**ADV JOHNSON:** Please do not put me at war with any of the media houses. I read media.

**CHAIRPERSON:** Thank you.

**ADV JOHNSON:** Thank you, Chair.

**ADV SELLO SC:** Thank you, Chair. I go back to the response I think you gave to Commissioner Baloyi, wherein you attempted to shift the responsibility of the contents of  
10 the section 28 to the investigators. And my challenge is, Colonel Padayachee indicated that he conducted a full-blown investigation into the Mokwele appointment, in circumstances where he had not even seen the section 27 referral. You, on the other hand, had seen the section 27 referral. You made a decision on it and determined that a section 28(13) preliminary, preparatory investigation be initiated.

So, you, between the two of you, you being the ID and the investigator, clearly you have more knowledge as to  
20 what the original referral was about. And it is your responsibility, I dare say, to ensure that should either malice, improper conduct or simple human error find reflection in the section 28 summons, that the institution has to depend on you to determine that those errors and issues of malice are dealt with and taken out of the

summons.

For the simple reason that if not for your signature certain things will not be done. If not for your signature, there will not be a basis to demand from the National Commissioner, as the summons do, that all appointments of PKTT members be conducted. So, I have a difficulty in your answer, the effect of which would suggest you are the least powerful person in the institution, when in the converse you are the most powerful person.

10           Alternatively, it suggests that you do not bother to read what your investigators tell you and ask of you. Having put forward the very two propositions, I personally reject them. And my proposition is you knew exactly what was happening when that item 6 was included and for what purpose. You were not blindsided by that, you knew and I support Commissioner Baloyi's question: What were you trying to achieve by the inclusion of item 6, investigating the PKTT?

**ADV JOHNSON:**   Chair, as I indicated, I was not aware of  
20   an investigation into the PKTT. I have made sure I have checked with those who are the custodians of the documents that if I missed something, the project manager would at the very least have been able to refresh my mind and indicate we actually do have an investigation and this is what it is. And it is not to absolve me of anything. It was to

find out then how did this come about what was put to me in order for me to have authorised it. Hence my phone call to Mr Perumal. I seek not to absolve myself, Chairs and Counsel. I wanted clarity because I independently cannot recollect what the questions and the conversation would have been around that specific point.

**ADV SELLO SC:** But ...[intervenes]

**ADV KHUMALO SC:** Advocate Sello, please help me. The documents 3373...

10 **ADV SELLO SC:** 3373?

**ADV KHUMALO SC:** ...all the way to 3383, did you get them from IDAC? How did they land in this file? Because these are performance assessments of PKTT, not employment issues, just general performance. Some of these documents we would have seen before, investigation and prosecution of politically related cases from 2018 to 2022, the information notes relating to PKTT. If IDAC was not investigating PKTT, where did these documents come from?

20 **ADV SELLO SC:** The pages that Commissioner Khumalo has just referred me to, are part of CJC392.2. For the record the documents marked CJC392, the entire 392 with all its sub-exhibits, was obtained from IDAC pursuant to either a subpoena or a written request from us, what we as the Commission added to that file 9 is CJC394.

**ADV KHUMALO SC:** So, Advocate Johnson, it cannot be correct then to say IDAC was not investigating PKTT, because if you take it from 3373 all the way to 3383, those are all PKTT documents and IDAC can only obtain these documents if IDAC is conducting an investigation into the PKTT. That must follow.

**ADV JOHNSON:** Yes, and that must follow then from that item 6 I would assume that was on the subpoena.

**ADV KHUMALO SC:** So whoever told you that IDAC was  
10 not investigating the PKTT, cannot be correct because the performance report, this is not even employment related issues. The information here is how many cases PKTT is dealing with, how many are under investigation, how many are in Court, how many are withdrawn, how many are finalised, how many suspects are in custody, how many are convicted, how many are in bail, I am on 3377. So, all that information relates to the activities of the PKTT as a unit.

**ADV JOHNSON:** That is correct, Commissioner Khumalo and then it conflicts in any event with what is asked in point  
20 6 of the summons.

**CHAIRPERSON:** Advocate Johnson, you could not possibly have signed the summons that we are discussing, without having gone through it line by line, sentence by sentence, am I correct?

**ADV JOHNSON:** Correct, Chair.

**CHAIRPERSON:** Now, if that be the case, especially regard being had to the fact that you say IDAC was not investigating the PKTT, on what basis, having read paragraph 6 of this, of Annexure B, on what basis would we have authorised paragraph 6 of this document? And the answer, let me up front say, cannot lie in whatever briefing you may have been given. It cannot lie there. So, on what basis would we have authorised paragraph 6 of the summons?

10 **ADV JOHNSON:** Again, Chair, and not to be obstinate, I really rely on what, I rely on a briefing. What I am saying is, I would have asked questions about this. I need to engage Perumal, what did we talk about this? And for this to land here, for me to have attested my signature. I was able to explain the other things, including about Jacobs. I am unable to give, Chair, a reasonable explanation.

**CHAIRPERSON:** You are stating, you are stating what IDAC was not investigating in the past tense. So I understand that to mean that even at the time you signed  
20 the summons, there was your understanding. PKTT is not being investigated, correct? It is exactly for that reason that I say to you, the answer for authorising paragraph 6 cannot lie in a briefing that you might have been given. It cannot. That briefing would have been irrelevant to what was being investigated, correct?

**ADV JOHNSON:** Correct.

**CHAIRPERSON:** Now, if it were irrelevant, paragraph 6 would also have been irrelevant in terms of what you required for purposes of your investigation, correct?

**ADV JOHNSON:** Correct, sir.

**CHAIRPERSON:** Now it must follow automatically then that you ought not to have authorised a paragraph 6 of the summons, correct?

**ADV JOHNSON:** I agree with the Chair.

10 **CHAIRPERSON:** Ja. So are you able to explain then, because again I repeat, the briefing is totally irrelevant, on what basis then did you authorise paragraph 6 of the summons?

**ADV JOHNSON:** I do not have an explanation for you, Chair. Not from just my reading of it. And exactly what I say is, and I really do not want to frustrate you and be going in circles ...[intervenes]

**CHAIRPERSON:** Sorry, sorry, sorry, I will let you answer and say everything you want to say. I just want to say, I  
20 assure you I am not going to be frustrated. Please go ahead.

**ADV JOHNSON:** Thank you. It is just, for me, sometimes it is the context that triggers why I did something. I am reading it as I read it. And as irritating as it may be, I do need the context of what was discussed between Mr



Perumal and I. In the absence thereof, I have no explanation for you, Chair, given that I have indicated that we had no investigation against the PKTT.

**CHAIRPERSON:** Based on the discussion that you and I have just had, do you think that context could ever change the picture? Because you say you have agreed with me that whatever briefing you might have been given, would have been irrelevant to what was being investigated, for the simple reason that you were not investigating the PKTT. So  
10 I do not understand how context, as you put it, could have been relevant to the question as to why you authorised paragraph 6. If the briefing could not be relevant, how could this context be relevant?

**ADV JOHNSON:** [No answer]

**CHAIRPERSON:** Or let me ask it this way. Maybe we will go quicker that way. Just like the briefing would have been irrelevant, something you have agreed to, I suggest to you that the context as well would have been irrelevant. Do you agree? Surely you must.

20 **ADV JOHNSON:** I agree. I cannot take this point any further. I am not going to get to a reasonable explanation for this.

**CHAIRPERSON:** Yes. So that in a sense ties in with Commissioner Khumalo's point that, is not what is behind all of this, some inarticulate premise that we have not been

told about, is not that the real explanation? Do you want to please respond?

**ADV JOHNSON:** I did not even see him accept your apology, Chair. No, I took the point.

**CHAIRPERSON:** Thank you.

**ADV JOHNSON:** I took the point.

**CHAIRPERSON:** Thank you.

**ADV KHUMALO SC:** Are you, before you leave this annexure, I wanted to deal with the Public Service  
10 Commission report of August 2023. If you are going to deal with it, I am going to leave it.

**ADV SELLO SC:** No, I am just going to make comments regarding the PKTT, but we are still in that annexure. By the annexure, are we talking section 28 summons?

**ADV KHUMALO SC:** They are all part of...

**ADV SELLO SC:** Oh, and the response is there too.

**ADV KHUMALO SC:** They are part of CJC3922.

**ADV SELLO SC:** Yes, which would have been the documents received pursuant to that summons.

20 **ADV KHUMALO SC:** Yes.

**ADV SELLO SC:** Yes. So...

**ADV KHUMALO SC:** Then let me leave it and then ...[intervenes]

**ADV SELLO SC:** No, no, I am still on PKTT for now as soon as, and when I am done, then perhaps, Commissioner,

you may...

**ADV KHUMALO SC:** But if you are going to deal with it, there is no need for me to...

**ADV SELLO SC:** No, I was not. My time pressure.

**ADV KHUMALO SC:** Okay.

**ADV SELLO SC:** My issue is, and having listened to your interaction with the Commissioners, this is where we land. You, the person who authorised this section 28, have absolutely no recollection why it is you authorised  
10 investigations into the PKTT and how its members are appointed and the like. You suggest that it is Mr Perumal who would have told you. Once again, I ask you, when, should Mr Perumal be sitting where you are and be confronted with the same question, and he says, I have absolutely no recollection, what do you suggest the Commissioners make of all this? Both of you, the only people who were in that conversation that can explain away paragraph 6 say you both do not have a recollection. And if  
20 that is the case, you are discussing it amongst yourselves to become irrelevant because neither can remind the other. Where do we land?

**CHAIRPERSON:** Or worse still, Advocate Johnson, he does not say he has no recollection, but he says, I never said anything about this. Please...?

**ADV SELLO SC:** Indeed. Thank you, Chair. That is a

question. Please guide the Commission as to what it must make of the investigation into the PKTT and how it came about and the basis thereof.

**ADV JOHNSON:** So I can, Commissioners, only work on the basis of what I get from the rest of the team, which is he compiled this. So for him to then indicate he has no idea, I do not see how he is going to be able to indicate he has no idea. But if we both do not have an idea, I think then Commissioners are going to have to make a referral for  
10 some kind of treatment at a facility, because all of us cannot be sitting ...[intervenes]

**ADV SELLO SC:** For both of you or just him? [Laughter]

**ADV JOHNSON:** No, on a lighter note. I have to take it from where it comes, Commissioner. His fellow investigator says he is compiled this. And so he would have to give an explanation whether or not it is one that is accepted, that is a different story, Commissioners and Counsel, but there is no way that he will not have an explanation for this.

**ADV SELLO SC:** Please make me understand. Why does  
20 he bear the full responsibility to remember what your conversation was about? The conversation was between the two of you, but you do not bear that responsibility. It is enough for you to say, I do not remember. Why does he assume the full responsibility for that conversation?

**ADV JOHNSON:** Not because I do not bear the

responsibility. It is because I have many conversations on many matters. And so the investigators invariably would engage, either they would have kept notes and/or because it is their matter, it is easier for them to engage me. We engage as we do. And then I am able to, in their presence, having had that engagement, sign the section 28. So I am not running away from having a responsibility. It is the number of things they present versus what I have to deal with.

10 **ADV SELLO SC:** Let me take it a step forward. And if he were to come here, we are now in the arena of conjecture, I accept. If he were to come here and say, now I do recall that summons, the ID and I had a full engagement on it and I explained why it is necessary to obtain those documents from PKTT. If that were to be the answer, what do you want the Commissioners to make of that? Do you suggest that the Commissioners should reject it? And I suggest that in turn, that you cannot, because you do not remember what the conversation was about. So what do you, you are Head  
20 of a very powerful institution and I personally can learn a lot from you. So maybe you may just cast some pearls of wisdom, the direction of the Commissioners, if you are so inclined. Thank you.

**ADV JOHNSON:** It will become important why this was put in. And where did he get this information from? Because I

also do not run away from the point that the Chair made. Were they having engagements with other people? How did it come about that this became a pertinent thing? And then talks to the question, or the summation by Commissioner Khumalo, is there, so did you say, Commissioner Khumalo, underhand or third hand?

**ADV KHUMALO SC:** A hidden hand.

**ADV JOHNSON:** Sorry, I got both hands wrong. That there is a hidden hand, because that is an engagement this  
10 Commission would be fully entitled to have and might arrive at an answer.

**ADV SELLO SC:** And by extension, you are suggesting that should it be concluded that there is a hidden hand, you have neither any knowledge of that hand, nor are you a part thereof. Is that what you are suggesting?

**ADV JOHNSON:** That is correct.

**ADV SELLO SC:** But that potentially, your investigators, starting with Mr Perumal, could potentially be involved in that, or have knowledge of that underhand.

20 **ADV JOHNSON:** And have knowledge of things that we did not have knowledge of.

**ADV SELLO SC:** It sounds like you are, are you throwing your investigators under the bus, or am I misreading you?

**ADV JOHNSON:** You are absolutely misreading me.

**ADV SELLO SC:** Please help me.

**ADV JOHNSON:** We have to work on who was responsible. I have asked a whole lot of them. If the last person there is Perumal, it means Perumal must account. If the issue was, it was Mr Padayachee, I would have indicated Mr Padayachee has to account, together with myself. And so, it is about, Counsel, we have agreed that if there is items on which I myself do not have direct knowledge, we should make sure that those who have the direct knowledge are at least mentioned to the Commission. I am saying it is in that  
10 light that we would have to ask Mr Perumal.

**ADV BALOYI SC:** Can I just follow up on that answer, but in fact it was going to be a follow up on your answer to the Chairperson earlier, but now that you have said it. You must have direct knowledge, because you were briefed before you approved these summons. So you must, you are the right person to look to, to give an explanation on your summons.

We are not at the point where we are asking Mr Perumal what informed him including it in the summons.  
20 That is not the discussion we are having. The discussion we are having is, why did you approve it in the summons? So you must have that knowledge of what this is about. You said to the Chair at the end of your discussion, you said, Chair, I do not have a reasonable explanation for this as matters stand.

I think, speaking for myself, I am interested in the explanation, reasonable or unreasonable. There is an explanation for this. You must have an explanation for this. So the topic does not end at, well, I do not have a reasonable explanation, I see I messed up. You must have an explanation, what was going on when you approved this? And it is that explanation that you are not giving us, and it is, in my view, it is not satisfactory an answer.

It is not a satisfactory answer for you to say that I  
10 must still speak to Perumal, because he could cook up anything. At this point, I am not interested in what Mr Perumal tells you because of what you signed off. I am interested in, why did you sign it off? So that is the first point. And so you have not yet given us an answer, but I think you do have an explanation, you just have not given it to us.

A second point, and I say this, if you want to comment, you can, but I just want to list my concerns. A second point is, having signed off on the summons, which  
20 has paragraph 6 in it, your answer, whether to the other committee or to us, that you were not aware of an investigation into the PKTT in the face of the summons is not correct. It could not have been correct, unless you said to us, I signed without reading the summons.

And that is not what you have said, right? You



have told us, I read it and I got a briefing on it. So just from reading, even without a briefing, from reading this which is put before you, you would have known that there is an investigation of the PKTT, even if it is limited to promotions. Even if we said it is limited to promotions, you would have known on the day that you signed this, that there is an investigation.

And where you represent that, or where you answered that I am not aware of the PKTT and of an  
10 investigation against them, that answer was not correct, as your summons tells us. In fact, I think if I speak frankly, that answer was false when you gave it. And the falsity is evidenced by paragraph 6 of your summons. Do you want to comment? I do have a last direct question that I would like to ask you, but do you have any comment on these two that I am putting to you?

**ADV JOHNSON:** Commissioner Baloyi, I honestly said I was unaware of a PKTT investigation. I understand it is not reconciling with this and why I signed it. I, however, have  
20 to take responsibility for having signed this.

**ADV BALOYI SC:** Let me ask you lastly my direct question.

**CHAIRPERSON:** Sorry, I just want to correct you. There is a nuance between you were not aware of a PKTT investigation and there was no PKTT investigation. IDAC

was not investigating the PKTT. Just now, you said you were not aware of an investigation. Big difference. Do you agree with me?

**ADV JOHNSON:** I agree. What I wanted to convey when I came back was I checked with the project manager. There is no PKTT investigation. I checked with Mr Padayachee. There is no PKTT investigation.

**CHAIRPERSON:** But you said...

**ADV JOHNSON:** And I am also not aware of a PKTT  
10 investigation.

**CHAIRPERSON:** Crucially, crucially you said when I engaged you, you said as at the time you signed, there was no PKTT investigation.

**ADV JOHNSON:** PKTT investigation.

**CHAIRPERSON:** That is a very important distinction.

**ADV BALOYI SC:** All right. Thank you. Now my direct question to you. Now, outside of a briefing by Chief Perumal to do with the summons, out of that, have you had a discussion with anyone from IDAC, Civil Society, whether  
20 it is Mr O'Sullivan, I am giving you examples, Mr O'Sullivan, Ms de Haas, anyone in Civil Society, anyone in Crime Intelligence, anyone in your IDAC unit, have you had any discussion at all about the PKTT and allegations against the PKTT that may have or not to be investigated? Have you had any conversation at all with anybody?

**ADV JOHNSON:** Not yet.

**ADV BALOYI SC:** You have not. Thank you. Thanks, Ms Sello.

**ADV SELLO SC:** On that score, perhaps I do not immediately have it now and I am interested in the response you just gave Commissioner Baloyi. Are you aware of an interview on TV, I do not remember which channel, of Mr O'Sullivan claiming that on these matters, including the hiring of Brigadier Mokwele, that he had discussions with  
10 inter alia IDAC? Are you aware of that interview or that claim by Mr O'Sullivan?

And whether or not you are aware of it, perhaps I will take it further. Did you have any discussions, you being IDAC of course, with Mr O'Sullivan regarding these matters, the investigations that IDAC is conducting and how it came to conduct them? And if you had any such conversations, can you provide the context?

**ADV JOHNSON:** No, I have not had conversations.

**ADV SELLO SC:** But is it I personally or IDAC?

20 **ADV JOHNSON:** I personally. I cannot dispute he might have engaged IDAC staff.

**ADV BALOYI SC:** Let me ask, are you aware whether he has engaged? Let us ask more positively. Are you aware whether Mr O'Sullivan has had any engagement of any sort with your IDAC people, not you, because you say you have

not, with your IDAC people?

**ADV JOHNSON**: I am aware, Commissioner Baloyi, that he would have had from time to time engagements with investigators.

**ADV BALOYI SC**: Relating to these matters?

**ADV JOHNSON**: I do not know if it relates to this matter on PKTT or which matter.

**ADV BALOYI SC**: The Crime Intelligence matters that arise that we are dealing with, that we have been dealing  
10 with for the many days that you have been there.

**ADV JOHNSON**: Yes. So I am not aware what he engaged them on. But if he said he met with them, then I have nothing to gainsay it. And so what he would have discussed with them, he would have discussed with them. But I think I did say to the evidence leader that if he had a discussion, the likelihood would have been with Mr Rapetsu.

**ADV SELLO SC**: Why Rapetsu?

**ADV JOHNSON**: Because he had been in IPID for a long time and I know that Mr O'Sullivan and IPID had had a  
20 relationship of sorts over the years. So the most familiar person he would have been, would have been Mr Rapetsu in terms of this matter. I know he knows other people in IDAC. So we would have to just check with Mr Rapetsu that whether they had a conversation.

**ADV SELLO SC**: Even accepting that for a moment, who is

Mr O'Sullivan within the law enforcement environment? Why would IDAC be discussing its ongoing investigations with him? And on what basis would that happen? And you are suggesting possibly Mr Rapetsu and others. Would you consider it appropriate for any one of them to be having this engagement with Mr O'Sullivan?

**ADV JOHNSON:** It is not an, if they had an engagement, it would not have been about the investigations. It would have been if Mr O'Sullivan spoke to IDAC investigators  
10 purporting to give them information. That would have been the only basis on which he would have had to engage. As can anybody from outside bring information, but not that they brought the information and you then discuss if there is a relevant investigation pertaining to that matter that you discuss it with him. You do not discuss it with him or any other outsider. The rule is not different.

**ADV SELLO SC:** So then is it safe to assume that if he had done so, I do not know what discussions you suggest he had with IDAC, then if he is giving information, that  
20 information would find itself into a relevant docket.

**ADV JOHNSON:** It should.

**ADV SELLO SC:** And should we land at a place where there is no documentary proof in any docket that there was such an engagement, then how do we explain away those engagements?

**ADV JOHNSON:** If he is had engagements, they would have – if they had engagements with him, it would depend on the value of what came out of them. A lot of the time it might just be mind over matter, not substance, that then did not have to be dealt with. But if there was substance to it, and if it was in any way able to amplify or corroborate something in the investigation, it would move into the investigation. The investigators would make that assessment, Chair.

- 10 **ADV SELLO SC:** So if he claims, if he were to claim that there were meetings with IDAC, that would be entirely correct. Because once you call it a meeting, you are formalising the engagement. Would you still accept the possibility of him having meetings, whether at his offices with IDAC or at IDAC's offices? What would your comment to that be? I am just interested to find, trying to establish the relationship IDAC has with Mr O'Sullivan. Based on an interview he once had, an engagements here, by here I take it the institution he represents, or is a part of, with IDAC.
- 20 So I thought you might shed some light on that relationship, however formal or informal.

**ADV JOHNSON:** If he met with the investigators, it would have had to have been for information sharing. I cannot see what else. Not being part of them, I am thumb-sucking, which is wrong.

**ADV SELLO SC:** But you have not had such engagements with him, on behalf of IDAC?

**ADV JOHNSON:** As the Head of IDAC, no.

**ADV SELLO SC:** You say as the Head of IDAC, in what capacity have you as a matter of interest?

**ADV JOHNSON:** I had engagements with him in the past, on other matters when we were in the DSO, the Selebi matter comes to mind, and there were other matters that would have been referred. I am not sure about the matter  
10 against Major General Solly Lazarus, but we have had engagements previously with Mr O'Sullivan, including that he did serve the ID with a document, and that was as far as the IDAC engagement went.

**ADV SELLO SC:** You sometimes refer to yourself as the ID. Which ID are you talking about now? Not you.

**ADV JOHNSON:** When he served the ID with a document for information.

**ADV SELLO SC:** Which ID is this, you are? Is that the investigating...

20 **ADV JOHNSON:** The Investigating Director.

**ADV SELLO SC:** Or the ID you are referring to yourself?

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** Oh, sorry.

**ADV JOHNSON:** Not the one that is today, the one that was the other day, when she was still with the ID.

**ADV SELLO SC:** Okay, as long as the Commissioners understand, do not mind me. Commissioner Khumalo, you wanted to deal with the annexure still.

**ADV KHUMALO SC:** Advocate Johnson, on the issue of Mr O'Sullivan, it was on the 27<sup>th</sup> of June 2025. He was on Newsroom Africa, one of those late evening programmes, and he said there:

“I have met with IDAC several times and I  
have given them documents.”

10 So I am assuming that when you saw that on TV or when somebody told you about it, you would have been interested to know who at IDAC is meeting with Mr O'Sullivan. Were you not interested at all?

**ADV JOHNSON:** I cannot... I cannot recall the interview, but if he said he was meeting with IDAC several times, the one person that I do discuss it with would be Mr Sisoko, to find out if Mr O'Sullivan engaged with anyone in IDAC.

**ADV KHUMALO SC:** And then in relation to these cases, did you meet and discuss them with General Khan?

20 **ADV JOHNSON:** No.

**ADV KHUMALO SC:** Do you know that members of IDAC met and discussed these cases with General Khan?

**ADV JOHNSON:** What I am aware of, Chair, which is what I had to do to prepare for the Commission, because I did not read, I do not read the dockets and I wanted to know if



they had an engagement with General Khan on any of the CI matters, and I give you the feedback as I was given the feedback. They had conducted most of the investigations, I think in the... I think in the Mokwele matter. I speak under correction. And they then found a document purporting to be in his name, and it is on that basis that Mr Padayachee and Mr Perumal engaged him, sorry, to take an affidavit. And an affidavit was taken for that matter. I am not sure if other affidavits were taken for other matters.

10 **ADV KHUMALO SC:** Do you know that they showed him their Mokwele docket or the inquiry file? Do you know that General Khan was shown the Mokwele inquiry file?

**ADV JOHNSON:** No, sir.

**ADV KHUMALO SC:** Do you know that in his affidavit he was required to comment on the suitability of Brigadier Mokwele?

**ADV JOHNSON:** No, I am not privy to the details they discussed with him or documents they may have shared.

**ADV KHUMALO SC:** And do you know that the charge  
20 sheet actually mirrored General Khan's affidavit? So IDAC's charge sheet in the Mokwele matter mirrored the affidavit by General Khan?

**ADV JOHNSON:** No, sir.

**ADV KHUMALO SC:** Okay. Now, this HR-related issues, I think Commissioner Baloyi sometime last week raised this

issue with you. If we go to page 3434 of the same bundle, just to show you why Commissioner Baloyi was correct and IDAC was incorrect.

**ADV JOHNSON:** 34?

**ADV KHUMALO SC:** 3434. Are you there?

**ADV JOHNSON:** Yes, I am here. Sorry, my 3434 is very small.

**ADV KHUMALO SC:** No, that is fine. Do you see that it is a provisional report by the Public Service Commission?

10 **ADV JOHNSON:** I see that, Chair.

**ADV KHUMALO SC:** And it was investigating alleged irregular appointments within Crime Intelligence. August 2023?

**ADV JOHNSON:** I see that.

**ADV KHUMALO SC:** But do you see that it related to irregular appointments in Crime Intelligence?

**ADV JOHNSON:** Correct.

**ADV KHUMALO SC:** The very issue which is the subject of Mr Adams's complaint. And then go to 3445. Are you  
20 there?

**ADV JOHNSON:** I am there.

**ADV KHUMALO SC:** So just cast your eyes on the finding in 7.1. Do you see that?

**ADV JOHNSON:** Correct.

**ADV KHUMALO SC:** Yes, and also in 9.1, the

recommendation. Do you see that? So by the time Mr Adams brings these things to IDAC, the Public Service Commission has already investigated them and made recommendations to, among others, the National Commissioner and the Minister. So even if IDAC was not aware of this investigation, what this shows you is that there are other bodies established in terms of the Constitution that are responsible for investigating issues such as irregular appointments within SAPS.

10           It is not IDAC's mandate, absent the crimes mentioned in section 7 of the NPA Act, it is not IDAC's mandate to be investigating these issues because there are other bodies that are responsible for these investigations. So what this report, all of it, shows you is that exactly what Commissioner Baloyi said last week, that the moment this came to IDAC's desk, IDAC should have said, but these are not our issues, let us refer them to bodies that are responsible for investigating these issues.

20           And there would have been no need for that summons that we see on 3360 and the annexures that follow, all the way up to 3363, because all those issues about performance assessments, about deviation, appointment deviations, all of those issues, those are matters for the Public Service Commission, not for IDAC.

**ADV SELLO SC:**     And with your leave Commissioner

Khumalo, if I may point out, at item 11 of the same report, this is a report of August 2023. So, the employment of Khumalo in that position was resolved by the PSC already in August 2023, and almost two years later, IDAC wants to revive this issue, revives the issue, culminating eventually in his arrest in June 2025. Do you see the problem of crossing lines and not performing strictly in terms of your statutory mandate?

**ADV JOHNSON:** Yes, correct.

10 **ADV BALOYI SC:** Maybe also for completeness, and it has a bearing on my earlier question about whether you met and discussed with a number of people, and I mentioned names, to mention for completeness that at paragraph 2.1, the PSC records that the complaint was lodged by Ms Mary de Haas. Do you see that at page 3437? Just I am mentioning it for completeness.

**ADV JOHNSON:** Sorry, 3437.

**ADV BALOYI SC:** Paragraph 2.1. It says the complaint was lodged on the 23<sup>rd</sup> of December 22, by Ms Mary de  
20 Haas.

**ADV JOHNSON:** I see that Commissioner.

**ADV KHUMALO SC:** Let us go back to 3445. Are you there?

**ADV JOHNSON:** I am there.

**ADV KHUMALO SC:** I am going to ask you to do three

things very quickly. Please read 7.1 into the record, and then read 9.1, and then read that date on 3446, the one that Advocacy Sello is referring us to. So please read 7.1 into the record, 9.1, and then the date in paragraph 11 into the record.

**ADV JOHNSON:** Paragraph 7 deals with findings, and 7.1 reads as follows, Commissioner Khumalo:

10                   “The process followed by SAPS during the  
                      appointment of Lieutenant General  
                      Khumalo to the post Head of SAPS, CIU,  
                      is found to be regular.”

9.1, under recommendations:

                      “Despite the determination that Lieutenant  
                      General Khumalo's appointment to the  
                      post of Head of SAPS CIU, was regular,  
                      the Public Service Commission  
                      recommends that the Minister should  
                      facilitate that...”

And I think, do I read 9.1.1 and 2?

20   **ADV SELLO SC:** Only 9.1.

**ADV KHUMALO SC:** Only 9.1.

**ADV JOHNSON:**

                      “Corrective measures be put in place to  
                      ensure sound record keeping to sensitise  
                      officials regarding the importance of good

record keeping.”

**ADV KHUMALO SC:** Then go to the next page, paragraph 11, emphasis on the date of the report.

**ADV JOHNSON:**

“Signed on behalf of the PSC by  
Professor Makanya as the Commissioner  
on the 16<sup>th</sup> of August 2023.”

**ADV KHUMALO SC:** Thank you.

**ADV SELLO SC:** Yes, Commissioner.

10 **ADV BALOYI SC:** Maybe, Ms Sello, is this part of the bundle of documents that you say you got from IDAC?

**ADV SELLO SC:** I confirm so, Commissioner.

**ADV BALOYI SC:** Okay, so what it seems, Ms Johnson, lastly, from me at least, is that your organisation had this report of the PSC as you made the decision to investigate and to send that summons on purely HR matters. This report was already within IDAC because it comes from IDAC.

**ADV JOHNSON:** [No answer]

20 **ADV BALOYI SC:** You do not have to comment, it seems to be a fact. If these come from IDAC, then IDAC was sitting with this report as you were making investigation and making the decision to charge, to create charges about the appointment issue. Thank you. Thank you, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner.

**CHAIRPERSON:** But do feel free to make a comment if you want to, Advocate.

**ADV JOHNSON:** [No answer]

**ADV SELLO SC:** Advocate Johnson?

**ADV JOHNSON:** It is irresponsible for us as IDAC, if the investigators had this, not to have brought it to my attention and for us to have had then a proper adjudication of what did we get in, what has happened in the interim, and does this still find place, because just this report, do not even  
10 worry about the mandate of IDAC, just such a conclusive report removes it from the realm of any kind of investigation.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** If I may follow up on that, again, we go to our base document, our famous section 27 affidavit. We do not have to go to it. I will read into it. It is paragraph 5.

**ADV JOHNSON:** Okay.

**ADV SELLO SC:** That one that suggested that the very appointment of General Khumalo to this position was either  
20 irregular, unlawful or otherwise. That was Mr Adams'. Now, we know that section 28 is dated the 3rd of April 2025.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** And subsequent to the issue of that section 28, IDAC is then furnished with a full documents, the suite. And as Commissioner Khumalo points your

attention to the PSC finding, is it safe to conclude that somewhere within IDAC lies a formal report, under your signature, indicating that any complaint or concerns raised by this section 27 referral, particularly in paragraph 5 of the referral or relating to the appointment or the regularity of the appointment of General Khumalo, has been put to bed?

Is there anywhere where IDAC has signed off and said we will not be pursuing that matter any further, whether or not you had the mandate, that is not the issue. But that  
 10 it has been definitively responded to and that subject is closed. Is there a document like that that lies within IDAC? Or is the investigation perhaps somehow continuing under some or other guise?

**ADV JOHNSON:** As I said earlier, Commissioners, where there are issues that have come to the fore as they have over the days, and when you look at this report as well, then the recommendation to the Head of IDAC would be that all these matters, where they are still under investigation, would have to be set aside because this is what it is.

20 **ADV KHUMALO SC:** Just remind us, the J50, the recent one that was suspended or put on hold, did it relate to the same issues? Did it relate to appointment issues?

**ADV JOHNSON:** It... because I have not engaged them in a while. But I do recall that this [indistinct] ...[intervenes]

**CHAIRPERSON:** Sorry, sorry, I will allow you to respond. I



want to say, you say you have not engaged with this in a while. This is quite recent. It was in the media, now, now, now, the intended arrest of General Khumalo. That is quite recent.

**ADV JOHNSON:** Yes.

**CHAIRPERSON:** So I do not quite understand you when you say you have not engaged with this in quite a while. Anyway, please respond to the question by Commissioner Khumalo.

10 **ADV JOHNSON:** Ja, the quite a while for me is relative. I have not done it as of recent. But, I do recall that that matter would have been about the vetting and appointment of General Madondo.

**ADV KHUMALO SC:** So it is about appointment issues, irregularity or otherwise of appointments of Generals?

**ADV JOHNSON:** No, it is more the vetting and her moving positions because of the vetting.

**ADV KHUMALO SC:** But are those issues not for the Public Service Commission to deal with?

20 **ADV JOHNSON:** And that matter is under review by a special panel. I said the ones that are not there, Commissioners, that remain under investigation, those are the ones on which I will make those recommendations as I undertook. So it is those ones, unfortunately, once a court process starts and they have now been taken on review by

the Office of the National Director with a special panel, I am not in those ones. But Commissioner Baloyi said to me, those are court matters, you have got investigations, so go look at your investigations. She did not say it in that harsher way.

**ADV BALOYI SC:** I know I said it better than that.

[Laughter]

**ADV JOHNSON:** Yes. But that was the gist. And I did undertake to do that as I have undertaken to do it now with  
10 quite a few of the other matters, that must happen.

**CHAIRPERSON:** I must say, Advocate Johnson, that I find it quite strange that you are as hesitant as you are with regards to the basis for the intended arrest. In your response to Commissioner Khumalo, you were quite hesitant. I would have thought, I mean, this was out there for all to see in the public domain and there was a lot of noise around it. For you not to be sure and to say that you have not engaged with it in a while, and eventually when you do respond, you are as hesitant as you were, I find that  
20 very strange. Why is that so?

**ADV JOHNSON:** Mmm... I am not hesitant ...[intervenes]

**CHAIRPERSON:** You were.

**ADV JOHNSON:** ...but I am trying not to...

**CHAIRPERSON:** You were hesitant.

**ADV JOHNSON:** Okay, I take the point.

**CHAIRPERSON:** You did not just rattle the response off, which is what I would have expected.

**ADV JOHNSON:** Okay, it is because I am not vested with those matters, I become overly cautious about what I am saying and do not want any negative implications. So my recollection has to be correct. That matter is still under review and I did say that as well yesterday. Lest I say something that may negatively influence the matter, not just for the state. There are people whose lives are involved  
10 and those are, they are not yet accused, those are suspects. And so I am cautious.

**CHAIRPERSON:** And I am sure you will understand why I am saying what I am saying, because you are a very articulate person and you speak quicker than I can ever hope to. So that is why I noticed the hesitancy.

**ADV JOHNSON:** Thank you, Chair.

**ADV KHUMALO SC:** I must say, Advocate Johnson, I am surprised that you are not aware of these things. My expectation would have been certainly after 6 July last year  
20 and allegations made against IDAC, that as Head of IDAC, you would be more hands-on, because the J-50 we are talking about goes to the heart of the allegation made against IDAC a year ago. So I would have expected that the Head of IDAC would say to her team, brief me on this matter so that I am up to speed. So that if I need to

account either to the Ad Hoc or to this Commission, I am fully appraised of what the situation is.

So the fact that they are still doing things and you are not sure or you are not aware what is it that they are doing, it creates a difficulty, because now even with the summonses, when you come here, you are unable to answer because all you can point to are the briefings, nothing in writing that was given to you. And it makes it difficult for us to then assess who is accountable for these decisions, who  
 10 is accountable for this conduct and if there are rogue elements within IDAC, who holds those rogue elements accountable if it is not the Head of IDAC.

**ADV JOHNSON:** I understand and I understand the shortcoming.

**ADV KHUMALO SC:** I mean before, listen, before July 6<sup>th</sup>, you know, nobody expected that there would be a Commission, that there would be the Ad Hoc and you would have to go there and answer and be referred to thousands of documents. But after July 6<sup>th</sup>, it should have been  
 20 obvious that on all these matters, I will be asked to go and explain and answer and I need to be aware of what is going on so that I am able to answer the questions that are posed.

**ADV JOHNSON:** I take your point.

**ADV SELLO SC:** Thank you, Advocate Johnson. Because we touched in passing on matter CAS number 543, that is

the second matter, that Commissioners is at file 7, starts at page 2611. Just an observation to make ...[intervenes]

**ADV JOHNSON:** Can we put away file 9?

**ADV SELLO SC:** File 9. No, I am not making any promises. It must be close by. And just for the record, that this is the file, the docket, we said it is still under investigation. It is fairly sensitive and it concerns the, I will call them the aborted J50 warrants of arrest of Generals Khumalo and Madondo. I do not know if the request should  
10 go to you, but I have noted that in this file, there is no charge sheet. That is what I note, just for the record. But what I am more particularly interested in right now is page 2613. And this is an IDAC document. And that would be the affidavit that initiates the investigation and culminates in the prosecution, correct?

**ADV JOHNSON:** That would be correct.

**ADV BALOYI SC:** Maybe whilst you are still looking at it, just to point out to you that this is one of the documents. Both the preamble statement and the affidavit, in respect of  
20 which it was suggested to Colonel Padayachee that there seems to be something wrong with the signatures there and that it looks like the signature that purports to be of Mr Adams may not be his. The affidavit is commissioned by Mr Perumal. I am not asking you to comment. I am just pointing out to you that this is what was put to Colonel

Padayachee.

**ADV SELLO SC:** And on that score, the affidavit that triggered this investigation into General Madondo's security clearance, it is from the same batch of affidavits commissioned by Mr Perumal on the 6<sup>th</sup> of January. Do you know that?

**ADV JOHNSON:** Yes, in Cape Town, Pretoria.

**ADV SELLO SC:** So, just as a matter of interest, if that affidavit is invalid, as a lawyer, what impact does it have on  
10 anything? What would that fact, what impact would that fact have on anything, if at all?

**ADV JOHNSON:** [No answer]

**ADV SELLO SC:** And I ask that because my reading of the original section 27 does not single out General Madondo in the manner that this supplementary affidavit does. So, according to the section 27, Mr Adams did not suggest that General Madondo did not have a security clearance, unless I have over read this and I may very well have skipped it. But I do not see it in the section 27. I do not see it in the  
20 other, the set of four supplementary statements commissioned by Investigator Rapetsu in the presence of Mr Perumal and Advocate Ramsamy.

I find it instead in the affidavit commissioned by Mr Perumal in Cape Town and Pretoria simultaneously, that the other two, the validity of which the other two deny. And my

interest is where that information comes from, that you should be investigating specifically General Madondo's security clearance, because that was never part of the complaint.

**ADV JOHNSON:** So, Counsel, the question being that if this one, if this A1 of Adams is false, what do we make of the rest of the investigation?

**ADV SELLO SC:** No, all I am asking is what would be the consequences of such a finding be, from a legal point of view? On anything, you make your choice what it would impact.

**ADV JOHNSON:** If the statement is false, and because of the statement you derive the evidence that is derived as a result of, then it taints that investigation. Unless there is other independent evidence, that even if you did not show anyone this A1, and you just approached them to say, are you aware, are you aware that the transfer of Major General Madondo from KZN to CI, assisted by General Khumalo and other Generals, knowing that she failed to secure a top secret clearance.

If you took just maybe that part, because that is what it relates to, and you are able to find persons who can independently give you that evidence, and it is objective evidence, that evidence cannot be tainted. What is the direct evidence out of this? Because if I look, and because

there is evidence to support the allegations.

**ADV SELLO SC:** So it is not affected by the principle of the fruits of a poisoned tree?

**ADV JOHNSON:** And that is what I said, it depends how far this goes, what derived from it is fruit of the poisoned tree. Is it everything, or is there independent evidence that you would have been able to glean? If I could just use the example, Commissioner Khumalo, and then maybe it might either fall within the fruit of the poisoned tree, or girl, you  
10 got it all wrong. And please do not tell the girl she has got it all wrong, I am trying to cross reference. The question is very clear, the averment is very clear.

“Allegations related to the questionable lateral transfer of Major General Madondo from KZN to CI head office by Lieutenant General Khumalo, who was assisted by other senior Generals to do so, knowing that she failed to secure a top secret clearance for many years.”

20 I find something for me that is independent, and for me, the independent is, now I do not know what these pages are marked, I think it should say 2-8-11-11, if you have something like that, in the same file.

**ADV SELLO SC:** What page?

**ADV JOHNSON:** 2-8-11-11, in the same file.



**ADV SELLO SC:** And what about that page?

**ADV JOHNSON:** It refers to an affidavit, and here you are going to guide me, this is the one that we were not talking about names publicly, am I right?

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** So there is a statement from a very senior official.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** And what the senior official is saying, this  
10 person, Madondo:

“...resorted under my district, was laterally transferred to CI, after a request from General Khumalo, the lateral transfer was approved by the National Commissioner.

What is important is, I was not aware, nor did anyone inform me, that Madondo did not have a top secret clearance, and was also refused a top secret clearance while  
20 she held the rank of Brigadier, including the time when I, that is this deponent, chaired a promotional panel, which resulted in her appointment as a Major General in the post, in that district.

Similarly, I was not aware that Madondo

did not have a top secret clearance when she was recommended for the lateral transfer to the Division CI. I was also unaware that her application for a top secret clearance was refused.”

**ADV KHUMALO SC:** And assume all of that is correct. Assume all of that is correct. What does it have to do with IDAC? Is it IDAC's mandate to investigate lateral transfers within SAPS, and whether they were regularly done or not?

10 **ADV JOHNSON:** It was the issue of the vetting.

**ADV KHUMALO SC:** But does IDAC investigate whether somebody's vetting is correct or not? Is that IDAC's mandate?

**ADV JOHNSON:** No, and this is what I am ...[intervenes]

**ADV SELLO SC:** May I piggyback on that? We have taken the liberty of projecting section 7. Please indicate, accepting the correctness of the affidavit that you have, part of which you have read into the record, where do we fit in, in that section 7(1)(A)?

20 **ADV JOHNSON:** It would trip me up, as Commissioner Baloyi already did, in relating, you have the top, and relating to, not and. And so where ordinarily one looked at her fraudulent utterances, the fraud she perpetuated by indicating that she did have – and it is important to note, because the person whose affidavit we read at 2811 is very

clear. I would not have proceeded with this process knowing that. But it does not, given the discussions we had the other day.

**ADV SELLO SC:** Okay, then can I just follow on that? You are saying the fraud she perpetuated, that then speaks to General Madondo. What does General Khumalo have to do with that? Does the docket suggest he is part of that fraud as well?

**ADV JOHNSON:** The suggestion is he knew she had no  
10 clearance, and that she had pending matters, which was the basis on which she could not be properly vetted and/or transferred, which is supported by ...[intervenes]

**ADV SELLO SC:** But, sorry, then to bring it into 7, he must have known of the fraud.

**ADV JOHNSON:** He must have known.

**ADV SELLO SC:** Because it is a fraud.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** So are you saying the docket suggests that General Khumalo knew of the fraud, was complicit in  
20 the fraud? Is that where the docket will land us?

**ADV JOHNSON:** That is what the allegation was, yes.

**ADV SELLO SC:** And there is a basis for that, I take it, in the docket?

**ADV JOHNSON:** That is correct.

**ADV SELLO SC:** Okay.

**ADV JOHNSON:** Should be there.

**ADV SELLO SC:** Chair, I see it is one o'clock. Might this be an appropriate time?

**CHAIRPERSON:** Yes, it is. Oh, sorry, sorry.

**ADV JOHNSON:** Can I ask a question?

**CHAIRPERSON:** Yes.

**ADV JOHNSON:** I hope we finish today. I would really like us to finish today. You know, I am not being disrespectful. I have been – my employment is terminated. I have not  
10 been to the office yesterday or today to ensure that, you know, this is government. You know, the moment they tell you, they say, can you please just hand us your stuff and get out the door? And I have not been able to get out the door. And so I am hoping that even if we have to take a little longer, if we could be of a mind to finish today.

**CHAIRPERSON:** Ms Sello?

**ADV SELLO SC:** Chair.

**CHAIRPERSON:** How long do you think we will be this afternoon?

20 **ADV SELLO SC:** Oh, I thought the Chair was going to ask me an easier question, which is whether we will finish today. The answer to which would be a yes. I will commit to the time.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** Not too long, Chair. We should finish

around our normal scheduled finish time or close thereabouts.

**CHAIRPERSON**: All right, all right. I would not be making an issue of it. It is just that Commissioner Baloyi has a Judicial Service Commission engagement, but she will attempt to attend to that issue. Let me say this so long, Advocate Johnson. We hope to finish and we want as much as possible to come to your assistance in that regard.

**ADV JOHNSON**: I appreciate it and thank you.

10 **CHAIRPERSON**: Thank you. Let us adjourn and come back at 2 p.m.

**ADV SELLO SC**: Thank you, Chair.

#### **INQUIRY ADJOURNS**

#### **INQUIRY RESUMES**

**CHAIRPERSON**: Yes, just before that, Advocate Johnson, we are able to sit late, so we should be able to finish today, I hope. Thank you. Yes, Ms Sello.

**ADV JOHNSON**: Thank you, Chair. Chair, could I ask that you excuse me at quarter past 5? I may rejoin you later. I  
20 have an engagement that is set down for half past 5. I thought we would finish round about half past 4. If you are not finished when I am done, I will come back.

**CHAIRPERSON**: Let us see how things go. Thank you.

**ADV JOHNSON**: [Indistinct]...

**CHAIRPERSON**: Thank you. Thank you.

**ADV SELLO SC:** Thank you, Chair. Advocate Johnson, before we continue these matters for housekeeping, Chair, you gave us an assignment. On my end, I was still trying to retrieve these articles that the Chair had asked for. If you could give us perhaps another 15 minutes to half an hour, we should have a report back for you on that.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Thank you, Chair.

**CHAIRPERSON:** Thank you.

10 **ADV SELLO SC:** But otherwise, Advocate Johnson, you recall when we broke for tea, Commissioner Baloyi had specifically requested documents or information pertaining to the former Minister Bheki Cele's siphoning, I think, of the secret fund, and you were going to make a call, if I recall, to somebody in the office. Perhaps Commissioner Baloyi can restate the request and then you can tell us where you landed with that. That was before tea. When we came back, I clean forgot to enquire how far your efforts have gone.

20 **ADV BALOYI SC:** You do remember what it was?

**ADV JOHNSON:** I do remember.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** And what I did together with Advocate Mhaga from the NPA, we did call Mr Sesoko and because it is not within his direct purview, we gave him the question,

told him what it is the Commission is looking for, and I told him who in the team might have it and he undertook to engage them, find it if he can, and he will then liaise directly with Mr Mhaga. But we had that conversation at lunch.

**ADV BALOYI SC:** All right, so it is still outstanding.

**ADV JOHNSON:** It is still outstanding.

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

**ADV SELLO SC:** Thank you, Advocate. And I think before  
10 we part company today, we would appreciate a clear indication, perhaps through your legal representatives on how best to deal with outstanding documents ...[intervenes].

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** That are within IDAC in light of the fact that you are now retired. Will you be able to guide us in that regard?

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** Okay.

**ADV JOHNSON:** And I will also be available when Counsel  
20 wants to message me just to hear, I am looking for this, direct me wherever. I will be happy to do that.

**ADV SELLO SC:** Thank you. Commissioners, I am ready to move off that section 28 summons. As I understand section 28, all summonses are signed by yourself and I think that has been at least my experience in so far as the dockets

are concerned, the dockets before us.

**ADV JOHNSON**: Yes, in most matters, but in other matters, and it all depends on availability, Deputy Directors of Public Prosecutions can also sign the summons.

**ADV SELLO SC**: So is that a delegated authority or is that an original authority they have?

**ADV JOHNSON**: They have a delegated authority because it is incidental to prosecutions and investigations.

**ADV SELLO SC**: So would there be a written delegation of  
10 authority from you?

**ADV JOHNSON**: They all have a delegated authority, yes.

**ADV SELLO SC**: No, I am interested in whether it is a written delegation of authority ...[intervenes].

**ADV JOHNSON**: Yes.

**ADV SELLO SC**: That we can ask for.

**ADV JOHNSON**: Correct.

**ADV SELLO SC**: So is it a general authority that you issued to all or specific persons? And if so, when is it renewable, on a periodic basis? How does it work?

20 **ADV JOHNSON**: In terms of section, I think it is 20 of the NPA Act, we delegate authority and it is a once-off delegation, unless the rank changes and you have to upgrade that authority. And of course, when new persons come into the fold and the authority for different functions delegated to the different functionaries. But the main gist



of all those authorities is the ability to institute prosecutions for and on behalf of the State and to conduct investigations incidental to those prosecutions.

**ADV SELLO SC:** I ask because I am looking at section 28(6) which I understood that most of these summonses that we have considered are issued in terms of the section 28 summonses.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** Have you located your copy?

10 **ADV JOHNSON:** I have a copy.

**ADV SELLO SC:** I read section 28(6) and it states that:

“For the purposes of an investigation ...”

Remember we are in section 28.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** -:

“(a) the Investigating Director may summon any person or ask for any document or book in their possession or under their control; and

20 (b) the Investigating Director or person designated by him or her may question any person.”

Do you see that?

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** So most of the section 28 summonses I

have seen, at least in the dockets, are signed by you, just like the one we were considering just before lunch. Now, section 27, 28(7), provides that a summons referred to in subsection (6), which is the one we have just looked at, shall be, and it states (a), (b) and I am interested in (c), be signed by the ID or a person authorized by him or her. So there seems to be a requirement, if it is not signed by you for specific authorization by you, which of course implicit in that is that you delegated the power and as we know with  
 10 the rules of delegation, it must be in writing.

**ADV JOHNSON**: Correct.

**ADV SELLO SC**: So it would be fair to expect that if we come across a summons that is signed by anyone but the ID, there would be within IDAC records that delegation to be compliant with sub (7).

**ADV JOHNSON**: That is correct.

**ADV SELLO SC**: There would be a written delegation.

**ADV JOHNSON**: Yes, and that delegation, if I may, Counsel, is in terms of section 20 of the NPA Act, power to  
 20 institute and conduct criminal proceedings.

“The powers contemplated in section  
 17(9)(ii) and all other relevant sections of  
 the Constitution to –  
 (a) institute and conduct criminal  
 proceedings on behalf of the State;

(b) carry out any necessary functions incidental to instituting and conducting such criminal proceedings; and  
(c) discontinue criminal proceedings.”

So they have a section 20 authority and that allows them then to deal with functions incidental to investigations and prosecutions of which ...[intervenes]

**ADV SELLO SC:** I read 20 to speak to the institution and conduct of criminal proceedings.

10 **ADV JOHNSON:** On behalf of the State.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** And not investigations. You recall, as I understand IDAC has got both powers.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** Power of investigation and power of prosecution.

**ADV JOHNSON:** Yes.

20 **ADV SELLO SC:** And section 22, or my reading relates to criminal proceedings, which is the prosecutorial part of the NPA. Section 28 that we have dealt with, you remember we dealt with section 28(1) and 28(13), which speaks to investigations and that particular section, insofar as investigations are concerned and the issuing of summonses prescribes that a summons must be signed in 7(c), must be

signed by the ID or a person authorized by him or her.

**ADV JOHNSON**: Correct.

**ADV SELLO SC**: My interpretation is that that is a separate now authorization.

**ADV JOHNSON**: Ja, correct, yes.

**ADV SELLO SC**: So my question was, is it fair to assume where there is a summons signed by anyone but yourselves that there would be a record of the delegation of that power to that specific person within IDAC?

10 **ADV JOHNSON**: That should be, yes.

**ADV SELLO SC**: That is a fair assumption. Please turn to, we are still with file 9. I am at 3527. This is CJC397. Page 35, no, did I say 9? Sorry. 3527. Okay, thank you. I thought I had mentioned the wrong page. 3527, that is CJC397 and you see at the top of that document it says it is a summons in terms of section 28(6) read with 28(7) of the NPA Act, which are the subsections we just had regard to now. You confirm that?

**ADV JOHNSON**: I confirm.

20 **ADV SELLO SC**: I see this is a summons issued on the 11<sup>th</sup> of May 2026. It is signed by Advocate S Manilall. And if we go to page 3530, you have a main heading, introduction, under AB, background. And at 5 it says:

“The information required from you  
relates to the conducting of an

investigation into serious fraud and corruption committed within the South African Police Service. This investigation was authorized by the Investigating Director in terms of section 28(1)(a) of the NPA Act into allegations of the commission of the following offences: (a) fraud; (b) corruption.”

Which investigation is this? Perhaps let us move  
 10 on to Annexure B. It might shed light. Annexure B provides the particulars pertaining to this investigation and states that:

“The PKTT team that travelled to the Western Cape for the arrest of Mr Fadiel Adams, and in that regard IDAC requires certified copies of all travel documents for the PKTT members who travelled to the Western Cape and were involved in the arrest of Mr Fadiel Adams for the  
 20 period 30<sup>th</sup> April to the 8<sup>th</sup> of May 2026. Travel documents must include all applications, itineraries, SAP501’s, approvals. The members would have departed on 30<sup>th</sup> April 2026 and returned on the 8<sup>th</sup> of May 2026, and it is signed

by Advocate Manilall.”

Which investigation is this where IDAC issues a section 28 to, demanding details and documents pertaining to the PKTT team's travel to the Western Cape to arrest Mr Fadiel Adams.

**ADV BALOYI SC:** Maybe to point out at that 3527 at the foot of the page that the investigator is Brian Padayachee.

**ADV JOHNSON:** This is somewhat confusing, because it looks like IDAC is asking the police to indicate who went to,  
10 I would assume it is on the arrest of Mr Adams, who went to arrest him and what it costs. And that is not part of anything that I am aware of we are doing at IDAC. This is not brought to me. This is signed by the Deputy who are delegated to sign. But I cannot see the relevance of why we would ask who travelled. A different conversation, Chair, might have been if one wrote to the National Commissioner indicating this is a witness, we would like to know what charges he faces, something like that, a very generalized, because we want them to know he is our  
20 witness. They have taken him. But other than that, I cannot legitimate this because I do not know why this happened.

**ADV SELLO SC:** Even that, why would IDAC put forward such an inquiry, because it suggests that if the individual is your witness in some or other matter, he is then above the

law and cannot be acted upon by any arm of the law enforcement. So what would be the basis for the inquiry unless it is interfering with that person in that capacity as a witness, which you would have to spell out in that communication.

**ADV JOHNSON**: The communication would merely be to indicate this person is a witness in our matters and we are informing you. And then that stays where it is. It becomes important when you have a witness who is subsequently  
 10 arrested, you do inform the other team. We have done that in other matters as well. If you take, and not to go into his details because he has yet to come to the Commission, when Mr Matlala was arrested in Johannesburg on other matters, we were already busy with a corruption matter.

We informed that prosecution team, colleague to colleague, I just would like you to know IDAC is only vested with this matter into Mr Matlala, and we are not aware of what you are doing, but if you need anything, ours is purely a corruption matter and *vice versa*. That way, either teams  
 20 get to collaborate, we do not trample on one another's toes, but it is a collegiality we have always afforded one another.

**ADV BALOYI SC**: If you do not know anything about this, it then suggests that there are investigations that are being conducted by an organization that you do not know about. Is that how it operates? Is that how IDAC operates, that the

head may not know that there are investigations against certain people and in certain matters that are happening?

**ADV JOHNSON**: Not in that sense, but if they are already busy with an investigation and within that investigation team, they see fit to seek information that they think may help their matter, they are allowed to go ahead as investigators and prosecutors. And so I do not know why it happened in this instance.

**ADV BALOYI SC**: And that would be part of an  
10 investigation. It flows from an investigation, right?

**ADV JOHNSON**: Correct.

**ADV BALOYI SC**: But you are not aware that there is an investigation into the arrest of Mr Adams.

**ADV JOHNSON**: No ...[intervenes].

**ADV BALOYI SC**: You are not aware that there is such an investigation?

**ADV JOHNSON**: No, I did see on television that Mr Adams was being arrested. That is a matter that must get dealt with wherever it gets dealt with. So for us to want to know  
20 anything, I think it is not just about the anything. It was the detail of what was being sought.

**ADV BALOYI SC**: Yes.

**ADV JOHNSON**: And what would you do with this detail ...[intervenes].

**ADV BALOYI SC**: Why do you want the names of people



who arrested him?

**ADV JOHNSON**: Correct.

**ADV BALOYI SC**: And you say you were never made aware that there is such an inquiry or there is such an investigation that IDAC is looking into.

**ADV JOHNSON**: Correct.

**ADV BALOYI SC**: Thank you.

**ADV JOHNSON**: I have no idea why a team would have been deliberated on something like this and not brought it  
10 to the attention of the Head if it was going to make a difference to cases we had where he is a witness.

**ADV BALOYI SC**: Yes.

**ADV JOHNSON**: That is different. But even when you look at the level of the detail that he is asked, it can in no way further be investigation that we have.

**ADV BALOYI SC**: Thank you. Thank you, Ms Sello.

**ADV SELLO SC**: Thank you, Commissioner Baloyi. Based on your response, does reading this section 28 summons and the detail contained therein as regards what IDAC  
20 wants, have we not crossed the line of interference? Is this not interfering with the affairs of SAPS as law enforcement agencies? In circumstances where IDAC does not know, at least from these summons, why that particular individual was arrested. Is this not rendering SAPS accountable to IDAC for decisions that SAPS takes? And if so, what would

be their statutory entitlement to that?

**ADV JOHNSON**: It does not make sense at all and that is why I said there is no requirement, there is no legal requirement. They may have used a legal document to procure this or attempt to procure this, but there is no legal basis for the existing investigations in IDAC where Mr Adams made a 27 referral and however many supplementary A1's. It cannot take the matter further knowing who arrested him, why they arrested him, and so on.

- 10 **ADV SELLO SC**: So would it be fair then, based on the face of this document and your responses, I take it you have no knowledge of the summons. You never issued, you never authorised the issue of such a summons.

**ADV JOHNSON**: Correct.

**ADV SELLO SC**: So the Commission must turn to the person who signed it, which is Advocate Manilall, together with his investigator as reflected at page 3527, Mr Brian Padayachee, who is the senior investigating officer. The answer must lie between the two of them.

- 20 **ADV JOHNSON**: Correct.

**ADV SELLO SC**: We shall do so, thank you.

**ADV BALOYI SC**: May, maybe just to complete this. You will see in the last two pages that the SAPS does indeed respond and now we know Mr Manilall and IDAC have the names of the people that affected the arrest. You see that

at page 3532 and 3533. So whatever purpose he sought these names for, he has now been given the names and maybe he will come and tell us what he did with the names. Thank you.

**ADV SELLO SC:** And having worked through these documents, did it happen often when you were the ID that investigations are initiated without your knowledge? You will recall that I think when we started our engagement last week, I had expressed a concern that it sounds like  
10 everyone within IDAC was on a frolic of his own and running their own show and this is one such case that brings that to the fore. I want to know, are there many of such, to your knowledge, that are perhaps lying about in IDAC? If this particular summons is anything to go by, I would suggest that they should be.

**ADV JOHNSON:** In all fairness, Chair, there is, the teams work within a very structured approach with their matters. They will not come to me with every section 28, but the 28 has to have purpose. And I haven't stumbled across one  
20 where even when we have a discussion, then it is out of sync. Sometimes they may have asked for something extra or something less, but it is within the framework of what they were allowed to ask in order to further that investigation.

And where I have to make a slight qualification is, I

am not sure what drove this and so they would have to answer, why would we need that information? Where does it take the Adams complaints, regardless of whether we have put them now to the side and whether the section 27 is substantial, insubstantial, what will we do with this? What do we do with this?

**ADV SELLO SC:** Where could it possibly take the Adams complaint?

**ADV JOHNSON:** Nowhere. As we have it, nowhere.

10 **ADV SELLO SC:** Yes.

**ADV JOHNSON:** And that is why I am saying that now, Commissioner Baloyi has shown at the last two pages, having all these names and knowing whether approval was granted or not, knowing whether it cost 5 cents or R5,000.00 does not take the Adams matter or matters any further than before he got arrested.

**ADV SELLO SC:** And knowing who from PKTT affected the arrest as well ...[intervenes].

**ADV JOHNSON:** Yes.

20 **ADV SELLO SC:** Does not take ...[intervenes].

**ADV JOHNSON:** The matter any further.

**ADV SELLO SC:** So is it your testimony to this Commission that this actually was the first time such occurred? Can you confidently say so? And if the answer is potentially yes, what why would what would give them should I say the

strength or the bravery to do just what they did in May 2026? How do you land there as the ID? And I will add to that, if I may, you have been an ID for a few years. If you were in office, what would be the consequences of this?

**ADV JOHNSON**: Well, first of all, they would have to explain why they went off investigation. They would have to show where it was in the investigation plan.

**ADV SELLO SC**: And where does that help you if they have gone off investigation?

10 **ADV JOHNSON**: Once they have gone off investigation, then steps would have to be taken because ...[intervenes].

**ADV SELLO SC**: No, sorry. You, i apologize. You start by saying why they went off investigation.

**ADV JOHNSON**: Yes.

**ADV SELLO SC**: And I am saying the why is irrelevant. As based on your and my discussion, we have established that there was no such investigation that can justify this summons. Now I am interested in consequence management.

20 **ADV JOHNSON**: So in terms of the consequence management, either, I would have to first determine if this was the first time and hope to God that it is. But if it is, then it is a matter of him being given a written warning or this actually in this way, and now that we do have the IDAC Judge is to perhaps refer it there because this is irregular

and unprocedural in the manner in which it was done. It did not have a, we kept talking about the section 27 as a basis for things.

Where is the basis for this? So what is the process you follow when you do not have a basis? And why did you embark then on a process that isn't allowed when you do not have a registered, whether it is an inquiry or an investigation or an authorized matter, and that would be something that would have to be escalated for an  
10 investigation outside of the framework of IDAC, which is the IDAC Judge.

**ADV SELLO SC:** Is the ...[intervenes].

**CHAIRPERSON:** Without – oh.

**ADV SELLO SC:** Sorry.

**CHAIRPERSON:** Without taking issue with Ms Sello's focus, I want to suggest to you that the why is actually relevant because there is many, and underlying many, departures from the norm may actually be symptomatic of improper motives on the part of IDAC. Do you accept that  
20 suggestion?

**ADV JOHNSON:** I accept the suggestion.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Thank you, Chair. And if I may just go back on what you said, is this a question of improper investigation or outright unlawful? It is an unlawful

investigation, if not in terms of section 27 and section 28(1). We settled that on the first day. So how do you even suggest giving a written warning for unlawful conduct? IDAC is a super powerful institution. It is the only institution in the country which has got the power to both investigate and prosecute.

**ADV JOHNSON:** That is why I corrected myself and said actually this matter must go to the IDAC Judge because you must first look at the basis and there is no legitimate basis,  
10 therefore process of IDAC has been deviated and for the Judge to then ...[intervenes].

**ADV SELLO SC:** Why must, where is the ID in this? At which point the ID institutes at least disciplinary process proceedings with a view to terminate the employment of these people who abuse the immense powers held by IDAC to do what they did here in section 28. Why must the Judge deal with those issues?

**ADV JOHNSON:** So in terms of the disciplinary processes for IDAC, they now resort under the Judge. Judge will look  
20 at it. Judge can then recommend to the Labour, ordinarily Chair and Commissioners, we would send it to two places, Office of Ethics and Accountability and to the Labour, and they would run the parallel matter. With IDAC, the IDAC Judge oversees the IDAC staff.

He is the first port of call. You refer it, you refer

matters to him. He can then decide, look, we are going to proceed on this part, look at criminality. In the meantime, Labour, you can institute action because this is clearly a labour issue, but it is looked at holistically and the Judge engages both the Office of Ethics and Accountability as well as Labour. But he is the final arbiter and the conduit through which these matters go.

**ADV BALOYI SC:** Can I just add that, you know, it is not just irregular, and I think you will agree with me, it is not  
 10 just irregular, it is in fact an abuse of the section 28(6) and (7) power and process. So it is much more serious than an irregularity. An irregularity can be, some irregularities can be, ja, can be condoned, can be excused with an I am sorry, you know, I misunderstood. But this is an outright abuse of a process that is prescribed by law for ulterior purposes. You accept that?

**ADV JOHNSON:** I accept that, Commissioner.

**ADV BALOYI SC:** Ja, thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. And  
 20 you, on your first day of testimony, you touched on this section, section 29A, which reads:

“An investigator may, subject to the control and direction of a head of an Investigating Directorate ...”

In this instance, where is the ID's control and



direction? When you have a patently unlawful section 28, presumably informed by an unlawful investigation, and your solution is to direct it to the Judge, where do you exercise that control and direction, unless it has to then be accepted that that investigation was done, that unlawful investigation was initiated and implemented with a concurrence of the ID, because the solution that you offer somehow takes the Head of the Investigating Directorate out of the picture and absolves them of responsibility.

10           At the very section you relied upon, I think on your first day, section 29A(1), says:

“Every investigator may, subject to the control and direction of the Head ...”

Where do we find that control?

**ADV JOHNSON:** In this instance, we cannot look for the control of the Investigating Director because it is done without the knowledge of the Investigating Director. So I had no control over this situation.

**ADV SELLO SC:** So the ID failed to exercise control over  
20 the institution.

**ADV JOHNSON:** The ID cannot fail to exercise control over that which she did not know. It has now come to my attention and then we exercise control in the manner in which I suggested, Commissioners, that it then be escalated to the IDAC Judge.

**ADV SELLO SC:** Okay, I would like to move off this topic to a slightly different one. And for that purpose, I would invite us to go to file 3, where we are in the *Ad Hoc* transcript. I think I am not closing file 9 yet. No, I am not. In particular, please go to page 586 and midway there, page there, this is an engagement you had before the *Ad Hoc* with Mr Nqola and I am reading from, I think, literally midway, where it says, Mr Nqola says:

10                    “There is an allegation that IDAC actively participating in a well-coordinated attack against General Mkhwanazi, General Masemola, and General Khumalo. Are you aware of that allegation?”

To which you respond:

20                    “I have heard the allegation. There is no truth to the allegation. There are criminal matters that are in the IDAC space. If all that IDAC wanted to do was to go out on a witch hunt, nothing precluded IDAC from arresting and placing both General Mkhwanazi and Masemola on the court roll when I took office in 2022 or any time from then till now. We did not do that because there was not sufficient evidence in the matters

we have. There is also no witch hunt against Lieutenant General Khumalo, because there were no matters brought to IDAC prior to the referral by Mr Adams.”

And Mr Nqola asks:

“Do you not think the manner in which the IDAC responded to Mr Adams' complaints is actually feeding that narrative?”

Now, what we dealt with in the morning in large part arises from, and from yesterday, Mr Adams' complaint. and including this latest section 28 summons against PKTT, which you had denied that IDAC was investigating and it turns out that it was. Surely with the wisdom of our, ja, this is the Commissioners and myself, engagement with you, you must accept that Mr Nqola was right, that the manner in which IDAC responded to Mr Adams' complaint at the very least is feeding the narrative and based on the evidence, I will suggest that the narrative is actually true, that there appears to be an active coordinated attack, at least against General Khumalo, that much we have established. General Mkhwanazi, not yet, but to the extent that he is associated with PKTT, perhaps. General Masemola, we have not canvassed that. What would your comment to that be?

**ADV JOHNSON**: Yes, I think that if we look at, if we look at the matters in their totality and we also look now that this one, Commissioners, 3527, really bothers me, then the assertion that, or the conclusion you draw makes reasonable sense. And whilst it did not, it did not, and in all honesty, at the time, what I said is exactly how it was. And as you look at some of the things that have now come out from parallel statements, et cetera, et cetera, there are dots to connect, unfortunately.

10 **ADV SELLO SC**: Yes.

**ADV BALOYI SC**: It is not just 3527 that feeds ...[intervenes].

**ADV JOHNSON**: Sorry, Chair.

**ADV BALOYI SC**: It is not just 3527 that feeds into that suspicion. There is also the summons that you signed where there does not seem to be any basis for the inclusion of the PKTT. So that is another dot that feeds into the suspicion of the PKTT being targeted. You accept that?

**ADV JOHNSON**: I accept that.

20 **ADV SELLO SC**: Thank you, Commissioner Baloyi. Staying with the transcript, let us go to page 592. The same point is revisited by Ms Sangoni and Ms Sangoni enquires from you:

“Advocate Johnson, were you saying that  
you were investigating General Masemola

and General Mkhwanazi or you investigated them and found no evidence?”

Your response:

“To be clear, there was an investigation in which both are implicated, a matter arising out of IPID. There is insufficient evidence for me to move against the both of them.”

10 I will pause there. My first question, what are these matters arising out of IPID and what do you mean they arise out of IPID?

**ADV JOHNSON:** Counsel, when you and I consulted, I did indicate that when I first took office in March 2022, there were already some IPID investigators at the then ID and they had come over with their matters. I sought to find, I just want to find a letter that I can ask that it be shared. If I could just first indicate what the letter says, Commissioners, and then I will hand it over for them to just  
20 make copies.

I did indicate to Counsel that when I took office there were IDAC personnel and IDAC matters in IDAC, but it had been borne out, Chair and Commissioners, by a letter written, and this was the only document I could get, and Mr Sesoko did look for other documents, but he was part of

that process, and he would be able to elaborate if there is a need.

But my predecessor wrote to the Acting Executive Director of IPID on the 31<sup>st</sup> of October 2019, wherein the gist of the letter is that there are matters currently in IPID that fall within the mandate of IDAC and in terms thereof, certain cases have been identified and the request is for those matters to come over to IDAC together with the investigators who had those matters. At the time in 2019,  
10 we must bear in mind that the ID was created by a proclamation, it is not permanent, it is unable to recruit investigators permanently.

And so any investigators the ID would have required would have been what they call secondments or duty reassignments. So she asked for these matters to come over and for those investigators to be brought with those matters. And in fact, investigators did come over with the matters that they came over with and this is the one letter that I could find where the request was made and to  
20 whom the request had been made.

**ADV SELLO SC:** So just for the record, who is the author of the letter and who is it addressed to?

**ADV JOHNSON:** It is addressed to the Acting Executive Head of IPID at the time, and it was addressed by Advocate Hermione Cronje, who was the Investigating Director,

Commissioners, at the time.

**ADV BALOYI SC:** And do you know who was the Acting Executive Head of IPID at the time, does the letter say?

**ADV SELLO SC:** Make copies. Apologies.

**ADV BALOYI SC:** We can pause.

**ADV JOHNSON:** We can pause that one. Yes, but it would, from what I then found out, that exercise did in fact take place and so when IPID came over, they came over, Counsel, with matters that would have dealt with corruption.

10 And in the main, because they are IPID, it was corruption matters in the South African Police Services. And much of these were, Commissioner Baloyi, Supply Chain Management issues, corruption, PFMA and all of those things.

**ADV BALOYI SC:** Okay. It brings me to a question about which could have been asked much earlier, and it is a question about how IDAC takes over matters from other agencies, matters that fall within the jurisdiction of those agencies. So you took over dockets, for example, the  
20 Orlando dockets, the Langlaagte dockets, all of those, they do fall within the jurisdiction of the SAPS.

**ADV JOHNSON:** Correct.

**ADV BALOYI SC:** You took them over and investigated them. Now we know that IDAC, in its former formulation, took over matters from IPID which fall within the jurisdiction

of IPID. I imagine there are matters which fall within the Hawks. I do not know if you have taken over any, but which also the Hawks is qualified. Surely there must be a protocol that even if it is a common understanding, not written down, but an understanding amongst the Heads of the agencies about what, that regulates that ability and power to summon and demand or request, if you like, matters that are sitting and properly so with another agency. What is that that governs that and that would have  
10 enabled you, for example, to demand, and I use the word demand quite deliberately, to demand the files from SAPS, to take over the files from IPID?

**ADV JOHNSON:** I think it is the protocols with which we had worked over the years and it became accepted practice, but I do believe that in some instances, and I do speak under correction which ones, there are also memorandums of understanding or service level agreements just to ensure not just the smooth working but legitimacy for why we are asking from somebody else. So across the board, there are  
20 those working relationships. There is even, for example, a tripartite between SARS, the NPA, and I think the SIU. So they have that.

**ADV BALOYI SC:** Ja, I guess what I am asking is, is it a function of, oh, I like this matter, IDAC likes this matter, which IPID is perfectly qualified to deal with, is it simply



IPID, you know, can decide we like this matter and so we want to take it over and you write to your counterpart and you say bring it over and they have to bring it over because that is the governing rule. Or is it much more nuanced or much more sophisticated than that as in it must relate to something that you are dealing with, so you do not just go about fishing for people's dockets, but it is related to something that you deal with.

**ADV JOHNSON:** Correct. So if one looks at the letter that  
10 my predecessor wrote, she did set out why those matters should come to IDAC. And I would assume that if the counterpart to whom she wrote felt, we get you, but we are on it, we are good, if we need resources, we would rather ask you for resources, but we are good on ours. They did not do that. They gave over the matters, plus they gave over the investigators, their very own resources to come and do the investigations in the then ID.

**ADV BALOYI SC:** Yes, thank you. We will see when the letter comes back. Thank you.

20 **ADV SELLO SC:** And it has gone for copying, thank you. Let us agree on one thing. The files and the investigations are owned by the institution, which has the mandate to investigate. No investigator owns any investigation.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** So must I take it that the letter, when it

does come, is going to specify which matters precisely are transferring from IPOD to IDAC, or it does not specify which matters, therefore, leaving it open to what you often refer to as their matters for the investigators themselves to determine, I like this file, I am taking this one. What must we expect from the letter?

**ADV JOHNSON:** In this letter, which was the only one I could find, was where she wrote to them, said why it should be in the IDAC mandate, and then identified certain  
10 investigators that must come over with the matters. I guess then those investigators already had specific matters that she had identified to fall within the mandate and they would have come with those. Mr Sesoko and I tried to look for any other engagements. In fact, he did call IPID to see if they could find their letter where they then say, these persons are coming over with these matters. We do not have that letter.

**ADV SELLO SC:** And your ...[intervenes].

**ADV JOHNSON:** [Indistinct]... have the persons who came  
20 over.

**ADV SELLO SC:** Your response also seems to place emphasis on the investigators and their matters. My question plays emphasis on the matters. Does that letter identify them, because when IPID was seized with those matters, it had the mandate to investigate. The

establishment of IDAC, an acquisition of certain power by IDAC did not strip IPID of its original mandate, as I understand the law, unless you can show me a provision in the Act, in any Act that stipulates that henceforth the nature of these matters will fall strictly within the purview of IDAC only.

I am not aware of such. So if it had the authority, even after IDAC was established, it retained the authority, so I am trying to understand how the investigation then  
 10 transfers to IDAC. That is why I say the emphasis cannot be on the investigators, it can be on, it can only be on the investigations themselves. And that letter I then expect would have identified the respective investigations that IPID transfers to IDAC, because having effected that transfer, then IPID no longer bears responsibility for the further execution of those investigations and acting upon any outcome.

**ADV JOHNSON:** If I could just, so, in paragraph, apologies, Commissioners, in paragraph 3.1, my predecessor writes:

20                   “With reference to my letter with subject request for a meeting to discuss the operational cooperation between the Independent Police Investigative Directorate and Investigating Directorate Corruption ...”

And there is a reference number and date 16 June 2019.

“I have identified a number of cases that I understand are already being investigated by IPID. I hope to prioritize them as short-term, medium-term and long-term cases for the ID. Given the sensitivity of the matters on the list, I propose we set up a meeting to discuss the cases that the ID will investigate within its mandate using the powers conferred by section 28 of the NPA Act.”

Now, I could not find that letter that she talks of, but she does identify that there are matters that would come. We did look for that letter because I was also confused that there is a whole table setting out who must come, but there was not anything about the cases.

And then in 5.2.1, Chair and Commissioners:

“Transfer of the cases mentioned in paragraph 3 for investigation by the ID as specified offences in terms of the mandate of the ID and the placement of the IPID members mentioned in paragraph 4 for a period of 10 months to conclude the investigations under the

auspices of the ID.”

And then she just set out logistical arrangements. But that list we were unable to find in our office and we did ask IPID to look for that list of cases.

**ADV SELLO SC:** Ja, and because the letter you have given us, as I understand it, at least it identifies the investigators that have been seconded to IDAC and those are set out in paragraph 4 of the letter. At paragraph 3, there is supposed to be a document that lists the cases currently  
10 under investigation by IPID, but which are being requested to be transferred to IDAC. That is the list we do not have.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** And you say that these investigators came with their investigations.

**ADV JOHNSON:** Yes, which ought to have been part ...[intervenes].

**ADV SELLO SC:** It cannot be correct.

**ADV JOHNSON:** Which ought to have been part of the list.

**ADV SELLO SC:** It cannot be correct. They do not have  
20 investigations. They get seconded. Paragraph 3 tells us which cases go to IDAC. There are no “their” investigations, surely, because when we express ourselves in those terms, it suggests that these investigators own the investigations and that is wholly wrong. It is the institution that owns the investigations.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** So it does not mean wherever the investigator goes, that investigation follows them around. So ...[incomplete].

**ADV JOHNSON:** So it is, it is just in the way that it is couched in 5.2.1 and 5.2.2 is that the chance of those cases will come to the ID for investigation as per the mandate that she alluded to and the placement of the IPID members as per paragraph 4.

10 **ADV SELLO SC:** Now let us read 5.2.1 correctly.

“Transfer of the cases mentioned in para  
3.”

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** So it confirms what is in paragraph 3. They have to be specifically identified.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** Yes.

20 **ADV JOHNSON:** And then those persons will be placed in IDAC for a period of 10 months to conclude the investigations under the auspices of the ID, and so I take that to mean that there is a list of cases and then there are people who will come from IPID to IDAC with their cases, or with the cases.

**ADV SELLO SC:** Yes. No, not – no, no. Paragraph 4 tells us who is being seconded.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** Paragraph 3 tells us which cases are being transferred.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** What we have is the list of secondees. What we do not have is the list of cases.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** But you want to tie the two together and say those investigators brought their investigation and I say  
10 there is no such a concept. It is specified cases, the earliest of which we do not have, which you say you could not locate, which then raises the question, the current cases that are being investigated by IPID, that were originally being investigated by IDAC ...[intervenes].

**ADV KHUMALO SC:** [Indistinct]... [microphone off].

**ADV SELLO SC:** By IDAC, thank you, thank you, Commissioner. The current cases being investigated by IDAC, which were previously investigated by IPID, those investigations could potentially be unlawful because they  
20 may very well not be part of the list contemplated in 3 and you do not know that from what I understand. As long as the Investigators say it is my file, it is my investigation, I came with it from IPID, you have accepted that as a correct legal position.

**ADV JOHNSON:** Yes, but from what I also understand is

that when these matters came into, when the matters came from IPID into IDAC, the matters had to be assessed in terms of whether or not they fell within the IDAC mandate, as she said in paragraph 1.2 and in 2.1. That exercise would have had to have been done. These matters are now here. Do they fall within the mandate? And if they fall within the mandate of the ID, those matters would then have had to be declared in IDAC in order for them to continue in IDAC. And I am given to understand that in many of those  
10 matters, there were section 28 authorizations for those matters to continue.

**ADV SELLO SC:** No, I do not understand that. IDAC does not operate in terms of section 28. That is an IDAC authorization mechanism.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** So we need the first leg for them to leave IPID and legitimately come into IDAC.

**ADV JOHNSON:** Which they did.

**ADV SELLO SC:** Which they did. And I would have said on  
20 the basis of that transfer, the investigation continues. It does not need a 28(1) to trigger an investigation. The investigation is ongoing, except now it is under a different umbrella. But what I understand from what you are saying, there is absolutely no record of any investigation within IDAC following your extensive search with Mr Sesoko of



matters that were lawfully transferred from IPID to IDAC. We do not have that record. That is what you struggle to find.

**ADV JOHNSON:** The list of the cases.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** Okay. We touched on that in passing because we were looking at page 592 of the transcript, your file 3.

10 **ADV BALOYI SC:** Ms Sello, maybe just for the record to mention that the letter does not say who the Acting Executive Head of IPID was at the time, just to complete that question. Yes, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner, I note. Would you by any chance remember who it was?

**ADV JOHNSON:** No, I had not engaged with that person. I came much later.

**ADV SELLO SC:** Okay, no, no, I appreciate that is what you might know.

20 **ADV JOHNSON:** No, no, not at that time, no.

**ADV SELLO SC:** So I guess it is for us to find who on the 31<sup>st</sup> of October 2019 was the Acting Executive Director of IPID. Now, and lastly on this letter, I read it, it is a request to IPID, and you have not been able to locate a response from IPID.

**ADV JOHNSON:** Yes, Mr Sesoko says he did see a response. He has asked a colleague from IPID if they can find their response because he clearly recalls that there was a response to the letter.

**ADV SELLO SC:** Where could he potentially be searching? You and I had this conversation over 2 weeks ago. Where could he be searching for this response that it is taking this long?

**ADV JOHNSON:** He has gone through his records because  
10 he has been with the, he has been with ...[incomplete].

**ADV SELLO SC:** IDAC?

**ADV JOHNSON:** The ID since I think September, October 2021. So he has looked in his records and could not find it. And so he has asked the colleagues from IPID, and I understand why he may not have been able to find it. It could just as well have been a document that was composed in the office of the Investigating Director and sent directly through to the Acting Executive Head, IPID.

**ADV JOHNSON:** Now I see this letter is from HT Cronje as  
20 the ID of the NPA. Would it not be amongst the records? These ought to be independent IDAC records. They do not rely on anyone within IDAC to have copies. So when you take over from Advocate Cronje, these would be the documents and the records you inherit. And that is where I would have expected the search to happen from amongst

the documents you inherited from Advocate Cronje when you took office. They are not there.

**ADV JOHNSON**: I did not inherit many documents from Advocate Cronje.

**ADV SELLO SC**: I do not know. But I am saying you inherited documents from that ...[intervenes].

**ADV JOHNSON**: [Indistinct]... [cross-talking].

**ADV SELLO SC**: ... you know, that resided, that belonged to the office, unless you walked into an empty office.

10 **ADV JOHNSON**: Actually, I did.

**ADV SELLO SC**: Oh.

**ADV JOHNSON**: Yes.

**ADV SELLO SC**: Sorry. So are you suggesting ...[intervenes].

**ADV KHUMALO SC**: That is a fair answer. She asked for it.

**ADV JOHNSON**: Yes.

**ADV SELLO SC**: So then we are suggesting that, how long was Advocate Cronje in office?

20 **ADV JOHNSON**: I think it would have been April 2019, thereabouts, to February 2022.

**ADV SELLO SC**: Okay, so I guess we will direct our inquiry to Advocate Cronje to check whether when she left office she left with the ID's documents, seeing as you walked into an empty office.

**ADV JOHNSON:** Ja.

**ADV SELLO SC:** I can live with that, Commissioner Khumalo, thank you. Having then dealt with the investigations you referenced during your *Ad Hoc* hearing, you then proceed with, at page 596 of the same record, and at the top of 596, the conversation is about Mr Brian Padayachee. That is not where my interest lies. My interest is more, let us look at the question by Mr Skosana, the third question, 4<sup>th</sup> on that list, midway the page. Mr

10 Skosana says:

“Were you only aware of the Medicare contract in February?”

You say:

“Yes, when it was referred to IDAC.”

This is February of which year? Do you see where I am reading?

**ADV JOHNSON:** Yes, I see where you are reading.

**ADV SELLO SC:** We are now in November 2025, you are before the *Ad Hoc*. Well, it cannot be 2024, I will offer you  
20 that. It can be 26 because we are in November 25. I suggest it should be February 25.

**ADV JOHNSON:** 25. 25.

**ADV SELLO SC:** It was 25. Now you say when it was referred ...[intervenes].

**ADV JOHNSON:** Sorry, I get a bit slow by the afternoon

like yesterday.

**ADV SELLO SC:** I know.

**ADV JOHNSON:** I am sorry.

**ADV SELLO SC:** You and I ...[indistinct] do not worry. So we are now in February 2025, you say that is when it was referred to IDAC.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** I have a challenge with your timeline.

**ADV JOHNSON:** Okay.

10 **ADV SELLO SC:** When it was referred, I take it is a section 27 referral. That is what we mean when you said it was referred to IDAC.

**ADV JOHNSON:** Yes, that is correct.

**ADV SELLO SC:** This, just for the record, the advertisement for that contract was in January 2024. The award or the contract was the 14<sup>th</sup> of June 2024 and it was signed on the 18<sup>th</sup> of June 2024. Now, what I have on record is file 9, page 3519 and my reading of that document, it is an affidavit.

20 If you run ahead to page 3521, it is signed there and commissioned. And I see the date attached there is the 6<sup>th</sup> of June 2025. My interpretation of this document is, although it does not say on the face of it, that it is the referral. And in paragraph 3 thereof, Ms Charity Madlala Matlou, who says she is a Major General in SAPS, the

Component Head, Risk and Integrity Management. At 3, she states:

“I hereby submit this affidavit to the Investigating Directorate Against Corruption in support of initiating a criminal investigation into the alleged unlawful awarding of the Medicare24 Tshwane District (Pty) Ltd.”

Then it gives the detail. So on a reading of this, it  
10 would appear that the referral was in June 25. Why did you suggest that it was referred in June, in February 25, as you did before *Ad Hoc*? What were you basing yourself on then?

**ADV JOHNSON:** I know that they referred the matter earlier in that year and the General was then asked to depose to an affidavit in terms of section 27. That is my recollection of the matter. They wanted to refer the matter to IDAC and we then indicated that in order for the matter to be referred to IDAC she would have to depose to an affidavit for that  
20 referral ...[intervenes].

**ADV SELLO SC:** So, so ...[intervenes].

**ADV JOHNSON:** And that would then be this, sorry, Counsel.

**ADV SELLO SC:** No, I apologize. Please conclude. I thought you ...[intervenes].

**ADV JOHNSON:** So that is how I have that sequence in my head, is that it ...[intervenes].

**ADV SELLO SC:** What did you receive in February then to understand for the affidavit to only come four months later?

**ADV JOHNSON:** From what I understood, they, she is at, ja, she is at Risk and Integrity Management at the police. They wanted to refer the Medicare matter to us and we indicated that they would have to put a section 27 affidavit together to refer the matter to us. I cannot tell you why she  
10 took so long to do that, but there were discussions initially about there is this matter and we want to refer it to IDAC, but we were not going to be able to take the matter as is to IDAC without the referral.

**ADV SELLO SC:** But still, then you would not have been correct to suggest to the *Ad Hoc* committee that there was a referral in February on that version alone.

**ADV JOHNSON:** Yes, on my version, it is we, maybe I should have said it differently, but on my version, we had engaged on a referral of a section 27 to IDAC for the  
20 Matlala matter, and that was done in roundabout February.

**ADV SELLO SC:** What do you mean you are engaged in a referral? I do not understand.

**ADV JOHNSON:** So, we engaged about a referral, our section 27 to IDAC in February.

**ADV SELLO SC:** So then I would expect, and perhaps it

will go into our list of documents ...[intervenes].

**ADV JOHNSON**: And maybe I must pause here. I speak under correction, but I think that what might have preceded this was a letter. For some other reason, as I look at this now, there was a letter indicating that there is going to be a section 27 referral to IDAC. We indicated that that is insufficient, and if I am not mistaken, that would have come from General Dimpane, I think who was the CFO at the time, and we then had to indicate that it would have to be an  
10 affidavit. I will look for that letter and ask the prosecution team this afternoon, because for some other reason that is a bit more familiar, that we had a document that said we are referring this matter to IDAC in terms of section 27.

**ADV SELLO SC**: And I take it now that letter, in order to get to a point where an affidavit is submitted, that letter would have been responded to in writing.

**ADV JOHNSON**: Yes.

**ADV SELLO SC**: So I can, should I expect a response that says, please have regard to the provisions of section 27,  
20 these are the requirements ...[intervenes].

**ADV JOHNSON**: Definitely.

**ADV SELLO SC**: Something along those lines. And if there is not?

**ADV JOHNSON**: And if there is not ...[intervenes].

**ADV SELLO SC**: You will not be around for me to ask you.



**ADV JOHNSON:** No, so I can give you a possible scenario if there is not. If there is not, what it would have been is I would have asked Mr Perumal, who worked quite closely with General Matlou to make sure that this letter is not sufficient for purposes of a referral, kindly ensure that they follow the prescript and give us an affidavit.

**ADV SELLO SC:** But then Mr Perumal would have dispatched such a letter. Is that what you are suggesting?

**ADV JOHNSON:** [Indistinct]... verbally or there is a letter  
10 that was dispatched and that is why I wanted to say, if you can ask me later, that if there is not a letter, there would have been an engagement.

**ADV SELLO SC:** This is the second letter that is received by your office and there is no record of a formal response thereto. What in fact happens is heightened activity regarding investigations resulting in prosecutions. That is rather lax, is it not?

**ADV JOHNSON:** No, I am not saying there is not a letter. You asked what would the possible scenario be if there is  
20 not a letter and I am not here to ask. I am saying that the letter would have come from General Dimpane's office referring the matter to us. We would have acknowledged the receipt of the letter ...[intervenes].

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** And whatever else would have been

written in there. I will most certainly ask the PA to check for that.

**ADV SELLO SC:** So then the answer must be if you received a letter, because that is the trigger, then you would formally have responded to it, and all those records are within IDAC ...[intervenes].

**ADV JOHNSON:** [Indistinct]... [cross-talking].

**ADV SELLO SC:** You must just tell us who to turn to, to establish those facts.

10 **ADV JOHNSON:** Okay, so those two, I am going to the office tomorrow to pack up my bags, but I am able to ask ...[intervenes].

**ADV SELLO SC:** Please.

**ADV JOHNSON:** My PA, the PA that was my PA.

**ADV SELLO SC:** Ja.

**ADV JOHNSON:** Someone says I am taking ownership of people in IDAC when I am no longer the ID, Chair. I apologize.

**ADV SELLO SC:** Okay, so then you went through that  
20 process and we landed in June 2025 with this affidavit.

**ADV JOHNSON:** Correct.

**ADV SELLO SC:** Which you consider to be a section 27 affidavit.

**ADV JOHNSON:** That is correct.

**ADV SELLO SC:** I look at first page 3519, we read

paragraph 3. Paragraph 5 then informs that:

“A comprehensive internal audit report is currently being compiled, which will shed further light on the alleged criminal misconduct, the procurement processes which were flouted or manipulated and other relevant aspects.”

Thus far, in this affidavit, I have not come across any alleged criminal misconduct or an allegation of flouting  
10 or manipulation of procurement processes. At least those do not precede paragraph 5. They can only succeed it. You accept, because the author, the deponent tells us that a comprehensive internal audit report is currently being complied, which will shed further light.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** So it suggests that at least at a superficial level, established an alleged criminal misconduct, the procurement, flouting of procurement processes and/or manipulation of such processes and other  
20 relevant factors.

**ADV JOHNSON:** But in paragraph 3 she says:

“In support of initiating a criminal investigation into the alleged unlawful awarding of a tender ...”

That is the first one that she starts with.

“To Medicare Tshwane 24 to provide medical health care services, value 360 million.”

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** Two:

“I reasonably suspect that procurement processes may have been flouted or manipulated to the undue advantage of Medicare.”

10 And then she says:

“I also suspect that corruption and money laundering may also have been perpetrated to the prejudice.”

So she does set out.

**ADV SELLO SC:** I take the point. Then let us go overleaf. It sounds much like Mr Adams's affidavit. At 6, she states:

“On the 14<sup>th</sup> of February 2020 ...”

And at the end of that paragraph, she also has 2020, but I think that is an error, because I think that  
20 contract was advertised in 24.

**ADV JOHNSON:** 2024.

**ADV SELLO SC:** Ja, I take it, it is just a typographical error and until told otherwise, we will perhaps make a provisional amendment. 7 then touches on her suspicion that Mr Matlala has questionable ties to members of SAPS

who unlawfully assisted and favoured him during the procurement process. Mr Matlala misrepresented in the bid documents that he did not know any officials. Then at 8, it says:

10                    “I have advised the National Commissioner, General Masemola of the SAPS that he should consider terminating the contract with Medicare to save the SAPS from irreparable harm and to diminish the financial prejudice being suffered by SAPS. General Masemola ultimately terminated the contract with Medicare on or about the 15<sup>th</sup> of May 2025. By that time, SAPS had suffered prejudice of approximately 50 million.”

And concludes at 9:

20                    “Nobody has the right to defraud and commit crimes against the SAPS and I therefore report this matter to IDAC to conduct the criminal investigation.”

So what we can deduce from this affidavit is at least the section 27 is, referral affidavit is filed after the contract was terminated. It in essence alleges or at least expresses here suspicions that it was unlawfully awarded, that the beneficiary, Mr Matlala, has questionable ties to

certain members of SAPS who unlawfully assisted and favoured him during the procurement process, and that you know they could, some members could have, I guess the procurement process could have been colluding with Mr Matlala. That is at paragraph 7. This is June 2025.

We are back to section 27. We are back to there not being any grounds. We are back to the deficiencies that we have discussed. On your reading of this referral affidavit, was it sufficient to authorize an investigation?

10 **ADV BALOYI SC:** Maybe before you answer that, let me ask the question. In 5, the General refers to an internal audit report. Has that been received or sought by IDAC as part of its investigation?

**ADV JOHNSON:** Yes.

**ADV BALOYI SC:** And you have that?

**ADV JOHNSON:** We have that.

**ADV BALOYI SC:** Okay. All right, you can answer.

**ADV JOHNSON:** So based on the reasonable suspicion, I think there is enough that makes out the reasonable  
20 suspicion.

**ADV SELLO SC:** What makes out a basis for reasonable suspicion?

**ADV JOHNSON:** In terms of what is set out and this, where I did not quibble, Counsel, with the 27 as it was in Adams, this is more substantial. I know it is a difference of opinion,

but I am saying this is more substantial. She does elude.  
to the alleged unlawful awarding.

**ADV SELLO SC:** As you said, you remember that the  
unlawful awarding, that is a conclusion of fact and that fact  
must be premised on a certain fact, certain grounds.

**ADV JOHNSON:** Yes, which I am not going to add in the  
27, the unlawful awarding of a tender to Medicare to provide  
medical health care services for a period of 3 years. So  
she says the tender one is unlawful.

10 **ADV SELLO SC:** I would expect you during the course of  
that exercise to at least tell me where in this affidavit she  
states the basis for that conclusion.

**ADV JOHNSON:** I reasonably suspect, at 4, that  
procurement processes may have been flouted.

**ADV SELLO SC:** Okay, which then invites me to say, on  
what basis does she suspect, reasonable or otherwise?  
Where in the affidavit does it tell you that?

**ADV JOHNSON:** -:

20 “I reasonably suspect that the  
procurement processes may have been  
flouted or manipulated to the undue  
advantage of Tshwane Medicare24 and  
its sole director, Vusimuzi Matlala. I also  
suspect that corruption and money  
laundering may have been perpetrated to

the prejudice.”

**ADV SELLO SC:** And again, we are in the realm of suspicions.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** On what basis is the suspicion based?

**ADV JOHNSON:** From my reading, when you look at paragraph 5 ...[intervenes].

**ADV SELLO SC:** Let me explain. I am not saying she is not correct. I am not. I am looking at this document from  
10 IDAC's perspective, when somebody tells you of all the suspicions they have in the world to entitle IDAC to do something about it, to act, when an affidavit purports to be a section 27. So she could very well be correct in everything she has got here, but it is a question of whether the disclosures were sufficient to trigger an IDAC investigation within the contemplation of section 27.

**ADV JOHNSON:** And I am saying that if you look then, Counsel, further at paragraph 5:

20 “The comprehensive internal audit report is currently being compiled, which will shed further light on the alleged criminal misconduct, the procurement processes she refers to above, which were flouted and or manipulated and other relevant aspects. The said report will be made



available to IDAC in support of  
conducting criminal investigations into  
the allegations.

So she lays the basis for these within the  
comprehensive internal audit report, which she is going to  
be making available.

**CHAIRPERSON:** Advocate Johnson, you remember the  
debate we engaged in. I think it was the very first day of  
your testimony, and we engaged you on factual conclusions  
10 ...[intervenes].

**ADV JOHNSON:** Yes.

**CHAIRPERSON:** And on facts that support or undergird  
those factual conclusions. You remember that?

**ADV JOHNSON:** I do remember, Chair.

**CHAIRPERSON:** Yes. I do not quite see why what you  
have just read now are not factual conclusions. And what  
Ms Sello is engaging you on is tell us the facts that support  
those conclusions. That is the substance of the question,  
unless you are saying what we see here is not the same or  
20 similar to what we engaged you on, on your first day of  
testimony. I will tell you outright that I see these as factual  
conclusions as well. And the reference to reports that  
perhaps may better inform the conclusions, reports that are  
yet to come cannot cure the deficiency.

**ADV JOHNSON:** I understand.

**CHAIRPERSON:** Do you agree?

**ADV JOHNSON:** I agree.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Thank you, Chair. Now staying with paragraph 5, we know that she tells us that the internal report was being compiled at the time she prepared this affidavit. When, was IDAC ever furnished with such? And if so, when?

**ADV JOHNSON:** I will find out. I will find out this afternoon  
10 still.

**ADV SELLO SC:** And as you find out, please check and confirm that it definitely was not earlier than the 25<sup>th</sup> of June 2026. On my record, that was furnished to IDAC in June 2026, the latter part of June. And if I am correct in my understanding, and accepting, as you have, the deficiencies that beset this particular affidavit, then once again, the challenge is the basis for initiating the investigation in the first place. And I think if memory serves me well, by June 2026, there had been arrests. We are in July 26.

20 **ADV JOHNSON:** Was it not before ...[intervenes].

**ADV SELLO SC:** There had been prosecutions initiated, arrests and summoning of ...[intervenes].

**ADV JOHNSON:** Sorry, I think it might be April, May.

**ADV SELLO SC:** I put a date for you, to you to cross-check.

**ADV JOHNSON**: Yes.

**ADV SELLO SC**: My record would seem to suggest June 26, but I am saying by then ...[intervenes].

**ADV JOHNSON**: They appeared again in June, if I am not mistaken.

**ADV SELLO SC**: I still stick ...[intervenes].

**ADV JOHNSON**: [Indistinct]... [cross-talking].

**ADV SELLO SC**: I stick to my date that that audit report was made available to IDAC no earlier than June 2026.

10 **ADV JOHNSON**: Okay.

**ADV SELLO SC**: Now, if that report was intended to show up this section 27, then I would have expected investigations to stop or not be initiated pending receipt of the report, the audit report, because that would tell you, give you some facts to determine whether or not your mandate is met. But based on what we know has happened, it sounds like, it would appear like, and that is how it appears, I am happy to be corrected, upon receipt of this particular affidavit, investigations were triggered, resulting  
20 in arrests and I think appearances in court already. And after all that happened, then the internal audit report came in.

**ADV JOHNSON**: I will have to find out.

**ADV SELLO SC**: Assuming I am correct in my assessment, I guess you know where I am going with this.

**ADV JOHNSON:** Oh, yes.

**ADV SELLO SC:** Okay. Now, this is particularly interesting because this contract, yes, was engaged with to some extent before the Commission, and that could potentially have been a source of information for IDAC, but absent a valid section 27 affidavit, that information would have had to be held in abeyance until your own investigation is formalized and not acted upon. Now, we know at least it culminated in the arrest of a couple of people, but I am  
10 particularly, I am interested for the moment in the summons of General Masemola. You recall we started at page 586 of the *Ad Hoc* where Mr Nqola asked you whether there is a coordinated attack by IDAC against Generals Masemola, Khumalo and Mkhwanazi, and I think it was Ms Sangoni as well asked about the investigations against Masemola and Mkhwanazi and you said there was nothing at the time. This is November 2025. Just if you can go back to page 592. We looked at it earlier, midway that page. If my timing is correct, this is November 25.

20 **CHAIRPERSON:** May I just quickly, quickly ...[intervenes].

**ADV SELLO SC:** Yes.

**CHAIRPERSON:** Find out whether Mr Michaels shared what he just gave to us with Mr Bodlani and his team, please. Thank you. Sorry, sorry for that.

**ADV SELLO SC:** Thank you, Chair.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** It is a different issue. It will come to you, Advocate Johnson, in a short while. If we could turn our attention to page 5992.

**CHAIRPERSON:** In fact, with Advocate Johnson as well, please, if there is a copy to spare.

**ADV SELLO SC:** Yes. We will turn our attention to that in a moment, Advocate Johnson. It is the exercise that the Chair ...[intervenes].

10 **ADV JOHNSON:** Oh, that the Chair asked, yes.

**ADV SELLO SC:** Had asked.

**CHAIRPERSON:** I will be coming back to you with my questions on this. Thank you.

**ADV SELLO SC:** I just want to wrap up this issue. So now you are at the *Ad Hoc* in November 2025. You are specifically asked whether there are investigations into General Masemola and General Mkhwanazi, and you said, apart from those inherited matters from IPID, there are none. One of two things, you might be correct that there  
20 were no investigations into both, insofar as the Matlala contract is concerned, regard being had to the fact that you received the affidavit in June, or you might have misled *Ad Hoc* when you at least claimed that General Masemola is not under investigation for anything, because for you to have been correct, it would mean General Masemola's, I will

take it, involvement in the corruption relating to the contract came to the fore insofar as IDAC is concerned, only after November 2025. Would that thinking be correct?

**ADV JOHNSON**: At the time when I was at *Ad Hoc*, he was not the subject of the investigation.

**ADV SELLO SC**: That is a fact, okay.

**ADV JOHNSON**: That is a fact.

**ADV SELLO SC**: All right.

**ADV JOHNSON**: And it is much, much later on in the  
10 investigation that it came to my attention that he is now a subject of the investigation.

**ADV SELLO SC**: And that would have been, that would definitely not have been on the strength of the audit, internal audit report, because on my contention, that audit report was availed to IDAC in June 2026, and by then they had been charged already. So there is another basis on which IDAC relied to impugn wrongdoing on his part after, and I will accept after November 2025.

**ADV JOHNSON**: Correct.

20 **ADV SELLO SC**: That is a summary, okay. Chair, before we go forward and deal then with some detail as regards this, perhaps the Chair would like to us to deal with the issue of the PKTT and the disbandment or purported disbandment, whatever the correct legal position is, of the PKTT. The Chair had requested that we scan the landscape

and try and determine the extent to which this matter was addressed in the public domain and in newspapers and we are indebted to our Head of Communications, Mr Jeremy Michaels who undertook this massive task for us. You have before you, Chair, a summary prepared by Mr Michaels on this question. And, Chair, I will leave it to you. Thank you.

**CHAIRPERSON:** Thank you, Ms Sello. You signed the summons we were debating, the summons which at paragraph 6 of Annexure, is it Annexure B? Yes.

10 **ADV JOHNSON:** Yes.

**CHAIRPERSON:** Refers to the PKTT. And when you were engaged on this, you suggested that you would have to, or rather people who would have to answer to this were those that made the recommendation that related to this part of Annexure B. And this was on the basis, as I understood you, that you were not quite sure of the issue that related to the PKTT. Am I correct in my summary this far?

**ADV JOHNSON:** You are correct, Chair.

20 **CHAIRPERSON:** I specifically asked you whether if you were aware that there was an issue around the PKTT and its disbandment, you would not have been alert in your mind and raised specific issues with regard to this paragraph 6, and you said you would. I also asked you about whether if this was publicized, the issue of the purported disbandment or disbandment of the PKT team, if it was out there,

whether you would have been aware of that and you said you would have been. And I even said to you, I hope that your escape route will not be that, oh, it was only publicized by such and such a media house, I do not go there at all. And you said, I read all media.

**ADV JOHNSON:** Correct.

**CHAIRPERSON:** Now let us have a look at what you have just been given. There it opens with, there were numerous articles in broadcast, electronic print, online. I am not sure  
10 what the difference is between electronic and print. I am not a media specialist, regarding the disbandment of the PKTT. And this goes further and says that there were even social media posts on the subject and the period is from 1 January 2025, the 1<sup>st</sup> of January being the very first day after ...[intervenes].

**ADV JOHNSON:** December.

**CHAIRPERSON:** Minister Mchunu's late night letter of the 31<sup>st</sup> of December 2024. And this goes on and says the wide coverage covers the period up to 15 April 2025. You see  
20 that?

**ADV JOHNSON:** I see that, Chair.

**CHAIRPERSON:** Would you say that what has been captured in this document is perhaps inaccurate, or would you accept that it must be accurate?

**ADV JOHNSON:** I would have to accept that it is accurate.



**CHAIRPERSON:** Now, you said that you do follow media publications, so you must have seen publications around the disbandment of the PKTT, correct?

**ADV JOHNSON:** Correct, Chair.

**CHAIRPERSON:** And you would also have seen that it was a controversial subject, correct?

**ADV JOHNSON:** It was, yes.

**CHAIRPERSON:** It was. Now, this takes me back to my question about paragraph 6 of Annexure B. Why is it, 10 because you suggested this morning that no alarm bells rang in your mind about paragraph 6. Why is that so? If there was such wide coverage of this subject, a controversial subject, why did alarm bells not ring in your mind and why would you in those circumstances not have asked but what has this got to do with the PKTT? What ...[indistinct] the investigations that we are embarking upon as the as IDAC, what have those got to do with the PKTT? Why was your mind not put on an inquiry in that regard?

**ADV JOHNSON:** I do not dispute the information and I do 20 not dispute that I should have asked questions. I do not know what questions I asked, if any, and so I take it that Chair, I signed it as I signed it.

**CHAIRPERSON:** This morning, this morning, you cannot get off that easily, Advocate Johnson. This morning, you basically suggested that you were not really aware that, as

at that time, at the time you signed this summons, you were aware that there was any issue about the PKTT.

**ADV JOHNSON:** Correct.

**CHAIRPERSON:** And also that not only that, but that the issue raised some controversy, correct?

**ADV JOHNSON:** Correct.

**CHAIRPERSON:** Now, as someone who follows the media and with such wide coverage and with you now accepting that you would have seen this, I want to understand why no  
10 alarm bells rang in your mind with regard to this issue, a very crucial issue affecting the criminal justice system. Why is that so? Or why was that so as at the time you signed the summons? It cannot be enough to just say you just signed. That is not enough.

**ADV JOHNSON:** No, it ...[intervenes].

**CHAIRPERSON:** Why did you sign on something that is controversial or that was controversial at the time? Why did you just go ahead and sign?

**ADV JOHNSON:** It is one of two things and it is not an  
20 excuse, Chair, either I engaged and was engaged with Mr Perumal and was satisfied with whatever answer I got. However, it comes back to what I said, I was unaware of a PKTT investigation and so I should have asked deeper questions. I cannot tell you why I did not ask deeper questions ...[intervenes].

**CHAIRPERSON:** Exactly my – oh, continue, continue.

**ADV JOHNSON:** And what I am saying is I am not looking for an excuse for, I am saying, should I have? I appreciate that I should have and that I did not ask deeper questions and I did sign it. I cannot get away from the fact that I did sign it.

**CHAIRPERSON:** It is crucial that you say you were not aware of a PKTT investigation and this was an issue that was topical and not only topical but also controversial you  
10 have accepted. So you are not aware of a PKTT investigation as at the time, but you go ahead and you sign. That is very difficult to understand, unless there is something you are not telling us.

**ADV JOHNSON:** Not at all, Chair. And when you look at the sign, that document talks to ...[incomplete].

**ADV KHUMALO SC:** 336.

**ADV JOHNSON:** When we, when we look at the top, Chair, paragraph 1 talks to the deviation of appointment of Lieutenant General Khumalo. And when I looked at  
20 paragraph 6 during one of the breaks, the original documentary files and applications for promotions of the commanders and members of the Political Killings Task Team through deviation, they tied in to the deviation process. But that does not take away, again, Chair ...[intervenes].

**CHAIRPERSON:** It, it ...[intervenes].

**ADV JOHNSON:** It does not take away from the fact.

**CHAIRPERSON:** It does not address what I am raising with you, which is a paragraph 6 of Annexure B. That simply does not answer the question, does it?

**ADV JOHNSON:** I dealt with it as the deviation, but I am coming back to what Chair is asking.

**CHAIRPERSON:** Yes, I am asking you ...[intervenes].

**ADV JOHNSON:** I do not have ...[intervenes].

10 **CHAIRPERSON:** I am asking you about paragraph 6 of Annexure B. What you just read now does not address that.

**ADV JOHNSON:** I understand.

**CHAIRPERSON:** That has nothing to do with deviations which you have just referred to. This is about enquiring into promotions of commanders and members of the PKTT, so the entire, entire body of the PKTT. That has nothing to do with the deviations you have just referred to. So you have not answered my question.

**ADV JOHNSON:** Chair, I cannot take it further than the  
20 answer I gave. I should have asked more. I do not have a sinister reason for not having asked more. I did not ask more. Whatever the discussion we may have had, I appreciate, not I appreciate, I accept your point that I should have asked more, so why did I not? And I do not have an answer for why I did not ask more or why I do not

have a better explanation. I can take it only so far.

**CHAIRPERSON:** Yes, let me ...[intervenes].

**ADV BALOYI SC:** I want to suggest as you continue with the Chair that another possibility is you knew what this was about and you knew exactly why the PKTT is in that paragraph 6. That is another possibility. Sorry.

**CHAIRPERSON:** No, no, it is okay. That is exactly why I even asked, is there not something you are not telling us.

**ADV JOHNSON:** Not at all, Chair.

10 **CHAIRPERSON:** But can you answer the question raised by Commissioner Baloyi directly? You heard it.

**ADV JOHNSON:** If she will repeat for me. Ma'am, please repeat.

**ADV BALOYI SC:** Yes, I was saying, well, the other possibility is you knew and understood why the PKTT was in that paragraph 6 or why that paragraph 6 was in there.

**CHAIRPERSON:** It is simply inexplicable. It is simply inexplicable that you would not have addressed this, not when you accept that this was not only topical, but it was  
20 also controversial. So alarm bells should have rung in your head that you did nothing. What that tells us, subject to your response, is you must have known what was going on or not.

**ADV JOHNSON:** Chair, I cannot take it any further. I accept your point.

**CHAIRPERSON:** You accept it?

**ADV JOHNSON:** I accept your point because ...[intervenes].

**CHAIRPERSON:** That you knew, that you knew what was going on?

**ADV JOHNSON:** I must have known because there is nothing else I have to gainsay it. I follow geologic.

**CHAIRPERSON:** Yes.

**ADV JOHNSON:** And what I am saying is, in the absence of  
10 something to gainsay it, I am going to be talking in circles  
and rambling on at this part of the afternoon, which none of  
us want.

**CHAIRPERSON:** If you knew it and it had nothing to do  
with what was being investigated, you have said in so many  
ways that the PKTT was not being investigated. So if you  
knew, why did you sign this when it included something  
about the PKTT which was not being investigated, if, as you  
say, you knew about it, or at best for you, must have known  
about it.

20 **ADV JOHNSON:** At best I must have.

**CHAIRPERSON:** So why did you sign it? You know that  
the PKTT is not being investigated and you accept that you  
must have known, why would you have signed this? Why  
did you not cross out number 6 of Annexure B?

**ADV JOHNSON:** I know it may not make sense, Chair, but I

followed the line of what they were asking. And for me, it went back to promotions of the commanders and members through deviation, because we were dealing with deviation right from the top and we were dealing with appointments.

**CHAIRPERSON**: That is still ...[intervenes].

**ADV JOHNSON**: So I ...[intervenes].

**CHAIRPERSON**: Finish, finish, finish.

**ADV JOHNSON**: So that is how it followed for me. I accept it may not make sense to anybody else, but I followed that  
 10 sequence of appointments, deviations. There are allegations that there are promotions of the commanders through deviation. We were talking about promotion of an appointment of Lieutenant General Khumalo by deviation. So it made sense in that regard. But what the questions were that I asked, I ...[incomplete].

**CHAIRPERSON**: That reasoning simply does not make sense because 6 is about the entire complement of the PKTT. You would have to be suggesting that you thought the deviation applied throughout the entire complement of  
 20 PKTT, which simply does not make sense. You could not have believed that at the time. So your answer is a non-answer, Advocate Johnson.

**ADV JOHNSON**: Chair, I agreed with you and I am sticking to that agreement.

**CHAIRPERSON**: You agree even with the last proposition

...[intervenes].

**ADV JOHNSON:** I agree with your last proposal. I cannot come up with something different in my head at the moment.

**CHAIRPERSON:** Yes.

**ADV JOHNSON:** This happened early last year.

**CHAIRPERSON:** Yes.

**ADV JOHNSON:** I have no other recollection or something to trigger my mind.

**CHAIRPERSON:** Yes.

10 **ADV JOHNSON:** I did think that by talking to Mr Perumal, it might have triggered my mind. I am not saying I would have come with a better answer ...[intervenes].

**CHAIRPERSON:** Yes.

**ADV JOHNSON:** But that is the answer I have to at least ...[intervenes].

**CHAIRPERSON:** Ja, the problem, and the problem, just to add, with a deviation point, is that as you read it, it is person specific. That is number 1. Number 2, when you look at number 6, it is ...[intervenes].

20 **ADV JOHNSON:** Quite wide.

**CHAIRPERSON:** Not just wide, it covers the entire spectrum. It refers to all PKTT members, from commanders all the way down to the most junior. It covers, so for that reason, you just cannot rely on the point about deviation.

**ADV JOHNSON:** I accept the Chair's proposal.



**CHAIRPERSON:** Ja. Now let me make a different point. Having seen what we showed you now about publications and with you having said you do follow the media, I want to suggest to you that you were not truthful when you suggested that you were not really aware of any issues around the PKTT which would have caused alarm bells to ring in your mind. That is why we went into this exercise of finding the extent to which the issue of the disbandment of the PKTT was publicized. So for you to have even  
10 suggested that no, no, alarm bells could not have rung in my head, to have suggested that when in fact it was publicized as widely as it appears to have been, you were not being truthful this morning.

**ADV JOHNSON:** No, Chair, the alarm bells not going on ...[intervenes].

**CHAIRPERSON:** Yes.

**ADV JOHNSON:** Does not take away the fact that I may have seen some, if not all, of this. There were no alarm bells for me and for IDAC. This had been a, it was a police  
20 matter at the time that it was being canvassed. We were not working with the PKTT at the time. I have colleagues in KZN who work with them.

But the alarm bells did not have to go on because it was not within our space and it did not affect any of the work that we were doing. So of course there is a lot of

discussions, Chair, some unpleasant, and there was a lot of toing and froing between the police and the police ministry and the Provincial Head for KZN. That was alive and clear, but it did not raise alarm bells for IDAC at the time.

**CHAIRPERSON:** It should have, exactly because this was topical, this was controversial and you say, as at the time you signed the summons, you knew that there were no investigations against the PKTT. So your mind should have said, hey, this thing is so topical, what is being said here  
10 about the PKTT? It is in that sense that I am raising this with you and I am suggesting that you are not truthful this morning.

**ADV JOHNSON:** No, Chair, I stand by what I say about it did not raise alarm bells for me. I appreciate your point, however, that it should have. I did not misconstrue anything I said. I appreciate the different view and I accept your different view. But it did not raise alarm bells at the time.

**CHAIRPERSON:** I must just conclude this by saying I find  
20 it strange that it did not, as you suggested, did not.

**ADV JOHNSON:** And I take note of you, Chair.

**CHAIRPERSON:** And subject to our further weighing up of the evidence, let me outright say that I find it hard to believe what you are saying in this regard. Your comment?

**ADV JOHNSON:** It is up to the Chair and the

Commissioners.

**CHAIRPERSON:** Thank you very much.

**ADV KHUMALO SC:** Advocate Johnson, I need to take you back to the two main questions that were posed to you in the summons and you answered them in paragraphs 8 to, 8 and 9, 8 to 10 of your supplementary statement dated 10 July 2026. And question 2.1 was about whether IDAC has acted within its mandate. And you said IDAC operates strictly within its mandate and you set out what the mandate is. And then in paragraph 10, are you there?

**ADV JOHNSON:** Sorry, Chair.

**ADV KHUMALO SC:** It is page 4 of your supplementary statement. Are you there?

**ADV JOHNSON:** I am at page 4.

**ADV KHUMALO SC:** Yes, so paragraphs 8 to 10, you are responding to question 2.1 in the summons. So paragraph 8:

“IDAC strictly operates within its  
mandate.”

20 And then paragraph 10:

“IDAC has not dealt with matters outside  
of its mandate.”

Now, do you stand by those paragraphs in light of the discussion you have had with Chair and Commissioner Baloyi? And in light of what we have discussed for most of

the day, the various cases that IDAC has dealt with at least in the last two, three years.

**ADV JOHNSON**: I stand by paragraph 9 because it deals with the Commissions.

**ADV KHUMALO SC**: No, that one is clear.

**ADV JOHNSON**: That is fine.

**ADV KHUMALO SC**: That one is clear. 8 and 10.

**ADV JOHNSON**: Item 10.

**ADV KHUMALO SC**: Can you still say, after all we have  
10 discussed, that IDAC has not dealt with matters outside of its mandate? Can you still say that?

**ADV JOHNSON**: No, Chair.

**ADV SELLO SC**: Chair, before we break perhaps for a short breather ...[intervenes].

**CHAIRPERSON**: Yes.

**ADV SELLO SC**: And to determine how far we take it today, may I just finalize then one issue with the witness which is relevant to the discussion that ...[intervenes].

**CHAIRPERSON**: When we take that adjournment, if  
20 between you and Mr Bodlani, you could have a discussion and then come to us outside, just indicate how long you think we will still be.

**ADV SELLO SC**: Indeed.

**CHAIRPERSON**: Thank you.

**ADV SELLO SC**: Advocate Johnson, I would like to take us

back to the little note that our Head of Communications, Mr Michaels, assisted us with on the issues raised with you by the Chair, and if we look at the bullet items, these are the various publications on the matter that the Chair has engaged you on starting from the 2<sup>nd</sup> of January to the 22<sup>nd</sup> of January. Now, that is about a period of a month, a few days shy of a month, and you are suggesting you never saw any of these articles regarding the disbandment of the PKTT?

10 **ADV JOHNSON**: No, that is not what I said.

**ADV SELLO SC**: Correct me, please.

**ADV JOHNSON**: Sorry, I did say I have read about the PKTT. It might not have been necessarily all of these, but it was clear out in the media that there was an issue with the PKTT, there was an issue with the Minister, there was an issue between the Minister and SAPS counterparts about the disbanding or potential disbanding of, that is the summary of which I am very aware was being played out at the time.

20 **ADV SELLO SC**: Now, by SAPS counterparts, you mean strictly within the SAPS environment?

**ADV JOHNSON**: Within the SAPS, yes.

**ADV SELLO SC**: Okay. Between the 31<sup>st</sup> of December, when the Minister issued his letter until April 2025, did you ever have opportunity to meet with the Minister and discuss

these matters?

**ADV JOHNSON:** Of the PKTT?

**ADV SELLO SC:** Including PKTT.

**ADV JOHNSON:** No.

**ADV SELLO SC:** Did you meet with the Minister in that period? And if so, for what purpose?

**ADV KHUMALO SC:** Sorry, sorry, just be clear which Minister?

**ADV SELLO SC:** Minister, the, it is not former, Minister  
10 Mchunu, for avoidance of doubt, Minister Mchunu I mean.

**ADV JOHNSON:** I cannot remember when, but Minister Mchunu called myself and the Head of the DPCI to a meeting and there was a matter that he wanted to raise. It had nothing to do with the PKTT. In that meeting, I informed the Minister that unfortunately I report to the Minister of Justice and that this matter, if it had to be dealt with, can it please be dealt with by General Lebeya and then I asked if I could be excused and they carried on with the matter.

20 **ADV SELLO SC:** Was that the meeting of the 21<sup>st</sup> of January 2025?

**ADV JOHNSON:** I honestly cannot remember the dates.

**ADV SELLO SC:** Now you have to at least give January 25, February. Remember I used the articles as a pointer and the point at which PKTT was disbanded. Now I want to

know when you met with the Minister after the disbandment of the PKTT, and I am asking you whether it was on the 21<sup>st</sup> of January 2025. If you cannot exactly recall, you cannot suggest that it might have been in September, no?

**ADV JOHNSON**: No.

**ADV SELLO SC**: Maybe not 21<sup>st</sup>, around, in January 25. I will land it there.

**ADV JOHNSON**: What I am saying is I cannot dispute your date because I cannot recall the date.

10 **ADV SELLO SC**: Okay.

**ADV JOHNSON**: But what I am telling you is who was at the meeting, that the meeting was about some or other criminal allegation. I then indicated I am unable to deal with it and IDAC resorts under the Minister of Justice and I left General Lebeya with the Minister to deal with the matter and to finish it up. Later General Lebeya did indicate that DPCI will deal with the matter.

**ADV SELLO SC**: And in that meeting, I attached the date of the 21<sup>st</sup> of January, is it your testimony to this Commission  
20 that the issue of PKTT neither or arose nor was discussed, whether in detail or otherwise?

**ADV JOHNSON**: Not in my presence.

**ADV SELLO SC**: Not in your presence.

**ADV JOHNSON**: I was not there for long.

**ADV SELLO SC**: So should a witness come before the

Commission to state otherwise, what would your view be?  
Are they misleading the Commission?

**ADV JOHNSON**: Yes, I cannot remember discussing the PKTT with the Minister.

**ADV SELLO SC**: No, you would know definitively whether or not you did, regard being had to your response, that the matter that the Minister wanted to discuss with you concerned mainly the DPCI and because you report to the Minister of Justice, you then excused yourself.

10 **ADV JOHNSON**: Yes.

**ADV SELLO SC**: So knowing precisely what the meeting was about and circumstances under which you left the meeting, you ought to know whether or not you discussed the issue of the PKTT with the Minister. If you are still unsure, then that suggests you may potentially have discussed the matter with the Minister but on a different date, which then would invite me to ask you on which date then did you have a meeting to discuss, amongst other things, the PKTT with the Minister?

20 **ADV JOHNSON**: I recall having one, I recall having one meeting with the Minister and his Chief of Staff, and then there was that second meeting that I had with General Lebeya. The first meeting that I had, from my recollection, the Minister wanted to meet and greet and he talked to me about IDAC. I cannot remember that date. I will have to



check that date. But I cannot recall talking to him about the PKTT.

**ADV SELLO SC:** Did you ...[intervenes].

**ADV JOHNSON:** And if somebody says I did and they were there in that meeting, then they would have to refresh my memory.

**ADV SELLO SC:** Okay. Did you discuss Medicare, the Medicare contract?

**ADV JOHNSON:** No.

10 **ADV SELLO SC:** That you did not ...[intervenes].

**ADV JOHNSON:** No, not at all.

**ADV SELLO SC:** [Indistinct]... okay.

**ADV JOHNSON:** Because I only met him with General Lebeya. And afterwards I did indicate to the National Director that she must kindly advise the Minister of Police that he is not allowed to summon me to any meetings. The only Minister who is allowed to summon me to a meeting would have to be the Minister of Justice.

**ADV SELLO SC:** So in your meeting with the Minister of  
20 Police and Mr Nkabinde, what was the topic of discussion on the day before you told him to never summon you again?

**ADV JOHNSON:** I recall that as a meet and greet. He wanted to know what we do at IDAC. And I know it cannot only, I know I talk a lot, but it cannot have been only me doing the talking. I cannot recall what all topics we

discussed and that is why I am saying if someone else was there and they could refresh my memory I would know what I in all likelihood spoke about. I cannot remember them off the top of my head.

**ADV SELLO SC:** I can accept if you do not recall all topics.

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** But I find it difficult to accept that you recall no topic. Zero. At least the weather. Just being Christmas or Christmas was upcoming, something.

10 **ADV JOHNSON:** No, no, I said we discussed IDAC.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** He wanted to know about IDAC, how we work, how we operate.

**ADV SELLO SC:** That is all you recall of that meeting?

**ADV JOHNSON:** And I recall that is what we talked about. And sorry, I think we did talk about IDAC's relationship very briefly with the police and I said we all got along together with the DPCI.

20 **ADV SELLO SC:** So to try and help us perhaps get a timeline, if memory serves me well, the Minister took office around June, July 2024. You recall, just after the elections were in 24. So I think he assumed office June, July. When do you think would have been your meet and greet meeting using that June, July as his date of assumption of office.

**ADV JOHNSON:** I am guessing, and so if I am wrong,

please do not hold me to it.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** It could have been October, November.

**ADV SELLO SC:** Do you have your diary with you that perhaps might you might cast your eye on and help us?

**ADV JOHNSON:** No, I would have to check. No, I would have to check in my electronic diary, yes.

**ADV SELLO SC:** Okay.

**ADV BALOYI SC:** Can I just ask this meeting where you  
10 say he wanted to discuss a criminal matter, was that a  
matter that you were already seized with, or he was, he  
wanted to lay a complaint? Is that ...[intervenes].

**ADV JOHNSON:** He wanted to, it was nothing to do with  
IDAC. It was not even a matter within IDAC and I think he  
was trying to figure out whether this matter, this referral,  
however he was going to do it, must go to IDAC or to the  
DPCI. And within probably 10 minutes of the way the  
matter was introduced, I was able to say, apologies, this  
does not fall within the mandate of IDAC and that, Lebeya,  
20 if you do not mind, you stay and I am going to leave and I  
had left.

**ADV BALOYI SC:** And the meeting obviously would have  
had to have been after the meet and greet where the  
Minister asked about IDAC and you had already told him  
about how IDAC works and its mandate.

**ADV JOHNSON**: That is correct.

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

**ADV SELLO SC**: Thank you, Chair. Perhaps this might be an opportune time to consider a short break. I will have an engagement with Mr Bodlani.

**CHAIRPERSON**: How long or short it is will depend on the two of you. We will hear from you. Let us adjourn.

**ADV SELLO SC**: Thank you.

**INQUIRY ADJOURNS**

10 **INQUIRY RESUMES**

**CHAIRPERSON**: Yes, Ms Sello.

**ADV SELLO SC**: Thank you.

**CHAIRPERSON**: Perhaps start by placing on record what was agreed with regard to this afternoon's session.

**ADV SELLO SC**: Indeed, Chair. Advocate Bodlani and I have conferred and we have had a discussion as well with the witness to test for capacity for the rest of the day and I think the general consensus is we think we can take it to half past 5 and beyond that, capacity on all sides is at an  
20 all-time low. So we request that we see how far we can take it to half past 5. When we get there and we have to roll over to tomorrow, we probably will need maximum up to tea time. That is the current plan.

**CHAIRPERSON**: Mr Bodlani? Thanks, Ms Sello.

**ADV SELLO SC**: Thank you.

**ADV BODLANI SC:** Chair, may I confer with the witness? We may have spoken past each other with Ms Sello. I understood that 1 1/2 hour to be her maximum time, not that the witness is not available beyond that, or that she would not make means to be available beyond half past 5. That is Ms Sello.

**ADV SELLO SC:** Perhaps while we sit here, Mr Bodlani can confer with the witness.

**ADV BODLANI SC:** Please.

10 **ADV SELLO SC:** The witness will let him know.

**ADV BODLANI SC:** Please. Thank you for that indulgence, Chair. Thank you, Ms Sello. Ms Johnson is able to proceed today until 6 p.m., and therefore the request I would extend to Ms Sello's team and the Commissioners is that we go until 6, at least today. And then if they are not finished with their questions, she would come back tomorrow based on the undertaking given by Ms Sello that at least until tea time tomorrow. Thank you.

**CHAIRPERSON:** Thank you, Mr Bodlani. I am just  
20 wondering whether based on the up to tea of tomorrow, it seems to me that we will not be finished by 6 p.m. today. So I wonder why we would want to insist on sitting until 6 if we will still have to sit ...[indistinct].

**ADV BODLANI SC:** I am not rigid on that suggestion, Chair. I am just putting it across.

**CHAIRPERSON:** Yes, yes. No, no, I know you are conveying what ...[intervenes].

**ADV BODLANI SC:** Yes.

**CHAIRPERSON:** Yes, yes, I hope Mr Bodlani will not fight with me for ...[intervenes].

**ADV BODLANI SC:** Certainly not.

**CHAIRPERSON:** Yes. No, please go ahead. Please go ahead.

**ADV JOHNSON:** Mr Bodlani, may I ...[intervenes].

10 **CHAIRPERSON:** Advocate Johnson, yes?

**ADV JOHNSON:** I appreciate everyone is tired. I am not the exception to the law.

**CHAIRPERSON:** Yes, yes.

**ADV JOHNSON:** So if we can agree on the following, we run for the hour till 5:30.

**CHAIRPERSON:** Yes.

**ADV JOHNSON:** But may I please then ask, we have to finish by tomorrow tea time. I really want us to be done by tomorrow tea time, lest I get an eviction notice.

20 **CHAIRPERSON:** Yes. Ja, you ...[intervenes].

**ADV JOHNSON:** But, and I know the Counsel is trying to be as accommodating as she can.

**CHAIRPERSON:** Yes. Let us go until half past 5 and hopefully let us be done by tea tomorrow.

**ADV JOHNSON:** Thank you.

**CHAIRPERSON:** As experienced Counsel, you know what happens with proceedings of this nature, so I can put it no higher than let us hope we are done by tea time tomorrow.

**ADV JOHNSON:** I will hold on to that.

**CHAIRPERSON:** But underline that it is not an undertaking that we will be done. Let us hope we will be. Thank you very much, Advocate Johnson.

**ADV JOHNSON:** Thank you, sir.

**CHAIRPERSON:** Thank you. Yes, Ms Sello.

10 **ADV SELLO SC:** Thank you, Chair, and thank you for coming to my rescue, that I am not in a position to make an undertaking that will finish at tea, because how long we take is in part informed by the level of engagement by the Commissioners, so it is slightly beyond my control as well.

**CHAIRPERSON:** I know that we always get blamed therefore. Thank you, Ms Sello.

**ADV SELLO SC:** Thank you, Chair. Before we left the topic we were dealing with to deal with the issues that had arisen before lunch regarding the publications relating to  
20 the disbandment of the PKTT. So I would like us to go back to where we were before you had that engagement with the Commissioners. And for this purpose, I just discovered something.

The summons at 3361, if you could have a quick look at that, file 9. We are still at file 9. The copy on the

screen is redacted, but the copy in your file is not. That is the summons, the section 28 you signed, requesting documents pertaining to General Khumalo's appointment and the documentary files of promotions of commanders and members of the Political Killings Task Team. We just dealt with that. At the top of that page, the investigation reference number, like I say, it is redacted on the screen, but you can see it. We understand that to be the investigation prompted by Mr Matlala's section 27 referral.

10 **ADV JOHNSON**: That should be.

**ADV SELLO SC**: Ja. I will do that again. Mr Adams. It is because we are dealing with the issue of Mr Matlala's contract. I apologize. That is the investigation prompted by Mr Adams's section 27 referral.

**ADV JOHNSON**: That should be correct, yes.

**ADV SELLO SC**: Okay. Then, when I cast my eye on the other one that was issued by Mr Manilall and Mr Padayachee at 3352, no 3527, same file, we wondered which in 3527, we wondered which investigation this particular summons related to. This is that summons that  
20 wanted details of all members of PKTT who were involved in the arrest of Mr Adams. And I note once again at the top there, it gives us an investigation reference number, the Brooklyn case, CAS 542/06/2025. We know that is the CAS number for the Mokwele matter.



**ADV JOHNSON:** That is correct.

**ADV SELLO SC:** Which is confounding because what does the arrest of Mr Adams have to do, by PKTT, have to do with the Mokwele criminal matter that was in, was already enrolled and in court? Why would a summons be issued in terms of that particular docket?

**ADV JOHNSON:** I cannot, I cannot assist you.

**ADV SELLO SC:** Okay. I thought I should just point out that the question had been what investigation is this, but  
10 the face of the summons would suggest that it is not an independent investigation, it is actually an enrolled case, a criminal case. So it would suggest to me at least that there is a propensity within IDAC to issue this section 28's, perhaps unauthorized by the ID and use any case number or reference number, whether or not what is sought in terms of those summons relates to the particular case. I do not know if this is the one occasion it happened or that is how, there are a few of these.

**ADV JOHNSON:** That is not the practice, so ...[intervenes].

20 **ADV SELLO SC:** As far as you are aware.

**ADV JOHNSON:** As far as I am aware. Every case gets a reference number and every matter works off that reference number for the purposes of issuing subpoenas and summons, which they then keep in a register. There is a sequence of numbers that follows. And it is the project

managers who are in charge of those numbers and so if you want to issue a summons and you forgot as an investigator or prosecutor what the reference number is, you always revert to the project manager to get a reference number because you have to use the correct reference for the ...[incomplete].

**ADV SELLO SC:** That would suggest that it happened for the first time in May 2026, and I dare say that you do not have a basis for that because you say you do not know  
10 whether other section 28 summonses were issued in similar vein.

**ADV JOHNSON:** That is correct.

**ADV SELLO SC:** Okay, now I want us to go, you remember we are dealing with the referral by Major General Matlou, that is at file 9, page 3519. We had established what I call the deficiencies in that referral affidavit. I had suggested to you that the comprehensive internal audit report referenced in paragraph 5, was only availed to IDAC in June 2026. You recall that?

20 **ADV JOHNSON:** I recall that.

**ADV SELLO SC:** And we know by June 2026, the arrests have been effected and the case, a criminal case instituted and enrolled. Now, if we stay with that affidavit, It suggests an unlawful awarding of a tender. It suggests flouting or manipulation of procurement processes at 4. It suggests

questionable ties between members of SAPS and Mr Matlala, which members then assisted and favoured him and his company. And at 9, it concludes nobody has the right to defraud and commit crimes against SAPS and I therefore report this matter to the IDAC to conduct the criminal investigation.

So I take the crime includes defrauding SAPS. That is the sum total of what the affidavit tells us. Now if we flip forward, attached at page 3522, is the actual charge  
 10 sheet and for this purpose, I would like to confine myself to General Masemola's charge sheet. And remember our conversation at page 3524 in particular, our conversation stems from an engagement you had at *Ad Hoc* regarding what was considered, regarding a particular narrative that IDAC was participating in a well-coordinated attack against General Mkhwanazi, Masemola and Khumalo.

In light of the allegations, incomplete as they are, in the section 27 referral, this charge sheet is dated, if you look at 3526, I think this is when it was served. It is dated  
 20 26-03-2026 at the bottom. There is that date. It states that the summons was duly served and explained to General Masemola on Wednesday the 25<sup>th</sup> of March 2026 at 11:50 at SAPS College, Pretoria by manuscript. You see that?

**ADV JOHNSON:** Yes.

**ADV SELLO SC:** Then let us look, start at 3524. I am

looking at the charges. Count 1, it invokes the PFMA, Public Finance Management Act, Act 1 of 1999, and in particular section 38(1)(c)(ii) and it is summarized there, and alleges that General Masemola failed to take effective and appropriate steps to prevent unauthorized, irregular, or fruitless and wasteful expenditure and losses resulting from criminal conduct regarding the tender. My reading of that charge is a failure on his part to take steps to avoid unauthorised and irregular expenditure resulting from

10 criminal conduct. He does not suggest that he is complicit in the criminal conduct that led to the irregular expenditure.

Am I correct?

**ADV JOHNSON**: That is ...[intervenes].

**ADV SELLO SC**: [Indistinct]... [cross-talking].

**ADV JOHNSON**: ... that count, yes.

**ADV SELLO SC**: It is fair. At count 2, it states that in the period between 8 May 24 and 31 May 25, I will skip a few lines, General Masemola was grossly negligent in that he failed to comply with the PFMA, in particular section

20 38(1)(d) in that he failed to manage contractual liabilities of the SAPS by failing to stop the acceptance of orders from Medicare24. So that particular count seems to suggest that there were certain liabilities borne by SAPS flowing from a contract.

**ADV JOHNSON**: Correct.

**ADV SELLO SC:** And that he is said to have been grossly negligent in failing to comply with the Act to manage those liabilities, of course, the failure resulting in the payment of invoices issued to SAPS by Medicare24. Count 3 states that during the same period, 8<sup>th</sup> May 24 to 31<sup>st</sup> May 25, once again he was grossly negligent and in particular breaching the provisions of section 38(1)(e) in that he failed to ensure that Medicare24 Tshwane was properly screened and tax compliant. Do you see where I am reading?

10 **ADV JOHNSON:** I do.

**ADV SELLO SC:** Then count 4, between 8 May 24 and the 17<sup>th</sup> March 25, this time the end date is different, he was negligent in that he failed to comply with the PFMA, to wit section 38(1)(h)(i), (ii) and (iii) in that he failed to comply with the duty to take effective and appropriate disciplinary steps against officials in the SAPS within the divisions SCM and other divisions of SAPS who were involved in the unlawful procurement of services advertised. This is in respect of this contract that was awarded.

20                So I understand that to be his failure to take disciplinary steps against officials who the charge sheet suggest were involved in unlawful procurement, not that he was involved in unlawful procurement. And that is the totality of the charges. Now when I try to marry these charges to the original section 27 referral, which as I said,

in the main speaks of the unlawful awarding of that contract, that does not seem to be reflected in the charge sheet. Do you read it the same way?

**ADV JOHNSON:** Yes, I think, however, if I may, it cannot be read in isolation like this.

**ADV SELLO SC:** Yes.

**ADV JOHNSON:** We had the section 27. There is investigations that have taken place over a period of time. General Masemola is identified as a person of interest much  
10 later on in the investigation. So there would have been a lot more at the disposal of the team in order for them to then adjudicate as to whether or not his conduct was criminal and if so, what criminality. We cannot draw it only to the 27, because investigations happened. A lot of investigations happened, and it is much later, which goes to show that it is not just about a lot of work, there were lots of things to check, to cross-check, to verify before you arrive at the conclusion that there is this person that might have a case to answer. And so I am saying that regard  
20 would have been had to more than just the 27 at the time a decision is made about General Masemola.

**ADV SELLO SC:** The point, there are two points I seek to make. As at March 2026, IDAC did not have that internal audit report. So whatever benefit that report provided, IDAC only acquired in June after the charges were laid. So

what I currently have is to marry the charges to the original complaint and the little exercise I have just undertaken was to see whether or not the charges are in any manner supported by the claims made in the referral affidavit with all its limitations.

And I do not know if you can make the link, because what you suggest is if there is no link between the two, it so happens that in the course of investigations they found other issues that they decided unrelated to the  
10 allegations made in the section 24 referral, they happen across other matters, all of which reflect gross negligence or, ja, gross negligence on his part for failing to comply with the provisions of section 38, the specific provisions. And the question would be, the next question of course, I am trying to locate the crime to bring the non-compliance with the provisions of section 38 within the scope of the Criminal Procedure Act, and I thought that you might be able to pass some light.

**ADV JOHNSON:** No, I hear you, Counsel, but in the  
20 absence of anything else in here, I am unable to reconcile with that argument. I stand by there would have been much more evidence. I also will check now this evening about when that audit report, and you say the audit report came in, according to you, it was 26 June.

**ADV SELLO SC:** It would not have come earlier than 26

June 2026.

**ADV JOHNSON**: Not earlier. So I will have to confirm that as well. But I am saying short of, whilst there is only this that is in here, I have to look at the totality of the case and what they had at the time they made the decision, and I am unable to tell you that they made a wrong decision because I am absolutely not aware of the evidence.

**ADV SELLO SC**: I was, I did this little exercise to see whether there might be validity to the narrative that *Ad Hoc* sought to engage you on, that IDAC appears to be specifically targeting these three Generals, and in the absence of a bridge between the section 27 referral and the eventual charge sheet, I would suggest to you that that could potentially lend credence to that narrative. Would you agree?

**ADV JOHNSON**: No, I do not.

**ADV SELLO SC**: Okay. Yes, please.

**ADV BALOYI SC**: Can I just ask, I mean, we always have to go back to your mandate. You do not have a self-standing mandate or jurisdiction to prosecute non-compliance with Public Finance Management Act. You do not. It always comes back to your mandate and your mandate is in 7(1A). Can you say, can you look at 7(1A) and say to us where this investigation and prosecution of General Masemola for PFMA non-compliance, where it is



located, keeping in mind the discussion on day one and day two of your testimony about how you read that 7(1A).

**ADV JOHNSON:** Yes. So, Commissioner Baloyi, we look at 7(1A) and we look at sub (a) relating to serious high profile or complex corruption, commercial or financial crime cases.

**ADV BALOYI SC:** Yes.

**ADV JOHNSON:** And that is where it fell. And ...[intervenes].

**ADV BALOYI SC:** Sorry, what about the failure to  
10 discipline? And remember, you have got 4 counts. So what about the failure to discipline employees? Remember you are not accusing him of corruption and you are not accusing him of collusion in the conduct of the other accused in the matter. So what in 1A (a) ja, in fact, the discipline, count 4, which is about disciplining employees, how does it fall into that provision, and then I use it as an example.

**ADV JOHNSON:** Sorry, Counsel, I am not trying to kill the hour.

**ADV BALOYI SC:** No, no.

20 **ADV JOHNSON:** I just have to find it.

**ADV BALOYI SC:** I think even if you tried, we have tomorrow morning.

**ADV JOHNSON:** Sorry, Commissioner Baloyi, you referred to the charge?

**ADV BALOYI SC:** If you look at count 4.

**ADV JOHNSON:** Count 4.

**ADV BALOYI SC:** Ja, and count 4 is about failure to discipline employees. You are charging him under that section 38(1)(h)(i), (ii), (iii).

**ADV JOHNSON:** Yes.

**ADV BALOYI SC:** All of them relate to failure to discipline.

**ADV JOHNSON:** Yes.

**ADV BALOYI SC:** So my question is, just looking at that one count, surely it does not have anything to do with  
10 (1A)(a) if you are not accusing him of corruption?

**ADV JOHNSON:** So if I am following the reasoning, you are taking the case as not one case, but what charges he is facing.

**ADV BALOYI SC:** Because ...[intervenes].

**ADV JOHNSON:** Just so that I understand.

**ADV BALOYI SC:** Ja, because my understanding, and you can correct me if I am wrong, my understanding is much as he has been joined to the case against the other seven or eight, much as he has joined them, his is in fact a  
20 standalone because he is not accused of corruption. The others, it is corruption, as I understand. Him, it is purely a statutory infringement because that statute makes certain conduct an offence.

But that offence, that conduct in this case, it is not corruption. Your charge sheet on all counts, nowhere does

it implicate him in the conduct of the others, and it does not implicate him specifically in corruption, which I would understand how it would have triggered your (1A). So it is standalone statutory offences and we have to deal with him as standalone because that is how you have chosen to charge him. The fact that he appears incomprehensibly in my view, I must say, that he has made, he is appearing with people who are accused of corruption, including Mr Matlala and the boss of Medicare24, notwithstanding that, which I  
 10 do not understand, it does not make him, at least in my view, it does not make his charges to be part of the grander scheme.

**ADV JOHNSON:** I understand the argument. I speak under correction. I think it is something he has raised with the prosecution team so that he be removed from that bigger matter and that he faces charges as he should on that ...[intervenes].

**ADV BALOYI SC:** As a stand-alone.

**ADV JOHNSON:** As a stand-alone. I speak under  
 20 correction, but I will get that confirmation as well this evening.

**CHAIRPERSON:** But as I understand it, Commissioner Baloyi is asking you a different question, that different question being why General Masemola is an accused, bearing in mind the provisions of section 7, capital letter,

yes, yes. And for that matter, we could even go back to 27, the referral. So that is the question you are being asked, not the one about joining several accused in one matter or the same proceedings. We are going to be engaging you on the ladder, by the way. Ja, please answer Commissioner Baloyi's question then.

**ADV JOHNSON:** Commissioner Baloyi, yes, I read it as follows. I can already see the Chair there. Sorry. When I am tired, I have to have a witty moment just to break my - I  
 10 see that (a), relating to serious high profile or complex corruption, which does not deal with him. Commercial or financial crime cases, the award of the tender falls within the commercial or financial crime cases. And then to the point that you make, Commissioner Baloyi, relating to, under paragraph (c), additional related statutory offences or categories of statutory offences, to wit under 4, the Public Finance Management Act.

**ADV BALOYI SC:** Ja. But you see, you must go back to the mandate of IDAC, I think why was IDAC created,  
 20 otherwise, you are going to be investigating exactly what the SAPS is investigating, and there is no difference between you and the SAPS. So we have to read it, to read your 7(1A) with in mind what is in fact the purpose of IDAC, why it was created. And (a) tells us serious high profile or complex corruption, commercial or financial crime cases.

You surely are not saying IDAC has the jurisdiction to investigate and prosecute all and every financial crimes. You are not saying that.

**ADV JOHNSON:** No.

**ADV BALOYI SC:** Ja, you are not saying that because the interpretation you are giving, it means all financial crimes you get to investigate. So we have to go back to, there has to be a link of corruption, it seems to me, because that is the very mandate of IDAC, and a proper reading must lead  
10 us there. And remember the sections in PFMA, they are really not concerned about whether it is a commercial crime or whether it is a financial crime. They do not even define it as that. They simply say, if you have failed to discipline or if as a result of gross negligence you have caused a fruitless and wasteful expenditure on the other counts, so you have to stick to the latter, otherwise you are extending your powers beyond the PFMA and beyond your act.

So it is not standalone and the charge sheet it is standalone. It is, you have looked at the act and you have  
20 said he failed to discipline his subordinates and then we charge him. We have jurisdiction over him. That cannot be what the, what is, what the purpose of this. It cannot be.

**ADV JOHNSON:** But I think if we are reading the individual charges, I hear you, Commissioner Baloyi.

**CHAIRPERSON:** Yes.

**ADV JOHNSON**: But we must not lose sight of, and I am not saying that you have, I am saying, let us go back to the counts. Count 1 says, in your capacity as the accounting officer of the South African Police Services, you unlawfully, wilfully, and in a grossly negligent way failed to comply with the PFMA regulations in that you fail to take effective and appropriate steps to prevent unauthorized, irregular and/or fruitless expenditure and wasteful expenditure and losses resulting from criminal conduct regarding the tender that  
10 was awarded to Medicare24.

**ADV BALOYI SC**: Yes.

**ADV JOHNSON**: So already there, we are drawing him into the realm of there was unlawful conduct, there is unlawful criminal conduct and as the accounting officer, you have a PFMA obligation to stop that awarding.

**ADV BALOYI SC**: Yes. I deliberately chose not to deal with, to use count 1 as an example, because you immediately run into the PFMA definitions of what is a fruitless and wasteful expenditure, what is an irregular  
20 expenditure, what is an unauthorized expenditure. And I want to suggest to you that none of that applies here by definition of PFMA. If you look, and I am not, I know it is late in the afternoon, I am happy to come back to you tomorrow, but if you look at the definitions, right, at the definitions, whatever happened with this contract as it

relates to General Masemola, there is no fruitless and wasteful expenditure that you are alleging, at least in the chart sheet.

There is no unauthorized expenditure. We know the definition of unauthorized expenditure. It is budgeted for. And you go to the books, you are not saying they spent money that was not budgeted for. So I chose not to use that and to take the easier example, to only make the point that it is a statutory ...[intervenes].

10 **ADV JOHNSON:** Contravention.

**ADV BALOYI SC:** Contravention, simple. That is what it is, and not to say you cannot be charged with that, but the discussion is, but what does IDAC have to do with that? How does its mandate get triggered? That is my difficulty, certainly not disciplinary action. Count 4 you could never justify it. Even if you could justify the other three, count 4 you could never. But my view is even the others, they do not belong under IDAC's mandate. I will leave it there and if you want to deal with it tomorrow after you have  
20 considered it, I am happy for us to leave it there, if you want to consider it overnight.

**CHAIRPERSON:** Advocate. Johnson, just to add to what Commissioner Baloyi as to the need, before you get to the PFMA or the other statutes itemized under paragraph C of the section, before you get there, there must be a charge or

charges relating to some of the offences listed above, for example, your corruption and so on. So Commissioner Baloyi makes that point. I will say, look at C, look at the use of “additional” in C, in paragraph C of the subsection. Do you see “additional” there?

**ADV JOHNSON:** Yes.

**CHAIRPERSON:** Surely if you want to rely on the provisions of the acts referred to under paragraph C, you must already have some other, let me loosely call them  
10 main offenses as it were, and then the offenses under these statutes should be additional to those. Do you get the point?

**ADV JOHNSON:** I do.

**CHAIRPERSON:** Otherwise you would render “additional” in paragraph C meaningless. Do you get the point? So the question stands, but you may respond to it tomorrow. The question stands as to what the PFMA offences you charged General Masemola with, what those PFM offences were additional to, because if you are not able to show that they  
20 are additional to something, then it may well have been charged improperly.

Perhaps just for clarity, let me state this. We are not engaging in this exercise to try to show that all of the people we have dealt with during this engagement with you are not guilty of the offensive charge. That is not the



purpose. But it is just that in practical terms, it is very difficult to extricate getting into the offences themselves, extricate that from what we are about, which is about IDAC's motives. Did IDAC properly exercise the powers vesting in it, or did it do so with improper motives? So it gets difficult not to get into the offences themselves.

**ADV JOHNSON**: I understand.

**CHAIRPERSON**: So, tomorrow morning when we start, please give us your own understanding of “additional” in  
10 paragraph C of the subsection. If you agree with us, then you must show us what the PMFA offences were additional to.

**ADV JOHNSON**: Yes, in terms of ...[intervenes].

**CHAIRPERSON**: For you to have been able to charge under paragraph (c) of the subsection. Understand? We will ...[intervenes].

**ADV JOHNSON**: I do.

**CHAIRPERSON**: We will wait for the answer tomorrow morning. Thank you.

20 **ADV SELLO SC**: Thank you, Chair. I guess then the answers tomorrow morning will dictate the extent which we deal with this matter and I will finalise then. I am sticking with the narrative as *Ad Hoc* engaged you on. This is a matter that would not have come to your attention, but it has been brought to the Commission's attention, and I am

considering this matter in the context of the conversation we are having. And for that purpose, I would like to invite you to CJC387, page 3174, 3174. I think that is my file 8.

**ADV JOHNSON**: File 8?

**ADV SELLO SC**: I am guessing.

**CHAIRPERSON**: Yet again, we have quite a clutter in front of us.

**ADV SELLO SC**: Then I think, judging by the time, Chair, please clear everything else and just leave CJC37, 387. It  
10 is 387. I apologize. CJC387.

**CHAIRPERSON**: Did you give us the page?

**ADV SELLO SC**: 3174, file 8. You can get rid of the rest. Have you located the page, Advocate Johnson?

**ADV JOHNSON**: Yes, ma'am.

**ADV SELLO SC**: Now, this is a complaint addressed to the Commission. It is dated the 21<sup>st</sup> of July 2026. Now, at 3174 is the cover page from the attorneys listed there, Malebye & Maleho Incorporated, and the complaint addressed to the Commission is a complaint in relation to  
20 unlawful conduct by IDAC, and this is on behalf of Sergeant F E Nkosi. It does, the letter does have the standard salutary paragraph. It starts mainly at paragraph 2 and reads:

“Our office has been mandated by Mr  
Fannie Nkosi to bring to the attention of

the Commission that upon or about the 13<sup>th</sup> of July 2026, a delegation comprising of nine IDAC officials visited our client in prison, our client in this sense being Sergeant F E Nkosi. The purpose of the said visit was to conduct an interview with him in relation to ongoing investigations pertaining to Medicare24 contract, and more specifically, information that they demanded from Mr Nkosi regarding ties between Vusimuzi Matlala, National Commissioner, General Masemola and Lieutenant General Khumalo.”

It then sets out other facts. If you go to 3176, let us start at, the bottom last line of 3175 under paragraph 4, the letter states:

“Furthermore, we are of the view that the conduct of IDAC not only amounts to intimidation of witnesses of the Commission, but also amounts to an abuse of power.”

The issue regarding intimidation of witnesses of the Commission is a matter for the Commissioners to deal with. I am more interested in the purpose for which IDAC paid

Sergeant Nkosi a visit. If we go to page 3177, that is the affidavit of Sergeant Nkosi. I would like us to zoom in at page 3, paragraph 3, and it reads:

10                   “On Monday, 2026-07-13, between 13h00  
and 14h00, I was called out from my  
detention cell by the senior prison official  
known to me as Mr Matlala, that is the  
prison official, who informed me that  
there were investigators from  
Investigating Directorate Against  
Corruption, commonly known as IDAC,  
who wanted to interview me. I was taken  
to the prison boardroom where I found  
plus-minus nine officials who informed  
me that they were from IDAC. They were  
led by an Indian male who introduced  
himself as Suneel Bellochun. These  
IDAC officials were comprised of one  
Indian female, one white male, one  
20 African male, and six Indian males.  
Those IDAC officials started to question  
me about the relationship between myself  
and Vusimuzi Cat Matlala and threatened  
to charge me with corruption for once  
being in possession of Vusimuzi Cat

Matlala's FNB card."

I would like us to then move to paragraph 4. where he states, and I quote:

10 "Suneel Bellochun informed me that the white male was their official photographer. Suneel Bellochun further asked me what I know about any corrupt relationship between Vusimuzi Cat Matlala, National Commissioner, General Masemola and Lieutenant General Khumalo. I told him that I knew nothing about any corrupt relationship that he was asking me and that I only knew Vusimuzi Cat Matlala has close ties with Lieutenant General Sibiya and Major General Khan, but he told me that he never asked me about Lieutenant General Sibiya and Major General Khan.

20 Suneel Bellochun further informed me that I must not give him nonsensical explanation about Vusimuzi Cat Matlala's FNB bank card being left in the jet ski boat because Vusimuzi Cat Matlala had already given him a clear explanation of how I got hold of this FNB bank card."

Last penultimate line of that page:

“Suneel Bellochun further informed me that the interview would continue with or without my legal representative, Mr Katlego Malebo.”

I will jump to the following page, page 3178, paragraph 5, almost, let us say a quarter through that paragraph.

10 “Furthermore, I would like to indicate that white male IDAC official took photos of me without my consent while I was being interviewed by Suneel Bellochun. When I inquired about photos being taken, they informed me that they form part of their investigation against me. Before both Suneel Bellochun and his white male colleague could leave, they informed me that they would contact my legal representatives.”

20 He concludes at 5, paragraph 5:

“Lastly, I feel that IDAC officials have trampled on my constitutional rights by interviewing me without the knowledge of my legal representative.”

If we go forward to 3186, that is an affidavit by Ms,

by Sergeant Nkosi's attorney.

**ADV JOHNSON:** 318?

**ADV SELLO SC:** 3180. Apologies, 3180. And we will pick it up at paragraph 3 where the attorney states that:

“On Monday 2026-07-13 at 15h13, I received a phone call from telephone number stated, and the caller ...”

That is a landline.

10                    “The caller was my client, Fannie Ezekiel Nkosi.”

And he states that Mr Nkosi proceeded to inform him of the visit that he had from investigators of IDAC. At paragraph 4, he says on the same afternoon, 13 July 26, he received a, he got a missed call from a cellphone number stated, and when I checked it on Truecaller app, it showed that it belonged to Suneel Bellochun. On Tuesday the 14<sup>th</sup> of July 2026 at 08h29, the same number phoned him again. and he was busy, and the user sent a WhatsApp message reading:

20                    “Good morning, sir. I am Senior Investigator Bellochun from IDAC. Can you please return my call?”

Then we go further on, he then attaches a couple of annexures. These are photos of this place in the prison, screenshots from his phone, including a phone with this

number that was calling, having a profile picture of a gentleman with a lady and a child. I bring this particular complaint to your attention for the simple reason that we know that on the 13<sup>th</sup> of July 2026, the section 205, no, 105 plea deal that IDAC had concluded with Mr Matlala was firstly rejected by the court prior to that and the court counter offered a sentence which Mr Matlala on the morning of the 13<sup>th</sup> of July on record, rejected that, leading to the collapse of the entire plea agreement.

10                Now, it would appear in the afternoon of the same day, members of the IDAC staff investigators visited Mr Fannie Nkosi to get him, if I understand the complaint, to implicate General Masemola and Lieutenant General Khumalo by claiming that there is a relationship between the two and Mr Matlala. And in particular, you will recall at paragraph 4, Mr Fannie Nkosi indicated that Mr Bellochun insisted that Mr Bellochun informed him that he, Mr Belochon, wanted to know about any corrupt relationship between Vusimuzi Cat Matlala, National Commissioner,  
20    General Masemola and Lieutenant General Khumalo.

              Again, in the context of the narrative that you had originally discussed with *Ad Hoc*, perhaps I should start by inviting your comment To the conduct referred to in these papers to the extent that it may be true. Currently, it stands as a complaint to the Commission. The Commission



will have to deal with whether there is potential interference with witnesses of the Commission, but we can leave that for the moment. That is for the Commission to deal with. Understanding and appreciating what the claimed conduct is, I would like to invite you your comment as to the propriety thereof or otherwise. Thank you.

**ADV JOHNSON:** If the allegations by, I almost called him a General, sorry, Sergeant Nkosi are in fact true, then they are serious. And if they are in fact true, they would have to  
10 be dealt with because the timing cannot be ignored. We had an issue in the morning of the 13<sup>th</sup> of July. For whatever reason, it falls through the mat. So one would have to understand what created this urgent, for lack of a better word, urgent situation that has to now be dealt with. And why did it have to be dealt with in the manner that it was? We have a practice. Any accused, if you want to see them, you must engage the legal representative before you make the appointment. We have done that with Mr Matlala.

So if you are doing that, and I use Matlala only  
20 because it is the same matter. So if you are going to do that with anyone else in relation to that matter, you follow the same rules. You find out who is his legal representative, you make the necessary arrangements, and those arrangements do not of necessity have to suit you. This is a legal representative, so find a common date and

time, as we have had with many other matters, and indicate why you want to engage with the client and let the legal representative say yes or no. If he says no, then you have to walk away and figure it out differently.

But this, if it is true, is conduct very unbecoming and would have to be dealt with because there is no logical, I cannot even read into the words, Commissioner Baloyi and Chair, I cannot read into the words any logic for wanting to do this with the urgency and with the measure of pestering, because what would have happened if after the court proceeding we called the legal representative once we find out who it is and arrange for the day later or two days later and then could have gone through the process. And we might then, in terms of investigators, have achieved what they perhaps well-intended sought to achieve. But in the way that it is done, the intention is lost.

**ADV BALOYI SC:** With something like this you, is it fair to say you would expect to have a record from, a record of this day from whether it is a pocketbook or whether it is an investigation diary of Mr Bellochun, which indicates he did go to the prison on this date?

**ADV JOHNSON:** Sure.

**ADV BALOYI SC:** This is who he was with, this is who he met with and this is the kind of discussion he had.

**ADV JOHNSON:** Correct.

**ADV BALOYI SC:** Is that something that you say in the way you do things, there must be something like that?

**ADV JOHNSON:** There must be record.

**ADV BALOYI SC:** Okay.

**ADV JOHNSON:** Even if when they go back, they, on the very same day, compile an information note, setting out everything they did, who was there, and it gets filed into a file.

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

10 **ADV SELLO SC:** Thank you, Commissioner Baloyi. And just to be clear, it is late in the day and perhaps I speak under correction, Sergeant Nkosi is not an accused in the matter that Mr Matlala is charged by IDAC on, on which General Masemola has been added as an accused.

**ADV JOHNSON:** No.

**ADV SELLO SC:** General, yes. So it is not a case of interviewing or consulting with an accused. It sounds more like IDAC soliciting evidence, if it is that, against General Khumalo and General Masemola. Now, General Masemola  
20 is already an accused in that trial, and the evidence solicited in respect of the very contract for which he now finds himself standing trial. And secondly, how does General Khumalo even become involved in that, or how would he?

**ADV JOHNSON:** At no stage in any feedback to myself has

his name ever come up in this investigation. There is another General whose name comes up in this investigation. It does not begin with a Khumalo or end with a Khumalo.

**ADV BALOYI SC:** Also, in addition to that, General Masemola, other than the PFMA contraventions, are you aware of his name having come up in respect of corruption, on a corruption charge between, that relates to Mr Matlala and in particular the Medicare contract?

**ADV JOHNSON:** No, ma'am.

10 **ADV BALOYI SC:** You are not aware of?

**ADV JOHNSON:** No.

**ADV BALOYI SC:** Okay.

**ADV JOHNSON:** And we did get quite a detailed briefing. before the arrests and the decision taken for a subpoena, and at no stage was there a corruption matter that I can recall, and I will confirm as well this evening.

**ADV BALOYI SC:** Until Mr Bellochun gives us an explanation on the face of it, it looks like he went about searching to find to find some dirt that could be used to,  
20 against General Masemola and General Khumalo when there is no foundation for it in any of his investigations. That is what it looks like.

**ADV JOHNSON:** Correct.

**ADV BALOYI SC:** Ja.

**ADV SELLO SC:** Thank you, Commissioner Baloyi.

Advocate Johnson and Chair, it is 17:29. I do not know what exactly to do with that fact.

**ADV JOHNSON:** By the time you greet it will be 17:30.

**CHAIRPERSON:** Yes, it would be 30 before you are done with your next question. So let us adjourn and resume at 9:30 tomorrow morning. Let us adjourn.

**ADV SELLO SC:** Thank you, Chair.

**INQUIRY POSTPONED TO 29 JULY 2026**

**INQUIRY ADJOURNS**

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