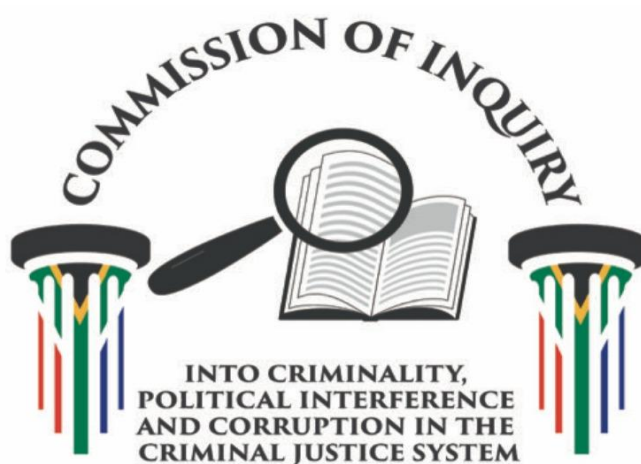


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

30 JULY 2026

DAY 151



PROCEEDINGS HELD ON 30 JULY 2026

CHAIRPERSON: Now you confuse me, but good morning, Ms Sello.

ADV SELLO SC: Apologies. As I have previously indicated, Chair, I am a creature of instruction. So when I am instructed to move, I move.

CHAIRPERSON: Okay, and good morning, Ms Maya.

MS MAYA: Good morning, Chair.

CHAIRPERSON: Thank you, and I do not know whether to
10 say Advocate. You say you were appointed as an advocate upon joining IDAC, I think you say in your statement. But with regard to admission, I saw no admission other than your admission as an attorney. So it may be a technical issue, but it exercised my mind. So I do not know whether to refer to you as Advocate Ramsamy if you were never admitted as an advocate.

MS RAMSAMY: Good morning, Chair.

CHAIRPERSON: Good morning.

MS RAMSAMY: Chair, I am an admitted attorney. State
20 advocate is the title that is given to a prosecutor upon promotion.

CHAIRPERSON: Okay.

MS RAMSAMY: So Ms Ramsamy or Dru is fine.

CHAIRPERSON: And you are perfectly fine with it?

MS RAMSAMY: Yes.

CHAIRPERSON: All right. Good morning, Ms Ramsamy. Thank you very much. Let me just, before we start, say something. We received the statement, I think, in the evening yesterday, I think.

ADV SELLO SC: Yes, Chair. Perhaps before you make any remarks regarding the statement, may I address the Commissioners?

CHAIRPERSON: Yes.

ADV SELLO SC: Because I have got a request to make.

10 **CHAIRPERSON**: Yes.

ADV SELLO SC: As the Commissioners are well aware, as we were leading the evidence of Advocate Johnson, some of my colleagues were attending to other matters, including this particular witness.

CHAIRPERSON: Yes.

ADV SELLO SC: Now, the administration has not quite caught up, I think, with us.

CHAIRPERSON: Yes.

20 **ADV SELLO SC**: So even the witness does not have a statement. So we cannot start. I was going to ask for a stand down to allow copies to be made and at least avail to the witness to enable the proceedings to start.

CHAIRPERSON: I thought the one we got was the electronic version. Are we not able to start perhaps using that electronic version so that we try to save time?

ADV SELLO SC: It is clarified for me, Chair.

CHAIRPERSON: Okay. I am actually being shown a hard copy in front of me.

ADV SELLO SC: Yes. Though the witness may have an electronic version of her own statement, she has got significant annexures, and it is the production of those files that seems to have been delayed.

CHAIRPERSON: Yes.

ADV SELLO SC: Advocate Segeels-Ncube would, if she
10 had her way, her preference would be to start with the annexures immediately available for the witness, but we are not currently in that position. I am not in a position to indicate how long a stand down would be required.

CHAIRPERSON: All right, then we will stand down, but that is your preference. Good morning, Ms Segeels. Is that your preference?

ADV SEGEELS-NCUBE: Yes, Chair, that is the preference.

CHAIRPERSON: All right.

ADV SEGEELS-NCUBE: And is the witness' preference as
20 well.

CHAIRPERSON: All right, all right. Let me raise the point or the issue I wanted to raise. Having gone through the electronic version of the statement, which, as I say, we received in the evening yesterday, I noticed, and this must be true of my colleagues as well, that the statement

implicates Advocate Johnson quite seriously.

What I wanted to raise, I do have thoughts of my own as to why what I am going to raise did not happen. My mind is focussing, for example, on the fact that what Advocate Johnson is implicated on was not put to her. I can imagine why not, but I would like you to please comment on that, Ms Segeels-Ncube, and perhaps also address us on how, in practical terms, this is going to be addressed so as to treat Advocate Johnson fairly.

10 **ADV SEGEELS-NCUBE**: Thank you, Chair. Chair, the position is that on the 22nd of July, when Advocate Johnson gave evidence regarding certain events that occurred in the Mokwele investigation, she mentioned the name of Ms Ramsamy. And during that evidence, I received personally, because I was assisting Advocate Sello, I received a message from a DPCI officer who had indicated to me that Ms Ramsamy had made certain disclosures to him regarding these matters and had wanted to consult on the matters.

20 That is why I excused myself from those proceedings and discussed it with the NPA, and we arranged a consultation with Ms Ramsamy for the 22nd of July while Advocate Johnson was giving evidence. So we first became aware of these allegations against her during her evidence, and the witness was very clear that she had wanted to give evidence in public.

She was aware of the allegations that she was making, that they were serious, but had not wanted them to be put to Advocate Johnson until she had been given an opportunity to give her full version, because her intention was in any event to only make this disclosure under protected disclosure protection after Advocate Johnson gave her evidence.

But given that Advocate Johnson had implicated her in these proceedings, she thought that the correct process
10 to follow would be to come to us with that evidence. So we did not have this information prior to Advocate Johnson giving her evidence. It only became known to us during her evidence. The intention is to serve a Rule 3 notice on Advocate Johnson to address these allegations, Chair.

CHAIRPERSON: Okay.

ADV SEGEELS-NCUBE: And that will be done during the course of today and tomorrow, depending on whether there are further matters that emanate from her evidence. As Chair would notice from her statement, she wants to give
20 evidence in two parts, and she has only submitted one statement thus far. There will be another statement which further implicates Advocate Johnson.

So it is either that we will serve the notice today in respect of this first statement, or we will wait until she concludes her evidence on both statements, second

statement not yet provided and concluded, and then we will furnish a full Rule 3 notice on Advocate Johnson.

CHAIRPERSON: And the first statement was finalised only yesterday, which was Advocate Johnson's last day of testimony.

ADV SEGEELS-NCUBE: Correct, Chair. Last night is when the statement was finalised, shortly after six and it was signed. She signed it this morning, the statement.

CHAIRPERSON: I did not even notice that what I read was
10 not signed.

ADV SEGEELS-NCUBE: Yes, Chair.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: It was an unsigned version yesterday, and she signed this morning.

CHAIRPERSON: Thank you, thank you. We will take the adjournment then, and we will hear from you when we should come back. Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair.

ADV SELLO SC: Thank you, Chair.

20 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: Ms Ramsamy, will you be swearing or affirming?

MS RAMSAMY: Swearing.

CHAIRPERSON: Do you swear that the evidence you are

going to give is the truth, the whole truth, nothing but the truth? If so, please raise your right hand and say, so help me God.

MS RAMSAMY: So help me God.

CHAIRPERSON: Thank you.

DRUSHANTHA RAMSAMY: (duly sworn states)

ADV SEGEELS-NCUBE: Thank you, Chair. Ms Ramsamy, if you can just switch on the other ...[intervenes].

MS RAMSAMY: My apologies.

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

CHAIRPERSON: Can you please pronounce your surname?

MS RAMSAMY: My surname?

CHAIRPERSON: Yes.

MS RAMSAMY: Ramsamy.

CHAIRPERSON: Ramsamy. Ramsamy. Thank you.

ADV SEGEELS-NCUBE: Drushantha.

MS RAMSAMY: Drushantha.

20 **ADV SEGEELS-NCUBE:** Yes. If you can also just raise your voice, please, Ms Ramsamy.

MS RAMSAMY: I will try my best. I am a little bit nervous.

ADV SEGEELS-NCUBE: Okay. Nothing to be nervous about. Can we start with your statement? So there should be a file in front of you which says witness statement, and that is the statement at page 1 to 33. If you go to page 33,

if you can confirm that that is your signature?

MS RAMSAMY: Confirm.

ADV SEGEELS-NCUBE: And just confirm that it was signed this morning, the 30th, not the 29th.

MS RAMSAMY: Confirm.

ADV SEGEELS-NCUBE: And do you confirm the correctness and truthfulness of the contents of the statement?

MS RAMSAMY: I do.

10 **ADV SEGEELS-NCUBE**: Okay. Now, there should be another file, which is File 10, Exhibit File 10.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Do you have that?

MS RAMSAMY: Yes.

ADV SEGEELS-NCUBE: And that is CJC400, and it has sub-exhibits as well, exhibit numbers. And those are primarily the annexures or the documents that you refer to in your statement.

MS RAMSAMY: Correct.

20 **ADV SEGEELS-NCUBE**: There are then other files in front of you, but that relates to the entire IDAC stream, which at some point we will get to some of those files, but primarily we will be focussing on the documents in File 10.

MS RAMSAMY: Okay.

ADV SEGEELS-NCUBE: Thank you. And those are the

documents that you have provided to the Commission as part of your witness statement.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. Now, Chair, as you indicated earlier about the issue of Ms Ramsamy being referred to as advocate, and she explained why that is. For purposes of evidence, when we do get to those aspects where emails are addressed to her or referred to as advocate, we understand the context within which that is.

10 **CHAIRPERSON**: Yes, yes, yes.

ADV SEGEELS-NCUBE: Yes. Ms Ramsamy, then if we can start with your witness statement. And if I could ask you here, please feel free to elaborate on your statement where you feel necessary, and we can start on page 1 of the statement at the introduction.

MS RAMSAMY: Okay:

“I am an adult female admitted attorney
in the full employee of the National
Prosecuting Authority...” ...[intervenes].

20 **ADV SEGEELS-NCUBE**: You'd have to raise your voice again.

MS RAMSAMY: Sorry.

ADV SEGEELS-NCUBE: We will bring the mic closer.

MS RAMSAMY: Can I bring the mic closer?

ADV SEGEELS-NCUBE: There we go.

MS RAMSAMY: Can we do it? Is that better:

10 “I am an adult female admitted attorney in the full-time employee of the National Prosecuting Authority, attached to the Investigating Directorate Against Corruption, commonly known as IDAC, which is established in terms of section 7(1)(A) of the National Prosecuting Authority Act 1998, Act number 32 of 1998. I joined the IDAC as a state advocate on the 1st of March 2023. I hold an LLB degree obtained from the University of KwaZulu-Natal, and I was admitted as an attorney of the High Court of South Africa on the 7th of June 2013. I was appointed as an aspirant prosecutor in Pietermaritzburg-KwaZulu-Natal on the 1st of February 2015. I wanted to continue with the justice...”

20 Oops, rather, sorry:

“I wanted to contribute to the justice system after a personal tragedy. What started off as a two-year commitment as a prosecutor has turned out to be an 11-year journey. I was based within the

Pinetown cluster, KwaZulu-Natal, from the period of 2016 to 2020. During this period, I have dealt with drug-related prosecution and worked closely with SAPS members, such as Karl Saunder, who has given evidence before this Commission. Thereafter, I was a Regional Court prosecutor in Pretoria Court, CBD, and I was then appointed as a state advocate on the 1st of March 2023 in the Investigating Directorate, IDAC, or which later became IDAC.

Given the extensive nature of my evidence, I will submit two statements. The first statement being the statement which deals with the genesis of the Crime Intelligence investigations until my consultation with the complainant, Mr Fadiel Adams, on the 6th of January 2025. In the second statement, I will deal with the events that transpired after January 6, 2025, regarding my involvement in the Crime Intelligence investigations and the Medicare24 investigation.”

If I may clarify with regards to the Medicare24 investigation, the Commission will see emails and correspondence that relate to Tembisa. However, the Commission will also see that the documents that I have provided does not relate to Tembisa. It was just titled that, and my opinion is that it was a guise. It is, in fact, the Medicare24 contract.

ADV SEGEELS-NCUBE: Can I just clarify on that? So, later on, we will see handwritten notes from you of consultations that were held and meetings that were held
10 where reference is made to SAPS contract, Tembisa Hospital. You say that that is, in fact, the Medicare24 investigation or Medicare24 matter. That is what the office referred to it as at the time.

MS RAMSAMY: Correct.

CHAIRPERSON: So, the reference to Tembisa in emails is in the subject line?

MS RAMSAMY: Correct.

CHAIRPERSON: And who initiated the emails referring to Tembisa?

20 **MS RAMSAMY**: Advocate Johnson.

CHAIRPERSON: You then communicated in later emails still using that same subject line?

MS RAMSAMY: Correct. It later then, Advocate Johnson would title projects, like the Crime Intelligence became known as Project Diversion, which I explain in my affidavit.

CHAIRPERSON: You do explain in that statement.

MS RAMSAMY: In my second statement, you would see that what was initially titled as Tembisa, which was actually the Medicare24, becomes Project Wellness.

CHAIRPERSON: All right.

MS RAMSAMY: So, it progresses in terms of names and disguising.

CHAIRPERSON: Thank you, thank you.

ADV BALOYI SC: Is an explanation given why it is called
10 Tembisa, why you are using that title?

MS RAMSAMY: Like I said, my understanding is that it was initially to guise and disguise what was actually being investigated, because I myself was confused. And through the WhatsApps that the Commission will see, there are articles that I sent based on the Tembisa to Advocate Johnson. It is only later towards me that Advocate Johnson openly stated that it was the Medicare, but in meetings with the team, we were aware that it was a R360 000 000 contract.

20 **ADV SEGEELS-NCUBE:** Which is the Medicare24 contract?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. Thank you. Then the next topic is the personal impact of the Commission.

MS RAMSAMY: Thank you:

“Before I testify regarding my involvement in the matter relating to IDAC that I have been asked to testify about, I have to set the record straight at the onset regarding Advocate Andrea Johnson's testimony before the Commission. Advocate Johnson told many untruths about me and my involvement in what is now known as the Mokwele case. She did not disclose that I raised concerns from the onset and repeatedly thereafter, which concerns I deal with in detail. These concerns are not limited to the Mokwele matter. I had concerns about the Crime Intelligence-related cases and matters relating to the National Commissioner, General Fannie Masemola. Advocate Johnson decided shortly after the section 28(13) authorisation of the Crime Intelligence matters, that all other Crime Intelligence matters would be ring-fenced into a project which she named Project Diversion. I do not know why she chose this name other than that what is stated

in the WhatsApps that I have provided.”

ADV SEGEELS-NCUBE: Which we will get to in the chronology of events.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. The next page, paragraph 5.

MS RAMSAMY: Thank you:

10 “I am profoundly disturbed but not surprised by Advocate Johnson's testimony. She sought to blame me for so-called irregular or problematic processes. Let me make it clear that Advocate Johnson was in charge of Project Diversion, and in particular, the Mokwele matter from the onset. I deal later with the makeup of the team, which was different to how a project or investigation team is usually constituted. It is my belief that Advocate Johnson

20 hand-picked me to be part of this project because I had successfully, or rather we had successfully, investigated another section 27 referral matter involving a high-profile individual. I also believe that Advocate Johnson picked me because

she thought that I would not question or ask questions because I am a state advocate. Not a senior state advocate. Not a Deputy Director of public prosecutions. What she did not anticipate was that Mr Raphesu, Mansha Raphesu, the leading investigator, and I would question Project Diversion from the start.”

10 May I proceed?

ADV SEGEELS-NCUBE: Thank you. Continue.

MS RAMSAMY: Thank you:

“I confirmed that I prepared documents on Advocate Johnson's instructions that I, one...”

Sorry:

“...instructions that were:

- 20
1. not in accordance with IDAC standard operating procedures, which Advocate Johnson indicated to this Commission did not exist.
 2. the process followed in July 2023 referral, and
 3. that went against my concerns when assessing the merits of the complaints by

Mr Adams.

I refer in particular to the application for authorisation of section 28(13) investigation that I prepared on the 5th of December 2024..." ...[intervenes].

ADV SEGEELS-NCUBE: Sorry, can we just interject? Can I just interject there to deal with the issue of the standard operating procedure which you deal with in that paragraph which you say Advocate Johnson said does not exist? If we
10 could ask the Commissioners to go to File 10 and page 9, which is, if you can identify that document for us, and the signature on page 10?

MS RAMSAMY: Page 9 is the Investigating Directorate Against Corruption Operations Manual. This is disseminated via email to every person that works at IDAC. It is also re-disseminated to every staff member upon the arrival of a new staff member. So it cannot be said that there are no operating procedures or SOPs within IDAC ...[intervenes].

20 **ADV SEGEELS-NCUBE**: And then ...[intervenes].

MS RAMSAMY: The signature.

ADV SEGEELS-NCUBE: Page 10, yes.

MS RAMSAMY: Page 10?

ADV SEGEELS-NCUBE: Page 10, it should be page 10. You were on 9, which was the first page of the – and then

page 10.

MS RAMSAMY: The last paragraph or portion of that page 10 is the signature of Mr Matthew Sesoko. He is the Head of Investigations and Operations, also known as the second in charge of our office. And then thereafter is the signature of Advocate A Johnson, Investigating Directorate, Director IDAC. Please note that the dates also indicate 16 October 2024. This is version 2.

ADV SEGEELS-NCUBE: Yes, we can see there that
10 version 1 is 18 December 2023, and then version 2, 16 October 2024.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Can you just briefly tell us what the operations manual deals with? We are going to deal with it in detail later when we engage you on the processes, but if you could just give us a high-level summary of the document for now?

MS RAMSAMY: The operational manual ...[intervenes].

ADV SEGEELS-NCUBE: Sorry, Ms Ramasamy
20 ...[intervenes].

MS RAMSAMY: Am I speaking too softly?

ADV SEGEELS-NCUBE: Yes, yes.

MS RAMSAMY: I apologise.

ADV SEGEELS-NCUBE: Closer, yes.

MS RAMSAMY: The operational manual is supposed to,

and I use the word very, supposed to, create structures in which the IDAC works. These structures are based in terms of sections 7 and 27, 28, and 29 of the NPA Act. It sets out procedures with regards to investigations, referrals, referrals from the NDPP, team constitutions, reporting lines, presentations, instructions on how presentations are supposed to be done, on briefings as to as and when investigations are in progress.

Basically, it is the Bible of how a structure of our nature, of IDAC's nature, is supposed to work. And when I use the word supposedly, if I may, Advocate Segeels, continue? Advocate Johnson would deviate constantly. It was a situation where we had this, but she would also have her own way of doing things with different groups, different investigations, different structures.

So there was a constant deviation from what was in black and white and it was always from her office that the deviation was done. And when the deviation was done, it always came with intimidation.

CHAIRPERSON: Can you explain intimidation in this context?

MS RAMSAMY: Am I allowed to say it as we say it in the office?

ADV SEGEELS-NCUBE: Yes, please.

MS RAMSAMY: The nickname for Advocate Johnson in the

office is Flip Flop Knee Jerk.

ADV SEGEELS-NCUBE: Okay, just explain that.

MS RAMSAMY: You would get instructions in the morning.

Can I speak from my personal experience now?

CHAIRPERSON: Yes, please.

MS RAMSAMY: Okay. You would get instructions, or you would have a conversation with Advocate Johnson in the morning, or telephonically, or via WhatsApp. And it would be just the two of you, or maybe another prosecutor and
10 you. And you would find commonality, or you would explain the legalities, the processes.

I mean, the elements of an offence changes, but the principles of law does not change. If you have a document in a murder matter, it does not change when you are trying to prove it in a corruption matter. So, you would have those engagements with her.

And then, during the course of the day, there would be a conversation that would take place between Mr Perumal and Dylan Perumal and Advocate Johnson and the
20 flip-flop would happen. So, no matter how you explained it to her, or how the decision was made in a rational manner, it would then change according to what Mr Perumal wanted, and my evidence will show how that affected the investigations.

ADV SEGEELS-NCUBE: And when you were engaging

Advocate Johnson without Mr Perumal, did you find that you were then speaking to somebody that was a legally trained, a prosecutor? Was there that level of engagement?

MS RAMSAMY: Yes. When Mr Perumal was not present, or was not involved in the communication, or was not influencing the decisions, Advocate Johnson was a very active legal mind. You would be able to engage, and she would speak about different things that she had done, and how we can incorporate it in sections of Acts. But then,
10 come Mr Perumal, all of that is thrown out the door and we are now doing things that we are not even supposed to be doing, and it is becoming an instruction.

Chair, from 2023, let me speak for me rather. No, I am going to speak collectively as the prosecutors of IDAC because the majority of us are rocking in this boat. If you defy an instruction of Advocate Johnson, or you contradict her, the regime or the wrath, if you have to – may I speak about – if you have to go and check the records at the wellness programme that NPA provides for its employees
20 with regards to just work stress, home stress, you know, counselling, you will be shocked at the amount of prosecutors and employees, admin staff from IDAC that are receiving counselling.

ADV BALOYI SC: Is that not because of the nature of the work you do? Just explain.

MS RAMSAMY: No, Commissioner.

ADV BALOYI SC: Ja, please explain.

MS RAMSAMY: May I deviate? Am I allowed to deviate?

ADV SEGEELS-NCUBE: Slightly, yes.

MS RAMSAMY: Slightly. If you do not follow the instructions, you receive emails of a nature that – when I was consulting with the DPCI officer, when I intended on making protected disclosure in June last year, I likened it to being treated worse than a scullery maid.

10 You would be internally investigated, unlawfully so. You would be made – I was made redundant for an entire period in 2023 because I objected to Mr Perumal and Advocate Johnson. And it happened again this year because I objected.

ADV SEGEELS-NCUBE: And when you say internal investigations, what mechanisms would she adopt?

MS RAMSAMY: Okay, now I am jumping ahead of my evidence. I apologise. Section 28 does not have any checks and balances and it can be likened to a section 205
20 of the Criminal Procedure Act. It is invasive. It is exceptionally invasive, but section 205 of the Criminal Procedure Act allows for a person to make submissions to a Magistrate or a Judge to explain why we are now invading this person's privacy, or we need this information. Section 28 allows unlimited control by one person without any

checks or balances, and that is how we were investigated, through that.

CHAIRPERSON: Except, of course, that even if in section 28 itself there may be no specific provisions, the Constitution is an overarching document. So section 28 would still have to be applied with the Constitution or the privacy right in mind, if you see what I mean.

MS RAMSAMY: Correct.

CHAIRPERSON: Yes.

10 **MS RAMSAMY**: And my evidence, not very far down the pages, does deal with how this is so severely abused and how it continued since my start at the ID to be ...[indistinct]. Sorry, Advocate Sello.

ADV SEGEELS-NCUBE: That is fine.

ADV BALOYI SC: Still on this, on the operations manual, the impression, I do not know if it is just me, but the impression that I gained from Advocate Johnson's evidence about the existence and application of an operations manual was that, yes, there is such a document, but we do not
20 operate according to it.

So the impression I had was, you know, it is sitting somewhere in your computer or on your mainframe, but in fact it is more, you just go about doing your things and people exercise their discretion at any one time, in meetings, without this ever being applied. Is that correct?

Because you speak of it as a deviation. In your testimony you say she deviated from what is prescribed. Is that deviation as a matter of course, that is what happened, and therefore this was just good on paper for all intents and purposes?

MS RAMSAMY: It is applied as and when Advocate Johnson wanted to use it.

ADV BALOYI SC: All right. I am answered, thank you.

ADV SEGEELS-NCUBE: Okay. We can go back to your
10 statement, paragraph 6, the sixth line, the sentence that starts, I will explain. I will explain why this did not sit well with me.

MS RAMSAMY: Page 3?

ADV SEGEELS-NCUBE: Yes, page 3, paragraph 6. You will see after you deal with the three points, you then say, I refer in particular to the application for authorisation. Do you have that?

MS RAMSAMY: Yes.

ADV SEGEELS-NCUBE: You can read from there.

20 **MS RAMSAMY:**

“I refer in particular to the application for authorisation of a section 28(13) investigation that I prepared on the 5th of December 2024. I will explain why this did not sit well with me. However, the

Commissioners must bear in mind that at this point, Advocate Johnson had stated they had made a decision that the matter was to proceed in terms of section 28(13) and that I was to draft the authorisation and email it to her on the same day that the referral was handed to me because she wanted to approve it by Friday, the 6th of December 2024. I deal with this fully later in the statement.”

ADV SEGEELS-NCUBE: Continue.

MS RAMSAMY:

“On or about the 30th of June 2025, after the Mokwele arrest and the first appearance, I contacted a DPCI officer...”

I must state I trust this DPCI officer, which is why I contacted him:

“...to inform him that there is a problem at IDAC and that I need to see him and explain and show him the documentation that I had in my possession, I asked if I could do protected disclosure. We agreed to meet on the 2nd of July 2025, where I showed him a prosecutorial memo prepared by me and another

prosecutor regarding the matter of General Masemola and Lieutenant General Khumalo, which I deal with later. He said that he would speak to a Colonel at the DPCI and get back to me as to how we were to proceed.

10 The reason that I contacted DPCI is because I had previously, in late April 2025, informed Advocate Santhos Manilall, the DDPP that I report to, of the discord amongst the team, the team being that of the Crime Intelligence Investigation, and that the investigation procedures were being flouted and that the investigation was sloppy. He replied that he had his own problems.

20 In August 2025, I started collating documents regarding what I considered to be unlawful instructions from Advocate Johnson and Mr Perumal regarding Project Diversion.”

May I proceed?

ADV BALOYI SC: Ms Ramsy, Ramsamy, I am sorry. When Advocate Manilall says he has his own problems, was it about the same issue, the Crime Intelligence Investigation,

or?

MS RAMSAMY: He had not, although he was on paper as the Deputy Director, he had not been briefed on the matter, which I do discuss later on in the statement.

ADV BALOYI SC: The question I am asking is, when he said he has his own problems, did you understand him to mean about the same subject, the same investigation, or he had his own problems within IDAC? I am just trying to understand what it is he was ...[intervenes].

10 **MS RAMSAMY**: I understood it to mean that he was not interested in my problems and this project.

ADV BALOYI SC: I see. Yes, thank you. That answers me. Thank you.

ADV SEGEELS-NCUBE: Okay, continue.

MS RAMSAMY:

20 “On the 8th of August 2025, Advocate Peter Serunye, a Deputy Director of Public Prosecution, came on board the Mokwele and Lushaba cases. He started sending emails and memoranda that accorded with my concerns on how the Mokwele matter was being conducted. Advocate Joyce Hlatshwayo and I also approached Advocate Serunye with our concerns. He can confirm this to the

Commission.

When Advocate Serunye requested to be removed from the Mokwele and Lushaba cases, I was removed from the Mokwele case, and although I was apparently kept on the Lushaba case, I was excluded from the case from September 2025.

10 I also approached another Deputy Director and showed him all the documentation that were concerning. He stated these things will never come to light.

In November 2025, after Advocate Johnson testified at the Ad Hoc Committee, I contacted the same officer at the DPCI. I informed him that Advocate Johnson had lied to the Ad Hoc Committee and that I had proof of this. Once the new NDPP, Advocate Mothibi, was appointed, I met with the DPCI officer. This would have been around March 2026.

20 **ADV SEGEELS-NCUBE**: Can I just interject to ask you why it is significant that you mention once the new NDPP was appointed that you meet with the DPCI officer?

MS RAMSAMY: Because I knew that if I had reported or we had taken these concerns to the then-sitting NDPP, nothing would have been done. Advocate Johnson, there would be no repercussions, there would be no corrective

measures.

ADV SEGEELS-NCUBE: By that you mean Advocate Shamila Batohi?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Why would you form that opinion?

MS RAMSAMY: I was aware of the matter that was discussed with the Commission about the sharing of documents, but that was corridor talk, so I was not confirmed. But if I may put it frankly from a prosecutor's
10 point of view that is in the office every day, Advocate Johnson was the blue-eyed girl of Advocate Batohi. She could do no wrong.

If needs be, or if the Commission so see fits, if you look at any grievance that was sent about IDAC from the staff members, it was squashed to an extent where people started just resigning. People were applying for posts. I am an SA. I have been applying for SA posts just to get out of that unit.

CHAIRPERSON: And you refer to the sharing of
20 documents. Are you talking about what Mr Roelofse, Mr McClean and Witness O said about the sharing of a docket by Advocate Johnson with General Khan? Is that what you are referring to?

MS RAMSAMY: Correct, but at that time, before the testimony, it was just corridor gossip.

CHAIRPERSON: Thank you, thank you.

ADV SEGEELS-NCUBE: Thank you ...[intervenes].

ADV BALOYI SC: Before you move on to the next paragraph, at the end of that paragraph 9, this is the prosecutor's, after you show him documents, the DDPP, and he said these things will never see the light of day. What did you understand by that? That they will be destroyed, they will be suppressed? What exactly did you understand?

MS RAMSAMY: That no one will ever know that these
10 things were done by Advocate Johnson or at IDAC.

ADV BALOYI SC: So it would be suppressed?

MS RAMSAMY: Correct.

ADV BALOYI SC: Okay.

ADV SEGEELS-NCUBE: Okay, paragraph 11 on page 5.

MS RAMSAMY:

20 "I mention this because I do not want the narrative to be that I am retaliating against Advocate Johnson for making me the scapegoat or that I am coming forward with this information now that my name has been dragged through the mud."

ADV SEGEELS-NCUBE: Then the mandate of IDAC?

MS RAMSAMY:

"IDAC's mandate, as I understand it, is to

investigate and where sufficient evidence of criminality is established to prosecute matters of serious, high-profile, or complex corruption and related commercial or financial crime. As set out in section 7 of the NPA Act, the mandate extends to related common law offences, including fraud, forgery, uttering, theft, and any offence involving dishonesty and related to offences including contravention of PRECCA, POCA, PFMA, and the Local Government Municipal Financial Management Act, the Financial Intelligence Centre Act.”

May I proceed:

“Where appropriate, IDAC also institutes the resulting criminal proceedings. I have had the benefit of listening to the Commission's engagement with Advocate Johnson regarding the word ‘or’ in section 7(1)(A) of the NPA Act. My understanding is that IDAC interprets this section to mean that IDAC's mandate, insofar as section 7(1)(A) is concerned is to investigate serious corruption or

serious commercial or serious financial criminal cases, high-profile corruption or serious commercial or serious financial criminal cases, complex corruption or serious commercial or serious financial criminal cases.

10 In other words, the case may be serious or high-profile or complex. This may be an incorrect understanding, given the debate at the Commission, but this is how I was made to understand IDAC's mandate in terms of section 7.

This may be one of those matters where the Commission's recommendations may assist our office. I will not deal with the structure or the process of how a referral to IDAC is supposed to be handled. Mr Sesoko, the Head of Investigations and Operations, is best placed to do this. I
20 will deal with the section 27 referrals based on my personal experience and understanding of the SOP, case selection, criteria directive issued and signed by Advocate Johnosn and Mr Sesoko in October 2024 and in August

2022 respectively.”

ADV SEGEELS-NCUBE: Okay, the next topic is a referral to IDAC.

MS RAMSAMY:

10 “In explaining the section 27 referral process, I must set out the following. At the time of the Adams referral, the bulk of IDAC's cases were either existing cases from other units, such as the Specialised Commercial Crime Unit, or cases emanating from the reports of Commissions of Inquiry, such as the State Capture Commission or the Nugent Commission. I am only aware of one other 27 referrals since I joined IDAC in March 2023.

20 This related to a matter involving a high-profile individual. I have provided some documents relating to this matter in the Commission to demonstrate the difference between how this section 27 referral was dealt with and how the Crime Intelligence section 27 referral was dealt with. This was, and still is, a standard operating procedure referred to as the

IDAC Operation Manual issued and signed by Advocate Johnson and Mr Matthew Sesoko, the Head of Investigation, on 16 October 2024, which I have also provided.”

ADV SEGEELS-NCUBE: You must just raise your voice again, ma'am.

MS RAMSAMY: Sorry. If I may just have ...[indistinct]:

10 “Theres was, and still is, a standard operating procedure referred to as the IDAC Operation Manual issued and signed by Advocate Johnson and Mr Matthew Sesoko, the Head of Investigation, on 16 October 2024, which I have also provided to the Commission. In addition to the SOPs, Advocate Johnson would, from time to time, issue additional directives.

20 Prior to the issuing of the SOPs, Advocate Johnson and Mr Sesoko also issued a Case Selection Criteria Manual of sorts, which set out in detail the process to be followed in selecting cases to be investigated by IDAC. I have also provided this document.

IDAC operates on the principle of prosecution-led investigations, which means that every matter is led by a senior prosecutor at the level of Deputy Director of Public Prosecution, a DDPP, working within a multidisciplinary team of prosecutors, criminal investigators, financial investigators, and data analysts.”

10 May I just, on a side note, prosecution-led investigations, if correctly done, is a brilliant method. But as it stands, it is left open to manipulation of targets. It is so easy at this point of where we are as IDAC to manipulate the statements, who the suspects are, how the investigation is to proceed, who witnesses will be, what these witnesses will say, how they will say it, what evidence is included, what evidence is not included. And it has, as I will later show, been manipulated by and used by Advocate Johnson and Mr Perumal.

20 **CHAIRPERSON**: When you say at this stage it is very easy for this to happen, must we understand that to mean this is not necessarily about the structure, it is about personalities, or what makes it easy for this to happen?

MS RAMSAMY: There is no checks and balances.

ADV SEGEELS-NCUBE: You need to raise your voice.

MS RAMSAMY: Sorry. There is no checks and balances. Prosecution led with proper checks and balances for the purpose for which IDAC was established, would excel in recovering money for CARA, successful prosecutions for corruption. As it stands, and I am not saying all the cases, I mean we have got some very good prosecutors, and we have got some very good, honest working people in IDAC.

My reason for bringing this is because there is no checks and balances, we are where we are today. I am
10 giving evidence today because of the manipulation of section 20 and the prosecution led.

CHAIRPERSON: Do you, but only if you have applied your mind to it and are able to answer, do you have in mind the sort of checks and balances that would address the shortcomings?

MS RAMSAMY: The SOPs speak to a panel, a panel that includes investigation, prosecution, and other multidisciplinary that are housed within IDAC. And that panel was supposed to make decisions collectively using
20 different knowledge, skill sets. It is not applied. The checks and balances are, who checks the – where is the authority that checks that we are complying?

CHAIRPERSON: There is that old Latin saying, I will not say it in Latin, who will guard the guards?

MS RAMSAMY: Yes.

CHAIRPERSON: It sounds like that is basically what you are saying.

MS RAMSAMY: Yes, that is what I am saying, because if you look at the structure of a general prosecution, OCC, OCC is prosecution guided. There are so many checks and balances in place to prevent this very thing that we are talking about today. Am I too soft? Sorry. This very thing that we are talking about today is prevented in that unit because there is checks and balances.

10 **CHAIRPERSON**: And I, just to be sure that I understand, are you saying in, let me loosely call it the broader NPA, the NPA outside of IDAC, are you saying these checks and balances do exist there? Is that what you are saying?

MS RAMSAMY: Correct.

CHAIRPERSON: All right, all right.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: Can I just ask a slightly different the same question? Are you saying there are no checks and balances because people do not adhere to the operations
20 manual which prescribes or which sets out that there will be a team which is constituted in the way that you have described?

Is that where the comment comes from? There is no adherence to that, and if the answer is yes, it seems to me then you are saying if we adhere, we do have something

that is supposed to guide us, we just do not comply with it. And if we complied with it and adhered to it, then what is happening now would not happen because we do have written down checks and balances. I am just trying to understand whether it is, there is no provision, adequate provision, or there is provision, it is just not complied with.

MS RAMSAMY: If I may just? If I am a practical situation within the office, so when you do the investigation plan and the taskings and the Deputy Director is in charge of, the
10 former head of IDAC would – so if I had a problem with Advocate Ncube, I could go and gossip. I could really just, our office was run on gossip, you would be called into the office on gossip.

But I could go and gossip about Advocate Ncube and say Advocate Ncube does not know what she is doing, she is confusing the processes, she is, and then the next meeting Advocate Johnson is at the meeting, and what I said is golden, but the correct way that Advocate Ncube is asking for is out the door. So in as much as we have got a
20 structural basis, the Head constantly would interfere and deviate from that.

ADV BALOYI SC: It is not a question, it sounds from what you are saying, and please just clarify for me, it sounds like it is not a question of something must still be invented that will provide the checks and balances, that would obviate

what you are describing now, but rather you do have the tool on paper, if only we all complied with it and strictly, then this concern or this complaint and its consequence would not happen.

MS RAMSAMY: Correct. Also, you must understand, until March 2026, none of this could be reported, because who do we report it to? Now that Advocate Mothibi is there, we are a little bit braver to come forward about these things that we were being instructed to do.

10 **ADV BALOYI SC**: I do not know much about it, other than what has been reported in the media. You know better and much more about it. Does the office, the existence of the office and now the appointment of the office of the IDAC Judge, I am going to call him that, in its mandate, in its written mandate, I am not talking about informalities, I am talking about formal mandate, does that address what you are raising if there is concern about matters that relate to the ID, or for that matter, even the NDPP? Because there is now this great friendship between the ID and NDPP, does
20 the mandate of the Judge include that you can escalate matters that you are concerned about, you could escalate them to that office?

MS RAMSAMY: To an extent.

ADV BALOYI SC: Okay.

MS RAMSAMY: To an extent, but it will become clearer as

...[intervenes].

ADV BALOYI SC: As I go.

MS RAMSAMY: As I go on.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: Ms Ramsamy, I do not want to keep reminding you to raise your voice.

MS RAMSAMY: I am sorry, I am sorry, I am sorry.

ADV SEGEELS-NCUBE: Can we then go to the next topic, the investigation process in respect of a section 27
10 referral?

MS RAMSAMY:

“The investigation process is supposed to follow a sequence as set out in the SOPs in the case selection criteria directive. This is how the process is supposed to work, but even in other section 27 referral, the other section 27 referral I deal with later, there was no strict compliance with this process. Once
20 again, this is how the process ought to be implemented, but it is not always done this way. Having said that, in my view, the failure to adhere strictly to the SOP does not mean that the process is irregular. As long as the process

complies in substance, it would not be irregular.

I will explain later when I deal with my first section 27 referral. Since joining IDAC, I have been designated to a number of multidisciplinary investigations and prosecution projects, project teams dealing with serious high-profile and complex corruption, commercial and financial crime matters. In that capacity, my functions have included assessing a section 27 referral for the compliance with the IDAC mandate, formulating and executing the prosecution strategy, working with investigators from the inception of an investigation, and guiding matters from intake through to enrolment. Given that my experience of dealing with the section 27 referral, other than the Crime Intelligence referral, is limited to only one prior referral, it would be easier for me to explain with reference to my prior experience how a section 27 referral ought to be dealt with in practice. The irregularities of the Crime

Intelligence referral will become abundantly clear to the Commission.

In July 2023, I received a meeting invite from Advocate Johnson. The other attendees were another State Advocate, Mr Dylan Perumal, Chief Investigator...”

Mr, if that may be corrected, it is Mr Tamanye Benang [?]:

10 “...Investigator Mr Mantsha Raphesu, Senior Investigator, and Mr Sesoko, Head of Investigations. At the meeting, Advocate Johnson stated that she had received a section 27 referral and that had held a consultation with the deponent and the deponent's legal representative.

20 Advocate Johnson briefed us on the averments and then instructed the team that no one was to know that we were handling the matter, owing to the sensitivity of the information and of the implicated person or persons. Advocate Johnson then instructed the prosecutors as follows, which I might add are consistent with the case selection criteria in SOP. My underlining of certain

portions of the subparagraphs that follow is deliberate for the reason that will become clear later.

We were to make copies of the statement, the prosecutor and myself, that she had handed to us and return the original to her office. The prosecutors were to interrogate the affidavit and decide whether it fell within the mandate of ID. Once the prosecutors had reached consensus, we were to draft a certificate of mandate.

If our assessment was that the case did not fall within the IDAC's mandate, we were to compile a comprehensive memorandum detailing this finding. Once the certificate of mandate was signed, the prosecutors were to attend to drafting the application of authorisation of a section 28(13) investigation. And once authorisation was signed, we were to consult with the investigators and draft an investigation plan.

Should the investigation yield evidence of criminality, we had to motivate for a

section 28(1) authorisation. This motivation had to be accompanied by an evidential report prepared by the prosecutors, which is a full and detailed summary of the facts and evidence in each statement obtained. Should the investigation show that no criminality could be proven or that there was no *prima facie* case, the prosecutors would
10 prepare a detailed memorandum setting out a summary of each statement and a detailed submission as to why there was no *prima facie* case, as I will illustrate later in the statement.

This process was followed in this regard. I refer the Commission to the following documents, which I ask not to be displayed or, if displayed, to be redacted.”

20 **ADV SEGEELS-NCUBE**: At this point, Commissioners, if we can go to page 93 of File 10? This can be displayed because it makes no reference to the matter itself, but it is an example of the consideration of mandate that Ms Ramsamy is testifying to. So that is page 93 of File 10. Do you have it?

MS RAMSAMY: Thank you.

ADV SEGEELS-NCUBE: This will then correspond with paragraph 23.1 of your statement?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. So maybe if you can just take us through the document?

MS RAMSAMY: Myself and the other advocate that had been allocated to the matter, and I might add at this point, when we were given this 27 referral, we were given a week
10 to interrogate the evidence contained in the affidavit referral. We then drafted this, indicating that we had found sufficient evidence that it did fall within the IDAC mandate. Not only under high-profile individual, but also serious corruption.

ADV SEGEELS-NCUBE: Okay, thank you. So we can go back to your statement 23.1.

ADV BALOYI SC: Maybe before you do that, page 93 is quite scanty. Is that all you say? You have an introduction. I am not asking you to speak through that specific referral.
20 I just want to get a sense of what information, in fact, gets covered in this kind of document. What do you discuss?

MS RAMSAMY: There was a verbal briefing about the allegations. And then once we received the – we did a comprehensive application for 28(13). When I say comprehensive, we also included a 96-page, 19-page, sorry,

19-page summary of the evidence that was contained to confirm our mandate and our application for 28(13).

ADV BALOYI SC: So you set out what the matter is about, what you have found, what you have, to inform a decision on the recommendation that you are making?

MS RAMSAMY: Correct.

ADV BALOYI SC: Okay.

ADV SEGEELS-NCUBE: So this would be the first page. This is our recommendation having regard to what had been
10 provided to us, and then you include your summary, the 19-
pager.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay.

MS RAMSAMY: I unfortunately cannot give that to the Commission.

ADV BALOYI SC: No, no. I understand. I just wanted to have a sense of the decision-maker because this on its own is not very helpful. That page 93 does not tell you what the decision-maker has in front of them to exercise the
20 discretion whether to accept or not accept the recommendation. Thank you.

ADV SEGEELS-NCUBE: And then just on that document, we have at B, it says recommendation. This matter falls within the mandate. That is your recommendation with the other prosecutor, and it then goes to Mr Sesoko and

Advocate Johnson for their recommendation.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Or he recommends and she must approve.

MS RAMSAMY: Correct. It is what I spoke of the previous way we dealt with checks and balances.

ADV SEGEELS-NCUBE: Okay. And then at 23.2 of your statement, you deal with the application for authorisation for section 28(13). So that happens after Advocate Johnson
10 confirms that she approves that it falls within the mandate, after you submit this document, the consideration memo of mandate and the summary, and then she would ask you who makes the decision that there must be an application for 28(13).

MS RAMSAMY: After the report and the certificate, we would then receive an email or a WhatsApp from the PA indicating that, please come and collect your certificate. And at that point, we would be informed to proceed with drafting a 28(13). It was not a matter of us just bombarding
20 them with the applications. We had to get permission for each step.

ADV SEGEELS-NCUBE: Okay. Let us try and finish this section before tea.

MS RAMSAMY: Okay.

ADV SEGEELS-NCUBE: Paragraph 24.

MS RAMSAMY:

“Thereafter, a meeting with the investigators took place and an investigation plan was drafted. This is referred to as a prosecutorial plan. Once the investigation was completed, I drafted what is referred to as an evidential report. This report provides a detailed summary of the evidence contained in each statement obtained, how the individual statements or collective evidence is linked to the elements of the offence.

10

At some point, the state advocate was removed by Advocate Johnson and a Deputy Director was allocated to the matter. We drafted and submitted a request for section 28(1) to be approved. And upon approval of the request, the section 28(1) was submitted and signed by Advocate Johnson. The process of registering the docket and enrolment then followed.”

20

ADV SEGEELS-NCUBE: Thank you, Chair. Would this be a convenient time to take the tea adjournment?

CHAIRPERSON: Yes, let us adjourn and resume at 11:30.

ADV SEGEELS-NCUBE: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE: Can you switch on your microphones? On. Thank you. We were on page 12 at paragraph 28, starting a new topic, which is Project Diversion. So you can start at paragraph 28. Thank you.

MS RAMSAMY:

10 “Against this backdrop, I now deal with Project Diversion. On the morning of the 3rd of December 2024, the office staff received notification of a staff meeting scheduled for Friday, 6 December 2025.”

ADV SEGEELS-NCUBE: 24.

CHAIRPERSON: 24.

MS RAMSAMY:

20 “On the morning of 4 December 2024, an investigator working on another case with me sent an email to Advocate Johnson, informing her that we, including me, would be in court on another matter that Friday. In other words, he was informing Advocate Johnson that we would not be able to attend the staff meeting.

Advocate Johnson responded to the email on the same day. She asked me if the other prosecutor could not go to court without me on the Friday. In her email, she said, I need to see you tomorrow. And their, us, which meant is, a product I need you to compile for my office to be submitted by Friday. I responded that I would avail myself of the briefing, and the
 10 other prosecutor would attend court that Friday.”

ADV SEGEELS-NCUBE: If we can just pause there, that correspondence appears at page 100 to 101, and the email from Advocate Johnson specifically instructing, telling you that she needs you for tomorrow, is at the top of page 100, but it starts on 99. The first line is cut off, but it says:

“Drew can tell, us carry on without you on Friday.”

That is the cut-off part at the bottom of 99 and top of page
 20 100. And then on page 100, there is the:

“I need to see you tomorrow, and there, us, which is, is, a product I need you to compile for my office to be submitted on Friday.”

That is the email you are referring to.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And you then respond at the, on page 99:

“Morning Advocate Johnson, apologies for the late reply. I am in court. Noted Advocate Johnson, I will avail myself tomorrow for briefing, and on Friday, Advocate will attend to the High Court postponement.”

10 **MS RAMSAMY:** Correct.

ADV SEGEELS-NCUBE: Okay. So we can go back to your statement, paragraph 29.

MS RAMSAMY:

20 “The next morning, the 5th of December 2024, at 8 a.m., I went to Advocate Johnson's office per her instructions the previous day. When I arrived at her office, she had a grey document bag with a zip, and she told me that it contained a highly sensitive section 27 referral affidavit. She told me that they had decided that the matter will be investigated. She did not say who they were, and I did not ask. I assumed that she would be referring to herself and Mr

Sesoko, given my previous experience. I later learned that Mr Sesoko had no knowledge of this matter.

Returning to the document bag, it also contained a pinkish-purple page from a notepad with the names of people in Advocate Johnson's handwriting. She told me that these are the suspects Chief and I discussed are to be included in the section 28(13). By Chief, she meant Mr Perumal. Advocate Johnson handed me the bag and gave me the following instructions. Again, my underlining is deliberate. I must take the content of the bag and prepare an application for authorisation of a section 28(13) investigation.

The names on the notepad were the names of the people who must be listed as the suspects in the application for the 28(13) investigation authorisation. She gave me the names of the IDAC members who would form part of the team on this matter in order for me to include it in the application. She indicated that it would

be Advocate Manilall as the DPP, Mr Perumal, Chief Investigator, Mr Raphesu, Lead Investigator, Mr Padayachee, Senior Investigator, Mr Wynand Wessels, Chief Financial Investigator, and me, Prosecutor.

Advocate Johnson said that she needed a DDPP on the matter for the purposes of authorisation, but that she would supervise the matter. I must not make copies of the 27 referral affidavit.”

30.5:

“I am allowed to make notes regarding the section 27 referral affidavit.”

30.6:

“I must not show the section 27 referral affidavit to anyone due to the sensitivity of the matter.

Once I have prepared the application, I must email the application to her as a matter of urgency, and I must then return the contents of the bag to her.”

CHAIRPERSON: Let me just make a comment here. When Mr Padayachee testified and said that he never had sight of the section 27 referral affidavit, I suggested to him that that

was very hard to believe because what would he have investigated if he did not have what was in effect the source document? What you have just said now appears to vindicate what he said.

ADV SEGEELS-NCUBE: Not so soon, Chair. She will get to it.

CHAIRPERSON: Oh, spoke too soon, spoke too soon.

ADV SEGEELS-NCUBE: But it is an apt observation, which is why she deals with it.

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

ADV SEGEELS-NCUBE: Thank you.

ADV KHUMALO SC: Can I just? Because we have not seen the section 27 affidavit you are referring to. You say there was this purple-pinkish notepad and it had names of people.

MS RAMSAMY: Correct.

ADV KHUMALO SC: When you looked at that affidavit, did the names that were on the purple notepad also appear in that affidavit you were looking at that you were told not to
20 make copies of?

MS RAMSAMY: No, Commissioner.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: When she gave you the list of names, did she say where she got that list from?

MS RAMSAMY: Yes, Commissioner. I do deal with it in

paragraph 30. On page 13:

“She told me that these are the suspects
Chief and I discussed are to be included
in the section 28(13). Chief being Mr
Perumal.”

ADV BALOYI SC: The more direct question, perhaps,
then. When she testified, you were following, she did not
remember where she got this list from. She thought it came
from you. And then she came back to report that she called
10 you and you said to her on that call that you said she told
you when she gave you the list that she got the list from
Chief Perumal. Is that correct that happened on that day
that she gave you the list?

MS RAMSAMY: No, Chair, sorry, Commissioner.
Commissioner, the page was her handwriting. Her
handwriting is very distinctive and it was a pink, purplish
page with notes that she would usually, or a notepad that
she would usually keep in her office. And she had clearly
stated to me, these are the names Chief and I decided. But
20 it was her handwriting.

ADV BALOYI SC: Okay, second question. When she
called you now, as she was testifying here, when she called
you, if she did call you, did she call you to ask about the
list?

MS RAMSAMY: Yes, correct.

ADV BALOYI SC: Okay. Did you say to her that when you gave me the list, you told me that it came from Chief Perumal? Did you say that to her?

ADV SEGEELS-NCUBE: Commissioner Baloyi, she is going to deal with it in detail because there is some corroborating evidence that she wants to deal with, but specifically dealing with your question.

ADV BALOYI SC: Okay, I am happy to leave it. Thank you.

10 **ADV SEGEELS-NCUBE:** Thank you. I think we are now at paragraph 31.

MS RAMSAMY: 31.

ADV SEGEELS-NCUBE: But just before that, we do have the application that you submitted to Advocate Johnson, and you referred to the names that were on that page that she had given you that should be the suspects. If we go to file 10, page 108, if you could just let us know, because those are the names that is referenced in your application. So if we can start on 106, that is the application that you sent to
20 Advocate Johnson, correct, for authorisation?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: We will deal with the email correspondence evidencing that you had sent to her. And then on page 108, at paragraph 3:

“Names of subjects and entities forming

the subject matter of the investigation but
are not limited to...”

And there are names there, and an automotive engineer.
Are those the names that was on the page?

MS RAMSAMY: Correct, because the 27 referral that I had
sight of, a lot of these names did not correlate with that 27.
So I personally do not know. I can honestly tell you, Chair,
even during the investigation portions of it, 3.11, no feature.
3.9, also no feature. 3.12, I will explain as I go on as to
10 how that name came about, but it was not in the referral.

ADV SEGEELS-NCUBE: Okay. So then let us go back to
your statement, paragraph 31.

MS RAMSAMY:

“Advocate Johnson told me that she
needed the application urgently because
she wants to approve the section 28(13)
investigation by Friday, 6 December 2024.
She did not explain the urgency. I
requested that I be allowed to draft the
20 application when I got home later that day
because I had to be in High Court in the
morning for another matter. She said it
was fine as long as she received it that
evening. I assumed that when Advocate
Johnson stated that they decided that

there will be an investigation, that she had already received a consideration of mandate memo from a senior prosecutor or DDPP, as this was done in the other section 27 referral matter.

10 The matter immediately did not sit well with me. In my limited experience, the prosecutors who prepared the consideration of mandate memo ought to be the prosecutors preparing the application for section 28(13) investigation authorisation. But since the instruction came directly from Advocate Johnson and she had already told me that the decision had been made and that she wanted to approve the section 28(13) the next day, I complied with her instructions. Later that afternoon, I went about preparing the application.

20 When I read the section 27 affidavit that Advocate Johnson gave me, I became very concerned about the merits of the application. I have to deviate before I deal with the application itself. To deal with the contents of the section 27

referral affidavit that I received from Advocate Johnson on the 25th of December 2024 ...[intervenes]”

ADV SEGEELS-NCUBE: 5th.

MS RAMSAMY: Sorry, 5th of December 2024.

ADV SEGEELS-NCUBE: Okay, then the sub-topic, the section 27 referral affidavit.

MS RAMSAMY:

10 “When Mr Padayachee testified before the Commission, a document was flighted and it was identified as the section 27 referral affidavit of Mr Fadiel Adams. This document is contained at page 512 to 516 of the IDAC exhibit bundle. When I saw this document, my heart dropped to my stomach because this was not the 27 referral affidavit that Advocate Johnson gave me on the 5th of December 2024. In fact, I saw this document for the first time

20 when it was flighted at the Commission. I initially thought I was mistaken.

I then contacted Mr Raphesu to discuss with him. He confirmed that the section 27 affidavit that was flighted at the Commission was not the section 27

affidavit I had shown him on the morning of the 6th of December 2024. I will return to why I showed the section 27 affidavit to Mr Raphesu in violation of Advocate Johnson's instructions not to show the affidavit to anyone. I have not seen the section 27 affidavit after the 6th of December 2024, after I had returned it to Advocate Johnson. What I recall of its contents is based on my memory, but as the Commission will see, there are certain contemporaneous records by me that somewhat corroborate my recollection of the contents of the section 27 affidavit. For convenience, I will deal with the section 27 affidavit that I was given on the 5th of December 2024, compared to the section 27 affidavit that was flighted before the Commission in tabular form.”

20 Page 16.

ADV SEGEELS-NCUBE: So what we then have is a table with, on the left, the section 27 affidavit that was given to you on the 5th of December, versus, on the right, the section 27 affidavit that was flighted at the Commission, which is 512 to 516 of File 2 of the Exhibit Bundle.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: So at number 1, you can start there.

MS RAMSAMY: Thank you.

“The section 27 affidavit seen on the 5th of December 2024 referred to Orlando CAS...”

I am not going to read it into the record;

10 “...and a Villieria CAS. The section 27 affidavit flighted at the Commission, page 512 to 516, listed Cape Town CAS dockets.”

2.

“Major General Modondo failing a polygraph test while seeking security clearance. Although ...[intervenes]”

ADV BALOYI SC: Maybe for the record, you are unfortunately going to have to repeat the heading.

MS RAMSAMY: Okay, not a problem.

20 **ADV SEGEELS-NCUBE:** I think you are going to say the section affidavit you saw, and then say that is what it contained, and then say the flighted one, this is what...

MS RAMSAMY: Noted.

“The one that I saw, Major General Modondo failing a polygraph test while

seeking security clearance, was noted.
On the one that was flighted, although
vetting is mentioned, it is in a different
context, and no mention is made of a
polygraph test. The one that I had
seen...”

Number 3:

“...allegations of procurement
irregularities within Crime Intelligence
10 regarding the procurement of a forklift.
On the one flighted, there is no mention
of a forklift.”

Number 4:

“On the one that I had seen, multiple
allegations of alleged criminal conduct by
the Political Killings Task Team, such as
procurement of vehicles, excessive
budget for laundry using the Secret
Service account. This is not mentioned
20 on the 27 flighted.”

Number 5:

“Vehicles that were procured for the PKTT
being used by the former Minister of
Police, Mr Cele, for his personal use.
This is also not on the one that is

flighted.”

Number 6:

“Purchasing of hotels, lodges, or properties using the Secret Service account. Also not mentioned on the one flighted.”

ADV SEGEELS-NCUBE: Paragraph 37.

MS RAMSAMY:

10 “The Commissioners will hear from Mr Raphesu as to his recollection of the contents of the section 27 affidavit that I showed him on the 6th of December, and whether his recollection accords with mine.”

Paragraph 8.

ADV SEGEELS-NCUBE: 38.

MS RAMSAMY: Sorry, 38:

20 “In corroboration of my recollection of what was contained in the section 27 affidavit that I saw on the 5th of December 2024, I refer the Commission to a written request for case dockets that Advocate Johnson instructed me to prepare and address to Major General Mbuso Khumalo. The letter is dated 6 December

2024, and was signed by Advocate Johnson on the same day. The request was based on dockets referred to in the section 27 affidavit.”

ADV SEGEELS-NCUBE: Can you just pause there? We want to refer the Commissioners to that. It is on page 111 of file 10. And this is the letter that you prepared on Advocate Johnson's instruction requesting the dockets on the 6th of December 2024, from Major General Mbuso Khumalo. And at paragraph 2 is the list of the case number, the dockets that you were requesting.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And they are Villieria, Orlando, Orlando, Orlando.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And you then say that is what was in the section 27 referral affidavit that you saw.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. Now, if we can then go to file 1, page 512. Do you have it?

MS RAMSAMY: Almost. Yes.

ADV SEGEELS-NCUBE: That is the section 27 affidavit that we refer to as the flighted affidavit, section 27 affidavit. And you will see in paragraph 1, it says:

“In my capacity as a Member of

Parliament for the Republic of South Africa, I first opened three cases in Cape Town police station with case numbers Cape Town...”

And it gives the case numbers expressly. And there is no case number for the Orlando or the Villieria, but there is a reference to those case dockets, and you will find that on page 515, paragraph 8.

10 “A few days after I opened the three cases at Cape Town police station, I decided to go to Gauteng, and I went to Orlando police station, where I opened another three cases based on the three cases I opened in Cape Town.”

But it does not give the case numbers, the CAS numbers.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And your point is that you could have only prepared the request to Major General Mbuso Khumalo, specifically mentioning the Villieria and Orlando
20 case numbers, because you had the section 27 affidavit that expressly referred to those case numbers.

MS RAMSAMY: Correct. If I may also clarify another aspect. At this time, I had no knowledge of any emails that had taken place between Chief of Staff Cedric Nkabinde and Advocate Johnson, or any emails between Police Minister

Senzo Mcunu and Advocate Johnson. So what I worked off for this request from Lieutenant General Mbuso could only have come from the 27 referral.

ADV KHUMALO SC: I assume you did not have any discussion with Chief Perumal, because we understood from Advocate Johnson that he is the one who went to Mr Adams to obtain the affidavit. So you did not have any discussion with him about the Orlando cases and case numbers?

MS RAMSAMY: No. The communication I had with Mr
10 Perumal on that day was I needed the details of Lieutenant General, I did not even know his name was Mbuso.

ADV KHUMALO SC: So he could not have given you the Orlando numbers?

MS RAMSAMY: He could not have given. And everybody was rushing, because after the meeting he was leaving to the airport to go back home, which I deal with later on. But the only information that I requested from Mr Perumal was who do I address, like you know the full title and the email address, at which point Mr Perumal went outside the office,
20 because we were open plan, but we were in his office at the time. He went outside. He said, let me call Charity, that being General Charity Matloko, to get the details. And then he had come back to me with the details. And then he spoke to Mr Raphesu, and he left.

ADV SEGEELS-NCUBE: Okay. So we can go back to your

affidavit, page 17, paragraph 38. And you say the request was based on the dockets referred to in the section 27 affidavit?

MS RAMSAMY:

10 “I could only have gotten the CAS numbers from the section 27 affidavit, because on the 6th of December 2024, I had nothing more than the section 27 affidavit and Advocate Johnson's handwritten notes with the names of the suspect. While reference is made to the Orlando dockets in the section 27 affidavit flighted at the Commission, the CAS numbers do not appear on the affidavit. The section 27 referral flighted at the Commission could not, and is not, the 27 referral affidavit that I used to prepare the application for section 28(13) investigations.”

20 Paragraph 39:

 “The reason both Advocate Johnson and Mr Padayachee have struggled to marry the allegations contained in the section 27 affidavit flighted at the Commission with the contents of the section 28(13)

authorisation is because the section 27 affidavit flighted before this Commission is not the section 27 affidavit that I used to prepare the section 28(13) application and which formed the basis for the authorisation.”

Paragraph 40:

10 “The allegations about the PKTT featured prominently in Mr Adams' section 27 affidavit, yet the one flighted makes no mention of the PKTT. The allegations of Brigadier Mokwele appointed was more a throwaway allegation on the section 27 affidavit that I saw. My draft section 27(13) ...[intervenes]”

ADV SEGEELS-NCUBE: 28(13).

MS RAMSAMY: Paragraph 41:

20 “My draft section 28(13) application is also corroboration of the version of the section 27 referral affidavit that I saw on the 5th of December 2024, when I drafted the application.”

41.1.

“In paragraph 1.3 of the draft, I referred to the allegations of unlawful actions

regarding the vetting and polygraph testing perpetuated by Crime Intelligence officials.”

ADV SEGEELS-NCUBE: Can we just pause there and refer the Commission as it is on page 107 of file 10? That is the draft application, or your application. And you were referring us to paragraph 1.3, the allegations about vetting and polygraph testing.

MS RAMSAMY: Correct.

10 **ADV SEGEELS-NCUBE**: Okay, you can continue in your statement.

MS RAMSAMY: Thank you.

“The allegations of unlawful actions regarding vetting and polygraph testing is not contained in the flighted section 27 referral. I could only have gotten the allegations from the section 27 referral because at that stage we had not even requested the dockets.”

20 Paragraph 41.2:

“The section 27 referral affidavit I considered contained allegations of procurement irregularities regarding the procurement of a forklift by Crime Intelligence and procurement of vehicles

for the PKTT, hence the reference to
awarding tenders in the section 28(13)
application and authorisation.”

ADV SEGEELS-NCUBE: And that is on page 107, file 10,
paragraph 1.7:

“Fraud and corruption pertaining to
awarding of tenders and/or contracts
involving SAPS and/or circumventing of
procurement processes.”

10 **MS RAMSAMY:** Correct.

ADV SEGEELS-NCUBE: Okay. Then we can go to the
next subtopic, Mr Perumal's attempt to scapegoat me
regarding the section 27 affidavit.

MS RAMSAMY: Paragraph 42:

20 “On the 9th of October 2025, I was
contacted by Ms Innocent Sekokane [?],
personal assistant to Advocate Johnson.
She informed me that she was told that Mr
Perumal had called me that same day
regarding the whereabouts of the original
section 27 referral affidavit. She said
that I had told Mr Perumal that I was
tasked with the safekeeping of the section
27 referral affidavit and that I could not
trace the section 27 referral affidavit.”

Paragraph 43.

“If I recall correctly, in September 2025 or
early October 2025, the accused persons
in the Mokwele matter had made
numerous requests for the section 27
referral. I want to say that Advocate
Johnson and Mr Perumal were struggling
to find the section 27 referral affidavit and
perhaps thought I had the affidavit, but I
10 cannot say...”

There is a word missing. I want to genuinely say.

ADV SEGEELS-NCUBE: So it should read:

“I want to genuinely say that Advocate
Johnson and Mr Perumal...”

Okay.

MS RAMSAMY:

“...Mr Perumal was struggling to find the
section 27 referral affidavit and perhaps
thought that I have the affidavit, but I
20 cannot say that because what I suspect is
that Advocate Johnson and/or Mr Perumal
did not want to disclose the section 27
referral affidavit to the accused persons
in the Mokwele matter and needed a
reason as to why it could not be

produced. My suspicion is that the flighted section 27 referral affidavit was produced at that stage and after Lieutenant General Mkhwanazi's press briefing on the 6th of July 2025, where he stated that IDAC was investigating the PKTT.”

ADV BALOYI SC: When you say it was produced on that day, you mean created.

10 **MS RAMSAMY:** Created.

ADV BALOYI SC: Thank you.

MS RAMSAMY: Thank you, Commissioner.

ADV KHUMALO SC: To be more precise, you say at that stage, not at that day.

MS RAMSAMY: At that stage, yes.

ADV KHUMALO SC: So I understand you to mean that it must be after September or early October 2025, because if it existed in early October, the flighted section 27 would have been provided to the accused. So it must mean it did
20 not exist when the accused were asking for it.

MS RAMSAMY: The one that is flighted did not exist.

ADV KHUMALO SC: The one that is flighted.

MS RAMSAMY: Did not, was not, yes, created by them.

“I do not think it is a coincidence that the flighted section 27 referral affidavit makes

no reference to the PKTT, whereas the version I saw in December 2024, does. And now there is no record of that version, other than the original that I returned to Advocate Johnson on the 6th of December 2024, which was not produced, and in respect of which, Mr Perumal tried to create the narrative that I had misplaced the original.

10 I was concerned that I was being blamed for something I had no knowledge of. I addressed an email to Advocate Johnson to set out the events that transpired on the 5th of December 2024 and thereafter, regarding the section 27 referral affidavit. I have provided the email to the Commission. My reference to 5 of December 2025 in the email is to be corrected, and it should be 5th of
20 December 2024.”

I get my, I am dyslexic, I apologise.

ADV SEGEELS-NCUBE: We can go to that letter now, the email that you sent, and that is in file 10, on page 402. You will have to read the letter to us, the email, the entire email.

ADV BALOYI SC: Can I have the reference again, please?

ADV SEGEELS-NCUBE: Page 402 of file 10.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Let me know when you are there.

Do you have it?

MS RAMSAMY: I do.

ADV SEGEELS-NCUBE: It is an email from you on 9 October 2025, 13.47, addressed to Advocate Johnson, Mr Perumal, Mr Sesoko, Mr Tlale, who is Mr Tlale?

MS RAMSAMY: He is the project manager.

10 **ADV SEGEELS-NCUBE**: And then, that is, Innocent is the assistant?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Advocate Johnson's assistant.
And the subject is:

“Section 27 referral, F Adams”

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: You can read it.

MS RAMSAMY:

20 “Good day, Advocate Johnson. I was
contacted by Enoch, in respect of:

1. That I was contacted by Mr Perumal today regarding the above referral, and that I indicated you told me to keep it safe, and that I cannot trace it. Mr Perumal did not contact me

today. Mr Tlale contacted me today.

He contacted me this morning, and I explained to him as follows:

On the morning of the 5th of December 2025...”

But it should be 2024;

10 “...at 8 a.m., while in your office, you gave me a grey document bag holder with a zip which contained the 27 affidavit referral and a piece of notepaper with your handwriting. I asked to attend to the necessary after court from home, which I did, and emailed you that evening.

1.2 ...[intervenes]”

ADV SEGEELS-NCUBE: Sorry, can you just raise your voice?

MS RAMSAMY: Sorry.

ADV SEGEELS-NCUBE: Okay. 1.2?

20 **MS RAMSAMY**:

“1.2. Your instructions regarding the folder was that I was returned it to your office the next day, and no copies of the documents were to be made. Because the grey document

bag was conspicuous, I put it in a large brown envelope and returned the same to your office before the staff meeting on the 6th of December 2024.”

Once again, I apologise.

10 “1.3 On the 10th of June 2025, in your office, where a meeting was being held with myself, Mr Sesoko, Mr Perumal, Mr Padayachee, Mr Mlambo, and Mr Charles, I indicated that we needed the documents in the folder.

1.4 At that point, we were all packing to move offices. You indicated that I should text you the following day, and you would look for it through the many boxes.

20 1.5 On the 11th of June 2025, I attach a screenshot., I contacted Mr Perumal, indicating that we would only need the folder in three or four weeks should I trouble the ID to look for the folder, to which he replied, it can wait.

2. I wish to state I did not retain possession of the original section 27 affidavit referral, nor any copies thereof.

2.1 As instructed, I returned the same to your office on the same day after receiving it.

10 2.2 I did not have any communication with Mr Perumal today. Our last communication was on the 18th of September 2025, via WhatsApp text. Thus, I could not have told him that I was asked to keep it safe, and I misplaced it.

2.3 I was contacted by Mr Tlale today, earlier this morning, and stated to him exactly what I have stated above.

Kind regards,

20 Drushanta Ransamy”

ADV SEGEELS-NCUBE: Okay, can we then go back to your statement? You are at paragraph 45.

MS RAMSAMY: Thank you.

“Later the same day, at 3 or 4 p.m., Advocate Johnson responded to my email

via WhatsApp. In the message, she accepted that she may have been mistaken about the section 27 referral affidavit. She said she would look in her office the following day. If she disagreed with the contents of my email, she would have surely responded either directly to the email or via WhatsApp.”

ADV KHUMALO SC: Can I just interrupt you here? If what
10 you are saying is correct, and it goes back to the point Chair made earlier, from January when the investigation started and the summonses were being issued, January 2025, until the arrests in June, all the way until September, October 2025, nobody at IDAC knew where the original section 27 affidavit was.

ADV SEGEELS-NCUBE: Sorry, Commissioner...

ADV KHUMALO SC: So how did they conduct the investigation leading to people being arrested and charged if nobody knew, if they last saw it, according to the
20 enquiries that are being made to you, if they last saw it when they handed it to you and you handed it back?

MS RAMSAMY: That is a very good question. How did they do it? Because if the Commissioners have to marry what has transpired with the arrests versus what is contained in that 27, there is great discrepancies, there is,

it is devastating. And in part 2, well, within this statement and in part 2, I will demonstrate how the Commission has been hoodwinked.

CHAIRPERSON: Or lied to? I am not saying we have concluded that we have been lied to. But I am just saying perhaps the lied to is an appropriate, stronger word in the context.

MS RAMSAMY: I am trying to be polite. [Laughter]

CHAIRPERSON: Thank you. May I ask you to read the
10 last sentence of paragraph 5? You did not read the have, if I am not mistaken.

MS RAMSAMY: Paragraph 5?

CHAIRPERSON: 45. The last sentence, starting with 'if she'.

MS RAMSAMY: Thank you.

"If she disagreed with the contents of my email, she would surely have responded either directly to the email or via WhatsApp."

20 **ADV SEGEELS-NCUBE**: We are just trying to locate the WhatsApp screenshot. I know that it had been provided to us where Advocate Johnson responds and it should be in the exhibit bundle. But for some reason, it is not in the electronic version. But we will come back to it later. But we have seen it. Can we then go to the next topic,

subtopic:

“Explanation of the names of suspects in the section 28(13) authorisation”

MS RAMSAMY: Paragraph 46.

10 “Another issue that warrants special mention is the issue raised by the Commission about the lack of substantiation of the names of the suspects listed in the section 28(13) authorisation. As indicated, when Advocate Johnson instructed me to prepare the application for the section 28(13) authorisation, she gave me a list of suspects' names on the pink-purple notepad page. This has consistently been my version.”

Paragraph 47:

“On the 22nd of July 2026 ...[intervenes]”

20 **ADV SEGEELS-NCUBE:** It is the 22nd, yes, so there is a correction. The statement says 21, but it was 22.

MS RAMSAMY:

“...the Commission asked Advocate Johnson to explain the source relied upon for the names that appeared in the suspects on the section 28(13)

authorisation. As stated earlier, I got the names from Advocate Johnson, together with the section 27 referral affidavit. Advocate Johnson undertook to make enquiries. Later that day, at approximately 10 past 3, while I was consulting with the Commission's evidence leader, Advocate Johnson called me, and the call was recorded.

10 The Commission is in possession of the recording because Advocate Johnson had already scapegoat me in her testimony before the Commission, and I felt I needed to record our conversation. In the recording, I explained how the names ended up in the section 28(13) authorisation based on the names she gave me. At the stage of the recording ...[intervenes]”

20 **ADV SEGEELS-NCUBE**: Start of the recording. Sorry.

“At the start of the recording, Advocate Johnson made a startling remark, that we have got to figure out how you do not go. In other words, find a way for me not to testify before the Commission. I have no

objection to the recording being played.”

ADV SEGEELS-NCUBE: Chair, Commissioners, at this stage, we want to play that recording for you. It is approximately 12 minutes. We have tried to only deal with what we consider to be important, but actually all of it is important and there may be a point that we do cut it, but it has nothing to do with the subject matter. It deals with three aspects. Number one, what the witness had just indicated in her comment, that they must find a way not for
10 her to testify before the Commission.

CHAIRPERSON: Her being...

ADV SEGEELS-NCUBE: Her being the witness before you now. The second issue is a debate or an exchange about the names, how the names came about in the 28(13). And then there is some criticism that Advocate Johnson makes towards the Commission and the process that the Commission is following, which we do not think is relevant, but it may be that we have to play the entire recording, so that it is not suggested that we are withholding anything
20 insofar as the recording is concerned, Chair, but ...[intervenes]

CHAIRPERSON: And I believe that all three of us have very thick skins.

ADV SEGEELS-NCUBE: I believe so too, Chair. Thank you. So if you will just indulge us, we will be listening to it

for the next 10 to 12 minutes. Sorry, Advocate Ramsamy, if you can switch off your microphone.

[RECORDING PLAYED BACK]

MS RAMSAMY: Hi, Advocate Johnson.
Hello?

ADV JOHNSON: How are you?

MS RAMSAMY: Fine and you?

ADV JOHNSON: They put me through the cases for the section 28(13) on the...

10 **MS RAMSAMY**: On their version?

ADV JOHNSON: On the Khumalo matter, ja..

MS RAMSAMY: Okay. I have not been watching. I have been so busy.

ADV JOHNSON: Ja. Do not worry. I think they are going to call you.

MS RAMSAMY: Okay.

ADV JOHNSON: Can I tell you why?

MS RAMSAMY: Mmm?

20 **ADV JOHNSON**: We will have to figure out how you do not go. Okay, so they said to me, I must tell them step by step. I said, I get the 28(13). Usually we give it to a team. You know, Santosh is the deputy, but I give it to Drew.

MS RAMSAMY: Ja.

ADV JOHNSON: You use it to compile a section 28(13).

MS RAMSAMY: Mmm-mmm?

ADV JOHNSON: Now they are saying when they look at the 28(13)...

MS RAMSAMY: Ja?

ADV JOHNSON: ...you must just check. You know the annexure that has all the names of the people, Annexure A, it has all the suspects.

MS RAMSAMY: Ja, ja, ja.

ADV JOHNSON: When you look at the 28(13), you could only really make out Khumalo, maybe Madondo and Lushaba.

MS RAMSAMY: Ja?

ADV JOHNSON: Where did you get all the other names from?

MS RAMSAMY: That page that you gave me. The names were on that page that you gave me. The one in the folder. The one in the handwriting on the pink, purple page.

ADV JOHNSON: Where would we have got those names from?

MS RAMSAMY: I do not know. You gave it to me on the morning just before I rushed to court. You gave me the 27 referral and the names on the handwritten page.

ADV JOHNSON: Because they are asking me where you got the names from, and I honestly am saying, I am not sure. Because I remember Dushen [indistinct] me, I cannot remember either.

10

MS RAMSAMY: No, no, I remember distinctly because that is why I also put it in my email, where I received the 27 referral, and I received that piece of paper with handwriting, and it was the suspects that was written on there. And you explained to me that the suspects was after Dylan had consulted with Fadiel. That is how the list came about.

20

ADV JOHNSON: So Dylan would have consulted Fadiel before you did the 28?

MS RAMSAMY: Before I did the 28. Ja, before I even received the 27. The list was compiled on that page with the handwriting, and you had indicated that

Fadiel and Dylan had consulted, and that is where it came from.

ADV JOHNSON: I am going to have to speak to Dylan. He cannot remember half the things.

MS RAMSAMY: But it is on my email.

ADV JOHNSON: Because they say I have now abused my power by authorising other people's names that are there.

10 **MS RAMSAMY:** Eish, I do not know what to say, Mama, because I specifically remember, and it is also on my email, because after you phoned me last night, I went and found that email where I explained what I received from you and what I returned to you.

ADV JOHNSON: And the...

MS RAMSAMY: Mama?

20 **ADV JOHNSON:** The section 28(13), you would have brought an application, would you not?

MS RAMSAMY: You asked me to email it to you. Remember, I was in Court with Speaker matter?

ADV JOHNSON: Ja.

MS RAMSAMY: And then you asked me to email it to you that evening, so that you can sign it the next morning.

ADV JOHNSON: Ja, but what I am saying is, so I signed the authorisation.

MS RAMSAMY: Ja, the 28(13) authorisation.

ADV JOHNSON: Yes, but did you put an application together for the authorisation? What I am trying to get at is, remember, for us to authorise Drew, usually we just put a thingy with a short summary of facts.

MS RAMSAMY: Ja, but you told me not to do the mandate memo. It was just the... I am just opening my laptop for you now, one second. What date was it, Mama, the 5th or the 6th?

ADV JOHNSON: I signed on the 6th. It should be 5th.

MS RAMSAMY: Okay, I am just checking now... Why can I not find that email? Mmm... No, I think I did not do that. I think the facts and all of that was covered in the email I sent ...[intervenes]

ADV JOHNSON: [Indistinct]

MS RAMSAMY: Ja, in the 27, and then remember I did a summary of the 27 and the dockets that we collected, and that is when I said to you I need to consult with Fadiel because ...[intervenes]

ADV JOHNSON: No, no, wait. Remember, Drew, the authorisation is the 6th of December.

10 **MS RAMSAMY:** Mmm?

ADV JOHNSON: You all got the dockets on the 9th of December.

MS RAMSAMY: Mmm-mmm.

ADV JOHNSON: So you would not have had the dockets.

MS RAMSAMY: No, I did not have the dockets, but we only received the dockets because on the 6th you sent a letter to send to Moile.

20 **ADV JOHNSON:** Yes, that is what I am saying. So what would you have based... that is what I am trying to get to, you based your facts on that section 27?

MS RAMSAMY: Correct.

ADV JOHNSON: Did you chat to anyone

before that or did you base your facts on anything else for us to have those other names?

MS RAMSAMY: It was on the page that you gave me. That is why those names are there.

ADV JOHNSON: And how do we align with some of those other offences like forgery and uttering and...

10 **MS RAMSAMY**: Forgery and uttering we generally put in our 28...

ADV JOHNSON: That is how I want to explain it, but you said I have abused my power by doing that.

MS RAMSAMY: No, it is a standard thing because out of fraud we get forgery and uttering.

20 **ADV JOHNSON**: And that is what I said. When you look at that one paragraph where he says the alleged manipulation of procurement processes, that would appear for me at fraud, almost invariably that it is forgery and uttering.

MS RAMSAMY: Ja.

ADV JOHNSON: And that if we do not put

it in then we cannot deal with it.

MS RAMSAMY: And remember with the
...[intervenes]

ADV JOHNSON: So what they are doing
is, do they dissect word for word.

MS RAMSAMY: Ja, that is why I stopped
watching.

ADV JOHNSON: Ja. Today I must have
been the dumbest lawyer South Africa has
seen.

MS RAMSAMY: Are you done for the
day?

ADV JOHNSON: Ja, I was actually
feeling sick. You know I got sick last
week remember and I had a panic attack.
So for the first time I am taking meds for
it and after a while I just thought I was
soaked and I realised I was not even
paying attention.

MS RAMSAMY: No, but to answer your
question, the names that I obtained or
placed in the 28(13) was the page with
your handwriting and the names of the
suspects and then when I asked about it
you said that you... Dylan consulted with

Fadiel and that is how the names came up.

ADV JOHNSON: I must talk to Dylan. If we have to have a quick WhatsApp call later, is it okay with you?

MS RAMSAMY: No, that is fine, I am free.

10 **ADV JOHNSON**: Ja, because otherwise I am very confused because they need to know from me tomorrow, where did I get these names? And I need to understand where did I get those names? Now it is fine if you say you got it from me, but I do not know where I got it from.

MS RAMSAMY: What you told me is that Dylan obtained it after consultation with Fadiel. That is my understanding of it.

20 **ADV JOHNSON**: Okay. All right, I have to speak to him. I have to speak to him because... he must have known somewhere.

MS RAMSAMY: If you look at my emails, ask him to check the emails.

ADV JOHNSON: But my laptop was stolen, my laptop was stolen in January

last year, so I have lost lots of my stuff.

MS RAMSAMY: But ask Dylan to check because he has his emails on his phone.

There is an email between him, you and I,

ADV JOHNSON: Ja.

MS RAMSAMY: About the names as well as about the documents, the ones that were slotted under Fadiel's door.

ADV JOHNSON: Okay.

10 **MS RAMSAMY**: So there was a chain email between us, he should remember.

ADV JOHNSON: Okay, I will talk to him and then if you do not mind, we will chat a bit later on. Or else, you know, I go there, I have already abused my power by not asking where these names came from. I said to them, you know what, maybe I had a discussion with you, I just cannot remember right now.

20 **MS RAMSAMY**: No.

ADV JOHNSON: And what would then be true, Drew, we had a discussion...

MS RAMSAMY: Ja.

ADV JOHNSON: ...if you say that there was this paper.

MS RAMSAMY: Mmm.

ADV JOHNSON: But where did this paper come from? Where would those names have come from?

MS RAMSAMY: That was what our conversation was, it came from consultation with Dylan and Fadiel. And then you had written it down, ja.

ADV JOHNSON: Okay.

10 **MS RAMSAMY:** Okay.

ADV JOHNSON: All right, I am going to talk to him, then you and I will chat it. But thank you, and sorry, but they asked me for the name of every person who has dealt with the matter.

20 **MS RAMSAMY:** No, it is fine. I do not even know what is happening. I will be very honest with you, I stopped watching because we are so busy with preparation for Blue Lights that I just do not have the time to listen.

ADV JOHNSON: No, no, I know much because it will really, if they call you, you will leave the country.

MS RAMSAMY: Okay, oh God, okay.

ADV JOHNSON: It is not what you know.

MS RAMSAMY: Okay, no.

ADV JOHNSON: Today, I did not know section 28, I did not know section 27, I know nothing. I am as dumb as two bricks.

MS RAMSAMY: I am sorry.

10 **ADV JOHNSON:** Ja, it is okay because, you know what, whether we like it or not, they are going to make our names shit anyway because you can just see, you know, especially when, remember he is a judge, you know, for him to make a comment, oh, this is basic law 101, I am surprised you do not know it with your 30 years' experience.

MS RAMSAMY: Oh, I do not even know what to say to that.

20 **ADV JOHNSON:** Exactly. And he makes faces, they laugh with each other while you are still answering. It is so unprofessional.

MS RAMSAMY: Mmm. Ja, no, I do not want to go there.

ADV JOHNSON: Ja. Well, we will see

what we are all going to do, but it is just going to be a shit show. But I am going to talk to Dylan quickly.

MS RAMSAMY: Okay, but ask him to check my emails from, it must have been around the 11th, 12th or 13th of December because I went on leave on the 14th of December.

ADV JOHNSON: Okay.

10 **MS RAMSAMY:** So it would have been the 11th, the 12th or the 13th of December.

ADV JOHNSON: But he would have had to speak to Fadiel after Fadiel gave us the 27, remember?

MS RAMSAMY: Ja.

ADV JOHNSON: Okay.

MS RAMSAMY: No, his indication is that he had spoken to him in December. So it was late November.

20 **ADV JOHNSON:** Ja, late November.

MS RAMSAMY: Ja.

ADV JOHNSON: Ja, because Fadiel's 27 is dated 21 November. So he would have had to speak to him between 21 November and the 5th of December

because on the 6th we signed the
authorisation with these extra names.

MS RAMSAMY: Ja.

ADV JOHNSON: Ja. Okay. All right, I
am going to talk to him.

MS RAMSAMY: Okay, okay, Mama.

ADV JOHNSON: All right, thanks.

MS RAMSAMY: No problem.

ADV JOHNSON: Okay.

10 **MS RAMSAMY**: Bye.

ADV JOHNSON: All right, bye.”

Thank you, Chair, Commissioners. Ms Ramsamy, you
referred to Advocate Johnson as Mama. Why is that? You
can switch on your mic.

MS RAMSAMY: When I started with ID, before it became
IDAC, Advocate Johnson was the Head of Office. We had a
choice between calling her ID or Mama J. And I respectfully
call her that because she is not a bad person. She is not.
You know, when I got sick, she was there. She is kind. It is
20 just the work ethic that I have a problem with. And so I
respectfully call her Mama.

ADV SEGEELS-NCUBE: Okay. So this...

MS RAMSAMY: I just left the J part out.

ADV SEGEELS-NCUBE: Okay, this was the recording on
the 22nd of July where you are telling her how those names

came about.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And you are referencing emails that were sent in December 2024 where Mr Perumal indicated that he had consulted with Mr Adams.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And those emails you have provided to us, we will get to that. But if I understand it, the emails you are referring to in that recording are emails
10 that were sent after, in response to your docket report.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. Which comes after the dockets were collected and after the 28(13) is authorised.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. Okay. So we should then go back into your statement to deal with the 28(13) investigation, which is on page 21 at paragraph 49.

MS RAMSAMY:

“Mr Raphesu ...[intervenes]”

20 **ADV SEGEELS-NCUBE:** No, page 21, paragraph 49.

MS RAMSAMY: 49.

ADV SEGEELS-NCUBE: At 28(13) investigation.

MS RAMSAMY:

“Returning to the events of December
2024, on the 6th of December 2024,

before the staff meeting, I went to Mr Raphesu, who had been designated as one of the investigators in the Adams referral. I trusted Mr Raphesu. I had to show him the affidavit, because I had such unease about what I was instructed to do, especially given the lack of substantiation of the allegations contained in the section 27 referral affidavit, and the fact that I had been given names of suspects to include in the section 28(13) application, that I simply could not reconcile with the contents of the section 27 referral affidavit.”

Paragraph 50:

“Mr Raphesu briefly perused the affidavit before I had to return it to Advocate Johnson, shortly before the staff meeting. I went to Advocate Johnson's office and returned the section 27 referral affidavit, and she gave me the signed 28(13) authorisation. There was a meeting scheduled for 11 a.m. with the team assigned to the Adams referral, which took place in Advocate Johnson's office.

Present in the meeting was Advocate Johnson, Mr Perumal, Mr Raphesu. Mr Padayachee and Wessels were not present...”

Sorry, and I.

“Mr Padayachee and Mr Wessels were not present in this meeting. Before I deal with the events that transpired from the 6th of December 2024, I want to make it clear that Advocate Johnson and Mr Perumal launched an orchestrated attack on General Masemola and General Khumalo, using IDAC's powerful investigation tools. And this will become evident in my statement and testimony.”

CHAIRPERSON: Sorry, as I understand this, correct me if I am wrong, the attacks were made at the meeting or not?

MS RAMSAMY: I make the statement ...[intervenes]

CHAIRPERSON: Or do you mean they were made as the investigation was going on?

MS RAMSAMY: I think when my second statement is before Chair, for the 22nd of January, Chair will understand the clear picture, including the notes.

CHAIRPERSON: Okay, okay.

MS RAMSAMY: But I do not make a statement of this

nature lightly.

CHAIRPERSON: All right, no, thank you, thank you.

ADV SEGEELS-NCUBE: Can I also just see clarification?

So when you say an orchestrated attack from the 6th of December, you are referring to the investigations themselves being an orchestrated attack?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. And when you say using IDAC's powerful tools, it is the tools that one finds in
10 section 28, for example, the investigation itself?

MS RAMSAMY: 28(6) and (7), specifically, which has no judicial oversight, but is signed. And if I may give an example. Yesterday Chair was very concerned about a 28 that was sent with regards to Fadiel Adam's arrest and who made the arrest. Had that been a section 205 of the Criminal Procedure Act, an affidavit explaining the request would have been accompanying, and a magistrate would have interrogated the reasons.

ADV SEGEELS-NCUBE: Okay. Go to page 22, paragraph
20 51.

MS RAMSAMY: Paragraph 51:

“Everything about the process was concerning.”

51.1:

“The speed with which everything had to

be done without any evidentiary basis and in certain instances, against my strict instructions to the investigators, the makeup of the team, while Mr Manilall was designated as the Deputy Director of Public Prosecution, he had no involvement in the matter. I was the only prosecutor who had to report directly to Advocate Johnson. Mr Sesoko, who for
10 all intents and purposes is the Chief Operating Officer of IDAC, was not aware of the matter. The lack of evidence on the Mokwele matter, I distinguish this matter from the Lushaba matter, where there was a *prima facie* case. But in my view, I questioned whether it was within IDAC's mandate to investigate the Lushaba matter. The timing of certain decisions and actions.”

20 Paragraph 52:

“Returning to the meeting, it was a short meeting. Advocate Johnson informed us that she will be supervising the matter personally, like she had done in the July 2023 referral. As will become evident,

Advocate Johnson was not merely supervising. She was dictating key decisions throughout the investigation. Before we left Advocate Johnson's office, she said that the dockets had to be collected that day and instructed me to draft a written request immediately for her signature and she repeated that 'the dockets must be collected today'. I did
10 not understand the urgency, especially as it was Friday and nothing would happen until Monday anyway. She told me to address the letter to Major General..."

There is an error here.

"I was told to address the letter to Major General Khumalo. I did not know the first name at the time, as I had previously explained. Mr Perumal instructed Mr Raphesu to collect the dockets
20 immediately, he should not wait for the letter, because he, Mr Perumal, wanted to take the dockets home with him to Eastern Cape. Mr Perumal also mentioned that Mr Padayachee had already been briefed on the matter. I

found this very strange, because we were being briefed for the first time on the section 28(13) authorisation and it had only been signed earlier that morning. Clearly Mr Padayachee was briefed on an investigation that he knew would be authorised before it was authorised. Allow me to digress again before I continue the timeline.”

10 **CHAIRPERSON**: Sorry, can you please re-read the sentence starting, ‘I found this strange’.

MS RAMSAMY: Yes, Chair.

“I found this strange, because we were being briefed for the first time and the section 28(13) authorisation had just been signed earlier that morning.”

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Then the next sub-topic is:

“Did Mr Padayachee see...”

20 There is a missing E there;

“...the section 27 referral affidavit.”

This is the question that Chair, or the issue that Chair had raised earlier about Mr Padayachee.

MS RAMSAMY: I think it was Commissioner Khumalo who asked.

ADV SEGEELS-NCUBE: No, it was Chair.

MS RAMSAMY: Paragraph 53.

“I heard the evidence of Mr Padayachee that he had not seen the section 27 referral affidavit. I confirm that Mr Padayachee had not seen the section 27 referral affidavit in my presence. However, I believe that Mr Padayachee either saw a draft of the section 27 affidavit or the signed version. I say this because when Mr Perumal and Mr Raphesu and I went to Cape Town on the 6th of January 2025, and whilst at the airport, Mr Raphesu went to collect the rental vehicle. Mr Perumal complained to me that when him and Mr Padayachee were in Cape Town in November 2024, there was a shortage of hotels and they were forced to stay at the Formula One hotel. He expressed how embarrassing it was for him and Mr Padayachee to meet with a Member of Parliament at the Formula One.

For this reason, I doubt Mr Padayachee's version that he did not see the section 27

referral affidavit. Having said that, there was a lot of secrecy around this section 27 referral affidavit. Had it not been for Mr Perumal's comments at the airport, I would have believed Mr Padayachee that he had not seen the section 27 referral affidavit. As far as I was aware, before Mr Perumal's comments at the airport, the only people who had seen the section 27 affidavit Advocate Johnson, Mr Perumal, and Mr Raphesu, because I had shown it to them.”

ADV KHUMALO SC: Is your point that because he was with Mr Perumal when they were consulting with Mr Adams in November 2024, he would have seen a draft of that affidavit, or on their way back, he would have seen the signed version?

MS RAMSAMY: It could not be possible to sit in a consultation to draft an affidavit and not know the contents thereof, or see it.

ADV KHUMALO SC: But he could have waited outside while they were doing that.

MS RAMSAMY: I will get to the relationship and the closeness later on, if it will be allowed.

CHAIRPERSON: So here you are talking about the original

affidavit, not the one that has Pretoria and Cape Town issues?

MS RAMSAMY: Correct.

CHAIRPERSON: All right. Thank you.

ADV BALOYI SC: But it would seem that when you say it would not be possible, that Mr Padayachee, Colonel Padayachee was with Perumal in Cape Town, a statement was taken, that he would not have seen that affidavit. So it must be that you are referring to the November...

10 **MS RAMSAMY**: The November statement.

ADV BALOYI SC: The one that was shown here in the Commission.

MS RAMSAMY: The one that I referred to here. It could be correct that he did not see the one that was flighted, because I have heard that that is not the correct one. But my statement here is that the one that I am speaking about, the one that contains the PKTT and the vehicles and the lodges, it would have been improbable that he, impossible, that he would not have seen the original.

20 **ADV BALOYI SC**: You misunderstand. Are you therefore saying that this trip, the two of them in Cape Town, that would have been when they took the affidavit that you saw, the original one.

MS RAMSAMY: Correct.

ADV BALOYI SC: Not the one that was flighted?

MS RAMSAMY: Correct.

ADV BALOYI SC: Okay, I understand.

CHAIRPERSON: And on, oh.

ADV BALOYI SC: Sorry. Where you have to clarify for Commissioner Baloyi, even the affidavit that you saw, the original one, it was also dated 21 November 2024.

MS RAMSAMY: I cannot confirm that. I have a recollection of a different date. I also have a recollection of a conversation between Perumal and myself, when this
10 whole debacle of where is the 27 referral as per my email was happening, where Perumal says to me, no, the ID must check, the ID must check, referring to Advocate Johnson, because I have WhatsApps from the 13th of November where Fadiel is asking for things. So...

ADV KHUMALO SC: So it was November, but you are not sure whether it was the 21st or the 13th?

MS RAMSAMY: I cannot confirm the date. I just know that if, may I just point to the 22nd, Advocate, January?

ADV SEGEELS-NCUBE: Before you get to that, the one
20 that you saw would have been dated November 2024 as well.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Because in your application 28(13), you referred to the section 27 in November 2024.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. But you cannot recall who the commissioner was, you cannot recall the date, because it was not something that you were focused on necessarily at that stage.

MS RAMSAMY: No, I think my focus was more on the content of that statement.

CHAIRPERSON: And your assumption that the affidavit was taken in November when the two of them were there together, is based on the fact that they were there in
10 November and it is a November affidavit. Is that why you think it must have been taken?

MS RAMSAMY: That is my thinking, my line of thinking with regards to that. Also, there are later emails that the Commission will have sight of where Advocate Johnson, I am now questioning the veracity of the affidavit itself and the lack thereof in the dockets that were opened. It was at that point that Advocate Johnson even sends me an email saying, ask Chief, he consulted, he should have those things.

20 **CHAIRPERSON:** Thank you.

ADV SEGEELS-NCUBE: Thank you. So if we can then go to the dockets, the topic, the dockets, page 24, paragraph 55.

MS RAMSAMY: Paragraph 55:

“After the meeting, I prepared the letter to

Major General Khumalo. I point out again that the letter asks for the Villieria and Orlando dockets mentioned in the 27 referral affidavit, not Cape Town dockets listed in the flighted section 27 affidavit. There was a lot of commotion on that day.”

I do not refer to outside the office commotion. I am talking about within the office.

10 “Mr Raphesu will elaborate on the docket retrieval issue. Ultimately on the 9th of December 2024, I had to change the letter request from Major General Khumalo to Lieutenant General Jacobs. I sent Advocate Johnson a WhatsApp message to tell her that based on the information I received from Mr Raphesu, the letter had to be changed to Lieutenant General Jacobs. Her response was that I must

20 shred the letter because it was not going to Lieutenant General Jacobs.

She said she had written to Divisional Commissioner Detective Services, Lieutenant General Sentumule. I was still unclear on the process to collect the

dockets. Advocate Johnson told me to ask Mr Raphesu to call Colonel Phillips and ask if Lieutenant General Sentumule had asked Colonel Phillips to hand the dockets over.”

The WhatsApp exchanges have been provided.

ADV SEGEELS-NCUBE: Yes, we can go to file 10, page 113. That is where the WhatsApp exchanges between you and Advocate Johnson that morning.

10 **MS RAMSAMY**: Correct.

ADV SEGEELS-NCUBE: You can take us through it. So the black would be yours and then the white would be Advocate Johnson.

“Morning, Advocate Johnson.”

This is the 9th of December 2024, 8.38 a.m.

20 “Morning, Advocate Johnson. I trust you are well. The letter that was sealed for Khumalo has to be changed to Lieutenant General Jacobs. I have the sealed bag. May I leave the details and bag with you and await new signed letter. Once received, Mansa has made arrangements to collect the dockets.”

Not going, this is now Advocate Johnson:

“Not going to Jacobs. Shed the letter. I

wrote to DivCom on Friday. She will
revert today.”

I know I stayed at 8.40:

“Noted, thank you.”

At 11.40, I send another message.

10 “Advocate Johnson, my apologies for
disturbing you. Please advise what the
instructions are about collecting the
dockets. Are the investigators to wait
upon the reply and you giving them the go
ahead to collect the dockets? Thank
you.”

114.

ADV SEGEELS-NCUBE: You can just go to her reply
because that is a repeat of your question, of your message.

MS RAMSAMY: She replies at 11.40:

“They must wait until I get the go ahead.”

11.42:

“I will advise the team. Thank you.”

20 I then send another message at 11.44:

“Mansa received a call to come collect the
dockets in 30 minutes in CBD.”

CBD being Pretoria.

“Please advise if he should, from Colonel
Phillips.”

Advocate Johnson replies at 12.00:

“Ask him to call Colonel Phillips quickly and ask if General Sentumule asked him to give us the dockets. Once you revert, I will tell you what to do.”

They confirm ...[intervenes]

ADV SEGEELS-NCUBE: Just go to the next page and read it. It is the full message on 115. They confirm?

MS RAMSAMY:

10 “They confirm that it came from General S. They are asking us to also give them a copy of the letter sent for their record purposes. But they will provide the dockets today and we must drop off the letter at our convenience.”

Advocate Johnson replies:

 “Get a copy of the letter to General Sentumule from Enoch and take it with. The dockets must be copied immediately
20 and then the originals handed to Enoch.
 Thank you. We will attend to it now.”

At 14.53, I send another message:

“Good afternoon, Advocate Johnson. I have received dockets. I have made a copy and handed originals in an envelope

to Enoch. I will peruse all the sections
and provide a report to yourself.”

She replies, thank you. The next morning ...[intervenes]

ADV SEGEELS-NCUBE: Okay, we will get to that later. So
then we have to return to your statement at page 24,
paragraph 56.

MS RAMSAMY:

10 “I later confirmed with Advocate Johnson
that the dockets were received from
Lieutenant General Sentumule and that
Raphesu had been requested to provide
written requests for their record purposes,
but that the dockets would be made
available that day. Advocate Johnson
then asked me to get a copy of the written
request to Lieutenant General Sentumule
from her assistant and that it must be
delivered when the dockets are collected.
20 She also gave me an instruction that the
dockets must be copied immediately and
the originals must be handed to her
personal assistant. A few hours later, I
advised Advocate Johnson that I had
received the dockets, a copy was made,
and the original placed in an envelope

given to her personal assistant. I told her that I would peruse all the sections and prepare a report to her. The request for the dockets was yet another matter that did not sit well with me. We usually request certified copies of the dockets and the originals are retained by whomever the request is addressed to. In this instance, I was asked to request for
10 the original dockets, which is evident from the letter to Major General Khumalo.”

Before I deal with my report, I must address the issue of the letter to Major General Khumalo. Advocate Johnson testified that we sent the letter requesting the dockets to Major General Khumalo and that he had indicated that the dockets were not with him or were not his. As stated above, the letter was never sent to Major General Khumalo and Advocate Johnson knew that because she told me to shred the letter. Advocate Johnson told me that the letter had
20 been changed and addressed to General Sentumule.

CHAIRPERSON: Sorry, I may have misunderstood. Was the one that you had to shred not the one that was to go to Lieutenant General Jacobs?

MS RAMSAMY: No, Chair. The instruction on the 6th was to draft to Lieutenant General Mbuso Khumalo. That letter

was in the envelope that was sealed, marked by hand. That letter was never sent. So when I got to the office on the 9th, that letter was handed in a sealed, almost like an exhibit bag letter, a document thing, and handed to me by Innocent, because obviously Raphesu had to go and fetch the dockets. Raphesu, he had not come to the office with regards to collecting the letter or anything, but he will explain what his actions were.

He called me and stated they want the letter
10 changed from Khumalo to Jacobs. I then contacted Advocate Johnson. Remember, I am not the signatory of the letter, so I am informing her that the person it is addressed to needs to be changed to Jacobs. She says not to worry, shred the letter because they have already contacted Sentumule. I apologise for not using the titles for Lieutenants.

CHAIRPERSON: Okay, all right. It was a reference to Jacobs at a time when you were talking about a letter that was to have gone to him, that you then talked about the
20 shredding and the thought, ja, the shredding related to Lieutenant General Jacobs. No, thank you, thank you.

MS RAMSAMY: Sorry, sorry, Chair. I will read slower but louder.

ADV SEGEELS-NCUBE: That is at page 113 where you say:

“Morning Advocate Johnson, the letter that was sealed for Khumalo has to be changed to Lieutenant General Jacobs.”

So at that stage it is still to General Khumalo. You are telling her it has to be changed.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And she then says shred. It is not going to Jacobs, shred the letter, which the only letter then is to General Khumalo at that stage in the sealed bag.

10 **MS RAMSAMY**: Correct.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: Is there a particular reason why you, the process you describe about getting dockets, that you make copies, you get certified copies and leave the original with its owners, the agency that owns the docket, is there a particular reason for that?

MS RAMSAMY: If I may just put it in a simple example. Centurion police station is the owner of that docket. Villieria police station is the owner of that docket. The
20 tracking of those dockets are done on the CAS-ing system. If Villieria is asking for Centurion dockets, it must be transferred to Villieria. On the face of the brown copy of the docket, it would be scratched off Centurion, put Villieria. Villieria will have to re-CAS it, so that it can be tracked for safety reasons.

We all know dockets go missing, get bought, destroyed. So that is the reason. We do not have a CAS-ing system at IDAC. Also with the other 27 referrals that I discussed earlier that I attended to in 2023, there was a reference to another docket. We did not call for the physical docket in its original state, we called for a copy. That copy comes with the front certified. For me, it was a situation of what are we going to do with these? Are we now taking these dockets? Are they going to be CAS'd on one of our investigators? If the system shows, it is still not CAS'd on one of our investigators.

ADV BALOYI SC: It is not?

MS RAMSAMY: As far as my involvement in it, it would only be Lushaba that was now recently in June, the 12th of June.

ADV BALOYI SC: Yes.

MS RAMSAMY: But I will deal with that aspect and I speak about the movement and the changing of the CASEs because it comes up later as well with the Lushaba matter.

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

ADV SEGEELS-NCUBE: Thank you, Commissioners. I am going to move on to a next topic, Chair, but I see it is three minutes to one. If maybe it would be a convenient time to take the adjournment now because that deals with the docket report, which is going to be lengthy.

CHAIRPERSON: Let us adjourn and resume at 2 p.m.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. Ms Ramsamy, can you put on your – thank you. Just before the adjournment we had dealt with paragraph 59 of your statement on page 25. We were moving on to your docket summary report. So we can start at paragraph 60 on page
10 25, but I just want to confirm from you that on the 9th of December when you received the dockets whether the dockets that we have in the bundle, file 10, are the dockets that you had received and whether they were only the Villeria and Orlando or whether you had received others as well. So if we can go to page 117 of file 10, and I think it goes all the way to page 160.

MS RAMSAMY: 117?

ADV SEGEELS-NCUBE: Yes, 117. If you could just have a look at whether those were, I think they are because of
20 how you described the dockets in your docket summary report, but I just want you to confirm.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay, so if we can then go to your statement at paragraph 60 on page 25, you can start there.

MS RAMSAMY: Paragraph 60:

“On the 9th of December 2024, we received the dockets.”

61:

“I then proceeded to prepare a docket summary report. This is a report setting out my assessment of the evidence contained in the dockets and whether the evidence revealed a *prima facie* case of the allegations contained in the section 27 referral affidavit.”

10

Paragraph 62:

“I sent the docket summary report to Advocate Johnson on the morning of the 10th of December 2024.”

ADV SEGEELS-NCUBE: Before you proceed, can we just identify the document summary report if you go to page 163 of file 10? Are you there?

MS RAMSAMY: Correct, it is the correct report. It starts at 163 and ends at 165.

20

ADV SEGEELS-NCUBE: Okay, and how we are to understand it is that you had your deal with the dockets that were referenced in the section 27 referral affidavit.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And did you receive the Cape

Town dockets as well?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. Now, what I propose we do is we go through your report and then we can go back into your statement. So if we can go to the report at 163, I will then indicate on the docket which dockets we are dealing with when you go through your report. So the first one is 403. You can go through that and in that docket should be at page 146 to 154 of the bundle, if you can just
10 confirm that.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay, so let us go to the report at 163 and you can just read for us from number 1. You do not need to read the case number, but we know it is 403.

MS RAMSAMY: I marked the report confidential. It is titled "Docket Report". Number one is 403, alleged offences, corruption and defeating the ends of justice. Docket content. A clip. One statement. A1, F Adams. Allegations that a polygraph test was failed in July 2024 by
20 Major General Modondo who had two cases of tax evasion and that the head of vetting, Brigadier Ncube, was tasked to ensure that no investigation ensued. This statement is vague, does not indicate where the allegations emerged from, nor what evidence is at hand to substantiate same. B clip has an information note to the Provincial Commissioner,

Lieutenant General Mthombeni.

ADV SEGEELS-NCUBE: Before you proceed, can I just ask you what is a B clip?

MS RAMSAMY: A docket is made up of, when it opens up, there is three parts to it. So the A clip is where the statements are filed. The B clip is generally correspondence between the prosecutor, the attorney, maybe LCRC, or it also has, you would find stapled in there the receipts if exhibits are handed in or taken for testing, and you will
10 have a lab receipt. So that is where we note, or as prosecutors and police officers, we would see what is transpiring or whether this has been done, what communication has been filed. The C clip is a diary. It is supposed to be communication between the Commander, the investigating officer, or the person allocated to the docket, and then later on it becomes communication between the prosecutor and the investigating officer, or the commander of the investigating officer. But that is A clip, B clip, and C clip.

20 **ADV SEGEELS-NCUBE:** Okay. And then, so you were going to say something when I asked you about the B clip when you were reading about the information note.

MS RAMSAMY: Okay. With regards to the information note, I do not summarize it here, but in essence, because the dockets had already been in Advocate Johnson office

and we had discussed also later on with regards to the information note, I just want to place on record that the information notes of address to provincial Commissioner state the same thing that I am saying, there is nothing in the docket. There is an A1 and unsubstantiated allegations.

ADV KHUMALO SC: The words in italics, is that you expressing your view about the contents of the docket?

MS RAMSAMY: If I must be honest, Commissioner Khumalo, it is me expressing my irritation.

10 **ADV SEGEELS-NCUBE:** Why were you irritated?

MS RAMSAMY: We have a 27. We have a 28(13). We now have dockets. I have never in my life, and I have been in NPA, and prior to that I was with Legal Aid, I have seen statements. To me, it looked like someone just went and scribbled, just, you know, threw things in, which is then explained in the body of my email to Advocate Johnson when I sent the report.

ADV KHUMALO SC: And just to be clear, the statement you are referring to is the statement of the complainant in
20 the docket?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: That would be the A1. And the information note is the document at page 151, if you can go to 151 of file 10.

MS RAMSAMY: Yes, correct, this is the information note.

ADV SEGEELS-NCUBE: And so that was in the docket when you got it on the 9th?

MS RAMSAMY: It was in every docket that I received, yes.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: This information note is not an IDAC document.

MS RAMSAMY: No, Commissioner, it is not. It is the, my understanding of this is that when these allegations were made against high-ranking officials within SAPS, the
10 instruction was that the Provincial Commissioner is to get weekly or monthly updates. Mr Raphesu will speak to that because he was the one that collected the dockets and he was told with regards to that.

ADV SEGEELS-NCUBE: Okay, so then we can go back to your report.

MS RAMSAMY: C-Clip, one entry upon opening the docket. So the entry in the C-Clip is what is generally termed the opening entry on a C-Clip. Generally, it would be the date, time of the opening and the A1 being obtained,
20 the contact details of the A1, just so that it is not on the A1. Also, if there is potential witnesses that the A1 or the person, the complainant has, it would be noted there, and a brief summary of the A1 allegations.

ADV SEGEELS-NCUBE: Okay, the next one, which is 404, Villeria, and it is on page 163, and the docket is at page

136 to 145, if you could just confirm.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And those information notes were identical in each docket because it dealt with all the cases, correct, in one information note?

MS RAMSAMY: Yes.

ADV SEGEELS-NCUBE: Okay. So you can then go to your report at 163.

MS RAMSAMY: -:

10 “404, alleged offences, corruption and defeating the ends of justice. A-Clip, one statement. A1, F Adams, alleges that he has sensitive information relating to the abuse of funds from the Secret Service account that contravenes PFMA. Further, that the docket CAS 38 ...”

I will not repeat, or we will continue with that.

20 “... in which General Lushaba was the complainant, in which Lieutenant General Khumalo, the Divisional Head of Crime Intelligence, facilitated the act of defeating. Further, allegations of nepotism, placing persons and family members in strategic key positions that affect service delivery.”

I make the same statement in italics.

“This statement is vague, does not indicate where the allegations emerged from, nor what evidence is at hand to substantiate same.

B-Clip, it has the information now to the Provincial Commissioner.”

And the C-Clip again:

“One entry.”

10 **ADV SEGEELS-NCUBE**: And then the third one, which is 405, that docket is at page 117 to 125, if you can just confirm.

MS RAMSAMY: Confirm.

ADV SEGEELS-NCUBE: Okay, and then you can deal with your report at 164.

MS RAMSAMY: Thank you.

20 “Alleged offences, corruption, A-Clip, A1, alleges major abuse of power of the Secret Service account by Lieutenant General Khumalo, Divisional Com of CI, together with Major General Lushaba, the CFO of CI, funds being channelled into the KZN Political Task Team, which is a front for the former Minister, Mr Cele. Purchases of vehicles through this fund

allegedly bought for the Task Team, but
used for the former Minister's activities.”

I state in italics again:

“This statement is vague, does not
indicate where the allegations emerged
from, nor what evidence is at hand to
substantiate same.

B-Clip has an information note to
Provincial Commissioner.”

10 And the C-Clip:

“One entry upon opening of docket.”

ADV SEGEELS-NCUBE: Now then, you deal at number 4
with the Cape Town dockets, and you say:

“Respectively are the first dockets
opened and have the same information
as above.”

Where did you get that information from, from the
bundle?

MS RAMSAMY: Yes.

20 **ADV SEGEELS-NCUBE**: Okay, and then:

“Villeria 38 has been perused and will be
relevant for evidence purposes.”

You do not summarize the A1 or deal with that. Do
you see that?

MS RAMSAMY: The 38 was not one of the dockets that

was referred by Adams. The 38 was what we would term an exhibit in the sense that the claim was that that docket was not properly investigated.

ADV SEGEELS-NCUBE: Okay, and which docket was not properly investigated, that one itself?

MS RAMSAMY: That 38.

ADV SEGEELS-NCUBE: Okay.

MS RAMSAMY: And that one was opened already in 2024.

ADV SEGEELS-NCUBE: 22.

10 **MS RAMSAMY**: 22, sorry, 22.

ADV SEGEELS-NCUBE: Yes.

MS RAMSAMY: Yes. My mother is not going to be happy with my dyslexia after this.

ADV SEGEELS-NCUBE: Ja, okay. Now you say the investigation into this matter is poor and disturbing, the offence of theft.

MS RAMSAMY: Yes, I had, as I had done with all the other dockets, I had thoroughly perused A-Clip, B-Clip, and C-Clip. I found discrepancies, but I am not an investigating
20 officer. My discrepancies were based as a prosecutor on the, I also realized that very little effort had gone into that docket and had it come to me for a decision, I probably would have put a very nasty diary entry to the Commander as to why it was done so, for lack of a better word, sloppy.

ADV KHUMALO SC: I may have missed it. Did you, I see

it is on 161, but did you place it on record, the date of the summary?

ADV SEGEELS-NCUBE: We are getting back to it as to when it was sent and, because there is a WhatsApp before that that precedes the sending of the document.

ADV KHUMALO SC: Thank you.

ADV SEGEELS-NCUBE: Thank you. So that, and then if we can just finish off with the report, you then have six instructions to investigators. So this is going to, is it
10 primarily addressed to the investigators, or is it primarily addressed to Advocate Johnson and the investigators are copied in? How do you ...[incomplete].

MS RAMSAMY: Advocate Johnson had not asked for this report. No one had asked me for this report. I, upon receiving the dockets, felt compelled to do this report because of my gut instinct and whatever happened on the 6th. And then when I received the dockets itself, it needed to be reported in a manner that we as prosecutors would report dockets. When you give an evidence report, it is
20 generally to a senior to make a decision because you are not finding what you are supposed to, or they think you are supposed to be finding, or what the SAPS thinks you are supposed to be finding, or the complainant thinks you are supposed to be finding. So, but my instructions to the investigators were based on my unease and the lack of

substantiation in the docket itself.

ADV SEGEELS-NCUBE: Okay, can you just take us through your instructions to the investigators?

MS RAMSAMY: -:

“Instructions to investigators. If Adams is to be consulted, full and detailed draft affidavits to be obtained before prosecution plan can be discussed. One of the two prosecutors must be present
10 when this consultation takes place.”

You will also note that I am trying to now involve the DD that is allocated on paper, because I am working on my own under the, I am going to do this, supervision of Advocate Johnson. So, by saying that, I am saying one of us, either the DD or myself, need to be present when this consultation takes place.

ADV SEGEELS-NCUBE: Okay, continue.

MS RAMSAMY: -:

“All information, documentation, and
20 witness names, et cetera, to be contained in the affidavit draft from F Adams.”

ADV SEGEELS-NCUBE: So you want the evidence.

MS RAMSAMY: Correct. He is saying that he has proof. He is saying that someone slotted things under his door.

He is opening dockets, but he only makes vague allegations and then props up a name here and there, and then you do not know what is happening exactly. So I wanted a full and detailed draft report or affidavit from him. And he misadvise us, okay, this is a witness that I know will come forward, or this is a possible witness, and this is the evidence that I have.

ADV SEGEELS-NCUBE: Can I just ask you before you continue, why did you not at this stage say to Advocate
10 Johnson that that section 28(13) that you had asked me to apply for, to do the application for, on the 5th, I have now looked at the docket. I was uneasy before then, I am even more so now because, in fact, the evidence that he says is contained in these dockets, it is not there. I do not see anything, so I do not think we should continue with the 28(13).

MS RAMSAMY: That was one of the reasons I did the report and the WhatsApp's will show that I request that I send it to her before I send it to the rest of the team. My
20 intention was to discuss it with her and to discuss my concerns on that day. However, the preceding messages that will be shown to the Commission will then illustrate why that conversation never took place. It did, however, take place later on.

ADV SEGEELS-NCUBE: Which is that? Which does

...[intervenes].

MS RAMSAMY: Sorry?

ADV SEGEELS-NCUBE: You say it did take place later.

MS RAMSAMY: The conversation between myself and Advocate Johnson did take place in January about my concerns.

ADV SEGEELS-NCUBE: Okay. And then just before we, okay, I think you should finalize or finish off with the instructions, and then we will go back to what you say in
10 this report and then what was in the 28(13).

MS RAMSAMY: -:

“Prosecutors to be informed before any
interview consultation to take place with
any person relating to this matter.”

May I explain why I put this in? There was so much of speed and so much of need to get going where the prosecutor is not even ready to say, let us set down a plan of action, how are we going to ring fence? What, and Mr Perumal was on this whole mission of, we need to do this,
20 we need to do that, we need to contact this person, we need 28's for this, we need 28's for that, we need the files for the vetting. But I am saying there is no substance. I do not have anything to even draft a prosecution plan. So my instruction is very clear, nothing is to be done without my knowledge.

ADV BALOYI SC: Would a prosecution plan proceed ordinarily? Would a prosecution plan proceed the kind of activity that you say Mr Perumal was involved with, demanding or ...[intervenes].

MS RAMSAMY: Correct.

ADV BALOYI SC: Requiring this and that statements being taken. That would be led by the prosecution plan?

MS RAMSAMY: Correct.

ADV BALOYI SC: Thank you.

10 **ADV SEGEELS-NCUBE:** Okay, and number 4?

MS RAMSAMY: Number 4 is:

“No Section 28 is to be issued or served without the prosecutor perusing same and then submitting to the Head of office for signature.”

ADV SEGEELS-NCUBE: What do you mean by section 28?

MS RAMSAMY: Section 28(6) or (7) for information or for persons to be consulted with or interviewed ...[intervenes].

ADV SEGEELS-NCUBE: Summoned.

20 **MS RAMSAMY:** Or summoned to be interviewed or for any documentation books or anything listed in Section 28(6) and (7) to be done.

ADV SEGEELS-NCUBE: And why did you put that in?

MS RAMSAMY: Because of the way Mr Perumal was insisting this, this, this. It was brief conversations that he

would phone me and say, hey, hey, we need to do this, we need to do this, or hey, hey, hey, we need to start moving with this matter. I was also going on leave. So, and I am going to repeat it, and I know it is going to sound like I am repeating it *ad nauseum*, but my gut was not feeling comfortable compared to the 27 I had done in 2023 versus this.

ADV SEGEELS-NCUBE: And at that stage there is no evidence, so ...[incomplete].

10 **MS RAMSAMY:** There is nothing, there is no evidence. What do you 28 if there is no evidence? What evidence are you, are you going on a fishing expedition?

ADV SEGEELS-NCUBE: Okay, and then you say:

“Please note that there are 5 CAS numbers allocated. Once draft is obtained, the team can discuss the way forward.”

This is the draft affidavit. Now, can I just understand why you were asking for a draft affidavit, 20 because you have the section 27. What is the status of the section 27 in the investigation? In the 28(13) investigation, what do you call the section 27 referral affidavit?

MS RAMSAMY: My understanding is that the 27 is supposed to be your A1.

ADV SEGEELS-NCUBE: Is supposed to be your A1?

MS RAMSAMY: A1.

ADV SEGEELS-NCUBE: Okay.

MS RAMSAMY: It is a complaint received, but that is my understanding. It is not implemented within IDAC. My understanding is, if you are filing an affidavit with allegations, that is your A1. That is your complaint statement.

ADV KHUMALO SC: Can it be supplemented?

MS RAMSAMY: Yes, it should be supplemented if needs
10 be. But it cannot be a standalone affidavit, and from there, investigations flow in a different direction, or, not different direction, but investigations flow where we are taking now new A1's. But I was told that, this was told to me in 2023. I was shut down with this. When I was dealing with that specific 27 in 2023, I held the same view that the referral affidavit needs to be the A1 in the dockets. I was told that is incorrect and it is not going to happen that way.

ADV SEGEELS-NCUBE: So, once the investigation has been authorized under 28(13), was the process then that
20 you have to then obtain a new affidavit?

MS RAMSAMY: No. With the previous, the 2023, I am just going to refer to it as the 2023 referral, that complainant had come with a letter and a statement, an uncommissioned statement. When the matter progressed before myself and the other prosecutor got involved, the legal representative

of that referral submitted a very extensive formal affidavit, and that is in the docket. So, we received two different, how do I explain this? So, it would have been like this. We had the first where she, initially it was just a statement that she signed, and then we had the affidavit referral in 2023.

ADV SEGEELS-NCUBE: Okay, but that I suppose is different because in this instance with Mr Adams, you have an affidavit. The section requires that it be either an affidavit or it be a declaration. So, in this instance, you do
10 have the affidavit from him, but in your docket report, you are saying we must get a draft affidavit from him.

MS RAMSAMY: But a draft supplementary.

ADV SEGEELS-NCUBE: Oh, okay. So, what you are intending is that it must be ...[intervenes].

MS RAMSAMY: [Indistinct]... [cross-talking].

ADV SEGEELS-NCUBE: Okay.

MS RAMSAMY: Because also, you must also remember now, I am in possession of original dockets where A1's are already existing. So, you can never have an A1 and then
20 take another A1 and then take a supplementary. It is an A1 and a supplementary or an A2 and a supplementary.

ADV SEGEELS-NCUBE: Okay. And the purpose of this affidavit that you were saying now needs to, because you say, if Adams to be consulted, full and detailed draft affidavit to be obtained, you put draft in bold and what is

the purpose of that? So, you are not wanting a complete document from him. You as the prosecutorial team with the investigators want to sit with him and take a statement from him and that is now part of the preparatory investigation, which is the 28(13).

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Is that how the process works and is supposed to work?

MS RAMSAMY: Which process?

10 **ADV SEGEELS-NCUBE**: Well, the process ...[intervenes].

MS RAMSAMY: No, it is not supposed to be like that. But it is generally in IDAC space at the moment that people or prosecutors get draft affidavits. When most prosecutors prefer the draft only if the investigating officer is suggesting that this person is a 204, then it would be a draft. But we generally, because we are prosecution led, if the investigator says he needs to consult with you and he goes to you, I will constantly be updated about what is in the draft. They will either send me WhatsApp pictures. They
20 will email me the draft. I will read. I will say, okay, but this witness is indicating that Mr X has in his possession emails. Has it been canvassed? Or it would be the deponent is saying, in 2024, I was in Limpopo and, you know, whereas we have proof that he was in fact in Dubai, and I would then ask, has this been canvassed, why is he saying this?

ADV SEGEELS-NCUBE: Okay, so you are, when this affidavit is being prepared for Mr Adams, you are trying to gather evidence ...[intervenes].

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: To see whether there is a case, a *prima facie* case, but you are also in that process preparing an affidavit for him as the prosecutors.

MS RAMSAMY: It is supposed to be that way, yes.

ADV SEGEELS-NCUBE: Okay.

10 **MS RAMSAMY:** Because of the prosecution led guidelines.

ADV SEGEELS-NCUBE: And assume that if you meet with him and he gives you all the documents and you are now convinced that, well, there is a case here, you then assist him in preparing that statement for him as the prosecutors.

MS RAMSAMY: I would not assist. I would be present.

ADV SEGEELS-NCUBE: Okay.

MS RAMSAMY: The reason I would be present is that I would be able to assist the investigating officers and the witness with regards to the structuring of the affidavit.

20 **ADV SEGEELS-NCUBE:** Which is what happens later on in January with supplementaries.

MS RAMSAMY: The prosecutor is not allowed to become a witness in their own matter.

ADV SEGEELS-NCUBE: Yes, that is what I was trying to understand. So when you give the instruction to the

investigators, you are removing yourself as being potentially a witness, but you are still consulting with the witness when that statement is being prepared or being taken. It is just that it is the investigator that is doing the drafting and that. Okay.

MS RAMSAMY: Can I put it to you in a different way, in an easier way?

ADV SEGEELS-NCUBE: Ja.

MS RAMSAMY: Because of section 28, prosecutors are
10 allowed to consult with witnesses, right. My previous DD who has retired, Deputy Director, he always said to me, because he comes from DSO, never consult with a witness where you do not have a statement, at least a draft, because you are walking in blind and you are going to be a witness. So if you are going to consult with a witness, ensure that you have a draft in front of you, you know what you are going to question and how you are going to assist the investigators. So that is what I was trying to say.

ADV SEGEELS-NCUBE: Okay. So as part of that process,
20 you say that Adams is consulted and then one of the two prosecutors to be present when that consultation takes place. So you want the draft statement before you prepare your prosecutorial plan.

MS RAMSAMY: If there is ever going to be a plan, because my thinking was when we go for these

supplementaries, because now we have got dockets and we are instructed to investigate these dockets, when we go for the supplementaries, obviously he is now saying, and he has publicly said it, I have got documents, they were slotted under my door. Obviously in those documents, it might actually substantiate, and to an extent, some of them did. I am not going to lie. Some of the documents that I saw on the 19th of December did substantiate.

ADV SEGEELS-NCUBE: Substantiate what was contained
10 in the A1's of the dockets ...[intervenes].

MS RAMSAMY: A1's.

ADV SEGEELS-NCUBE: Not the section 27 affidavit that we have seen, or ...[intervenes].

MS RAMSAMY: Some of, no, not the one that you have seen, no.

ADV SEGEELS-NCUBE: Okay.

MS RAMSAMY: Because, am I allowed to speak about the forklift?

ADV SEGEELS-NCUBE: The forklift?

20 **CHAIRPERSON**: Yes, yes, no, ja.

MS RAMSAMY: One of the issues that I picked up here of the one that was flighted, is there is no mention of a forklift at all, but Mr Raphesu will confirm that we received, we just had to trace it, Langlaagte docket for a forklift, and it was in the 27 referral. And the supplementaries that we took was

one of them for the forklift and the first three witnesses that were identified were from the forklift documents.

ADV SEGEELS-NCUBE: Okay, your point being that if there was not mention of the forklift, why were you going down that rabbit hole of investigating the forklift?

MS RAMSAMY: [Indistinct]... [cross-talking] ja, it was multiple consultations.

ADV BALOYI SC: Can I just ask, relating to this, the, what informed, what, is there a guideline or what informs what
10 goes into this draft affidavit that you are getting? And it is related to what you have just spoken to now, which is you have a section 27 affidavit.

MS RAMSAMY: Correct.

ADV BALOYI SC: And then you get the, so the one that was flighted here, I want to use it as an example. And then you get the Raphesu, Mr Raphesu supplementary affidavit that speaks about the PKTT when the section 27 that supposedly is the basis for the investigation says nothing about the PKTT. On the face of it, it looks like Mr Raphesu
20 would have sat down and suggested to the witness that you are not saying anything about the PKTT. Let us talk about the PKTT without it being, I am saying on the face of it, without it being founded on the section 27.

And I guess my question is, what is there that avoids suggesting things to witnesses or in a statement to

avoid and to prevent, in fact, investigators imposing what they really would like to be in a statement, which the witness may not have been interested in. But it seems to have happened in your cases that we are concerned about, that investigators had their own stories that they wanted to tell and that they wanted to be investigated and they went to a witness and said, give me something that deals with this.

MS RAMSAMY: Generally, I would assume it is ethics and
10 morals that would guide someone that, ethics and morals that would guide someone not to do that. As we can see, it is not done that way. But generally, certain investigators and certain prosecutors do not work in isolation. I personally, since the 1st of March 2023, have never gone to a consultation without at least two investigating officers or another prosecutor and myself. It just, it is the safety net.

So, in some groups they do and some groups they do not, but with the team that I worked with, it was never a prosecutor or an investigator going on his own. But I will
20 qualify that with the fact that you must also know that if you have two investigators that have the same agenda going to that witness, which is one of the complaints that I do make to Advocate Johnson, and it is in an email, where people were being, prosecutors and other investigators were being excluded and things were being done in a certain way and

statements were taken in such a manner that it does not even give you an offence.

ADV BALOYI SC: I guess what I am asking is, and it is part of a debate that was had with Ms Johnson, about what section 28(13) permits to be done, because you look at a referral, it does not speak to anything that you now find in an affidavit, and I think her answer about those kind of concerns, and I paraphrase how it would have been raised with her, her answer would have been along the lines that
10 when we investigate and the stuff comes up, it may not have been in the section 27, which is silent about a particular topic, but when we now, you know, as we do investigations under 28(13), then we end up, you know, finding the stuff, and that becomes justification for why, you know, you have matter that looks like you went outside the parameters of your affidavit.

MS RAMSAMY: If I may give a practical example of, remember I did the 23, or 27 in July. So between 1st of March and April, ja, I was given what we call alphabet soup.
20 So we have attached acronyms because the companies, or whatever, just to shorten it, that we were investigating. And in, I think it was towards the end of March, I had discovered that there is a link from a project that is already authorized to another docket that is within the DPCI space. It is also investigated by the DPCI that has been seconded to IDAC,

but the link and the suspects are glaring. And I approached the project manager as to what do we do now, because some of the accused or identified suspects are on the 28 that is already authorized. Some are not, and the scope in which the, or the parameters, the legislation, that some of the legislation that is applicable to that offence is not covered in the initial 28.

She said to me that we would have to do a new 28. So I said, no, but why? Why would we need to, why can we
10 not do an addendum, because an addendum is contractually binding, and it would make sense because we discovered it during the course of, and so there was a meeting that was set up with Advocate Johnson and we asked her, should we do another new 28? So then I asked, but can I not do an addendum and she said it was fine. The addendum was drafted and it was attached and filed to the original 28. And that is the process we followed with three other of my matters.

ADV BALOYI SC: So that addendum would be a
20 foundation and an explanation how you end up with these new other people that were not in the original. Thank you.

ADV SEGEELS-NCUBE: But in this instance, if the section 27 affidavit that you saw did not have the allegations contained that you see in some of the A1's in the dockets, what do you do then if the decision is then made that, well,

even though it is not in the section 27 affidavit, because it is in the dockets that have been referred, we should still investigate it, what would the process then be?

MS RAMSAMY: I would have still asked to do an addendum, but because in my 28(13), and I am standing by it, the original 27 had PKTT and Slush Fund and polygraph, that 28(13) stood. However, my concerns were about what substantiated it. We now, you have got resources. I have got interlocutories, I have got high court applications, I
10 have got child matters to be attended to and I am dealing with something that does not have substantiation.

ADV SEGEELS-NCUBE: And in your 28(13), you do not mention the PKTT.

MS RAMSAMY: I was told specifically not to mention PKTT.

ADV SEGEELS-NCUBE: Was that in the – okay, so let us just step back. So you do the 28(13) on the 6th. At that stage already, you did not mention PKTT. Was that a specific instruction or was it to keep the 28(13) vague?

20 **MS RAMSAMY:** It was to keep the, I was, in the 28(13), I was not allowed to mention detail. I was told keep it vague.

ADV SEGEELS-NCUBE: Okay, so even though, okay, that makes more sense. I just wanted to confirm that it was not, as you said earlier, a specific instruction not to mention the PKTT, it was not the detail of the allegations in the 27. It is

like how you would just say this is what there was.

MS RAMSAMY: If I may explain why I understood what keep it vague meant.

ADV SEGEELS-NCUBE: Can you do it with reference to the actual 28(13). Maybe we should do that on page 107, because you do not mention any names or specifics. So at 1.2, for example, you say:

“The office received a complaint in terms of 27 in November.”

10

1.3:

“Allegations levelled against senior members of SAPS; allegations regarding the appointments of various high-profile officials; unlawful actions regarding the vetting and polygraph testing perpetuated by officials of Crime Intelligence.”

But you say in the section 27 that you saw, names were mentioned.

MS RAMSAMY: Correct.

20 **ADV SEGEELS-NCUBE:** But not all the names that you were given by Advocate Johnson to be suspects.

MS RAMSAMY: If I can just explain.

ADV SEGEELS-NCUBE: Please.

MS RAMSAMY: The practical reason why maybe even Advocate Johnson said keep it vague and she knew I would

understand. When we were dealing with the 27 in 2023, the names of the individuals in that investigation were so high-ranking, and so high-ranking, let us keep it at that, that we kept our documents vague, even our reports and all of that, until the investigation was completed. We would hand-deliver progress reports. Information leaks.

ADV SEGEELS-NCUBE: Okay, so I can understand that because when we looked at the, which Commissioner Baloyi mentioned, the consideration of mandate document, for
10 example, does not really give you any detail. It is very scant. So I can understand that you would want to keep that vague, right, the 28(13). But here we are talking about, so there is a mention about the PKTT. Where would one then find in your vague 28(13), where do we slot PKTT in between 1.3 to 1.7?

MS RAMSAMY: Fraud and corruption pertaining to awarding of tenders and or contracts within SAPS and or circumventing of procurement processes, because remember, it is the purchase of the properties, it is the
20 forklift and it is the use of the SSA fund for laundry and those things.

ADV SEGEELS-NCUBE: Okay. And the 20, this was not your, I mean, you have done a 28(13) before, in respect of the previous 27 referral and, but have you only done two 28(13)s or, before this?

MS RAMSAMY: No, I have done multiple 28(13)'s.

ADV SEGEELS-NCUBE: Okay.

MS RAMSAMY: Most of them are as vague as this.

ADV SEGEELS-NCUBE: Okay. And that is intentional or is it always on a case-by-case basis that she gives that, that the instruction is given to keep it vague?

MS RAMSAMY: This time she said keep it vague, and I am assuming that she understood, or she knew that I would understand because of the matter. But our 28(13)'s are not,
10 we do not, we work, so we are different units, right. We have got the Eskom, the Transnet, the, I work in security cluster units. It is the Zondo recommendations for the security cluster.

ADV SEGEELS-NCUBE: Yes.

MS RAMSAMY: It is high-ranking Crime Intelligence, high-ranking SAPS, high-ranking political individuals that were alleged to have fleeted money from SAPS and SSA. So we generally keep it vague like this.

ADV SEGEELS-NCUBE: Okay. And then can we, are you
20 covered?

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: We can go then to the email. I think it is first the WhatsApp message that you send to Advocate Johnson on page 161 of, firstly, we will first deal with the WhatsApp, which is on 116 of file 10.

MS RAMSAMY: Are you going to flag the whole thing?

ADV SEGEELS-NCUBE: We are just going to deal with the:

“Good Morning, Advocate Johnson. I have prepared the summary and preliminary instructions for the team. May I email them to you for your guidance before sending to the team?”

That is at 10:50 on the 10th.

10 **MS RAMSAMY:** Ja.

ADV SEGEELS-NCUBE: And she says:

“Yes, please.”

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Which you then do if we go to, still in that same file, we go to page 161, the bottom of 161 at 10:57.

MS RAMSAMY: -:

“Good day. IDAC docket summary.

20 Good day, Advocate Johnson, for your perusal and guidance.”

ADV SEGEELS-NCUBE: Okay. And she does, Advocate Johnson, then later responds to that. But can we just deal with, at that stage, I think there is an acknowledgement if we go to 167 of the document, file 10, at the middle of the page ...[intervenes].

MS RAMSAMY: 16?

ADV SEGEELS-NCUBE: Page 166, my apologies.

MS RAMSAMY: -:

10 “From Advocate Johnson, Tuesday, 10
December 2024, 11:05. To Drushantha
Ramasamy, Dylan Perumal. Re IDAC
docket summary. Dru, noted. Thank
you. Please run this by Chief. He had
interviewed the complainant. It would
help if he was able to peruse the
document and then indicate if he thinks
the complainant will have access to the
details we require.”

ADV SEGEELS-NCUBE: And that is in response to what is
set out in your docket summary because your email to
Advocate Johnson just says for your perusal and guidance.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: So she is responding to what is
contained in the docket summary.

20 **MS RAMSAMY:** Correct.

ADV SEGEELS-NCUBE: To say you must run this by the
Chief. So what is it that you are running by him, the
requirement to get the, or the instruction to get the draft
affidavit and the documentation, I am assuming?

MS RAMSAMY: It would be the documentation because I

remember having a conversation.

ADV SEGEELS-NCUBE: I think we get to that later where he responds, yes.

MS RAMSAMY: Ja.

ADV SEGEELS-NCUBE: But that is later in the day because there was a lot going on.

MS RAMSAMY: There was a lot going on, but he indicated that, yes, they have seen the documents that is in Fadiel, or Mr Adams' possession, and a lot of my concerns will be
10 calmed.

ADV SEGEELS-NCUBE: Okay. Then I think we have at, then back to the WhatsApp's from Advocate Johnson at page 116, file 10. So we know that she acknowledged your summary report, and then she, that was in the email at 11:05. You do not really have any discussions with her during that day.

MS RAMSAMY: [Indistinct]... [cross-talking].

ADV SEGEELS-NCUBE: She sends you a WhatsApp at 16:03, which starts with the one just below "yes, please".
20 You can read that and then take us from there.

MS RAMSAMY: -:

"Dru, speak to Chief. I need you guys to urgently subpoena Lushaba's bank accounts before they move money from the date he was acting as DivCom to

date.”

ADV SEGEELS-NCUBE: Okay, let us just pause there. So at this stage, we know that you have sent the summary, and in that summary, docket summary report, you are saying that no section 28’s are to be issued without your perusal.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Do you know whether Advocate Johnson and Mr Perumal had had any conversations during that day before she sends this WhatsApp to you?

10 **MS RAMSAMY**: It is evident from “Dru, speak to Chief”, because when I called the Chief, he indicated that Advocate Johnson received information that there was R50 million worth, or R50 million of SSA money, Secret Service Account money, that was being moved out of Lushaba's account. I apologize for not using titles again.

ADV SEGEELS-NCUBE: Okay, but that is when you then call him after she sends this message.

MS RAMSAMY: Correct.

20 **ADV SEGEELS-NCUBE**: She does not, she is just telling you to speak to Chief. And at this stage, Chief has not yet, which is Mr Perumal, he has not responded to your email where you have dealt with the docket summary ...[intervenes].

MS RAMSAMY: No.

ADV SEGEELS-NCUBE: Because you sent it to both of

them. So you then, if we can go into your statement before we continue with what happens the rest of that day, paragraph 62 on page 26.

MS RAMSAMY: -:

10 “I sent the docket summary to Advocate Johnson on the morning of the 10th of December 2024. To summarize, I reported that there is no substantiation in the dockets for the allegations contained in the section 27 referral affidavit. Had the correct process been followed, I would have considered the dockets at the time when I prepared the section 28(13) application for authorization. In fact, it would have been preferable to have had the dockets since they were existing case dockets at the time when the consideration for the mandate memo was prepared, which I was not involved in.”

20 63:

 “In the 6 December 2024 meeting, Mr Perumal and Advocate Johnson indicated that the dockets are what was referred to IDAC in terms of section 27 referral and could only be collected after the

authorization. This did not make sense and was yet another red flag that caused my unease.”

ADV SEGEELS-NCUBE: Let me just understand what is being said there is that Mr Adams is referring in his section 27 referral affidavit to dockets and what Mr Perumal is saying is that you cannot have the dockets before the 28(13) is authorized, then you have authority to go and get the dockets.

10 **MS RAMSAMY:** What they are saying in essence is that Fadiel did not only make a referral to us, Mr Adams, I apologize, did not only make a referral, but he referred those existing dockets to IDAC. I did not understand it that way.

ADV SEGEELS-NCUBE: Okay, so it was not just the section 27, it was to investigate the dockets as well. That is what he said.

MS RAMSAMY: But it did not read like that.

ADV SEGEELS-NCUBE: Okay. If we go to 64.

20 **MS RAMSAMY:** -:

“Since the section 27 referral affidavit referred to the dockets, I thought that what we would find in the dockets would be *prima facie* evidence of the allegations contained in the affidavit.”

It did not. In fact, it had no new details. Again, I need to digress before I continue with the chronology. The Commission will note from my docket summary report that the B-Clip to all the three dockets contained an information note from Major General Khumalo to Lieutenant General Mthombeni, the Gauteng Provincial Commissioner, wherein an assessment similar to mine on the merits of the dockets were made. Advocate Johnson would have had the benefit of that information note and my docket summary report as early as 10 December 2024.”

ADV SEGEELS-NCUBE: Okay, then we get to the premature summonses.

ADV BALOYI SC: Before you do that. Advocate Johnson gave the impression in so many words that she does not get involved in the minutiae of reading documents. It depends on, it works on briefings by investigators, I think largely, but by yourselves, that team, and so some of the things that are questionable that she was taken through to explain where did this come from, her answers would be, that is what my investigators told me. And yet here you say that she would have had the benefit of the information note as early as 10

December. Can you just explain how it worked?

MS RAMSAMY: I explained earlier in my affidavit, and I will elaborate now, Advocate Johnson said she was going to be the supervisor of this matter. She was the dictator of this matter. There was not a single move for the period that I was involved, right until 2025, September, there was not a single action that was done in the Medicare or the Crime Intelligence that Advocate Johnson did not know about. And it must also be noted that between Advocate Johnson
10 and Mr Perumal, they would talk to each other and update each other about everything and that is why I earlier said you could have a conversation with Advocate Johnson and make sense now, and 5 minutes after speaking to Perumal, she has completely changed her mind and we are now on the beat of what Mr Perumal wants. So her, was it Commissioner or Khumalo or Chair that said it is a lie?

ADV BALOYI SC: I am just glad it is not me. [Indistinct]... list.

CHAIRPERSON: But I ...[intervenes].

20 **MS RAMSAMY**: [Indistinct]... very badly victimized by, when I get back to the office, it is a lie. It is a straight lie. There is, I will demonstrate now, Chair ...[intervenes].

CHAIRPERSON: But I did say, of course, that we are yet to make a final conclusion on the issue, but you as a witness, you are entitled to say it is a lie if you consider it

to be a lie.

MS RAMSAMY: Am I allowed to say it is a big, fat lie?

ADV SEGEELS-NCUBE: No.

MS RAMSAMY: No. Okay, I retract. It is a lie. I am going to illustrate now, Chair, you are, and Commissioner, you are a bit ahead of us. We are about to show how Advocate Johnson ran the project and gave instructions.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Okay, so we are at the premature
10 summonses. That is 66 on page 27. We already looked at the WhatsApp, but you can read the paragraph.

MS RAMSAMY: I need to take a deep breath before I read this and we show the WhatsApp's.

ADV SEGEELS-NCUBE: Ja, I know, but take your time. It is fine. Are you fine?

MS RAMSAMY: I am fine.

ADV SEGEELS-NCUBE: Yes.

MS RAMSAMY: Okay.

ADV SEGEELS-NCUBE: I know this topic is not an easy
20 one, so take your time.

MS RAMSAMY: Thank you, Advocate.

“On the morning of the 10th of December 2024, three business days after the preparatory investigation was authorized, I sent Advocate Johnson a WhatsApp

message informing her that I had prepared a summary and a preliminary instruction for the team. I was not instructed to prepare this report. Be that as it may, I asked if I could email it to her for her guidance before sending it to the team. She said that I should, which I did. She did not get back to me on the docket summary until the email aspect, 10 which we will deal with. Instead, later that afternoon, Advocate Johnson told me to speak to Mr Perumal because she needed us to do urgent subpoenas on Major General Lushaba's bank accounts before they move money. She said it should be from the time he was acting as the Divisional Commissioner to date. This instruction confused me. I had just sent the docket summary report to her, 20 wherein I stated that there is basically no evidence to support the allegations in the section 27 referral affidavit. And importantly, I had given strict instructions that no section 28 summonses should be issued without me perusing them and

submitting to Advocate Johnson for signature. I was not sure if she read the report at the time when she had given this instruction.”

ADV SEGEELS-NCUBE: Well, I think let us just go back. You do not know whether she read, but she certainly responded to your email where you attached the report and said:

10 “Speak to Chief, because he spoke to the complainant and he will be able to tell us whether the complainant has the documentation.”

Your covering email to her did not give any detail of the docket summary report, so she could have only known that you had had an instruction that you must get information and documentation if she had read the report.

MS RAMSAMY: I think my statement there is more with regards to the instructions.

20 **ADV SEGEELS-NCUBE**: The instruction. Okay, not the ...[intervenes].

MS RAMSAMY: Because she is automatically overriding my concerns now about 28’s being issued.

ADV SEGEELS-NCUBE: Or you being generous to her that that was in fact the case, that she was, that she had not read the instructions. But she would have had to because

the information about obtaining the documents was in the instruction.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And she is directly telling you in that email that you must speak to the Chief because the witness could have that substantiation.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay, continue.

ADV BALOYI SC: In any of the documents, and I know you
10 have told us about the section 27 that you saw and you have done that table for us, you have looked at the docket, in any of the documents up to this point, had you come upon any allegation that leads to the R50 million, let us get his bank account details? Was there anything?

MS RAMSAMY: No. No, Commissioner, nothing, which is why I stated I was uneasy with this instruction. We had authorized, it was not even authorized for a full day. We received dockets. I only did the summary on the 10th, and on the 10th, but also my bigger concern was where did this
20 information, how did this information come to Advocate Johnson? But I will ...[incomplete].

ADV SEGEELS-NCUBE: Continue, 67.

MS RAMSAMY: 67.2:

“She was instructed ...” [intervenes].

ADV SEGEELS-NCUBE: No, no, no, 67.1, “this instruction

confused me”.

MS RAMSAMY: Yes.

“This instruction confused me. I had just sent a docket summary report to her, wherein I state that there is basically no evidence ...” [intervenes].

ADV SEGEELS-NCUBE: My apologies, I have been told you did read that, sorry. I am behind.

MS RAMSAMY: Thank you.

10 **ADV SEGEELS-NCUBE:** 67.2.

MS RAMSAMY: 67.2:

“She was instructing me to issue section 28 summonses notwithstanding my instructions to the investigators not to do so without my perusal. In effect, she overturned my instructions and this illustrates how Project Diversion was dictated by her and Mr Perumal.”

May I continue? 67.3:

20 “I could not understand the urgency for two reasons. First, the 28(13) was authorized on Friday, the 6th of December, the dockets obtained on the 9th of December, and my report submitted that day. I could not understand on what

basis we could issue summons when we had no *prima facie* evidence of a crime. Secondly, the urgent summons from bank records would not stop the dissipation of funds in the bank account. What did it matter that the money was being moved? It would have been different if we ...”
[intervenes].

ADV SEGEELS-NCUBE: Well, you skipped a line there,
10 “the bank records would merely”.

MS RAMSAMY: Oh, sorry.

“The bank records would merely show the movement of the funds. It would have been different if we had evidence that there was an attempt to dissipate the funds and sought an urgent order to freeze the account. If there was a *prima facie* case, obtaining bank statements on an urgent basis would serve no purpose.”

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

MS RAMSAMY: -:

“I told Advocate Johnson that I would call Mr Perumal. Before I called Mr Perumal, I forwarded Advocate Johnson's message to a Signal group chat with Perumal,

Padayachee and Raphesu in the group. Thereafter, I called Mr Perumal as instructed. He told me that Mr Raphesu must move fast with the 28 summonses for Major General Lushaba's bank account. He said that Advocate Johnson had received information that funds in the amount of 50 million from the Secret Service account was being moved. As
10 stated above, the movement of funds being the reason for urgent summons for bank statements simply did not make sense to me. But it was clear to me that the decision had been made that the summonses would be issued if both the Chief Investigator and the Head of IDAC have decided that it should be. After this call, I sent Advocate Johnson a message informing her that the section 28
20 summonses would be ready as soon as possible for her signature and serviced by Mr Raphesu. I asked her if we should process it under the Villeria dockets or the Cape Town dockets."

ADV SEGEELS-NCUBE: Why did you ask that, just explain

that to us? I just wanted to understand, because you have your own investigation under 28(13), why must it be issued under dockets, under other dockets? How does it work?

MS RAMSAMY: If I may just refer, I do not remember if the CIN number had been authorized by ...[intervenes].

ADV SEGEELS-NCUBE: Yes, that is what I wanted you, there was no CIN number.

MS RAMSAMY: If I remember correctly, they had not been, it was only later on that a CIN number was allocated to the
10 matter.

ADV SEGEELS-NCUBE: And what is the significance of the CIN number?

MS RAMSAMY: A CIN number is our internal inquiry reference number. We generally do not even use the CAS numbers where they are already authorized. But because I did not have a CIN number and we were in possession of dockets, but it did not make sense which docket to use, I had asked her to advise.

ADV SEGEELS-NCUBE: To which one should it be issued
20 under.

MS RAMSAMY: [Indistinct]... [cross-talking].

ADV SEGEELS-NCUBE: Okay. So if you had a CIN number, that is what ...[intervenes].

MS RAMSAMY: The CIN number would have been used as the reference number.

ADV SEGEELS-NCUBE: And when does the CIN number get issued?

MS RAMSAMY: CIN number is supposed to be issued on the day that the 28(13) is signed.

ADV SEGEELS-NCUBE: Can you just raise your voice?

MS RAMSAMY: The CIN number is supposed to be issued on the day that the 28(13) is signed off. But if you look at the composition of the team on the 28(13) signed on the 6th of December, there is not a project manager. The project
10 manager is only allocated after everything is done and that is why I say the whole process of this 28(13), using Chair's favourite word, is “deurmekaar”.

ADV SEGEELS-NCUBE: Is “deurmekaar”, okay. So if you had the, if there was a project manager, the project manager would have been the one tasked with getting the CIN number and all of that or what is the ...[intervenes].

MS RAMSAMY: Correct. I would not, you know, when a project manager is allocated to the projects, as is with most projects, I would not even have direct email with Advocate
20 Johnson. It would go me to the DD, or me to the project manager, one of the two, depending on how good you are at formatting your documents. Then from the deputy director to the project manager. The project manager would then take the documents to Advocate Johnson's PA. And then once it is signed, Advocate Johnson's PA would let the

project manager know, he would collect it, he would scan it, and it would be disseminated amongst the team.

ADV SEGEELS-NCUBE: Okay. So let us then go to page 171, which is the WhatsApp exchange between yourself and Advocate Johnson. After you say, “I will call him now”, which is you are going to call Mr Perumal, which you do. She says, “thank you”, and then you send a WhatsApp to her after you spoke to him.

MS RAMSAMY: Correct.

10 **ADV SEGEELS-NCUBE**: On page 171.

MS RAMSAMY: 171:

“Advocate Johnson, it will be ready for your signature as early as possible tomorrow and service by Mantsha tomorrow. Should we proceed with the Villeria CAS 405 or the Cape Town CAS? They both have the same A1 allegations for enrolment purposes. The Villeria would be easier.”

20 If I may explain that. If at a given point there was *prima facie* evidence, to use the Cape Town CAS, we would have to enrol in Cape Town. Villeria is within our jurisdiction, which is why I state same. Her reply:

“Do 2. The section 28 must use the next number in the register.”

The register being the CIN register.

“I was thinking that we call this matter
Diversion. Then we follow the register.
Say Diversion and then no one knows
what it is and we are using our systems
in process.”

ADV SEGEELS-NCUBE: Okay, so that is where we get the
name Project Diversion from. That is the first time it is
mentioned.

10 **MS RAMSAMY**: Correct.

ADV SEGEELS-NCUBE: And did she, other than this
explanation, was there ever an explanation, detailed
explanation given for the choice of name for Diversion?
How did you understand it?

MS RAMSAMY: Projects that ran out of Advocate
Johnson's office that were not within the, projects that ran
out of Advocate Johnson's office that were not within the
ordinary SOP's, the ones that Advocate Johnson supervised
herself, she gave titles to, Matter X, Project Golden, there
20 is even a project, Section 41(6), which she is investigating
internal people within IDAC.

ADV SEGEELS-NCUBE: So what is the 41(6) reference to,
just, I know what it is now, but if you can just say for the
benefit of the Commissioners.

MS RAMSAMY: 41(6), section 41(6) of the NPA Act

prevents a member or an employee or a service provider or a contractor to NPA from divulging information without the authorization of the National Director of Public Prosecution. It is a certificate that is given to a person where we are, for example, I am now speaking about WhatsApp's, emails, that are internal. I had to have a certificate from the NDPP to allow me to speak today. With regards to that project, Advocate Johnson is internally investigating a specific person who will explain. The 28(13) there is even, I think if
 10 the Commissioners and Chair had to see it, they would probably, I do not know, maybe throw a chair. There is no prosecutor allocated to the matter. It is an investigating officer that reports to Perumal directly and a service provider. So if there is no prosecutor on the matter, who even drafted it?

ADV SEGEELS-NCUBE: And this is Project 41(6) or, okay.

MS RAMSAMY: The reason I am bringing this up is to illustrate how section 28 has been abused. And I am not just talking about 28(6) and (7), I am talking about just
 20 authorizing investigations has been abused for the past ...[incomplete].

ADV SEGEELS-NCUBE: And that person will be the subject of that investigation, that 41(6). Is it just one person or more than one that you are aware of?

MS RAMSAMY: I am aware of one person being named as

the suspect, but I am also aware because I had handed the documents to the DPCI officer through the protected disclosure that I was busy with prior to this happening. That CIN number was used to obtain bank statements and cellphone records of multiple employees, including myself.

ADV SEGEELS-NCUBE: Yes, okay, that will be dealt with by other witnesses, yes. Okay, so we were then dealing with the, she says it is Diversion and we are using our, so that no one knows that we are using our system and
10 process. And you say:

“I will advise the team. Thank you.”

This is still on page 171.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: We then go back into your statement at paragraph 69 on page 29.

MS RAMSAMY: -:

“The following day, 11 December 2024, Mr Raphesu sent me a WhatsApp message to raise the same concerns I
20 had. I forwarded this message to Advocate Johnson. Essentially, Mr Raphesu suggested that we stall or park the summonses until we had consulted with the complainant because his affidavits simply did not set out a case.”

I paraphrase.

ADV SEGEELS-NCUBE: Okay. Before we deal with that WhatsApp of Mr Raphesu, if we can then go still on the 10th, we then get a response to your docket summary email. Mr Perumal responds to that and that is on page 168. I think you sent him an email at 11. My mistake, I forgot to mention that at 11:16 on page 169 you sent him an email after Advocate Johnson says that you must speak to Chief. You sent him an email at 11:16 on that same day saying:

10 “Hi Dylan, trust this finds you well.”

Then you can continue from there.

MS RAMSAMY: -:

“As per trailing, please advise. The A1 indicates that he has sensitive information ...” [intervenes].

ADV SEGEELS-NCUBE: Raise your voice.

MS RAMSAMY: Sorry.

20 “As per trailing, please advise. The A1 indicates that he has sensitive information. After your consultation with him, can you indicate what does he have in his possession that substantiates the allegations? Does he know of willing witnesses? The report in the docket is very vague but alludes to him having

sensitive information to assist with the
foundation of the investigation.”

ADV SEGEELS-NCUBE: Okay, just before you explain this, in the call between you and Advocate Johnson that we played earlier, the recording on the 22nd of July, you say to her, it is all in my emails as to what happened. You can look at, there were emails that were sent on the 11th or the 12th. These were the emails you were referring to?

MS RAMSAMY: Correct.

10 **ADV SEGEELS-NCUBE:** Okay, to say that Dylan had indicated that he had spoken to the complainant.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: And that, if we go to, because you say to him, you are referring in your message to when you consult, after your consultation with him, suggesting that there is still a consultation to come, but in the call with Advocate Johnson, you were referring to that she had told you that Dylan had consulted with the witness already and that would have been at the time that you had prepared the
20 28(13), which would have been on the 5th.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: So that you are not referring to here now. He then responds and refers to the previous, to the November consultations.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. So if we can go then to his email in response to you on page 168.

MS RAMSAMY: -:

10 “Good evening, Advocate Dru. Our earlier telecom has reference. I am waiting for the complainant to confirm his dates of availability so that we can meet with him. He does have documents in his possession, which I understand were shared with him in confidence. I am of the view that we should request the same from him during our meeting. He might put us in touch with possible witnesses or sources to further our investigation. I will advise as soon as he returns my call.”

20 **ADV SEGEELS-NCUBE:** Okay, so our earlier telecom has reference. This confirms that when Advocate Johnson says call him, you called him. That was about the summons, but here you must have spoken about other things as well.

MS RAMSAMY: I asked about the documents and the evidence.

ADV SEGEELS-NCUBE: Okay, and he is then saying to you he does have it, so it means that he would have spoken to the complainant before then to know that he has the

documents.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay, and during the conversation with him, did he tell you whether he did consult with the complainant before?

MS RAMSAMY: He did, and it would be illustrated in the meeting of the 19th of December that I moved on to just now.

ADV SEGEELS-NCUBE: Ja, okay. So, in our chronology,
10 this is now the 10th of December, 19:39. You have the instruction to do the summons, and on the 11th you get a WhatsApp, private WhatsApp from Mr Raphesu in response to your Signal messages that the summons must be prepared, the 28's must be prepared.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay, and that is at 172 now, file 10.

MS RAMSAMY: Correct.

20 "Good morning, Advocate Dru. I have noted your ..." [intervenes].

ADV SEGEELS-NCUBE: Please raise your voice again.

MS RAMSAMY: -:

"I have noted your instructions to prepare section 28's. I was suggesting that we stall or park it until we consult with the

complainant, the reason being that his affidavits are not drafted properly. We need to consult with him so that we may be in a better position to do same. I will prepare them in the meantime so that after consultation we could move faster.”

ADV SEGEELS-NCUBE: Okay, you then forward that to ...[intervenies].

MS RAMSAMY: Advocate Johnson.

10 **ADV SEGEELS-NCUBE:** Okay, you can read that message.

MS RAMSAMY: -:

“Morning, Advocate Johnson. A suggestion sent by Mantsha. I will await your instructions.”

I specifically put in there, because I have already expressed my unease about these things, I specifically say that the consultation is set for the 19th of December in Gauteng, GP.

20 **ADV SEGEELS-NCUBE:** This is the consultation with Mr Adams.

MS RAMSAMY: With Mr Adams.

ADV SEGEELS-NCUBE: And why are you putting it in there?

MS RAMSAMY: Because, one, I wanted to know that, we

are now on the 11th. On the 19th is when the consultation is going to take place, so that even what Mr Raphesu is saying, that after the consultation we can move forward with him, but at this point in time we do not have enough. I was also trying to illustrate that it was only an eight-day period, the difference between serving the 28's now for the bank accounts, as compared to if we consult with the complainant and get better details to justify serving these.

ADV KHUMALO SC: Just a moment. The affidavits
10 referred to by Mr Mantsha, are these the statements in the docket, so that we do not confuse them with the section 27 affidavits or the later A1's, because those came in, in January 2025. So when he says his affidavits are not drafted properly, what are the affidavits that he is referring to?

MS RAMSAMY: He would have been referring to the affidavits, the A1 affidavits in the dockets.

ADV KHUMALO SC: In the docket.

MS RAMSAMY: Because I had made copies for all parties'
20 concerned so that they could follow as to what was happening, and it did not make sense for the originals to be them not to have copies of them to work off. So they had copies of those.

ADV KHUMALO SC: But he is not referring to the section 27 affidavits?

MS RAMSAMY: No, Commissioner, he is referring to the affidavits in the dockets, the actual dockets.

ADV SEGEELS-NCUBE: Okay. And then we can then go, so you are saying to her the consultation is set for the 19th of December, Mr Raphesu suggesting that we wait, park it just for 8 days, let us consult with him effectively. That is why you are telling her that it is on the 19th.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: So we can go back to your
10 statement at paragraph 70 on page 29.

MS RAMSAMY: -:

“When I forwarded the messages to Advocate Johnson, I also said that this was the suggestion from Mr Raphesu and that I await her instructions. I also informed her that the consultation with the complainant was scheduled for the 19th of December 2024 in the Gauteng. I had hoped that the fact that the
20 consultation was the following week would persuade her to pause the Section 28 summonses in line with Mr Raphesu’s suggestion until after the consultation.”

Paragraph 71:

However, she responded that she had her

reasons for the summons and that she was going to discuss it with us. She was going to discuss it when we, Mr Raphesu and I, go to her with the summonses.”

May I just explain?

ADV SEGEELS-NCUBE: You can go to the WhatsApp and then you can explain as well. So the WhatsApp is still on 172 where she says you say consultation is set for 19 December in GP. Her response?

10 **MS RAMSAMY**: -:

“I have reasons to ask for the summonses, which I was going to discuss with you guys when you guys came with the summonses. Please prepare so long and if you guys still feel like putting it on hold after talking to me.”

ADV SEGEELS-NCUBE: I think it is cut off. I think the last thing says then it is fine and we will just get that last one. It seems to be missing from the bundle.

20 **MS RAMSAMY**: If I may just explain.

ADV SEGEELS-NCUBE: You can explain if you promise to raise your voice.

MS RAMSAMY: I promise to raise my voice. I apologize, Advocate. The process for 28's is not that the prosecutor takes it. Usually it is the project manager, but like I

explained with projects run out of Advocate Johnson's office, it is a different procedure. The 28's, because it would have come to me to approve what was being requested and all of that, it would then be taken by the investigating officer to Advocate Johnson. So that message where you guys come to sign does not make sense because I probably would not have been there. If I did not have, with the normal process of it, I would never have been there to sign a 28.

10 **ADV SEGEELS-NCUBE**: So the project manager would get her to sign it.

MS RAMSAMY: The project manager would leave it with her personal assistant, unless it was urgent then they would go to her.

ADV SEGEELS-NCUBE: But now she is telling you to have it ready but she is still open to a discussion and you understood it that way?

MS RAMSAMY: No. If you are saying prepare them and, because I have worked with Advocate Johnson for such a
20 long time, Advocate Johnson and Mr Perumal had already decided that those summonses were going out. We were just being placated.

ADV BALOYI SC: And was there a project manager here?

MS RAMSAMY: At that point there was no project manager.

ADV BALOYI SC: Oh, for this.

MS RAMSAMY: If I am not mistaken and I stand to be corrected, I will in part 2 deal with that. The project manager comes on board around February, March.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: Okay. And we can then go to, we were at paragraph 71.

10 “She told me to prepare the summons in
 the meantime and if we still felt that it
 should be put on hold after talking to her,
 she will be fine with that.”

 You can continue then on page 30, the second
sentence, this message.

MS RAMSAMY: -:

20 “This message was already confirmation
 to me that the summonses was going to
 be issued by Advocate Johnson whether
 we liked it or not. She told us to prepare
 the summonses because she knew she
 would not take no for an answer when we
 met with her.”

ADV SEGEELS-NCUBE: You can continue.

MS RAMSAMY: -:

 “Prior to this exchange, in respect of Mr
 Raphesu's suggestion and in the

response to my messages as to whether the summonses must be issued under the Villeria or Cape Town docket, Advocate Johnson responded that I must do two summonses and then she referred to the project for the first time as Diversion. She said it would be called Diversion, then no one would know what it is and that we were using our systems and process. None of it made sense.”

ADV SEGEELS-NCUBE: Okay, then on the 12th.

MS RAMSAMY: -:

“On the 12th of December 2024, Mr Raphesu and I met with Advocate Johnson regarding the summonses. As she had suggested, there was no discussion on the summonses as predicted. Advocate Johnson gave an instruction to serve summonses because she had information about R50 million and that we need to stop it from being moved out of the account. Mr Raphesu complied and sent the summonses to me. His annoyance is noted in the title of the email attached to the summonses.”

ADV SEGEELS-NCUBE: And I think we must go to it at 173. Mr Raphesu is also the person in the voice note that said they “jihad” the signature. You will recall that, he said. So he sends the email on 173 on the 12th of December in the afternoon, 15:32, to Mr Perumal, yourself, and he copies Mr Padayachee and the subject says?

MS RAMSAMY: “Summonses what what”.

ADV SEGEELS-NCUBE: Ja, “Section what what?”

MS RAMSAMY: [Indistinct]... [cross-talking].

10 **ADV SEGEELS-NCUBE:** And he attaches them ...[intervenes].

CHAIRPERSON: No, sorry, you all spoke at the same time. Please just re-read it.

MS RAMSAMY: “Section what what’s”

ADV SEGEELS-NCUBE: And he then attaches the, and you can go to 174, those are all the section 28 summonses that he had prepared and that Advocate Johnson signed. So if we can then go to 175, that is where we see one of the summonses that had been prepared and signed by Advocate
20 Johnson. Are you there?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: It has got, at the bottom of the page it has got “Enquiries Mr Raphesu”. Do you see that?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: What I want to show you is on

page 176 under background, if you can read background into the record for us, please.

MS RAMSAMY: -:

10 “The information required from you relates to the conduct of an investigation into serious high profile or complex corruption within the South African Police Services, authorised by the Investigating Director who is the Head of the Investigating Directorate, in terms of section 28(1)(a) of the NPA Act, into allegations of the commission of the following offences, fraud, corruption, defeating, or obstructing of the administration of justice.”

20 **ADV SEGEELS-NCUBE:** Just the reference to 28(1)(a), on some of the other summonses under the preparatory investigation there, it specifically says 28(13). This one says 28(1)(a). Was it used interchangeably, because it does seem to me that on this one, and if you, I think you have been given a copy of the Act, if you go to 28(1)(a), is:

 “If the Investigating Director has reason to suspect that a specified offence has been or is being committed or that an attempt has been or is being made to

commit such an offence, he or she may conduct an investigation on the matter in question whether or not it has been reported to him or her in terms of section 27.”

And then (b) says:

“If the National Director refers the matter.”

So, and it then says:

10 “The Investigating Director shall conduct an investigation or preparatory investigation as referred to in subsection (13) on that matter.”

Now here there is reference to 28(1)(a) and we understand that we, here there was a 28(13) investigation, it was a preparatory investigation. Do you understand 28(1)(a) reference here to be something other than a 28(13) investigation?

MS RAMSAMY: I did not peruse these documents before
20 they were disseminated. I, after that meeting, went home. I advised Mr Raphesu, he has received his instructions from the ID. I had addressed his concerns. He had received instructions from the Head of office and I then distanced myself from these 28's because how were you going to explain this at court and who was going to explain it at

court?

ADV SEGEELS-NCUBE: Yes.

MS RAMSAMY: And so I think that question is best reserved for Mr Raphesu.

ADV SEGEELS-NCUBE: Yes, but, and he would have known that it is a 28(13).

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. I just wanted to know if there is a distinction because some of the summons
10 specifically say 28(13) and this one says 28(1)(a), so that is why I wanted to know whether there was a distinction.

MS RAMSAMY: I think maybe he would be able to answer as to why it is 28(1) versus.

MS RAMSAMY: Okay. Do you know whether, so he went with, you guys went with hard copies to her office for her to sign on that day.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: So he would have prepared it.

MS RAMSAMY: Correct.

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

ADV KHUMALO SC: All you have at this stage are the dockets and the section 27. How do the two of you know that General Lushaba banks with bank A and that it is bank A that you must subpoena for his bank statements? Where does all that information come from, because if you were, it

was a subpoena to SAPS, everybody knows that a General is employed by SAPS. But once you issue a subpoena to a bank, it means you must know that Khumalo banks with that bank and that is the person we must issue a subpoena to, because this is still the 11th of December. If you, there is a weekend on the 7th and the 8th, the dockets only came in on Friday, so two days later and this information is not in the dockets. What is going on here?

MS RAMSAMY: It was another pink note on another piece
10 of paper.

ADV KHUMALO SC: It was on the pink note?

MS RAMSAMY: Another piece of paper.

ADV KHUMALO SC: Another one, not the original one?

MS RAMSAMY: Ja, with handwriting.

ADV SEGEELS-NCUBE: You just need to raise your voice, but can I just say before you say that it is something that was going to be covered by Mr Raphesu, but you can deal with it because it happens in your presence on the day when Advocate Johnson tells you to come to her office, so
20 you can deal with it.

MS RAMSAMY: May I explain the meeting on that day?

ADV SEGEELS-NCUBE: Yes.

ADV KHUMALO SC: Do you want her to deal with it in detail or to only summarize it because you say Mr Mantsha is going to deal with it in detail. How do you want her to

...[intervenes].

ADV SEGEELS-NCUBE: His intention is to deal with it in detail but to the extent that Ms Ramsamy was going to corroborate his version, I guess she can deal with it briefly.

ADV KHUMALO SC: Because I was happy with the answer that it was in a second pink note. That is where the information comes from.

ADV SEGEELS-NCUBE: Yes, so the evidence is that it was all the banks were being used, but there is, if you go to
10 page 177 and it should be the specific, there is personal detail on there. On 177, can you see his name and then ID number? So perhaps you can explain where they got that from.

MS RAMSAMY: The pink note with the handwriting, the pencil handwriting.

ADV KHUMALO SC: It came from Advocate Johnson?

MS RAMSAMY: Correct.

ADV KHUMALO SC: I think we can ...[incomplete].

ADV SEGEELS-NCUBE: Okay.

20 **ADV BALOYI SC:** And right, it was her writing?

MS RAMSAMY: Yes.

ADV SEGEELS-NCUBE: Which was given in that meeting.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: But maybe just tell us the process, not from Mr Raphesu's point of view, but from your

point of view. He has the prepared documents, but he does not have the Annexure B which has that detail on.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: He gets given that detail in the meeting.

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Thank you. And do you know more or less what time that meeting was, because his email attaching the section what what's is at 15:32 on that day.

10 **MS RAMSAMY**: We were called in at about, I think it was either 10 to 3 or 3.

ADV SEGEELS-NCUBE: Okay. So he had, I mean, but insofar as Annexure B is concerned, when would he have done that?

MS RAMSAMY: Maybe I am getting my timelines, I do not, I cannot remember, because we went in. The meeting was not even that long. It was maybe 5 minutes. Paper is given. Mr Raphesu goes to his office because the investigators share an office on that end, prosecutors are in
20 the open plan on the other end. And it was home time for me, so I left.

ADV SEGEELS-NCUBE: Okay, thank you. Then we can go to your next page 30 of your statement. The confidential Crime Intelligence documents, paragraph 74.

CHAIRPERSON: Let us adjourn for what? We will indicate

when we are ready.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: Thank you, Chair. Put on your, and raise your voice. Let us, page 30, and we are starting a new topic, but it is a short one, the confidential Crime
10 Intelligence documents, paragraph 74.

MS RAMSAMY: Thank you.

ADV BALOYI SC: Before you do that, let me put this, whose answer may be obvious, but let me put it to you and for your comment, if you want to. With this summons, the R50 million summons, we know it is not in the section 27 affidavit that you have seen.

MS RAMSAMY: Correct.

ADV BALOYI SC: And it is not in the one that was flighted here that is dated November. We know that.

20 **MS RAMSAMY**: Correct.

ADV BALOYI SC: And it is not in any of the A1 statements and there is no affidavit, at least before us, yet. And you say earlier that it is nowhere. It is not in any documents. It seems to me, and this is what I want you to comment on, it seems to me that either Advocate Johnson or Chief

Perumal, because they are the two people that you say were intimately dealing with this, the two of them would have or must have received information if they did about the R50 million it is about to be moved from a Secret Service account, that, and they have a list of bank details of General Lushaba. That kind of information, if indeed they had it, would have had to have come from someone at Crime Intelligence, because we are talking about funds being moved from a Crime Intelligence account. Is that a
10 fair summation?

MS RAMSAMY: It is the same conclusion that I came to.

ADV BALOYI SC: You drew that conclusion too?

MS RAMSAMY: I drew the same conclusion.

ADV BALOYI SC: Okay.

MS RAMSAMY: Because upon discussing, well, I had drawn that conclusion from the prepare it in the meantime, I have my reasons, and from the conversation with Mr Perumal, saying that the ID has received information. And when I had discussed it prior to going into Advocate
20 Johnson's office with Mr Raphesu, Mr Raphesu asked me, and I said to him, you are now placing me in a very difficult situation, so can you please ask for ID in the meeting. He asked me if he gets asked about this 28 and why it was done so prematurely and on what basis, because he, and so was I, of the opinion that it was unlawful to proceed with the

28. He said to me, is she going to come and testify that she received the information? Is she going to file an affidavit that she received the information? There was a lot of discomfort and annoyance about this whole instruction.

ADV BALOYI SC: And to your knowledge, did anything further happen about this R50 million investigation, if it was an investigation. I mean, we see in the summons, she says that she has authorized the section 28(1)(a) investigation, so let us assume for present purposes that is what
10 happened. Did anything further, to your knowledge, happen about this part?

MS RAMSAMY: Prior to me being removed, there was a lot of distrust, discord. As I stated before, if you went against what Perumal was wanting to do, you were attacked by Advocate Johnson. So at that point, I was currently the target. I was literally the bullseye for that attack. And in the meeting, I had asked specifically, what has happened with those and because I knew that Advocate Johnson had given instructions to the whole team that once it is
20 received, it must be given to the Financial Investigator, Mr Wynand that was designated on the matter. So in April, and if memory serves, it was in the meeting of the 24th of April 2025. Yes, it was. It is in the notes. I had asked, what was this about and where are we with this investigation, what have been done, to the extent that Wynand had not

been given the USB. Perumal denies the knowledge of the 28's being done. I had to file a subsequent affidavit as a prosecutor for one of those internal investigations that I explained earlier and in that affidavit, it is part of part two, it explains how angry I got that it had not been handed over. When it was handed over, late September, just before I got removed from the matters, I think it was the, no, it would have been August because I was removed on the 2nd of September last year, Wynand indicated that he found
10 three suspicious transactions, but he was still investigating them. There was no conclusive proof, and they were 50,000, not 50 million.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Before we get to 19 December, you mentioned a name earlier. I think you were responding to one of the questions. In our engagement with Advocate Johnson, the first time we see that name is the 29th of April 2025. It is the name of General Matlou, who is the Head of Risk at SAPS. But earlier, in response to a question, you
20 said something along the lines that somebody said in December, speak to General Matlou, or General Matlou will provide the information. How does she come in, because at this stage there is no affidavit from her. There is no section 27 from her. How does that name keep coming up, especially in December 2024, can you just clarify that

before we go to the Crime Intelligence documents?

MS RAMSAMY: I am going to give a comprehensive explanation. General Matlou is a witness on many matters within the IDAC, okay. She has a very close personal relationship with Mr Perumal. He is also former SAPS, so, but on the 6th when I asked Perumal where do I get the details for Lieutenant General Khumalo, because I did not even know his name, he said to me, no, hold on, I will speak to Charity and that is ...[intervenes].

10 **ADV BALOYI SC:** You mean Major General, not Lieutenant?

ADV SEGEELS-NCUBE: Yes, Major General.

MS RAMSAMY: Major General. I get confused, sorry. He contacted her, and that is how I got the details.

ADV KHUMALO SC: And, so you did not speak to her, he contacted her?

MS RAMSAMY: On that particular day, no, I did not speak to her.

ADV KHUMALO SC: So you had no interaction with her
20 throughout December 2024?

MS RAMSAMY: During December 2024, no, I had no. My interactions, once again, with General Matlou would come into part 2, starting ...[intervenes].

ADV KHUMALO SC: Let us leave it for part 2, thank you.

MS RAMSAMY: Ja.

ADV BALOYI SC: Still on the summons, before you go to 274, insofar as the summons, and I am looking at Annexure A at page 176 that where it says the ID has authorized an investigation in terms of section 28(1)(a). Can we, at least with you as well, confirm that as at the date of this summons, which is December 2024, there was no decision yet in terms of 28(1) in respect of these Crime Intelligence matters?

MS RAMSAMY: Correct.

10 **ADV BALOYI SC:** Okay. So here was no such investigation at this point that has been authorized.

MS RAMSAMY: Correct.

ADV BALOYI SC: And what is the formality or the formal evidence of a decision of the ID that now I am authorizing an investigation in terms of 28(1)? What form does it take, is it in writing, is it a certificate? How do we know?

MS RAMSAMY: [Indistinct]... [cross-talking] application form.

ADV BALOYI SC: Yes.

20 **MS RAMSAMY:** The application must then set out comprehensively, as I dealt with earlier in my statement, it has to set out the evidence in each statement, or how the evidence collectively obtained speaks to each element of the offence that we are alleging. We would then do a breakdown. It is in part 2 where we would do a breakdown

of A1, Mr Adams, and then I would say what he says in his, I would then also put the possible problems and which of the offences it relates to, and then I would go on and on and on as per the evidence collected.

ADV BALOYI SC: So the point is there will be a document which records the decision itself, the decision to conduct an investigation?

MS RAMSAMY: It should be done that way. The 28(1)'s that I had authorized all came with evidence reports.

10 **ADV BALOYI SC:** Okay, thank you. Lastly, before you go to your paragraph 74, it is about that 28(13) that you prepared and I just want to check that maybe we made too much ado about nothing with Advocate Johnson. Now, that document, you remember it? It starts at 106, 107, 108. It is that one that has the names that she did not remember where she got the names from.

MS RAMSAMY: Correct.

ADV BALOYI SC: Now, if you look at 109, the foot of that page, it gives you the date and signed where, and then the
20 next page at 110, it has Ms Johnson's details. And it did not make sense to us that she would have written a 28(13) to herself because we have a document that does not indicate who is the author. On the front of it, it does. It has said, I think, that it is written by you and somebody else. But then you get the signature page at 110 when we

expected that there would have been where somebody recommends and then an indicator where she approves. And she was challenged on it that this looks like she wrote this for herself. She prepared it. Do you care to explain what happened here?

MS RAMSAMY: Can I go back to the flip-flop situation?

ADV BALOYI SC: Yes, you can flip-flop.

MS RAMSAMY: No, I am not flip-flopping. I am going back to the nickname.

10 **ADV BALOYI SC:** Ja, you may, okay.

MS RAMSAMY: If we go to the 2023 authorizations, you would see it would be ...[intervenes].

ADV BALOYI SC: 2023 referral that you worked on.

MS RAMSAMY: Referral that I worked on, yes. So it would be a recommendation by Mr Sesoko after perusing all our documents and then an authorization by Advocate Johnson. Later on, it was changed to, it has to be signed by the DD or Deputy Director and then, or recommended by the Deputy Director and authorized, and then Mr Sesoko
20 was removed. Later on, it just became Advocate Johnson that signed. And then why I say flip-flop is because when the Medicare24 was done in 16th of May 2025, I was, so I did it exactly like this because I will explain why.

I was called by the PA to come and add my signature and then Advocate Johnson's signature went

there as recommended. So like I said, it was a flip-flop situation where one day we did it like this and the next day we were told to remove it. And it was throughout the office in that way to a point where Mr Sesoko has been made redundant with regards to signing or approving documents. He does not even see that.

ADV BALOYI SC: So here what would have happened is you prepared the document. You did not sign it. It does not have provision. As you prepared it, there was no
 10 provision for you to sign or, ja, a provision for you to sign. It only provided for her to sign. Thank you.

ADV SEGEELS-NCUBE: Okay, page 30, paragraph 74, the confidential Crime Intelligence documents.

MS RAMSAMY: Thank you. Paragraph 74:

“On the 19th of December 2024, the team
 was scheduled to meet with Mr Adams.
 However, Mr Perumal stated that there
 was a miscommunication and Mr Adams
 was at Sun City Resort. I refused to
 20 travel to consult at that venue.
 Arrangements were then made to meet in
 Cape Town on the 6th of January 2025.
 In the meantime, on the same day, Mr
 Perumal and Raphesu and I met at a spa
 in Midrand, Halfway Gardens regarding

the confidential documents that Mr Adams alleges was pushed under his door. Mr Perumal was to provide me with the documents to peruse.”

First, the documents related to Crime Intelligence. If it were up to me, and I did say so during the consultation with Mr Adams, I wanted to charge him. I also wanted an explanation from him as to what did he do with the documents.

10 **ADV SEGEELS-NCUBE:** This is now in January, not ...[intervenes].

MS RAMSAMY: Ja, I, sorry, sorry, Advocate.

ADV BALOYI SC: You are moving ahead.

MS RAMSAMY: First, the documents related to Crime Intelligence. If it were up to me, I would have considered charging Mr Adams for possession of these documents. In the bundle of documents were 74.1:

20 “Receipts of a forklift in respect of which payment has been made, a copy of the internal vetting report of Major General Modondo.”

This was particularly concerning to me, and I voiced this discomfort. May I explain why? A vetting document, I think most of us here would know, contains your address, your ID numbers, the ID numbers of your

kids, your spouse, your banking detail, and this document is, the school that your kids go to is now slotted under someone's door and they are in possession of it. It was very concerning the amount of information that it had. 74.3:

“A statement from either Mr Pienaar of
Crime Intelligence or Mr Van Vuuren ...”

I am not sure if it was Mr or Ms, but it was either Pienaar or Van Vuuren. I cannot recall the name.

10 “... relating to Lushaba's housebreaking
and the involvement of the vetting unit.”

74.4:

“Media articles about Mr Lushaba's
housebreaking incident.”

75:

“These are the documents I recall
because ...” [intervenes].

ADV SEGEELS-NCUBE: The only documents I recall.

MS RAMSAMY: Sorry.

20 “These are the only documents I recall
because I saw those documents once, on
that day, and never again. I perused the
documents and asked Mr Raphesu to
take notes. The documents appeared to
identify possible witnesses and suspects.
However, the names in the documents

did not correlate with the list of names
that Advocate Johnson gave me on the
5th of December 2024.”

ADV SEGEELS-NCUBE: Not correlate entirely because
there were some that did.

MS RAMSAMY: Correct, did not correlate entirely.

ADV SEGEELS-NCUBE: Okay. Then, 6 January 2025
consultation with Mr Adams.

MS RAMSAMY: Paragraph 76:

10 “We all went on our annual break, and on
our return in January 2025, Mr Raphesu
and Perumal and I went to Cape Town on
the 6th of January 2025, to consult with
Mr Adams. We met Mr Adams at the
Cape Town DPP's office. I questioned Mr
Adams about how he came into
possession of the Crime Intelligence
documents, and what he did with the
documents from the time he had received
20 them. He said that he had retained
copies and given the documents to Mr
Perumal. He stated that he reported the
incident to the Police Portfolio Committee
and was shut down by Mr Ian Cameron,
the Chairperson of the committee.”

77:

“Thereafter, we informed Mr Adams that his A1 statements in all the dockets would have to be supplemented because they were wholly inadequate, and what was required was actual proof of the allegations contained in his A1 statement, the section 27 referral and the section 27 referral affidavit. We proceeded to draft the affidavits, and if I recall correctly, Mr Perumal typed the supplementary affidavit, and I was assisted by a prosecutor to print the affidavits, the prosecutor being part of DPP, Cape Town.”

ADV KHUMALO SC: Can I ask a question? You obviously spoke to Mr Adams on the 6th.

MS RAMSAMY: Correct.

ADV KHUMALO SC: Did he explain to you how the documents, because you say you wanted to charge him for that, and if I remember correctly, the suggestion is that somebody slipped the documents under his door at the offices in Parliament. Is that possible? I mean does that story make sense to you, because if it did, then they would have fallen into his lap, you know. It is not as if he was in

possession of them. If somebody dropped classified things on my desk, they are there.

MS RAMSAMY: May I, from my consultation with him, explain why I agree with the Commissioner?

ADV KHUMALO SC: Ja.

MS RAMSAMY: When I was consulting, I was explaining to him, you are in possession of these documents. What did you do, you know, that process. And I said to him, do you understand this is a criminal offence? And he said to me
10 that it was slotted under his door in an envelope. And then I said to Mr Raphesu, we are in Cape Town. Well, I said it to Mr Raphesu and to Mr Perumal, because they were sitting on their own, and I was on my, on the other end of the boardroom. So I said to them, we are in Cape Town, we can go to the Parliamentary building and go and get the video footage. Also, we can get the register of who signed into that building on that day. And Mr Adams' reply was, there is no cameras on that, in his corridors where his office is. And I find it very strange. And then, with regards
20 to the register, Mr Perumal told me it would be futile because of how many people signed in and out. So, yes, I did draw the same conclusion as the Commissioner, that this could not have happened.

ADV KHUMALO SC: And if somebody left classified documents on my desk, and I happen to open the envelope,

and I see that they are there, and I report the matter to IDAC, why would you charge me for that, because I found them there. It is not as if, you know, I acquired them through some improper means.

MS RAMSAMY: Commissioner, we must look at the timelines and that is what I questioned about. I questioned, you received in September, under your door, you opened your cases at the end of October. You referred to IDAC middle/end of November. That is a very long time to be in
10 possession of those documents.

ADV KHUMALO SC: That means he had them with him for at least two months before he came to IDAC.

MS RAMSAMY: Correct. Correct. The other concern is that, when you were opening the dockets, if you did not want to give the original of the documents that were slotted under your door, why not make copies, have them certify it, and attach it to the A1 in the dockets?

ADV KHUMALO SC: He kept them with him even after the section 27 referral to IDAC?

20 **MS RAMSAMY:** No ...[intervenes].

ADV KHUMALO SC: He gave them to IDAC.

MS RAMSAMY: Yes, well, the information that was relayed to me directly by Mr Adams, and confirmed by Mr Perumal, and it is in the recording that I have provided, it is just a very lengthy recording, I recorded the entire consultation

with Mr Adams. When I start asking Mr Adams, we have the documents, he said, no, I kept copies, but I had given the documents to Dylan, and Dylan confirmed, yes, yes, yes, no, we have them, we have them.

ADV BALOYI SC: And Dylan is Perumal?

MS RAMSAMY: Ja.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: The affidavits obtained by you and your colleagues are very terse in content. What is that a
10 function of? Why is that so? I do not find them to be better than which affidavits?

ADV BALOYI SC: The A1's.

CHAIRPERSON: The A1's.

MS RAMSAMY: They were not. They were still futile.

CHAIRPERSON: Why is that so?

MS RAMSAMY: Because he did not have anything further than what was slipped under his door.

CHAIRPERSON: So Mr Adams could not give
...[intervenes].

20 **MS RAMSAMY:** He could not supplement.

CHAIRPERSON: Give any useful substantiation?

MS RAMSAMY: No.

CHAIRPERSON: Okay.

ADV SEGEELS-NCUBE: Okay, back to your statement, 78.
Thank you.

MS RAMSAMY: -:

“Thereafter, Mr Raphesu commissioned all four supplementary affidavits. Those four supplementary affidavits were the only affidavits commissioned in my presence in Cape Town. Mr Perumal did not commission any affidavits in my presence. I do not know when he would have met with Mr Adams that day to commission any other affidavits. More importantly, I do not understand why the same witness would depose to a main affidavit, being an A1, on the same day he deposes to a supplementary affidavit.”

ADV SEGEELS-NCUBE: Continue.

ADV BALOYI SC: But it also seems, is it not a misnomer to call the Perumal affidavits A1’s, because in the docket you already have A1 statements.

MS RAMSAMY: Correct. You could never do that, never.

20 **ADV BALOYI SC:** Ja.

MS RAMSAMY: And it cannot be that it is mismarked, because the Mokwele docket is an A1.

ADV BALOYI SC: Yes.

MS RAMSAMY: And when we were in Cape Town, there was no Mokwele supplementary taken.

ADV BALOYI SC: Yes. Thank you.

ADV KHUMALO SC: Can you just deal with this issue.

MS RAMSAMY: Yes, Commissioner.

ADV KHUMALO SC: The three of you are in Cape Town.

MS RAMSAMY: Yes, Commissioner.

ADV KHUMALO SC: Together. Statements are being prepared. Did Mr Perumal have his Commissioner of Oath stamp with him in Cape Town, because the other affidavits that we have seen, and they were commissioned on the 6th of January 2025, they bear his statement, and he is the commissioner, stamp, sorry, not the statement, the, his stamp is used to commission those statements. Did he have it with him on the day that the three of you were in Cape Town?

MS RAMSAMY: Commissioner ...[intervenes].

CHAIRPERSON: And would he ordinarily carry his stamp around?

MS RAMSAMY: No, none of the investigators generally carry. Also, the Pretoria stamp will be futile in Cape Town. But on that day, Mr Perumal had no stamp, and he commissioned no statements. That is why I sent the voice note that I did. I think it was on the 22nd or 23rd.

ADV KHUMALO SC: So what conclusion must we draw when we see affidavits Commissioned by him on the 6th of January 2025, subject to him coming to explain, of course.

But because you are here and you were with him that day, what conclusion do you say we must draw?

MS RAMSAMY: The exact conclusion that Commissioner Kamala used on that day, those statements are doctored.

ADV KHUMALO SC: I do not think that came from me, but I will take that.

MS RAMSAMY: It was you, Commissioner. I remember specifically. I was watching it.

ADV KHUMALO SC: Are you sure it was not Advocate
10 Sello?

MS RAMSAMY: Advocate Sello is very nice compared to you. No, it is the conclusion that the Commissioners can draw. Also, I can attest, and I am under oath, and I have freely provided the evidence, the four supplementaries did not include Mokwele. And if I may elaborate just a little bit on that aspect, Advocate. When I say the Mokwele aspect is, it is like it is not even mentioning Mokwele in the 27th referral that I saw. It says A ...[indistinct] D. We did not even know the name of Mokwele when we went to Mr Adams
20 for those supplementaries.

ADV KHUMALO SC: Did he know the name? Did Mr Adams know the name?

MS RAMSAMY: If he did, he did not mention it. It was, the Mokwele name was never mentioned.

ADV BALOYI SC: In the voice note that you sent, and now

you say that Mr Perumal did not commission any statements, can we, for the record, now that you are sitting there, just confirm that you were with Mr Perumal the entire time that you were in Cape Town until you departed, and did you depart together? And you confirm that there would have been, forget that it does not make sense that a witness on the same day would do an A1 and supplementary arising from the same consultation. Forget that for now, for the purpose of my question. But there was no opportunity
 10 that you could have missed where Mr Perumal, after all, commissioned a statement.

MS RAMSAMY: Except for my 1½ hour to 2 hour nap on the 6th, because we flew at half past 4 in the morning, I was very tired. Except for that nap just before dinner, we were together. In fact ...[intervenes].

ADV KHUMALO SC: Magic hour.

MS RAMSAMY: How would he have travelled? How would he have printed? These are all the things that played on my mind when I saw it flighted, and I was like, how did I miss
 20 this, because in part two, I did miss it, in June when I saw the affidavit. I did. I missed it until it was flighted. But that is for a different reason that I missed it. My questions then would be, we had one vehicle. Mr Raphesu was the designated driver. He had the vehicle keys. Except for that few hours, we were together. So, and even if, let us say,

hypothetically, Mr Adams came to the hotel, where would you have printed it? We did not even have a business centre at the hotel we were staying at. Where would you have stamped ...[intervenes].

CHAIRPERSON: I have printed documents at a hotel.

MS RAMSAMY: Did you have your stamp? Because if he had the stamp, obviously it would have been produced when we were at the boardroom at DPP's office.

ADV BALOYI SC: So what you are saying is, but for that 2
10 hours, 1 to 2 hours that you took a nap, there was no opportunity ...[intervenes].

MS RAMSAMY: No.

ADV KHUMALO SC: For Mr Perumal to have sat down, taken a statement, and then got it commissioned.

MS RAMSAMY: Commissioner, even if it was the next day, because we did have other meetings, we decided to utilize the trip, so we have another matter that we were investigating, and I did not know that the ID did not authorize a consultation with the attorneys. I only found out
20 when I got to the consultation, because Perumal had told me the night before that we were going for this consultation. It was the 7th of January, so in that time where I was busy, I had a lot of other work and a lot of other things that I needed to do. So I used that time, I sat at the pool with my laptop and I was busy. So even in that time, it would not be

the 6th, it is the 7th.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Advocate Ncube, just a moment. This is important, because when Mr Adams gets here, we must put some of the questions to him. Commissioner Baloyi mentioned the happy hour and the possibility that during that happy hour, a statement could have been taken from Mr Adams and commissioned. Would it have been proper, seeing that the three of you travelled together, would it
10 have been proper for Mr Perumal to consult with Mr Adams separately and take a statement and commission it in your absence and Mr Mantsha's absence?

MS RAMSAMY: No, it would not be. It would be irregular.

ADV BALOYI SC: Yes, and then you were still, although you were no longer part of the case in October last year, when the issue of disclosure of the docket to the accused was being discussed, remember, there was a discussion with you about the section 27. Now the supplementary affidavits that were disclosed to the accused, was it the
20 Perumal affidavits or the affidavits that the three of you took, the four that you took in Cape Town when you were all there? Which ones were disclosed to the accused?

MS RAMSAMY: As far as my memory serves, and I have got the USB here, as far as my memory serves, I did not see Raphesu's supplementary in the disclosure that was

given to me by the team.

ADV KHUMALO SC: So the disclosure given to the accused, remember when the docket is disclosed to the accused, which sets of affidavits, was it the affidavits that you were aware of or was it the ones that Mr Perumal commissioned?

MS RAMSAMY: When disclosure took place, and when I saw the flighted, and then when I went to the USB that was disclosed to me, which is the same copy that was disclosed,
10 it is the 6th of January 2025, commissioned by, the schizophrenic affidavit, the Pretoria, Cape Town, Dylan Perumal.

ADV KHUMALO SC: So it is the Perumal affidavits that were disclosed to the accused. Is that not improper because it means incorrect affidavits are disclosed to the accused and not the original affidavits that were taken from the witness?

MS RAMSAMY: I would say that the Commissioner is being kind. It is unlawful. It is unlawful. It is not irregular,
20 it is unlawful. It is an offence.

ADV KHUMALO SC: And then you mislead the court when you say to the court a full disclosure of the docket has been made to the accused, when in fact that is not the case.

MS RAMSAMY: Correct. And you are supposed to, by law. Even if it does not support the State's case, you are still

supposed to disclose because we are not persecutors, we are prosecutors. Our job is to present the evidence for the court to decide.

CHAIRPERSON: I just wanted to say, a person who does that just to avoid the you, there just might be people who might understand the you as referring to you.

ADV KHUMALO SC: I meant IDAC, sorry.

MS RAMSAMY: I take no offence.

ADV KHUMALO SC: I did not mean you personally, I
10 meant IDAC.

ADV BALOYI SC: You say it is unlawful. In fact, your Code of Conduct says you must disclose even material that assists an accused person that is in your possession.

MS RAMSAMY: Correct.

ADV BALOYI SC: Yes. You said something about the disclosed docket, when it was given to you, you do not recall seeing the Raphesu affidavits, supplementary affidavits. Ordinarily, you as the prosecutor in this team, what role do you have when it comes to the disclosure of
20 the docket? Do you look through it? Does it get given to you? Do you have any role whatsoever, even if it is a passive role of ...[indistinct] given a copy.

MS RAMSAMY: May I explain Perumal's team and disclosure versus IDAC at disclosure? Even the prosecutors do not get given the original dockets.

ADV BALOYI SC: [Indistinct]... [microphone off] Perumal's team you are talking about.

MS RAMSAMY: Perumal.

ADV BALOYI SC: Okay.

MS RAMSAMY: We get given scanned copies of the docket. We have to work off scanned copies of the docket. Advocate, may I?

ADV BALOYI SC: Yes.

MS RAMSAMY: So, even when you are drafting, you would
10 work off the scanned copy that they have given you. You do not have the physical, which is not proper. You are supposed to have the physical docket. You are supposed to, in the DPCI matters, we do a thing called docket audit, where if we are disclosing electronically because it is thousands and thousands of pages, or maybe just two, five hundred pages, whatever, we would sit with the investigating officer and the prosecutors, and we would go, A1, check, A2, check. That process, whenever asked for by Perumal's team, is bypassed. And the reason I am bringing
20 this up is I recently did a memo saying that charges must be withdrawn on another matter, because when myself and my co-prosecutor, after numerous emails and numerous fights, finally got the A, B, and C clip, we found exonerating evidence in the C clip.

ADV BALOYI SC: This is after disclosure of the docket?

MS RAMSAMY: This is when I set the matter down for trial.

ADV BALOYI SC: Okay.

MS RAMSAMY: So, I did a memo, and I still have not received a reply from Advocate Johnson, stating that, one, because of this evidence, so, the prosecutor and I then embarked on our own investigation. We went and checked. We confirmed with the witness. The witness then emailed us another supplementary affidavit confirming that the
10 investigators did not ask about these things. We attached all of that, and we did a memo saying, this matter needs to be withdrawn. So, there is, and I explained it earlier, there is, so, Advocate Johnson calls Perumal's team the A team, and then there is IDAC. So, the A team, they do not follow the rules and that is why we did not, I still have not seen the physical docket.

ADV BALOYI SC: Thank you. Lastly, on this disclosure issue, is there a rule in IDAC about the disclosure of the Rule 27 affidavit?

20 **MS RAMSAMY:** The referral.

ADV BALOYI SC: The referral, rather. Is that part of, as a matter of rule, it may be that it is not complied with. I am asking that kind of question, whether there is a rule or it is a, it is as you deem fit about that referral. Is it part of the docket? Does it get disclosed?

MS RAMSAMY: Advocate Johnson's instructions is a 27 referral does not get disclosed. However, I am aware that a legal opinion on this has been sought. We have not received it yet.

ADV BALOYI SC: Received the opinion. And is there a reason that has been offered by Advocate Johnson why you would not? I mean, it is, intuitively it seems the source of the complaint, which is an affidavit, would be part of what? It would be part of your docket. Is there an explanation or
10 justification that has been given for non-disclosure?

MS RAMSAMY: Commissioner, when I brought this up in 2023, I was shut down as if it is just not. There is no explanation. It is, I said, and that is it.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: And I think you said you consider the section 27 affidavit to be an A1.

MS RAMSAMY: Correct. It should be the A1, because it is the founding document to a docket and investigation, or an investigation leading to a docket, whichever comes first.

20 **ADV SEGEELS-NCUBE:** But in this instance where you have dockets that were already existing before the section 27, could there be some justification as to why it would not be considered as part of disclosure because you already have four A1's in existing dockets?

MS RAMSAMY: To answer you, Advocate, if the A1's had

sufficient evidence, it would have been, it could have maybe been justifiable, but because the A1's did not have any substance, it should have, in fact, that should have been the supplementary, the 27 referral.

ADV SEGEELS-NCUBE: Okay. Can we then go back to your statement, paragraph 79?

MS RAMSAMY: -:

10 “As an aside, I recall that during the meeting Mr Adams showed us messages that he had received from either Minister Mchunu directly or from Mr Cedric Nkabinde. I cannot recall. These messages were allegedly from Lieutenant General Mkhwanazi from the PKTT.”

ADV SEGEELS-NCUBE: It is about the PKTT.

MS RAMSAMY: Sorry, about the PKTT.

ADV SEGEELS-NCUBE: Read that sentence again. Just start the paragraph again, as an aside.

MS RAMSAMY: -:

20 “As an aside I recall that during the meeting with Mr Adams, Mr Adams showed us messages that he had received from either Minister Mchunu directly or Mr Cedric Nkabinde. I cannot recall. These messages were allegedly

from Lieutenant General Mkhwanazi about the PKTT. I did not read the messages. I frankly was not interested. And I just handed the phone back to Mr Adams.”

ADV SEGEELS-NCUBE: Can you tell us what Mr Adams said the messages were about?

MS RAMSAMY: Mr Adams said that the messages were Lieutenant General Mkhwanazi threatening to arrest
10 Minister Mchunu if the PKTT were shut down.

ADV SEGEELS-NCUBE: And this was on 6 January 2025?

MS RAMSAMY: Correct.

ADV SEGEELS-NCUBE: Okay. You did not see the messages? It was not something that interested you?

MS RAMSAMY: No.

ADV SEGEELS-NCUBE: Okay. Then paragraph 18.

MS RAMSAMY: -:

“The events that followed after 6 January
2025 were even more concerning, which I
20 will deal with in my second statement.”

ADV SEGEELS-NCUBE: Chair, as indicated, the witness is going to testify in two parts. She is still in the process of finalising the second statement. We would ask that her evidence be parked until Tuesday for her to finalise that, be interposed by a witness tomorrow, potentially two tomorrow,

along the same stream, the IDAC stream, Chair.

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

MS RAMSAMY: Thank you, Chair.

CHAIRPERSON: The hearing of your testimony is postponed to 9:30 on Tuesday, 4 August 2026. Lete us adjourn and resume at 9:30 tomorrow.

ADV SEGEELS-NCUBE: Thank you.

INQUIRY POSTPONED TO 31 JULY 2026

10 **INQUIRY ADJOURNS**
