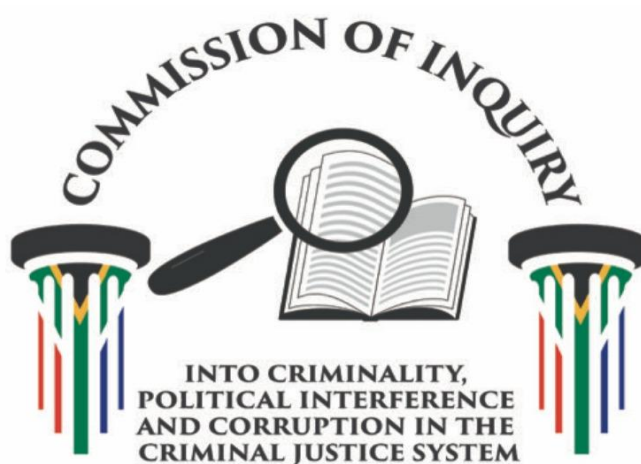


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

20 OCTOBER 2025

DAY 15



PROCEEDINGS ON 20 OCTOBER 2025

CHAIRPERSON: Yes, good morning, Ms Sello.

ADV SELLO SC: Good morning, Chair. Chair, the public hearings into the matters of the Commission resume today, but before the next witness is presented, it is necessary that we place some facts on record and make certain clarifications. On day 13 of this Commission, on the 16th of October, the Chair issued a ruling permitting certain evidence to be heard in *camera*. The matter was argued
10 before the Commissioners and the basis for that, I think, was fully articulated during the course of the hearing and it is not necessary to reiterate.

By means of background, perhaps it is necessary to indicate that we envisage three types of “in *camera*” hearings. The first would be the common and understood one, where no public participation is permitted during the delivery of testimony by a witness. In that instance, both the testimony, the identity of the witness, are kept wholly secret until determined otherwise by the Commissioners, so
20 that is the first category.

The second is the other two are introduced in a bid to comply with the requirement that the Commission be in public as much as it is feasible under the circumstances. To that extent, we envisage that in certain instances, although we will be sitting in the auditorium and the witness

is heard, his or her voice will probably be distorted and the identity will not be disclosed, but the delivery of the testimony as it is received by the Commissioners will be heard contemporaneously with what the public hears. Once again, that is in a bid to protect the identity, the safety of the witness.

The third category is one that we find ourselves in today, which is where the witnesses appreciate that their identities may be known in certain quarters, and they know
10 that their identities are known in certain quarters. They are currently living in safe houses, and this follows a risk assessment report that indicated that they may no longer live in their homes because of the risk associated with their jobs in regard to certain investigations, and it is safest for them to be put up in safe houses.

So they do not have a challenge with the fact that the reasons that they are in safe houses is because there is an identified threat from certain quarters. The identification of that threat from certain quarters does dictate that from
20 those quarters or within those quarters, their identities are known. They would like to present their testimony to the Commission in public, hence their testimony will be beamed into the auditorium and carried by the TV networks and radios.

What they ask for is that they be permitted not to

present themselves physically, one, and secondly, that their image is not broadcast, their respect image is not broadcast. They have lived in safe houses for extended periods, and their safety in those houses is supported in part by their anonymity within the communities that they currently live.

If their faces are broadcast, then that anonymity is lost, not only for continued living within their specific communities where the safe houses are, but they will never
10 be able to live comfortably in any other community and try to integrate and live as normal a life as possible. It is on that basis that they request that their images not be published and therefore not be projected on screen.

Their voices, however, will remain normal, they will not be distorted. Their names will, for the moment, be withheld. They will be disclosed in the fullness of time. We refer to them, there are three of them, as Witness A, Witness B, and Witness C. It is accepted that those who know their voices will immediately identify them and know
20 who they are. They believe that that is a risk that they have ways of mitigating and they can live with the risk. It is their images that they would seek to be protected.

So, we appear before you here in terms of the ruling you made on the 16th of October 2025, with a slight amendment, that in a bid to be as transparent as the

Commission can potentially be, to share the testimony of its witnesses with the public, that we be permitted to run the testimonies of these witnesses in this auditorium with their voices heard, not distorted, but their images not projected. We did consider whether or not this mode would be prejudicial to the purpose and the terms of the Commission, and we conclude it is not because their identities are irrelevant.

What is relevant for purposes of public interest is
10 the content of their testimony, and that will be heard in full. Any documents that must be projected on screen or that would have been projected on screen during the evidence of any witness will continue to be projected today. So, to the extent that it is necessary, the projections will be made on the screen, become immediately available.

When the witness, each witness has finalised their testimony, both their statement and the transcript in relation to their testimony will become immediately available with the necessary reduction to withhold their names. To the
20 extent that it may be thought that that would be prejudicial in any manner, we do not support that contention because those watching on national TV and hearing the testimony are no more a beneficial position than those listening on radio.

If those listening on radio are not prejudiced by not

seeing the speaker, and therefore able to identify the features of the witness, then we submit that even hearing their voices and their testimony on TV alone without image will not prejudice the nation and will not undermine the approach that this Commission has adopted to public hearings. On that basis, Chair, we would request that the next three witnesses, Witness A, Witness B, and Witness C, be accommodated in the fashion I have set out.

CHAIRPERSON: Thank you, Ms Sello. A ruling has
10 already been made, but you have said that you are asking for an amendment.

ADV SELLO SC: To the extent necessary.

CHAIRPERSON: May I ask you to articulate that amendment in the form of a ruling?

ADV SELLO SC: We could put that together, Chair. I
thought of an amendment because the current ruling speaks to in *camera*, and we are not in *camera* in the truest sense of the word, because here we are in public, where the testimony will be heard by the public as it is delivered. So
20 that is why we say to the extent that it is necessary to amend that ruling, then we would request that it be so amended to accommodate this current format where the witness's voice is heard in the auditorium in the absence of the witness who is testifying from a remote location, but without their voice distorted.

CHAIRPERSON: Thank you, Ms Sello.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: The ruling then is that the ruling made last week is amended such that today's hearings, not only today's, in fact the testimony of Witnesses A, B, and C, will be heard in this open session subject to their faces not being seen, and also they will be testifying remotely.

ADV SELLO SC: Thank you, Chair, that is correct.

CHAIRPERSON: Thank you.

10 **ADV SELLO SC:** Chair?

CHAIRPERSON: With their names not being disclosed at this stage.

ADV SELLO SC: At this stage.

CHAIRPERSON: Yes.

ADV SELLO SC: Thank you, Chair. Thank you for the ruling, Chair. We are clarified.

CHAIRPERSON: Thank you.

20 **ADV SELLO SC:** We are ready to lead Witness A, if the Commissioners are ready. And Witness A will soon, his voice will soon be beamed into the room and he will be led by Adv Lee Segeels-Ncube. Ready when you are, Chair. Thanks, Lee.

CHAIRPERSON: We are ready when you are. Thank you, Ms Sello. We are ready when you are, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE SC: Thank you, Chair. Thank you,

Commissioners. Chair, the witness is Witness A and we have spoken to the witness. He will take the oath.

CHAIRPERSON: Witness A, can you hear us?

WITNESS A: Yes, good morning, Commissioner. I can hear you.

CHAIRPERSON: Good morning to you too. Will you affirm or take the oath?

WITNESS A: I will take the oath, Commissioner.

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

WITNESS A: So help me God.

CHAIRPERSON: Thank you.

WITNESS A: (Duly sworn states)

EXAMINATION BY ADV SEGEELS-NCUBE SC: Thank you, Chair. Witness A, there should be two bundles that you have with you. The first is a smaller bundle from page 1 to 57. Do you have that bundle with you?

20 **WITNESS A:** Yes, Commissioner, I have it.

CHAIRPERSON: Just a minute. Is it not possible to up the volume a bit, please?

ADV SELLO SC: Yes, we are trying to arrange for that, Chair.

ADV SEGEELS-NCUBE SC: Witness A, can you just speak

again? Can you confirm that you have the bundle with you?

WITNESS A: Yes, Commissioner, I do have the bundle with me.

ADV SEGEELS-NCUBE SC: Thank you. Chairperson, I want to suggest that that bundle be bundle WA for Witness A. And then the second bundle that you have with you should be 455 pages long. Do you have that?

WITNESS A: Yes, correct. I also have that one as well.

ADV SEGEELS-NCUBE SC: Thank you. Chairperson, if
10 that bundle can be an exhibit, submitted as an exhibit, which is the Katiso Molefe Bail Exhibit and it is EXHIBIT CJC4. Thank you. Witness A, can we go back to the first bundle, which is WA? Witness A, can you confirm on page 41 that that is your signature that appears there?

WITNESS A: Correct, Commissioner. It is my signature that is appearing on page 41.

ADV SEGEELS-NCUBE SC: Do you confirm that this is a statement that you prepared for purposes of your evidence that you will be giving before the Commission today?

20 **WITNESS A:** That is correct, Commissioner, I do confirm.

ADV SEGEELS-NCUBE SC: Witness A, can you then go to page 1 of the WA bundle, which is page 1 of your statement? Can I ask you to confirm that paragraphs 1 and 3 are correct insofar as it identifies you and your career within the South African Police Service?

WITNESS A: Yes, Commissioner, they are correct.

ADV SEGEELS-NCUBE SC: Now, you say in paragraph 2 of your statement that the statement is prepared for purposes of dealing with your evidence relating to events that transpired during 2024 and this year, which are relevant to the media briefing made by Lt-Gen Mkhwanazi on the 6th of July 2025. Can you, for the benefit of the Commission, tell us what it is that your role was insofar as the South African Police Service, what do you do within the
10 Police Service?

WITNESS A: Thank you, Commissioner. I will start by saying that I am an investigator within the SAPS, and I am currently based at Organised Crime, which is the unit that is mandated to investigate crimes that are understood to be of a certain nature, in the sense that they are sophisticated and they need a certain approach in a way that they are being committed by syndicate, the organised groups. Thank you, Commissioner.

ADV SEGEELS-NCUBE SC: Thank you. You also say in
20 paragraph 5 of your statement where you deal with what you refer to as the Swart murder investigation, that you are one of the investigators in that case. Can you briefly tell the Commission what the Swart murder is?

ADV BALOYI SC: Ms Segeels, perhaps we should place paragraph 3 on record. Remember, I know what you are

doing, the statement will be handed in, but we do have a transcript and I think we should try as best as possible to put as much information in the transcript as is safe to do.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner. Thank you, Commissioner. I did ask the witness to confirm the accuracy of paragraph 3 for now insofar as it relates to his career. Do you just want me to briefly say that it does deal with his career within the police service?

CHAIRPERSON: In that case, I have a question that
10 relates to paragraph 3. The witness says that he was attached to a station and thereafter the Trio Task Team in Soweto. What exactly does the Trio refer to?

ADV SEGEELS-NCUBE SC: Witness A, did you hear the question from the Chair?

WITNESS A: Yes, I got the question from the Chair, Commissioner.

ADV SEGEELS-NCUBE SC: Can you answer the question?

WITNESS A: The Trio Task Team is the team that is
20 formed to work on the specific cases that are classified as hijackings, house robberies around the area.

CHAIRPERSON: Okay. Perhaps, Witness A, just read the whole of paragraph 3 into the record.

WITNESS A: Yes, Commissioner:

“I started my career in the SAPS in
July 2008 at the Basic Training

College. Before that, I was a reservist. After college, I was attached to a station and thereafter, I joined the Trio Task Team in Soweto, which is a specialised unit focused on combating hijackings, residential and business robberies. I remained in the Trio Team until 2021. In late 2021, I joined Gauteng Organised Crime.”

10 Which is the unit that I am currently in, Commissioners.

CHAIRPERSON: And then the next paragraph, paragraph 4, you say your SAPS96 will be made available to the Commission if necessary. What is the SAPS96?

WITNESS A: The SAPS96 is a document, Commissioner, that mentions what I have just said above. It mentions all the steps that I have gone through since I have started in the police and the courses that I have attended and everything.

CHAIRPERSON: So, it is an internal SAPS document that
20 approximates what one could call a resume or a CV, or not?

WITNESS A: That is correct, Commissioners.

ADV SEGEELS-NCUBE SC: Thank you, Chair. Witness A, we are now at paragraph 5 of your statement where you deal with the Swart murder investigation, and you say that you were one of the investigating officers. I had asked you

to just briefly tell us what the Swart murder was before we deal with your role as an investigator.

WITNESS A: Thank you, Commissioners. The Swart murder is referred, as it is referred, it is the murder that occurred in Vereeniging area on the 17th of April 2024. In brief, this is the case that occurred in the morning of the date that I have just mentioned, the 17th, where an individual was shot and killed at Vereeniging and then the case was then given to us as a unit to investigate.

10 **ADV SEGEELS-NCUBE SC**: Okay. You then mentioned that ...[intervenes].

CHAIRPERSON: Sorry, sorry. The individual being? The individual's name?

WITNESS A: The individual's name is Mr Armand Swart.

ADV SEGEELS-NCUBE SC: Thank you, Chair. You then deal in that paragraph still on paragraph 5, but on the next page you refer to many crime scenes related to this murder. Before we deal with the details of the scenes, could you just list the scenes and explain to us why there are four scenes
20 that you reference in there?

WITNESS A: Yes, thank you, Commissioner. This Vereeniging murder was registered as Vereeniging CAS 275/4/2021, and it is referred to as a main case, and it has got another three cases that I would say are consolidated to it or joined under it. And then I will go on and say as this

murder occurred, it was also learned that there were other cases that were connected to it in such a way that the people that murdered Mr Swart in Vereeniging were arrested at a different area, which is now Bramley in Johannesburg. And then there was a docket that was registered there, and it was referenced as a Bramley CAS 149/4/2024.

ADV SEGEELS-NCUBE SC: And then the Klip River in 7.2, you mentioned Klip River as well. Can you explain the
10 relevance of that?

WITNESS A: Yes, Commissioner, and there was also another case that would later be joined to Vereeniging as well as referenced as Klip River CAS 77/4/224. Here is a person that was arrested ...[intervenes].

CHAIRPERSON: Sorry, not 224. 2024.

WITNESS A: 2024.

CHAIRPERSON: Yes.

WITNESS A: Sorry, Commissioner. Thank you for the correction, Commissioner.

20 **ADV SEGEELS-NCUBE SC:** You may proceed.

WITNESS A: On this case there is a person that was arrested in Klip River, and he was later connected to murder. And then this docket was opened because he was found with a firearm and ammunition at that area. Then it was registered under Klip River area and given that number.

CHAIRPERSON: Under paragraph 7.1, which you have dealt with already, you refer to a street in Bramley and a house in Q. Is there a reason for saying a house without giving the street address?

WITNESS A: Yes, Commissioner, there is a reason to that because that house belongs to the suspect that was arrested in Bramley. And then the reason for not giving the address is because there is his family that is staying there that can be compromised if maybe this address can be
10 given in public.

ADV SEGEELS-NCUBE SC: Thank you, Witness A. And then if you can tell us about 7.3, the Vereeniging Office Park?

WITNESS A: Thank you, Commissioner. The Vereeniging Office Park is also referred to this case as a murder scene or a crime scene of Vereeniging. That is where the murder of Mr Armand Swart occurred.

ADV SEGEELS-NCUBE SC: Thank you. Witness A, at paragraph 8, you say you will deal with each scene and we
20 will get to that. At paragraph 9, you speak about your role in the investigation and that there is another witness, Witness B, who is best placed to deal with other events. Can you tell us why that is?

WITNESS A: That is correct, Commissioner. Witness B is going to come after me and deal with this case in detail

because at some time I was committed to other cases when we started with this investigation. So I will be doing this case and also attending other cases on the side, and then she was fully committed on this one from the word go to this day.

ADV SEGEELS-NCUBE SC: Thank you. If we can then go to page 3 of your statement where you then start with the Swart murder again at paragraph 10? And you do not need to repeat that because you have already dealt with the
10 description of the murder, but if you can just tell us how you got involved in the investigation of the murder?

WITNESS A: Thank you, Commissioner. On the 17th of April 2024, I was on duty when I received a call from one of my colleagues that told us that he has gotten an instruction from our commander, Brigadier Gopape, that we must attend to a crime scene that was active in Bramley. And at that time we did not know what this crime scene was all about, and then I did ask him on the phone to give me more details about the crime scene that we were instructed to
20 attend. And then his response was that he does not have full details, he was just given instruction that we must go to that crime scene at the address that was given to us at the time and we will be briefed as we get to the crime scene.

ADV SEGEELS-NCUBE SC: Can I ask you, Witness A, approximately what time would this have been?

WITNESS A: This was in the morning of the 17th of April 2024, at around 10.

ADV SEGEELS-NCUBE SC: So approximately three hours after the murder had been committed?

WITNESS A: That is correct, Commissioner.

ADV SEGEELS-NCUBE SC: If we can then go to page 4 of your statement at paragraph 13? Can you tell us what then you did next? You say that you arrived at the office, what transpired thereafter?

10 **WITNESS A:** Yes, I arrived at the office because at that moment I was driving with Witness B in the same vehicle. And then we arrived at the office, then we got to this colleague of ours that was giving us the instruction from the Brigadier. Then we requested him to brief us a little further about what we needed to do and then he said all he has is the address where we need to go and attend and then the number of the person that needs to give us full details when we get to the crime scene. And what happened, that colleague of ours jumped into the vehicle that I was driving
20 and then the three of us drove to the crime scene at Bramley.

ADV SEGEELS-NCUBE SC: Was there anyone else that accompanied you?

WITNESS A: Yes, Commissioner. We were joined by two other colleagues of ours a little later at the crime scene.

They were instructed to be with us at the crime scene. We were initially told by the Brigadier through the colleague that has just given us the instruction from the Brigadier that it appeared as if the crime scene was huge and it would need more than three members to attend to, which is why we had to be joined by two extra detectives, which was Warrant Officer Mabalane and Sergeant Gumsing.

ADV SEGEELS-NCUBE SC: And you then in paragraph 14 deal with what you observed when you arrived on the scene.

10 Can you tell us, give us more detail on that? And this is now the Q-Bramley scene.

WITNESS A: Yes, Commissioner. When we arrived at the crime scene, we saw a lot of police vehicles, vehicles marked and unmarked. And then we asked as to who was going to brief us. And then we arrived, then we found the TRT team, which is Tactical Response Team, and then the Provincial Tracking Team that were already at the crime scene. And then we requested to be briefed before this thing could be handed over to us.

20 **ADV SEGEELS-NCUBE SC:** And what did they tell you as part of the brief?

WITNESS A: They told us that there were three people that had already been arrested in the Viano that was parked in the centre of the crime scene in the street. And then they told us the information that they had at that particular

time ...[intervenes].

CHAIRPERSON: Sorry.

ADV SEGEELS-NCUBE SC: Sorry, Witness A.

CHAIRPERSON: Mercedes-Benz Viano. I just want to give the full description as it appears from the statement. Apologies for interrupting you mid-sentence. Can you please repeat the last thing you were saying?

WITNESS A: Yes, Commissioner. I was saying when we arrived there, we were briefed that there were three people
10 that had already been arrested. And then furthermore, the members that were briefing us, they told us those three people were arrested in a Mercedes-Benz Viano. That is a V-Class bus Viano that was parked in the middle of the street.

ADV SEGEELS-NCUBE SC: And what else did they tell you about the Viano?

WITNESS A: And then they told us that this Viano belonged to one of the people that were arrested at the crime scene. They also told us that there are exhibits that
20 were recovered from the Viano.

ADV SEGEELS-NCUBE SC: Okay.

WITNESS A: And furthermore, they told us that these three suspects that were arrested there are suspected to be connected to the murder that just occurred two hours or a few hours earlier in Vereeniging, the murder that I

mentioned when I started on the statement of Armand Swart.

ADV SEGEELS-NCUBE SC: Now ...[intervenes].

WITNESS A: And they told us that they were going to hand over the scene to us but promised that they will keep giving us information as we progress with the crime scene.

ADV SEGEELS-NCUBE SC: Okay. In paragraph 15 of your statement, you deal with interviews with the suspects. Can you just elaborate on that?

10 **WITNESS A:** That is correct, Commissioner. We started interviewing the suspects individually and then we found that one of them was a police officer that was stationed at Johannesburg Central under Detective Branch. And then he introduced himself to us as Michael Pule Tau. And then I personally asked him if he was not supposed to be at work as it was a working day and he told me that he actually is on duty.

ADV SEGEELS-NCUBE SC: Continue.

20 **WITNESS A:** And the second suspect that was arrested with him introduced himself as Musa Kekana of Q, the house that I did not give address to. He told us that he was a friend of Tau and he was together with Tau when he was arrested in the Viano. And the third person that I will not name because he was not charged, he was released because we could not link him to the murder or any other

crime that happened on that day, but he was arrested on that day because he was found with them. We had to ask him questions and see if he was connected to the crimes, but he did give his name to us.

ADV SEGEELS-NCUBE SC: And what did he say? What reason did he give for why he was with Tau and Kekana?

WITNESS A: He told us that he knows Musa Kekana. Then he told us that Musa Kekana had just called him as he was coming to him and then he said he needs a rim, a rim
10 of a Mercedes-Benz. He said he told him that one of his friends was stuck in Vereeniging's side in the Vaal Klip River with the Mercedes-Benz that had a damaged rim. Therefore he wanted the rim from him to go back to the Vaal to assist him.

ADV SEGEELS-NCUBE SC: And then insofar as the Viano is concerned, you said earlier you were briefed by the team that was on site that Tau, one of the suspects, was the owner of the Viano. Did one of the suspects take ownership of the Viano?

20 **WITNESS A:** Yes, Tau did agree that the Viano is his.

ADV SEGEELS-NCUBE SC: Okay.

WITNESS A: But he then told us that he was not driving it at the time when they were arrested. Musa was the driver.

ADV SEGEELS-NCUBE SC: Okay. In paragraph 16 you continue with what was observed on the scene, but you

mention specifically items that were found at the scene.
Can you deal with that?

WITNESS A: That is correct, Commissioners. When we got there, we found that there were recoveries that were found in the Viano. Among the recoveries that were there were four cell phones, with one cell phone being a small phone that we refer to as a burner phone in the sense that ...[intervenes].

CHAIRPERSON: Can you – please continue. I wanted to
10 ask what a burner phone is.

WITNESS A: We refer to it, Commissioner, as a burner phone in the sense that it does not have internet capabilities. It does not have – it is those small phones that you do not have internet capabilities on. Usually in the line of work that I am in, we find suspects that they will have their smartphone, which is their personal phone, and they will use this so-called burner phone which does not have the internet capabilities. We believe that when they use it, it is not easy for them to be traced.

20 **CHAIRPERSON**: I thought ...[intervenes].

WITNESS A: It is usually referred to as a burner phone.

CHAIRPERSON: I thought this related to the phone not having been registered properly. The verb used colloquially being that it has not been RICAd. So a burner phone has nothing to do with that.

WITNESS A: I will not be technical about it, Commissioner. I am just saying it the way we understand it in the line of work that I do.

ADV SEGEELS-NCUBE SC: Thank you, Witness A. Insofar as the burner phone is concerned, did anyone claim ownership of the burner phone?

WITNESS A: No, Commissioners. No one of them wanted to claim ownership of the phone.

ADV SEGEELS-NCUBE SC: And insofar as the other three
10 phones that you found on the scene, what were you told about that?

WITNESS A: The three other phones, one of those phones was Michael Pule's phone. He said it was his. The other one was Musa's phone. He agreed that it is his. Then the other one, they said it belonged to the person that was arrested in Klip River.

ADV SEGEELS-NCUBE SC: And this would be the third suspect, which we will get to later.

WITNESS A: This will now be the third suspect that we will
20 get to later, correct, Commissioners.

ADV SEGEELS-NCUBE SC: Okay. And then in paragraph 17, you speak about additional material that was found on the scene in addition to the cell phones. Can you elaborate on that, please?

WITNESS A: Yes, Commissioners. There was also a rim

of a Mercedes-Benz that was also found in the Viano. And then when the suspects were asked about it, they said it belonged to the person that we did not arrest. And then the explanation was that it was going to be used to assist the person that was stuck in Klip River in the Vaal.

ADV SEGEELS-NCUBE SC: Okay. What else did you find?

WITNESS A: And then we also recovered 15 used cartridges of a rifle that were in a plastic bag, a transparent
10 plastic bag also in the vehicle.

ADV SEGEELS-NCUBE SC: Now, in your statement you referred to these 15 cartridges as the infamous 15 cartridges. Why do you call it that?

WITNESS A: Yes, Commissioners. These 15 cartridges were then later going to assist us to link the suspect to the murder scene in Vereeniging or to the firearms that would later be found in the house, in the crime scene that is also in Bramley, in the house that I did not give the address of.

ADV SEGEELS-NCUBE SC: Okay. And in addition to the
20 cartridges, did you find any firearms?

CHAIRPERSON: Before you step off the cartridges, is it normal to find a collection of empty cartridges like this?

WITNESS A: No, Commissioner. It is very abnormal to the extent that we did ask the owner of the vehicle as to why these cartridges were carried around like the way they

were. And his explanation was that they belonged to his brother, who is a professional hunter and sports – he gave a term. He said he is a professional. He belonged to a club that do sport hunting. Then we asked him, why do you carry them around? Then he said he was using the vehicle the previous day and he forgot them in the car.

CHAIRPERSON: But did they explain or did he explain why the brother would have collected these and placed them in a plastic bag?

10 **WITNESS A:** No, Commissioner. He failed to explain that part of the question because we did ask him. He failed. He totally failed.

CHAIRPERSON: Is it so that empty cartridges are found after a firearm has been fired? They fall off. As you fire, an empty cartridge falls off. Is that not so?

WITNESS A: That is correct. That is what I understand with the firearms. If you fire, then the cartridge will fall off the ground.

CHAIRPERSON: So for cartridges to be found collected
20 and placed in a plastic bag, it would mean that someone must have picked up those empty cartridges and placed them in the plastic bag.

WITNESS A: That is correct, Commissioner. That is what we concluded. We thought that it means someone collected these cartridges from the crime scene maybe for the

purposes to dispose of them, so that they cannot be linked to the firearm.

CHAIRPERSON: And then ...[intervenes].

WITNESS A: Not knowing that they will be arrested before they get rid of the cartridges.

CHAIRPERSON: I think right at the beginning of your last sentence you talk about linking. So does it mean that from an empty cartridge you are able to tell what firearm was used to fire or to shoot?

10 **WITNESS A:** I would say yes, yes, yes, Commissioners. It is like that. You get the firearm and then you get the cartridge and then you can compare to say that this cartridge was fired from this firearm.

CHAIRPERSON: So you must have both. You must have a firearm and you must have the empty cartridge.

WITNESS A: That would be a technical question to answer.

CHAIRPERSON: All right, all right.

WITNESS A: But for us it is very good if you have them
20 both.

CHAIRPERSON: Yes.

WITNESS A: Sometimes you can only find the firearm, you take it to ballistics. If you are lucky they will tell you that the other crime scene has got the empty cartridge that is connected to your firearm. Then they do a linkage. And

then you can do, maybe you get a cartridge without a firearm, then they connect it and vice versa. So with us it was good because we got the cartridge and the firearm. So I think it was easy for someone who was going to do the linkages in that sense.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner.

Witness A, you say in your statement that the cartridges likely would not have been found had the team not
10 apprehended the suspects that day. Is that what you were referring to earlier?

WITNESS A: That is correct, Commissioner. That is what we thought as a team to say. These cartridges were going to be disposed of before we arrest the people.

ADV SEGEELS-NCUBE SC: Okay. I had asked you, you find the empty cartridges, but did you find any firearms on the suspects?

WITNESS A: Yes, Commissioner. There was one firearm that was found inside the Viano in a sling bag. And then it
20 belonged to Michael Pule Tau. He told us that was his firearm, a licenced firearm, a private licenced firearm.

ADV SEGEELS-NCUBE SC: And what type of firearm was it?

WITNESS A: It was a pistol.

ADV KHUMALO SC: Just pause there for a moment.

Witness A, it is Commissioner Khumalo here. The firearm that was found in the Viano that you say you were told belongs to Tau, was it a service pistol or his private pistol? And the second question, was it licenced? Thank you.

WITNESS A: Thank you, Commissioner. This was his private personal firearm and it was licenced to him.

ADV SEGEELS-NCUBE SC: Thank you.

WITNESS A: And maybe just to continue on that question, Commissioner, we did ask him about his service pistol as a
10 police officer who was on duty. He was supposed to be having it. Then he told us that he had long surrendered it back to the employer. He did not carry it around.

ADV SEGEELS-NCUBE SC: Thank you. You then also speak about a licence plate that was found. Can you elaborate?

WITNESS A: Yes, Commissioner. Among the things that were recovered or found in the Viano was a set of licence plates, the registration number that was later linked to the vehicle or the Mercedes-Benz that was found where the
20 third suspect was arrested in the Vaal at Klip River. That will mean the Mercedes-Benz was driving with a wrong plate number wherever it was at that given time.

ADV SEGEELS-NCUBE SC: Now, I just want to place paragraph 18 of your statement on record, given that this is still an ongoing matter, you say:

“Any further information regarding the scene is not relevant to the Commission's work and may compromise the case if disclosed publicly at this stage.”

Do you want to elaborate on that?

WITNESS A: Yes, Commissioners, because more information is the details that I think might compromise the case as the case is at a critical stage at court.

10 **ADV SEGEELS-NCUBE SC:** Thank you, Witness A. You then move on to the second scene, which is still part of the Bramley case number, which is the house in Q that you referred to earlier. Can you tell us what transpired there?

WITNESS A: This is what we referred to as scene 2 at Bramley, where now the second suspect, which is Musa Kekana, resided. In this crime scene, I did not attend it myself because I had to go and attend the crime scenes that were at the Vaal. So I left other members to attend to it, and then they attended to it, then we were
20 communicating with them constantly with the recoveries that were recovered at the crime scene and what was going on at the crime scene.

ADV SEGEELS-NCUBE SC: And then you refer ...[intervenes].

WITNESS A: And then...

ADV SEGEELS-NCUBE SC: Continue.

WITNESS A: Yes, Commissioners.

ADV SEGEELS-NCUBE SC: Continue, Witness A.

WITNESS A: Yes, Commissioners. In this crime scene, we were told that the police that were attending there recovered a motor vehicle, which is a Hyundai i20, which inside had a bag that was loaded with three firearms, of which one was a rifle and two were pistols and a lot of ammunition.

10 **ADV SEGEELS-NCUBE SC:** Now, you say in your statement that the i20 was spotted at the murder scene at the time of the murder on CCTV cameras. When were you informed of that?

WITNESS A: That is correct, Commissioners. As I said that we were briefed continuously as we were at the scene. The information that kept coming in was that in the morning at around seven of the same day, which is the 17th of April, at the crime scene two vehicles were seen in the CCTV cameras. And then one of those vehicles was a Hyundai,
20 the same Hyundai that now is being recovered at the Musa's house. And then we were told that this vehicle was driving around the crime scene making turns with the Mercedes-Benz that was later recovered with the suspect number 3 at Klip River.

Now, this information is from the members that

attended the crime scene at Vereeniging that watched the footage at the crime scene and told us that they have seen these vehicles and now gave information for us and other units to see if these cars that we are talking about matched the description that they gave us.

ADV BALOYI SC: Witness A, where you say these two vehicles were seen in the morning at the crime scene, which crime scene are we talking about?

WITNESS A: I am now talking the crime scene where Mr
10 Armand Swart was murdered, Commissioners, in Vereeniging at Duncanville.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner Baloyi. We have displayed the visual of the Hyundai and the - Witness A, I am not sure if you can see the screen, but you do have hard copies of these documents and I think you are able to look at it from your side on your computer. Do you see what we see or do you have it on your laptop?

WITNESS A: I cannot see it from the display, but I have it
20 here with me from the documents that I have, Commissioners.

ADV SEGEELS-NCUBE SC: Okay, can you describe for us?

CHAIRPERSON: Can we not screen share for the witness to see, for us to be sure that the witness is looking at what

we are looking at?

ADV SEGEELS-NCUBE SC: We can attempt to do so, Chair.

ADV KHUMALO SC: Witness A?

WITNESS A: Yes, Commissioners.

ADV KHUMALO SC: While they are busy sorting out the visuals, when you talk about a Mercedes-Benz, just be clear because evidence is being transcribed. There is a Mercedes-Benz Viano and a Mercedes-Benz C200. So
10 when you refer to a Mercedes-Benz please just clarify which one you are referring to.

WITNESS A: Thank you, Commissioner. In this instance I refer to a Mercedes-Benz C200, which is a CM.

CHAIRPERSON: Just a minute. I saw on my screen a whole lot of documents and I am not sure how safe that is.

ADV SEGEELS-NCUBE SC: We have redacted the necessary information, Chair.

CHAIRPERSON: So when I see all of those documents, I should not be worried?

20 **ADV SEGEELS-NCUBE SC:** No, no, Chair, not at all. It is just a description of what is shown in the photo and the relevant personal information has been redacted.

CHAIRPERSON: All right, all right. Thank you then. Are we still trying?

ADV SEGEELS-NCUBE SC: Yes, Chair. We are just trying

to figure out how to share screen. Okay. Witness A, are you able to see the screen?

WITNESS A: Yes, Commissioner, I can see the screen clearly.

ADV SEGEELS-NCUBE SC: Okay. Can you tell us what we are looking at here?

WITNESS A: At the screen I am seeing two vehicles. I will talk to the one that is in front of the bakkie, which is a white vehicle. Then it looks like the – it is actually a Hyundai i20
10 that was seen at the vicinity of the crime scene at 7 o'clock. It is actually 07:01.

ADV SEGEELS-NCUBE SC: Yes, that is the second one. We will go there now. That is the second image. Can you hear us, Witness A?

WITNESS A: And then the second image, it is the same. Sorry, Commissioners.

ADV SEGEELS-NCUBE SC: Please proceed.

WITNESS A: Thank you, Commissioners. And this image, it is the same vehicle, the Hyundai i20. And then on this
20 one it is seen with the vehicle that was driven by Mr Swart, the deceased.

ADV SEGEELS-NCUBE SC: If you can go to the next one?

WITNESS A: Yes, Commissioners. The next one is now the vehicle of the deceased standing right in front of the gate of where he was working and then we see the Hyundai

i20 standing next to it.

ADV SEGEELS-NCUBE SC: And this is the Hyundai i20 that was found at the house in Q?

WITNESS A: This is the Hyundai i20 that was found at the house in Q, the house that belongs to Musa Kekana who was arrested with Michael Pule Tau.

ADV KHUMALO SC: Just a moment, Adv Segeels. Witness A, the other vehicle that you have described and you say was being driven by the deceased, can we please
10 identify it? Make and model? You do not have to give us the year. I assume you will not know. Just the colour, make, and model.

WITNESS A: Correct, Commissioner. I would not know the year model, but it is a Ford double cab bakkie.

ADV KHUMALO SC: So it is a silver Ford Ranger?

WITNESS A: It is a silver Ford Ranger double cab. Thank you, Commissioners.

ADV KHUMALO SC: Yes.

ADV BALOYI SC: Witness A, if you just go back to the
20 very first shot, Ms Segeels, you have got two vehicles there. There is the white one which I think you have identified as the Hyundai i20. Is your evidence that the silver vehicle that we see there is the vehicle driven by Mr Swart?

WITNESS A: Correct, Commissioner, it is.

ADV BALOYI SC: Okay, let us go to the second shot. And you say that yellow circle there, it is that Hyundai now in the middle of the road, and perhaps for the record we should describe where it is. In the first shot, the vehicle is on the side of the road, is that correct? In the very first shot.

WITNESS A: That is correct, Commissioner.

ADV BALOYI SC: Now in the second shot there is a white vehicle circled in the middle of the road, you are saying it is
10 the same vehicle, the i20?

WITNESS A: This is the same vehicle.

ADV BALOYI SC: And the one in front, you say that is Mr Swart?

WITNESS A: That is correct, Commissioner.

ADV BALOYI SC: Let us go to the third shot. Now in the – in fact, in the shot just above, Mr Segeels, there are two shots in the picture. The first one now shows the white vehicle almost abreast with the silver vehicle, both facing in the same direction. Is that the same vehicle that was in the
20 middle of the road in the previous shot? Is that your evidence?

WITNESS A: That is correct, Commissioner.

ADV BALOYI SC: All right. Now, and that is still the Hyundai. Now in the second shot of what we are looking at, there are, in fact, two vehicles, white vehicles, and none of

them is facing the same direction as the silver vehicle. Can you just explain that for the record? What are we seeing on the record? Which one is the Hyundai i20? Where is it facing now? Because you have two vehicles now, and the one, there is only one car that is facing towards us in this picture, and it is the silver vehicle. Just explain the shot we are looking at.

WITNESS A: That is correct, Commissioner. The Hyundai vehicle will be the one that is facing to the vehicle of the
10 deceased, Mr Swart. And then that other one, I think it is the vehicle that is just in motion on the street, is driving past.

ADV BALOYI SC: So, the one closest to the silver vehicle, you are saying that is the Hyundai i20?

WITNESS A: Correct, Commissioner.

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

ADV SEGEELS-NCUBE SC: Thank you, Commissioner Baloyi.

ADV KHUMALO SC: Before we leave the photos, I see
20 that above the top photo there is commentary. I am not sure if this witness is going to be giving evidence on that commentary, or if it is for somebody else.

ADV SEGEELS-NCUBE SC: No, it is not for this witness.

ADV KHUMALO SC: Thank you.

ADV SEGEELS-NCUBE SC: Can we go to page 6 of your

statement, Witness A? At paragraph 20, you then deal with the Viano belonging to Mr Tau, which you also say was parked at the house in Q.

WITNESS A: That is correct, Commissioner. This Viano that belongs to Tau was parked at Q during the commission of crime. Q, which is the house of Musa Kekana.

CHAIRPERSON: In your statement you are not as categorical as you are now. You say it appears that the Viano belonging to Tau was initially parked at Kekana's
10 house. Do you want to explain the difference in how you phrase this?

WITNESS A: Yes, Commissioner. I think that is just the wording. The fact is that it was parked there because when this Hyundai i20 drove back from Vereeniging, it was actually surveyed and followed by the people that were working with the police, and it was seen entering the house that belongs to Musa, and then the Viano drove out of the house. So that puts the Viano right where this i20 was recovered later on.

20 **ADV SEGEELS-NCUBE SC:** Thank you, Commissioner. Then we do have the tracker information for the Viano, which we have displayed. Can you see it, Witness A?

WITNESS A: Yes, I can see, Commissioners.

ADV SEGEELS-NCUBE SC: Can you tell us what we are looking at and what does it confirm?

WITNESS A: Yes, it confirms that this Viano was actually at a house that belongs to Michael Pule Tau at that given time, which is 03:12 minutes in the morning when the ignition started. Then at around 03:31, then it was parked and the ignition was switched off at Musa's house. So it is confirmed that it was parked there in the duration when the crime was committed in Vereeniging.

ADV SEGEELS-NCUBE SC: You are referring to the last entry there. I do not know if you can see it clearly where it
10 says 17 April 2024 at 04:03, Viano arrives at Musa Kekana's house, ignition off.

WITNESS A: Yes, yes, Commissioners.

ADV SEGEELS-NCUBE SC: Thank you. In paragraph 21 you had already spoken about the firearms that were found and the ammunition, but you mentioned that you did not accompany the team. So how did you become aware of that information?

WITNESS A: We had constant communication with the team that was left back at the Bramley as we moved to the
20 Vaal with the ...[indistinct]. So they kept us informed about what was happening, what was recovered in that crime scene, which is at Bramley at the house of Musa.

ADV SEGEELS-NCUBE SC: And then insofar as you refer to a large amount of ammunition that was found in a bag in the i20, was this used ammunition or unused?

WITNESS A: No, these were bullets, like the unused live ammunition, as they would be called, Commissioners.

ADV SEGEELS-NCUBE SC: Thank you. Can we then move on to the third scene, which you referred to with reference to a case number, Klip River. We are now at paragraph 22 of your statement.

WITNESS A: Yes, Commissioner, the third scene will be the scene that was at R59 North at Engen Garage, where the person that was arrested there is the Tiego Floyd
10 Mabusela, and he was driving that Mercedes-Benz, the C200, grey in colour. So he was stuck there with his rim damaged. And then this is also a vehicle that I mentioned earlier on that it was seen in the CCTV video footage at the crime scene before the shooting of Armand Swart.

ADV SEGEELS-NCUBE SC: If you can just pause there, Witness A, so that we can project that, so that you can explain it.

WITNESS A: Yes, Commissioners.

ADV SEGEELS-NCUBE SC: Can you see the screen?

20 **WITNESS A:** I can see the screen, yes.

ADV SEGEELS-NCUBE SC: Okay, please proceed.

WITNESS A: As I was saying, Commissioners, this vehicle was seen in the morning driving around the crime scene together with the i20 that I spoke about in the previous paragraphs. And it was now found at the garage in R59 in

Klip River area with the person that was arrested there, who was later known to us as Tiego Floyd Danny Mabusela.

ADV SEGEELS-NCUBE SC: If I can just ask you to be more detailed about that insofar as the timeline is concerned, and what it is that we are seeing on our screens. If you can start with the first one, which says 17 April 2024, and it says at 05:45? What are we looking at?

WITNESS A: We are looking at CCTV cameras showing the same Mercedes-Benz, the C200, driving around at the
10 area of Vereeniging.

ADV SEGEELS-NCUBE SC: Okay, it says that it is passing Q-Tech.

WITNESS A: Yes, Commissioners, Q-Tech is in Vereeniging, and in Q-Tech it is our crime scene. So it is picked up ...[intervenes].

ADV BALOYI SC: Sorry, Witness A, I apologise for interrupting you. Perhaps what the witness should do, Ms Segeels, is read the captions there into the record.

ADV SEGEELS-NCUBE SC: Thank you for the direction,
20 Commissioner Baloyi. Did you hear that, Witness A? Could you read it into the record for us, the description?

WITNESS A: Yes.

ADV SEGEELS-NCUBE SC: You can start with the first entry at 05:45. Apologies.

WITNESS A: Yes, 17 April 2024, 05:45. CCTV camera

shows a silver Mercedes C-Class driving past Q-Tech towards Houtkop Road. It turns right onto Houtkop. Then it is giving us DVR time.

ADV SEGEELS-NCUBE SC: You can just read it to explain the difference between the time that the actual footage displays and the time of the caption, because there is a time difference. So just read that into the record as well.

WITNESS A: It says the DVR time is six minutes long than the actual time that is depicted on the clock.

10 **ADV SEGEELS-NCUBE SC:** Okay, and the next one, the next caption?

ADV BALOYI SC: Sorry, perhaps before you do the next caption, there is a vehicle on the road there. What vehicle is that?

WITNESS A: This is a C200 Mercedes-Benz that we are talking about, Commissioner.

ADV BALOYI SC: Yes, and you say it passes Q-Tech, driving past. In relation to that vehicle in this picture, which side is Q-Tech here when we are looking at this picture?

20 **WITNESS A:** As far as I understand the picture and understand the crime scene as I know it, the company or the Q-Tech will be at the back of the vehicle on the left side.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner

Baloyi. Witness A, you can continue with the second caption.

WITNESS A: Then the second caption is giving us the same date. The time will be 05:53. It shows a silver Mercedes-Benz C-Class driving towards Q-Tech from the left of Houtkop Road. DVR time is six minutes long, meaning now it is driving to the opposite direction in comparison to the first footage that we are giving above, which will technically mean it is coming back towards the Q-

10 Tech.

ADV SEGEELS-NCUBE SC: kay. Before you deal with the next one, what is it that you call this? What activity is this?

WITNESS A: We call this in a terminology that is called scouting or surveillance. Looking for the crime scene, looking for the dangers, maybe spotting the suspect, or even maybe looking for anything that could disturb you when you are committing the crime.

ADV SEGEELS-NCUBE SC: Thank you. We will go on to the next one. Can you read the next one for us?

20 **WITNESS A:** Yes. Thank you, Commissioner. The next one will be the same date at 06:49. It shows a silver Mercedes-Benz C-Class driving towards Q-Tech from the right of Houtkop Road. DVR time is six minutes long.

ADV SEGEELS-NCUBE SC: Sorry, the next one?

WITNESS A: The next one will show the same date at

06:45. Q-Tech CCTV shows a silver Mercedes-Benz C-Class driving past the gate from the direction of Houtkop Road.

ADV BALOYI SC: Can we - Witness A, in these two shots, they both have 06:49 as a timestamp, and that is what you say on record and it can be confusing because they look different, these shots. Can you give us the exact time stamp of the first one? Ms Segeels, if you could just project fully the first picture?

10 **ADV SEGEELS-NCUBE SC:** Perhaps I could be of assistance, Commissioner Baloyi. The first one, which says 06:49 in the caption, is obtained from CCTV footage other than Q-Tech, so from another entity, and its DVR time is six minutes slower. So the 06:49 in that one is referring to 06:43, actually on the DVR system. The second one is also 06:49, but the vehicle is coming in the same direction, but it is being caught by two different cameras. So the time on the 06:43 is not an accurate time. You would have to look at 06:49 as the top one, and 06:49:54 seconds, the second
20 one. So it is within less than a minute of each other.

ADV BALOYI SC: Yes, I think what I wanted to clear on the record is these are two different shots. They are not the same shots, different angles, or anything.

ADV SEGEELS-NCUBE SC: Correct. They are coming from two different cameras. The one is coming from a

different entity's CCTV footage, and the second one is coming from Q-Tech. That is why on the caption of the first one, you will see it has been redacted. It is a redaction to show where it came from. It just shows a silver Merc, whereas the second one, it will say Q-Tech CCTV shows, so as not to identify the source of the first.

ADV BALOYI SC: Okay. Sorry, just lastly, there is two timestamps. The first one, perhaps to distinguish them, we should be referring to those, because in the first shot, in
10 the body of the shot itself you have 06:43:48, and in the second shot you have 06:49:54. Is that not a distinguishing?

ADV SEGEELS-NCUBE SC: Correct, yes. We can use the imaging. It is just that the time on the image is six minutes slower, so it is not an accurate reflection of the time that the vehicle was actually coming past there. The vehicle came past at 06:49, according to their record, so it is within seconds of each other, but from two different sources and in the same street.

20 **ADV BALOYI SC:** Perhaps what we should do then is let us properly record, let the witness explain it. Let us record the evidence, the witnesses' explanation of these two shots and any differences in them.

ADV SEGEELS-NCUBE SC: Witness A, did you hear? Can you just explain the two shots and the difference between

the two shots?

WITNESS A: Thank you, Commissioner. I think the Advocate had explained it better. The shots are from two different sources, and then the timestamps will not be the same. So for the purposes of record, I will read the first one as 06:43:84 seconds from a different source, from a different camera. Then the bottom one will be read as 06:49:54 seconds from Q-Tech CCTV camera as a source.

ADV BALOYI SC: Thank you.

10 **ADV SEGEELS-NCUBE SC:** Thank you. Thank you, Commissioner Baloyi. And then if we can go to the last two images insofar as the C200 is concerned? Can you see it, Witness A?

WITNESS A: Yes, Commissioner. Thank you. On this one, I think it is the same scenario. We have got two shots from different sources. The first one is from Q-Tech cameras, and then it shows, it is – the timestamp would be 06:52:28. Then we are seeing a silver, a same silver Mercedes-Benz C200 driving past the gate towards the
20 direction of Houtkop Road.

And the bottom one will be from a different source that is not disclosed to us, which will be depicting the same vehicle, which is a C200 Mercedes-Benz, and the timestamp will read as 06:46:51. Then it reads as it shows a silver Merc driving past Q-Tech towards Houtkop. It turns right

into Houtkop. Then they are giving us the time delay, which is six minutes.

ADV KHUMALO SC: Witness A, in these two photos it looks like the Mercedes-Benz has turned around now because it is facing left. In the previous two photos, it was facing right more or less three minutes earlier.

WITNESS A: That is correct, Commissioner.

ADV KHUMALO SC: So is that consistent with your evidence that it was doing what you call scouting?

10 **WITNESS A:** That is correct, Commissioner.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner Khumalo. So, Witness A, if we can then return to your statement and deal with what else was found at the scene where Mr Mabusela was arrested?

WITNESS A: Mr Mabusela was found at the crime scene with a firearm, which is a pistol and ammunition, and one cell phone, which is also referred to as a burner phone.

ADV SEGEELS-NCUBE SC: Now, before you continue, can I just ask you to explain, because you said you found the
20 vehicle had a damaged rim, and then you also referred to a licence plate? Can you tell us about the licence plate?

WITNESS A: Yes. The Mercedes-Benz had a damaged rim, which now meant that the rim that was found in the Mercedes-Benz Viano in Bramley was indeed meant to come and assist this one. And then when the police checked the

licence plate on the disc, they found that the registration numbers that was recovered in the Mercedes-Benz Viano at Q-Tech actually was the correct registration number for Mercedes-Benz C200 that was found in Klip River.

ADV SEGEELS-NCUBE SC: If I can just understand what you are saying, you are saying that the licence plate for the C200 that is registered to the owner of the C200 was found in the Viano?

WITNESS A: That is correct, Commissioners.

10 **ADV SEGEELS-NCUBE SC:** And then what licence plate was found on the C200 in Vereeniging?

WITNESS A: The licence plate that was found there, it is a licence plate that did not belong to the Mercedes-Benz. It was a wrong plate. It was fitted with a wrong plate number.

ADV SEGEELS-NCUBE SC: So the plate was actually on the vehicle? It was not in the vehicle, it was actually on the vehicle?

WITNESS A: It was on the vehicle, like the front and back one as it normally would be.

20 **ADV SEGEELS-NCUBE SC:** In your experience as an investigator, what would the reason for that be? Why would there be a fake plate on the C200 when that vehicle does have legitimate plates?

WITNESS A: This would mean that, because maybe if I can just for the purposes of record, this vehicle belonged to

the daughter of Mabusela. So using the wrong plate number would assist him not to be linked to the crime scene, because it was picked up with the CCTV cameras with this registration number that was wrong. So I think the aim of putting the wrong plate number was for him not to be linked to the crime of murder in Vereeniging.

ADV SEGEELS-NCUBE SC: Thank you. You may continue with what was found. You mentioned the burner cell phone.

ADV BALOYI SC: Before you do that, Witness A, you have
10 described, given us the exact detail of scene 1 and scene 2, where exactly they were geographically. This third scene where Mr Mabusela was found and arrested, where was it?

WITNESS A: It was an Engen garage in Klip River, Northbound.

ADV BALOYI SC: This is in Vereeniging?

WITNESS A: This is in Klip River on the way from Vereeniging.

ADV BALOYI SC: Thank you.

WITNESS A: It is just outside Vereeniging.

20 **ADV BALOYI SC:** Thank you, Ms Segeels.

ADV KHUMALO SC: Witness, let us get it right. The Engen garage in R59 is between Alberton and Vanderbijlpark, I think. So it is halfway between Alberton and Vanderbijlpark. But when you travel to Vereeniging using the R59, you would go past that Engen garage. Is

that correct, more or less?

WITNESS A: That is correct, Commissioners.

ADV SEGEELS-NCUBE SC: Thank you for the clarity, Commissioner Khumalo. You may continue, Witness A, with your – regarding the burner cell phone.

WITNESS A: Yes. So what was recovered on this suspect who is now Floyd Tiego Mabusela was this burner cell phone and the firearm of which he was arrested for initially. And then these two were booked into the 13 as exhibits.

10 And then this cell phone was later going to assist the investigation to link this suspect, who is Floyd Mabusela, with the other burner phone that was recovered in the first scene at Bramley through communication. So this is the investigation that was carried on in the week that followed.

ADV SEGEELS-NCUBE SC: When you say in communication, that the two burner phones were in communication with each other, at what point? When was this?

WITNESS A: These two phones were found to have been
20 communicating during the commission of crime and after the crime has been committed in Vereeniging. So the conclusion from the investigating team was that these two burner phones were utilised or they were bought for the main purpose of communication between these two vehicles at the crime scene and maybe coordinating their movement

from the crime scene.

ADV SEGEELS-NCUBE SC: If I recall correctly, you said that Mr Mabusela's smartphone was found with the other two suspects at the Q-Bramley scene. Is that correct?

WITNESS A: That is correct, Commissioners.

ADV SEGEELS-NCUBE SC: Okay. Chair, I see that it is 10:58, and I am moving on to the next scene. Should we adjourn for tea and then I can continue?

CHAIRPERSON: Let us adjourn and resume at quarter
10 past 11.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV LEE SEGEELS-NCUBE: Thank you, Commissioners.
Witness A, are you there?

WITNESS A: Yes, Commissioners, I am here.

ADV LEE SEGEELS-NCUBE: Witness A, we were moving
on to scene 4, which is on page 7 of your statement at
paragraph 24 and it is reference Q-Tech's offices. Can you
just elaborate on what was found at the Q-Tech offices
20 when you arrived at the scene?

WITNESS A: Yes, yes, Commissioners. This scene is, I
will refer to it as a murder scene where Mr Swarts was
murdered and then when we arrived at the scene we did not
find anything, because the Police who were attending to a
scene had finished working. It was just for us to confirm

the address of the scene and to see where the scene is so that we can be able to make our references on the investigation that has already started.

ADV LEE SEGEELS-NCUBE: Okay, so you were not part of the team that processed the scene earlier in the day. You went there after you went to, well, you left the Bramley scene. Is that correct?

WITNESS A: That is correct, I was not part of the team that processed that scene at Vereeniging, Q-Tech offices.

10 **ADV LEE SEGEELS-NCUBE**: Okay. So what was the purpose of going to the scene if there was nothing to be found there?

WITNESS A: It was merely for us to know where our scene is situated to familiarize ourselves as how it is looking, but at the same time we did not know that the scene was already finished processing. We wanted then to make sure that no one was still at the scene. But then when we arrived there, then there was no one.

ADV LEE SEGEELS-NCUBE: Okay, and then at paragraph
20 25 you deal with a Sunnyside docket, which is, has a 2024 date. Can you explain what its relevance is to the case?

WITNESS A: Yes, Commissioners, thank you. The Sunnyside case will then be connected to the Hyundai i20 that was used in the commission of crime. When we did our investigation we found that this vehicle was actually

connected to the case, which is a hijacking of a motor vehicle that was hijacked earlier in the year, in January 2024 to be precise, in Sunnyside, hence the docket of Sunnyside it is the docket of car hijacking.

ADV LEE SEGEELS-NCUBE: Before you proceed to explain that witness, can I just place on record that your statement refers to the hijacking occurring in January 2025, it should be January 2024.

WITNESS A: That is correct, it should reflect January
10 2024.

ADV LEE SEGEELS-NCUBE: Thank you, you may proceed.

WITNESS A: And then the aim of us taking the docket it was to see if we would be able to maybe connect those arrested persons, which is Musa, Tau and Floyd to the crime of hijacking, but unfortunately we could not, because the victim of hijacking who is the complainant in this case said the crime took place during the loadshedding, so he could not be able to identify the people that hijacked her
20 and then as such they were not connected to the hijacking, but to the possession of a hijacked motor vehicle.

ADV LEE SEGEELS-NCUBE: Okay, and then you say that, you mentioned something about the license plate that the i20 was fitted with. Can you just tell us about that?

WITNESS A: Yes, the license plate that was fitted in the

Hyundai motor vehicle belonged to the motor vehicle that is similar to this Hyundai *i20*, but that belonged to an old lady somewhere in Pretoria and then the investigation was done and then the statement was obtained from that witness, then she confirmed that during the time when this Commission was, when this crime was committed, the vehicle was parked at her yard and she is an elderly lady.

ADV LEE SEGEELS-NCUBE: Okay.

WITNESS A: She was not anywhere close to the crime
10 scene with her vehicle, so that would mean this motor vehicle was fitted with the registration number that did not belong to it.

ADV LEE SEGEELS-NCUBE: Okay, you referred to it as a duplicate license plate. Can you just explain what that means and how it would work?

WITNESS A: I referred to it as a duplicate numberplate, because when we arrived at this old lady that I have just spoken or we found that her car was fitted with the same numberplate that was fitted on the car, on the vehicle that
20 was driven by the suspect at the murder scene. So it means that there were two numberplates fitted in two different vehicles at the same time.

ADV LEE SEGEELS-NCUBE: And I take it the old lady's vehicle was not a white *i20*?

WITNESS A: It actually was a white *i20*.

ADV LEE SEGEELS-NCUBE: Okay. So how did you know that it was a duplication?

WITNESS A: We knew that it was a duplication, because when you checked the *i20* that was found at the crime scene it had a different numberplate in terms of, in terms of the registration in the E-Natis, so the duplication in this sense, it just means that you printed two numberplates with one details.

ADV LEE SEGEELS-NCUBE: Thank you, Witness A. So
10 ...[intervenes].

WITNESS A: Thank you, Commissioners.

ADV BALOYI SC: If I may.

ADV LEE SEGEELS-NCUBE: There is a question.

ADV BALOYI SC: Yes, Witness A, the, you have told us about the Viano, its ownership and you have just spoken about the *i20* as a hijacked motor vehicle. The Mercedes C-class, is there any relevant information of who it belonged to?

WITNESS A: Yes, Commissioner, it was found to belong to
20 a lady who is a daughter to accused number 3, the suspect number 3 that was arrested in Kliprivier, Musa Tiego Mabusela.

ADV BALOYI SC: Thank you.

ADV LEE SEGEELS-NCUBE: Thank you, Commissioner Baloyi. Witness A, can we now move on to what you

referred to as the accused persons' first appearance, which was on the 19th of April 2024. Can you tell us what transpired at this first appearance that you found, that you felt was relevant to include in your evidence?

WITNESS A: Yes, Commissioners. On this day it was the day that we referred to as a first appearance, because it is the day when the suspect had been arrested, they will get charged, processed and they will appear for the first time at the Magistrate Court. So this is the day when they
10 appeared at Vereeniging Magistrate Court for their first appearance.

ADV LEE SEGEELS-NCUBE: And who was present with you?

WITNESS A: And in this appearance all five members of the team, Detectives that were present at the first, the initial, the very first crime scene in Bramley, were all present. So that will mean it was myself, witness B and three other members that we were with in Bramley. That would be Sergeant Nkosi, Sergeant Mabalane and the
20 member that called this and gave us instruction from the Brigadier to attend the crime scene on the 17th.

ADV LEE SEGEELS-NCUBE: You say in your statement that you were surprised by the show of support for the accused persons. Can you tell us more about that?

WITNESS A: Yes, Commissioners. When we arrived at

the Vereeniging Magistrate Court we found that the court was packed. It was packed and full to capacity. And then we learned as we were there that the people that were there were there to support the suspect, more especially Michael Pule Tau as he was a Police Officer. So there were a lot of people that were there in support of him.

ADV LEE SEGEELS-NCUBE: When you say people, are you referring to Police Officers?

WITNESS A: Yes, we were informed that some of them
10 were Police Officers, but we could not verify that, because they were dressed in plain clothes like ourselves. You just get information from people that were briefing us that some of the people that were there, were Police Officers mostly from Johannesburg Central Police Station who were then the colleagues of Michael Pule Tau at the time.

ADV LEE SEGEELS-NCUBE: And can you describe the mood for us and the behaviour of those people that were in attendance in support of the accused persons?

WITNESS A: The mood was quite tense and their
20 behaviour was not the normal behaviour in a sense that they exhibited the behaviour that will cause fear to us, like threat and all that, Commissioners.

ADV LEE SEGEELS-NCUBE: Can you be more specific what you mean by threats?

WITNESS A: It is that the very same group, one of the

very same group of people during the court adjournment which is the recess, was seen trying to take pictures of us and then we reported that to the members, our colleagues that were with and then they attended to that situation.

ADV LEE SEGEELS-NCUBE: Did you consider it to be unusual that they will try to take photos of you?

WITNESS A: Yes, it is not usual. It is something that is not acceptable.

ADV LEE SEGEELS-NCUBE: Okay, what else transpired?

10 You say that you left court.

WITNESS A: And then what – sorry, sorry, Commissioners.

ADV LEE SEGEELS-NCUBE: Please proceed, Witness A. I think I interrupted you. You were still explaining the conduct of the supporters.

WITNESS A: Yes, then what transpired from there, when we now left the court, because we came driving in three different state vehicles, unmarked state vehicles, and then when we left the court we could see that there were a lot of people that were parked at the street in front of the court
20 where our vehicles were parked. And then we went into our cars differently.

I was driving alone and then witness B was driving with the member that has given us a call from the Brigadier and the two, which is Warrant Officer Mabalane and Sergeant Nkosi were driving in front, which then means that

I was driving at the back as we left the court, driving back to our office.

And as we were driving, just before we could leave Vereeniging town, I could see that there were people that were joining us and then I could identify that some of the traffic that were driving were the cars that were parked in front of the court and then I understood it as, understood that as the cars that will belong to the people that came to support the suspects. And as we drove along, I noticed
10 that these cars were trying to drive us off the road and then I called the members that were driving in front of me, which is now my colleagues, the investigating officers, then I alerted them of what was happening.

And then at that time, they told me that they were not aware, but then we decided that we needed to stop somewhere along the road and then discuss as to how we are going to go about this, because it was not a usual thing to happen. So we stopped like on the side of the road, then we decided that we are not going to take the R59, which
20 was a normal way that we would use when you are coming from Vereeniging, coming to Johannesburg side.

Then we decided to use an old Vereeniging route and then we agreed to do that, and that is what we did. But as we were driving on this old Vereeniging road, these vehicles kept driving with us. They will pass us, they will stop them,

they will be at the back and all that, but we kept driving. At this particular time, they were now not driving us off the road, they were just driving with us as we moved.

ADV LEE SEGEELS-NCUBE: Now, you say in your statement in paragraph 29 that you find that it is unusual, or extremely unusual for civilian vehicles to follow Police Officers. Can you just elaborate on that and whether you thought that they were civilians at the time?

WITNESS A: Yes. Maybe before that, I will just have to
10 explain this to the Commission that when we came to the Court, I was driving alone in the state vehicle. Then witness B, who is the investigating officer of this case, was driving alone in her vehicle. But seeing what was happening and her being female, we took a decision that she needed to have someone to drive with her, which is why now they were two in her vehicle and I was still alone in my vehicle, just to give her support.

And then coming back to the question that the Commission has asked, can I ask it to be repeated? I have
20 just forgotten.

ADV LEE SEGEELS-NCUBE: Yes. So in paragraph 29 of your statement, you mention or you state that it is extremely unusual for civilian vehicles to follow Police Officers. I just want you to elaborate on that and then whether or not at the time you thought that there were civilians that were

following you.

WITNESS A: Yes, it is not a usual thing to see civilian following or intimidating, if I may put it that way, the Police Officers that are on duty. And then at that given moment, we thought these people were civilian, even though if maybe they were Police Officers, but at that particular time they were not on duty, because I do not think that they work that side. They would have been doing that not in the capacity of them being Police Officers. So we regarded to
10 them as just civilian people doing what was abnormal to do to a Police Officer who is doing his job.

ADV LEE SEGEELS-NCUBE: Okay. In ...[intervenes].

WITNESS A: Which is why we took a decision to report it to our Commanders as we got to the office.

ADV LEE SEGEELS-NCUBE: And who did you report it to?

WITNESS A: We reported it to our Brigadier, Brigadier Gopane, who is the Head of Organized Crime, Gauteng.

ADV BALOYI SC: Sorry, Ms Segeels. Witness A, perhaps let me take you back a bit, just to make sure that I did not
20 mishear you. In paragraph 28, right at the end, the last sentence, where you speak about devising a plan to get rid of these vehicles that were following you, I understood you to say, and I am just checking that did I hear you properly, to say you decided to use the old Vereeniging Road and these vehicles were still following you, but they did, they

were driving with you, but did not try to drive you off the road. Did I hear you properly?

WITNESS A: That is correct, Commissioner.

ADV BALOYI SC: So where the statement says they still followed us and tried to drive us off the road, that is not correct?

WITNESS A: No, Commissioner, I think that one will be at when we left the court.

ADV BALOYI SC: I see. Not on the new road, the
10 alternative road that you took.

WITNESS A: No, no, Commissioner.

ADV BALOYI SC: Thank you.

ADV LEE SEGEELS-NCUBE: Thank you for the clarification, Commissioner Baloyi. Witness A, you were dealing with the report to Brigadier Gopane about this incident and in your report, in your statement, you say that it was not seriously pursued. What do you mean by that?

WITNESS A: In my statement, I mean that it was not seriously pursued in a way that we were just told to be
20 careful, which I mean it was just starters to say, be careful where you are driving. But we were giving more members to transport now the suspects from different courts. They were not using, because normally they will use the van from respective stations to courts, but it was not like that.

It was, they were giving a dedicated team to transport

them, seeing that they are, what is the word, high-profile suspects. And then initially, we were told just to take care of our movements as we did our investigation or as we moved to court.

ADV LEE SEGEELS-NCUBE: Now, in your statement, you also say that:

“The fact that it was not taken seriously or pursued seriously is not a criticism of Brigadier Gopane.”

10 And then you say that:

“It is merely to indicate that it was one of those incidents that disturbed us but not enough for us to escalate the matter beyond a verbal report to our Commander.”

And you say:

20 “This is because in any event at the time that I suspected that it was just disgruntled colleagues of Tau who were upset that we had arrested one of their own.”

So I just want to find out from you at that stage was it just the Johannesburg Central Police Officers that were in attendance that day that had given you that sense that you, the unnerving sense, or was it spread throughout the SAPS

at that stage?

WITNESS A: Yes, Commissioners, at this stage we understood it to be only concentrated to his colleagues at the stations as we believed it, and then we treated it as such until much later that we saw that it is wider than that. So we were only concerned about it at that level.

ADV LEE SEGEELS-NCUBE: Okay, and ...[intervenes].

ADV BALOYI SC: You can complete if you were still dealing with this paragraph.

10 **ADV LEE SEGEELS-NCUBE:** Yes. I wanted you to just then, I think Commissioner Baloyi and I had the same idea, for you to complete paragraph 30 and perhaps you can do it and read it yourself where it says “in my mind”. Do you have it?

WITNESS A: Yes.

ADV LEE SEGEELS-NCUBE: Can you read it?

WITNESS A: -:

20 “Then I was just saying in my mind I would not imagine a civilian doing something like what was done that day to a Police Officer that was doing their official duties.”

ADV BALOYI SC: Witness A ...[intervenes].

WITNESS A: And then - yes, Commissioner?

ADV BALOYI SC: Yes, you can complete your answer.

WITNESS A: And then this was the beginning, as we understood it then, of the ongoing attempts that were done to the investigating team.

ADV BALOYI SC: All right, let me ask my question then. The, on the first, on this first appearance, were charges put to Mr Tau? Sorry, I forget his title.

ADV LEE SEGEELS-NCUBE: Warrant Officer.

ADV BALOYI SC: To Warrant Officer Tau. Was it put to him what it is that he was being charged with?

10 **WITNESS A:** Yes, all three of them, Commissioner.

ADV BALOYI SC: So if you are correct that the people that were attempting to drive you off the road and following you, at that point they would have heard what the charge was that Warrant Officer Tau was accused of.

WITNESS A: That would be the case, because they were present at the court.

ADV BALOYI SC: Yes. And so they would still have unnerved you and tried to drive you off the road, members of the SAPS, knowing and having heard what he is accused
20 of.

WITNESS A: That is correct, Commissioner.

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

ADV LEE SEGEELS-NCUBE: Thank you, Commissioner Baloyi. Then Witness A, if we can go to page 9 of your statement, you start a new topic there, and it is titled "Initial

Links to Katiso Molefe in the Swart Murder”. Now, can you just elaborate on what was the basis for these links, how did it start out?

WITNESS A: These links started out as the investigations continued in this murder. Initially, we had those three people that were arrested for the murder of Armand Swart. And then when we did our initial investigation in what will be termed as cellphone communication investigation, we could see that there was actually a person behind the
10 murder who was high up and who was actually ordering the hit of Armand Swart and then that person was initially identified as Katiso Molefe, who was then later arrested in this case.

ADV LEE SEGEELS-NCUBE: Okay, can I just ask you, in so far as the cellphone records are concerned, what data did you have available to you to make these links and from which cellphones are we talking about?

WITNESS A: We had call data record and then our locations of all three cellphones, actually, all five
20 cellphones that were recovered during the arrest, that will be the ones that were recovered in Bramley and the one that was recovered in Kliprivier. But the phone that came with a lot of information in, as so far as linking Katiso Molefe was the phone of Michael Pule Tau, because It was seen on the records of his phone that it was him that was

communicating a lot with Katiso Molefe.

ADV LEE SEGEELS-NCUBE: Now, can I just ask you, insofar as the data is concerned, you mentioned in paragraph 33 of your statement that there was data analysis. You also referred to Section 205 subpoenas. Can you just explain the difference between the two, because there is a reference to downloaded information and Section 205 obtained information.

WITNESS A: Yes, Commissioners. In our cellphone
10 investigation, if I can just give a brief of what we do, we would, if we are lucky to have the number of the person that we are investigating, we will ask for the call record of the period that will suit the investigation to see who he was communicating with maybe, and the tower locations, which would be the movement of the phone in relation to the suspect as well. And then the other part will be downloading the data from the actual phone, which will then mean that you take the phone to the expert to download the data for you and then they give you the raw data from which
20 you will have to analyse and take it from there in as far as doing your linkages.

ADV LEE SEGEELS-NCUBE: Okay, and before we go to some of those linkages, you do say that you do not want to go into too much detail, this is at paragraph 33 of your statement, so as not to compromise the integrity of the

ongoing investigation. I assume this is on the same basis as earlier on, that the matter is still in court. Am I correct?

WITNESS A: That is correct, Commissioners.

ADV LEE SEGEELS-NCUBE: And If we can also give context to the information that we are about to look at, this is just insofar as the information that was available to the team in early May 2024. So you are not speaking about information at this point, but as what you had at that time in May 2024.

10 **WITNESS A:** That is correct, Commissioners.

ADV LEE SEGEELS-NCUBE: Okay, can we then start with what is set out in paragraph 33.1 of your statement, where you deal with the links that you could see on the 12th of April, from information on the 12th of April 2024, which would have been five days before the murder. And we are, in this regard, Commissioners, referring to the information at WA1 of the statement, which starts at page 42, and we will also project the redacted version, but yours is not redacted.

20 And Witness A, if I could, we are going to screenshare, if I could ask you to only deal with the version that is on the screen, because that is the redacted version. And the first is that you say on the 12th of April, 2024, five days before the murder, one Tau receives a call from Mr Katiso Molefe at 11:36. There is a duration of 119 seconds.

And 2, he makes a call, this is Tau makes a call to Molefe at 11:43 of a duration of 14 seconds and arrives at Molefe, this is Tau arrives at Molefe's home shortly thereafter at 12:36. Now, before you go to the, what is on the screen, can I just ask you how did you know that is Molefe's number if you did not have his cellphone at the time?

WITNESS A: Yes, Commissioner. Before we could start and doing our applications and maybe phone downloads and everything in terms of doing a cellphone communication
10 investigation, we will do our background check and then, which is where we get the information that we will call the intelligent information. So at the background we already had Katiso Molefe's cellphone number.

ADV LEE SEGEELS-NCUBE: So you were able to establish that when we are talking about the dates on 12 April 2024, that it was sent and received from a Mr Katiso Molefe based on the number, not just on the name that is saved as Katiso Molefe on the phone. You actually verified that the number is his number.

20 **WITNESS A:** Yes, the number suits the number that we had for our intelligent purposes.

ADV LEE SEGEELS-NCUBE: Okay, thank you. Can we now ...[intervenes].

CHAIRPERSON: Can we, I am very sorry. Can we take a 5 minute adjournment for something urgent we want to

attend to. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV LEE SEGEELS-NCUBE: Thank you, Commissioners.

Witness A, are you there?

WITNESS A: Yes, Commissioners, I am here.

ADV LEE SEGEELS-NCUBE: Witness A, we were dealing with paragraph 33.1 of your statement. If you can just tell us what it is that you want to tell the Commissioners about
10 the link on the 12th of April 2024 between Mr Tau and Mr Molefe.

WITNESS A: Yes, Commissioners, this will be a call record that was, that shows that on the 12th of April 2024, that is five days before the murder, Michael Pule Tau received a call from Mr Katiso Molefe on 11:38 and then the duration of the call was 119 seconds. And then Michael Pule Tau makes a call to Molefe at 11:43, which was a duration of 14 seconds. And then Michael Pule Tau arrives at Molefe's house in 12:16.

20 **ADV LEE SEGEELS-NCUBE:** We are just flighting the second one, which is at 12:16 minutes, as you say. And what is it that, what is it that we see there where you say it is at 12:16?

WITNESS A: We are seeing the vehicle, which is the Mercedes-Benz Viano, that was later linked to Tau during

arrest, arriving at the house of Katiso Molefe on the 12th of April 2024, 12:16.

ADV LEE SEGEELS-NCUBE: And then if we go to the next one, it is 33.2, you speak about the 13th of April 2024.

WITNESS A: Yes, on this one, the 13th of April 2024, Tau then received a message from Molefe with the name and cellphone number of the person who was identified as an employee for the company called Q-Tech in Vereeniging.

ADV LEE SEGEELS-NCUBE: When you say ...[intervenes].

10 **CHAIRPERSON**: Sorry, Witness A. When you say that, or when you say with the name and cellphone number of someone, what do you mean? Do you mean this message mentioned this cellphone number and person?

WITNESS A: I mean, this message was giving the name and the cell, and the cellphone number of this person who is identified as an employee at Q-Tech. But now the details of such are not going to be disclosed to the Commission.

ADV LEE SEGEELS-NCUBE: Commissioners will see that on page 44 of your bundle, which will have the details under
20 text, would have the actual text, but it is redacted for the public. It is redacted for the public, but on page 44 where it says text, 12:59, in the WhatsApp chats it will have a column that says text, and that will be the text that was actually in the WhatsApp. And what the witness is saying is that the name and cellphone number that is reflected in the

block next to text was the text that was actually received from Mr Tau, sorry, from Mr Molefe to Mr Tau.

ADV BALOYI SC: Can the witness, can he just confirm that?

ADV LEE SEGEELS-NCUBE: Yes. That is what the witness had said ...[intervenes].

WITNESS A: That is correct.

ADV LEE SEGEELS-NCUBE: I am just confirming that you can actually see it on your screen, whereas the public
10 cannot. Then if we can then go to the next one, it is at 33.3.2, 2.2 on page 10.

WITNESS A: Yes, Commissioner. Then on this one, it is seen that Tau tried to get more information about this person that was given to him by Katiso from a person called Lerato.

ADV LEE SEGEELS-NCUBE: Do you know who Lerato is?

WITNESS A: Yes, Lerato was identified and was interviewed and the statement was obtained from her to confirm what I have just said at paragraph 33.2.2, that she
20 was indeed requested by Tau to identify the person who works for Q-Tech.

ADV LEE SEGEELS-NCUBE: Okay, and then at 33.2.3?

WITNESS A: In that one, Tau sends a message to Molefe asking:

“Abuti, please send me that company's

name again?”

So I will assume that at this particular time he was, he just needed confirmation from Katiso Molefe to send him the information of the company or the name of the company again, which is Q-Tech.

ADV LEE SEGEELS-NCUBE: And then at 33.2.4, you deal with the response to that e-mail. Can you deal with that?

WITNESS A: The response was that Molefe then did indeed send the name of the company, which is Q-Tech.

10 **ADV LEE SEGEELS-NCUBE:** And can you just on the screen for the record read the date and time of that message?

WITNESS A: It is 18 April 2024, 14:39.

ADV LEE SEGEELS-NCUBE: Thank you. And then at 33.2.5.

WITNESS A: At 33.5, Tau makes a call to Molefe and also received a call from Molefe at 16:34, while Tau’s vehicle is spotted ...[intervenes].

ADV LEE SEGEELS-NCUBE: No, you are on – sorry,
20 **Witness A,** we at 33.2.5, not 33.5. It is still on the 13th of April.

WITNESS A: Oh, sorry, I am too far.

ADV LEE SEGEELS-NCUBE: Yes, 33.2.5, yes.

WITNESS A: Yes. My apology, Commissioners. 33.2.5:

“Tau is seen forwarding these photos

from the Internet of two Q-Tech employees to Molefe with the message, “this must be them”.”

ADV LEE SEGEELS-NCUBE: Okay, and then if we go to the 14th of April at 33.3.

ADV BALOYI SC: All right, Maybe before we do that, if you go back to 33.2.1, Witness A, in the last, in the second last line, which starts, “Molefe appears to have believed”, you see that?

10 **WITNESS A:** Yes, I am on that, Commissioner.

ADV BALOYI SC: Okay, so that first sentence that reads:

“Molefe appears to have believed that this person is a whistleblower in respect of the alleged fraud and corruption related to a Transnet contract ...”

When you say this, where does this appear from? Remember discussing the WhatsApp message and then you say it appears to, Molefe appears to have believed that the person was a whistleblower. Where does this appear from in the WhatsApp message or other material?

20 **WITNESS A:** I think this talks to the information that we had as we moved on with the investigation. The “appear” means that he was of the belief that the person that he was sending to Tau was a whistleblower.

ADV BALOYI SC: Yes.

WITNESS A: Because now we had knowledge as we moved with the investigation and that actually this person was not a whistleblower.

ADV BALOYI SC: Yes. And then the second part of that paragraph, you say:

“The contractor alleged to be
committing the fraud is a company ...”

And you give the name of the company that you
10 say, SK Group. This is the first time it is mentioned and I
am not sure whether you discuss further in your statement,
you are going to talk more about this group, but it is not in
the WhatsApp message unless I have missed it. So I am
trying to understand where this comes from, this
information.

WITNESS A: You are correct, Commissioner, it is not.
This is now from our investigation, and I do agree that we
actually needed to have given a little background of this SK
Group.

20 **ADV BALOYI SC:** Yes.

WITNESS A: But as it has been declared before, that more
of the information will be a touch and go, because it talks to
the investigation that is ongoing on this case and maybe on
the other parallel investigation on this case. Maybe for
purposes of this exercise of this Commission, I will just

mention to the Commission that this SK group was a middleman, if I may just use that name, that was buying from Q-Tech on behalf of Transnet and then it was learned that this SK group was inflating prices way higher than what it was receiving the product from Q-Tech for, which then would mean this perceived whistleblower would report the SK group to Transnet and other bodies to say there is irregularities happening here, just to give a brief description of what happened to Commissioners.

10 **ADV BALOYI SC:** Thank you.

ADV LEE SEGEELS-NCUBE: Thank you, Commissioner Baloyi. This evidence will be led by witness B.

ADV BALOYI: All right. And then maybe lastly from me, and this is more for you, Ms Segeels, not necessarily to be done now, that way you have referred to the annexures, can we just make sure that the page numbers are also referred to so that they reflect on the record, because I think we referred to these WhatsApp exchanges without page numbering them.

20 **ADV LEE SEGEELS-NCUBE:** Will do. Thank you.

ADV BALOYI SC: Thank you.

ADV LEE SEGEELS-NCUBE: We are now at 33.3, Witness A. Can you just read that paragraph for us regarding the 14th of April.

WITNESS A: 33.3?

ADV LEE SEGEELS-NCUBE: Yes.

WITNESS A: On 33.3:

“On the 14th of April at 3:27, Tau sends a message to Molefe, which reads, “We are here”, and then at the same time, Tau’s phone GPRS connects to a tower 2 kilometres from Q-Tech’s offices in Vereeniging, and that is at 15:29.”

ADV LEE SEGEELS-NCUBE: And that is on page 48 and
10 49 of the annexure bundle. And then if you can go to 33.4.

WITNESS A: At 33.4:

“Tau receives a forwarded ownership check, which is a forwarded message on his phone from Molefe, which is an ownership check off of vehicle registration numbers.”

ADV LEE SEGEELS-NCUBE: And for that, it is page 50,
51, page 50 and 51 of the annexure bundle. So if I can
understand what you are saying is that Mr Tau is receiving
20 from Mr Molefe forwarded ownership checks for three
registration numbers. Were you able to confirm what those
vehicle registration numbers relate to? Are they in any way
related to anyone at Q-Tech?

WITNESS A: No, they were not connected to anyone at Q-Tech.

ADV LEE SEGEELS-NCUBE: Okay, continue at 33.5.

WITNESS A: 33.5, that is now on the 16th of April, which will be the day before the murder. And then, can I just jump to 33.5.1?

ADV LEE SEGEELS-NCUBE: Yes, you may, and with reference to page 52 of the annexure bundle.

WITNESS A: Yes.

10 “Tau makes a call to Molefe and he
 also receive a call from Molefe at
 16:34, while Tau’s vehicle is spotted on
 CCTV footage at Q-Tech’s offices at
 16:39.”

ADV LEE SEGEELS-NCUBE: If I can just understand what you are saying is that at the time that Mr Tau makes a call to Mr Molefe at 16:31 and receives a call from Mr Molefe at 16:34, his vehicle is, his cellphone is spotted to be 2 kilometres within the towers that is close to Q-Tech, within 2 kilometres of a tower that is close to Q-Tech.

20 **WITNESS A:** Yes, but for the purposes of this paragraph,
 it is actually his physical motor vehicle on the CCTV
 footage that was retrieved from Q-Tech.

ADV LEE SEGEELS-NCUBE: So it is the footage at 16:39 on the 16th of April.

WITNESS A: That is correct, Commissioners.

ADV LEE SEGEELS-NCUBE: Continue. And we are now

on page 11 at 33.5.2.

WITNESS A: -:

“At 33.5.2 at 21:22, Tau’s vehicle
arrived at Molefe’s house at around
21:36.”

ADV LEE SEGEELS-NCUBE: And that is on page 53 of the
annexures. And you say that the Viano arrives at Mr
Molefe's house at 21:22 on the evening before the murder.

WITNESS A: Yes.

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

WITNESS A: And then it left there at 21:36.

ADV LEE SEGEELS-NCUBE: Okay. And then if we can go
to 33.6 and, on the 17th, this is now the day of the murder,
and it is, the reference for the annexures is 54, page 54.

WITNESS A: Yes.

ADV LEE SEGEELS-NCUBE: Yes.

WITNESS A: Yes, Commissioners, can I carry on?

ADV LEE SEGEELS-NCUBE: Yes, you may.

WITNESS A: So on 33.6:

20 “On the 17th of April at 8, the white
Honda that was found at Musa's house
during arrest ...” [intervenes].

ADV LEE SEGEELS-NCUBE: You may read it, Witness A.

WITNESS A: The whole paragraph?

ADV LEE SEGEELS-NCUBE: Yes.

WITNESS A: It says:

“On 17 April 2024 at 8:04, the white i20 arrives at Kekana's house in Q at 8:12. Cellphone activity resumes at 8:17. And then at around that time, Tau sends a message to Molefe saying, “Morning, abuti, re sharp”, which was then translated to say “morning, brother, we are okay”.

10 This inference I draw to this, I draw the inference that from the timing of the message, and the fact that there was no message that preceded it, it was him telling him that they went good in Vereeniging and they are not arrested and they are back. So it was just giving them, he was just giving Molefe information that wherever they are, they are okay, for him not to worry.

ADV LEE SEGEELS-NCUBE: And if we can just place the timing in context. The murder of Mr Armand Swart occurred at, just after 7 in Vereeniging and this is now at 8:17, an
20 hour and some minutes later, but they are back in Johannesburg. This is happening in Johannesburg, this conversation, or the WhatsApp is being sent when Mr Tau is in Johannesburg.

WITNESS A: That is correct. Also, what we understood about this was that when they arrived at Musa's house in

the morning, they switched their personal phones off and they left, which could then mean that their phones were left at Q and then they went to Vereeniging and committed the crime and then came back and that was only when their phone came back on again.

And then maybe they were doing this so that they cannot be connected to a crime scene by their personal phones, which is why they were using the two burner phones that I spoke about earlier on. because with them
10 there is information that we have that puts both of the phones in the vicinity of Vereeniging during the commission of crime. And there is also information that tells us that they were communicating between themselves, these two burner phones.

ADV LEE SEGEELS-NCUBE: And what about the Viano? You have spoken about the i20, and we know from your earlier evidence that the Viano was at Mr Kekana's house, was parked at Mr Kekana's house.

WITNESS A: Yes, Commissioners, can I address
20 paragraph 34 in that regard?

ADV LEE SEGEELS-NCUBE: You may.

ADV BALOYI SC: Before you do that, in 34.4, and what I am going to ask applies to the other messages. In 34.4 ...[intervenes].

WITNESS A: Yes.

ADV BALOYI SC: You say on 15, rather, 33.4, I beg your pardon, 33.4, you say:

“On 15 April 2024, Tau received a forwarded ownership check for vehicles registration number.”

And that document is at page ...[intervenes].

ADV LEE SEGEELS-NCUBE: 50 and 51.

ADV BALOYI SC: Page?

ADV LEE SEGEELS-NCUBE: 50 and 51.

10 **ADV BALOYI SC:** Yes, it is at page 50 and 51. Now, in the body of those documents, where do we see that this was from Mr Molefe, or from Mr Pule? I know at the top you say receives a forwarded ownership check at 51 for that vehicle from Katiso Molefe, but what is it in the body that tells us that, or that indeed confirms you that all these exchanges were in the way that you describe it, it was from Molefe to Tau and so on. And I think it is a question that I think should be clarified also. Ms Segeels, you may want to do it when we come back from lunch, but I think your WhatsApp
20 messages needs to show us that indeed what is in the caption at the top is confirmed by the body of the WhatsApp.

ADV LEE SEGEELS-NCUBE: Commissioner Baloyi, do you want the witness to ...[intervenes].

ADV BALOYI SC: He can for now deal with the specific

question that I have asked, and then the rest I will leave to you to decide how you, when you are going to address it. So Witness A, 33.4, you are referring, I have been directed to 50 and 51, and you say this is ownership check received from Molefe. Where do we, how do we see that in the body of these documents? Where do we see that this is from Mr Molefe being sent to Mr Tau and it may well be a reference to their telephone numbers. I do not know how you identify them.

10 **ADV LEE SEGEELS-NCUBE**: Witness A, you are muted, so I am not sure if you are speaking and we cannot hear you.

WITNESS A: Yes, Commissioner. I was just trying to look at my pages here so that they do not make noise to the microphone.

ADV LEE SEGEELS-NCUBE: Did you hear the question? The question is, when you look at page 50, for example, and there is a reference that there was a forwarded message from Mr Molefe to Mr Tau, how do we see
20 ...[intervenes].

WITNESS A: Oh, yes.

ADV LEE SEGEELS-NCUBE: That that is indeed the case from the message, the information on the message itself?

WITNESS A: Oh, yes, that we get it from the downloads of the phone of Tau, and then when you read it, it will tell you

if the message was, it will tell you of the nature of the message. It will show you that the message is from this source, but it came to him as a forwarded message in WhatsApp.

ADV LEE SEGEELS-NCUBE: And can you just direct the Commissioners to where on that page 50 we would see that? I can see it, but we want you to identify it for us.

WITNESS A: Yes, if you look at the same page, at the top it is written “text”, and you go down there, it tells you the
10 status of the message. Then it shows that forwarded, which will then mean that the nature of the message, it came from the source, but it was forwarded to them. So it is written there as forwarded.

ADV LEE SEGEELS-NCUBE: Okay.

ADV BALOYI SC: Should I go ahead?

ADV LEE SEGEELS-NCUBE: Yes.

ADV BALOYI SC: All right. There is, Witness A, looking at that same shot, there is a number ...[intervenes].

WITNESS A: Yes.

20 **ADV BALOYI SC:** WhatsApp ID number. There is the first WhatsApp ID number. It is an 083 number. And then there is a second one, WhatsApp ID number, it is an 072 number. Are those numbers helpful to explain this forwarding or sending, who sends who?

WITNESS A: Yes, the 083 will be the number of Mr Molefe,

then the 072 will be the number of, will be the number of
Tau.

ADV BALOYI SC: All right. Yes, and ...[intervenes].

WITNESS A: I am saying this, Commissioners, as I am
also reading, which is why sometimes I just cut.

ADV BALOYI SC: Sorry, say that again, Witness A?

WITNESS A: I am saying that I was just making an excuse
that I am saying this as I am reading on what is being
displayed on the screen. That is why sometimes I cut when

10 I talk.

ADV BALOYI SC: Okay. All right. All right, no, thank you.
Then the same numbers appear in page 51, that 083 number
and 072 number in both shots in page 51, and you say that
is Mr Molefe and Mr Tau's numbers respectively. Thank
you. Thank you, Ms Segeels.

WITNESS A: Thank you, Commissioners.

ADV LEE SEGEELS-NCUBE: Thank you, Commissioner.
So we had dealt with 33.6 and then you say, can you just
tell us about paragraph 34, where you deal with additional
20 surveillance information and cellphone records, which is not
before the Commission, but just so to complete the picture
at paragraph 34.

WITNESS A: Yes, paragraph 34?

ADV LEE SEGEELS-NCUBE: Yes.

WITNESS A: -:

“Then in addition, the surveillance information before and on the day of the murder revealed that Tau’s Viano was at and near the office park where Swart was murdered and it appears that whoever was driving the vehicle was scouting the place. And then the cellphone records and the vehicle tracking information and the CCTV camera footage agree to this and are attached as for Witness B to talk more about.”

ADV LEE SEGEELS-NCUBE: Yes, I just wanted to clarify paragraph 34, and you must just confirm this for the Commissioners, is that the sentence should in fact read that the surveillance information before and after the day of the murder revealed that the Viano was at or near the, and near the office park, not on the day of the murder.

WITNESS A: Yes, that is correct. That will confirm that this vehicle was used to survey either the crime scene or maybe to survey the victim who is Mr Swart as well.

ADV LEE SEGEELS-NCUBE: Thank you, Witness A. And then if you could ...[intervenes].

ADV BALOYI SC: Before you move on, you say the surveillance information before and after the day, and then

you refer us to WA1. Can we look at that WA1 and see where does it convey what you say in that paragraph 34.

ADV LEE SEGEELS-NCUBE: Yes. Commissioner, I just indicated now that information about the Viano itself is not before the Commission. The WA1 refers to everything that has been dealt with under 33 and 34, but the Viano information, unfortunately, is not before us to demonstrate that the Viano was there before the, was at the scene before the murder, that information is not before the
10 Commission.

ADV BALOYI SC: Okay, so WA1 correctly speaks to the 12th of April.

ADV LEE SEGEELS-NCUBE: It speaks to the 12th, the 13th, all of the dates, but in relation to the i20 and the Mercedes-Benz C200, not the Viano.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: Maybe this is for the witness and not you then, Ms Segeels, what do we make of the shots on page 52 of our bundle?

20 **ADV LEE SEGEELS-NCUBE:** Yes.

ADV KHUMALO SC: With specific reference to the date of 16 April 2024.

ADV LEE SEGEELS-NCUBE: Let me just see.

ADV KHUMALO SC: Witness A, are you on page 52?

ADV LEE SEGEELS-NCUBE: Yes, can I just

...[intervenes].

WITNESS A: I am on page 52, Commissioners.

ADV LEE SEGEELS-NCUBE: Ja. Can I just clarify, Commissioner Khumalo, the correct statement should be that the cellphone records and the vehicle tracking information relates to the, the tracking information relates to the *i20* and the Mercedes-Benz C200, CCTV footage would include the *i20*, the Viano and the C200. But the statement still remains that it is, the Viano is not on the day
10 of the murder.

CHAIRPERSON: Are you referring to the last sentence of 34?

ADV LEE SEGEELS-NCUBE: Correct, Chair. It is that ...[intervenes].

CHAIRPERSON: Just re-state what you said just now about that sentence.

ADV LEE SEGEELS-NCUBE: So there is information that relates to the day of the murder and that would be in relation to the *i20* and the C200, not the Viano. There is
20 information pre-dating the murder, and that would relate to the *i20* and, to the Viano and the Mercedes-Benz. Not, ja, the Viano and the Mercedes-Benz.

ADV KHUMALO SC: Let me rather ask the witness the question. Witness A ...[intervenes].

WITNESS A: Yes, Commissioner.

ADV KHUMALO SC: Is there CCTV footage of the Viano in Vereeniging on the 17th of April 2024, which is the date of the murder?

WITNESS A: No.

ADV KHUMALO SC: Is there CCTV footage of the Hyundai i20 at Vereeniging on the date of the murder, that being 17 April 2024?

WITNESS A: Yes, Commissioners.

ADV KHUMALO SC: All right.

10 **CHAIRPERSON:** In the first sentence of 34 we must delete the words “and on”. Let me just, the surveillance information before the day of the murder. So we delete the “and on”.

ADV LEE SEGEELS-NCUBE: Correct. Correct, Chair.

CHAIRPERSON: Thank you.

WITNESS A: Yes, Commissioners. Thank you for that correction.

ADV LEE SEGEELS-NCUBE: And then, Witness A, if we can then deal with that footage insofar as the Viano is
20 concerned before the murder, if you go to page 52 of the bundle.

WITNESS A: Yes, Commissioners. This will now be on the 16th of April, 16:39, which is the day before Mr Armand Swart was killed. This Viano that belongs to Tau is picked up driving in front of the Q-Tech company by the CCTV

cameras at that time that I have just given, which is 16:39.

ADV LEE SEGEELS-NCUBE: Now, what was the Viano doing in the area on the 16th, the day before the murder?

WITNESS A: My understanding, it will be that they were finalizing their surveillance. as the murder was going to be committed the following morning.

ADV LEE SEGEELS-NCUBE: And in your experience as an investigator, what is the reason why would the Viano not be there on the day of the murder? Why would it not be used
10 to transport the hitmen to the murder scene on the day?

WITNESS A: I think this, it will be for the suspect not to be easily linked to the crime scene because this motor vehicle is linked to Tau, it belongs to Tau, and then it was seen surveilling the crime scene before the murder. So using it again on the crime of scene it was going to make it easy. for whoever was going to do investigation to connect this motor vehicle with the crime and which was also going to make it easy for the investigators to connect the crime to the person who owns the motor vehicle who is Tau. So I
20 think it was this was all prevalent.

ADV BALOYI SC: In that page 52, Witness A, you, and going back to the paragraph in your statement, you, at 33.5.1, you say:

“At 16:31, Tau makes a call to Molefe
and receives a call from Molefe at

16:34 while Tau's vehicle is spotted on
CCTV footage at Q-Tech offices at
16:39.”

And then you go to page 32. At the bottom of that picture that you have just spoken to, 52, yes, at 52, you have got those headings, makes a call to 083 and then in brackets you say Molefe, and then receives a call, where in these two documents, 16:31 and 16:34, do we see that the call is, in the first one is from Tau to Molefe? Can you just
10 talk us through that grid? But also if you are able to, where he is in fact at the time of the call, of the two calls.

WITNESS A: Oh, oh, yes, Commissioners. We see this first by his vehicle, it is physically put there by the cameras. And then when we look at the column down there, we can see, I do not know how I am going to ...[intervenes].

ADV LEE SEGEELS-NCUBE: I think, Witness A, if you can use your hard copy, because what you are seeing on the screen is the redacted version, which will not have the information that Commissioner Baloyi is asking you to
20 confirm. So if you can use your hard copy for this exercise on page 52.

WITNESS A: That is correct. I am carrying it in my hand as I speak. But I wanted to say it is seen that when these calls were made, this number, which is 072, which belongs to Tau, is put by a tower location at Duncanville, which is in

Vereeniging, where the crime scene is. It will be at the bottom, at the very last column of the page on the right, where it is written, LTE Duncanville.

ADV BALOYI SC: Thank you.

WITNESS A: Then on the far left, where that column starts, it will depict the number of the suspect, Michael Pule Tau.

ADV LEE SEGEELS-NCUBE: Thank you, Witness A.

WITNESS A: Thank you, Commissioners.

10 **ADV LEE SEGEELS-NCUBE:** And then at paragraph 35, without reading out the name of Witness B, can you just read paragraph 35 into the record?

WITNESS A: Yes, it reads that:

20 “Witness B will testify in detail to the links that were discovered after Molefe’s arrest, which is now on the 6th of December 2024. The reason I deal with these links is to complete the timeline and deal with the type of information that was available to the team, although not all can be revealed in public. I will deal later with the links related to the matter of Oupa John Sefuka, and two other persons that he was with, which will then be known as

Walter Mokoena and Sandile Myeza.”

ADV LEE SEGEELS-NCUBE: Thank you, Witness A. If we can then go to page 12 of your statement, and here you now deal with uncomfortable incidents and the first signs of possible interference. And we are now at paragraph 36, if you can just tell the Commission about that incident.

WITNESS A: Yes, in this paragraph, I am going to deal with the first signs of discomfort that we are now confirming what we saw when we went for the first appearance in
10 Vereeniging, then we could see that it was spread not only, it was not only based in the police station where Tau was working, but it was spread right across the province, if I may say that, up until the senior officers of SAPS. I am saying this because in mid-May, I was told by Witness B that she had received a call from our Commander, Colonel Mokoena in our office, who had informed that Major General Shibiri, who is the Head of Organized Crime nationally, actually wanted to see us to brief him about the case of Mr. Swart.

20 **ADV LEE SEGEELS-NCUBE**: Sorry, witness A, before you go ahead, can you just tell us what is, who is Colonel Mokoena and what is his or her position? You say direct Commander, but what is the position?

WITNESS A: He is a Colonel, and then he is our immediate Commander in terms of the structure and work.

It will be Brigadier Gopane, it will be him, and then so it goes down. So we reported to him directly.

ADV LEE SEGEELS-NCUBE: And who does he report to?

WITNESS A: He reports to Brigadier Gopane ...[intervenes].

ADV LEE SEGEELS-NCUBE: Okay.

WITNESS A: Who then reports to the General.

ADV LEE SEGEELS-NCUBE: Continue.

WITNESS A: Yes, so this information I am getting it as
10 second hand from Witness B, who is now telling me to say, hey, yesterday I got a call from Colonel Mokoena, who told me, or us that we need to go see General Shibiri at his office in head office in Pretoria. And then further than that, Witness B says actually, it seems like when Colonel Mokoena was calling her, he was together with General Shibiri in one place, because as Colonel Mokoena was talking to Witness B, he then gave the phone over to General Shibiri to talk or to speak to Witness B and relay that message that he had already passed through Mokoena,
20 Colonel Mokoena.

ADV LEE SEGEELS-NCUBE: And then in paragraph 37, you deal with Witness B's response to General Shibiri. Can you tell us about that?

WITNESS A: Witness B tells me now to say, in that brief call, General Shibiri asked her certain information in

relation of the Mr Swart murder case and then Witness B tells me that she told General Shibiri that the case that we are dealing with is of a sensitive nature, so she did not feel comfortable to discuss it over the phone, which is why now the decision to come like physically to his office was emphasized.

ADV LEE SEGEELS-NCUBE: When you say decision, was she saying to General Shibiri that she will come to him, or was he inviting the team to come and meet him at his
10 offices?

WITNESS A: He was inviting. He had already done it through Colonel Mokoena, but now I think he also wanted just to get some information before we could come, which then Witness B said no, but General, I do not feel comfortable talking about this case over the phone, giving the sensitivity it has and then we had to go see him the following day.

ADV LEE SEGEELS-NCUBE: Okay. And in paragraph 38, you then deal with the meeting. Can you take us through
20 it?

ADV BALOYI SC: Can I just for completeness ...[intervenes].

WITNESS A: And then ...[intervenes].

ADV BALOYI SC: Sorry, Witness A, just for completeness, your statement says that she told him, General Shibiri, that

she had concerns about providing such a report to him and it ends there. So on the reading of the statement, it suggests she refused to give him, but from what you are saying, it in fact should have said such a report to him over the phone. That is a complete statement from what you are saying.

WITNESS A: That is correct, Commissioner. Maybe it is the way that I gave the statement.

ADV BALOYI SC: Yes.

10 **WITNESS A:** She did not actually refused, but she suggested that it can be given to him verbally, not over the phone.

ADV BALOYI SC: Thank you. Thanks, Ms Segeels.

ADV LEE SEGEELS-NCUBE: Thank you, Commissioner Baloyi. At paragraph 38, you deal with the meeting.

WITNESS A: Yes, at paragraph 38, it was the day that we were supposed to go and meet with the General at his office, but giving the lot of work that we had on this docket, we could not just drive in the morning and go see the
20 General. We had to do the task that was at hand, the investigation on this case, then much later on in the day then we drove to Pretoria in the company of the member that had, gave us the instruction to go attend to the crime scene from Brigadier Gopane on the 17th. So it was three of us going to see General Shibiri in his office at Pretoria.

ADV LEE SEGEELS-NCUBE: Okay, continue.

WITNESS A: Yes, and then when we arrived at the office of the General, we were welcomed in and then the meeting started. It actually was not even a formal meeting. He just asked a very few questions about the case and then during that conversations he told us that this case that we were working on was actually a very sensitive case, because the people that are arrested are connected to people that are very dangerous.

10 And then he told us that these people who are the now suspect are connected to a person who had already passed away by then who was called Mswazi and then they are very dangerous and then there is a lot of resistance and interference that we're going to get from the Police while we are doing our investigation. And then he also wants us to take care or to look after ourselves.

 And during the conversation, he also gave us the person that works with the group, but he belongs to DPCI, which is a Hawks' office, Tom's office, by the name of
20 Zungu. We did not know that person before we came to this office, but we were told about him to say he works with this group, we might encounter interference from him and other people that maybe we are not told about there.

ADV LEE SEGEELS-NCUBE: Witness A, can I just take you back to your statement. You have skipped some

information.

WITNESS A: Yes.

ADV LEE SEGEELS-NCUBE: At paragraph 39, after the General tells you, you say after he told you about the very dangerous person called Mswazi, can you just continue from there.

WITNESS A: Oh, yes. Then he told us that as a suspect, we are applying for bail. He told us that, he asked that what was the status and everything, and then we told him
10 obviously that we were opposing bail. And then he said, he said there were envelopes that were on offer. He termed it as there were three envelopes flying around that were on offer for the suspects to get bail. He said, one envelope will be for the investigating officers, the other one will be for the Magistrate, the last one will be for the Prosecutor. And then by envelopes, we understood him to mean money, even though he did not say money, but he said there is three envelopes flying around to make sure that these people get paid.

20 **ADV BALOYI SC:** Now, Witness A, when General, you say General Shibiri, when General Mkhwanazi testified, he spoke to a senior person who informed the investigators that there were three envelopes. Was he referring to, do you know if he was referring to General Shibiri?

WITNESS A: Yes, my understanding is that he was

referring to General Shibiri, because in this investigation when you take the mentioning of three envelopes, it only appeared in the meeting that we had with General Shibiri. And by the way, we reported it to our Commanders as well.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Can I just ask a follow-up question, Witness A. The mention of three envelopes, (a), was it made in your presence; and (b), what was your reaction to it when it was made, the mention of the three envelopes?

10 **WITNESS A:** It was made in my presence. My first reaction, it was just shock. And then it was that I was expecting to be told now because I was here sitting with the senior officer who was now needed to give me guidance to say what to do with this three envelopes, because obviously they were coming our way. He was, I expected the General to say, if this envelope come, do this about them, or this is the action that has already been taken to avert that thing happening so that the envelopes do not even get to you.

But all that did not happen to what a witness be
20 asked a direct question to the General to say if it happens that the General knows about these envelopes, and he knows that they are flying around, and one of them is coming to his members, and then he also knows that there are people who are doing wrongdoing in terms of Zungu now, because he has already been disciplined, now a

witness be asked the General directly to say, what is being done by that?

And then the General said, there should be an inquiry opened with the aim to register a project for investigation such wrongdoings. But he did not say that had already taken place. He was telling us what was supposed to have been done, which would mean if Witness B did not ask, I do not think that was going to be mentioned even.

ADV LEE SEGEELS-NCUBE: Thank you, Witness A.

10 **ADV BALOYI SC**: May I, sorry. Do you, in paragraph 40, and you have already mentioned in your evidence the reference to Zungu, do you know if General Shibiri has done anything or taken steps relating to this Zungu police officer?

WITNESS A: No, Commissioners, we did actually not do a follow-up on that. We do not know if anything was done to Zungu, neither did we ever identify who this Zungu person is.

ADV BALOYI SC: Thank you. Thanks, Ms Segeels.

20 **ADV LEE SEGEELS-NCUBE**: Thank you, Commissioner Baloyi. Witness A, just to go back to the reference to three envelopes by General Shibiri, was it your understanding that he was saying that he knew that there were three envelopes available if you were willing to accept it, or was he saying that he had the envelopes for you?

WITNESS A: No, what I understood is that he was saying he knew that there is envelopes that were ready which one of them was meant for the investigating officers. But I do not know if he had them with him, and I did not understand it to say he was having them, or he was having one envelope with him. I did not understand it that way.

ADV LEE SEGEELS-NCUBE: Okay. In paragraph 40, you dealt with Zungu, but your statement starts with another person. Can you read that and then just explain whether
10 General Shibiri expanded on that issue.

WITNESS A: He did not expand it. He just told us that he knows a lawyer that was standing for Mr Tau, then he mentioned by name that he is Mr Victor Marshall, who has since been struck off the roll. And then he did not give any reference as to why he is mentioning him or what was the reason he mentions him, but he just told us that he knows the lawyer that was standing for Tau, which was true because we had already been in Court a few times with Tau, and we knew who the lawyer was.

20 **ADV LEE SEGEELS-NCUBE:** Okay. And then in paragraph 41, you have already dealt with what Witness B's attitude was towards General Shibiri mentioning wrongdoings by officers where there seemed to have been no consequences. But you deal with another issue that she had raised. Can you deal with that in paragraph 40, the

second part of that paragraph?

WITNESS A: That will be now the issue of Zungu or paragraph 41, Commissioner if I may ask?

ADV LEE SEGEELS-NCUBE: In paragraph 41, where Witness B had made a request to General Shibiri after she had asked about what steps had been taken against officers that have been accused of wrongdoing.

WITNESS A: Oh, yes. It means when we spoke, then after having asked, after Witness B having asked General
10 Shibiri what he will do about what he has just told us, we went on with talking with the General Shibiri, and then he advised us that we get protection in terms of assistance actually, in terms of seeing if the cars that we were using were not followed or fitted with unauthorized trackers and also to have them checked for that. That is what I have just said.

And then Witness B asked General Shibiri if it would be possible to request that the ballistic section speed up the ballistics analysis of the firearms, to which General
20 Shibiri agreed and then he took the phone and then he made a call to a person that he referred to as Brigadier Mlauzi at the Ballistics ...[indistinct] and requested that the ballistics be fast-tracked.

ADV LEE SEGEELS-NCUBE: Can I just follow up on that. Was there an issue with the ballistics at that stage? Why

would there be a request for it to be expedited?

WITNESS A: At this time there was no delay, but we just knew that usually your ballistics will be what delays the investigation in our experience. You will do all your investigation, then you complete it, then it will be the ballistics that is holding back the investigation. So we just was requesting for assistance from that front.

ADV LEE SEGEELS-NCUBE: And you have dealt with it, but if I could just ask you to then read paragraph 43 and 44
10 into the record.

CHAIRPERSON: Before you do that, let me take you back to paragraph 40. Did your investigations ever reveal that Zungu was working with the suspects?

WITNESS A: No, it did not reveal it, because we actually did not conduct that investigation, because it would need a complete parallel investigation and at that given time, we had a lot on our hands. We actually were focused with dealing with the case of murder and linking the other suspect who, that we had already identified as the hit
20 organizer, which is Katiso Molefe. So we did not really undertake to do that investigation, Commissioners.

CHAIRPERSON: And did General Shibiri ever mention this subject to you again?

WITNESS A: Of Officer Zungu ...[intervenes].

CHAIRPERSON: Of Zungu, Zungu.

WITNESS A: No, he did not.

ADV BALOYI SC: Witness A, let me also take you back at paragraph 39 where you mentioned that General Shibiri said that people linked to the suspects have money and are connected to a very dangerous person called Mswazi. And you say in brackets that you are aware that Mswazi died in January 2024. Perhaps tell us more about Mswazi so that we do not make assumptions, we do not accept on the face of it that he was a very dangerous person. Who is Mswazi
10 and how does he fit in or would even come up in this conversation between you and General Shibiri?

WITNESS A: At this time, Mswazi was a person that was widely known as a taxi owner and he was a ruthless someone in terms of killings. We know him to that extent. And then we would later learn that the people that we are dealing with were directly connected to him or to the group that was going to be later referred as the cartel or the Big Five.

So I am thinking now that the General was just giving
20 us the heads up to say, you are dealing with something very massive, even though we did not understand at that time, we just thought, oh, this is Mswazi that is known for doing this, so must take care, only to learn later that these people were directly, directly, directly connected to Mswazi through Katiso Molefe, then now it makes sense what the General

was saying to us at the time.

ADV BALOYI SC: You understood him to include Warrant Officer Tau as people connected to this Mswazi that you describe?

WITNESS A: Yes, but Warrant Officer Tau will be connected through Katiso, not directly to Mswazi.

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

WITNESS A: As I understood it, Commissioners.

CHAIRPERSON: I see that it is 1 o'clock. Let us adjourn

10 and resume at 2pm.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE SC: Thank you, Commissioner.
Witness A, are you there?

WITNESS A: Yes, Commissioner, I am back.

ADV SEGEELS-NCUBE SC: Thank you. We were dealing with the meeting that you had with General Shibiri and other members of your team. I just want to take you back to paragraph 42 of your statement, where you dealt with
20 General Shibiri's recommendation that a threat and risk assessment be conducted for your personal safety. Can you just tell us what would be the purpose of such an assessment?

WITNESS A: Yes, Commissioner, this assessment was suggested as needed by General Shibiri after he had

already told us about the severity of the investigation that we were investigating and the people that we were dealing with. And then he suggested that there would be the need for a threat and risk assessment done starting from then going forward.

ADV SEGEELS-NCUBE SC: Yes, but my question is, what is the purpose of a threat and risk assessment? Why is it done?

WITNESS A: The purpose would be to assess the scale of
10 threat that the members are faced with. And then maybe from there, there will be the recommendations that will be made by the personnel that will be conducting such a threat assessment. Then actions will be taken from there. And then it will depend, usually it will be the recommendation that will say the members should be or must be provided with a certain level of security or protection.

ADV SEGEELS-NCUBE SC: And we are now in mid-May of 2024. Do you know whether a threat and risk assessment was done in respect of you and the other investigating
20 team?

WITNESS A: Yes, I remember that it was done through our office and then we did sign a document. And then we waited for the results of the response thereof.

ADV SEGEELS-NCUBE SC: And did you ever receive the results of the TRA?

WITNESS A: No, on this one we did not receive the feedback of the outcome of the TRA. We kept waiting without receiving any feedback.

ADV SEGEELS-NCUBE SC: And at that stage, who was responsible for preparing the TRA?

WITNESS A: The TRA was prepared by our office Colonel Mokoena was assisting with the TRA at the time.

ADV SEGEELS-NCUBE SC: Colonel Mokoena?

WITNESS A: That is correct.

10 **ADV SEGEELS-NCUBE SC:** Which is your direct commander?

WITNESS A: Yes, that is the direct commander which will be termed as an immediate commander.

ADV SEGEELS-NCUBE SC: And did you enquire from Colonel Mokoena whether there had been an outcome, or did you just leave it at they will tell us when they need to report to us about it?

WITNESS A: Yes, we were enquiring from time to time. And then I think he was waiting, and we were waiting for a
20 response to come back. And we moved on with our investigations.

ADV SEGEELS-NCUBE SC: Okay, so if I can then just go back to the meeting on page 14 of your statement at paragraph 43. I know that you had dealt to some extent with how you felt in the meeting and after you left the

meeting. But could I just ask you to read paragraph 43 into the record, please?

WITNESS A: Thank you, Commissioner. Paragraph 4.3 will read as follows ...[intervenes]

ADV SEGEELS-NCUBE SC: It is 43 on page 14.

WITNESS A: Yes, it is page 14, 4.3:

10 “We left the meeting feeling very
concerned not only because General
Shibiri confirmed our fears that very
powerful people were involved in the
murder. But also, because he had
implied that he knew as a fact that there
was a bribe ready for us if we were
willing. Essentially, our most senior
official had just informed us about a bribe
in exchange for compromising the
investigation in order to secure the
accused person's release. It did not
constitute direct enticement, but rather
20 an ender or kind of situation. In other
words, there may be something for you,
but it is up to you whether to take or not.”

That is the sense I got which maybe would be translated that the sense that I made personally about the whole meeting with the General and what was discussed about the

case as being told about the dangerous people that we are dealing with, and then the envelope that was on offer, which I translated as being the money. And then I just got the sense that I did not know what to make of it.

ADV SEGEELS-NCUBE SC: Thank you, Witness A. And then paragraph 44 as well, you did deal with some of it, but if you could also read that into the record.

WITNESS A: Paragraph 44 will read as follows:

10 “I would not expect our senior to even
have this conversation with us, but if he
was going to, it would be to advise us not
to take any bribes that we may be offered
in exchange of compromising the
investigation. He did not do so. In my
view, even though he did not expressly
say so, I left that meeting feeling that
General Shibiri was firstly trying to find
out what evidence we had that linked the
suspects to the murder and how strong
20 our case was at the time. And secondly,
to bait us to see if we could be
influenced, hence the reference to the
envelopes being available. It seems to
me that if we were not agreeable to take
the envelopes, which was indeed the

case, then technically he did not offer us
a bribe, but he was merely informing us
that there was a bribe up for grabs.”

ADV SEGEELS-NCUBE SC: Thank you. And then
paragraph 45 as well, please, Witness A.

WITNESS A: Paragraph 45 will read as follows:

10 “But this left me with many questions. I
was not sure if General Shibiri was
associated with the dangerous people
linked to the accused, as he put it. How
did he know that those people are
dangerous and have money and that
there are envelopes available? I had all
these questions racing through my head,
through my mind, but still wanted to give
General Shibiri the benefit of the doubt.
And I think actually it is what I did at that
stage.”

20 **ADV SEGEELS-NCUBE SC:** Thank you. And then
paragraph 46, you have now dealt with the TRA. And you -
can I just find out from you, what was your sense of the
safety, your personal safety at that stage?

WITNESS A: The sense of the personal safety at this
stage, now I could understand that we are faced with a risky
situation in terms of the dangers that were imposed on us

because of this investigation. And then I had a sense of understanding that we are really faced with a situation.

ADV SEGEELS-NCUBE SC: Thank you. Can we now go onto another topic, the next topic, which you say is the White House on the Hill. And can you just tell us how it came about that you ended up at the White House on the Hill?

ADV BALOYI SC: Witness A maybe before you tell us how you ended up there, tell us what the White House on the Hill
10 is.

WITNESS A: The White House on the Hill is a place that we invited to after this meeting that we had with General Shibiri. It is a place that we invited to.

ADV SEGEELS-NCUBE SC: Maybe if you can just tell us about how the invitation came about.

WITNESS A: Yes, Commissioners. On the 24th of May, 2024, I think it was just a week after having met General Shibiri, a colleague of mine, that is the one that informed us that we were being tasked to go attend the scene on the
20 17th , told me that he got a call from the owner of that White House that I am talking about to say, do we mind to join them as they will be having a party at the weekend. Then this is the person that we knew already early around the early months of 2022.

ADV SEGEELS-NCUBE SC: And just to complete that,

what type of party was it that you were invited to?

WITNESS A: He just said, do we mind to come to this place just to chill and have some free time together.

ADV SEGEELS-NCUBE SC: And who is it that invited you?

WITNESS A: Now I am getting this invited through the member that I was working with when we started in this investigation.

ADV SEGEELS-NCUBE SC: Okay, but who did he say the invitation was coming from?

10 **WITNESS A:** That will be now the name of a person.

ADV SEGEELS-NCUBE SC: Yes.

WITNESS A: That is Vusi Ndlala.

ADV SEGEELS-NCUBE SC: Sorry, just repeat the name?

WITNESS A: Vusi is the same the surname would be Ndlala.

ADV SEGEELS-NCUBE SC: Okay, and how do you know Vusi Ndlala?

WITNESS A: Vusi Ndlala, we have known him around early 2022. In our office, he came to our office with some
20 assistance in investigation. That is when he was introduced to us. Then it was a person that we knew going forward.

CHAIRPERSON: Just to make sure that the name is not confused with Vusi Matlala, please spell it for the record if you do not mind.

ADV SEGEELS-NCUBE SC: Yes, Chair. For the record, it

is Ndlala. N-D-L-A-L-A.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE SC: And so, you say that it is somebody that you knew since 2022?

WITNESS A: That is correct, Commissioners.

ADV SEGEELS-NCUBE SC: But not on a personal level?

WITNESS A: It was not on a personal level because he came to us and needed some assistance with some investigation at the office. Then we got to know him from
10 there.

ADV BALOYI SC: Can I just understand that before he came to the office with a complainant, you did not know him but then you got to know him because he came there to assist you with a complaint? And then he invites you to a party. So, you are now relating to him on a personal level, not a professional level. Is that correct?

WITNESS A: That is correct, Commissioners.

ADV SEGEELS-NCUBE SC: And when was this party supposed to happen?

20 **WITNESS A:** This party was supposed to happen on the 25th of May, 2024.

ADV SEGEELS-NCUBE SC: Okay, can you then proceed to tell us about the party in reference to paragraph 48 of your statement?

WITNESS A: Yes, and then on that weekend, we

proceeded to the place as it was given to us by him, to the party. And then when we arrived at the place, he invited us in or he welcomed us in. And then to our surprise, as we arrived or as we entered that place, General Shibiri was also in attendance.

ADV SEGEELS-NCUBE SC: Can I just pause there, Witness A? You say you arrived at the place, and what were you expecting to find at this place? Was it a house, a venue? What were you expecting?

10 **WITNESS A:** We were expecting to find a house, but when we arrived there, it was not a house. It was something that could be referred to as a boutique hotel.

ADV SEGEELS-NCUBE SC: Okay, we are going to flight a picture of the venue, and for the benefit of the Commissioners, that is on page 55, WA2 of the bundle. And I just want you to confirm that this is the place where you went.

WITNESS A: Correct, Commissioners. This is the place.

ADV SEGEELS-NCUBE SC: So, it is 12 On Hillel, H-I-L-L-E-L, Villa and Spa.

WITNESS A: Yes, I see the address now, Commissioner.

ADV SEGEELS-NCUBE SC: And you said this is in Northcliff?

WITNESS A: Correct, Commissioners.

ADV SEGEELS-NCUBE SC: Okay, so you were telling us

about when you arrived, to your surprise, you can continue from there?

WITNESS A: Yes, as we arrived there, we were welcomed by Vusi Ndlala, and then he directed us to the lounge space. And as we entered there, then we found that amongst the people that were seated there was General Shibiri, which we did not expect or did not know that he would be in attendance.

ADV SEGEELS-NCUBE SC: And how was his demeanour?

10 **WITNESS A:** He was relaxed, and then he welcomed us in, and then he told us to feel at home, just to break ice. But before then, he seemed very surprised, because he even said to Vusi Ndlala in Zulu, ...[speaking in vernacular] which can be translated like, why did you not tell me that you are opening a police station here at your place and then we all laughed about it.

ADV SEGEELS-NCUBE SC: Okay, in your statement, you refer to, if you can just, in paragraph 49, you mention that you went to the party, and then the second sentence, which
20 starts on page 16, if you can just, because you have not dealt with that aspect, if you can deal with the sentence that starts, 'what was even more surprising is that General Shibiri was also at the party', and then just from there onwards, can you read that into the record, please?

WITNESS A: Can I read starting from where it says, 'at

first, we did not know that there were police officers until’
...[intervenes]

ADV SEGEELS-NCUBE SC: Yes.

WITNESS A:

“At first we did not know that there were police officers until Ndlala told us that these people are police officers, but he did not mention their names.”

And then I went on to say:

10 “I was not aware that Vusi Ndlala knew so many police officers that he can invite to his place. What was even more surprising is that General Shibiri was also at the party, sitting on the couch, and he appeared to be very comfortable. In fact, the music that was playing was being played from his phone that was connected to a speaker. At first, I did not know what to do, but then General

20 Shibiri broke the ice and started talking. He said to Ndlala ...[speaking in vernacular] which can roughly be translated as, why did not you not say that you are opening a police station here at your house and then we all laughed

about it.”

ADV SEGEELS-NCUBE SC: Thank you, Witness A. And then at paragraph 50, can you explain to us what transpired after that?

WITNESS A: Yes, at paragraph 50, I was personally now looking at the situation, trying to understand what was going on, reading the people that were inside, and then I could see that I was not comfortable at first with the fact that I was attending a party with a General, for the fact that
10 I did not even know that he was going to be there. So, it felt tense at first.

ADV SEGEELS-NCUBE SC: Okay, continue.

WITNESS A: I then went out and took a phone and wrote a message to Witness B. Not even reporting, just telling Witness B to say, actually it was a question I asked the girls who else is in attendance at the party, to which they said, I do not know. Then I said, we are with General Shibiri.

CHAIRPERSON: May I take you to the first sentence of
20 this paragraph, paragraph 50?

WITNESS A: Yes, Commissioner.

CHAIRPERSON: And before that, perhaps I must take a step or two back. When you summarised your assessment of the meeting with General Shibiri, you sort of alluded to feelings of dismay, surprise, as to what had transpired

there, including what General Shibiri had said. But at that stage, you did not use a word as strong as inappropriate. Now, in the first sentence of paragraph 50, you say:

“I was uncomfortable being at a party with General Shibiri because he was the National Head of my division, but also because of the inappropriate meeting we had just over a week prior.”

Why do you call the meeting inappropriate?

10 **WITNESS A**: That will now refer to the first meeting, or this meeting, Commissioner, if I may ask for clarity.

ADV SEGEELS-NCUBE SC: The Chair is referring to the meeting on the 16th of May with General Shibiri. Why are you referring in paragraph 50 to that meeting being an inappropriate meeting?

WITNESS A: I am referring it to being inappropriate now, because when we reported it to our Commanders, we were told that it was not supposed to have taken place without our immediate commanders knowing, which is now General
20 Gopane, to the extent that we were even advised not to ever go there again unless we tell her and she gives a go-ahead. Now, that is why now I am referring to it as being inappropriate.

ADV SEGEELS-NCUBE SC: Thank you, Chair. You may continue, Witness A, with paragraph 50. So, you told

Witness B, you sent her a message and said to her that you are with General Shibiri, and what was her reaction to that?

WITNESS A: I think she did not make anything out of it because you said, okay, is that the case? Then I said, yes. Then that was it at that given moment.

ADV SEGEELS-NCUBE SC: Can I then ask you, still at paragraph 50, what is it that you had expected from General Shibiri at that party? Because we are talking about a social setting now. But in your statement, you mentioned that you
10 had a certain expectation.

WITNESS A: Yes, this was a social setup. But then when I got there, not knowing that you would be there, I was then making my own conclusions at the back of my head to say, I think this is a continuation of the meeting that we had prior in the month or in the weeks. And then now I was expecting to take over where we left off which did not happen. I strongly waited for him to engage us on the case. And then it did not happen at all.

ADV SEGEELS-NCUBE SC: Okay, so you are saying that
20 even though it was in a social setting, you still expected him to give you some report back on the case, or to discuss the case with you?

WITNESS A: I expected as such.

ADV SEGEELS-NCUBE SC: Okay, and then if we can go to paragraph 51 of your statement.

ADV BALOYI SC: Before you do that, let me ask, was this the first time, Witness A, that you were in an out-of-work social engagement with General Shibiri?

WITNESS A: Yes, Commissioner, that was the first time.

ADV BALOYI SC: And was this the first time you attended a party invited by Mr Ndlala?

WITNESS A: Yes, Your Worship, that is correct.

ADV BALOYI SC: So, you had never socialised with him before, outside of work?

10 **WITNESS A:** No, no.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner Baloyi. Insofar as that you say that at some point you had a discussion with Witness B in paragraph 51, can you tell us about what it is that you were discussing?

WITNESS A: That would be now the discussion as we were at the party.

ADV SEGEELS-NCUBE SC: No, in paragraph 51 on page 16 of your statement, you say that you had a discussion
20 with Witness B.

WITNESS A: Yes.

ADV SEGEELS-NCUBE SC: Do you want to elaborate on that, or maybe it would help you to read that paragraph 51?

WITNESS A: Yes, I think that the discussion that I had with Witness B was that I wondered if this social party had

anything to do with the events of April and May, which means now the case that happened in April and the meeting of the General in May, or it was just a party that it was a coincidence that we were meeting with the General there.

ADV SEGEELS-NCUBE SC: Okay, continue.

WITNESS A: And then maybe I can just read this to the record ...[intervenes]

ADV SEGEELS-NCUBE SC: Yes.

WITNESS A:

10 “That the only conclusion that I could come to is that General Shibiri asked Ndlala to invite us. I now think that it might have been part of the plan to test whether this colleague of mine that I was with, or I, were perhaps open to the undue influence, especially since Witness 1 ...[intervenes]

ADV SEGEELS-NCUBE SC: Witness B ...[intervenes]

WITNESS A:

20 “Posed the questions to the General when we were at his office, to ask what he is doing about the wrongdoings of the police, which could have then been to say it is not easy to bring her in.”

Those were the thoughts that were ringing in my head at the

time.

ADV SEGEELS-NCUBE SC: Thank you. And then in paragraph 52 you speak about yet another invitation. Can you elaborate on that?

WITNESS A: Paragraph 52 was a week that followed the one that we were invited in a party. The same happened now. The invite came through the same colleague of mine, from the same Mr Ndlala, to attend the party again. And then unfortunately I was not around, Gauteng, I could not
10 attend. And then my colleague agreed to attend to a party. And then I asked him to tell me what is happening at a party, what is he saying, and all that. And then indeed he did attend to a party, which I think it was on the 30th of May 2024.

ADV SEGEELS-NCUBE SC: In your statement you say it was the 31st of May 2024, the invite was on the 30th of May, which would have been the 30th ...[intervenes]

WITNESS A: That is correct, Commissioner.

ADV SEGEELS-NCUBE SC: Okay, and continue with what
20 you say in that paragraph about your discussion with the colleague.

WITNESS A: Now the colleague called me at around 21:30 that evening and asked me to guess who else is in attendance. Then I said I do not know because I am not there. And then he counted to me the people that were in

attendance. And then to my surprise, General Shibiri had been now joined by two senior officers at the very same party, which was the Health and Professional Commissioner, Lt-Gen Mthombeni, and Brigadier Nkhwashu, who is the Deputy Commissioner at Sedibeng District Section in ...[indistinct].

ADV SEGEELS-NCUBE SC: Okay, and at paragraph 53, if you could, for the record, just read that paragraph into the record.

10 **WITNESS A:** Yes, then it will go as follows:

“I suspected that the second invitation was yet another attempt to see if this colleague of mine and I could be influenced. If I had been in Johannesburg, I likely would have gone to the party with this colleague of mine. At this stage, as a typical investigator, I wanted to know if my gut feeling was right that we were being quoted to be
20 part of the pool of those people who could be controlled and influenced for the benefit of the criminals. In fact, when the TRA was performed or was conducted in respect of our personal safety, I mentioned the invite of the 25 to the

house party, and this information formed part of the factors taken into account to assess the possible threats and risks. I am not at liberty to discuss the findings of the TRA in this forum for safety reasons.”

CHAIRPERSON: Witness A, from paragraphs 52 and 53 regarding the second party and even the paragraphs in relation to the first party, the subject of the envelopes was
10 never approached. Is your suspicion then not at variance with this reality, that is, the reality that this subject was never approached?

WITNESS A: Yes, Commissioner, if I understand the question correctly. In the first meeting where I was present, the issue of the envelope was not spoken about. Even the case, it was not touched at all. And then on the second one, I also believe it was not spoken about, even though I will not be hundred percent sure of it because I was not in attendance. But I did ask my colleagues as to
20 whether was there any discussion about the case or anything to do with the investigation, and they told me no. There was none whatsoever.

ADV SEGEELS-NCUBE SC: Witness A ...[intervenes]

CHAIRPERSON: The point, Witness A, is it there not a disconnect then between your belief and suspicion and the

fact that the subject of the envelopes was never approached, at least for the fact at the meeting or at the party that you attended, and also based on what your colleagues told you with regard to the second party? Do you understand the question now?

WITNESS A: Yes, I do understand the question now, Commissioner. And I do not think there will be a disconnect between what happened and what I was believing to. Because when you see the laying of the ground, you could
10 see that there was maybe a need to see if maybe we could be approached. As to why it was not done, I would not know, because it appeared later in the investigation that actually one of the senior officers that was there did really make other means to get through to the investigating team.

CHAIRPERSON: I do not get that. Please repeat the last bit. I do not follow you.

WITNESS A: I am saying the belief and then the fact that we are not, the case was not discussed. And then the belief that I believe that we are being brought to these two
20 parties so that we can be maybe brought into the team of the people that will work with suspects. I am still saying that. I am saying this because one of the senior officers that was at the party that I did not attend did eventually make means to get through to the team at the later stage. And then that will be dealt with by Witness B.

CHAIRPERSON: Thank you.

WITNESS A: Thank you, Commissioner.

ADV KHUMALO SC: Sorry, Witness A. Just following up from the Chairperson's question, I understand that you did not attend the second party, but the first one you did attend.

WITNESS A: That is correct, Commissioner.

ADV KHUMALO SC: Now, did any of the people that you suspected to be involved in the Swart also attend that
10 party?

WITNESS A: They did not, Commissioner.

ADV KHUMALO SC: And did anyone at that party, let us forget about General Shibiri for the moment, did any of the people present at that party discuss with you anything related to your work, specifically the investigation into the Swart murder?

WITNESS A: No, no one discussed anything that had to do with my work and the investigation into the murder of Mr Swart, Commissioner.

20 **ADV KHUMALO SC:** So, this gut feeling that you are referring to in paragraph 53 of your statement, where did it come from?

WITNESS A: The gut feeling comes from the fact that one of the senior officers that attended the party, as I mentioned prior, did actually eventually make the means to

get through to the investigating team.

ADV KHUMALO SC: So then that gut feeling could not have been formed on the day of the party. It must have been formed sometime later.

WITNESS A: For the fate of the matter, it actually was. It was formed then. I always had a gut feeling to say this cannot be a conceded. This could not be happening. It is just that now, no one took it a step further to say, hey, come, let us discuss the case. But the gut feeling always
10 has been there.

ADV SEGEELS-NCUBE SC: Commissioner Khumalo, thank you for that exchange. There are aspects of the witness' evidence that he cannot disclose that adds to why he had that gut feeling for matters that relate to safety issues, and that is why he is a bit hesitant to say, go beyond it just being a gut feeling. Witness A, can we then deal at paragraph 17? You have a new topic ...[intervenes]

ADV BALOYI SC: Before you go to paragraph 54, you mean, new topic, okay, before you do that, Witness A, in
20 paragraph 47, where you speak about how you met Mr Ndlala, and you say it was in 2022, and the next time, at least according to this paragraph, you engage with him is in May 2024. In the period 2022 to 2024, what interaction, if any, did you have with Mr Ndlala?

And I ask the question because we are here, among

other things, or primarily, because of allegations about members of the SAPS associating and having relationships with people, who are not SAPS. I consider my question in that context. You have a member of the public, I assume Mr Ndlala, yes, and he comes with a complainant in 2022, and in 2024, you are attending his party. What is the nature of the relationship? When did it evolve to a point where you accept invitations to a party from him?

WITNESS A: Actually, what happened between the period
10 2022 and now, there was communication just on the phone. We would talk from time to time with him, but we have never been to the party together or socialised together at his place. So, it was a person that we would talk from time to time, the person that I now know.

ADV BALOYI SC: And when you talk from time to time, is it about work or is it social relationships?

WITNESS A: It would be a bit of both because maybe some of the information, as the evidence leader said, it would be a little bit sensitive. But we would talk as an
20 informant to one of the Generals. So, we will be talking about police work here and then social life there.

ADV BALOYI SC: All right, and then in 49, you say you were surprised to see other police officers from other police units or stations in attendance. Why were you surprised? You are at a party in what you describe as a boutique hotel.

Why were you surprised?

WITNESS A: I was surprised because I will take it that if that was the case, he was supposed to tell me that or tell us that I would also have other people in attendance.

ADV BALOYI SC: Yes.

WITNESS A: Then we would make our minds as to attend or not. Just for a matter of fact, if we knew that the Generals would be there, in the first instance, I do not think that I would have attended.

10 **ADV BALOYI SC:** Thank you.

ADV SEGEELS-NCUBE SC: Thank you.

CHAIRPERSON: In that case, if you had found General Shibiri at the party the first time around, you do not say the second time around you did not attend because you thought General Shibiri would be there. You did not attend for whatever reason. Can you explain that?

WITNESS A: That is correct, Chairperson. That would be a little confusing ...[intervenes]

CHAIRPERSON: Sorry, Witness A. Absent an explanation,
20 it gives me, or rather this gives me the impression that but for your other commitment, you would have been there.

WITNESS A: That is correct.

CHAIRPERSON: And I would have thought that you would have expected that General Shibiri just might be there at the second party.

WITNESS A: That is correct.

CHAIRPERSON: Now, if you say had you known the first time around that General Shibiri would be there, you would not have attended. Can you explain now your acceptance that apart from your other commitment, you would have attended?

WITNESS A: I think now it changes the scenario because now we have got a situation where in the first instance we met with the General, he was there. Even though I would
10 not have attended if I knew that he was going to be there. But now I was eager to know what would follow if there would be a follow-up invitation because if, for instance, there is an invite then I do not go there.

Then I might not know what actually these invites are for. So that, I believe, it would give me the chance to actually understand or even learn as to what exactly these invites are for. To the extent that I did the report to my superior, then I did tell them that I will go to a next follow-up meeting, and I reported about the first invite. I got the
20 instruction that I must stop communicating with this person who was inviting us to those parties.

But then I asked for permission to say if I cut that communication then the risk that I think I would be running I would not know what is happening behind the scenes about the criminals or the cartels. Which then will be revealed to

this commission that keeping an open communication to this guy or to this Mr Ndlala helped me to understand the connection of Mr Katiso to the cartel. If it was not that, I do not think it was going to be easy for me to understand much in a way.

ADV SEGEELS-NCUBE SC: Thank you, Witness A. You said earlier on that you did report your attendance at the first party as part of the TRA background. Why was it important to do that? Chair, I think we have lost the -
10 Witness A, are you there? He is not muted, but he is just left now. We will try and get him back.

CHAIRPERSON: Should we adjourn and ...[intervenes]

ADV SEGEELS-NCUBE SC: I think so, Chair ...[intervenes]

CHAIRPERSON: And hear from you? Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE SC: Hello? Are you back, Witness A?

20 **WITNESS A:** Yes, it was just a little connection.

ADV SEGEELS-NCUBE SC: Is it sorted now?

WITNESS A: It is sorted.

ADV SEGEELS-NCUBE SC: Okay, thank you. My question was related to why you felt it important to report your attendance at the first party on the 25th of May as part of

the TRA background facts.

WITNESS A: I felt to me it was important to report it because when I sat and thought back and discussed it with the investigating team, we understood it to be something else. It did not actually come as a pure social gathering. If it was a social gathering, then it would have come at a wrong time because now we were having this case that was linking to these dangerous people, and that information was sourced, or it was given to us by the same General that is
10 now at this social gathering, which then also added that this person who is inviting us there turned out to have knowledge about Katiso and the cartels. Even though I did not mean to discuss it to that extent, because I think for me it is a little sensitive. There is actually more to it.

ADV SEGEELS-NCUBE SC: Thank you, Witness A. Then if we can go onto your next topic, which is the ballistics investigation, and you say possible tampering. That is page 17, paragraph 54. Can you tell us what it is that you are referring to in this paragraph?

20 **WITNESS A:** Yes, yes, Commissioner. This one, I think it will be dealt in detail by Witness B. But then just to give a little background on it, we had, as we first requested that General Shibiri assist us to first take the finalisation of the report. And then we did eventually get the report that was given to us. But when we went through the report, we found

that there were some omissions, or there was something missing that was very crucial in order to linking the two scenes, which would be the scene that happened in Bramley and the scene that happened in Vereeniging.

ADV SEGEELS-NCUBE SC: And why do you call that, as you titled it, possible tampering? Why would it be tampering that there is something missing in the ballistics report that you had received?

WITNESS A: When we read the report, it will be
10 remembered that there were the 15 cartridges that I spoke about when we started that we found in the [51:58]. And then it was our hope that these cartridges were either going to connect or link the suspect or the firearms to the Vereeniging murder. But then when we read our report, we could find that the ballistics analyst that was doing the analysis did acknowledge receiving the 15 cartridges when the exhibits were brought to him. But when he was compiling his report, he did not speak to the ballistics as to whether they link or not. So that was the omission that I am
20 talking to.

ADV SEGEELS-NCUBE SC: So why do not you categorise that omission as just an error? Why do you say that it is possible tampering?

WITNESS A: Yes, it could have been an error. But now it depends as to how you categorised it at the time. I thought

it could be an error, an omission from your side, or it could be like to say, I am not going to do it, I am not going to mention this to that report, which will then be an omission. So, it just depended to the person who was reading it to say, but I am taking this to be this, and I am taking this to mean this.

ADV SEGEELS-NCUBE SC: Was your concern that it mentioned the cartridges, so he was aware of the cartridges, but it did not link the cartridges? There is
10 nowhere in the report where there is a linkage made to those cartridges and the scene, the murder scene.

WITNESS A: Yes, he actually did receive the cartridges brought to him to do the analysis on, like to do testing, then it would be expected for him to give a report to that. Then the report would be either negative or positive. There was no such. So that could mean that it was an omission or maybe just an error from his side.

ADV KHUMALO SC: Sorry, Witness A, I know the next witness will deal with this in more detail, but do you believe
20 that there was possible tampering? What is your personal view? Do you believe that it was an innocent omission, or do you believe that there is a possibility of tampering?

WITNESS A: I believe there was tampering when you take everything that happened with this case going forward and then you understand, and you listen to information that you

get. I believe that this was tampering that was aimed at not linking the suspect to this case.

ADV KHUMALO SC: And your opinion is not influenced by Witness B it is your personal opinion.

WITNESS A: It is my personal opinion, but it is influenced by the investigations that was carried out after this omission was depicted.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner Khumalo. Witness A, you did not give the name of the
10 ballistics officer. Who is it?

WITNESS A: Ballistics officer was Officer Makgotloe at the time. He has since been promoted to a rank of a captain.

ADV SEGEELS-NCUBE SC: You say he is since been promoted to?

WITNESS A: A rank of a captain.

ADV SEGEELS-NCUBE SC: Of a captain, okay.

WITNESS A: Yes.

ADV SEGEELS-NCUBE SC: Do you want to spell his surname for purposes of the record because there is later
20 on other names that are similar to this. If you can just spell it for the record.

WITNESS A: Yes, Makgotloe will be M-A-K-G-O-L-T-L-E-O.

CHAIRPERSON: You mixed up some of the letters. Please start again, Witness A.

WITNESS A: It is M-A-K-G-O-T-L-E-O, as far as I understand it, Chairperson.

CHAIRPERSON: So, it is not O-E because it appears as O-E, and you repeatedly say E-O.

WITNESS A: It is O-E. My apology, Chairperson.

CHAIRPERSON: Thank you, thank you.

ADV SEGEELS-NCUBE SC: Thank you, Witness A. You -
so you say that you went to collect the ballistics report from
the warrant officer now. Did you have any discussions with
10 him at that point about the report that he had prepared?

WITNESS A: Yes, so when we arrived there at his office,
but before just we arrived there, Witness B got a phone call
to say the report is ready. She can go collect. And then we
proceeded to ballistics office in Silverton, Pretoria. And we
met Warrant Officer Makgotloe. And then he told us that
the report that had been prepared is actually wrong. It
needs to be redone. Not actually re-examination, but the
writing of the report as we understood it. It was not written
properly. Then he said the report that he was having, it
20 was wrong he cannot give it to us. He had to rewrite the
report as we waited.

ADV SEGEELS-NCUBE SC: Continue.

WITNESS A: And then he took us to his office where there
was another warrant officer that I forgot his name. But he
did introduce himself to us. And then they told us to wait as

they were preparing the correct version of the report. And then we sat there about maybe 1 hour, 1 hour 30 minutes waiting for the final version of the report to be typed and given to us.

But in the meantime, he did not actually tell us what was wrong with the report that needed to be rectified or maybe show us the wrong version as to say this is the wrong version. I am either going to destroy it, but this is what was wrong. But we just trusted him as an expert to
10 say he saw whatever it is that he said it is wrong. Now he needs to correct it and give us the right version.

And then at that time we were just happy with that. But while we were sitting there, we now discussed the case where he told us that we need to be very careful on this case. Because now, the firearms that are being used in this case, are involved in this case, are also involved in a lot of shootings around Gauteng and even KZN where they are also involved in the heist.

ADV SEGEELS-NCUBE SC: Yes, continue.

20 **WITNESS A:** And then he said, even communicating openly to other people about this case is very dangerous because it seems like the people that are involved in this case are very dangerous looking at the involvement of these firearms to other cases. And then our expectation at first was that the report that he was compiling at that time was

going to show us what he was speaking about, which was not the case.

ADV SEGEELS-NCUBE SC: When you say what he was speaking about, what are you referring to?

WITNESS A: To say these firearms are linked in many, in many cases.

ADV SEGEELS-NCUBE SC: So you were expecting the report that you were waiting for, for an hour and a half from him to fix the error, would set out in that report the linkages
10 that he was telling you about while you were waiting for the report?

WITNESS A: That is correct.

ADV SEGEELS-NCUBE SC: And did the report have those linkages in there?

WITNESS A: It did not have the records in there. Even worse, it did not have these 15 cartridges that we have recovered when we arrested the suspect at Bramley.

ADV SEGEELS-NCUBE SC: Thank you, Witness A, and we note that you say that Witness B will deal with this in more
20 detail. If we can then go to page 19 of your statement? You refer to follow-ups that were made by Witness B and the ballistics expert, and then you say that there was something that occurred in September 2024. Can you tell us about that event in paragraph 59 and 60?

WITNESS A: That will be now in relation to the ballistics

investigation.

ADV SEGEELS-NCUBE SC: Correct. Paragraph 59 and 60.

WITNESS A: Yes. In paragraph 69, it says, I know that Witness B had made follow-ups with Warrant Officer Makgotloe [?] regarding the ballistics report, and was not making such much of a progress. Then sometimes in September 2024, we decided to take the firearms to another lab, which is also a SAPS lab in KZN, for them to be re-
10 examined, or maybe just to see if they could get any linkages.

ADV SEGEELS-NCUBE SC: And the linkages ...[intervenes].

WITNESS A: Insofar as...

ADV SEGEELS-NCUBE SC: Sorry, Witness A, the linkages that you are referring to is what? The 15 cartridges, or the cases that he had told you about? The other cases that he had told you about?

WITNESS A: It is the other cases that we are told about.

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

WITNESS A: Because at this point, we were not even aware that these 15 cartridges are not mentioned in his report.

ADV SEGEELS-NCUBE SC: Okay. So you did not expect or have any knowledge of the ballistics insofar as the 15

cartridges were concerned? It was not something you were looking out for?

WITNESS A: No.

ADV SEGEELS-NCUBE SC: It was you were looking for the linkages that he had told you about while he was preparing the report?

WITNESS A: Yes, we were looking for the linkages insofar as we were told when he was doing the report. And maybe I just need to also mention that as we were advancing with
10 our investigation, we already knew that these suspects were involved in a lot of shootings. Some of the dockets were already with us. Then we were expecting to say if these firearms were found in Vereeniging, and maybe for instance, we know that this person is also involved in shooting and killing a person there on the docket that I am also carrying here, then I was thinking, why am I not getting a linkage? Or we were expecting to get such linkages, but we did not. And then there was a little bit of frustration on our side, which is why we decided to take it for second
20 analysis in KZN.

ADV SEGEELS-NCUBE SC: Okay.

ADV KHUMALO SC: Witness A, just so that we do not lose each other, please go to paragraph 55 of your statement.

WITNESS A: Yes, Commissioner.

ADV KHUMALO SC: The firearms you refer to in line 4 of

your statement, where you say you accompanied your colleagues to the forensic laboratory in Silverton to collect firearms, Are these the firearms that were collected or taken or confiscated when the arrests were made after the Swart murder? Are those the firearms?

WITNESS A: That is correct, Commissioner.

ADV KHUMALO SC: So they were in Silverton, and when you left Silverton, did you leave with those firearms, you and your team?

10 **WITNESS A:** Yes, Commissioner. We left with them, and then we booked them at the police station where the docket was opened, which is Bramley.

ADV KHUMALO SC: And then now if you go to page 19, paragraph 59 of your statement, you say:

“Sometime in September 2024, we decided to take the firearms to another lab in KZN to see whether there were any linkages.”

Are you referring to the same firearms?

20 **WITNESS A:** I am referring to the same firearms, Commissioner.

ADV KHUMALO SC: And then what happened to the 15 cartridges?

WITNESS A: The 15 cartridges were left at the lab in Pretoria, because ordinarily you will get the firearms, and

then the cartridges, which is now the 15 cartridges will be left with the lab for them to dispose of. So we did not take them. We just took the firearms.

ADV KHUMALO SC: All right, thank you.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner.

WITNESS A: Thank you, Commissioner.

ADV SEGEELS-NCUBE SC: Okay, so we are now at paragraph 60. You are talking about the second opinion. You took the firearms to another lab. Can you elaborate on
10 that?

WITNESS A: Yes, we then took the firearms to the second lab in KZN for them to be re-examined. And then when we got there, we were asked as to what the issue was, and then we had to explain to say this is the information that we got when we got to the lab the first time in Pretoria, but now we are trying to read the ballistic report. We cannot see what was said by Warrant Officer Makgotloe and we are struggling because now we understand those people are involved in other cases, a lot of other cases that we are
20 investigating, but we do not see it here. And then could we please be assisted?

ADV SEGEELS-NCUBE SC: You may continue with what did – who was it that was assisting you at that lab in KZN?

WITNESS A: We were assisted by Warrant Officer Kada.

ADV SEGEELS-NCUBE SC: And what did he tell you?

WITNESS A: Sorry, I did not hear that, Commissioner.

ADV SEGEELS-NCUBE SC: I interrupted you, so you were saying Warrant Officer Kada?

WITNESS A: Yes, he is a ballistic expert. He was the one who was going to assist us with this ballistics that we are asking about, that we are requesting to be assisted on.

ADV SEGEELS-NCUBE SC: Okay. You mentioned that you voiced your frustrations to him, and then you also needed assistance from someone else. Can you just
10 elaborate on that?

WITNESS A: Yes, we informed him what has happened and then we gave him a little bit of the case. And then we also gave him the report that we got from Pretoria because we were carrying it with us, to say, can he read through it and interpret it to us? Because it is quite a technical report, you need someone who understands it well to read it back to you and tell you what it actually says.

And then at first glance, he said, but there is 15
cartridges that was taken to ballistics and then there is
20 nothing mentioned about them in the results, because now
the expert will receive the exhibit, then will do the
examination, then will give the results thereof, which will
then be negative or positive. And then it was actually him
who alerted us that there is no mention of the 15 cartridges
in the results, but they are being mentioned as coming in to

the lab.

ADV SEGEELS-NCUBE SC: And then just for the sake of completeness, you mentioned the Maj-Gen Mbuso Khumalo. What was his role in this process?

WITNESS A: His role was to facilitate that we get assistance in KZN, because now, ordinarily, when you are here in Gauteng, you take your ballistics to the nearest lab, which is in Pretoria. Now we are struggling to get help there. Now we said, can we maybe try and take it to KZN
10 and see if maybe they will assist us before we get to trial, so that we can understand exactly what is happening here. Is it really that these firearms are also concerned in this case, or maybe they are also concerned in a lot of other cases, of which some are the cases that we were investigating? And then he really did so. He connected us with the ballistics in KZN for us to assist us.

ADV SEGEELS-NCUBE SC: Thank you, Witness A. Can we now go on to the next topic, which is on page 20 of your statement, starting at paragraph 61? You have titled it
20 Tau's Bail and the IO's Request for Assistance.

WITNESS A: Yes. On this one, it mainly deals about Tau that was now applying for his bail at Vereeniging on the murder case, because initially they did apply for bail, all three of them, and the bail was denied and then they were not granted bail. And then Tau made a bail on new facts

citing that he has got a condition. Then this condition warrants him to be released out of prison so that he can get better medical services outside.

ADV SEGEELS-NCUBE SC: What condition is it that he relied upon?

WITNESS A: He told the Court that he was diabetic, and then he told that his condition would need him to be at a facility outside of the hospital, and then he was granted bail based on that.

10 **ADV SEGEELS-NCUBE SC:** Okay, so can we just go a step back before he is granted bail? You speak about the 1st of August 2024. Can you tell us about that?

WITNESS A: Yes. The 1st of August 2024, it was the eve of the day when Tau was granted bail and then I got a phone call from Vusi Ndlala again and then he told me what was going to happen about bail. He actually expressly told me that Tau was going to be granted bail. Then he told me that that cannot happen because we have got a strong case against him, and he has already failed his first attempt.

20 Then he told me what was the plan, according to him, and then he said Tau is going to pay his way out. If that fails, he will escape. If the second one fails of escaping, he will eliminate the investigating officers, meaning he will kill them. Then I said he is just making stories. He is not going to – that is not going to happen,

meaning getting bail, not talking about killing or escaping. I was talking about bail because I was so strong that the case that we had against him is actually very strong.

CHAIRPERSON: Witness A ...[intervenes].

WITNESS A: And what happened on the ...[intervenes].

CHAIRPERSON: Witness A, you say the WhatsApp call was from “someone”. Did you establish from whose phone this call was made?

WITNESS A: Yes, it was from Mr ...[intervenes].

10 **CHAIRPERSON:** I missed that. I am looking at the statement, and because I sort of suspected that you did mention the name now, I whispered to my co-Commissioner. He, like me, missed the name as well. I am very sorry. I was looking at the someone in the statement. Thank you very much.

WITNESS A: Yes, Commissioner, thank you. And then now I reported this call only to the second witness, because I did not really make something big out of it. I said – I told her to say, hey, I got the call from this person, because now
20 she knows him because we have just attended the party there. This is what he is saying. But I did not take it as something serious, only to be surprised on the following day that Tau really was granted bail. Then it kind of changed the whole situation.

ADV SEGEELS-NCUBE SC: When you say it changed the

whole situation, what are you referring to?

WITNESS A: It confirmed what Ndlala had said to me on the 1st. And then it also confirmed what he used to be saying, like along to say this person is connected to Molefe, who is connected to the cartels. And then it confirmed to say when he said that they will pay their way out, or if that does not happen, they will kill the investigating team. Then I could see that one of what he said, one thing of the three things that he said will happen has just happened. So now
10 it meant we needed to run fast to stop them doing maybe the second or the third step on the things that he said would happen.

ADV SEGEELS-NCUBE SC: Now ...[intervenes].

WITNESS A: And then I called him again.

ADV SEGEELS-NCUBE SC: Continue.

WITNESS A: I called him again on WhatsApp call. And then as I called him, he said – when he answered the call, he said, yes, I told you. The problem is when I tell you things you do not want to understand. And it was just
20 before even our office knew that Tau was being granted bail. Then he said, I told you. The problem, you do not want to listen to me when I tell you things. Then I asked him, how did you know? Then he told me that he was called by General Shibiri who told him that Tau had just been released in Vereeniging on bail of 10 000.

Now my suspicions that I had that were not confirmed were coming to reality now to say what I was suspecting with the patterns, going to his office, could it be that he knows something that we do not know? And then ...[intervenes].

ADV BALOYI SC: Witness?

WITNESS A: Yes, Commissioner?

ADV BALOYI SC: Yes. What did you understand him or what did he mean when he said he also said that I did not
10 want to listen to him when he tells me about such things? What does that mean, you discuss with him ordinarily and his place in your work?

WITNESS A: He will tell me a lot of things about this case. Amongst the things that he will tell me is to say, hey, ...[indistinct] recuse yourself from this investigation because it is dangerous. The people that are behind this case are actually dangerous. You will get yourself killed. Then I will take it as if just someone would just want to intimidate you.

20 Then I will say, hey, it always happens. And then he will go on and say the person that you are working with, which now is Witness B, is not telling you that she has already received money in order for her to release Tau or not to oppose bail for Tau. Then I told him, that is impossible. It is not going to happen. So in a nutshell,

those are the things that he was telling me.

But the 2nd of August, it means that we needed to work very fast to alert our commanders at the very highest level of what has happened and what was coming along, because most of the things, it was just between me and Witness B and maybe a few other people, but not reported directly to the senior officers.

But on that day, we thought that we actually need to report this and lay the foundation as we were coming
10 from the first appearance to this day so that the senior officers can take a decision from there. But other than that, we were feeling scared. We were feeling really, really scared to such that I requested to be provided with security from that day to be taken to the place where the meeting was going to be in order for us to pave the way forward.

And then we held a meeting that took us through, not through the night, but it took us late into the night trying to think what it is that we need to do. How are we going to approach this? Who is going to be looking at our safety?
20 Because at the meantime, we are also waiting for the TRA application that was in place, that was applied for.

CHAIRPERSON: You say that, I hope I will not be making you repeat something that you have said. You say that at the time you had the telephonic interaction with Mr Ndlala.

WITNESS A: Yes.

CHAIRPERSON: Only two of you investigators were remaining. Originally, as I understand, there were five of you, not so?

WITNESS A: That is correct.

CHAIRPERSON: What has since happened to the other three investigators?

WITNESS A: The other three investigators had recused themselves.

CHAIRPERSON: Had what? You said they had recused
10 themselves. I am used to that term being used in the context of judicial officers or people who preside even in tribunals or other adjudicative fora. So, I am not used to it in the context of investigators. Can you explain what you mean?

WITNESS A: Yes, Chairperson. I am using it in lack of a better term to use, but they have gone out of the investigation. They were no longer part of the investigation. They have ...[intervenes].

CHAIRPERSON: They had withdrawn.

20 **WITNESS A**: [Indistinct]... term for that.

CHAIRPERSON: They had withdrawn as investigators.

WITNESS A: That is correct. Thank you. Thank you, Chairperson. They had already withdrawn themselves from investigation.

CHAIRPERSON: The reasons being?

WITNESS A: They did not really give a reason because their withdrawal was not the kind of formal withdrawal to sit down around the table to say, because of reason one, two, and three, I am deciding to withdraw myself.

CHAIRPERSON: May I ask this direct question? From the testimony of General Mkhwanazi, the distinct impression we were given is that investigators withdrew because of the threats that were brought to bear upon all the investigators. Would that be – which I believe was part of what led to 10
10 members of the PKTT being brought to Gauteng. Is that factually correct or not?

WITNESS A: That would be correct, Commissioners. But what I was saying is that there was no formal withdrawal to sit around the table to say, for reason number one or two, I am withdrawing myself. But I think the pressure that the team was facing could have amounted to them to withdraw themselves.

ADV SEGEELS-NCUBE SC: Thank you, Chair. You were still on the issue of Tau's bail, and we are at paragraph 65
20 on page 21. Could you just read that into the record? And while you are doing that, we will display WA3, which is on page 56 and 57. It is redacted. The display will be redacted. But if I could ask you to look at your hardcopy after you have read this into the record?

WITNESS A: Yes, Commissioners, I have got my

hardcopy. It will be page 56 and 57. Am I correct, Commissioners?

ADV SEGEELS-NCUBE SC: Yes. Can you tell us what it is that we are looking at without mentioning the name of the person who is sending this message?

WITNESS A: Yes.

ADV SEGEELS-NCUBE SC: You may proceed.

WITNESS A: I am just preparing to read them out.

ADV SEGEELS-NCUBE SC: Okay, we are looking
10 specifically at the one on the 15th of July 2024.

WITNESS A: Yes.

ADV SEGEELS-NCUBE SC: It says, Chat 1. Do you have it with you?

WITNESS A: Chat 1. Yes, I have it with me. Can I just please switch on the light? It is quite dark where I am.

ADV SEGEELS-NCUBE SC: I am asking you not to look at the one that is on the screen because it is redacted and you will not see some of the information.

ADV BALOYI SC: I think he says it is dark.

20 **WITNESS A:** Yes, I want to read it from the hardcopy, but I just need to switch on the light of the place where I am.

ADV SEGEELS-NCUBE SC: Please do so.

WITNESS A: So I can see clearly.

ADV SEGEELS-NCUBE SC: Okay

WITNESS A: Yes, Commissioners.

ADV SEGEELS-NCUBE SC: Witness A, if I can ask you to first read paragraph 65 of your statement into the record, and then we will go to the WhatsApp chat on page 56? So first read 65.

WITNESS A: Yes, the paragraph 65 goes as follows. It says:

10 “Our investigation also revealed that in
a WhatsApp chat on the 14th of July
2024, someone sent a message to
Molefe saying appearance for bail
application today. Next court
appearance bail will be granted for
him. Tau’s next appearance was
indeed on the 2nd of August 2024, and
he was granted bail. On that day,
Molefe sent a message to that person
saying bail granted with emojis. The
next extract from this chat is attached
as...”

20 The paper that I am having here.

ADV SEGEELS-NCUBE SC: Okay So then if we can then go to page 56, which is WA3.

WITNESS A: Yes.

ADV SEGEELS-NCUBE SC: Do you know where this chat came from? From whose phone this chat came from?

WITNESS A: Yes, it came from the downloads of Mr Molefe's phone.

ADV SEGEELS-NCUBE SC: Sorry, you say the downloads from Mr Molefe's phone?

WITNESS A: Yes.

ADV SEGEELS-NCUBE SC: When was his phone obtained?

WITNESS A: His phone was obtained during his arrest on the 6th of December 2024.

10 **ADV SEGEELS-NCUBE SC:** Thank you. Can we then go back to your statement?

WITNESS A: Yes, Commissioners.

ADV SEGEELS-NCUBE SC: At paragraph 66, can you tell us what happened?

ADV BALOYI SC: Before you go to 66, these exchanges between you and you say Mr Ndlala, where in advance he tells you what the plan is, and you describe this in paragraph 63, you say there was a clear plan what would happen regarding the bail. First, he would be granted bail.
20 Secondly, if he was not granted bail, he would escape from custody. Thirdly, if one and two failed, the investigating officers would be eliminated. And then you say it was at this point where I was advised to leave the investigation. And then you then again in the next paragraph say you called him back, where you say I called the person in

paragraph 64. In the third line you say I called the person who informed me Tau – that that is Mr Ndlala. You called Mr Ndlala.

WITNESS A: That is correct.

ADV BALOYI SC: All right. And then that Tau would be granted bail:

10 “Before I could tell him what happened,
 he laughed and said he told me this
 would happen. He also said that I did
 not want to listen to him when he tells
 me about such things. He said this in
 a boastful way.”

Without disclosing anything that might be sensitive about Mr Ndlala and your engagements with him, did you consider why would he know this kind of detail? That there was a plan and he details it in the way that I have set it out and that Mr Tau would be released and in fact Mr Tau does get released?

20 **WITNESS A:** That is correct. That was one of my
 concerns to the extent that I did ask him as to how did he
 come about to know that he had just been released because
 it was a new information. So now I thought he knew more
 than I knew about the case that I was investigating,
 meaning that he had a connection somewhere with the
 people that were involved in the case. That was my

understanding of the situation at the time.

ADV BALOYI SC: Yes, he is not an employee. Mr Ndlala, you say categorically he is not an employee of the SAPS.

WITNESS A: He is not an employee of the SAPS as far as I will understand.

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

ADV SEGEELS-NCUBE SC: Thank you, Commissioner Baloyi. Witness A, we were at page 21, paragraph 66 of your statement where you were dealing with the aftermath
10 of Mr Tau's bail application succeeding and him being released on bail.

WITNESS A: Yes. Then we had a long meeting on the 2nd that now we took a decision that we need to take steps to report these things to the General, who is now General Khumalo, who is the head of detectives in the province, through General Gopane, who is our immediate commander at our office. And then this was now on a Saturday, and my leave was starting.

I was supposed to have gone somewhere for leave,
20 but I thought I cannot leave until I see that we are getting help on this. And then now we started to be engaged in what I call as a runaround. We were driving around out there trying to figure out what it is that we are going to do, because it was not safe to drive to our places. It was not safe to even go to the office, because now the police were

also involved in this.

We were trying to get hold of Brigadier Gopane on the phone, and then she was not around the province. She was attending the funeral outside the province, and then the network was bad. The phone was not going through. Now we wanted to get a hold of General Khumalo, who is the head of detectives. We did not want to report to any other person junior to those two, but now the challenge that we had, we did not have direct communication with the General
10 at the time.

So we needed – we were thinking of who was going to connect us to the General and actually be able to lay the frustrations that we are having, and then why we needed to see him, because actually we needed to go to him, even though it was on the weekend, to say this is the problem that we are sitting with. We knew that he knew about the case, but we were not discussing the case openly with him at the time.

ADV SEGEELS-NCUBE SC: Yes. Witness A, can I just
20 ask you, you say that you could not get hold of Brigadier Gopane to get assistance. Why did you not contact your direct commander, Colonel Mokoena?

WITNESS A: As I mentioned before that the directive that we had received from Brigadier Gopane was that anything that has to do with this case should be reported to her or to

the General only, no one else. So we were taking it to that level to say we think the person who can be in a capacity to assist us now would be the Brigadier or the General.

ADV SEGEELS-NCUBE SC: And when you speak of the General, and you say General Khumalo, could we just ask you to be specific, because there are many General Khumalo, at least two? So if you could be specific to give the name, so in this instance, you say that it is General Mbuso Khumalo.

10 **WITNESS A:** That is correct. This is General Mbuso Khumalo, who is the head of Detectives in the province of Gauteng.

ADV SEGEELS-NCUBE SC: Okay, you may continue.

WITNESS A: And then we thought of one of our colleagues, who thought he may have a direct communication with the General. Then we drove straight to his house and then we told him what was happening, and then he tried to call the General there and then. But unfortunately, the General could not pick up. Then he said,
20 no, we should relax, the General is going to come back. In fact, he was going to send a detailed WhatsApp message to the General, for the General to come either back to him or to us. And then I felt at ease that I could drive outside of the province as I was going on leave, knowing that the General is going to attend to us at any time.

ADV SEGEELS-NCUBE SC: Okay. You also say that you reported the matter to the prosecutor. Can you elaborate on that?

WITNESS A: Yes, the matter was also reported to the prosecutor. But with the prosecutor, we had an open communication with every development. So even this one, it was reported to the prosecutor to say this is the challenge that we are facing. But actually, she actually understood the problem that we are facing and then she asked us about
10 the TRA that we have applied earlier on.

Then we told her that we have not received any results and then she took it up to herself to write it to our commanders and give them the background of the situation that we are facing and requesting them to see to it that we are provided with security. Not only for us, but also of the docket that we carry.

ADV SEGEELS-NCUBE SC: Why was it important to provide security for the docket as well?

WITNESS A: It is because that now we thought that if they
20 do not find us, they will want to find the docket. Once they find the docket, then you will have a problem because now you will not be having the docket, like the physical docket, it will be gone. That was just our thought. It is not that we knew that this is what was going to happen. To the extent that this docket was not kept, where we will keep our docket

at the office in our still locked cabinets. We were driving around with it wherever we were going, which was posing another danger to us.

ADV SEGEELS-NCUBE SC: Did you or Witness B ever get hold of General Mbuso Khumalo?

WITNESS A: It is General Mbuso Khumalo who came back to us after, I believe, having received the communication from the member that assisted us to get through to him.

ADV SEGEELS-NCUBE SC: So you spoke to the General?

10 **WITNESS A:** The General phoned me.

ADV SEGEELS-NCUBE SC: And what did he say?

WITNESS A: And then I spoke to him and then he told me that he has heard what has happened. And then he told me that he would want to see us very soon so that we can discuss a way forward. And then I told him that I was on leave, but I was willing to withdraw my leave and come to work. Then he said, no, there will not be a need. As long as I am safe wherever I was, he will be communicating or making any arrangements that will be made with Witness B
20 until I come back from leave.

And then as soon as I came back from leave, we went to the General's office and then he addressed us. He asked us some questions and then he told us that he is going to assist wherever he can. And then he just gave us the layout, what his wish and what he thinks should happen

to this investigation.

ADV SEGEELS-NCUBE SC: Okay. Can I just take you a step back while you were still on leave at paragraph 69 on page 22?

WITNESS A: Yes.

ADV SEGEELS-NCUBE SC: You speak about an event that occurred on the 8th of August. Can you elaborate on that?

WITNESS A: Yes. On the 8th of August, I would have been
10 on leave because I think I came back on leave on the 16th,
if I am correct, and then I was informed by Witness B that
the TRA has been conducted, the Threat Risk Assessment
had been conducted and it was classified as high risk,
which in other words meant that our lives were extremely in
danger.

ADV SEGEELS-NCUBE SC: And who conducted that TRA?

WITNESS A: Sorry, I did not get that, Commissioners.

ADV SEGEELS-NCUBE SC: Who conducted that TRA?

WITNESS A: It was Colonel ...[indistinct] from Crime
20 Intelligence.

ADV SEGEELS-NCUBE SC: Okay, proceed.

WITNESS A: Yes. Then when I came back, we started
doing our investigation. Then we would be meeting with the
officers that were assessing our risk, getting information
from us, asking us how we are feeling. That is what we

were told, but I would believe that they were also checking the places that we were staying at, even though I did not know that, but there were background checks that were done on us, I believe.

ADV SEGEELS-NCUBE SC: Okay, and then at paragraph 70 you speak about an incident.

ADV BALOYI SC: May I, before you go to 70? Witness A, you say in paragraph 67 that you could not – the language you use is you say:

10 “We could not speak to General Shibiri,
 and so we thought that we should try to
 get hold of Maj-Gen Mbuso Khumalo.”

Why could you not speak to – why did you decide that you could not speak to General Shibiri?

WITNESS A: We had already been advised, Commissioners, to say we must not discuss this case with him, if I may say that. And then also the confusion that happened with the ...[indistinct] and us called to his office, we, at this time, up until today, we had not figured out if it
20 was him assisting us or if it was him trying to get information from the docket and everything. So it was safe to deal with the people that we trusted at the time.

ADV BALOYI SC: So the reason you decided not to speak to him, it was a trust issue? You did not think you could trust him?

WITNESS A: I will put it in that way, Commissioners.

ADV BALOYI SC: Yes. Ordinarily, if there were no trust issues and you were dealing with this problem that you find yourselves in and you cannot get hold of your immediate superior, I think Brigadier Gopane, ordinarily who would you speak to? Would it have been Shibiri, General Shibiri?

WITNESS A: No, it would have been General Mbuso Khumalo because he is at the provisional level. And then General Shibiri is at the national level. So I will exhaust
10 the means of trying to get hold of General Khumalo at the provincial level and then going to national level would be extreme.

ADV BALOYI SC: Yes. So in terms of hierarchy, the right person, if you could not find Brigadier Gopane, you are saying General Khumalo, Mbuso Khumalo would have been the next person that you speak to if you followed the hierarchy.

WITNESS A: That is correct, Commissioner. That would be the next person that you will have to speak to.

20 **ADV BALOYI SC:** Yes, thank you. Thank you, Ms Segeels.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner Baloyi. Okay, so we are now at paragraph 70 on page 22, where you speak about an incident that occurred in the week of the 12th of August when you returned from leave.

Can you just tell us about that?

WITNESS A: Yes. Now, I had already resumed the duties. Then we were doing normal investigation on this case. And maybe it should be mentioned that we were doing this case and other cases that we already had at the office. So it would be this case and other cases, depending what investigation we have on other cases. And then we were called to come to the office and then the information was that there were two officers who were waiting for us or who
10 needed to meet with us at the office.

And then we drove to the office and then we found these two police officers at our office now, at the Organised Crime Office, and then they told us they are from the Cold Case Unit and then they requested that we give them over the docket of Swart murder. One of these warrant officers was identified to us as Deon Mulaudzi, who works at the Cold Cases Office.

And then we refused. We said we cannot because that is – procedurally, that was wrong. You cannot just give
20 the docket to someone who was requesting for a docket, let alone that this was the sensitive matter that we were investigating. Even if it was just a normal docket that had no threats and everything, you cannot just say, okay, here is a docket, you are looking for it, have it.

ADV KHUMALO SC: Witness A, the form of request, did

they have a letter with them or was it a verbal request?

WITNESS A: It was a verbal request.

ADV KHUMALO SC: And who is the head of the Cold Case Unit, or who was at the time?

WITNESS A: I really do not have complete information. I only heard that the head of the Cold Case Unit would be Brigadier – I just forgot the name. He is Brigadier Gininda. Yes, he is heading it, but I have not seen the structure of that unit. I do not know if that is true.

10 **ADV KHUMALO SC:** And just for our benefit, what is a cold case in the context of the South African Police System?

WITNESS A: The cold case is a term given to the cases that one would say they are lying dormant. They have been opened and then there is no breakthrough for a certain period of time. Then they would be referred to as a cold case, which would then mean that they need a certain or a different approach from a mainstream approach that maybe a station or another unit will be giving.

20 Then they are ordinarily transferred or given to the Cold Case Unit. But this one of us, it was a fresh case, and it was not cold in a way that the people were already arrested and it was court-going. So it did not really fit the category of it being investigated in that unit to start with.

ADV KHUMALO SC: So you, as one of the investigators,

had not yet formed a view that you have hit a dead end with this case?

WITNESS A: No. Actually, the progress on the case was wonderful. We were having leads. We were getting closer to even arresting a fourth suspect. And then we had good linkages to the suspect that we had already arrested. So there is no way that it could have been referred to as a cold case at that stage.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner
10 Khumalo.

ADV BALOYI SC: Is it, Witness A, is it not possible that whoever approached you may have considered this to be a cold case because you were not discussing it with anyone? You have testified that a very small circle of people knew anything about this case as per instructions, and there was good reason for it. Is it not possible that there may not have been anything sinister with these two gentlemen who come and ask for it, for the docket?

WITNESS A: I would not think so, Commissioner, because
20 even if that would have been the case, the time frame did not allow for this case to be categorised as such. And then besides that, this case was all over the news. You will go around, you will know about this case, to say there is three people that were arrested for the murder of Mr Swart in Vereeniging. And for the fact that there was a police officer

that was arrested on it, it will be like all over in the media and more so all over in our own connections in the police, our groups and everything. So it was known that it was court-going.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE SC: Thank you, Commissioner Baloyi. Witness A, we are still on page 23 of your statement, and at paragraph 71 you talk about a meeting that occurred on the 20th of August 2024. Can you tell us
10 what happened at that meeting?

WITNESS A: Yes, this meeting happened just for us, so that we can be able to give the progress of the case to the General, because now the General was taking this case under his wing. So we need to report to him the challenges that we are facing so that he can see where he can assist and give guidance regarding investigation. And also the challenges that now, the personal challenges in terms of the threats that we are having.

So this was one meeting of the regular meetings
20 that we are having with the General. Some would be just over the phone if he has time. If he does not have time, then if he has time, he will call us to his office to say, brief me, what is happening here? More so because now Tau was out on bail, and then we needed now to be investigating the murder case and then also putting an eye

on him, on his movement.

ADV SEGEELS-NCUBE SC: And you speak about the responsibility for your safety and security of the docket. What transpired there?

WITNESS A: Yes, that was solely taken over by General Khumalo, and then he told us that he will see to it that we will get the assistance that we need in terms of safety. And then he introduced us to the people that were going to assist us in terms of protection.

10 **ADV SEGEELS-NCUBE SC:** And who was that who was now responsible for your safety and the security of the docket?

WITNESS A: We were introduced to General Kekana, who is, I think, the head of the Uniform Units in Gauteng to say he will provide you with the members that will be in charge of your safety or your protection while you are doing the docket and while you are off duty. And then at the same time, there was another wing of the police that was going to be working behind the scenes, which I am not at liberty to
20 talk about their operations because I do not know about them, but they are from Counter-Intelligence. They were doing the TRA, they were doing the background checks, they were seeing the severity of the risk, and then maybe reporting to the Generals, I do not know, but they were also part of the operation by then.

ADV SEGEELS-NCUBE SC: You refer in your statement at paragraph 71 to a Counter Intelligence investigation. Is that what you just mentioned now, or is that something else?

WITNESS A: Initially, the Counter Intelligence came in as far as giving protection and assessing the situation maybe which then led to the Counter Intelligence investigation to say the investigation itself, the overall investigation should need to be taken under the Counter Intelligence. I will talk
10 to that extent. But initially, it was not the Counter Intelligence doing investigation. It was us doing investigation under their protection up until the time when now we were introduced to their wing of investigation, which included the PKTT, as it is called.

ADV SEGEELS-NCUBE SC: Okay. At paragraph 72, maybe that would be the concluding topic for today, you speak about events of the 5th of September 2024. Can you just tell us what happened on that day?

WITNESS A: This one was one of the eventful days
20 because we were not already provided with the units that were going to guard us. So we were visited at home late at night by the unit that needed to guide us and guard us or provide protection to us and our families as we were sleeping. And then it came as a surprise because we were not really noticed or given a notice to say people are going

to visit you at night.

From my side, I heard by the sirens outside and then when I opened the window, I saw five marked police vehicles with the sirens and blue lights on. And then when I went to them, they told that they were being tasked to come give protection to me overnight and then in the morning, the other team was going to take over. That one will be the TRT. And then we will be doing investigation and then the other team that came at night will come change. They were changing shifts.

10

ADV SEGEELS-NCUBE SC: So was it 24-hour protection?

WITNESS A: It was actually the start of a 24-hour protection.

ADV SEGEELS-NCUBE SC: Thank you, Chair. I think this may be a convenient time to adjourn for the day.

CHAIRPERSON: Let us adjourn and resume at 09:30 tomorrow.

INQUIRY ADJOURNS TO 21 OCTOBER 2025

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