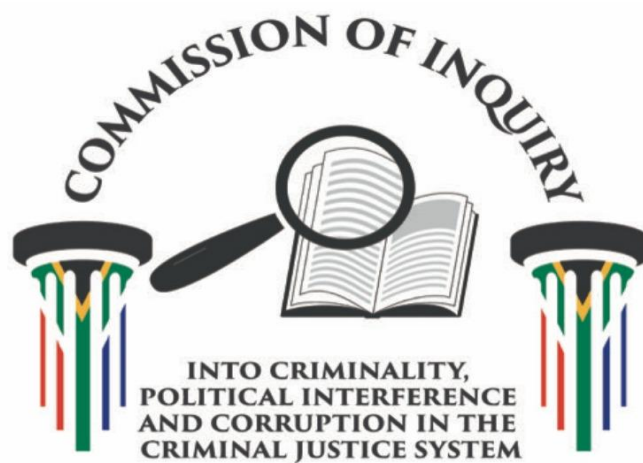


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

31 JULY 2026

DAY 152



PROCEEDINGS ON 31 JULY 2026

CHAIRPERSON: Good morning, Ms Pooe.

ADV POOE: Good morning, Chair and Commissioners.

CHAIRPERSON: Good morning, Mr Ramatsekisa.

MR RAMATSEKISA: Good morning, Chair.

CHAIRPERSON: Thank you.

ADV POOE: Chair, the witness this morning is Mr Mantsha Robert Raphesu who is a senior investigator at IDAC.

CHAIRPERSON: Good morning, Mr Raphesu.

10 **MR RAPHESU:** Good morning, Chair and Commissioners.

CHAIRPERSON: Are you going to be swearing or affirming?

MR RAPHESU: I will swear, Chair.

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".

MR RAPHESU: So help me God.

MATSHA ROBERT RAPHESU (duly sworn states)

20 **CHAIRPERSON:** Thank you.

ADV POOE: Chair, just as a matter of housekeeping on our approach to the evidence this morning, so the witness will not be reading the statement into the record, rather I will be guiding the witness through the statement thematically, and he will give an explanation of each section

and then we can pose those questions for each section during that period.

CHAIRPERSON: May I find out why that choice of process? No, no, no, I am not at all, I am not querying it as such, I just want to know.

ADV POOE: Chair, was there something in my face that ...[intervenes].

CHAIRPERSON: I will tell you why. We had an experience with one of the Ekurhuleni witnesses, he went on and on
10 and on. He too was not reading until at some point I said, can we not find a way of going quicker, and he was then done within 5 minutes after I had made that request to him.

ADV POOE: Chair, in consultation with the witness in the lead up to providing the evidence, we tried to ascertain how best and how comfortable he would be, whether it be reading or explaining and he expressed that he is much better at conveying the key aspects of his statement than to read word for word, and that is his preference. If, Chair, it seems like we are unable to get through the statement with
20 relative progress with this method, then we may revert to reading. But for now, the witness has expressed that he is far more comfortable and more efficient with explaining than reading.

CHAIRPERSON: Thank you, Ms Pooe. Okay, let us see how it goes, Ms Pooe.

ADV POOE: Thank you, Chair, I am indebted. Mr Raphesu, Commissioners, there should be one file in front of you which contains the witness statement, and you will see at the front of the file, there are, there is the statement, and at the back are the annexes from 1 to 11. Do you have that file in front of you?

MR RAPHESU: Correct, Chair.

ADV POOE: And if you go to the statement, if you proceed to page 20 of the statement, can you confirm that that is
10 your signature at the end of that statement?

MR RAPHESU: I confirm, Chair.

ADV POOE: And do you confirm that this statement was prepared by you for purposes of giving testimony before the Commission?

MR RAPHESU: I confirm, Chair.

ADV POOE: And do you confirm the contents and the correctness of the statement?

MR RAPHESU: Confirm, Chair.

ADV POOE: Thank you. Mr Raphesu, if we can go then to
20 your statement and just look at it thematically, can you explain to the Commission the role that you currently hold within the institution?

MR RAPHESU: I am a senior investigator at the IDAC.

ADV POOE: Thank you. And which of the matters were you involved in?

MR RAPHESU: I was initially involved in the so-called Lushaba matter and the Mogwele matter, which was before called the Madondo matter.

ADV POOE: All right, thank you. And now, before we get into the contents of those three or two investigations, can you give a brief background of your previous employment history?

MR RAPHESU: I was employed at IPID. I actually started as an intern at IPID 2004, later, appointed as an analyst or
10 a monitor at the Johannesburg office of IPID. I think this was in 2005. I was appointed as a senior investigator in 2007. I worked at the Johannesburg office as a senior investigator until at around October 2016, when I moved to the national office. There was a unit at the national office where I was seconded there. I was seconded at the national office up until 2019, when I was seconded again to the IDAC.

ADV POOE: And after your secondment to IDAC, did you then remain in IDAC and when were you made permanent?

20 **MR RAPHESU**: Yes, I remained at IDAC until I was appointed as a senior investigator again at IDAC in 2025, February.

ADV POOE: Thank you. And then you mentioned that you worked as a senior investigator for IPID in the national specialized investigative team. What kind of investigations

did you deal with?

MR RAPHESU: We were dealing with the cases that will be of the same mandate as the IDAC, serious complex cases, corruption cases. We were sort of an anti-corruption unit of the IPID.

ADV POOE: Thank you. Then once you were involved in, you were permanently at IDAC, you also give examples of the type of cases you have been involved in.

MR RAPHESU: Yes, Chair. There are different groups at
10 IDAC. So you will get the groups that are working on SOE cases, you will get the security sector cases. So I was mainly involved in assisting in the Estina cases, the Denel, your Transnet cases, the PIC matters, matters that are emanating from the security sector and the speaker matter.

ADV POOE: Thank you.

MR RAPHESU: So I was also involved in the operation diversion that was spoken about. So I was also part of that.

ADV POOE: All right, thank you, officer. Commissioners, that would cover paragraphs 7 and 8 of the statement. And
20 just so that we do not move past it, can you just give a summary of your qualifications prior to joining the investigative field?

MR RAPHESU: Yes. Just to give a background, I am from Limpopo. I attended school, primaries, high school around the area there in Turfloop. So from there I moved to

Tshwane University of Technology where I did my diploma there, so ...[incomplete].

ADV POOE: And that was in 2024. So if you can look at ...[intervenes].

MR RAPHESU: That was in ...[intervenes].

ADV POOE: Paragraph 5.

MR RAPHESU: 20 ...[intervenes].

ADV POOE: You obtained the National Diploma in Legal Assistance, 2024.

10 **MR RAPHESU:** Yes.

ADV POOE: Yes.

ADV KHUMALO SC: 2004.

ADV POOE: Oh.

MR RAPHESU: 2004.

ADV POOE: 2004. My apologies.

MR RAPHESU: So during my employment I also obtained other certificates which will be the asset forfeiture, the anti-corruption trainings, detective learning course that was in Cape Town at Paarl. I think it was 2015. I also attended
20 some FATF training, Financial Action Task Force, and Interpol training.

ADV KHUMALO SC: You have never been a policeman. You are an investigator, not a police officer.

MR RAPHESU: That is correct, Commissioner, I have never been a police officer, straight from school, straight at

IPID since then.

ADV KHUMALO SC: Thank you.

ADV POOE: And then you just note that you are also a commissioner of oaths, is that so?

MR RAPHESU: That is correct, Chair.

ADV POOE: Thank you. Now let us deal with your employment within IDAC. You describe in your statement the investigative side of IDAC and who you report to. Can you give an overview of how the investigative side of IDAC
10 is structured and who oversees?

MR RAPHESU: The investigative structure, Chair, of IDAC, we have a chief investigator that is overseeing the senior investigators and the investigators. So the structure will be, you will have the chief investigator, which recently there are two, but previously it was Mr Dylan Perumal. So the senior investigators will then report to the chief investigator. That means it is a level underneath the chief investigators.

ADV POOE: Yes.

20 **MR RAPHESU:** So underneath the senior investigators, you now get the investigators. So there is also a Head of Operations, which is Mr Sesoko. So it then means the chiefs reports to Mr Sesoko.

ADV POOE: And who does Mr Sesoko report to?

MR RAPHESU: Mr Sesoko will then be reporting to the

Head of the office, which will be Advocate Johnson.

ADV POOE: Thank you. You also note that there is groupings of how the investigators are split. Can you explain that?

MR RAPHESU: Yes, the groupings in the investigators, like I indicated, there is a new chief that has just joined us, which is Chief Lusanda Booi. So you will have two teams. So it then means the senior investigators will also be divided into two teams and the investigators will be divided
10 into two chiefs. So then it will mean the other group will report to Chief Booi, the other group will report to Chief Perumal.

ADV POOE: And who do you report to?

MR RAPHESU: Before Chief Booi came, we were all reporting to Chief Perumal, but recently, I am reporting to Chief Lusanda Booi.

ADV POOE: Thank you. You then explain how matters are allocated to the investigators. Can you give us a rundown of how that happens, assignments?

20 **MR RAPHESU:** So basically, the investigators do not have a say or they do not choose which project they belong to. So what will actually happen is the, let me just call them management, the upper level where chiefs, DPP's, and the Head of office, and Mr Sesoko sits. They are the ones that decides who belongs where, who is going to work where.

So what will happen is when the process is done, what will happen is you will be called to a meeting where you will be told there is this project, the names of people that will be working on that project will be put on the designation where everybody will know who is going to be working on that group.

ADV POOE: All right, and then do you then also get a sense of the various disciplines that will be designated in that group?

10 **MR RAPHESU:** Yes, you will get who is going to be the DPP on that project. You will also get the name of the prosecutors allocated. Sometimes it will be financial investigators allocated to assist. There will be also data capturers that will be part of that team.

ADV POOE: And in your experience, in the composition of the team, is there always a DDPP?

MR RAPHESU: Chair, yes, in the composition of the team, there should be always a DPP, but there will be instances where maybe there is no DPP. Sometimes it happens.

20 **ADV POOE:** So when you say sometimes it happens that there is no DDPP, is that often?

MR RAPHESU: No, it is not often.

ADV POOE: How many ...[intervenes].

ADV BALOYI SC: Sorry, maybe let us check. You speak of, Ms Pooe is asking you about a Deputy Director, Public

Prosecutions. You are talking about a DPP.

MR RAPHESU: Oh, no, no, no, it is my bad, my mistake.

ADV BALOYI SC: You are talking past each other.

MR RAPHESU: Yes, it is supposed to be DDP
...[intervenes].

ADV BALOYI SC: Deputy Director ...[intervenes].

MR RAPHESU: Deputy Director, I will just stick to Deputy
Director, Chair.

ADV POOE: Yes, so in most instances, there is a Deputy
10 Director.

MR RAPHESU: That is correct, Chair.

ADV POOE: Is that in terms of a policy or just a practice
that generally exists?

MR RAPHESU: That is the way we knew how it is
supposed to be.

ADV POOE: All right. Commissioners, that should deal
with paragraphs 9 and 10 of the statement. You then
explained that matters usually emanate from two sources.
Can you explain those two sources, the commission side
20 and then the section 27 side?

ADV BALOYI SC: Before you do that, in paragraph 10,
that very last statement, the very last statement where you
say, the chief investigator, are you at paragraph 10? The
last statement, you say the chief investigator and the
prosecutor take the lead in briefing the team. Can you just

explain how that works in practice?

MR RAPHESU: Chair, the lead investigator and the lead prosecutors ...[intervenes].

ADV BALOYI SC: Chief.

MR RAPHESU: Or chief. So ...[intervenes].

ADV BALOYI SC: Investigator.

MR RAPHESU: So the two are part of what I was referring to as management. So at our level, we will not know the contents of what the operation is going to be about. So
10 they are basically cascading what has been discussed in the management level, putting it down to us so that we can be able to understand because they are bringing information from this side, bringing it to ours, this side.

ADV BALOYI SC: Thank you.

ADV POOE: Mr Raphesu, at paragraph 11, you deal with where the matters emanate from.

MR RAPHESU: Yes.

ADV POOE: And you explained that it comes from either two sources.

20 **MR RAPHESU**: That is correct, Chair. So the sources of information will come from the commissions of inquiries. Mostly cases that we are working from, they are coming from the Zondo Commission. So when you are getting cases that are coming from there, it is easier when, I am going to explain it from the previous paragraph 10, to

indicate how, when we are briefed *viz-a-viz* the section 27 and the matters that are coming from the Commission, how we deal with them.

ADV POOE: Yes.

MR RAPHESU: So the matters that are coming from the Commission, you will get briefed even if maybe the information is not so much making sense or maybe there is some things missing. You also have a chance now to say, you can go back to the records of Zondo Commission, then
10 you can try to suss out or maybe to get more information from what is there to compliment what you have been briefed about. I do not know if maybe I put it in there.

ADV POOE: So you eventually go to the Commission's records and get statements.

MR RAPHESU: Yes, just to get a more broader picture of what you will be dealing with.

ADV POOE: Okay.

MR RAPHESU: So with regards to section 27, it is a bit challenging because you rely more on the briefing, but you
20 do not have any other source that you can go to source out the information from.

ADV POOE: All right. So in relation to the section 27 referral, you will get a briefing, but that does not necessarily mean you will get the referral itself.

MR RAPHESU: That is correct, Chair.

ADV POOE: And is there a policy that exists about whether or not you get access to the section 27?

MR RAPHESU: No, I do not know of any. Sometimes when you are working on a matter, you cannot, let me not say you cannot, there are some times where we will request for more information. It will depend on your chief or your prosecutor whether they want to give or not. So there is nothing that is saying you should be given or you should not be given.

10 **ADV POOE:** And when ...[intervenes].

ADV BALOYI SC: Before these matters, the Crime Intelligence matters ...[intervenes].

MR RAPHESU: Yes.

ADV BALOYI SC: Had you worked on section 27 referral matters before, investigated?

MR RAPHESU: I did, Chair and Commissioners.

ADV BALOYI SC: Okay, so you do have experience of how it works?

MR RAPHESU: Ja, it was only once before this one.

20 **ADV BALOYI SC:** Okay.

MR RAPHESU: This was the second one.

ADV BALOYI SC: Okay.

MR RAPHESU: So if I can just explain with the first one, on the first one, the prosecutor that was, the lead prosecutor that we worked with on the first one, she

provided all the information that was necessary, that was relevant, and we did not have any issues with that. But when it comes to this one, there was a bit of, the information was not forthcoming. Let me put it that way.

ADV POOE: Thank you. So you made a request and the information was not forthcoming in this respect?

MR RAPHESU: I did not have to make a request with this one. It was made clear that we will not be getting that section 27.

10 **ADV POOE:** And who made that clear?

MR RAPHESU: The advocate, Advocate Ramsamy, indicated that we, she was instructed that we should not be provided with that document.

ADV KHUMALO SC: Ms Pooe, maybe to make it clear, we are referring to Mr Fidel Adams' section 27 referral, because when we say this one, it is not clear what this one is.

ADV POOE: All right, my apologies, Commissioner Khumalo. The second matter with section 27 ...[intervenes].

20 **MR RAPHESU:** The second matter ...[intervenes].

ADV POOE: That is the one that is referred to as the Adams referral?

MR RAPHESU: That is correct, Chair.

ADV POOE: Thank you. Now you explained that usually once you get information, you do sort of a preliminary

investigation. Can you explain how that works at paragraph 13?

MR RAPHESU: Usually when we receive matters where the information is not ...[intervenes].

ADV POOE: When it is ...[indistinct] [cross-talking].

MR RAPHESU: Ja, ja, ja. So we tend to take it upon ourself to do a sort of a preliminary investigation. It can either be, even if the matter is coming from the Commission, we will take it upon ourselves to go and
10 search for more so that at least we have something that we work on. Even with this section 27, we often try to get whatever that we can. It can either be by going back to the person who referred the matter to try to find out if there is more that we can get from.

ADV POOE: And you say how you work is you usually then do a report. Is that right?

MR RAPHESU: That is correct. Sometimes, let me not say sometimes, in all my cases that I am working on, I will just do a short report indicating what I have done and what I
20 have uncovered, and I will advise the prosecutor on the developments of what was uncovered or during the investigation.

ADV POOE: And if your preliminary report points to a lack of evidence, is that also something you communicate to the prosecutor at that stage?

MR RAPHESU: That is correct, Chair.

ADV POOE: Okay. And then at paragraph 14, you explain that you have been involved in only one other matter where there was a section 27 referral. And there, what was your role?

MR RAPHESU: My role was, I was put as an investigator. It then would mean that there was a lead investigator on that case. So the structure was there was a chief, there was a lead investigator, then I was investigator on that
10 matter.

ADV POOE: And generally, at what point do you get involved? You explain that your involvement only comes at a particular stage once, in this instance, once a 27 has been given to IDAC, you say you only get involved.

MR RAPHESU: No, when the 27 is referred, we are only getting involved when the section 28(13) or section 28(1) is authorised. It will then mean once the designation is made, your name is put there, then there will be a meeting that will be arranged where you are going to be informed that this is
20 the team that is going to be working on this matter.

ADV POOE: And are you allowed to gather information prior to the authorisation of an investigation, whether it be in terms of 28(13) or 28(1)?

MR RAPHESU: No, from our level, we are not allowed, senior investigators downwards. So when it comes to the

chiefs going upwards, I cannot say for sure how they operate, but I will think that they may be allowed to find out more or maybe to consult more before the referral is made.

ADV POOE: All right.

CHAIRPERSON: I may be taking you ahead of where you are, but you have touched on the allocation and I assume that the allocation here, at least its announcement to the participants, took place at the meeting of the 6th.

MR RAPHESU: That is correct, Chair.

10 **CHAIRPERSON:** Ja, and you say that it is unusual in your experience for the Investigating Director, who was Advocate Johnson at the time, to attend and allocate a matter at inception. So ordinarily, who would attend and allocate at inception?

MR RAPHESU: Chair, ordinarily the DPP's are the ones that takes over those duties. And if maybe there is no Deputy Director, then it will be the chief and the lead prosecutor. So let me just leave it there. I will elaborate when I, ja.

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

ADV POOE: Mr Raphesu, then let us get down to what happened on the 6th. You start on your recollection of what happens on the morning of the 6th at paragraph 15 of your statement.

MR RAPHESU: That is correct, Chair. On the morning of

the 6th we were having meetings lined up. So the first meeting was going to be at 9 o'clock. It will be the staff meeting. So I was approached by Advocate Ramsamy, who provided me with the, I will just say an affidavit that later became known as a section 27. So she just, I do not know how to say, just push it to me, and the way she push it to me, the way she was, after looking, I understood to say, I must check this thing quick. So I went through, it was about maybe 5 to 10, close to 10 pages. So I just browsed
10 through the papers. So on the papers, I could see that there was ...[incomplete].

ADV POOE: Maybe to assist you, you describe what you saw in the papers at paragraph 21 of your statement.

MR RAPHESU: 21?

ADV POOE: Ja.

ADV BALOYI SC: The papers you refer to are the pages of this affidavit.

ADV BALOYI SC: Yes, the, it was the pages, correct, Chair. Yes, what I saw, I was just browsing through as
20 quick as I can, because I understood to say, I must just make it quick, and I was not supposed to be seeing this document.

ADV POOE: Okay.

MR RAPHESU: So the document was talking mainly about a complaint about the Political Killings Task Team.

CHAIRPERSON: Did you not say paragraph 21?

MR RAPHESU: 21.

ADV POOE: 21.

MR RAPHESU: 22.

CHAIRPERSON: Is it not, it is 22, actually.

ADV POOE: Yes.

CHAIRPERSON: Ja, I just corrected you for purposes of the transcript.

ADV POOE: Yes, Chair, thank you, Chair. So it
10 substantially spoke about the PKTT.

MR RAPHESU: That is correct, Chair.

ADV POOE: And what in relation to the PKTT?

MR RAPHESU: So the lines that I have seen, it was talking about, it was a complaint about the accommodation of the PKTT, where it was talking about how lavish was it, and there was an issue about the laundry and the costs of how the laundry for the members of PKTT was costing. I think it was something like about between 400 and 500,000, something like that. There was also an issue about luxury
20 vehicles that were bought through the Slush Fund, and it was indicating ...[intervenes].

ADV POOE: My apologies, when you say Slush Fund, are you talking about the Secret Service account?

MR RAPHESU: That is correct, Chair.

ADV POOE: Yes, you can continue.

MR RAPHESU: So those vehicles were bought for the PKTT, but the allegation were that the vehicles were utilized by the former Minister of Police, Minister Cele. So the other allegation was that there were properties or hotels that were bought around KZN and Johannesburg area, I mean Gauteng area. So, with regards to the Gauteng area, the area that was mentioned was the Midrand or Kyalami. There was also mention of Pretoria North. So those properties were said to be some lodges and hotels.

10 **ADV POOE**: Commissioners, you will note that at paragraph 22, there is no mention of Pretoria North, so just to note that as an additional place.

MR RAPHESU: Yes, no, I just remembered that there was also something that has to do with Pretoria North.

ADV POOE: Yes, and then you also indicated that you saw information related to political killings investigations.

MR RAPHESU: Yes, the information that was there regarding the political investigation was, it was a sort of a complaint about the cover-up of some sorts on cases that
20 were mentioned. So I remember the name of Sergeant Dumisani Dlamini and there was also a name that I recalled after, the former, the late Sindiso Magaqa's name was also there, but I see I did not include it on my statement. The reason I remembered about the Dlamini is because I knew who Dlamini was because at some stage when I was posted

in KZN, he happened to be my witness. So the reason I remembered it quicker is because after I discussed this, I was explaining to Advocate Ramsamy how I knew Sergeant Dlamini.

CHAIRPERSON: Do you remember what was said about Sergeant Dumisani Dlamini and Mr Sindiso Magaqa?

MR RAPHESU: Chair, what I can remember is that it was a complaint to say something like a cover-up or improper investigation because I was just browsing through, I could
10 just get the sense that that was what the complaint was about.

CHAIRPERSON: The allegation, that allegation being against Sergeant Dlamini?

MR RAPHESU: No, no, no, the allegations were mainly about the PKTT.

CHAIRPERSON: Okay.

MR RAPHESU: So the information was trying to say that the PKTT is maybe trying to distort something or they are trying to, not to investigate those cases properly, something
20 like that.

CHAIRPERSON: Amongst others, the Sindiso Magaqa murder.

MR RAPHESU: That is correct, Chair.

CHAIRPERSON: Oh. And Sergeant Dlamini.

MR RAPHESU: Sergeant Dumisani Dlamini, correct, Chair.

ADV BALOYI SC: Yes, sorry, about Sergeant Dlamini, what was the allegation that he was also, was he implicated in this complaint or was he presented to be a victim of the PKTT?

MR RAPHESU: From my reading, it looked like he was portrayed as a victim of the PKTT team.

ADV POOE: And maybe just so that we finish the topics, some of the related topics to the section 27 that you saw, you noted that at paragraph 23, that the ID gave evidence
10 relating to the investigations that were ongoing and she mentioned that the PKTT was not part of the investigation.

MR RAPHESU: That is correct, Chair. I was looking when, I was watching when the ID was presenting at *Ad Hoc*. So there was a point where she indicated that PKTT was not part of the section 27 referral. So that is where now I started looking at it differently, because I was shocked because the section 27 that I saw, that information was there.

ADV POOE: When you say, oh.

20 **ADV KHUMALO SC:** Were you shocked because she had misled the *Ad Hoc* committee? What exactly shocked you about what you heard or what you saw?

MR RAPHESU: I was shocked that the information that she was putting there was not entirely correct.

ADV KHUMALO SC: Do not be diplomatic. It was true or it

was false. Entirely correct means ja, but not everything. It was true or it was false?

MR RAPHESU: It was false.

ADV POOE: Thank you. Now, you note that you also saw the, you also watched these proceedings, is that correct?

MR RAPHESU: That is correct.

ADV POOE: And there you saw the ID and a section 27 that was shown in these proceedings.

MR RAPHESU: That is correct, Chair.

10 **ADV POOE**: Can we then go to file two at page 512. You will tell me when you find it.

MR RAPHESU: 5?

ADV POOE: 512.

MR RAPHESU: I am there, Chair.

ADV POOE: Is that the section 27 that you saw in these proceedings?

MR RAPHESU: No, that is not the section 27 that I have seen.

20 **CHAIRPERSON**: That is, you mean that is not the one Ms Ramsamy showed you?

MR RAPHESU: That is correct, Chair.

CHAIRPERSON: All right.

ADV POOE: And you note that there were material features that you do not see in this one that you saw in the one that Ms Ramsamy shared with you?

MR RAPHESU: That is correct, Chair.

ADV POOE: And you also made observations in your affidavit about the length of this one that is in the file that was before this proceedings and the one that you saw when Ms Ramsamy gave you.

MR RAPHESU: That is correct, Chair. The one that I have described, the pages were, there were more than 5, but those two going to maybe towards 10 pages.

ADV POOE: And so sitting here now and having a look at
10 that, you can positively confirm that this is not the section 27 that Ms Ramsamy showed you on the 6th of December?

MR RAPHESU: No, this is not the section 27 that I saw.

ADV POOE: And furthermore, you recount in your statement at paragraph 25 that you had a discussion with Ms Ramsamy afterwards where you confirmed to her that this is not the affidavit she showed you, is that correct?

MR RAPHESU: That is correct, Chair.

ADV POOE: All right. And then lastly, at paragraph 26 of your statement, you then confirm a few aspects that you
20 could recall from the section 27 that Ms Ramsamy showed you. Can you see that?

MR RAPHESU: Yes, no, that is correct, Chair.

ADV POOE: And there you can confirm that the affidavit that Ms Ramsamy gave you contained various matters related to the PKTT, is that correct?

MR RAPHESU: That is correct, Chair.

ADV POOE: It made reference to Orlando CAS numbers and Villieria and not Cape Town CAS numbers.

MR RAPHESU: That is correct, Chair.

ADV POOE: And then just to demonstrate that, if you can just look at page, if you can go back to the section 27 in file 2 at the top, at paragraph 1, and you see that there, this, the section 27 that served before this Commission makes reference to Cape Town CAS numbers, whereas the one
10 that you saw made reference to Orlando CAS numbers.

MR RAPHESU: That is correct, Chair.

ADV POOE: Thank you. And then you also confirmed that the section 27 that Ms Ramsamy showed you contained allegations related to General Madondo and failing of a polygraph test, is that correct?

MR RAPHESU: That is correct, Chair. But also, remember, as I indicated, I was just browsing quicker, but I remember that the names were there.

ADV POOE: And then do you recall the matter of the
20 forklift?

MR RAPHESU: I cannot remember it in detail, but there was a mention of a forklift.

ADV POOE: And then the last one I think you have already confirmed, which is the purchase of hotels and lodges and properties using the Secret Service account and vehicles

for use by the former Minister of Police.

MR RAPHESU: That is correct, Chair.

ADV KHUMALO SC: Can we just, just to eliminate the possibility that you could be mistaken, how much time did you have to observe this affidavit that Advocate Ramsamy gave you, and what did you do with it after you observed its contents?

MR RAPHESU: Chair, it might be, the time might be maybe between 5 to 10 minutes.

10 **ADV KHUMALO SC**: So you were sitting down, she passed it to you, you had a look at it, you browsed through the various pages to see what was in the affidavit?

MR RAPHESU: That is correct, Chair.

ADV KHUMALO SC: Then what did you do with it afterwards?

MR RAPHESU: So afterwards, then I pushed it back to her when she was about to leave, because she was supposed to have handed it over to be kept at the safe of Advocate Johnson.

20 **ADV KHUMALO SC**: Was it just the two of you, or was Mr Perumal and Padayachee in that room when she ...[intervenes].

MR RAPHESU: No, they were not there. It was just the two of us.

CHAIRPERSON: I think I saw somewhere in the statement

that you said you did not finish browsing the document, or am I mistaken?

MR RAPHESU: That is correct, Chair.

CHAIRPERSON: And if it was just the two of you, why the rush? Why did you not finish going through the affidavit?

MR RAPHESU: So, the, I understood it to say that there was no time, I must just browse it quicker, so I concentrated on the information where I wanted to grasp quick.

CHAIRPERSON: But you did not know what was to come
10 after the point at which you stopped.

MR RAPHESU: By the time I was pushing to go there, the time was already elapsing because she wanted the documents now to go and hand it over.

CHAIRPERSON: What do you mean by that?

MR RAPHESU: So what I mean, Chair, is the instruction was she was supposed to bring the docket, I mean the document to be filed, I mean to be locked in the safe at the ID's office. So before I could finish reading the whole thing, she had to take it back.

20 **CHAIRPERSON**: Do you mean she demanded it back?

MR RAPHESU: I cannot say demand, but she just, just by showing of, it then means then I must hand it over. She did not say it in words, she just made a gesture to say I must bring.

CHAIRPERSON: A gesture that you understood to mean

give it back?

MR RAPHESU: That is correct.

CHAIRPERSON: Okay.

MR RAPHESU: Mr Raphesu, do you work often with Ms Ramsamy?

MR RAPHESU: Yes, I worked with her on the first 27 project, which will be the, what I referred to as a speaker matter. This was the second operation where I was working with her.

10 **ADV POOE**: I guess I want to understand whether you have like a secret language of like, and then she knows, you know.

MR RAPHESU: I will say it is not something that we will discuss and use, but it is common cause, if I am bringing on something and I am saying, then it means you will know that you, what you have to do.

ADV POOE: Okay, all right.

ADV BALOYI SC: Can I just see that I understand what you say. I understood you to say when she gave you the
20 document, she was looking around.

MR RAPHESU: Yes, you see, that is correct, Chair.

ADV BALOYI SC: And that you understood to mean you were not supposed to be looking at that document at the time.

MR RAPHESU: That is correct, Chair, because if a person

is handing you something, he is looking and saying, it then means you must just be quicker also.

ADV BALOYI SC: Okay.

MR RAPHESU: You must just understand what.

ADV BALOYI SC: Thank you.

ADV POOE: Also, you were also reading body language.

CHAIRPERSON: I forget how she put it, but my sense was that she is comfortable in confiding in or with ...[indistinct] I am not sure of the ...[indistinct] in, yes.

10 **ADV POOE:** [Indistinct]...

CHAIRPERSON: I am not sure of the correct preposition. Are you also of the, how should I put it, you two are comfortable in confiding?

MR RAPHESU: That will be correct, Chair, because on the previous 27 that we worked on, we experienced some challenges and when we were discussing, we realized that, just to put it straight, on the project that we worked on, we worked with Mr Temane Binang. She was the lead prosecutor. Binang was the lead investigator. So I was the
20 assistant there. So we had problems with Chief Perumal. So he sometimes wanted to come with tricks and other things. So we had to unite so that we can be able to deal with his dodgy ways. So that ...[intervenes].

CHAIRPERSON: [Indistinct]...

MR RAPHESU: So we formed a ...[intervenes].

CHAIRPERSON: Just for the, you would what, “skinder” about him. I hope people know that.

MR RAPHESU: No, not “skindering” *per se*, Chair. We wanted to be careful about how we are dealing with him. So we will ...[intervenes].

CHAIRPERSON: But, ag, anyway, I think you have answered my question.

MR RAPHESU: Yes.

CHAIRPERSON: I do not think we need a lot of detail.

10 **MR RAPHESU:** Thank you very much, Chair.

CHAIRPERSON: I think your answer is positive and coincides with what she said. All right.

MR RAPHESU: Thank you very much, Chair.

CHAIRPERSON: Thanks.

ADV POOE: Commissioners, that should deal with paragraphs 20 to 26 of the statement.

ADV BALOYI SC: You skipped paragraph 19 and 20.

20 **ADV POOE:** Yes, we are going back into the meeting. My apologies about that. Now, Mr Raphesu, let us go back to the meeting. You have already confirmed that at the meeting, the first thing that you noted that was unusual was that the ID herself gave the briefing regarding the meeting, I mean, regarding the case.

MR RAPHESU: That is correct.

ADV POOE: And that usually this process is undertaken by

the DD, alternatively the chief investigator.

MR RAPHESU: That is correct.

ADV POOE: All right. And then you say at paragraph 18 that there was a briefing given and that the matter emanated from a member of Parliament and that to confirm would have been Mr Adams.

MR RAPHESU: That is correct, Chair.

ADV POOE: Yes?

MR RAPHESU: No, no, no, you can come.

10 **ADV POOE**: Okay. And you were also then informed that you would have to track these dockets.

MR RAPHESU: That is correct.

ADV POOE: In particular that Mr Perumal needed them before he goes to Eastern Cape.

MR RAPHESU: That is correct, Chair. What has happened is during the briefing, Chief Perumal was explaining, briefing us and giving us information that this is what the case is all about. This is what we need to do. He mentioned that he is basically tasking me or giving me
20 instructions to locate the dockets. So the dockets he was referring to, he indicated that they bear a case number of Villieria. So he also indicated that he received the information that the dockets might be locked in a safe in the Station Commander, Commissioner's office at Villieria. So I was tasked to go to Villieria to collect the dockets, which I

did, so ...[intervenes].

ADV POOE: Maybe before you get to the actual collection, let us finish your concerns on the briefing.

MR RAPHESU: Yes, on the paragraph 19, yes.

ADV POOE: Yes.

MR RAPHESU: So during the briefing, when I checked the, when I looked at the designation, I saw that my name was put there as a lead investigator. There was a DPP, Deputy Director was allocated which was Mr Advocate Manilall,
10 Santos Manilall. There was a financial investigator who was put on the designation, I think it is Mr Wynand Wessels.

ADV POOE: And then the two, Advocate Manilall and Mr Wessels, they were not at the briefing.

MR RAPHESU: They were not at the briefing. So what has happened now is, when we were busy talking, Chief Perumal indicates that he had already briefed Mr Brian Padayachee. So I was then surprised to say, if we have now been briefed about this now, and he is saying that he
20 has already briefed Mr Padayachee, how did that happen, because my thinking was that we were all supposed to be receiving a briefing on that day. So, but I just kept it on the back of my mind to say, it should be, there should be something maybe that, I do not know.

ADV POOE: And then just to go back to the speaker

matter, in the initial briefing there, was every member of the team there briefed together at the same time?

MR RAPHESU: That is correct, Chair.

ADV POOE: So is that what caused your concern about when he could have been briefed?

MR RAPHESU: Correct, Chair.

ADV POOE: All right.

ADV KHUMALO SC: Where did you get it from that Advocate Johnson would be supervising the matter? Is it
10 something that she said in your presence at this briefing, or did you hear it from somebody else?

MR RAPHESU: No, that is what it was said in the briefing to say, she will be leading the matter, and she will be assisting us with whatever that we are looking for.

ADV KHUMALO SC: But did she say that, or did you hear it from Chief Perumal?

MR RAPHESU: I cannot remember who said it, but it was said in the meeting that she will be the one that is running with the project.

20 **ADV BALOYI SC**: This is in the meeting where she was present?

MR RAPHESU: She was present at the meeting of the briefing.

ADV BALOYI SC: Okay.

CHAIRPERSON: In paragraph 19, you open by saying that

there were certain matters that caused you concern and what you say first is that the name of Mr Brian Padayachee already appeared on the designation, although he was not at the meeting. I am not sure that I understand why that would have been odd. I would imagine that when the allocation takes place, and indeed when the meeting at which the allocation is to be announced, a decision would already have been taken as to who the team members would be. So what exactly was odd about Mr Padayachee's name
10 being there, or being part of the allocation?

MR RAPHESU: Chair, I think we worded it wrong here. The way you are explaining it, Chair, you are correct. What was supposed to be odd is the fact that he was already briefed here, not the other way around.

CHAIRPERSON: Okay, all right, all right, and now I understand.

MR RAPHESU: Thank you very much, Chair.

CHAIRPERSON: Thank you.

MR RAPHESU: So the second issue that caused me
20 concern was a colleague, Mr Suneel Bellochun. He was fighting with Chief Perumal, just exchanging words, but what I could get from that is that Mr Suneel Bellochun, it looked like he was promised that he was going to be a lead on this matter, so he was asking Chief Perumal, why am I not a lead in this matter. So that also painted a picture to

me that now it then means Mr Suneel Bellochun knew about this thing before.

CHAIRPERSON: What exactly did he say which made you believe that he had been promised that he would be the lead investigator? What did he say exactly?

MR RAPHESU: What I picked up is, I asked, because basically what has happened is there was a commotion, so I asked, what is the problem with, what is happening? So because we were sharing the office with some other guys
10 that are working with us, they just informed me that the issue is about this matter that we were allocated to, and I asked what about the matter, then they just pointed out to me to say he is fighting with him because he was promised that he will be the leader, the lead on that case. It is not something that maybe I overheard or I, they were fighting in their own space, in their own corners. But those that were working with them, those are the ones that related the message to me to say they are fighting because he was promised this and he did not get. I took it from them.

20 **ADV POOE:** And just to be clear, Mr Bellochun was not at the meeting and nor was he on that designated list?

MR RAPHESU: That is correct.

ADV POOE: And so he would have either heard it before or through somebody else?

MR RAPHESU: Yes, somewhere else. Thank you very

much.

ADV POOE: And now we can then, Commissioners, that should dispose of the remaining paragraphs.

MR RAPHESU: Just, just, can I just ...[intervenes].

ADV POOE: Yes.

MR RAPHESU: Chair, to indicate further, the reason why I am putting this here is because something else happens in the, during the course where it will now show why the fight was about. In, somewhere else it is going to be shown that
10 he actually knew because while, while we were busy with the investigation, the other witness will now mention that he was in some consultation before. So I am putting it there so that when ...[intervenes].

CHAIRPERSON: That is Mr Bellochun?

MR RAPHESU: That is Mr Bellochun.

CHAIRPERSON: A consultation in respect of these very matters?

MR RAPHESU: That is correct.

CHAIRPERSON: Okay.

20 **ADV POOE:** And, and then just before we step off that, you indicate that Ms Ramsamy had also informed you that Chief as well as Mr Padayachee had met the complainant before?

MR RAPHESU: Yes, no, she just indicated, yes, that I can confirm, correct.

ADV POOE: And this would have been before the investigation was authorized?

MR RAPHESU: Yes, that would be before the 6th of December. Yes, that is correct.

ADV POOE: And in your experience, it usually, maybe the first question is, Mr Padayachee, what level of investigator is he?

MR RAPHESU: Ja, just to put it short, he was not supposed to have met with the person who is referring the
10 matter at that time, because all of us at our level, we do not get involved in those things. So he is a senior investigator. I am a senior investigator. So we cannot get involved into the matters that involve the Chiefs and others.

CHAIRPERSON: Is it you that is going to speak to that detail or is it someone else, that is that Mr Bellochun had already consulted with, do you mean with Mr Fadiel Adams or with whom?

MR RAPHESU: There is a, Chair, this information, I just, it is not in my evidence. I just remembered it when I was
20 consulting with the Counsel today and I forwarded to her some documents that have that information.

CHAIRPERSON: All right, but is Mr Bellochun supposed to have consulted with Mr Fadiel Adams? If not, with whom?

MR RAPHESU: There is another witness that he has consulted with from Crime Intelligence.

CHAIRPERSON: Oh, someone else?

MR RAPHESU: Someone else, that is correct, Chair.

CHAIRPERSON: Okay. And then my question was, is it you that is going to be able to give some detail, if at all, on this aspect?

MR RAPHESU: On this aspect, I think it will be proper to be dealt with by Advocate Ramsamy ...[intervenes].

CHAIRPERSON: Okay.

MR RAPHESU: Because the contents of that meeting are
10 contained in the presentation that she made.

CHAIRPERSON: Oh, okay. All right, then because it is fine, maybe you should leave it there then because ...[intervenes].

MR RAPHESU: I also think so, Chair, because I am going to be talking to it as a third party and it is not going to ...[intervenes].

CHAIRPERSON: Yes.

MR RAPHESU: Yes.

CHAIRPERSON: Because Ms Ramsamy is coming back
20 and ja, she will, as I understood from yesterday's testimony, a second statement of hers is being prepared.

MR RAPHESU: That is correct, Chair.

CHAIRPERSON: So perhaps let us leave it there.

MR RAPHESU: Thank you very much, Chair.

ADV POOE: Chair, just to clarify that there are two

meetings that the witness is referring to in this paragraph, one which he is prefacing is with a witness in one of the related cases with Mr Bellochun, who was not assigned to be part of this team. And the other meeting he is referencing is one that he was informed by Advocate Ramsamy that happened with Chief Perumal and Mr Padayachee with Mr Adams prior to the investigation being authorized. Just so that we relate.

MR RAPHESU: That is correct. That is correct, Chair.

10 **ADV POOE**: And you are going to touch on the later meeting with, that Mr Bellochun was in, but not the one with Mr Adams.

MR RAPHESU: That is correct, Chair.

ADV POOE: Thank you. Then you then proceed to talk about the request then that was made, or rather the instruction that was given for you to collect the dockets. At paragraph 20, you talk about having informed Mr Sesoko first. Can you deal with what happens in that regard?

20 **MR RAPHESU**: Thank you very much, Chair. On the way to Villieria, I decided to phone Mr Sesoko to inform him, or maybe to ask him if he knew about this new project. So Mr Sesoko indicated that he did not know anything about any project. So I tried just to brief him a bit to get him on speed about what I have seen and what I have been briefed on. But he said, no, it is fine, I must just continue with whatever

that I am continuing with. Then I get to ...[intervenes].

ADV POOE: No, before you move past that, why did you call him in the first place?

MR RAPHESU: I called him mainly because, like, as I have indicated, the chiefs and the management, he should be part of that. I thought that all the decisions about cases that are coming, he should know or maybe be part of that. So I was hoping that maybe he would share some light about actually what is happening there.

10 **ADV POOE:** So the purpose of you calling him was you wanted further information from him, not just notifying him of this instruction to go track the docket.

MR RAPHESU: That is correct. And also, I wanted to highlight to him what I have picked up already and I wanted to get his feel about maybe he will be able to explain it better or something.

ADV POOE: What do you mean when you say what you have picked up already?

20 **MR RAPHESU:** No, what I am saying, what I have picked up is the behaviour of Mr Padayachee already been briefed and this one fighting for being a lead. So I wanted to hear maybe he can be able to clarify what is actually happening here.

CHAIRPERSON: So you wanted to talk to him about the matters that you said were matters of concern to you. That

is what you wanted to engage him on.

MR RAPHESU: Yes.

CHAIRPERSON: All right.

MR RAPHESU: That is correct, Chair.

ADV POOE: And then you just note that it was concerning to you that in the call, it sounded as if he had no knowledge of this.

MR RAPHESU: That is correct, Chair. The way he was responding, he was now asking me more questions when I
10 was supposed to be asking him to say what is happening. So I was actually shocked that he does not know anything about this.

ADV BALOYI SC: Why did you expect that he would know, he should know?

MR RAPHESU: He is the Head of the operation and from what I understood that he should know about what is in his space and other things. But it turned out that he was, I do not know if I would say he was not informed or I do not know how to put it, but I expected him to know.

20 **ADV BALOYI SC**: Because he is Head of investigations?

MR RAPHESU: That is correct, Chair.

CHAIRPERSON: So in your experience in all matters that you were involved in, he would always be in the know. So he would always know about them.

MR RAPHESU: That is correct, Chair.

CHAIRPERSON: All right, okay.

ADV POOE: Thank you. Then let us move to page 9 of your statement where you deal with collection of the dockets. We are at paragraph 27 of your statement. You start by noting that you have already set out the details related to collecting the dockets in two statements already. Just so that we are clear, what were these two affidavits for, the two sworn statements?

MR RAPHESU: The two affidavits were for the other, I do
10 not know which one is the first or the second.

ADV POOE: But let us go to page 26 of the annexures. It is labelled MRR2.

MR RAPHESU: Oh yes.

ADV POOE: Yes, what was the purpose of the statement?

MR RAPHESU: The purpose of this statement was for, I was requested to draft this statement for the bail, when they were doing the bail. No, no, no, when they were dealing with the issue of the arrest of the suspect on the Lushaba matter, there was an issue relating to the case numbers, so
20 I had to depose to this affidavit just to illustrate which dockets I collected from the office of the Inspectorate.

ADV POOE: Okay, and were you also confirming the chain of custody?

MR RAPHESU: That is correct.

ADV POOE: All right. And then the second ...[intervenes].

ADV KHUMALO SC: Sorry, before you, why is it not signed? Why is this affidavit not signed?

MR RAPHESU: No, the affidavit is not signed because it was a draft for myself. The one that I submitted at court, I thought that it was disclosed with the docket. It was supposed to have been disclosed.

ADV KHUMALO SC: So the signed one mirrors this one that we are seeing on page 26?

MR RAPHESU: That is correct, Chair.

10 **ADV POOE:** Thank you. And then the second one, which is MRR3, is at page 28 of the annexures. And can you explain why that one was deposed to or you prepared it?

MR RAPHESU: The second affidavit was, I deposed to it after I watched what was said about the movements of the docket at *Ad Hoc*. So immediately after, when I get to the office, I volunteered to just give the affidavit already so that I can be able to explain and dispel what was said at the *Ad Hoc* committee.

ADV POOE: When you say you volunteered, you
20 volunteered it to who?

MR RAPHESU: I volunteered the affidavit to my supervisor at the time who was Chief Booi. So I just gave the affidavit explaining what actually happened before they could actually ask for it. I just gave it.

ADV POOE: What about what was said in Parliament

prompted you to prepare an affidavit?

MR RAPHESU: What was said was trying to purport that I did not follow the procedure and I went to people's offices with letters and I did not want to provide them with the letters. It was something that has to do with along those lines, so I wanted to put it clear how the process unfolded, just to put it clear that this is what has transpired.

ADV POOE: And who was making those claims that the process or procedure was not followed?

10 **MR RAPHESU**: It was a conversation between Advocate Johnson and Honourable Mr Sauls, if I remember, but it was in relation to the affidavit that was filed by Colonel Phillips and Lieutenant General Jacobs.

ADV POOE: All right. Then perhaps then let us deal with what actually happened when you were collecting the documents.

MR RAPHESU: Thank you very much, Chair. On the 6th, as I indicated, I was instructed after briefed by Chief Perumal to collect the dockets, he specifically told me that I
20 must get these dockets because he wants to leave with them to East London. He was flying back to East London on that Friday, so I had to move quick to get these dockets so that I can get them to him before he - I moved to Villieria. Villieria, I get, I asked for the Station Commissioner. He was not there. I asked for the Detective Commander. He

was at this Christmas things.

ADV POOE: It was a year-end party.

MR RAPHESU: Ja, year-end function. So I phoned him. I explained what I am looking for. So he got the information quick. He said, no, no, no, no, I know about the dockets you are looking for. He indicated to me that he is not going to be able to come where I was, but he provided me with the contact of the person who has collected the dockets. So he informs me that the DPCI, which is the Hawks, collected the
10 dockets.

ADV POOE: Okay. And just to make sure, the speed at which you are moving to obtain the dockets was related to Chief Perumal's request because he was leaving?

MR RAPHESU: That is correct.

ADV POOE: That was the urgency?

MR RAPHESU: Yes.

ADV POOE: You then get in touch with Colonel Phillips.

MR RAPHESU: Now I get in touch with Colonel Phillips. He says, no man, I am not far from where you are, come to
20 my office. Already, I have informed Chief Perumal that the dockets were collected, they are not in Villieria, by some Colonel Phillips from the Hawks. So I am told that now, they now contact someone in the Hawks to say we need those dockets. I am made to understand that they phoned a certain, I do not know whether it is Brigadier or General

Matroos.

ADV POOE: Okay.

MR RAPHESU: So when I get to Colonel Phillips, he now introduced himself that he is from Inspectorate. Then I had to phone back to say, no, no, no, Colonel Phillips is not from DPCI, he is actually from the Inspectorate. Then I am sitting with Colonel Phillips. I explained to him, this is the situation, these dockets are being sought. Colonel Phillips indicates to me that, no, no, no, you cannot get the dockets
10 today. You can only get the dockets possibly on Monday because the dockets were locked up in his General's office. So now, it means I must phone now again, Chief Perumal to explain to him that he cannot get the dockets now. So I phone, I put him on the speaker. So he is now talking to me. I am relaying the message to him and I am saying to him, the Colonel also wants to speak to you because the Colonel was asking me who was my Commander and I was trying to explain to him. Now they are talking on my phone. So they started greeting each other, asking each other.
20 Then they realized that they know each other, so they continue talking. They are now making arrangements for the collection of the dockets on Monday. So on the arrangements, they are talking how they are going to move about, how the letters will be exchanged between the two of them and how the letters should be directed. After they

finished talking, the phone was handed back to me.

ADV POOE: Okay.

MR RAPHESU: So when we parted ways with Colonel Phillips is that I will meet him the Monday the 9th at his General's office.

ADV POOE: Okay. And did you then communicate with anyone at the office regarding the letters that now need to be exchanged?

MR RAPHESU: No, I did not communicate with anyone. I
10 thought that that will be sorted because the Chief already knows and agreed with Colonel Phillips on how to do it. So my duty was only to attend to General Jacob's office to collect the dockets.

MR RAPHESU: All right. And you did so on the morning or on the 9th of December and you collected the documents?

MR RAPHESU: Yes, on the 9th I reported to the office of General Jacobs. When I get there, I was informed that the letter has not been signed already or provided already, so I
had to wait outside for the office to process the signing of
20 the letter. Some few minutes, about 10 to 15, I was informed that the ID has signed the letter and it has been sent to General Senthumule. So when I went back to General Jacob's office to inform him that now the letter has been signed, it has been sent to General Senthumule, and I was asking General Jacobs to provide me with the email

address of the secretary so that I can give them to also forward the same letter to his office. So what he did is he took out the phone, spoke to General Senthumule. Immediately after the call, he said, no, everything is fine. He instructed the secretary to give the dockets to me. Then I signed for the docket and took them back to the office.

ADV KHUMALO SC: So you took the originals, the original dockets?

MR RAPHESU: That is the original dockets.

10 **ADV POOE:** And do you ordinarily take the original dockets in instances where you take dockets from various stations?

MR RAPHESU: I did not get that?

ADV POOE: Do you usually take original dockets when you are taking them from originating stations or where the dockets were initially opened?

MR RAPHESU: Ja, we usually take originals and if there is a need to take them back, we take them back. But in some instances, depending on the matters, sometimes we just go
20 ask for the copies just to evaluate before we take the originals, but it is not a prescribed thing. We are just flexible about it.

ADV POOE: Okay. And in this instance to record that you have now taken the docket from the inspectorate to IDAC, is there a record of how that is captured?

MR RAPHESU: Usually when you take a docket, you must sign for it on the system. So there is what we call a CAS system where you need to be signed there for you to be able to acknowledge the docket on that system. Now, I am registered on the CAS system, but my credentials are still registered on the previous employment of IDAC. So I could not have signed for that docket using IPID because it was going to look like IPID signed for the docket, whereas the docket was signed for at IDAC. So I opted to sign for it
10 manually.

ADV POOE: Okay. And ...[intervenes].

ADV KHUMALO SC: Ms Pooe, maybe let us just clarify this. It may or may not become an issue later on. Paragraph 30, you say you collected seven case dockets and then you mentioned three being Villieria. Are those the same Orlando dockets, the ones that you identify as Villieria, 403, 404, 405?

MR RAPHESU: That is correct, Chair.

ADV KHUMALO SC: Okay.

20 **MR RAPHESU**: What actually has happened is the three dockets that were transferred from Cape Town, they remained as they are with the case numbers. The ones that were transferred from Orlando, what was supposed to happen is when they reach Villieria, they were supposed to generate new case numbers of Villieria, but it never

happened. So they kept them with the same original numbers from Orlando. They only changed the station only, the station name only.

ADV KHUMALO SC: But your paragraph 30, those seven dockets include the Orlando dockets?

MR RAPHESU: That is correct, Chair.

ADV POOE: Just one small issue on the collection of the seven dockets. I know you had nothing to do with the letters ...[intervenes].

10 **MR RAPHESU:** Yes.

ADV POOE: That were exchanged, but I just want to refer you to page 111 of file 10. You will see there is a letter from Advocate Johnson to Major General Khumalo. We understand from testimony that later it was changed to General Senthumule, but you see at paragraph 2 of the letter that it only lists four dockets. You see that?

MR RAPHESU: That is correct, Chair.

ADV POOE: So when you got to General Jacob's office, you did not specify a particular number, you just said
20 generally ...[intervenes].

MR RAPHESU: That is correct, Chair. I did not specify the number or, I just said the docket that are related to that matter that I have spoken to Colonel Phillips about. I did not specify the case numbers or the numbers.

ADV POOE: Oh, and then they gave you seven.

MR RAPHESU: That is correct, Chair.

ADV POOE: All right, thank you. You have already explained that there were some misstatements at *Ad Hoc* related to the letters. Is there anything else you want to say in relation to that? Look at paragraph 31 of your statement. You explained that at *Ad Hoc* there was an issue regarding the collection of the dockets.

MR RAPHESU: Yes. Now, I think I have already touched on that just to give a picture of what actually has
10 transpired.

ADV POOE: All right, thank you.

ADV KHUMALO SC: Ms Pooe, in the statement, paragraph 30, should it not be 2, 3, and 4 instead of 3, 4, 5, those Orlando? I am just looking at the letter on 111 and the statement. The Orlando dockets should be 2, 3, and 4, but here it looks like it is 3, 4, 5 in the statement. Do you see that?

ADV POOE: Yes, I see that. We will, Commissioner Khumalo, we will just double check the referencing. And
20 then that should conclude that section.

ADV BALOYI SC: Before you do that, that affidavit at page 29, your affidavit, the one that you say you prepared after you heard what was said in the *Ad Hoc* committee.

MR RAPHESU: Yes, Chair, Commissioner.

ADV BALOYI SC: Can you just explain more what you say

in paragraph 8 of that affidavit? It is still in the same file, your statement file.

MR RAPHESU: Oh, paragraph 8?

ADV BALOYI SC: Hm, what, in fact, was that discussion?

MR RAPHESU: Oh, yes. When I collected the dockets, I had a chat with General Jacobs, wherein he was just, we were just having a casual chat where he was saying to me that each and every 10 days he needs to report to the Minister of Police to give him progress regarding these
10 matters. So basically, the way I took it is that since we are now taking the dockets, it means, it meant that it is now our responsibility to report or something like that. So that is why I just put it the way he said it to me.

ADV BALOYI SC: And this was about the dockets?

MR RAPHESU: This was about the dockets.

ADV BALOYI SC: The matters in these dockets?

MR RAPHESU: That is correct, Chair.

ADV BALOYI SC: Okay. And did he say why they needed, why there was that kind of position that they needed to
20 report to the Minister of Police?

MR RAPHESU: No, he did not indicate, Chair.

ADV BALOYI SC: Okay, thank you.

CHAIRPERSON: I also actually wanted to raise that same issue, but I was to have based it, I think it must be somewhere in your or on your statement. Is there not

somewhere in your statement where you say in the dockets you found a correspondence?

MR RAPHESU: Oh, yes, Chair.

CHAIRPERSON: And that it was in that correspondence where you established that there was this need to report to the Minister.

MR RAPHESU: No, I think I remember what you are talking about, Chair. We misquoted it. It was supposed to read that he informed me about that, but the letters were just
10 information notes.

CHAIRPERSON: Yes, I was interested ...[intervenes].

MR RAPHESU: So we captured it incorrect.

CHAIRPERSON: I was interested to know what that correspondence was, who wrote and how exactly that need arose and whether the correspondence showed where all of this came from.

MR RAPHESU: No, apologies for that. It is ...[intervenes].

ADV KHUMALO SC: Just look at paragraph 32. That is a question to you.

20 **CHAIRPERSON**: Ja, ja.

MR RAPHESU: Which one?

ADV KHUMALO SC: Do you have your statement file with you?

MR RAPHESU: Oh, yes.

CHAIRPERSON: [Indistinct]... 32.

MR RAPHESU: I am on it, Chair and Commissioner.

CHAIRPERSON: So it sounds like you want to make corrections and just read the whole of paragraph 32 and see to what extent, if at all, it is inaccurate.

ADV POOE: Sorry, Chair, just to say that the witness did say this to me in relation to this because we had not gotten to this section, we had not made the correction yet, but he did indicate that it was not correspondence, it is rather that in communication with General Jacobs told him that there is
10 this reporting every 10 days.

CHAIRPERSON: All right. I raise it at this stage even though we are not at paragraph 32 because it relates to the point raised by Commissioner Baloyi in relation to a separate affidavit, but ja, I had also thought I wanted to follow up on this. So what do you say the correct position is now?

MR RAPHESU: The correct position would be that I was informed by the General that that is what should happen.

CHAIRPERSON: Okay, okay.

20 **ADV BALOYI SC**: I know you are not management, what you refer to as management at IDAC.

MR RAPHESU: Yes, Commissioner.

ADV BALOYI SC: But I will ask the question anyway. In your experience and knowledge, do matters get reported, updates as investigations are happening? Is it, have you

come across where, as a matter of course, reports are given to a Minister as the investigations are progressing? Have you had that kind of experience?

MR RAPHESU: Can I maybe just indicate that I am not aware of.

ADV BALOYI SC: You have never had that experience where you are involved in a matter and you become aware that reports need to be given to the Minister from time to time? You do not have that experience?

10 **MR RAPHESU**: I am aware, but it will be maybe an issue of, the way I understand it, it will be a monthly issue. Maybe it will be, maybe there is a meeting where everybody is there, they have to report, but with this one of frequent, like 10 days or something, that one I do not know of.

ADV BALOYI SC: And the ones that you say you are aware of, would it be reports to the Minister of Police or to the Minister of Justice, because you report to the Minister of Justice, IDAC, as I understand it.

MR RAPHESU: That will be correct.

20 **ADV BALOYI SC**: So it would be Minister of Justice.

MR RAPHESU: That will be correct.

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

ADV POOE: All right. Just for completeness, maybe we will just finish the two paragraphs of this section and then we will ask for the tea adjournment. Mr Raphesu, at page

11, at paragraph 32 and 33, you deal with your assessment of the docket. Do you just want to summarise fairly quickly what your findings were when you read the dockets?

MR RAPHESU: Ja, from the dockets, there was very little information that you can get from what was contained in the docket. So it was very difficult and confusing to make up what actually is the crime there, what is actually happening. So we needed to discuss what was actually contained there because they seemed to, for lack of a better word, there
10 was no substance in those A1's.

ADV POOE: And in addition to the A1's, was there anything else in the dockets that will assist in your investigation?

MR RAPHESU: Well, there were information notes, there were some entries that were made on the diary, but it was not assisting also. It was just the information that you will just see.

ADV POOE: And in relation to the information note that you saw there, what did you pick up from that information
20 note? And just to assist, it is at page, it is file 10, at page 141, there is an example of that information note, 141. Have you found it?

MR RAPHESU: Correct, Chair.

ADV POOE: And what were your thoughts in relation to that?

MR RAPHESU: Basically, it was just a report to say that this is what the complainant is alleging and what the challenges that they are facing are. And I think somewhere in the diary, they are indicating that they are trying to contact him, he is not coming forth and other things. They were just relaying the message about what is actually happening about the cases.

ADV POOE: Okay, and it pretty much reaches the same conclusion you did?

10 **MR RAPHESU**: That is correct.

ADV POOE: All right, thank you. Commissioners, that should deal with the assessment that was done on the docket at the time. Might this be an opportune time to take the tea adjournment?

CHAIRPERSON: Let us adjourn and resume at 20 to 12.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV POOE: Effecting a correction. I have discussed it with Mr Raphesu, the second sentence, oh no, the third
20 sentence that starts with 'the correspondence reflected that the office concerned', that sentence, my apologies we are at page 11 of the statement, to delete the words 'the correspondence reflected that the office concerned', up until that place and replace it with 'I was informed by the General that he was', and then the sentence will continue,

‘was reporting to the office of the Minister of Police on the progress of the matter every 10 working days’. I think I did a double was, just one. Mr Raphesu, can you confirm?

CHAIRPERSON: Sorry Ms Poee, maybe still on that correction, to avoid any uncertainty, I was, we should say, I was informed by General Jacobs.

ADV POOE: Yes, well...

ADV BALOYI SC: Because he is referred to much earlier in the paragraphs and there is no obvious connection.

10 **ADV POOE:** And so the sentence will read:

“I was informed by General Jacobs that he was reporting to the office of the Minister of Police on the progress of the matter every 10 working days.”

Can you confirm this?

MR RAPHESU: I confirmed, ja.

ADV POOE: Thank you.

CHAIRPERSON: Thank you for that, Ms Poee.

20 **ADV POOE:** Then we can move to investigations and consultations. At paragraph 34, you just note there that you conducted investigations and your general approach. Do you want to summarise that, your approach to investigations?

MR RAPHESU: Ja, just in summary, must I start at 34? Just the information that was in the docket, it was not

enough for us to have gone anywhere. So we basically made an appointment to meet with the complainant, which was supposed to be on the 19th, but that meeting never materialised. So we decided to meet as a team on the 19th. So I collected Mr Perumal at the airport to go and meet with Advocate Ramsamy in Midrand. So when we arrived there, Advocate had already prepared documents for us emanating from the dockets that I have already collected at General Jacobs' office.

10 **ADV POOE**: And when you say that he prepared documents, you mean the copies of the dockets?

MR RAPHESU: The copies of those dockets.

ADV POOE: All right.

MR RAPHESU: So Chief Perumal brought a stack of documents. It could be maybe between 10 to 20 pages.

ADV POOE: When you say 10 to 20 pages, I am also looking at your hand gestures. Is that...

MR RAPHESU: Ja, let me just say around 20, just to be safe.

20 **ADV POOE**: Yes.

MR RAPHESU: Thank you.

ADV POOE: And where did he say these documents came from?

MR RAPHESU: No, he said he received them from Mr Fadiel Adams.

ADV POOE: Did he indicate when he received those documents?

MR RAPHESU: No, I cannot say. He never indicated.

ADV POOE: Okay. And what were the contents of these documents?

MR RAPHESU: The documents were basically talking about the victims. It was more or less about the people at Crime Intelligence. Their names would be Madondo. It was information relating to the procurement of the forklift.

10 **ADV POOE:** And was there any other documents apart from the ones related to vetting and the forklift issue?

MR RAPHESU: No, I cannot say much about that. But because we are deliberating, we are also talking about the housebreaking on the Lushaba matter. We were discussing these things at random. So, but what I could pick up is those.

ADV POOE: All right. And you say that at this meeting, you took some notes.

MR RAPHESU: Yes, I did take some notes.

20 **ADV POOE:** Commissioners, the notes are attached as MRR4 at page 31 of the annexures. I tried to read some of them, but Mr Raphesu advised that he... Maybe perhaps to explain your approach when you take notes.

MR RAPHESU: Chair, when we take notes, we basically write, okay, my handwriting looks like I am a doctor or

something, because it is not... [Laughter] But what we usually do is we do not, from our side, we write in such a way that even if I get to lose this document, the person who will have it will not be able to make out what was this about, because we are dealing with sensitive information, people's names and other things. So you try to be as vague as you can, but at least you as the writer, you will be able to remember what was this about. So if you see snakes and other things there, you must just understand that that is the way we operate. Thank you, Chair.

ADV POOE: I must say I wanted to say your handwriting is better than someone we all know here. [Laughter]

CHAIRPERSON: Thank you very much. I just whispered to my colleagues that by far this is very beautiful compared to mine.

ADV POOE: And so you note that in the meeting you also discussed how... But perhaps before we move past the documents, I have to ask, from the documents that you saw, the 20 pages, in your opinion, would it fit under a normal standard door?

MR RAPHESU: Eish... it is possible, it is possible.

ADV KHUMALO SC: Ms Pooe, does it not depend on what the door looks like? Should we not just subpoena Parliament to send us photos of the office and what the door looks like? Because a witness who has not been

there, there are some doors that leave space large enough for things to slide under, and others do not provide for that. So is not Parliament better positioned to give us that information?

ADV POOE: Commissioner Khumalo, I take your point, and perhaps we should do a subpoena in that light.

ADV KHUMALO SC: If he has not been there, it is unfair to ask him that question, because it forces him to give an answer he is uncertain about.

10 **ADV POOE:** Point accepted. I was following on a conversation we also had with Advocate Ramsamy about having seen the documents, whether or not they could, but I take your point. Mr Raphesu, I will not take that point any further, but you then say that the discussion you decided to on approaches for the cases, including to group the cases in a particular way, can you explain some of that?

MR RAPHESU: Yes, we decided that we are going to group the cases into four groups. The first one is going to be the Lushaba matter, because that was the, from the look
20 of things that was the clear or simple one, because it had the old docket, which was opened already in 2022. So the groups were the Lushaba matter, the Madondo matter, the shop...

ADV POOE: Forklift.

MR RAPHESU: The Forklift matter, then the last one was

the PKTT matter.

ADV POOE: And even in this grouping, there does not seem to be reference to the Mokwele matter?

MR RAPHESU: That is correct, ja.

ADV POOE: Okay. Then, if we can then move to your next consultation.

ADV BALOYI SC: Before that, the notes that we are looking at, at page 31 up to 34, the first observation, and please correct me if I am wrong, I have done my best to try
10 and read your handwriting, but the first observation is it looks like the first three pages of that, all relates to the Lushaba matter and then you have the ...[intervenes]

MR RAPHESU: Can I be assisted, Commissioner?

ADV BALOYI SC: It is that same file that has your statement in it.

MR RAPHESU: Oh.

ADV BALOYI SC: Go to page 31. We are looking at your handwritten notes at page 31. They refer to housebreaking, that is the theme, the main theme at page 1, page 2, I think
20 page 3 as well.

MR RAPHESU: That will be correct, Commissioner.

MR RAPHESU: And this information that you have here, where does it come from? Is it what you were told in that meeting, or it is material that you got from the docket?

MR RAPHESU: This information is coming from the

engagements in the meeting, that is coming from the file that was provided by the advocate with the copies of the docket and the documents that the Chief Perumal brought.

ADV BALOYI SC: Okay. And am I correct that, and then page 4 of that, it seems that is for the first time then that you are making notes about the forklift, it is one line, there is another line on vetting, and there is another short line on BMW lady, and then as you carry on there is more detail of it. Again, that detail, so you see where I am looking at
10 page 34? This is where it looks like you then group the matters at page 34.

MR RAPHESU: Page 34.

ADV BALOYI SC: You have forklift, you have 28 vetting files, and then you have BMW lady. You see where I am reading?

MR RAPHESU: Oh yes, yes, yes.

ADV BALOYI SC: You see where I am reading?

MR RAPHESU: I see it.

ADV BALOYI SC: And then when you carry on to the next
20 page, those notes there, for example, about the BMW lady, where does this information come from now? As you are recording it, let us say at page 36, you have Brigadier from BMW, she is, something is said, Khumalo slash Lushaba, and then Grebas [?], and something and something, Brigadier female, ORS. This information comes from whom

amongst you, and where was it sourced from at this point?
Remember we still at that meeting in Midrand?

MR RAPHESU: Yes, the issue about the BMW lady, it was coming from Chief Perumal.

ADV BALOYI SC: Okay.

MR RAPHESU: So it was just mentioned as it is, they did not mention, the name was not mentioned. It was just the way I captured it.

ADV BALOYI SC: Okay. And then at page 37, you have
10 got the last two sentences there. The last two sentences, I am more interested in the penultimate one, the first one that has a star to it.

MR RAPHESU: Yes.

ADV BALOYI SC: Can you just speak to that? It makes reference to Paul O'Sullivan.

MR RAPHESU: That is correct.

ADV BALOYI SC: What is that about?

MR RAPHESU: So during the engagement in the meeting, Chief Perumal asked about a clip that was circulating. So
20 the discussions was, they tasked me to go to Mr O'Sullivan to find out if he had opened a case against, around this issue about the BMW lady, and also to find out if he has conducted or done anything on that matter. So the discussion was to give me the tasking to say I must go and find out from him what did he do on this matter.

CHAIRPERSON: Did you speak to Mr O'Sullivan?

MR RAPHESU: I did.

ADV BALOYI SC: During the tasking?

MR RAPHESU: I did speak to Mr O'Sullivan.

ADV BALOYI SC: And what did he give you, or what did he say? And when I say you, I mean IDAC?

MR RAPHESU: Yes. No, what he provided to me, he gave me a letter. I am not sure whether it was the letter to the Minister or from the Minister, but it has something to do
10 with that. So he also provided me with a report. On that report it was, there is something that you call CPB, where you check people's details or something like that. So those details, he provided them via email. He said ...[intervenes]

ADV BALOYI SC: Whose details were there in that document, do you remember?

MR RAPHESU: It was Brigadier Mokwele's details.

ADV BALOYI SC: Okay.

MR RAPHESU: So when he forwarded the emails to me, I also noticed on the email that that information was sent to
20 Andrea Johnson on the 5th, on the 5th of December 2025 already.

ADV BALOYI SC: And sent to ...[intervenes]

ADV POOE: My apologies, sorry, Commissioner Baloyi.

ADV BALOYI SC: If it is the topic that you were going to cover, I am happy to leave it. I just thought you were

moving away from these notes.

ADV POOE: Two parts. I wanted to correct the date from the witness, which is it is dated December. We will ask the attorneys to hand up the two, January, sorry, 5 January is the date of the two emails that were sent. I will ask the attorneys to distribute them to everyone. The consultation with Mr O'Sullivan is dealt with in the upcoming section.

ADV BALOYI SC: Okay, I am leaving it. You should have stopped me earlier.

10 **ADV POOE:** My apologies. As long as I keep track of jumping around, I am comfortable with moving forward.

ADV BALOYI SC: Okay, search, Mr Raphesu, we are going to stop here and then Ms Pooe will take you through her paces.

MR RAPHESU: Thanks, Commissioner.

ADV POOE: While we get the emails sorted, I am just going to move forward to the next consultation that happens in the order of things. Mr Raphesu, if we can then go to paragraph 38, where you deal with your consultation with Mr
20 Adams. Can you explain what happened on that occasion?

MR RAPHESU: On this occasion, Cape Town, consult with Mr Adams. We interview him. He provides us with further information that we asked for. Just to cut the matter short, we obtained the supplementaries, supplementary affidavits, four supplementary affidavits. The four supplementary

affidavits were commissioned by myself.

ADV POOE: Before we go too far into the commissioning, perhaps let us start with what was the purpose of your consultation?

MR RAPHESU: The purpose of the consultation was to provide Mr Adams with an opportunity to clarify issues about the dockets. Before that, we became aware that he was complaining that he could not have put most of the information in the dockets, so we wanted to find out from
10 him what more did he have to give to us.

ADV POOE: Okay, and through that process, you were then with him preparing supplementary affidavits?

MR RAPHESU: That is correct.

ADV POOE: Would this be supplementary to the A1 statements that were in the dockets?

MR RAPHESU: That is correct.

ADV POOE: Now, I just want to use one as an example, one of the supplementary affidavits. If we can go to file 9, page 3485, I think is where the first one is.

20 **MR RAPHESU:** 3?

ADV POOE: 3485.

MR RAPHESU: I am there, Commissioners and Chair.

ADV POOE: Okay, so you will see there... thank you, my apologies, I look at the screen. You will see there that, can you confirm that that is one of the supplementary affidavits

you took with Mr Adams?

MR RAPHESU: I confirm, Chair and Commissioners.

ADV POOE: You will see, when you look through the affidavit, it is probably two pages long.

MR RAPHESU: That is correct.

ADV POOE: And you will note that even in terms of detail, it is almost as thin as the A1.

MR RAPHESU: That is correct.

ADV POOE: Can you explain why this is, in particular
10 because the team went to Cape Town to obtain further particulars, and I would assume to get more information, so that you bolster up the A1 that is in the dockets.

MR RAPHESU: That is correct, Chair, but the purpose of the exercise was not for us to tell him what to tell us. We wanted to get from him what he is going to give us. So basically, he gave us the same thing that was in the A1 here.

ADV POOE: And in consultation, did you bring that to his attention, that you are not telling us anything new?

20 **MR RAPHESU**: Ja, if it was in a normal way, I was going to tell him that you are not giving us fokol. But the problem now is he is an honourable member, so I could not have... But just to tell the truth, we went there for nothing.

ADV POOE: And then, by way of documents, because that is also one of the other purposes, was to obtain documents

from him.

MR RAPHESU: Yes, the main purpose was to obtain documents from him. Not literally the main purpose was to obtain the documents from him, but we were hoping that he will give us something to substantiate the allegations. So when we were busy typing his affidavit, we were hoping that when he was saying that he was explaining and that he was explaining the documents, we put it in his affidavit and marked, and put it on the statement that he will be attaching
10 documents. But however, before or before we could finish, he indicated that he did not have documents to give us to attach.

ADV POOE: Just for the record, an example of when you would indicate that a document would be attached, if we can look at the affidavit in relation to the forklift matter, which is at 3487...

MR RAPHESU: Yes, Commissioners.

ADV POOE: ...you will see at paragraph 3, there is an indication there that documentation in this regard is
20 attached hereto as annexure FA1. Is that what you meant by you indicated in that...?

MR RAPHESU: That is correct. That is correct.

ADV POOE: But you were not furnished with those annexures?

MR RAPHESU: We were not furnished with those

annexures. And just to make a point also, when the interview started, when Advocate Ramsamy asked him about the documents, Mr Fadiel already told us that he gave the documents to Chief Perumal, just before the interview started.

ADV POOE: Okay. Would those have been the documents that Mr Perumal then shared with you in the meeting of the 19th of December?

MR RAPHESU: That is possible, yes. So that is what I
10 thought also, that these are the documents that he was referring to.

ADV POOE: So in essence, there would not have been other documents to disclose?

MR RAPHESU: Correct.

ADV POOE: Apart from those that you had already then seen?

MR RAPHESU: Correct.

ADV POOE: I just want to bring your attention to something where, if you go to paragraph 39 of your
20 statement...

CHAIRPERSON: May I just raise something about the last sentence of paragraph 38, starting 'during the meeting', your statement. There you say that:

"During that meeting, Mr Adams showed
messages said to concern the PKTT

(attributed to Lieutenant General Mkhwanazi and forwarded to Mr Adams via Minister Mcunu or Mr Cedric Nkabinde)."

What was the nature of these messages? Were they SMSs, WhatsApp chats, or what? And what did the messages say?

MR RAPHESU: Chair, the messages were on WhatsApp. So while he was showing me the phone, he was explaining that these messages are saying this. But when I looked at the phone, I read, but... it was just a message that says, I
10 do not know how to... like it was just a, like he just flashed it to me to... So I could not see the top part, where the message is coming from. That is why I am saying in my affidavit, it is coming from Minister Mcunu or... because I could not see where the message is coming from. So on the last part of the phone, also I could not see, basically I could not see the names. I was relying on what he was telling me that this message is saying. But indeed, it was written there that if you disband the PKTT, something towards that, I cannot remember by head.

20 **CHAIRPERSON**: So you could not tell who had sent the message?

MR RAPHESU: That is correct.

CHAIRPERSON: Nor could you tell who that message had been sent to?

MR RAPHESU: That is correct, Chair.

CHAIRPERSON: But you said, if I understood you correctly, you said just now, you said you read.

MR RAPHESU: Ja, I was just trying to read to make sense. But...

CHAIRPERSON: Ja, can you tell in clearer terms what you read?

MR RAPHESU: Eish. What I read, it was a line that was saying, if you disband the PKTTs, I cannot remember the other words that followed. Because while he was showing
10 me, he was talking and telling me, did you see here? He is saying, he is saying, he is saying, he is saying.

CHAIRPERSON: You say the messages were attributed to General Mkhwanazi. Was it Mr Adams who attributed the messages to General Mkhwanazi?

MR RAPHESU: That is correct, Chair.

CHAIRPERSON: So he said, here's a message that came from General Mkhwanazi.

MR RAPHESU: That is correct, Chair.

CHAIRPERSON: And what did he say regarding the
20 forwarding? What exactly did Mr Adams say?

MR RAPHESU: So regarding the forwarding, he seemed to be saying that he got the message from the Chief of Staff, Mr Nkabinde.

CHAIRPERSON: Okay, all right. All right, thank you.

ADV KHUMALO SC: We maybe deal with the June, sorry,

6 January affidavits, so that we do not have to come back to it. The three of you are in Cape Town and I am assuming all three of you are interviewing Mr Adams.

MR RAPHESU: That is correct, Commissioner.

ADV KHUMALO SC: All of you are asking him questions.

MR RAPHESU: That is correct, Commissioner.

ADV KHUMALO SC: And then who was typing the affidavits?

MR RAPHESU: Chief Perumal was doing the typing,
10 Commissioner.

ADV KHUMALO SC: Was doing the typing. And how did you end up being the one commissioning the affidavits? Was there a discussion about that?

MR RAPHESU: There was no discussion about that, but as a lead investigator on the matter, I just assumed that it is me who was supposed to have commissioned the affidavits.

ADV KHUMALO SC: And there was no objection from the other two?

MR RAPHESU: There was no objection.

20 **ADV KHUMALO SC**: Where was your stamp? Why did you not stamp this affidavit?

MR RAPHESU: I do not carry stamps, Commissioner.

ADV KHUMALO SC: And the three of you, did none of you have stamps with them?

MR RAPHESU: No, we did not have the stamp,

Commissioner.

ADV KHUMALO SC: And nobody even raised that as an issue?

MR RAPHESU: No, it is not an issue.

ADV KHUMALO SC: Who has the stamp? You know, the three of us ...[intervenes]

MR RAPHESU: No, it was never mentioned.

ADV KHUMALO SC: We would say, do you have a green pen and share with me the green pen, and that is how we
10 would deal with it.

MR RAPHESU: No, no, no, no, Chair. There was no stamp.

ADV KHUMALO SC: I need to understand, how did that process unfold of you ending up commissioning the affidavits? You see, he has a green pen with him. So when we need a green pen, we will confer and say who has a green pen, because we want to mark something. But I am interested to know the process that led to you commissioning the affidavits. And what did you do with
20 them afterwards? Did you give them to Chief Perumal, the affidavits?

MR RAPHESU: The process of commissioning, I am just going to put it from the knowledge that I know. Mr Perumal is not a person that will want to put his signature or name in any document. From what I know is, even if you write in

your affidavit and you mention him, he is going to fight with you. He does not want to be put on any affidavit. He does not want to be named at anything. But operationally, he leads everything. So I just assumed that because I am the lead on this, I have to commission.

ADV KHUMALO SC: After you commissioned these affidavits, what did you do with them?

MR RAPHESU: I provided the affidavits to him.

ADV KHUMALO SC: You gave them to Chief Perumal?

10 **MR RAPHESU:** That is correct.

ADV KHUMALO SC: And then the three of you flew back to Johannesburg? What happened?

MR RAPHESU: So when we flew back, I cannot remember at what point did they come back to me, because remember I have to record in the docket that I am filing this affidavit in the docket, which I did.

ADV KHUMALO SC: No, I am more interested in, you are done with the interview, you are in Cape Town, you are now coming back to Johannesburg. Did the three of you fly to
20 Johannesburg together?

MR RAPHESU: No, I think the two of us, I Advocate and myself, we flew back and then he flew back to East London.

ADV KHUMALO SC: Yes, where I am leading to is, was there a time during the 6th, when Chief Perumal was alone with Mr Adams and the two of you, being you and Advocate

Ramsamy, were not there?

MR RAPHESU: Ja, there is a possibility that he – we were not together at all the times.

ADV KHUMALO SC: On the 6th?

MR RAPHESU: On the 6th, yes.

ADV KHUMALO SC: And then while Mr Adams was there, because it may be that you are not together at the same time, but Mr Adams is also nowhere around. During the period when Mr Adams is around...

10 **MR RAPHESU**: Jôh, no, I missed the question.

ADV KHUMALO SC: Was there an occasion or a moment when the two of you were somewhere else, and Mr Perumal was alone with Mr Adams?

MR RAPHESU: No, that never occurred, Chair.

ADV BALOYI SC: After your meeting where you took the supplementary affidavit, was there an arrangement perhaps to meet again on the same day with Mr Adams, by any one of you, that was made in your presence?

20 **MR RAPHESU**: No, Chair, and Commissioners, there was no arrangement.

ADV KHUMALO SC: Did you sleep in Cape Town that day and come back the following day, or did you come back on the same day?

MR RAPHESU: No, we came the following day.

ADV BALOYI SC: The 7th of January.

MR RAPHESU: That is correct, Chair.

ADV KHUMALO SC: Thank you.

ADV POOE: Mr Raphesu, you indicated in your exchange with the Commissioners that you needed to then record the interview and the affidavits and put that into the docket.

MR RAPHESU: That is correct.

ADV POOE: I know you have given us a portion of an investigation diary where you do that as an example. If you can go to page 40 of your annexures.

10 **CHAIRPERSON**: Which table flag, Ms Pooe?

ADV POOE: My apologies, Chair, it is MRR5.

CHAIRPERSON: Thank you.

ADV POOE: You will see there at the beginning, is that the entry that you did post after your consultation with Mr Adams?

MR RAPHESU: That is correct, Chair.

ADV POOE: And if Mr Perumal did an affidavit, would it also be recorded in this diary, if it were possible that he did?

20 **MR RAPHESU**: That was supposed to be recorded, Chair.

ADV POOE: And then, just for completeness, at paragraph 40, you note there that after the consultation you took four supplementaries.

MR RAPHESU: That is correct, Chair.

ADV KHUMALO SC: Ms Pooe, he said something about

the docket. Can you just, what did you, did you put the supplementaries in the docket?

MR RAPHESU: Yes, I put the supplementaries in the docket.

ADV KHUMALO SC: Was that on the 7th?

MR RAPHESU: Yes, that will be on the next day.

ADV KHUMALO SC: On the next day?

MR RAPHESU: Yes.

ADV KHUMALO SC: And then, were there any other
10 affidavits in the docket besides the ones that you commissioned?

MR RAPHESU: No, no, no, Chair.

ADV POOE: At paragraph 40, you indicate that you, there is a matter of serious concern that you saw, including that there is an A1, there has since been an A1 affidavit in the Mokwele matter that proposed to have been commissioned on the 6th of January. Do you see that?

MR RAPHESU: That is correct.

ADV POOE: Can you, in sum, just explain what your
20 concern is there?

MR RAPHESU: So my concern is, on the day in question, there were only four supplementary affidavits that were obtained, and if that purported A1 is indicated that was obtained on that day, on the 6th, it was not obtained in my presence. So I am basically also indicating that if there is a

possibility that it was obtained on that day, well, I cannot dispute that, but it was obtained not in my presence. I also indicate that the information that Mr Fadiel Adams provided to us on that day, he never said anything about what was contained in that A1, and it could not be that it was obtained on that day, because that information was not readily available at that time.

ADV POOE: And just for completeness, if we can go to file 9 at page 3483. Are you there?

10 **MR RAPHESU:** I am there, Commissioners.

ADV POOE: Is that the affidavit, is one of the affidavits that were concerning to you? If you look at the affidavit, if you go to page 3484, you will see there that it is dated 6 January 2025, and it says it was signed in Cape Town, then it was commissioned by Mr Perumal, and it includes his stamp.

MR RAPHESU: Yes, this is the affidavit that I was indicating that I am concerned with, and just to put it clear, I do not know this affidavit, and I have never seen it until it
20 was presented here.

ADV POOE: All right, thank you. And then just to clarify with you, you did not see the disclosed dockets?

MR RAPHESU: No, I did not see the disclosed dockets.

ADV POOE: Because by then you were already removed from the matter? That would have been...

MR RAPHESU: That is correct.

ADV POOE: All right, thank you.

ADV KHUMALO SC: On that, ordinarily, these supplementary affidavits, you say you put them in the docket, would they have been – and it may be an obvious question, or it has an obvious answer, but I would like to get it on record. These supplementary affidavits that you put in the docket, would they be what gets, part of what gets disclosed to the accused in the process in court?

10 **MR RAPHESU**: That should be the way you have put it, Commissioner.

ADV BALOYI SC: So if all was done properly, or if proper disclosure was made, when we look at the docket that is presently sitting with the accused, we should find your supplementary affidavits in there?

MR RAPHESU: That is correct, Commissioner.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: The question I asked you earlier about what you put in the dockets, the affidavits that you
20 commissioned, if they were not in the dockets when the dockets were shared with the accused, that can only mean that somebody swapped the affidavits that you commissioned for the affidavit that Advocate Pooe is showing you now.

MR RAPHESU: That is correct, Chair. Not only swapping,

it can also be that the others were hidden so that they cannot be, so it can either be...

ADV BALOYI SC: In fact, it seems to me that, and please comment and tell me if I am correct, that even if there were a legitimate or a proper explanation for the Perumal affidavits, I am going to call them the Perumal affidavits, a proper and full disclosure would mean both his affidavits and your supplementary affidavits have to be disclosed.

MR RAPHESU: That is correct.

10 **ADV BALOYI SC:** They are all part of the docket.

MR RAPHESU: That is correct, Commissioner.

ADV BALOYI SC: Thank you.

MR RAPHESU: Even if... Oh, let me just put it like this. Because there was already an A1, the reason for us to go there was to obtain a supplementary. Even if there was a statement that was supposed to be obtained by Mr Perumal that day, it was supposed to be marked as supplementary also because it is supplementing something. It cannot be that it is just an A1 without any mention of supplementary or
20 what.

ADV BALOYI SC: Now, in this interview with Mr Adams, and I just want to use as an example one of your supplementary statements. So the one at 3493, and that is your supplementary affidavit which deals with the allegations about the PKTT.

MR RAPHESU: That is correct.

ADV BALOYI SC: And the use of the Secret Service funds, right?

MR RAPHESU: That is correct, Commissioner.

ADV BALOYI SC: Okay. So, you have not seen the original 27 affidavit which speaks about the PKTT. You had not seen it. As far as Mr Perumal and Ms Johnson are concerned, you have never seen that affidavit when you meet with Mr Adams, right?

10 **MR RAPHESU**: Thank you, Commissioner, yes.

ADV BALOYI SC: Okay. But you are now in a meeting with the complainant in the presence of Mr Perumal. What do you do? Do you say to him, what do you have to tell us about the political killing system? How did you manage that? And did Mr Perumal not stop you? Did he sit quietly as you are talking about the PKTT with this complainant?

MR RAPHESU: The witness just volunteered the information. And from what I was gathering, when Mr Perumal was trying to interject or maybe say something, he
20 was just pushing him. It looked like maybe they fought about something because he did not even want to entertain him. So the witness just volunteered this information and we put it exactly as he was saying. And now this information now is now corroborating what I have explained already that I saw on the 27, because he was explaining the

same information on the same sequence.

ADV BALOYI SC: Okay, so when he volunteered, as you say, and again, I am using this PKTT as an example, the others as well, your supplementary statements that speak about Madondo, the forklift, my question applies to them as well. So when he speaks about the PKTT, he did not express any surprise, why are we talking about the PKTT, because I never said anything about the PKTT?

MR RAPHESU: Not at all, Chair.

10 **CHAIRPERSON:** There was no issue?

MR RAPHESU: There was no issue.

ADV BALOYI SC: So when you take his supplementary, you understood, you understood from that interaction that he is building, he knows he is building on the section 27.

MR RAPHESU: That is correct.

ADV BALOYI SC: That he spoke about these various topics.

MR RAPHESU: That is correct, Chair.

ADV BALOYI SC: Okay.

20 **MR RAPHESU:** So just to indicate further, the same name of Dlamini also came up. And I also informed him that I know Dlamini.

ADV BALOYI SC: Yes.

MR RAPHESU: So we had a small conversation about it, but we left it at that.

ADV BALOYI SC: And Chief Perumal did not say, but we are here to talk about Mokwele, why is he talking about this?

MR RAPHESU: No, he never said anything like that.

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

CHAIRPERSON: Just to complete your point about the Cape Town/Pretoria affidavits commissioned by Chief Perumal, you said they too should have been named supplementary affidavits. May I take you to page 3483?

10 **CHAIRPERSON:** That is one of Chief Perumal's affidavits or rather affidavits commissioned by him. You see there between the tramlines at the top of 3483, there it says 'affidavit'. An affidavit is not preceded by supplementary.

MR RAPHESU: That is correct, Chair, I confirm.

ADV BALOYI SC: Yes, so whereas if you compare it with the affidavit at 3485, which was commissioned by you, there you do have supplementary before affidavit.

MR RAPHESU: That is correct, Chair. I confirmed that, Chair.

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

ADV POOE: And then, Chair, to make one last point on this topic, we have handed up three documents. I will just deal with one, the one that is related that has the presentation attached. It is an email dated Thursday, 16 January 2025. Just to avoid referring to the exhibit, I

propose that we number it as the next annexure to his statement and to mark it MRR12. Oh, my goodness, my apologies, apparently, I said 13 January. It is 16 January, the email.

CHAIRPERSON: Oh, ja. The time, 13.31.01.

ADV POOE: Yes.

CHAIRPERSON: Thank you.

ADV POOE: We will be using it.

CHAIRPERSON: Can you say we should call it?

10 **ADV POOE**: MRR12.

CHAIRPERSON: 12, oh, thank you.

ADV POOE: We will be using it for a different point. But on this aspect, if you go to page 5 of the presentation, this presentation was provided by the witness this morning, hence the late addition. So you will see from the email that it comes from Mr Perumal and it is sent to Ms Ramsamy and Mr Raphesu and Mr Padayachee. And the subject line says, Diversion Presentation. The aspect that we want to draw attention to is at page 5. Can you go to page 5 of the
20 presentation and the second bullet point?

MR RAPHESU: I am there, Chair. Yes, on page 5, the second bullet point. Chief Perumal, on his presentation that he has drafted, he is confirming that we travelled to Cape Town and we obtained supplementary affidavits from the witness. And from this, he is only talking about the

supplementaries. He is not talking about any other affidavits that he has obtained. That is an official presentation that he has prepared. Can I also elaborate on...?

ADV POOE: Yes, Commissioners, the witness also wanted to complete the point related to the section 27 that he saw and that this presentation corroborates that. If we can go to slide 2 or page 2 and then you can explain from there.

MR RAPHESU: I think you should go to page 3, the top.

10 **ADV POOE**: No, page 2, because it outlines all of the...

MR RAPHESU: Oh, ja. The background of the matter is explained. It is explaining the gist of the matter about what was on the section 27. So what I want to point out is on point number 4, which is at page 3.

ADV POOE: But perhaps all of them help you.

MR RAPHESU: All right.

ADV POOE: If you recall all of the aspects you said you saw.

20 **MR RAPHESU**: But from number 1, 2, 3 and 4, which the first one is talking about the Lushaba matter. The second one is talking about the forklift matter. The third one is talking about the promotions and vettings. Then the fourth is talking about the PKTT and it explains now what I was explaining that I saw on the 27. So that information that I was relating, he, Chief Perumal now, is putting it in his

presentation, which is at point number 4.

ADV KHUMALO SC: 22 January 2025.

MR RAPHESU: That is correct, Chair.

ADV POOE: The presentation is dated 22, but it was sent to the team on the 16th of January.

ADV BALOYI SC: And this presentation, was it delivered?

MR RAPHESU: It was delivered, Chair and Commissioner.

ADV BALOYI SC: And it is delivered as in it was presented?

10 **MR RAPHESU:** It was presented. I think Advocate Ramsamy will talk more because on the day of the presentation, she also add that from the prosecution side. Then she will be able to explain it further. I just wanted to indicate that that fact that I said I saw initially when I was browsing quick, it is now reflected on the presentation that was prepared by Chief Perumal.

ADV BALOYI SC: Did you attend the presentation?

MR RAPHESU: Yes, I was present at the presentation.

ADV BALOYI SC: Was Ms Johnson present?

20 **MR RAPHESU:** She was present.

ADV BALOYI SC: So Ms Johnson was aware, I said, the date of that presentation that you went and consulted and you are working off a section 27 referral that deals with those items.

MR RAPHESU: That is correct, Chair and Commissioner.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: In fact, the cover email says the presentation is to be submitted to her.

MR RAPHESU: That is correct, Commissioner.

ADV KHUMALO SC: So the email of 16 January.

MR RAPHESU: That is correct, Commissioner.

ADV KHUMALO SC: But to corroborate Advocate Ramsamy's page 1 of the presentation, what the project was named, if you can just display that. Just very quickly, do
10 you know where the name comes from? Why was it called Operation Diversion?

MR RAPHESU: Chair and Commissioners, I do not know where the name came from, but I know it was called Project Diversion.

ADV KHUMALO SC: Enlighten us.

MR RAPHESU: I cannot say more. I just know that it was called Diversion. But as to how did it come about, I do not know.

ADV BALOYI SC: Sorry, Ms Pooe, just perhaps, even if it
20 is just for completeness, in that page 3 of the presentation, the very last paragraph, it says and further suspects, this is the Member of Parliament, he makes the allegation about General Khumalo, senior managers, together with General Lushaba, for abusing COVID funds. And then this is the part:

“...and further suspects that the National Commissioner, General Masemola, may be involved in some of these allegations.”

Do you recall Mr Adams saying that in your consultation? And if he did, did he say more than just, I suspect, did he say why, if he did?

MR RAPHESU: I cannot recall this part, but also I can dispute that it might have been said.

ADV BALOYI SC: You have no recollection?

10 **MR RAPHESU**: I do not have any recollection of this, Commissioner.

ADV BALOYI SC: Thank you.

CHAIRPERSON: Number 3 at page 2. What was that about? Was it about the Brigadier Mokwele matter or not?

MR RAPHESU: At the time, it was just phrased as this. So the probable word that meeting may have been used is the BMW ladies, but not the name.

CHAIRPERSON: I am asking because...

MR RAPHESU: No, I did not read it properly.

20 **CHAIRPERSON**: Yes.

MR RAPHESU: Yes, there were no names mentioned here. It was just phrased as it is.

CHAIRPERSON: Yes, yes, yes. I want to see how we relate this or do not relate it to a point you made earlier, which was that there was no mention of the Mokwele matter

at some stage early on. Can you just give me clarification with regard to number 3 and what you said earlier?

MR RAPHESU: When we - I will start it when we were grouping the cases. It was Lushaba, Madondo, Forklift and PKTT.

CHAIRPERSON: Yes.

MR RAPHESU: So...

CHAIRPERSON: And that was because there was no issue?

10 **MR RAPHESU**: There was no, yes. So if the name could have come up, it will have maybe just randomly come, but not in the context of it being a case to be investigated.

CHAIRPERSON: As the presentation was being made, were you able to understand how number 3 could suddenly have featured?

MR RAPHESU: No, it was not, I could not.

CHAIRPERSON: Okay, all right.

ADV POOE: Mr Raphesu, maybe to take you back to something you said earlier in the morning, and I hope my
20 recollection is correct. When you were saying the two matters that you were involved in, you specifically said you were involved in the Lushaba matter and then you said you were involved in the Madondo matter, which later became the Mokwele, or was then known as the Mokwele matter. And if I am not mistaken, that Madondo matter was related

to a promotion and had vetting issues and that, am I incorrect?

MR RAPHESU: You heard me correct, but the issue now is from the fall, I did not, I do not know because I was removed. I do not know when did Mokwele overtake the Madondo. So that is why I was just phrasing it in that context that at the beginning there was no Mokwele, but suddenly then there was Mokwele now overtaking the Madondo.

10 **CHAIRPERSON**: So what this means is that number 3 could well have been referring to the Madondo matter.

MR RAPHESU: That is correct.

CHAIRPERSON: All right, thank you.

ADV POOE: Thank you. Then I think that should cover your consultation.

ADV KHUMALO SC: [indistinct]

ADV POOE: I want to say for now, I am hopeful, Commissioner Khumalo, that you will not need it.

ADV BALOYI SC: Ms Pooe, are you done with the notes
20 that are MRR4? I just wanted to check something if you are closing that part.

ADV POOE: No, you can proceed, Commissioner Baloyi.

CHAIRPERSON: Okay. Mr Raphesu, that, your notes that we were looking at earlier. They start at page 31, and it is really a short question. If you look at page 32, and that

whole page seems to be concerned with the housebreaking at General Lushaba, the housebreaking matter, or the General Lushaba matter.

MR RAPHESU: That is correct, Commissioner.

ADV BALOYI SC: Now, you have there certain telephone numbers of two people, as a side note. And one of them is Feroz Khan, and the other is Ian Small-Smith. Do you remember why, who gave you these, and what were you to do, if anything, with these numbers? If you remember.

10 **MR RAPHESU**: If I remember well, these numbers were provided by Chief Perumal. And Mr Feroz Khan was one of the people that was identified that he would shed more light about the topic that we were talking about.

ADV BALOYI SC: About the Lushaba matter. Well, maybe...

MR RAPHESU: Yes, about the Lushaba matter.

ADV BALOYI SC: Because the page looks like a Lushaba discussion.

MR RAPHESU: It was mentioned that he would shed more
20 light, and I think it has something to do with the reporting, or something, it has something to do with the lost items that were reported to Khan. Something like that.

ADV BALOYI SC: Okay. So he would shed light on that.

MR RAPHESU: That is correct, Commissioner.

ADV BALOYI SC: Okay. And then the second name, is

that a SAPS person? Ian Small-Smith?

MR RAPHESU: Hey, I cannot remember.

CHAIRPERSON: Okay, you do not remember?

MR RAPHESU: I cannot remember what it was all about.

ADV BALOYI SC: Okay, thank you. Thank you, Ms Pooe.

MS POOE: Thank you, Commissioner Baloyi. I am advised by Advocate Seegels-Ncube that Mr Ian Small-Smith is an attorney.

ADV BALOYI SC: I thought there might be another one in
10 the SAPS.

MS POOE: And that I am advised is according to Ms Ramsamy, it was a poor... Commissioners, we are then going to move to the next topic, which is the instructions to subpoena General Lushaba's bank records. Mr Raphesu, can you just explain briefly what happened in this regard, the instruction and how it came about?

MR RAPHESU: Ja, what has actually happened is Advocate Ramsamy came to my office with a piece of paper indicating that the head of the office, Advocate Johnson,
20 wanted me to draft a section 28 subpoena. So I had a conversation with Advocate Ramsamy to say, but this we cannot do because we do not have anything in the docket that talks to that. And I was raising my concern to say, if we do this, I am not going to be able to explain tomorrow why I subpoenaed these documents. So I must say I was

very harsh.

ADV BALOYI SC: Was it the first time you heard about this R50 million need to get a subpoena or a letter relating to this?

MR RAPHESU: At that point, it was the first time I was hearing it. So I was a bit harsh on her to say, no, I cannot do it, like I did not use those words that we use as, ja. But eventually she said that she is going to take my message back to the head of the office to say, so she wanted me to
10 put it in a nicer way. So I did send a WhatsApp to say, can we at least stall or maybe wait until we get further information before we move on this?

MS POOE: And just so that we can, let us go to your message. Although I am interested in the harsh language, but I will just proceed to the message that you sent. If we can go to file 10 at page 172.

MR RAPHESU: Ja, I can see.

MS POOE: And you will see there, this is from Advocate Ramsamy's phone. It is screenshots that she took for her
20 statement. And you will see there is a message on the 11th of December 2024.

MR RAPHESU: That is correct.

MS POOE: And up there it also says forwarded.

MR RAPHESU: That is correct.

MS POOE: Can you read that message?

MR RAPHESU:

“Good morning Advocate Drew. I noted your instructions to prepare the section 28s, I was suggesting that we stall or park it until we consult with the complainant. The reason being that his affidavit is not drafted properly, we need to consult with how many, 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. Thanks.”

MS POOE: So is now this the message that you sent?

MR RAPHESU: That is correct, Commissioners.

MS POOE: Advocate Ramsamy testified that she then forwarded this message to the ID.

ADV BALOYI SC: Maybe before you do that. The complainant that you referred to in your message to Advocate Ramsamy, who are you referring to when you say we need to consult with the complainant?

20 **MR RAPHESU:** I am referring to Mr Fadiel Adams, Commissioner.

ADV BALOYI SC: Because you thought that this comes out of his complaint?

MR RAPHESU: That is correct, Commissioner.

ADV BALOYI SC: Okay, thank you.

MS POOE: After you sent the message to Ms Ramsamy, what happened? Did she get back to you about it?

MR RAPHESU: She did get back to me. But she indicated that the ID did not take kind of me questioning her. So we were summoned now to Advocate Johnson's office, where now, she now instructed me to draft this section 28s and that is now when she explained that she got information about the 50 million slush funds and other things. So she also instructed me that I must do those 28s as in now,
10 because she wants to sign them before she left the office.

MS POOE: And did she indicate where this information was coming from and/or which docket it was even related to?

MR RAPHESU: No, it was not mentioned.

MS POOE: And just an earlier thing that you said, you said Ms Ramsamy came in with a piece of paper. What was on the piece of paper?

MR RAPHESU: On the piece of paper, it was just information about General Lushaba, but what was, what I
20 could pick up there, it was the ID number. So I had to do the subpoena on his ID number. Remember, the banks that she was banking with, will not have, I do not think they would have got them. So the instruction was to use the ID number.

MS POOE: The instruction was to use the ID number and

then would you then send to all banks?

MR RAPHESU: That is correct.

MS POOE: Then can we just go to the email, if we can go to page 173 of file 10.

MR RAPHESU: I am there.

ADV POOE: Is that the email that you sent?

MR RAPHESU: That is correct.

MS POOE: Why did you put that subject line?

MR RAPHESU: The subject line, I think I did it
10 deliberately, so that it can stand out from the others, just to show that there was a problem with this thing. So I wanted to be able to identify it sometime in the future, so that I can be able to point out that there was an issue with that instruction.

MS POOE: So what was your choice?

CHAIRPERSON: Please read that subject line into the record.

MR RAPHESU:

“Section what-what”

20 **MS POOE**: Thank you. And then if we can go to the section what-what itself. They are on the following page. If we can just go to the next page. The first thing to note is on the following page there is a number of annexures. Can you see that in grey blocks?

MR RAPHESU: That is correct.

ADV POOE: Those are the summons that you sent.

MR RAPHESU: That is correct.

MS POOE: And then if you go to the next page, is this one of the summons?

MR RAPHESU: That is correct, Chair, Commissioners.

MS POOE: For Advocate Johnson to sign.

MR RAPHESU: That is correct.

MS POOE: Now if we go to Annexure A, on page 176.

MR RAPHESU: I am there.

10 **ADV POOE:** You will note there that there is a background. Right, correct?

MR RAPHESU: That is correct.

MS POOE: And when you look at the background, you indicate... My apologies.

MR RAPHESU: No, I am following. It is fine.

MS POOE: My apologies, it is me who cannot see. In the background you indicate the nature of the investigation that has been undertaken. That is an investigation in terms of section 1(a). Can you see that?

20 **MR RAPHESU:** I can see.

MS POOE: But at the time what was authorised would have been a section 28(13) in relation to the referral from Mr Adams.

MR RAPHESU: Yes, Chair. I noticed that and I accept that it is an error on my part. It was supposed to be 28(13).

So the reason why it is so, it is because due to the pressure and the time that I was supposed to generate this document, I now went into the method that I indicated that I was working on previously. So I just did a copy and paste thing. So I did not change the section 1 to 13.

MS POOE: But this was then checked and signed by the ID?

MR RAPHESU: That is correct, Chair.

MS POOE: In the ordinary course when you are preparing
10 these, do they go directly to the ID or is there a process through which they go up the chain?

MR RAPHESU: The process is supposed to be that the PM, project manager, is the one that is supposed to escalate those things and also to issue, there is something that we call an LAR number. So it is a sequence of numbers where they follow each other to be able to track or to manage how the section 28s are being controlled. So the process was supposed to be to move from myself to the project manager, then from the project manager to her
20 office. But it did not move in that way. It went straight to her office this time.

MS POOE: And to your knowledge, for this case in particular or this project, was there a project manager at the time you were involved?

MR RAPHESU: No, there was not.

MS POOE: And just lastly on this topic, I know you communicated your issues in the text, but in the meeting, did you convey to Advocate Johnson that the issuing of this subpoena in the circumstances of very little evidence would be problematic?

MR RAPHESU: I did not even get a chance to speak. So I assumed that when Advocate Ramsamy went to her, she said enough. So I did not even get a chance to speak. I was just told what to do.

10 **MS POOE:** Did you consider the meeting a consultation or was it really just to receive the instruction?

MR RAPHESU: No, it was just there to give the instructions.

MS POOE: Thank you.

ADV BALOYI SC: Just lastly from me on this, because you were the investigator, I think you were the lead investigator, and you are the one that prepared this summons, maybe to get a comment from you. It is in fact what I want to propose or put to you for your comment, that this summons about
20 the R50 million in the absence of an underlying complaint or allegation properly that was given to you, like the section 27 referral. In the absence of a complaint properly lodged, this process of a summons is a misuse of the section 28(130 process?

MR RAPHESU: That is correct.

ADV BALOYI SC: That is so?

MR RAPHESU: That is correct.

ADV BALOYI SC: Thank you.

MS POOE: And then, just out of interest, did this process ever yield any bank statements, or by the time a response was received from the banks you were no longer on this matter?

MR RAPHESU: No, we got some results back, but when we received those, usually we give to the financial investigator
10 to analyse, because sometimes it is a huge document. So, what I will do is I will collect, collect, collect from the banks, and when everything is done then I will provide it to the financial investigator. But I was removed before that process could finish.

MS POOE: Thank you. Then if we can go to paragraph 43 of your statement.

MR RAPHESU: Paragraph 53?

MS POOE: No, my apologies, 43, on page 15.

MR RAPHESU: Oh.

20 **MS POOE:** You indicated there that you made a report.

MR RAPHESU: That is correct. I continued with the investigation on the Lushaba matter. I subsequently produced a report on the findings of the investigation. Then I submitted the report to Chief Perumal.

MS POOE: And then in relation to the Mokwele matter?

MR RAPHESU: In relation to the Mokwele matter, I refused to work on that matter or to be involved in that matter, because while I was busy with the Lushaba matter, I became aware that Mr Perumal and Mr Padayachee were meeting some of the witnesses, I can say, in the corners. They were meeting in some places that I was not aware of. So, what will actually happen is they were booked in a hotel. So, because I am local, after work I will just go home.

10 Then when they are at the hotel, they were making arrangements to meet people, which they were bringing affidavits that I was not aware of. So, I took issue with that. I reported to Advocate Ramsamy and Mr Sesoko to say this is what is happening, they must deal with the matter. Eventually, I requested to be removed from that matter. I was removed from the investigation of that case only.

MS POOE: And as a lead investigator, are the two other investigators allowed to proceed with investigations and
20 interviews without you?

MR RAPHESU: No, they were not allowed to. What should have happened is, even if they informed me that we were going, what was going to be... let me phrase it his way. If they informed me that there was a witness that they were going to see, and I have agreed to say no, it is fine, then it

will not be a problem. But for them just to identify someone and go and interview those people without my knowledge, that was not supposed to happen like that.

Also, the prosecution led indicates that before an affidavit can be authorised, it must be discussed with the lead prosecutor. So, when Advocate Ramsamy comes with the presentation, I think she will be able to complete that part where she will explain what the process was supposed to be. But from your question, they were not supposed to
10 have done that.

MS POOE: And do you know what kind of affidavits were being collected?

MR RAPHESU: From what I was informed also is that there was an affidavit of a 204 that had already been obtained and that I was not aware of. So I took issue with that also.

MS POOE: And at what stage was that 204 taken, to your knowledge?

MR RAPHESU: I could say that it was just in the beginning
20 of the start of the investigation.

MS POOE: And why were you taking issue with that?

MR RAPHESU: I am taking issue with the issue of 204s because the normal standard practice it will be to investigate your case, properly so, that when at least you are faced with a situation that you cannot move anywhere or

anyhow, that is the time that you can start considering those things. But to start obtaining a 204 statement just in the beginning of the investigation, to me it sounded like this thing is directed somewhere or somehow.

MS POOE: And just for clarity, what is a 204?

MR RAPHESU: A 204 is a statement that is obtained from, we call them persons of interest, but it is a suspect. So we obtain that statement from the suspect that he will incriminate himself on the subject matter that is being
10 investigated. Then he is assisting with the investigation on that.

MS POOE: And you say how soon, because the investigation was authorised on the 6th of December, how soon did they start collecting this 204?

MR RAPHESU: No, I can just say just some days after that.

MS POOE: And then this also deals, Commissioners, with the paragraphs 48 to 51. But just on the last answer that you gave, why is it problematic to get a 204 so early in the
20 investigation?

MR RAPHESU: It is a problem because you are running a risk of being misled by this person of interest because he can actually divert or push you into a wrong path. Instead of obtaining the subjective investigation yourself, so that even if you are approaching someone, you can be able to

detect if he is lying or what. So it is not advisable to start things that way.

MS POOE: And so it was your view that this investigation was being directed in a particular way?

MR RAPHESU: That is correct. That is the reason why I refused and said I cannot get involved into this thing.

MS POOE: And when you raised these issues with Ms Ramsamy and Mr Sesoko, did you get any feedback?

MR RAPHESU: No, they gave me feedback. They
10 indicated that I should continue concentrating on the Lushaba matter and the other matter, the other two guys will continue with it. So that meant that because I was a lead on all these cases, then that means from the day that I was removed, then Mr Padayachee assumed the responsibility of being a lead on that other matter.

MS POOE: On the Mokwele matter?

MR RAPHESU: That is correct.

MS POOE: And you then retained the Lushaba matter?

MR RAPHESU: That is correct.

20 **MS POOE:** All right. Chair, we are going to move on to the next sub-topic. Maybe just to say that the recent exchange would deal with paragraphs 48 to 51 of the statement. What remains is a consultation with Mr O'Sullivan and the disciplinary proceedings that were instituted against the witness.

CHAIRPERSON: Let us continue and see how it goes.

ADV POOE: How far.

CHAIRPERSON: Ja.

MS POOE: Now let us deal with your consultation with Mr Paul O'Sullivan which takes place on the 13th of January. You deal with this at paragraph 45 onwards of your affidavit.

MR RAPHESU: Yes, I was instructed to contact Mr O'Sullivan and to find out from him what he was
10 investigating and whether he had reported or opened a case. So that if there was a case opened, so that we can go and also collect the case. So, during the interview, or just before the interview, he sent me two emails. On the emails, it is the document that I have already explained, the letter and the report that I have already indicated. So, on the email ...[intervenes]

ADV POOE: Just one second. Commissioners, there would have been two other documents handed up. It is two emails, both dated Monday 13th January 2025. The first is
20 sent at 14.11 and there is the directive of the Minister attached. That was the annexure in that email. If we can mark that annexure...

CHAIRPERSON: Which one do we mark first, the thicker one?

MS POOE: The one with the letter attached. It would be

the thinner one.

CHAIRPERSON: The thinner one. Thank you. So, 13, one three.

MS POOE: Yes. And then the second email was sent on the same day, Monday 13th January 2025 at 14.28, which contains Ms Mokwele's details. And that can be marked MRR14. Yes, Mr Raphesu, you were explaining about the two annexures.

MR RAPHESU: Yes, the two annexures, I printed them as
10 they are. Then I recorded them in the docket to be filed. So, I also made an entry in the diary of the docket.

MS POOE: And just for the record, the entry is annexure MRR5, if you go to page 40. Mr Raphesu, at page 40, is that where you recorded the consultation?

MR RAPHESU: That is correct. At page 40, I confirm, that is the entry.

ADV KHUMALO SC: Is it the one dated 15 January 2025?

MR RAPHESU: That is correct.

ADV KHUMALO SC: Is it 15 or 18?

20 **MR RAPHESU:** That is the 15th, Commissioners and Chair.

ADV KHUMALO SC: Thank you.

MS POOE: And is that where you then recorded the additional documents?

MR RAPHESU: That is correct, Chair.

MS POOE: I wanted to read your ...[intervenes]

ADV KHUMALO SC: Ms Poee, when you first mentioned these emails, I thought you had said they were copied to Advocate Johnson. But that came from you, so I do not think the witness said that.

MS POOE: Yes, it came from me. There was a little mistake with the cover emails. It is not the complete cover emails, but the witness can explain who was covered. There is a trailing email.

MR RAPHESU: That is correct.

10 **ADV POOE:** Mr Raphesu, can you explain what happened when you were looking at the emails that were sent?

MR RAPHESU: That is correct, Chair. When I was looking at the emails, there is a trail that shows that this email was sent already to Advocate Johnson.

ADV KHUMALO SC: By Mr O'Sullivan?

MR RAPHESU: By Mr O'Sullivan, yes.

ADV KHUMALO SC: Date?

MR RAPHESU: Eish, at first I thought it was 5 December, but it should be 5th of January.

20 **ADV KHUMALO SC:** But you say that email trail is somewhere, so it can be provided?

MR RAPHESU: No, on the laptop it shows, it is there.

ADV KHUMALO SC: During lunch?

MS POOE: Yes, Ms Ncube is just trying to see if we can project it quickly, but it does copy the ID and General

Sibiya on the 5th of January 2025.

MR RAPHESU: That is correct.

ADV POOE: But we will ensure that copies are provided.

ADV BALOYI SC: When Ms Johnson said to us, as she testified, that she has never had any dealings with Mr O'Sullivan relating to these matters, the Mokwele matter in particular, I think that is what she was asked, according to those emails, that would not be correct, because she would have received an email from him.

10 **MR RAPHESU**: I can confirm that there is an email directed to her on 5 January, I stand to be corrected, that one I can confirm.

ADV BALOYI SC: Thank you.

MS POOE: Thank you. That should deal with your consultation with Mr O'Sullivan.

ADV BALOYI SC: Ms Pooe, maybe for the record, you referred MRR?

ADV POOE: MRR5.

20 **ADV BALOYI SC**: Ja, you referred to a directive from the Minister, but the record does not know what you are talking about. Maybe for the record you should say what is attached there.

MS POOE: Attached to the email, perhaps the Annexure MRR13, is the directive of the Minister relating to Crime Intelligence, Points of Entry and Political Killings Task

Team, dated 31 December 2024.

ADV BALOYI SC: It is what we have been referring to in this commission as the disbandment letter.

ADV POOE: Correct.

CHAIRPERSON: The PKTT disbandment letter.

ADV POOE: Precisely.

ADV BALOYI SC: And you say you got this from Mr O'Sullivan?

MR RAPHESU: That is correct, Chair.

10 **ADV BALOYI SC:** Did he say where he got it from?

MR RAPHESU: No, he did not say, Chair.

ADV BALOYI SC: Thank you.

MS POOE: Chair, I am advised that the attorneys do have that. I am just going to ask them to hand that up so that you can have it quickly. It is relevant also for a different set of individuals. Yes, we are going to flight. Oh, my apologies, I was confused, I did not know we have the screen in front of the witness, so I was pleasantly surprised. In the screen in front of you, we have projected
20 the email concerned, and you will see it is Monday on the 13th is where you have an attachment.

MR RAPHESU: That is correct.

MS POOE: And that would have been the disbandment letter. And then if you scroll down, you will see the trailing email, and there it is dated the 5th of January 2025. And it

is addressed to, for the record, for the public purposes, we have redacted the recipient, but that is Ms Mokwele. And then copied in that is General Sibiya and Advocate Johnson.

ADV KHUMALO SC: And Minister Mcunu.

MS POOE: And Minister Mcunu is also copied, my apologies. Do not look at the redacted version. If you look at the version on the hard copy, you will see that there is also a, I cannot pronounce that surname, but SMK accepts.

10 So it is General Sibiya, Advocate Johnson, this individual, and Minister Mcunu who are all copied. And in it, I have been made to understand that this email in particular was dealt with at the time Mr O'Sullivan was before the Commission. And this was his email to Ms Mokwele indicating a couple of questions that he had, demanding a response from her by a particular date.

ADV BALOYI SC: And the response is to render, I am looking at the next page, maybe we have that. So the response is where he says within 14 days, and he wants her

20 to do all of those things, one, two, three. Is that the response he wanted from her?

MS POOE: Yes, yes. And Mr Raphesu, you confirm that this was one of the things that Mr O'Sullivan was bringing to your attention?

MR RAPHESU: I confirm, Chair.

MS POOE: Thank you. Now, you say that after the meeting, you gave feedback to the team. Does this include the documents that were provided, including this email?

MR RAPHESU: Correct. You are correct, Chair, Commissioners.

MS POOE: Thank you. Now, the last topic that you deal with in your statement relates to the disciplinary proceedings against you. My apologies. Correctly done, this actually follows on to the first page of the cover page in
10 MRR13. So if you look at the bottom of the page, it will say page 2, and this one that you just got will say page 3. So we will just have to insert it properly into everybody's files. Then we can move to the disciplinary proceedings, I think. Can you summarise what happened in this regard?

MR RAPHESU: Commissioners, around that time, it was a time when I was questioning or refusing to work on this matter, and the Chief was not happy that I was also indicating that they cannot do any of the investigation without informing me. So he took issues or issue with that.
20 So on the 10th of February, I was called to the Head's office at Advocate Johnson.

So on arrival, I was presented with the correspondence, or let me just call it a letter, that was addressed to me, indicating that disciplinary action has been instituted against me, and that I have seven days to

respond to the said letter. I was instructed to hand over everything that was in my possession, meaning I have to hand over all the dockets, documents, everything that was in my possession. I did do so, I handed everything, then I left the building.

MS POOE: All right, on that paragraph, the letter that was sent to you is MRR6, which is at page 43. And just in sum, what were you being accused of, and in relation to what matter?

10 **MR RAPHESU:** I was being accused of leaking information. So I was informed that I phoned, at that time I was not provided with the name of the person that I was alleged to have phoned, but it was indicated that I phoned a person of interest. The person of interest would be a suspect, and informed him about information that is investigated by IDAC and I informed this person that there was an ongoing investigation against him, and I gave him the name of the investigator who was investigating him.

MS POOE: And this was in relation to which matter?

20 **MR RAPHESU:** I cannot say in relation to a matter, because it was just allegations put like that. But later on, I became aware that this person that is alleged that I phoned, it was Mr Cedric Nkabinde.

MS POOE: So in essence, the ID was telling you that she received a call from Mr Nkabinde, claiming that you had

informed him of an investigation against him?

MR RAPHESU: That is correct.

MS POOE: And then, after this letter that you received, what then happened? You wrote back?

MR RAPHESU: I then responded to the allegations, indicating... oh, yes, I then responded to the allegation indicating and denying that I leaked information to Mr Nkabinde. And I also put a version of what had actually transpired prior to this incident happening. Just to cut it
10 short, on my response, I indicated that the person who actually phoned Nkabinde, it was Mr Perumal, Chief Perumal and he instructed, or maybe spoke to Nkabinde to phone the ID and make those allegations.

So in my reply, basically, I am putting it to her that she should not be looking at me. She should be looking at the people she is working with, which is Mr Perumal and Mr Padayachee. So at the same time, I was also offering myself to say I am willing to go through a polygraphy test to prove that I did not make that call.

20 **MS POOE**: And you were also volunteering your cell data?

MR RAPHESU: I also volunteered my cell phone data. I also volunteered and gave permission that they can check my phone if they want.

MS POOE: And just so that we cover this basis, assuming that there was some investigation into Mr Nkabinde,

Advocate Johnson accused you of sharing information about an investigation with the suspect or a person of interest in that investigation.

MR RAPHESU: That is correct.

MS POOE: Thank you. And now, you then get another letter. This one is dated the 26th, and that is MRR8.

CHAIRPERSON: Whilst you are finding it, what was Mr Nkabinde being investigated for, do you know?

MR RAPHESU: I did not even know what was the
10 investigation about.

CHAIRPERSON: All right. Maybe you have said this already, but let me just ask anyway. And this is Minister Mcunu's Chief of Staff.

MR RAPHESU: Is this Minister Mcunu's Chief of Staff, Chair.

MS POOE: Chair, two witnesses will deal with this aspect, Ms Ramsamy and Mr Sesoko, in detail, the investigation part.

CHAIRPERSON: Thank you.

20 **ADV BALOYI SC**: Let me just ask a slightly different question. You deposed to that one affidavit about the handling of the dockets, and you said it is because of what was said in Parliament. Did you follow all of Ms Johnson's evidence? And I am asking because I seem to recall, and I am trying to find it here, on this Nkabinde matter.

MR RAPHESU: That is correct.

ADV BALOYI SC: Did you follow that part of it?

MR RAPHESU: I did, Chair.

ADV BALOYI SC: And it came up in the context of a rogue that General Mkhwanazi had said. Do you remember that?

MR RAPHESU: I remember.

ADV BALOYI SC: Can you just remind me what she said about the Nkabinde complaint, or complaint in fact, I think, to IDAC?

10 **MR RAPHESU**: Chair and Commissioner, if I remember well, she said that Nkabinde had called her and made false allegations against one of investigators. So, I cannot remember if there was a follow-up, or what actually happened after that, but I remember those words.

ADV BALOYI SC: My recollection, and correct me if I am wrong, is she testified that when they followed up, there was no response from him, and that matter went nowhere. In fact, they found that the allegations were false.

MR RAPHESU: That is correct.

20 **ADV BALOYI SC**: Is that how you remember it?

MR RAPHESU: That is correct.

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

MS POOE: Thank you. Then, you get a further letter on the 26th.

MR RAPHESU: That is correct.

MS POOE: And that letter is attached as MRR8 at page 50.

MR RAPHESU: That is correct.

MS POOE: My apologies, I just missed that, an affidavit that you did, which is MRR9.

MR RAPHESU: On mine it says 52.

MS POOE: Yes. And there, in that affidavit, you again explained your position.

MR RAPHESU: In the affidavit, I am explaining my
10 position, and I am also indicating that there were further charges, or further accusations that were made. And I am also denying those further allegations.

MS POOE: Do you recall what the essence of those further allegations were?

MR RAPHESU: I think they will be contained in the letter that I received before. I do not know if it is attached. No, no, no, no, no. The meeting was in person. So it could be that...

MS POOE: Is it where you say you attended a meeting on
20 the 2nd of April 2025?

MR RAPHESU: 52? That is correct.

MS POOE: And that is at paragraph 3 on page 52.

MR RAPHESU: That is correct.

MS POOE: And what was the essence of those new allegations, or additional allegations?

MR RAPHESU: In fact, they were just trying to substantiate and to put more information that will try to indicate that it was indeed me who phoned. And they were trying to supplement it further to qualify that I am actually the person who contacted Mr Nkabinde.

MS POOE: Okay. And in that paragraph 3, you say there that you were informed also that Mr Mbalo, who was the investigator of this issue, was appointed as an investigator on this matter.

10 “I was also informed that Mr Mbalo tried in vain to obtain an affidavit from the person who called the ID, which I was informed that it was Mr Cedric Nkabinde, who is currently working as the staff officer in the Ministry of Police.”

So they told you that they were not even able to obtain a statement from Mr Nkabinde.

MR RAPHESU: Yes, that is one of the reasons why I requested that he provide an affidavit. I knew that he would
20 not provide because this thing was just concocted. It was just fabricated to look like it is legit. So I requested that he put an affidavit so that he can put... I cannot use...

MS POOE: You can say it in whatever way. We are multilingual.

MR RAPHESU: No, I wanted him to bind himself legally

that he is saying that I did that, so that he can have consequences. But he refused to write the affidavit. And also, I need to indicate that Mr Mbalo, he is from East London with Mr Perumal. So the fact that they put him as an IO on this matter, it then meant that obviously Chief Perumal will be guiding the investigation. So it then means that Mr Perumal will be a referee and a player in this process.

So why I am saying that is he is actually a
 10 complainant because he is the one that said Nkabinde must phone. He is also a witness because when the phone was made, he was with the head of the office, Andrea Johnson. He is also a suspect because he is the one that orchestrated this thing. Also, he is now the IO again of the same matter.

ADV POOE: Okay.

CHAIRPERSON: Besides coming from the same town or city, were they close?

MR RAPHESU: They were very close.

20 **CHAIRPERSON**: I am asking because I am not close to everybody who comes from my hometown.

MR RAPHESU: Actually, just to keep context, Mr Mbalo was a TRT member. He guarding, he was one of the guards of Chief Perumal. So eventually, he became the investigator. He is now working under Chief Perumal. So

you can see from there that they are very close.

CHAIRPERSON: That answers me. Thank you.

MS POOE: Do you know when this investigation started into you or when the call was made?

MR RAPHESU: I did not even know the date, the time, the duration of the call. Because Nkabinde told them straight that, actually when Mbalo indicated to me that he requested that information from Nkabinde, Mr Nkabinde told them that he cannot remember when the call was made. And it is
10 recorded on my affidavit that this is what Mbalo said to me. So as things stand, I do not have the date of the call. I do not have the date in the form of hours, minutes, or seconds. I do not even know the duration of that call. It was never put to me that on this date I did this. I do not know when that call was made.

MS POOE: And are you aware when the ID launched an investigation into you?

MR RAPHESU: I will presume that on that day that I was informed, on the day that I was informed that Mr Mbalo is
20 the IO, I presumed that that was the start.

ADV BALOYI SC: If you look at page 43, if you had not, and you have from paragraph 7 there, and 8, 9, that is Ms Johnson. Maybe you want to put it to the witness. It might refresh what discussion they had.

MS POOE: So now if you go to page 43 at paragraph 7?

MR RAPHESU: Correct.

ADV POOE: You will see there in the letter, Advocate Johnson records that she started receiving the calls on the 29th, do you think?

MR RAPHESU: That is correct.

MS POOE: And that it is only on the 30th when she got an opportunity to speak with that person.

MR RAPHESU: That is correct. But also, these date relates to the date when she received a call, allegedly
10 received a call from Nkabinde. The actual call to Nkabinde, no one is talking about it. Where he is alleging that he received a call from myself.

MS POOE: Okay. And then just I want to point your attention to something else. If we can go into file 10. My apologies, Commissioner Khumalo. At page 245.

MR RAPHESU: I am there.

MS POOE: All right, you will see there is a screenshot that was provided by Ms Ramsamy. And then you will see that on the 30th, there is a conversation that is happening. The
20 first message is at 1345. Do you see that?

MR RAPHESU: I can see that, Chair.

MS POOE: And it says:

“Afternoon, Advocate Johnson. Please advise authorisation for the Nkab stand-alone. Must it be done as a section

28(13) or 28(1)?"

And then there is a response to that, and it says:

"Will, check. We will need to talk.
Something terrible has happened.
Whatever you do, do not discuss anything
with Nkab with Mansa. When you hear
what I have to say, your heart will break."

And that is at 13.55. And then Ms Ramsamy responds and
says:

10 "I will not. We have been keeping that
between Mr S, myself, and Dylan."

MR RAPHESU: I see.

ADV POOE: And then, if you go on to the next message at
14.05, Advocate Johnson responds and says:

"Do not talk to Mr S either. I have to
figure some things out. It is bad."

Then there is a response from Ms Ramsamy. She says:

"I will not. I am worried now."

Now, this seems to be a conversation about an
20 authorisation on an investigation related to Mr Nkabinde.
Did you know anything about this investigation?

MR RAPHESU: No, no, I did not know anything about it.

MS POOE: And it seems that Ms Ramsamy confirms that
they have been keeping this between herself, Mr S, and
Dylan.

MR RAPHESU: No, I saw that.

MS POOE: And just to confirm, who is Mr S?

MR RAPHESU: Mr S would be Mr Sesoko.

MS POOE: So, at this stage, you had no knowledge of an investigation into Mr Nkabinde and clearly, one of the people involved is saying that this investigation was kept between the three people.

MR RAPHESU: Yes.

MS POOE: Now, Commissioners, I propose to move past
10 this to cover the last thing, which is his grievance that he then files against, well, during this process. Can we then go to paragraph 61 on page 19? Can you explain the process that you followed in lodging the grievance and what has happened in regard to that grievance?

MR RAPHESU: I subsequently decided to lodge a grievance after I have sent numerous emails asking about the progress of this investigation. So, since the 7th of February, we are now in October, nothing is happening, everyone is quiet, there is no information about the
20 polygraphy, there is nothing, there is no update. So, I decided to send emails to say what is happening. None of the response is coming. On the 24th, I decided to file a grievance to say I have been investigated from this day. Still today, no one is saying fokol all about this thing. Oh, sorry.

ADV BALOYI SC: Yes, nobody has said anything about the matter.

MR RAPHESU: That is correct.

MS POOE: And after your grievance was filed, what happened? Was there a response to the grievance?

MR RAPHESU: As we are sitting here, there is nothing. I have not heard anything since then. So, what actually happened is I happened to get information that at some point after the grievance, there was, I do not know whether
10 to say panic or maybe retaliation or what. So, Nkabinde was contacted again to say, hey bro, things have changed now. So, I do not know how they managed to persuade him to file an affidavit.

So, I am informed there is an affidavit and it was obtained after I lost the grievance. I am also informed that there is a case that was opened, section 41(6), against me. So, I cannot say anything further than that, just the information that I have received. And also, I need to indicate that Mr Padayachee, Mr Padayachee was going
20 around the office telling people that I put his life in danger.

And he was accusing me of putting his life in danger because one of the accusations was that I put his name as an investigator. So I am just putting it...

MS POOE: You told Mr Nkabinde that Mr Padayachee was an investigator?

MR RAPHESU: That is correct.

MS POOE: Okay.

MR RAPHESU: So but I am hoping it will turn out that he is not part of this because if he is, then I do not know. But my belief is that him and Dylan Perumal, they are the ones that orchestrated this thing.

MS POOE: And just for clarity, what is a section 41(6) investigation?

MR RAPHESU: The section 41(6) investigation is, I think
10 Advocate tried to explain it yesterday to say, you are barred from sharing information about cases that you are investigating with outside people or maybe sometimes with other colleagues that are not designated. It is along those lines.

MS POOE: And have you ever seen that kind of inquiry, 41(6), being conducted internally at IDAC?

MR RAPHESU: No, I have never. This should be the first one. Alternatively, maybe if there was, I was not aware of.

MS POOE: Thank you. And you have also mentioned that
20 despite various follow-ups, nothing has since come out of any of these processes.

MR RAPHESU: Ah, fokol.

ADV POOE: And then, I mean, you just reiterate towards the end of your statement that you believe that this was orchestrated by Chief Perumal.

MR RAPHESU: That is correct.

MS POOE: And then the last thing that you deal with is your conclusion where you set out what you intend to do.

MR RAPHESU: So I am indicating in my conclusion that I am intending to open a criminal case. So the reason why I did not open a case then, is because I did not want it to look like I am countering whatever they were investigating against me. So I wanted the process to finish so that I can continue. So it looks like they do not want it to finish. So
10 basically, I have been investigated forever and there is no outcome in this.

So I am going to ask that, I think I will speak to Advocate, because there are processes when you have to open cases and other things. But my intention is to open a criminal case, and I am hoping that the Commission will also assist by providing investigators to take over that case, because I do not want it to land on wrong hands somewhere. So that is basically what, in short, yes, that is what I am intending to do.

20 **ADV BALOYI SC**: Mr Raphesu, one question. You say in that paragraph 63 that there is a section 28(13) investigation that was instituted.

MR RAPHESU: That is correct.

ADV BALOYI SC: Okay. Ja, I think it seems wrong to me, because section 28(13) permits investigations to enable the

ID to determine if there are reasonable grounds in terms of subsection 1(a) of 28.

MR RAPHESU: I might be wrong, I accept, but remember, I am working with information. I am not even sure whether it is 1 or it is 13. I am just assuming that it is really...

ADV BALOYI SC: But you were told there was an investigation under section 28.

MR RAPHESU: Yes, maybe I can just leave it to say there was an investigation under section 41(6).

10 **ADV BALOYI SC**: I see, yes, I think better that way. Are you... Sorry, you want to say something else?

ADV POOE: I was going to say, Commissioner Baloyi, there is indeed a Section 28(13), and Mr Sesoko was going to deal with that process.

ADV BALOYI SC: Yes, okay. Are you presently on duty, or you have been suspended?

MR RAPHESU: I am presently on duty, sitting in my corner, *jana* somewhere.

MS POOE: You are performing functions?

20 **MR RAPHESU**: Ja, but with restrictions, Chair, and Commissioner.

ADV BALOYI SC: Okay. Thank you.

MS POOE: Just to understand, what restrictions have been put in?

MR RAPHESU: I was provided with the restrictions that I

cannot investigate any matter that has to deal with any SAPS matters, security cluster, that will include all the people that are sitting in the security cluster. I am barred from investigating those cases.

MS POOE: So you can proceed with all the other investigations into the Zondo recommendations?

MR RAPHESU: That is correct.

MS POOE: Okay. That are not related to the security sector?

10 **MR RAPHESU:** That is correct.

MS POOE: Thank you. And CI would be included in the security cluster, so you would not be...

MR RAPHESU: That is correct.

MS POOE: Okay. Those are my questions, unless there is something else that you want to say?

MR RAPHESU: No, ja, no, I am okay. I am fine.

MS POOE: All right. Thank you, Mr Raphesu. Commissioners, there are not any questions from me.

ADV KHUMALO SC: Maybe I will leave it for Advocate
20 Ramsamy. In the chats you were looking at, there is one of the 6th of January 2025, where after the Cape Town consultation, she sends the chat to Advocate Johnson to update her about the Cape Town trip and the supplementaries, just to corroborate what this witness said. But maybe because it is Advocate Ramsamy's chat, she will

speak to it when she comes back.

MS POOE: All right. Yes, Commissioner. I am advised it will be covered in Part 2.

CHAIRPERSON: Thank you. Before we go to lunch, can we ask to meet counsel outside, please? And we will come back shortly. When we stand down just now, you are free to depart. You are excused. Thank you very much.

WITNESS EXCUSED

MR RAPHESU: Thank you, Chair and Commissioners.

10 **CHAIRPERSON:** Thank you. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: There is agreement all around that it will not save much purpose to start with the next witness because that will mean only one hour and will be far from being done with that witness. So we will adjourn for the day and we are resuming at 9.30 on Tuesday 4 August 2026. Let us adjourn.

INQUIRY POSTPONED TO 4 AUGUST 2026

20 **INQUIRY ADJOURNS**

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