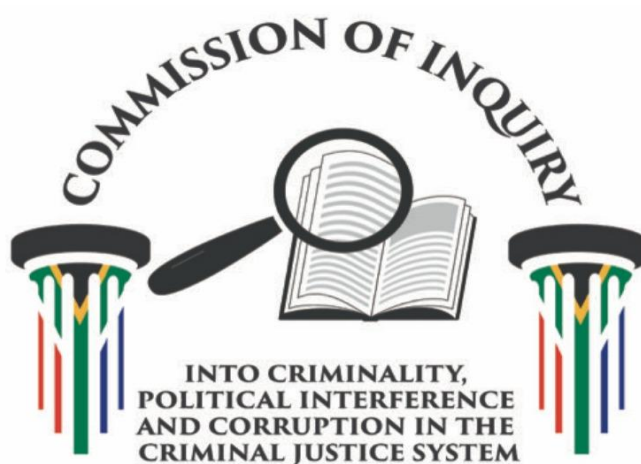


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

13 AUGUST 2026

DAY 158



PROCEEDINGS HELD ON 13 AUGUST 2026

CHAIRPERSON: Good morning. Mr Sikhakhane.

ADV SIKHAKHANE: Good morning, Chair and the Commissioners.

CHAIRPERSON: Good morning, Mr Loftus.

MR LOFTUS: Good morning, Chair.

ADV SIKHAKHANE: Chair, just for context, we are continuing with the stream of KZN gangs and the infiltration or what we contend to be the infiltration of the law enforcement by the KZN gangs in whatever form, but we will
10 get through that. The witness that we have today is Mr Gregory Loftus and I would like him to be sworn in.

CHAIRPERSON: Mr Loftus, will you be swearing or affirming?

MR LOFTUS: I will swear.

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.

20 **MR LOFTUS:** So help me God.

CHAIRPERSON: Thank you.

GREGORY LOFTUS: (duly sworn states)

EXAMINATION BY ADV SIKHAKHANE: Just as a way of background relating to the witness, the witness is the father to the late Mr Bevan Loftus who was killed in a shootout

with police, and his evidence fits within that context. Then as we go through, we will then see how it fits in the entire stream.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: Thank you. You should have four files before you. There is a Statement File 1 which contains the statement of Mr Gregory Loftus. I know there were a number of File 1, but it is that statement, if you can locate it. Then there is File 2 which contains primarily the
10 application and the voice recording, and then there is File 3. File 4, for present purposes, perhaps you can pan it away. Then we will start with File 1, page 1, which is the beginning of the statement of Mr Loftus. Mr Loftus, you have that file before you?

MR LOFTUS: Yes, with my statement, yes.

ADV SIKHAKHANE: With your statement?

MR LOFTUS: Yes.

ADV SIKHAKHANE: Correct. Do you confirm that this is your statement that you prepared for the Commission?

20 **MR LOFTUS:** Yes, I do confirm.

ADV SIKHAKHANE: And is there anything in that statement that you feel, at least for now, that you do not agree with?

MR LOFTUS: No, there is not anything I do not agree with.

ADV SIKHAKHANE: But in any event, feel free to, if there

is any issue, to raise it.

MR LOFTUS: I will do that.

ADV SIKHAKHANE: Thank you.

CHAIRPERSON: Our copies of the statement are not signed. Are there signed copies?

ADV SIKHAKHANE: Thank you, Chair. I think, can I request that it be signed after ...[intervenes].

CHAIRPERSON: During the tea break?

ADV SIKHAKHANE: During the tea break, apologies.

10 **CHAIRPERSON**: All right.

ADV SIKHAKHANE: I think it was just because of the travel and there certain logistics that we could not sign it that way.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: Thank you. Mr Loftus, as we would start initially, the form of your evidence is that we will give you an opportunity to go through your statements.

MR LOFTUS: Okay.

20 **ADV SIKHAKHANE**: Thereafter, we will then ask some questions that we have relating to your evidence, and the Commissioners will ask certain questions or clarity-seeking questions, or probing questions for that matter, at the end. But it may be that during the reading of your statement, we also have questions that we would rather have them at least answered there and then.

MR LOFTUS: Okay.

ADV SIKHAKHANE: Thank you. May you then proceed to read your statement, starting from paragraph 1?

MR LOFTUS: Okay. I see on the screen here some stuff is redacted. Is it fine if I do not say my addresses and stuff?

ADV SIKHAKHANE: Yes, please. In fact, those personal details like your address and ID number, please do not mention, or the names of other persons.

MR LOFTUS: Okay:

10 “I am an adult male, 61 years old. I
reside on the Bluff in Durban. The
contents of the statement are within my
personal knowledge, save where the
contrary appears from the context hereof,
and are to the best of my belief both true
and correct. Where I rely on information
from other persons, I do indicate what
the context so shows. I am the father of
the late Bevan Loftus, who I strongly
20 believe was murdered in cold blood on
the 1st of April 2023. Bevan was
murdered by the police under the guise
of a legitimate police operation and at
the instance of Clive Naicker, a
competitor of Bevan in the tow truck

industry and an alleged drug dealer. I will deal with the incident in more detail below.

At the time, Bevan was with other four of his friends, with whom he was hiding because he had been warned that Captain Deenadayalan, alias Deena Govender, who we know as Captain Deena Govender, who is a captain, we know as Captain Deena Govender of the SAPS, was intending to kill him. The events that I describe in this affidavit occurred several years ago and I may not recall some of the details. If I recall events after submitting the statement, I will either submit a supplementary statement or elaborate thereon during my testimony.

On March 31, 2023, the day before my son was murdered, I deposed to an affidavit in support of an interdict application which was issued that day and which sought *inter alia* to interdict Captain Deena Govender and the SAPS from murdering my son."

If I can just say something here before I go on? It says here, in support of an interdict application which was issued. The interdict was not issued, it was the summons that was issued. Just a correction there.

ADV SIKHAKHANE: Okay.

MR LOFTUS:

10 “A day after the application was issued,
 Captain Deena Govender and a group of
 SAPS officers under his command
 murdered my son anyway. I attach as
 Annexure JGL1 the notice of motion and
 founding affidavit in support of the
 interdict application which I issued on 31
 March 2023. I confirm the correctness of
 my founding affidavit in that application.
 That application, of course, does not deal
 with the circumstances around my son's
 murder because I deposed to it the day
 before my son was murdered. For
20 reasons of convenience, I therefore
 repeat many of those facts in the present
 affidavit before going on to address the
 murder of my son.
 Captain Deena has deposed to an
 answering affidavit in that application,

which affidavit is of technical points and appears to be protecting Mr Clive Naicker. I am not formally employed. I provide panel beating services on an ad hoc basis..." ...[intervenes].

ADV SIKHAKHANE: Sorry, sorry. Before you proceed, I just want us to go to GL1, which is an attachment to your statement. Just to confirm, is that the application you are referring to?

10 **MR LOFTUS:** Yes, this is it. This is the application.

ADV SIKHAKHANE: Thank you. Please proceed with paragraph 7.

MR LOFTUS:

20 "I am not formally employed. I provide panel beating services on an ad hoc basis. I am the registered owner of three residential properties situated on the Bluff. One of the properties belongs to a trust, of which I am a trustee. I reside at my premises with my wife and Bevan, and his family live at the adjacent house to mine. My other son, Nicholas, and his wife, Marisol Loftus, currently use one of the properties as a crèche."

Or should I say a CD something? It is not actually a

crèche, it is a higher learning for older children:

10 “The property where Bevan lived was occupied by Bevan and his family from June the 20th. I have a history of approximately 20 years of service with the South African Police Service. I joined the police in 1986, where I was based in Langlaagte in Johannesburg. I was transferred back to KwaZulu-Natal in the early part of 1987, where I was based in Wentworth Police Station as a constable. I temporarily left the police from 1989 to 1992. I rejoined the police SANAB in 1992.”

SANAB is S-A-N-A-B, South African Narcotics Bureau:

20 “I held the rank of detective in 1992. Later in that year, I joined the Child Protection Unit. I went back to be based at the Wentworth Police Station in 1993. Although I cannot particularly remember the given passage of time, I left the police in 2009 because I had been victimised at the Wentworth Police Station, and that was taking a toll on me and my family. At that time, I held the

rank of a warrant officer.

After I left the police, I worked in the construction industry for various companies on a short contract basis. Bevan did his matric during 2007 and 2008. He failed his matric, and consequently I sent him to do courses which he could use to sustain himself. The courses relate to welding. After completing the courses, Bevan joined me in the construction industry. He focused on welding testing and worked mostly with me. We were able to sustain our family and accumulated some savings, which Bevan used to buy and sell cars for profit. He was a business-minded person.

10

Later on, with my assistance, he became involved first in the taxi industry and later in the towing industry. During 2005, Bevan bought a towing van which he used for his towing business. The business was registered as First For KZN Towing, Panel, and Paint, and has an office and vehicle storage facility in

20

Clairwood, where he conducts his daily business. I do not know much about that industry, save to say I know that they were in the Durban South, the Durban Central, and Durban West regions.

He operated in the Durban South region, which covers the following areas, namely the Bluff, Wentworth, Austerville, Merebank, Jacobs, Clairwood, and Seaview up to the N2. His biggest competitor was the Durban South Towing, which is owned by a person I know as Allan Subramoney. The towing industry is lucrative.

I do not know details of the industry rules, but I was aware that operators operated within particular regions. Not because of routes or permits, but because of understandings.”

20 **ADV SIKHAKHANE**: Sorry, Mr Loftus, can I just stop you there? I just want to understand. You say the towing industry was lucrative. Can you just explain what you mean with that statement?

MR LOFTUS: Yes, there was money to be made, you know? If you had enough vehicles with enough drivers, you

made a lot of money. The lucrative, I say, is dependent on how many vehicles you have, but there is money in the towing industry. It pays well.

ADV SIKHAKHANE: Okay.

MR LOFTUS:

10 “At the time of his death, Bevan had twelve tow trucks, six of which were operating. Bevan's towing business sustained him and his family. He primarily relied on it for income. I assisted him with the business on the panel beating and mechanical side. Bevan also used my house, in which he lived, to store vehicles which had been towed and were undergoing repair. We live in the Bluff area, which is...”

I need to correct that:

 “We live in the Bluff area, which is gang infested.”

20 It is supposed to be we live in the Bluff area, and Wentworth is actually from the area we come from. That is gang infested, not the Bluff:

 “The Wentworth area was gang infested, where there has been a lot of violence. Bevan had friends and business

associates that were allegedly involved in gangs and other criminal activities. The tow truck industry also saw a lot of violent crime. Gang violence involving the tow truck industry started in Wentworth during 2020. Bevan, his friends and his drivers started being shot at by the members of a drug gang called the Cartel...” ...[intervenes].

10 **CHAIRPERSON**: Do you have any idea why that was so?

MR LOFTUS: At first, no, but we will come to that. I will explain at a later stage.

CHAIRPERSON: All right.

MR LOFTUS:

“His friend, Antonio Goldstone, who was 21 years old, was shot and killed by members of the Cartel in his flat in Wentworth. A case of murder has been opened, but no arrests have been made. Antonio had previously been shot in his shoulder at the same flat where he lived while walking home.

20

Since 2020, five of Bevan's drivers have been shot. In one incident, one of the drivers, Colin Pillay, was shot and killed

on the N2 in Isipingo. In another incident, a passenger of one of the employees, Nhlakanipho Dube, was shot and killed in Gulmal Crescent, Merebank, on 10 July 2021.

No one has been charged with the crimes yet. They were witnesses to all the incidents. However, I have come to know that two of the suspects are now
 10 deceased. The SAPS police dockets that referred to these incidents are Isipingo CAS 14/09/2022. The investigating officer at the time was Detective Bhengu and there was another case opened...”
 ...[intervenes].

ADV SIKHAKHANE: Sorry, Mr Loftus, please do not read out the case numbers.

MR LOFTUS: Okay. Sorry about that:

“In another incident, one of Bevan's
 20 drivers, Brenton Kupcha, was at a shop in Wentworth and was shot at but managed to flee unharmed. A while later, the same driver's father was seated on his veranda with his son and was killed in a drive-by shooting. The incidents were

registered under Wentworth CAS. A friend of Bevan and his wife were shot in Tifflin Road in Wentworth while he was taking his wife to work. His wife was injured and he was hospitalised for a few months due to the severity of the injuries. He is now in rehabilitation to assist him to walk again. This shooting incident is also registered at the Wentworth Police Station.

10

In another incident, one of Bevan's ex-drivers, Denzel De Silva, was shot while awaiting his food order in Wentworth. He survived the shooting incident. A coloured male by the name of Delon Ismail Wood was arrested for the shooting and is currently in Wentworth Prison. A police docket that refers to this case is a Wentworth CAS. I now turn to the events leading to the murder of Bevan and his friends.

20

Allegations against Bevan. There are allegations that Bevan was involved in drugs or killing people. I deny that. As far as I know, he lived from income

received from his towing and taxi business. He did not live a flamboyant life and lived modestly. Had I been in the service, I would have had some idea if Bevan was involved in drugs or in the killing of people. I vehemently dispute those allegations. The narrative that Bevan and his friends were involved in drugs were covered up by the police to
10 justify hunting him and ultimately killing him. I now deal with the police harassment in the course of them hunting Bevan.”

ADV SIKHAKHANE: If I may just pause you there? You say you dispute these allegations. Do you still stand by that version?

MR LOFTUS: Yes, let me just elaborate. When I said I dispute these allegations, Bevan has been living at the premises next door to me from the beginning of 2020. I can
20 go on to say that as a father, I am not with him all the time. I can comment on when I am with him. I do not know what he does or what he did when he was not with me, but in my presence and while he was living at that premises, I did not see any evidence of any of the allegations.

ADV SIKHAKHANE: Okay, please proceed.

MR LOFTUS:

“The harassment and intimidation by the police began in 2022, but it is important that I set out the context which I believe is important and basis for the harassment. During 2022, both Bevan and myself received information that there was an assassination attempt put on Bevan's life in the amount of R2 500 000. I also received information from a policeman I know that the hit on my son, Bevan, was genuine. The word was that I should be careful because if they cannot kill Bevan, they would kill my son, Nicholas, or myself.

My son, Nicholas, was a Bolt taxi operator and had to cease operating because of the threat on his life and subsequently lost his income and the vehicle. Bevan and I were informed that Clive Naicker put up a R2 500 000 contract to kill Bevan.

On 23rd of January 2023, Bevan called Naicker, Clive, and confronted him in this regard. I have submitted a recording of

that call to the Commission. A transcript
of that call is attached as GL2.

ADV SIKHAKHANE: Sorry, before you proceed, can we
then turn to GL2, which should be page 112 of that same
file?

MR LOFTUS: Ja, this is it, yes.

ADV SIKHAKHANE: This is it. And, Commissioners, may I
request to play this video, I think it – this telephone
recording at this present moment?

10 **CHAIRPERSON**: Should not ...[intervenes].

ADV SIKHAKHANE: Or should we ...[intervenes].

CHAIRPERSON: Is this not the first mention? Because I
think in the statement, the witness says he deals more fully
or extensively with the recording at a later stage.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: And indeed, he does do so and also he
does draw his own conclusions about it. Should you not do
it at that later stage?

ADV SIKHAKHANE: I will take your guidance, Chair.

20 **CHAIRPERSON**: Yes. Ja, let us do it that way.

ADV SIKHAKHANE: Thank you. Please proceed, Mr
Loftus.

MR LOFTUS:

“I will deal in more detail with the call
below. For present purposes, I submit

that it proposes strong evidence that Naicker was behind the R2 500 000 hit on Bevan's life.

Incident on 13th of December 2022. On Tuesday, the 13th of December 2022, I was at my home when I saw a number of policemen at Bevan's house. There must have been approximately 20 to 30 members, some in plain clothes while others were in uniform, including the Dog Unit, the NIU, Vehicle Pound Unit and Metro Police. I went outside and saw members of the police walking up my driveway. I took out my cell phone and started video recording them. There were two policemen outside Bevan's gate in civilian clothes. I jumped over the fence into Bevan's yard and approached them at the gate.

One of the police officers, who later became known to me as Warrant Officer Siven Naidoo, shouted at me not to record anything. He asked for Bevan's cell phone number and his whereabouts, which I did not know. He told me to open

the remote control gate, which I could not do as I did not have the remote in my possession.

He told a white captain from the NIU, which is the National Intervention Unit, to arrest and handcuff me. I was not informed of why I was being arrested. However, before that could happen, I threw my cell phone to my son Nicholas.

10 One of the policemen grabbed hold of my son Nicholas and choked him and took my cell phone from him. I asked the Warrant Officer..." ...[intervenes].

CHAIRPERSON: Sorry, sorry, for clarity. You were not arrested eventually. You were arrested twice on later occasions.

MR LOFTUS: I was arrested then. I think I am still coming to that.

CHAIRPERSON: You were?

20 **MR LOFTUS:** Yes.

CHAIRPERSON: Okay.

MR LOFTUS: Ja.

CHAIRPERSON: All right.

MR LOFTUS:

"I asked the Warrant Officer Siven

Naidoo why they were looking for Bevan. He told me that they were from the New Hawks, the Anti-Gang Unit, and that there were two attempted murder cases from the Bellair Police Station against him. I enquired as to who charged Bevan, but he said that it was private and he could not divulge the information.

10 I asked who the investigating officer was, and the Sergeant Govender stepped forward and spoke to me. He wanted to leave his contact details with me for Bevan to contact him, but Warrant Officer Siven Naidoo shut Sergeant Govender down and instructed him not to give me any details. Warrant Officer Naidoo told the Captain to force the gate open, which he did with a pry bar. Warrant Officer Naidoo knew that I was an ex-policeman,
20 and he then told me that he was charging me for not cooperating and withholding information, hence the defeating the ends of justice charge.

One of Bevan's employees, Eckard Van Der Byl, was working on the premises

and was assaulted by an NIU officer, which incident was recorded by the CCTV cameras. Eckard was also assaulted later on that day by a uniformed policeman. Sometime after the initial police raid, Captain Deena Govender, Constable Ian Ronnie of the Metro Police, and another Captain, unknown to me, arrived at the premises. I later
10 established that Constable..."
...[intervenes].

CHAIRPERSON: Sorry, sorry, sorry. This is exactly what confused me, and I thought you were not arrested when you referred to just before the arrest happened, and now you say sometime after the initial police raid, and eventually this incident you are referring to now does result in an arrest.

MR LOFTUS: No, no ...[intervenes].

CHAIRPERSON: So was there some time after the initial
20 police ...[intervenes].

MR LOFTUS: When I say time, I do not mean a long time. It was like a matter of minutes. So it was a very short space of time, because I have got a long driveway. I would say it is about between 50 metres probably, and 60 metres. So by the time that I walked, they walked me up towards –

the garages at the top end of that 60 metres. So by the time I got there, Deena and Ian Ronnie had arrived.

CHAIRPERSON: And how do you separate the raids? You refer to an initial raid. So if the people are there throughout, and they eventually arrest you, what is an initial raid, and what other raid is there? Because if you talk about initial, then there must be some other.

MR LOFTUS: Where is that? Let me just go back to that.

CHAIRPERSON: Paragraph 36.

10 **MR LOFTUS**: Paragraph 36:

“One of Bevan's employees, Eckard Van Der Byl, was working on the premises and was assaulted by an NIU officer, which incident was recorded by the CCTV cameras. Eckard was also assaulted later on that day by a uniformed policeman. Sometime after the initial police raid...”

20 Okay, what I mean there is when Siven and them were at the gate, that is when it started. That is what I am implying.

CHAIRPERSON: Okay. Can I – I am sorry about this. Can I take you back to paragraph 34? You say you were asked for Bevan's cell phone number and his whereabouts, which you did not know. I assume it is the whereabouts that you did not know. Obviously, you knew Bevan's cell phone

number.

MR LOFTUS: No, I did not. He changed his phone number quite often.

CHAIRPERSON: So it was both that you did not know, both the cell number and the whereabouts.

MR LOFTUS: And his whereabouts, yes.

CHAIRPERSON: Okay, all right. All right, thank you. Please go back to where you were and continue reading.

MR LOFTUS:

10 "I later established that Constable Ian
Ronnie from the Metro Police was off
duty and had arrived in his private
vehicle. There appeared to be reason
why ...[indistinct] would be involved in
the police action on that day. Bevan's
house where he lived was locked and
Constable Ronnie gave the go-ahead for
the other policemen to force the kitchen
security gate open, which was the NIU
20 Captain, and which he did. I asked them
whether they had a search warrant, which
they could not produce, and I was told
that they did not need one. I told them
that I do not live at that address and did
not have keys to the premises. They

insisted I enter the house with them.

I asked that only two policemen enter for control purposes, because I did not know if there were any valuables or cash in the house and did not want to be responsible for anything going missing. Many police members entered and went into different areas of the house without any supervision.

10 A young man, namely Michigan Hippolyte, who was then 19 years old, he is now deceased, was asleep inside the house. Constable Ian Ronnie from the Durban Metro picked up two Chinese-manufactured two-way radios from the shelf in the kitchen and said that they were police scanners. Constable Ian Ronnie and one of the civil night took Michigan into the bathroom and
20 questioned him about Bevan's whereabouts.

I saw Constable Ian Ronnie push Michigan's head into the bath with water and hold it there on two occasions while Michigan struggled to breathe. I

intervened and told Constable Ian Ronnie to stop what he was doing to Michigan. He then stopped.

Various other items including two pellet guns and empty cartridge casings including 9mm shells, a Ronnie rifle frame which housed Bevan's Glock 9mm handgun were taken. Later I was informed that an AK-47 round was also
10 allegedly found. I informed the policemen that both Bevan and his wife were licenced 9mm firearm holders.”

ADV SIKHAKHANE: Sorry, Mr Loftus, just before we move off that, did Bevan own any high-calibre rifle or assault rifle?

MR LOFTUS: No, he did not at that stage, no.

ADV SIKHAKHANE: At that stage?

MR LOFTUS: Ja.

ADV SIKHAKHANE: Okay. When did he own it?

20 **MR LOFTUS:** Let me just correct what I said. He registered a security company and he had applied for firearms. They were shotguns, but they actually, when the licence had been processed, which did not materialise. Okay, so, ja.

ADV SIKHAKHANE: Did he own any AK-47?

MR LOFTUS: No, he did not.

ADV SIKHAKHANE: Okay, thank you. Paragraph 40.

MR LOFTUS: Paragraph 40:

10 “Bevan sometimes stored towed vehicles
at his address when his business
premises were full. The policemen
scanned the disc on a Renault Duster
motor vehicle which was legally towed
and stored with the owner's consent
during the floods, a storm which occurred
in April 2022. When they, the policemen,
called it up and it came up as a stolen on
a Brighton Beach case. The Brighton
Beach policemen had previously come to
the premises with the owner to remove
the vehicle. However, the vehicle was
left at the premises and had attracted
storage charges which the owner had not
paid.

20 We showed the police the legal
documentation together with the
newspaper advertisement in the
independent newspaper on Thursday, 21
July 2022, indicating that the vehicle
would be sold to Defray Costs. After

seeing the documents, the police left. I was then forced to open the garage which I did under duress without a search warrant. My old police issued bulletproof vests and handcuffs were hanging on the wall in a bag which was covered in dust and insect droppings, mess. I informed them that it was my issue which had been hanging on the wall for the last 15 years.

10 When I resigned in 2009, they only took my service pistol and I kept all my uniforms and other equipment.

ADV SIKHAKHANE: Sorry. Just before you go there, out of interest, are you not under an obligation to hand back all the tools of trade?

MR LOFTUS: Some of them, yes. The bulletproof vests should have been handed back, but if I can just explain how it remained in my possession.

ADV SIKHAKHANE: Please.

20 **MR LOFTUS:** When I resigned in 2009, I went to the station commissioner and told him that I am resigning. I had accumulated nine months of vocational leave over the years and at that time, I do not know if it is changed now, if you left voluntarily or resigned, you lost your leave, whatever leave you had accumulated, and you did not get

paid out for it.

So I said to him, I want to resign, can he please sign my accumulated leave which amounted to nine months? He refused to do that. He actually said to me that he will not do it because if he signs it and the nine months' leave is completed, I probably will withdraw the resignation. So I said to him, okay, let me post-date the resignation and he can keep it in his safe and on that date, he can submit it. So I had my firearm with me.

10 I handed in my firearm. The bulletproof vest was still at home in the garage because we did not really wear it. So I left almost immediately. I went to Secunda where I had employment. So I hardly came home. It was every now and again on the weekend. So I did not have the opportunity to hand it in and to be honest with you, I totally forgot about it. As well, none of them actually came to me and reminded me or came to looking for it to hand it in. So I totally forgot about it.

ADV SIKHAKHANE: Okay.

20 **ADV BALOYI SC:** Sorry, can I just clarify? This garage you refer to in paragraph 41, is this at your property or where Bevan lived?

MR LOFTUS: That is where Bevan was living.

ADV BALOYI SC: Okay.

MR LOFTUS: Ja, but I used to live there previously.

ADV BALOYI SC: Yes, thank you.

MR LOFTUS:

“I was subsequently falsely charged for obstructing or defeating justice because I did not know Bevan's cell phone number and whereabouts and also could not open the gate. Impersonating a policeman, possession of state property, possession of a stolen motor vehicle, possession of ammunition which was 3.57 Magnum rounds and one AK-47 bullet, which was allegedly found on a premises at Bevan's house.”

ADV SIKHAKHANE: Just on that paragraph 42.5, you say allegedly. Do you dispute that?

MR LOFTUS: Yes, I dispute it. Firstly, if I can just explain further, Commissioner? The 357 Magnum rounds, I am a licenced firearm holder of that calibre of weapon. And on the day, there was a captain from the Durban Central who actually asked me if I have a firearm, which I said I do. So he went with me to my premises next door and he took possession of my firearm. The AK-47 bullet, I know nothing of that.

ADV KHUMALO SC: Let me get this. You were in possession of state property because you had the

bulletproof vest, the uniform and the handcuffs. So why would that charge be false if, even on your own version, you forgot to hand them back?

MR LOFTUS: I would not say that that charge is false because I agree with you, Commissioners, because it was in my possession.

ADV KHUMALO SC: Ja.

MR LOFTUS: What I am saying, it was not maliciously in my possession because the implication on the day was that
10 I read from Captain Govender and Warrant Officer Siven Naidoo that I am using it for malicious purposes. That is why when it was taken off the wall, it was hanging on the wall, I actually said to them, please take a photograph of the condition of that bag to show that it was not open because there is a whole lot of insect droppings on it in the zip area. So I would not say that is false. It is not false because I was in possession of it.

ADV KHUMALO SC: And the badge, where was the badge?

20 **MR LOFTUS**: No, they did not find the badge.

ADV KHUMALO SC: Did you hand it back, the badge?

MR LOFTUS: No, I did not. I destroyed it because they did not take it, and there are other policemen that will tell you the same, that they also left their badges and they themselves destroyed it.

ADV KHUMALO SC: Thank you.

ADV SIKHAKHANE: Just for context, Commissioner Khumalo, I think the photos relating to that raid are in the bundle. I do not know in the interest of time whether you want to go through them, but the one of the badge – I mean, sorry, of the bulletproof vest and the handcuffs appear at page 951, which is File 2, and 952, and then you will see the rounds going forward. I do not know whether you need to see them physically.

10 **ADV KHUMALO SC:** I think my concern with the statement was the allegation that he was falsely charged for possession of state property and I am saying the charge can be false if you are in unlawful possession of state property.

ADV SIKHAKHANE: Yes, I think the witness has answered it, yes.

ADV BALOYI SC: Maybe in a similar vein, just to clarify, the vehicle, the Renault that you say was on the property, you do explain how the circumstances in which it ends up
20 there, but you also say that when they checked, they found that it was still reported as stolen property. So at this point, it had not yet been taken off the stolen property or stolen motor vehicle report. Is that what it means?

MR LOFTUS: That is correct, Commissioner, but if I can just elaborate on that? What had happened in this

particular case, according to what I was told, why it was in his possession is because it was flooded, it was underwater during the floods in 2022. So that whoever towed it, called to the scene, had to salvage it. In other words, not just tow it, had to rescue it or recover it from that water.

Then the insurance did not want to pay for it. It was some kind of a dispute that took place. So he wanted the vehicle without pay. So this happens, or it used to happen when I was a policeman as well. The owner would
10 go to the police and report it stolen, so that the police can come and recover it and he does not have to pay the cost of the salvage, recovery, and storage as well.

This is what I think happened on this day. That is why, because I did not witness the transactions between them, but I was kept up to date by Bevan about that vehicle and he said to me this is what is happening. The insurance does not want to pay the owner, and he does not want to pay cash out of his pocket as well.

So in my understanding, that is why he went to the
20 police and reported it stolen. So it actually was not really stolen. And if I can add on to that as well? This used to happen quite regularly when I was younger in the police. The owners used to come in, open cases so vehicles can be recovered. At some stage there was a circular that was sent to stations to say that the police are not to get

involved in those transactions anymore. That is purely civil.
So we stopped doing that.

ADV BALOYI SC: Thank you.

MR LOFTUS: If I can? I do not know if, Commissioners, are interested in knowing about impersonating a policeman. If I can give you the background on that. That charges, when they came, Deena and Siven, when they entered the premises at the garage, Deena Govender related to me that he knows about me.

10 He knows I was working at SANAB with the Warrant Officer Swannepoel, Warrant Officer Jones at the time, who is now retired. He retired as a colonel. And another gentleman who worked with us as a reservist, his name was Mr Sunil Kada [?]. That was our team. And he even said, you know, he watched us and we did some good work and he knows that I have left the force and he knows everything about me.

 Before he came, he did an enquiry and he knows that I own the three houses. So with the impersonating,
20 they implied that I said to them that I am still presently a captain in the police. That is how that impersonating charge came about.

ADV SIKHAKHANE: Ja, okay.

MR LOFTUS:

 “I protested against the charges because

I did not live on the premises and I have no keys or remote to enter the premises. Captain Deena Govender and Warrant Officer Siven Naidoo said I was being charged because I own the premises. They took me and I was detained at Durban North Police Station from Tuesday the 13th of December 2022, and I attended Durban Court 10 on Thursday the 15th of December 2022, and was remanded to Westville Prison for seven days for a formal bail application, that is. On appearing at Durban Court 10 on the 22nd of December 2022, I was released on a R3 000 bail and the case was later withdrawn.

Early this year, in 2026, I was visited by Sergeant Khuluse from the Hawks, who informed me that they are putting the matter back in court. They asked for a copy of my registration confirmation of the property situated at the address where Bevan lived. He said there was a search warrant and the court wanted to know whether they had searched the

correct house. He also asked for a copy of my firearm licence, which I later sent to him.

10 It emerged from Sergeant Govender that the raid on our family homes on the 13th of December 2022 was ostensibly related to the two Bellair dockets which are both Bellair cases. Bevan had no knowledge of these cases and was never contacted by the Bellair police officers who were assigned these cases. I later established that the Bellair cases had been signed out by Captain S Naidoo and assigned to Warrant Officer T Naidoo from Durban Central Detectives on the 4th of December 2022. The dockets returned a week later.

20 Bevan was not contacted in that time and we have never seen any evidence suggesting that there was any case against him.

ADV SIKHAKHANE: Sorry. Just to clarify certain things, you talk of Sergeant Govender, is that someone different to Captain Govender?

MR LOFTUS: That is somebody totally different to Captain

Govender.

ADV SIKHAKHANE: And then there is Captain Naidoo?

MR LOFTUS: It was Captain Govender, it was Warrant Officer Naidoo ...[intervenes].

ADV SIKHAKHANE: Okay, and ...[intervenes].

MR LOFTUS: And a Sergeant Govender.

ADV SIKHAKHANE: Okay, all right. Thank you. Please proceed at 46.

MR LOFTUS: At 46:

10 “Whilst I was in custody at Westville
Prison on December the 22nd, I received
a message from Bevan's best friend,
Marlon Stuart, who is known as Sticks,
that is his nickname, and another male
known to us as David, who is a tow truck
driver for Durban South Towing. They
were shot and killed near Moses Mabhida
Stadium. Bevan knew both deceased as
he grew up with them and Marlon was his
20 best friend. According to Captain Deena
Govender and Warrant Officer Siven
Naidoo, Bevan and his manager, Hendrik
Nunez [?], were persons of interest in the
matter.

This was mentioned to me and Burtie

Laing, who was my attorney, by the officers. The allegation or suggesting that Bevan was involved in the murder of Marlon and David is fanciful. Marlon and David were his close friends. Moreover, Bevan was in Johannesburg when they were shot and killed.

10 Sometime in January 2023, Bevan came home one day and told me he got a phone call from a friend that is in the Sydenham Taxi Association together with Clive Naicker. The friend told Bevan to be careful because Mr Clive Naicker had put a hit on him. Apparently no photos of Bevan or details of his appearance had been circulated, but word was out that Bevan lived in the Bluff area and drove a white BMW and a white Toyota bakkie. Bevan informed me that his friend had
20 advised him not to drive those vehicles and stay off the streets.

On January 25, 2023, Henrik Nunez was at Bevan's home as he had just returned from Port Elizabeth having purchased a motor vehicle. He, Henrik Nunez, came

to talk to Bevan about Captain Varley, who works at Brighton Beach SAPS. He is a Captain in the Detectives. He was bothering him about a motorcycle that one of the drivers recovered at an accident scene and was now in storage at Bevan's storage yard. Captain Varley wanted the bike released free of charge. Bevan indicated that he was going to call Captain Varley. I advised him not to do so. I told him that Captain Varley was working with Captain Deena Govender and Varley did not like Bevan. He had issues with Bevan on previous occasions. I advised Bevan that the Hawks had failed to arrest him on the Bellair cases because there was no evidence and by calling Captain Varley, he would start something. I told Bevan that he must be careful of what he says to Captain Varley because he will open an intimidation case and that will give Captain Deena Govender a reason to pick him up because there was no other reason to do that. Other than that, Bevan

nevertheless called..." ...[intervenes].

ADV BALOYI SC: Mr Loftus, let me ask. At this point where you are warning Bevan about Captain Govender, or now Colonel Govender, what did you know about Colonel Govender to do with Bevan at this point when you give him this warning?

MR LOFTUS: Not Captain Varley the warning?

ADV BALOYI SC: So you say that you warned him not to call Captain Varley?

10 **MR LOFTUS:** Yes.

ADV BALOYI SC: Because if he does that, then it would give Deena Govender a reason ...[intervenes].

MR LOFTUS: Okay, I see that.

ADV BALOYI SC: To pick him up ...[intervenes].

MR LOFTUS: I can see that, yes.

ADV BALOYI SC: So my question is, what did you know about Govender's attitude or position towards Bevan that you found it necessary to give him that kind of warning?

20 **MR LOFTUS:** Okay. What had happened, if I can just go into a bit of depth? As far as I was concerned, because what was happening, I was concerned about Bevan's life now because there were threats made against him. So I started conducting my own enquiries to see who Captain Govender and them really are.

Then I established that after they had come there in

December, obviously they did not return until February, I established from my police experience, the cases that were from Bellair, as an experienced detective, I have an understanding of how it works. When you receive a docket for investigation, within 24 to 48 hours you have to do some work on it. So if there is evidence in the docket, you obviously approach the accused person or the suspect in that matter, should there be any witness statements, corroborating witnesses, et cetera.

10 I established that there were not any of the above. So I took it from that that that is why Deena Govender and his team did not return for Bevan. Because had it been such a serious case, they would have been relentless to arrest him. Because I asked the question, why would a specially formed anti-gang unit go to a small station in an area and draw two attempted murder dockets, which the investigative officer had not pursued or made any attempt to contact the alleged suspect?

20 So I thought it was quite suspicious, you know, this cannot be falling in their mandate. Then I established that Captain Govender was at Brighton Beach Station and at Wentworth Police Station trying to find dockets where Bevan is implicated, outstanding dockets. And the information I got from my sources was that Captain Varley was working with him, looking for dockets, so that they can

arrest him.

So in my opinion, I was saying, if the cases were so strong against him, why are they going further to look for other dockets? So I was of the opinion that there was no real evidence to arrest Bevan on those two Bellair cases. Then Bevan had had issues with Captain Varley in the past.

Just the fact that if he calls it, when he was a captain at Wentworth, Captain Varley was a captain at Wentworth Detectives, he was a group, because the
10 detectives are divided into groups and they have a captain in charge of each group.

There was an instance where Bevan was arrested with some of his friends for a firearm charge. I will give a background of that. When they, on the street, the tow trucks sit on what they call a patch, you know where they sit and wait for calls for accidents. It was late at night, and he says he was coming home and a friend of his from the area asked him, where is he?

So he indicated where he was, so he said he is
20 going home. So the friend asked him for a lift home, because it was enroute to us, where Bevan lived. He knows the boy is naughty. So he said to him there is a roadblock opposite the police station. He says I am going that way. If you have anything illegal on you, declare it now, because I am going through that roadblock.

The guy said, no, he has not got anything illegal. So he says when they got to the roadblock, just before the roadblock, the youngster says to him, hey, I have got a firearm on me. So Bevan said he told him I am not turning back now because if I turn back, it will look like I did something wrong, something to that effect. So there were five people in the vehicle, and everybody was arrested. So I got a call that he is arrested at Wentworth Police Station.

I know most of the detectives at Wentworth Police
10 Station because I worked there. So I established who was on call and who would have the dockets. So, I made a phone call to say, what is the way forward, what is the charge, et cetera. So the detective said to me, no, I can come see him in the morning. So I said to him, look, must I get an attorney? He says, no, it is not necessary, because he is going to be releasing them because there is no evidence. They cannot place the docket there ...[indistinct] firearm in anyone's possession.

So fine, I went to the station on the Saturday
20 morning, and I spoke to the detective, and he was now going to process all the cases that came on overnight. So he went to the cell, I followed him. I did not go in. So he said to me, no, he is going to release them because Bevan and them were shouting and saying they did not know what they were going to do, et cetera.

There is cameras in the cells. The policeman that was in charge, I will not say his name, he received a phone call from Captain Varley because he fell under Captain Varley's group, and he said to Captain Varley he is releasing these guys because there is no evidence against any of them and there is no chance of a successful conviction.

The phone was on speaker. Captain Varley said to him, no, do not release Bevan, he is going to take that
10 docket, and he will handle the docket henceforth. So Bevan and them went to court. Based on that, he took possession of that docket as an investigating officer, which is not normal as the captain of the group to investigate the matters. And the matter, I am not sure if it was thrown out or it was not placed on the row. I need to confirm that.

So Bevan had said even in the conversation, when he phoned him, that is why I said to him do not phone because back to where we started, because Deena is after you, and Varley is not a friend of yours. So let us leave it
20 as it is because based on my experience and my enquiries, there was not enough evidence in that docket to arrest Bevan.

When Bevan found that they were looking for him for these cases, he came to me and he said to me, he related to me that there is two dockets that they are

drawing at Bellair for him to come and arrest him and he said to me I have got no cases, I do not understand this. And henceforth, my enquiry started. I forget which number we were. 51:

10 “Bevan nevertheless called Varley and asked him, Captain Varley, to stop harassing Henrik Nunez, who was his driver and his manager at the time. The phone was on speaker so I could hear the conversation. Captain Varley wanted the bike released, but Bevan refused because he had released vehicles in the past on Varley's word that the client would pay, but the client ended up not paying. Bevan told him to stay out of his business and do police work. Bevan told him that they were both men and the only difference was that Captain Varley has a badge.”

20 **ADV SIKHAKHANE**: Sorry, just on that last part, what did you make of that statement?

MR LOFTUS: I want to elaborate on that. The words actually used was, look, Bevan was furious because he was under such pressure, he is getting pressure from these guys for a case he says he knew nothing about, and Varley now.

So the words were something to the effect of, you know, Varley, you are a man, I am a man. You have got blood and bone, I have got blood and bone. You are a policeman, I am not. You have got a badge. You do your police work and I will do mine. Stay out of my business. It was to that kind of effect. In other words, stay in your lane, I will stay in mine.

ADV SIKHAKHANE: Ja.

MR LOFTUS:

10 “After calling Captain Varley, Bevan
called Mr Clive Naicker of Roadstar
Towing again against my advice. The
transcript of the call has already been
referred to above and is GL2, as stated
above. I have sent the recording to the
Commission and I believe it will be
played for all to hear. Again, this call
was on speaker and I could hear the
conversation. I wish to highlight that the
20 following...” ...[intervenes].

ADV SIKHAKHANE: Sorry, just before that, I think I would like to take up the Chair's invitation to play the recording at this juncture. Chair, it seems that as it would happen, we ...[intervenes].

CHAIRPERSON: You were ready and raring to go quite

some time back. Should we – let us just carry on. Perhaps you will come back later.

ADV SIKHAKHANE: Yes, can I request, if indeed we get there, we will replace ...[intervenes].

CHAIRPERSON: Yes, yes ...[intervenes].

ADV SIKHAKHANE: But it is quite important for the context of ...[intervenes].

CHAIRPERSON: All right, all right.

ADV SIKHAKHANE: I think also for the question that was
10 put to Mr John [?]. I do not know whether I can request because my colleague tells me ...[intervenes].

CHAIRPERSON: I do not even think it is necessary for us to go to the transcript because we went through it and I think it was read into the record as well. We can proceed so long. I am not saying we should not play the – when you are ready with it, we can always go back to it.

ADV SIKHAKHANE: Can I perhaps just offer an explanation why I need to go to the transcript to explain?

CHAIRPERSON: I am not even stopping you, but please, if
20 you want to explain.

ADV SIKHAKHANE: It is because there was an issue about the – an issue about identification of Bevan and Mr Naicker and Mr Loftus was in that room, so I would like him to explain and perhaps if you have a question or the Commissioners have a question, they can come from there.

CHAIRPERSON: So are you – for example, in paragraph 52, just before the subparagraphs, Mr Loftus says he wants to highlight something and then we have the subparagraphs which are what he highlights. Are you saying we should not even go there until we have played the recording?

ADV SIKHAKHANE: Perhaps I just want – maybe I do not know how the technical issues will be, but at this point, not to lose the point, I would prefer that at least he explains 52.2.

10 **CHAIRPERSON**: Okay. Maybe let us just go to paragraph 53 then. We will come back to the recording and then Mr Loftus' observations.

MR LOFTUS: Before we move on, on 52, I see I did not include it here. Before Bevan made the call to Clive, I said to him – why I advised him against it? Because I said to him Clive is a powerful guy. They have not got anything on you. He will definitely open an intimidation case against you. I said you can guarantee that. And later on – okay, let me leave it there. I think I have covered it later on, but I
20 forgot to say that there.

ADV SIKHAKHANE: All right.

MR LOFTUS: I will explain further ...[intervenes].

CHAIRPERSON: You said something similar about, I forget the rank, Officer Varley as well.

MR LOFTUS: Captain Varley, yes.

CHAIRPERSON: Okay, all right.

MR LOFTUS: I just forgot to include it here.

CHAIRPERSON: All right, thank you. Let us go on to 53 then, if that is fine, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you. Let us proceed to paragraph 53.

MR LOFTUS:

10 “I point out further that just over two
 months after this call, Bevan was
 murdered by the SAPS officers under the
 command of Captain Deena Govender in
 an operation led by him. On the 3rd of
 February 2023...”...[intervenes].

ADV SIKHAKHANE: Just before you proceed to that, if you go to file – well, let us just stick to the same file, rather. In the founding affidavit to the application, paragraph 18, page 38 of the same file. This is the founding affidavit that you deposed to, at paragraph 18 ...[intervenes].

MR LOFTUS: Sorry, just say that again?

20 **ADV SIKHAKHANE:** Can you go to page 38 of the same bundle?

MR LOFTUS: 38. Page 38, I do not see pages. You mean the ones that are written on the top in red?

ADV SIKHAKHANE: At the top in red.

MR LOFTUS: You said number 18?

ADV SIKHAKHANE: Paragraph 18, which should be at the bottom.

MR LOFTUS: 1-8?

ADV SIKHAKHANE: 1-8.

MR LOFTUS: Okay, this one. The one that starts with on the Friday?

CHAIRPERSON: No, it starts during 2022.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: Both Bevan. Red 38 at the top.

10 **MR LOFTUS:** Okay. All right. Okay.

ADV SIKHAKHANE: Can we just read that paragraph 18?

MR LOFTUS:

“During 2022, both Bevan and myself received information that there was an assassination ...[indistinct] put on Bevan's life in an amount of R2 500 000. I also received information from a policeman I know that a hit on my son Bevan was genuine. The word was that I should be careful because if they cannot kill Bevan, they will kill my son, Nicholas, and myself.”

20

ADV SIKHAKHANE: Thank you. I just want to probe just two things there. According to this, you received the information in 2022.

MR LOFTUS: Yes.

ADV SIKHAKHANE: Do you remember when about?

MR LOFTUS: No, I cannot remember.

ADV SIKHAKHANE: And this information was in what form?

MR LOFTUS: Verbal.

ADV SIKHAKHANE: From a source?

MR LOFTUS: From a source, yes.

ADV SIKHAKHANE: And in terms of this, was it at the
10 same time you were at Bevan or you received it separately
from separate sources?

MR LOFTUS: It was more or less around the same time
because we discussed it, yes.

CHAIRPERSON: I think the question is, was the source
the same person?

MR LOFTUS: No, no, no. It was not the same source. If I
can recall correctly, Bevan told me that the hit was put on
him. We were discussing this all the time with people. It
was a thing that was going on in the area. Then this friend
20 of mine approached me and he said, A, B, and C, which now
corroborated what Bevan had said to me.

ADV SIKHAKHANE: I just want to just make sure that I
understand. So you are saying that Bevan tells you for the
first time that this is in 2022, that there is a hit on him.

MR LOFTUS: Yes.

ADV SIKHAKHANE: And he tells you that it is for R2 500 000.

MR LOFTUS: Yes.

ADV SIKHAKHANE: Does he say who is the person?

MR LOFTUS: At that time, no. I do not recall that he said who was the person. At a later stage.

ADV SIKHAKHANE: At a later stage?

MR LOFTUS: At a later stage, the name came out of who it was.

10 **ADV SIKHAKHANE:** Okay, and then you then get information or you confirm independently from a policeman.

MR LOFTUS: Yes, that is correct.

ADV SIKHAKHANE: And what was the discussion on that from that policeman?

MR LOFTUS: Well, all the policemen in the area knew what was going on. So it was basically a straightforward conversation. That be careful because there is a hit put on you. He had heard about it and he confirmed that it is true from his sources. It was a very short discussion.

20 **ADV SIKHAKHANE:** And it was also the confirmation did not mention the name.

MR LOFTUS: No, at that stage, no.

ADV SIKHAKHANE: Okay.

MR LOFTUS: The name was not mentioned at that stage.

ADV SIKHAKHANE: Okay, and in that, now that you know

there is this thing, did you take it up with the authorities?

MR LOFTUS: No, I did not. I did not. I can tell you why I did not because I know the workings of the police, especially with our local police stations, et cetera. In my opinion, they are not equipped to handle issues such as these. They are really not, and a lot of the time it is because of lack of knowledge and also because of no interest. I have seen that while I was a policeman.

ADV BALOYI SC: Can you just explain what you mean
10 they are not equipped to handle matters like this? And I ask because when Mr John, the IPID officer, was testifying yesterday and he said you went to court for an interdict, the question that I did not ask but that was in my head was why would you not lay a charge of conspiracy to murder or to kill? Why did you not lay that kind of complaint? So answer my question about why do you say the police do not have the capacity to deal with these kind of issues together with my question, why did you not lay that kind of charge?

MR LOFTUS: From experience being in that environment,
20 cases like that, people do not generally want to come forward, first of all, and give statements because they will have to name names, et cetera. Secondly, there is also a lack of interest in pursuing cases from the local police as well, detectives as well.

ADV BALOYI SC: And you say so even after you have had

the telephone call between Bevan and Mr Naicker, which you have interpreted in a certain way as you were listening to it, you say there is an acknowledgement in that he does not deny that he has put a price for Bevan to be killed. Even with that information, you still say you could not lay a complaint.

MR LOFTUS: I spoke to some policemen regarding that conversation, that transcription. None of those policemen even picked up what we did, that his name was mentioned
10 without him saying his name, and it was only when the hit of R2 500 000 was put on his head. They did not pick that up, and they did not pick up what I would call a motive, where he says you killed my uncle. They did not even pick that up. I had to actually highlight it to them. This is not policemen at stations, people that I knew, policemen that I knew.

There is really no interest there, if I can elaborate. When we work as detectives, complainants will walk into the charge office, and generally speaking, the charge office
20 personnel, in my opinion, a lot of them are not equipped to even write proper statements. That I can tell you, because I have witnessed it. We have to go and retake the statements.

A lot of the times, like what we did, we established what we call a crime office so the detectives actually could

interview the people, the complainants, and take the relevant statements in a proper manner. A lot of the detectives and the uniformed policemen, they have got this, if I can call it a thing where they say kill the case.

So when a complainant walks into the charge office, there is a persuasion. They try and persuade the complainants not to open the case. If you can understand what I said, they try and inform that they cannot open a case because there is no case, et cetera, et cetera. They
10 find some kind of way not to help them. I have witnessed it. So ...[intervenes].

ADV BALOYI SC: Thank you.

MR LOFTUS: I will elaborate a bit more. There were times when this started, where youngsters would be intimidated at the flats, before it escalated. When I say flats, it is where we grew up in ...[indistinct] where this Cartel was operating. These youngsters, two of them that are deceased now, and Antonio was also deceased, they were from there. They were junior youngsters. They were being harassed,
20 intimidated.

I personally, and a lot of those youngsters had single-parent homes, single mothers. I was very well-known in the area. So I took some of the mothers up to the police station and had a meeting with the station commissioner, with the mothers, to say, from experience, this is going to

escalate. It is starting as threats and little assaults, but I explained how I could see this escalating from experience of the past.

There was no interest. We had those kind of meetings on about two or three occasions to try and get the station commander to interview. I cannot remember the station commander's name. He was a white gentleman. He actually said to me, and he sent me a document with the Intimidation Act, where he actually said the Intimidation Act
10 does not exist anymore.

So we did make efforts at that stage. So following that, there was no sense in going back there, because if the station commissioner could say something like that, there is no way that these juniors, with no experience, could pursue it.

ADV SIKHAKHANE: Just two questions on that. One is, what is, I think, a lot of your statements contain the words or the phrase that, word in the street was, but I would like to know, to explain, what does that mean generally?

20 **MR LOFTUS:** It is talk amongst people on the street, people, groups, just general talk. I mean, it is like social media. People thrive on activities or events that take place. So you pick up something that you hear, and you pass it on like a grapevine story. You know, and that is how the word gets around on the street, you know?

And a lot of the time, what you hear is true. Not all the time, but a lot of the time. And a lot of the time some of what you hear is true, and it leads to other things, you know? So it gives you something to grab onto, some of the stuff, and you can investigate. Some investigation starts, and you can pursue whatever is said, and you can actually find a lot of what is true most of the time.

ADV SIKHAKHANE: Okay. Then the second point is just to follow on what Commissioner Baloyi said and what you
10 then responded by, is that what do you think is the reason behind the police seeming apathetic or not willing or killing cases as it were?

MR LOFTUS: That is a tough one for me to say. I am going to get into trouble for this. I think it is just laziness. That is what I believe.

ADV SIKHAKHANE: Okay. Thank you. Chairperson, I am advised that the sound is back. Can I request that we play that recording and then go back to the file, to the statement at page 15, paragraph 52.1? But we will start with the
20 recording.

[AUDIO PLAYED BACK]

“And I will start. Mr Clive himself, how are you? Ja ...[indistinct]. Welcome. Not ...[indistinct] 2.5 on my head now ...[indistinct].” ...[intervenes].

CHAIRPERSON: Please start from the beginning.

[AUDIO PLAYED BACK]

“And I will start. Mr Clive himself, how are you? Ja ...[indistinct]. Welcome ...[indistinct] 2.5 on my head now. [Indistinct] you set me up. I phoned ...[indistinct]? Ja. I do not ...[indistinct] look like you are after me. You pay Deena Govender, you pay ...[indistinct] to do all these things, so I never had nothing to do with you. I never minded your business. I ...[indistinct] flop with you, but ...[indistinct] went out of your way to do all these things. So you want to kill me and ...[indistinct] numbers. Are you making an allegation against me or are you telling me ...[indistinct]? I am asking you where is the numbers ...[indistinct] the people ...[indistinct]. No, you want to kill me, right? No ...[indistinct]. The fastest lives the longest, right? *Lekker.*”

ADV SIKHAKHANE: Thank you, Commissioners. I think, I am not sure whether it was audible enough for your purposes.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: In any event, the transcript is at page 113, just to contextualise things. Now, this is the recording. Is this the recording that you were referring to earlier?

MR LOFTUS: That is correct, that is the recording.

ADV SIKHAKHANE: And at page 113 is a transcript.

MR LOFTUS: Yes.

ADV SIKHAKHANE: Is that an accurate?

MR LOFTUS: That is an accurate.

10 **ADV SIKHAKHANE:** Okay, and you were present when that call was made?

MR LOFTUS: It was made presently, his phone was on speaker.

ADV SIKHAKHANE: Okay, and what was the purpose of the call?

MR LOFTUS: After he phoned Varley, or let me say before he phoned Varley, he was agitated and he was quite angry and he was under a lot of pressure because he was tired of this. You remember he had not been out of the premises for
20 a long time. Because when he heard that there is a hit on him, he said to me they are not going to get me because I am not going to leave the premises. So, like he says, he cannot go out ...[intervenes].

ADV SIKHAKHANE: Sorry, just repeat that?

MR LOFTUS: He could not leave the premises. He said he

is going to stay in the premises because there is a hit on him and if he stays at home, they cannot get him. Henceforth, Hendrik Nunez ran the operation in the yard and on the street with the tow trucks, et cetera. So he was angry.

So when Hendrik Nunez came over, he was on the phone with Varley. Varley phoned him a few times harassing him about this motorcycle. So Bevan was agitated about that. So he said, no, I am going to phone
10 him. I need to put him in his place, kind of, you know? He did not use those words, but that was the gesture, so to say.

Then afterwards, he said, you know what, I do not know this Clive Naicker. He said I am going to phone him and ask him why he is doing this to me, and that is where the phone call came from.

ADV SIKHAKHANE: And where did he get the cell phone of Mr Naicker, if it is Mr Naicker?

MR LOFTUS: Yes. To be honest with you, I was quite
20 surprised that he could get the phone call, but he was resourceful. What happens, you get a tow truck driver that drives for the operators on the Bluff. And from time to time, they jump areas and they go and drive in other areas. So obviously they make connections, they are friends with the guys that work for the different – so those guys have their

contact numbers for their employees or their bosses.

So, he did not tell, so I am assuming that is how he got it because you hear conversations when a guy would ask, I would say, have you got so-and-so's number? And he would be like, no, let me phone so-and-so, and that so-and-so would phone so-and-so and the number would come with information, so to say, but I was not present when he actually got the number.

ADV SIKHAKHANE: Okay. I think I cannot take that
10 further with you as such.

MR LOFTUS: Yes.

ADV SIKHAKHANE: Then you confirm or seem to confirm that on the call was Mr Naicker on the other end.

MR LOFTUS: Yes.

ADV SIKHAKHANE: How do you come to that conclusion?

MR LOFTUS: Well, look – okay, let me retract that. I cannot say it was him because I do not know him and I have never met him and I have never heard him speak. Based on the conversation and the phone call, I am assuming that
20 that was him.

ADV SIKHAKHANE: And why is that?

MR LOFTUS: Well, from the conversation when Bevan called him, Mr Clive, the Roadstar, he acknowledges, he continues the conversation acknowledging, I would say that is his acknowledgement that it is him.

ADV BALOYI SC: Do you know whether his company is Roadstar?

MR LOFTUS: Yes, I do know that he owns Roadstar Towing.

ADV BALOYI SC: Okay.

ADV SIKHAKHANE: Okay. Can you then read paragraph 52.1, which are the points you wanted to highlight?

MR LOFTUS: 52.1.

ADV SIKHAKHANE: Page 16 of your statement.

10 **MR LOFTUS:** Page 15.

CHAIRPERSON: 1-5.

ADV SIKHAKHANE: Ja, 1-5.

MR LOFTUS: 52.1?

ADV SIKHAKHANE: Yes.

MR LOFTUS:

20 “When he answered the phone, Mr Clive Naicker was not able to identify Bevan at first. As soon as Bevan mentioned the R2 500 000, Mr Clive Naicker instantly, immediately identified him and accused...”

Sorry, let me say that again:

“...immediately identified him at Bevan and accused Bevan of killing his uncle. When Bevan accused Mr Clive Naicker of

paying Captain Deena Govender to kill him, Mr Clive Naicker did not deny the allegation.”

CHAIRPERSON: I want to take issue with that. I think you should listen to the recording in the context of everything that was said. Let me take you to page 113. 113, red 113 at the top.

MR LOFTUS: Okay. I have got it, Commissioner.

CHAIRPERSON: Ja, the fifth entry where Bevan is
10 speaking says:

“Yes, and then how you can phone Dane to tell Dane to set me up?”

Then the response by Captain Naicker. I am sorry, Mr Naicker:

“I phoned Dane?”

You see, even the fact that he is asking a question there.:

“I phoned Dane?”

It should tell you that implicit in that is it may in a sense be a denial:

20 “I do not even f-ing know who Dane is.”

So it becomes clearer. So your source about me having called Dane to set you up, that is false. So that is a denial, but let us go further down. So yes, it does not directly deal with the 2.5, but the context is the 2.5 and the setting up by Dane is in the context of the 2.5. So let us go further down.

The long there is what Bevan said there, the longest by him.

He says, second last line towards the end:

“You want to kill me and all that kind.”

And then the response by Mr Naicker:

“I do not. You want to kill me? I do not.

Are you making allegations against me or

are you telling me the facts?”

So when you look at all this in context, he actually did deny the allegations. It is on that basis that I say I take issue

10 with what you say when you say he did not deny.

MR LOFTUS: Sorry, I did not hear that, Commissioner.

CHAIRPERSON: I am saying it is on this basis that I say I take issue with your statement that Mr Naicker did not deny.

MR LOFTUS: Fair enough. That is the way it is read.

CHAIRPERSON: All right.

MR LOFTUS: I will accept that.

ADV SIKHAKHANE: Chairperson, perhaps one has to understand the context of the issue whether it is taken with whether it was not Mr Naicker on the other side or whether
20 it is a matter of having put a contract on his head. I just think we need to distinguish that for his purposes as well.

CHAIRPERSON: I am just proceeding on the assumption that it was Mr Naicker, and what I am addressing is the statement by Mr Loftus that Mr Naicker, if it was Mr Naicker, did not deny the allegations. That is all I am engaging

there Mr Loftus on.

ADV SIKHAKHANE: Chair, can I then take you to File 3, page 118?

CHAIRPERSON: 11?

ADV SIKHAKHANE: 81, at the bottom. Perhaps I have to identify what this is as a document entirely. It is an article that was published by the Daily Maverick where, on the 29th of April 2023, and it follows the shoot-out, and we are still going to come to it about the relationship between drugs, 10 tow trucks, and the gangs, and the killings, and the hits. But for present purposes, I would like us to go to 1181, which is Clive Naicker speaks. If you turn over, there is a suggestion that Mr Clive Naicker was confronted with this allegation.

CHAIRPERSON: Whereabout at 1182?

ADV SIKHAKHANE: I think it is the second. I think for context, I would like to read the two paragraphs.

CHAIRPERSON: Which ones are those?

ADV SIKHAKHANE: At the top. So it says ...[intervenes].

20 **CHAIRPERSON:** The one starting Daily Maverick?

ADV SIKHAKHANE: Yes.

CHAIRPERSON: All right.

ADV SIKHAKHANE: All right. Just for the purpose of the record, can I ask the witness to read it?

CHAIRPERSON: And what is this? What did you

...[intervenes].

ADV SIKHAKHANE: Well, it is the point about whether Clive Naicker denies that it was him on the call.

CHAIRPERSON: Okay.

ADV SIKHAKHANE: Perhaps the point I am trying to come across, to put across is that he does not seem to deny that discussion, at least on the media reports. Also...

CHAIRPERSON: Please go ahead.

ADV SIKHAKHANE: Thank you, Chairperson. Mr Loftus,
10 would I kindly request that you read that portion just into the record?

MR LOFTUS: Which page is this now?

ADV SIKHAKHANE: Page 1182.

MR LOFTUS: 82, from the top?

ADV SIKHAKHANE: From the top.

MR LOFTUS: Thank you:

20 "Daily Maverick approached businessman, Clive Naicker, who described Bevan Loftus as an evil young man. I have only had two or three conversations with this evil young man. I do not know him. I have been in the towing industry for 14 years and I am chairman of our Towing Industry Association. I have never had a

confrontation with Bevan. Earlier this year, Bevan called me saying I wanted to kill him. I said I heard he killed my uncle, the tow trucker, Elvis Raju in Asherville, earlier this year. I heard on the street that it was a case of mistaken identity, that I was meant to be the target of the shooting. Bevan ended the conversation with let us see who dies first.”

ADV SIKHAKHANE: Thank you. I think I would like to stop there. Chairperson, it is that evidence that I just want to be there regarding Mr Naicker's – well, regarding whether it was him on the other line. It seems to be consistent with the transcript and what the witness states and what is ...[indistinct].

CHAIRPERSON: Which is that it was Mr Naicker.

ADV SIKHAKHANE: Correct, Chair.

CHAIRPERSON: All right, all right. Thank you. This has nothing to do with whether there was or there was not a denial by Mr Naicker. It is just to show that ...[intervenes].

ADV SIKHAKHANE: It is just to show ...[intervenes].

CHAIRPERSON: It was Mr Naicker on the other ...[intervenes].

ADV SIKHAKHANE: Yes, he confirms that. He confirms

the contents because you see where the last statement, well, not the last statement, it says let us see who dies first.

CHAIRPERSON: Ja, ja, ja.

ADV SIKHAKHANE: And that is the other thing I want to take with Mr Loftus.

CHAIRPERSON: All right, all right.

ADV SIKHAKHANE: For me it was just to place that before you, Commissioners.

CHAIRPERSON: All right, all right. Thank you.

10 **ADV SIKHAKHANE**: Then I will come back to this about this article later on after tea, but there is a statement or something that Bevan says when the call ends.

MR LOFTUS: Yes.

ADV SIKHAKHANE: And it is – I just do not want to rephrase it. It says the fastest lives the longest. You recall that?

MR LOFTUS: Yes, I recall that.

ADV SIKHAKHANE: What did you understand that to mean?

20 **MR LOFTUS**: At first, I did not know how to take it because I said to Bevan, I actually asked him, what did he mean by that and why did he say that? He offered no explanation. You know, he says he was angry, so he did not realise what he was saying, but he did not offer any explanation.

ADV SIKHAKHANE: And I am just saying, what did you understand of it, that statement?

MR LOFTUS: If I have to put my own interpretation into it, Clive being now the guy that wants to kill him, as he says in the conversation, so I would put it as to the fastest lives the longest, who gets who first. That is how I would interpret it.

ADV SIKHAKHANE: Would it be accurate to characterise it as a threat?

MR LOFTUS: You can characterise it as a threat. I can
10 say that.

ADV SIKHAKHANE: And you will see the article, the Daily Maverick article at 1182 that you have just read, Mr Naicker is quoted as having said Bevan ended the conversation with let us see who dies first.

MR LOFTUS: Are you asking which one is correct?

ADV SIKHAKHANE: No, I am going to come to the question. I am asking whether you see that.

MR LOFTUS: I see that, yes.

ADV SIKHAKHANE: And would you say that is – I am not
20 saying it is word for word or it means entirely the same thing, but would it generally be along similar lines?

MR LOFTUS: Yes, you can. I would say you can equate it.

ADV SIKHAKHANE: Thank you. Chair, I see it is 10:55 but I would prefer that, I would request that we take an adjournment at this opportune time.

ADV KHUMALO SC: Can I maybe ask two questions on the transcript, page 113? There is two references to what are the numbers, Bali? What does that refer to or relate to? And it is Bevan who is asking this. He says Bali, where are the numbers? And later on I am asking you, where are the numbers, Bali?

MR LOFTUS: My only – I do not know what – I do not know if there is a meaning of it in the street, but if I had to interpret it, it would be why are you doing this to that
10 effect? Why are you doing this? Ja, that is how I would interpret it. Yes.

ADV SIKHAKHANE: Sorry, sorry, I just wanted to make sure that maybe that would be a follow-up. I did, now you have triggered it. As to what Bali the name, what does that mean? Bali.

MR LOFTUS: Okay, Bali means, like they call me Bali, an older person.

ADV SIKHAKHANE: Older person?

MR LOFTUS: Yes.

20 **ADV SIKHAKHANE:** Okay. Thank you.

CHAIRPERSON: Let us adjourn and resumed at 11:30.

ADV SIKHAKHANE: Thank you, Chair.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes, Mr Sikhakhane.

ADV SIKHAKHANE SC: Thank you, Chair. Can I just request an indulgence? The witness requests an opportunity to clarify that telephone recording on certain aspects.

CHAIRPERSON: Yes, Yes, Mr Loftus.

MR LOFTUS: Yes, Commissioner. I was listening to that recording on my phone now during the break, and where he says, where he says, Clive, like I do not, are you making allegations against me or are you telling me facts? To me,
10 it sounds like he wanted to say something, and then there was that talking over of one another. So I just wanted to say what we were saying earlier, that if you listen to it carefully, it sounds like he stopped mid-sentence of wanting to say something. You know?

So I had the opportunity to listen to it again. It is just a different way I look at it when I heard it, when I hear it. And there is something, I am trying to find it, where it says, you are putting the kêrels on me, you are paying the kêrels. I just want to clarify what the kêrels mean. The
20 kêrels mean the police. Just for clarity.

ADV BALOYI SC: Why do you say kêrels means police?

MR LOFTUS: It is Durban slang. For police, meaning police.

ADV SIKHAKHANE SC: Can we proceed, Chair?

CHAIRPERSON: Yes.

ADV SIKHAKHANE SC: Thank you. I think we have gone through paragraph 54, but I think just for context, can you start reading from that? I think it would make sense.

MR LOFTUS: Sorry, I did not hear that?

ADV SIKHAKHANE SC: 54, paragraph 54. Sorry.

MR LOFTUS: Sorry, I paged over. Okay.

10 “On the 3rd of February 2023, Captain
Dina Govender, and his team arrived
again at Bevan’s premises. I was in his
yard assisting the welder in making a
gate. I told Bevan that there were
police...”

It should say at the gate;

“...and he immediately fled.”

I just want to add something there. There was a security vehicle, a Fidelity Security vehicle with them when they stopped at the gate. And he fled, because he was expecting them.

20 “He knew that they were there to kill him.
He was clothed in sleep shorts with no
shoes and no shirt. I told Michigan to go
with him because of their visit on the 13th
of December 2022, when they water-
boarded Michigan. Bevan and Michigan
managed to flee. The police came in

unmarked vehicles, stopped at the gate at Bevan's premises. Captain Dina Govender, Warrant Officer S Naidoo and a Dog Unit policeman, Warrant Officer Naicker, approached aggressively and said they were here not to arrest Bevan, but to kill him, because according to Captain Dina Govender, Bevan had threatened to kill the members of the Hawks and Captain Varley of SAPS Brighton Beach Detectives.

The police searched my premises and Bevan's home, where Bevan resided. No search warrant was produced, and the bedroom door of the house was damaged. I was arrested by Warrant Officer Naicker and while I was handcuffed on the roadway, Captain Dina Govender and Warrant Officer Siven Naidoo, and the Dog Unit policeman, Warrant Officer Naicker, repeated that they intended to kill Bevan."

I am not going to mention other names. There were four other people involved.

"They kept insisting that Bevan was at the

bluff butchery early that day, and that is why the Toyota engine was hot. Captain Dina Govender, and Warrant Officer Siven Naidoo said that I must get Bevan's funeral policy up to date because I am going to bury him and my wife and I are going to mourn for him. Captain Govender said that Bevan shot his friend, Allan."

- 10 Which is Allan Subramoney that I mentioned earlier. He is the Durban South Towing Company owner. He said Bevan shot him in the head.

"Warrant Officer Siven Naidoo said ...[intervenes]"

ADV SIKHAKHANE SC: Sorry, just before you go there, did he pass away?

MR LOFTUS: No, no, he did not pass away.

- 20 "Warrant Officer Siven Naidoo sent policemen into my daughter-in-law's premises where my daughter-in-law, Melissa, runs a crèche. She protested because of the upset of the children and further because they did not have a warrant. A policewoman was called and she searched together with the premises

while the children were there and she,
Melissa, was handcuffed and placed in a
police vehicle on the road.”

ADV KHUMALO SC: Mr Loftus, just go back to paragraph
57.

MR LOFTUS: Yes.

ADV KHUMALO SC: The second last sentence where you
say, Captain, Govender and Warrant Officer Naidoo. They
could not have both said that. Surely it must have been one
10 of them.

MR LOFTUS: Okay, let me clarify that. They did not say it
both together. It was not a one-off statement that they
made. These guys over-talked one another and they were
in an aggressive manner. It was like anger in them. They
both said it but not at the same time. It is like the one was
repeating the other. They said it on numerous occasions.
It was not just clearly, we are going to do and do that
together.

ADV KHUMALO SC: But who said to you, you must get
20 Bevan's funeral policy up to date because I am going to
bury him?

MR LOFTUS: They both said it. Dina Govender said it
first. And Warrant Officer Naidoo, he repeated it. But as I
said, it was not said once. It was on a number of
occasions. They speak fast and they do not stop talking.

ADV KHUMALO SC: And again, why did you not open a case? Because now they are making a direct threat.

MR LOFTUS: I did not believe that the case would be accepted and that anything would become of it. Because I can say why, I can elaborate. Because my wife, my daughter-in-law, both daughter-in-laws went to the police station and they tried to open cases at Brighton Beach. And there was a captain on duty there and he refused to accept the charge. They ended up going to the attorney
10 who took them to IPID and IPID referred them to Point Road police station and I am not sure where they eventually opened the case. It was rigmarole. Nobody wanted to open a case. And this is not an uncommon practice. I have witnessed this before. So people lose interest... So people lose interest and faith in the police.

ADV KHUMALO SC: Just when you say the wife and daughters tried to open a case, was it in relation to the same incident or a different incident?

MR LOFTUS: No, no, no. It is a different incident.

20 **ADV KHUMALO SC:** And what was that incident about?

MR LOFTUS: My daughter-in-law, Bevan's wife, she opened a case of theft of items and cash from the house.

ADV KHUMALO SC: But was it against the police?

MR LOFTUS: Yes, it was against the police. There were cases eventually registered at Brighton Beach. I know my

daughter-in-law that runs the crèche, her case docket is at IPID. And Eckard, as I said, he was one of the workers of Bevan. He was a driver and a roundabout. He opened a case of assault. I was witness to that statement being taken by an IPID policeman in my house. That case is still with IPID. I had an opportunity to speak to, in fact Eckard phoned me last night. I had not spoken to him or seen him over a year. And I asked him what was the progress on the case. He says nobody ever contacted him.

10 **ADV KHUMALO SC:** Okay. And then back to paragraph 57. Do you mention this incident in your affidavit?

MR LOFTUS: Yes, I did.

ADV KHUMALO SC: This specific one?

MR LOFTUS: Yes.

ADV KHUMALO SC: And the threat by Captain Govender?

MR LOFTUS: Yes, I did. Just to go on with that, to complete that. My wife was eventually called to the police station to depose the statement. And the statement was taken by a female, should I not say the name? Was taken
20 by a female captain. But I found it strange that while I was sitting there, she was not really interested in what my wife was saying. She started taking a statement from me as to what took place. Then I realised what she was doing. One of the policemen whispered in my ear to say, no, no, she works with Dina Govender, I should not be talking to her.

Those matters, I think there were four cases. Besides the cases at IPID, the cases that were opened at Brighton Beach are filed as undetected and false. Hendrik Nunez's wife also opened a case. I do not know what the charge was. That case is filed as false. Coincidentally, the cases were filed ...[intervenes]

ADV KHUMALO SC: Mr Loftus?

MR LOFTUS: Yes.

ADV KHUMALO SC: I am going to stop you because you
10 have to be careful. In this Commission, when you mention people's names and you make allegations against them, we will have to call them to provide their version. So maybe stick to the question I asked so that we limit ourselves only to...

MR LOFTUS: Okay, Commissioner.

ADV KHUMALO SC: Because if you end up mentioning 15 people, we will have to give them the opportunity to come and give their side of the story. So let us limit ourselves to the question I asked and only the answer to that question.

20 **MR LOFTUS:** Point taken.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: Was the shooting of Allan supposed to have taken place at Bluff Butchery?

MR LOFTUS: Was the shooting of who, Commissioner?

CHAIRPERSON: Allan, Allan.

MR LOFTUS: No, no, no. That was in Devon Central somewhere.

CHAIRPERSON: Oh, all right, all right.

MR LOFTUS: Yes.

CHAIRPERSON: Who were you told it was supposed to have been shot at Bluff Butchery?

MR LOFTUS: That was... That Bluff Butchery shooting, the alleged Bluff shooting, was supposed to have been Bevan shooting at the police.

10 **CHAIRPERSON**: Oh, all right, all right, thank you, thank you.

ADV SIKHAKHANE SC: Just to follow up on what Commissioner Khumalo is alleging so that we complete it. In relation to the threat in January, now you know the details. You know the person who is allegedly had put a hit on your son. Or you both now know. Did you report or take this up as well?

MR LOFTUS: No, I did not. Because we were at a point where opening cases or trying to open cases were futile. I
20 will say this. Brighton Beach village, a lot of the policemen and detectives, and Wentworth, they did not have time for myself or for Bevan. So, it was futile because there is an instance where one of the deceased, a Michigan Hypolite, was shot in an area in Wentworth, but point blank, like very close, in the jaw. He survived.

He went to the Wentworth police station to open a case and they did not take a statement from him. There was another instance where he was shot in Clairwood, which was under the Brighton Beach policing area. He went to the police station when he came out of the hospital. They refused to take a statement. So, no cases exist for those two incidents.

ADV SIKHAKHANE SC: And why is that particularly it would seem that you are targeted?

10 **MR LOFTUS:** It does seem that way. I was not popular when I was in the police. I was not one of the guys that did anything illegal. So, I always tried to do the right thing and henceforth, unfortunately, you get shunned when you do that because you are seen as working against the grain. Because I spoke out against any injustice that I saw while I was in the police. A lot of my colleagues did not like that.

I can go further to say that none of them would work with me. When I was in uniform, only my black colleagues would work with me. Nobody else. Because I
20 did not do what they were doing. I was against what they were doing. As far as Bevan goes, there are policemen at Wentworth and at Brighton Beach that I listened to what Len John said yesterday. That there are certain policemen that would favour certain tow trucking companies.

There was, there were instances and certain

policemen that did that as well. And Bevan did not participate with that relationship between policemen. It was purely business. I know that there is monies exchanged as favours between tow trucking companies and police. When I was in uniform, I witnessed it. That is a fact. So what I am saying, why against me? I have got no idea. I can just put it to you that I am not part of the team. Part of the clique.

ADV BALOYI SC: Mr Loftus, you mentioned that at some
10 point you speak to someone from IPID and then they say to you, you must go and lay a complaint at a police station. Did I...?

MR LOFTUS: I was not present when this happened.

ADV BALOYI SC: Okay. So you have never, have you personally had any dealings with IPID to do with what was going on with you and Bevan?

MR LOFTUS: Mmm... let me say this. When the police came on in February and they did what they did because my oldest son was assaulted by police as well. Eckhart was
20 assaulted. My wife had a case to open. My daughter-in-law had a case to open. There was a gentleman from IPID that came to my house and he was, I assumed that he was on call, that is why he was attending. This was after the cases were opened.

So he came to follow up further. So at that time,

only my one daughter-in-law's case, the one that runs the crèche, she had opened the case. He followed up on that. And he seemed interested because he said they have been watching this group of people doing these kind of things for a long time. He went a bit further to say they had a little team that was looking into this, where these guys were doing this kind of thing on alleged crime scenes.

So from there, he interviewed, he actually interviewed Eckhart and he took a statement from Eckhart
10 and he opened the case there. And then he interviewed my son as well but he did not end up taking a statement from him. Then there is a guy from... this incident happened on the 3rd of February. That was a Friday. The Monday was the 6th. There is a guy from Newlands East who I met for the first time but Bevan knew him.

I was liaising with Bevan while he was ducking. So he was liaising those with that guy. That guy was called. This detective from IPID actually said to me he should come over. He came over and he interviewed him about an
20 assault that he had been through at the hands of the team. I cannot say which policeman it was and another youngster. So that is the interaction that happened right in my lounge.

ADV BALOYI SC: You do not know what has happened with those IPID cases because my understanding from other evidence is that when there has been a complaint against or

relating to police conduct, IPID then takes over the matter from the police station and then they do the investigation as it falls within their powers. Now you have not had any report back, any dealings with IPID about the cases that you say were referred.

MR LOFTUS: My daughter-in-law that runs the crèche, I went into hiding which I will come to later. While I was away, they followed up on the case of, when I say Bevan, I am including the other guys that were, they followed up on
10 the case at IPID and she said she approached that investigator that had her docket and she asked him what is the progress and he said to her that he has got much more serious cases. Hers is just assault common. He has not got the time to attend to a minor crime.

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

ADV SIKHAKHANE SC: Thank you. Just while on that. We know that in around 31 March at least there is some steps that you took against the police.

MR LOFTUS: Yes.

20 **ADV SIKHAKHANE SC**: Now that is a period of let us say approximately three months, give or take.

MR LOFTUS: Approximately, ja.

ADV SIKHAKHANE SC: And if you trace it back to the telephone call, I think it would comfortably be a matter of three months. Or two months. Let us say we give that

period.

MR LOFTUS: Are you referring to the phone call, the time factor between the phone call and...

ADV SIKHAKHANE SC: The phone call and remember it is the phone call and shortly thereafter you then have this operation on the 3rd of February.

MR LOFTUS: Yes. The phone call if I can recall correctly was in January.

ADV SIKHAKHANE SC: Yes.

10 **MR LOFTUS**: Yes.

ADV SIKHAKHANE SC: Late January.

MR LOFTUS: Late January. I think it is about the 25th or so.

ADV SIKHAKHANE SC: Correct. I am trying to, just wait for me. In that period you say you did not find it prudent to make any action for example, to take any action rather against what you now see on the 3rd of February. Let us say on your theory you now see that look there are police coming in. They are threatening about updating a policy
20 and all of this. Now do not you see it prudent to in any event register a case and then complain to IPID or take even the court application earlier?

MR LOFTUS: That is a good point. But as I said, you know with the history that has been happening with Bevan over time, being harassed by some of the detectives,

Brighton Beach detectives, because they ultimately end up with it. And there are certain members in the charge office as well that would not take cases. So we reached a point where it was like it is futile to even try. That is why we went the court way, ja.

ADV SIKHAKHANE SC: Just lastly on that aspect, now there is an issue or at least the narrative that Dina was put up to killing Bevan.

MR LOFTUS: Yes.

10 **ADV SIKHAKHANE SC:** Now is it, what would you say, would it be only Dina or other people as well?

MR LOFTUS: The way I interpreted it, is I just want to go back a while to when they arrived at the premises. One of the first things they said is we are going to kill him. We are not here to arrest him. So the way I saw it from my enquiries there is a small clique in that unit that knows what is going on. The majority of those policemen that work with him, in my opinion, does not know what is going on.

20 So to me it was Dina, Sivan, and Naicker, because they were very aggressive and they are the ones that kept harping on we are yet to kill him, we are not going to arrest him. Especially when they are focused on when their friend Allan was shot in the head by Bevan. So I had no doubt in my mind that they were going to do it. Having also done some background enquiries on them. So I was convinced

that they were intending killing Bevan.

There was an instance where, at the premises where Warrant Officer Naicker, he was wanting to search the premises. I did not see a policeman called Pedro Rodriguez arrive. He did not arrive with them. But being handcuffed, when we came out of the house and went to the side of the house Warrant Officer Naicker of the Dog Unit, actually said Pedro Rodriguez was there and he went under, we have got a wooden floor, so we have got an elevated
10 floor, we have got a crawl space under the house.

He asked Captain Rodriguez to go under the house and check and he said, if he is there shoot him where he lies. So I was like these guys already set to kill Bevan. And if he approached the Brighton Beach guys, I can tell you, he would not get joy. Because he has had that before. Especially Michigan was shot. There was no joy.

ADV SIKHAKHANE SC: So there are three possibilities that I just want to understand. There is the possibility, the main one, which is there was a contract to kill him but that
20 is irrespective. And then there is the theory or potential theory which is that, and we will go to it, they just wanted to kill him or who is this, Naicker, because he shot a friend or they just wanted to kill him for whatever motive but unrelated to the hit. Or you then say there is a clique. Are you saying it is the clique, it is just we need to be careful

about it. Are you saying that clique was executing a contract?

MR LOFTUS: I do believe that clique was executing contracts. I believe that.

ADV SIKHAKHANE SC: Thank you.

CHAIRPERSON: Is it not more likely though that if this was a contract killing, the killers would have been discreet about it?

MR LOFTUS: I do not believe that. They are the Hawks.
10 They have power to go where they want to and to do what they want to. When they opened my garage. I just want to relate something. When they opened the garage, it was actually the investigator of my case that they put him back in, it was that gentleman that actually went in and took the vest off the wall. And he brought the vest out, they laid it on the floor. I cannot remember if it was some time back.

When, I cannot remember if it was Colonel Dina Govender or Warrant Officer Sivan Naidoo, they laid the vest and the handcuffs on the floor with their bulletproof
20 bag and they took pictures. I cannot remember who it was. One of them made a call and said General, we have got him. And I wondered why are they making such a fuss over a little thing like this to a General? You know? So to me there was a narrative that they were targeting us.

CHAIRPERSON: I am not sure that I follow how that

answers the question I asked.

MR LOFTUS: It is in my belief that this clique of guys were working for Clive Naicker based on the enquiries that I made. And as I said to you, I found it strange that we'd be pursuing them on futile, what I would call futile cases. Maybe not futile but on cases where the possibilities of a conviction were not realistic. Because in my belief they should not be wasting resources on something like that.

And if I go back further, the information that was
10 received while they were doing that, when they started doing that in Bellair, when we got the, in fact Bevan first got the information. It is a friend of his that told him about these Hawks guys signing for dockets, looking for dockets and signing for dockets at the Bellair. He actually told him the case numbers. This is what they are pulling, they are taking from here.

And I made further enquiries and I got to the bottom of it and I established that these are like futile dockets because had it been serious they would have
20 arrested him almost immediately. So I questioned and I said why are they doing this? Straightaway when we started getting further information from enquiries, I realised that this is serious and that guy has got a lot of power.

There is someone that I know that is from the Sydenham area that is in the taxi association because Clive

is also a member of the taxi association in Sydenham with a lot of influence. This guy I know very well. He said to me be very careful of Clive. He has got a long reach as far as law enforcement is concerned. So that is when I realised no, they have got an agenda. They are here to kill him. I had no doubt about it. Henceforth, that is why he rather fled and tried to go to the courts for protection.

CHAIRPERSON: Do not misunderstand me. I am not putting it beyond the realm of possibility that they might
10 have said this. I am just engaging you on how likely it is that they would have done so. You have responded. You have given your response.

MR LOFTUS: Thank you, Chair.

CHAIRPERSON: Yes.

ADV SIKHAKHANE SC: Chair, just before we proceed, can I just request to, so that because it seems like a critical thing for the record, page 952 which is those photos, but we will just flight it. File 2, 3, sorry.

CHAIRPERSON: 952 you said.

20 **ADV SIKHAKHANE SC:** 952. So these photos, are these the photos that you were referring to earlier about the bulletproof vest, the handcuffs that were taken?

MR LOFTUS: That is correct, these are the photos, yes.

ADV SIKHAKHANE SC: And currently they seized them.

MR LOFTUS: They seized them, yes.

ADV SIKHAKHANE SC: Okay, thank you. [Indistinct]... Chair, but I do not think it takes matters further. Those are the pictures. Thank you.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: Maybe show 57, because on 58 there are two items missing there. Photo 57. What is that on the extreme right? It looks like a suit bag, but it is not.

MR LOFTUS: Okay, that is the bag, storage for the bulletproof vest.

10 **ADV KHUMALO SC:** Is that storage for the bulletproof vest?

MR LOFTUS: Yes, yes.

ADV KHUMALO SC: Okay. So it could not have been insect infested if it was inside the bag.

MR LOFTUS: No, no.

ADV KHUMALO SC: You created the impression earlier that it was just hanging in the garage.

MR LOFTUS: Okay, Commissioner, the vest was not hanging on the garage. The vest was in the bag hanging on
20 the garage, so the top of the vest where the zip is was folded. So obviously the insects and the geckos and stuff, their droppings would have landed on that with a whole lot of, with a lot of dust, with years of accumulated dust.

ADV KHUMALO SC: Got you.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: So let us then go back to your statement. I think at paragraph 58 or rather it would be 59.

MR LOFTUS: Okay.

“The other teacher had to try and calm the children down, as they were traumatised by what was happening. Before Melissa was placed in the van, she was taken to the granny flat at my premises where she lives.”

10 In the granny flat, right?

“Her identity card and the...”

Sorry, let me just say that again. It is not making sense.

“The other teacher had to try and calm the children down, as they were traumatised by what was happening. Before Melissa was placed in the van, she was taken to the granny flat at my premises where she lives for her identity card and the premises were searched. She was later
20 released on the instructions of Captain Dina Govender.

I was placed in a police vehicle and heard Captain Dina Govender, Warrant Officer Sivan Naidoo and Warrant Officer Naicker having a discussion that they would get

Bevan's attorney to bring him in. They would book Bevan out for further investigation, shoot him, and Captain Dina would cover it up. The Dog Unit policeman said he had one more firearm to plant. Captain Govender also said that they were going to sort out the Newlands East boys. This is a reference to the people who live in Sawfish Road in Newlands East and who were people who grew up in the Wentworth area before being shifted to Newlands East.

10

While I was handcuffed, I also heard one of the policemen Captain Bevan of the Durban Metro Police phoning Hendrik Nunez, who was Bevan's manager, and telling him to come to my house. When Hendrik Nunez arrived, he was immediately handcuffed and placed in a police vehicle. He was questioned and taken to his house in Garmouth Road, Bluff, which is about 100 metres from our premises on foot. He returned later with the policemen. He was arrested for possession of an unlicensed firearm which

20

was allegedly found in his premises.

Before we left to go to the police station, Captain Dina Govender told Warrant Officer Naicker to remove the Toyota Hilux. He sent other policemen to remove the hard drive of the CCTV footage in Bevan's house. I asked him why he was taking the vehicle which was used in the business, and he said it was used in the commission of a crime. I was taken to the Brighton Beach police station.

10

When we were at the station, I was told by Captain Dina Govender that they were charging Bevan for attempted murder for shooting at the police at Bluff Meat Supply. These allegations were blatant lies because Bevan was never at Bluff Meat Supply, and in fact had not left the premises at our family home that day.

20

The police removed the CCTV hard drive because it was evidence that Bevan did not leave the premises. It is for this reason that in my interdict application, I sought the return of the CCTV hard drive that would prove Bevan's innocence and

cover the conspiracy to implicate him
falsely. At the Brighton Beach police
station ...[intervenes]”

ADV BALOYI SC: Mr Loftus, did you receive the hard drive
back?

MR LOFTUS: I did not receive the hard drive,
Commissioner. I have a report in the response, in the
police response to my application. There is a statement by
the Electronics Department where the guy says, the
10 policeman says that he received it, he opened it, and he
downloaded footage, but there was no footage for the day of
the 3rd of February. He says that at a later date, he was
asked again to download it because the relevant policeman
handling the case had lost the footage.

He says he tried to go into the hard drive, but there
was a password on it, he could not get in, and he says he
found it very strange that that happened. But he had a copy
of the download on his file, so he took it from there. And
then on the third time, the policeman came to ask for the
20 footage again, he says, but he could not get into it. He
found it very strange. So we did not receive the hard drive
back.

“At the Brighton Beach police station, I
was charged under the Communications
Act for being in possession of a Chinese-

manufactured two-way radio which the drivers of the tow trucks used to communicate. The radio was handed to Warrant Officer Naicker by a white male which I later established to be a private security that was working with the Hawks, but was employed by Fidelity Guards. He said he found it, the two-way radio, on me.

10 While I was in custody at the Brighton Beach police station on February the 5th, 2023, I was visited by a female police officer by the name of Captain Ellapen, who was the duty officer at Brighton Beach SAPS. We had a discussion about the alleged shooting and she informed me that no shooting occurred at the Bluff Meat Supply on the 3rd of February 2023. She further told me that as the duty
20 officer, she would have had to be called out to attend the shooting scene and none of the members knew about any shooting that had taken place. She acknowledged that no forensic teams, fingerprint experts or photographers were called out to the

alleged shooting scene. I spoke to policemen and detectives and they all have no knowledge of any shooting.

I spoke to...”

I do not know if I should say that name.

10 “I spoke to Anish Balraj, who was standing for elections to be the Brighton Beach Community Policing Forum Chairperson, he is also involved in the security industry in the area, about the shooting and he acknowledged that no shooting took place. Further, Captain Bevan of Durban Devon Metro also confirmed that no shooting took place. Captain Varley allegedly filed a report of the shooting. In my view, the circumstances clearly show that his report was false. Clearly, the intention was to implicate Bevan so that they could get him.

20

I appeared at court on the 6th of February 2023 and was remanded in custody for 7 days pending a formal bail application. I was granted bail after 7 days in custody at the Westville prison. On Wednesday,

the 8th of February 2023, whilst in the courtroom waiting to appear for bail application, my attorney Bert Laing, Captain Dina Govender and Warrant Officer Sivan Naidoo came down to the cells and in a discussion Captain Govender said he wanted Bevan to come into his office so he can take him to the SPP to take a warning statement.

10 I asked him which case was it for and he said for a drive-by shooting of David and Marlon near the stadium. I asked him how did he come to the conclusion that Bevan was involved and he did not answer. My attorney then told them that the family was concerned about the safety of Bevan, as the allegations were that the police wanted to kill him, which he denied. My attorney Bert Laing acted as

20 a High Court Judge from the beginning of March 2023, which delayed the matter. He returned to practice on the 27th of March 2023 and it was thereafter that he continued to apply for an interdict against Captain Dina and the SAPS to protect

Bevan and return the CCTV hard drive which the police had removed.

The interdict application was issued on Friday the 31st of March 2023. Whilst we were finalising the interdict application, on Friday, the 31st of March 2023, at Mr Laing's office, I spoke to Bevan telephonically and told him to come home."

10 **CHAIRPERSON**: Who called whom?

MR LOFTUS: Just let me read that Once again, Commissioner:

"Whilst we were finalising the interdict application on the 31st of March at Mr Laing's office I spoke to Bevan telephonically and I told him to come home."

Okay, who phoned whom?

CHAIRPERSON: Ja.

20 **MR LOFTUS**: On the day we were signing the affidavit for the application and we also had made statements with regard to Bevan having been at home on that day, that he did not leave the premises and he did not go to the Bluff Meat Supply. We were indicating that was a false allegation. So we went to sign those statements as well.

So in that instance Michigan Hypolite and Chase Fynn were at the office as well to sign the statement.

So my daughter-in-law was on the phone. I do not know if Bevan phoned her or he phoned her or she phoned him. But then the phone was handed to me and I spoke to him. That is when I told him to come home.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE SC: He refused?

MR LOFTUS:

10 “He refused because he did not want the police to return and arrest me falsely again. I did not know where Bevan was. The application was issued on the 31st of March 2023.”

ADV SIKHAKHANE SC: Sorry, just before we proceed and in the interest of time there is an aspect that I want to address with you and perhaps you can clarify and you do mention it at page 7 of your statement at paragraph 26 and I just would request that you go there as well.

20 **MR LOFTUS:** Sorry, just say that again?

ADV SIKHAKHANE SC: Statement, page 7 paragraph 26 26, 27 and 28.

MR LOFTUS: Okay.

“There are allegations that Bevan ...[intervenes]”

ADV SIKHAKHANE SC: No, no, no, do not read it.

MR LOFTUS: Okay.

ADV SIKHAKHANE SC: I just want to sum up what you say.

MR LOFTUS: Okay.

ADV SIKHAKHANE SC: One is that you deny that Bevan was involved in drugs.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: The second thing is that you
10 would have known if he was involved in drugs or killing of people and then you dispute those allegations.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: And then you say the narrative that he was involved in drugs was a cover up to justify him and ultimately killing him. And you will recall that I said do you still stand by that and you said yes.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: Okay. Now I just want us to go through what appears to have been a reputation for Mr
20 Bevan.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: And one that we start with is the issue of the cases that were against him. Whether they were bogus or not I do not know, but what the evidence is, is that there are cases, if you go to the statements, sorry, I

just sought your indulgence, Chairperson. It is file 2, page 866.

MR LOFTUS: Can you just help me out here?

ADV SIKHAKHANE SC: Sorry, it is file 3, it is file 3, 866, starting from 865. This is the Bellair case, which is one of the cases that Bevan was sought in connection with. There is a statement from at page 865 from a certain Jonathan David Thomas right? He relays what transpires but I would like for you to go to page 866, paragraph 9 of that affidavit
10 or statement, and just for the record I will read it out and it says:

“Bevan and Coupon then drew pistol type firearms and started to shoot at me. I immediately tried to hide and open my passenger door and managed to dive out. By then I noticed that the vehicle was being driven away but they were still shooting at me.”

Let me just stop there. Would you dispute that statement?

20 **MR LOFTUS**: I cannot dispute it because I was not there. Depending on the date that this happened. If it happened before we had our CCTV, I could have disputed it because what we had done, every time something happened we downloaded footage to show that it was not him. But I was not there and I do not think we had the CCTV at the time so

I cannot dispute it.

ADV SIKHAKHANE SC: Okay, maybe my question may be slightly different. Would you think that this person may have fabricated these events?

MR LOFTUS: Yes, it is possible that he fabricated it.

ADV SIKHAKHANE SC: It is possible.

MR LOFTUS: Yes, it is possible.

ADV SIKHAKHANE SC: A possibility.

MR LOFTUS: Can I just add to that? This case was let us
10 see, does it say which month it was in? Does it say which,
on, okay.

ADV SIKHAKHANE SC: It was December 2021.

MR LOFTUS: 2021, okay. I am going to talk from
experience here if I may as a detective. This would be
considered a serious case. Now, normally when you get a
docket to investigate, if you have the complainant's
statement, you would mention witnesses that can verify
what took place. If I get a docket as a detective, and all
detectives perform in this manner, if there is only an A1,
20 most detectives are not readily willing to just go and arrest,
but they do further investigation.

But if there was a witness available at the time and
they go to the police station and the complainant opens the
case, a statement should be taken from him immediately.
So, when they came to my house and heard about these

cases, I discussed it with Bevan and a few people we were around. I said, you know, this docket has been laying there so long and nobody made contact. So I would say that there is not enough evidence to make an arrest.

I mentioned that from experience that Dina Govender, Captain Govender, will fabricate a witness so that he can make an arrest. I made that statement. And I will elaborate further why I say that. This was now before I spoke to this attorney. There was a stage when Bevan
10 wanted to go see a different attorney. And that attorney happened to say to him, be careful of Captain Dina. He is had a lot of run-ins with him in cases, and in his opinion, he created witnesses. He was adamant on that.

He dealt with a serious case where he said, in his opinion, two witnesses were placed on the scene, which was suspicious. He actually questioned how the conviction happened. So he warned us. He said, this guy will create witnesses. Be cautious.

ADV SIKHAKHANE SC: So you would say, you will see at
20 868, this statement was taken on 14 December 2021. On your theory, you would say this was backdated and potentially fabricated.

MR LOFTUS: I would say that.

ADV SIKHAKHANE SC: And why would you say that? Just because of the explanation you gave now?

MR LOFTUS: Yes, because of the explanation I gave now and the reputation of Captain Dina. From what information I received from the attorney.

ADV SIKHAKHANE SC: Would you be able to say that with certainty or do you think that is a possibility?

MR LOFTUS: I think that is a possibility.

ADV SIKHAKHANE SC: Okay. If you then go to page ...[intervenes]

ADV KHUMALO SC: Let us do this, before you leave,
10 assume it is not backdated, assume that the statement was taken in December 2021. In your experience as a former police officer, would it make sense that armed with the statement the police would wait a year and a couple of months before they want to arrest the suspect?

MR LOFTUS: Not at all. I will say why. Because when you receive a docket, within 48 hours, if I am not mistaken, it is long since I have been in the police, you have an inspection on progress made by the new dockets you receive. So your commander will actually make instructions
20 before you receive the docket because you will read through the docket and you will see if there is any evidence and you will make instructions to execute an arrest.

ADV KHUMALO SC: But even the investigating officers at the original police station, if they had obtained the statement in December 2021, one would expect that they

would call him in or they would arrest him.

MR LOFTUS: Correct.

ADV KHUMALO SC: Because there is a witness that says he is the one who fired a weapon at me. So it would not make sense that for the whole of 2022 nothing happens and in February 2023 he still has not been arrested.

MR LOFTUS: That is correct. I find it strange because based on the witness statement of the complainant, he should have been arrested.

10 **ADV KHUMALO SC**: And this is an eyewitness account.

MR LOFTUS: Yes.

ADV KHUMALO SC: The witness says I saw him pull a firearm and fire shots.

MR LOFTUS: Correct. He should have been arrested immediately or asked to come in.

ADV KHUMALO SC: Or questioned.

MR LOFTUS: Question him about it. And if there is any doubt to the authenticity of the witness statement, at least take a warning statement and discuss it with the SPP.

20 **ADV BALOYI SC**: Can I suggest another possibility? You have testified to your daughter-in-law laying complaints with the police and those were not investigated and you say because the police are said to have said we have got much more serious things to deal with, that at least in the realm of possibilities that may well be the explanation how this

was dealt with as well. In the realm of possibilities that you have an A1 and that is all you have in the docket that some police officer may well have decided we have much more concrete cases, even against Bevan if you like, that we are going to deal with, if you like. This did not become a priority, just a possibility. Would you accept that?

MR LOFTUS: I would not accept that. Because like I say, you know, you have your initial inspection, then you have your monthly inspection where your dockets are perused by
10 your commander and he will question why the work has not been done and make further instructions. Furthermore, every month or two I do not know what their programme is like, you have what you call a suspect rate, where the whole branch of everybody in the detectives will round up and they will go out and arrest outstanding suspects because they have to satisfy what you call SFA6, because commanders have to account for productivity of their members.

ADV BALOYI SC: Is that not also true then for your daughter-in-law's case? I am just trying to see and I am not
20 saying there is a logical explanation for it. From your earlier evidence about how your complaints to the police have been dealt with and I must say it is I think, the public will agree, that we hear those kind of stories every day. Your neighbour has got a similar story that I have been to the police and nothing's happening with my case.

So I am asking from that point that you have the experience about your own cases, your family cases, that are not being investigated. You have an explanation for why they are not investigated and I am suggesting that perhaps this is one of them, where nothing is done because the investigating officer, even the one that does the inspection, if they did Melissa's inspection, docket inspection, you would still ask the question, why did the inspector not raise any issues about no progress in the
10 matter similarly here?

MR LOFTUS: I would say, Commissioner, with the IPID matters, I think they focus, I believe that they do focus priority on the serious matters and being assault common, which was the charge, I believe that is why there was not too much focus on that. But in this instance, this is a serious matter, an attempted murder and this should have been attended to, because as a detective, that is what I have done at times when you overburden with dockets, you tend to focus more on the serious matters. So I believe that
20 IPID focusses priority on the serious matters because that is what the guy, the investigator said to her.

ADV BALOYI SC: Thank you.

MR LOFTUS: But I just want to make another comment, if I may. On that very same statement, on page 868, I find it strange that a captain commissioned the statement. I do

find it strange because generally when we take statements, if the witness statement is not taken at the charge office with the complainant, the detective would take the statement and he would commission the statement. I find it strange that a captain has commissioned it. This is not, to me, normal practice because generally they do not get involved in the case to this extent. Because if I am deposing, taking the statement, I am with him, so I do the prescribed oath.

10 **CHAIRPERSON:** Is there a subtext in what you are saying now?

MR LOFTUS: Is there some text?

CHAIRPERSON: Subtext. Are you suggesting something?

MR LOFTUS: Yes, I am suggesting that this statement was taken at a later stage and backdated. Because this is not normal.

ADV BALOYI SC: So are you, sorry, what does it mean? Are you now implicating even the captain who commissioned this, that they are actually part of the
20 scheme?

MR LOFTUS: I would not say implicating. I am saying that I am finding it strange that a captain would take time to commission a statement like this here.

ADV BALOYI SC: The Chairperson asked you what is the subtext of what you are saying, you are saying I find it

strange. You are repeating it.

MR LOFTUS: Okay.

ADV BALOYI SC: What in fact are you saying about it?

MR LOFTUS: All right, I would say that he was involved in the fabrication of the statement.

ADV BALOYI SC: Thank you.

ADV SIKHAKHANE SC: Can I then take you, and please do not misunderstand me, I am not saying the cases were not utilised for one reason or the other, but I am just
10 pointing you to certain affidavits, what they say about Bevan and what is your view about it and it goes to the reputation that is out there versus what you know.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: Right? And on the same file, if we go to page 1003.

CHAIRPERSON: 1003 same file?

ADV SIKHAKHANE SC: Yes, same.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: This pertains to Berea CAS which
20 is January 2023. This is a statement from Allan Subramoney.

MR LOFTUS: Yes.

CHAIRPERSON: Sorry? 1003 you said?

ADV SIKHAKHANE SC: 1003.

CHAIRPERSON: The one at the top, Berea.

ADV SIKHAKHANE SC: Yes. Berea, yes. So this would have been right in January 2023. What you then see is at paragraph 5 of that statement it reads as follows:

“On 2023/01/05, at about 18 o'clock, I was driving my white Mercedes Benz. As I exited the parking bay opposite Bread Mill Bakery on Problem Mkhize Road, Berea, I was shot at by men with automatic rifles.”

Paragraph 6:

10 “I tried to flee, but I was shot multiple times and collided into a stationary vehicle. The gunmen continued shooting at me. I managed to alight from my vehicle and hide in a nearby building.”

So that is the action. If you turn over, it says:

“I underwent several surgeries and still have a bullet lodged in my back. I am currently still in recovery and receiving treatment.”

20 Importantly, at paragraph 8 it reads:

“The suspects were in a white Toyota Etios. I recognised the driver Bevan Loftus and the front passenger shootist Ryan Santos. He is known gang member and hitman for Bevan Loftus. The

backseat shooter was a black male.”

Now that is interestingly commissioned on the 25th of April 2023. Will you say this event or this narration you also find it, you would not agree with it?

MR LOFTUS: No, I cannot agree with it because if he was shot and he was hospitalised in a serious manner obviously it would take time for him to recover too.

ADV SIKHAKHANE SC: Sorry, just speak up.

MR LOFTUS: I say I would not disagree because if he was
10 shot in January and it took him time to recover, he underwent surgery, et cetera, it would take time for him to recover and to depose a statement.

ADV SIKHAKHANE SC: Okay. And then the narration of the events or the allegation that Bevan Loftus, one, was a gang member, oh no, sorry, was among the guys that were shooting him.

MR LOFTUS: That is a lie. Not because he is my son. On the date, that was claimed all over social media, on that day Bevan was at home. I can verify that. In fact, there was
20 footage downloaded from the hard drive because he knew that it was going to come back to him. I am not sure where that little disc is, where that data stick is where the footage was downloaded. And if they had not taken the hard drive on that date, if it was written over or not recorded over, you would see that he was at home.

ADV SIKHAKHANE SC: Okay, thank you. Then, on the same file...

ADV KHUMALO SC: I am surprised, Mr Loftus, that you do not raise the issue with the deponent. One of the things that we almost never get wrong is our names and surnames.

MR LOFTUS: Oh yes, I see that, yes.

ADV KHUMALO SC: But the deponent here twice gets his name wrong and it has to be corrected.

MR LOFTUS: Yes, I did see that. I did not think to
10 comment on it. I did see that. And they spelled Bevan's name wrong as well.

ADV KHUMALO SC: No, no, that one is somebody else. I mean, that happens. I can also get your surname wrong. But I never get my surname wrong, ever.

MR LOFTUS: It is a good point. I did see it, but I did not think to comment on it.

CHAIRPERSON: But it is someone else might have typed this. And then when he read through it he then saw the mistakes or not.

20 **MR LOFTUS:** Can I make a comment? Just to go back a bit. This Bellair case where this witness statement is now submitted, which I believe is fabricated, I asked the question. They came, basically guns blazing for Bevan, stating that they are going to kill him on these two dockets. And we had the information, it was reliable information, that

they are getting these dockets solely to get him into custody and they are going to kill him, which I do not doubt because they have done it from what has been on air and also from what we hear on the news.

ADV SIKHAKHANE SC: Sorry, just backtrack on that. You are saying there has been a similar occurrences?

MR LOFTUS: Yes, it has been. I heard John talk about it yesterday. I learned Len John talk about the one case yesterday. My question is this. They came with those two
10 cases and they did not get him in December. They took some time to come back. If these cases that they had were so serious, why did they have to fabricate a case of attempted murder, of him shooting at the police at the Bluff Meat Supply, if they already had the serious matter against him where they could arrest him?

Because when we got to court in the second time, there was no mention of these cases. Him being wanted on these two cases. They focused solely on that attempted murder, which did not happen. That is my basically
20 question. Why go to that extent when you already have cases against him?

ADV SIKHAKHANE SC: You recall earlier, I am just probing those things and what the reputation is and whether those affidavits, if those allegations are true or not, and you say you deny them.

MR LOFTUS: I deny then because I can say with confidence that Bevan was at home on that day because when the shooting happened, he actually called me from next door and said, look what has taken place here. They are going to blame me. Then I said to him, go and download the footage that shows that you were in the yard.

ADV SIKHAKHANE SC: Sure.

ADV BALOYI SC: You say when they shot the shooting in the Berea case?

10 **MR LOFTUS:** Berea case.

ADV BALOYI SC: So was it on TV?

MR LOFTUS: No, no, no. Social media. When he was shot, it went wild on social media.

ADV BALOYI SC: When this man was shot?

MR LOFTUS: Yes.

ADV BALOYI SC: Okay.

ADV SIKHAKHANE SC: That is fine. If on the same file and again this is just simply on the reputation and I am not casting any reputation, I am just dealing with what was
20 reported. It is still on the same file. It is EXHIBIT CJC403, but I am more interested, there are other articles, but the Daily Maverick one.

MR LOFTUS: Where do I find it?

ADV SIKHAKHANE SC: The same file, 1169 on top.

MR LOFTUS: Okay.

ADV SIKHAKHANE SC: Now just in the interest of time, this article narrates, is written post the shooting, which we will come to now, but it narrates what has happened, the drug wars, the turf wars around the tow trucks. I think you also, I am not sure whether you can dispute that. Those that interlink.

MR LOFTUS: Are you saying that there is drug wars...

ADV SIKHAKHANE SC: So for example that, you know, between the tow trucks there was turf wars and then there
10 were allegations of drugs being used via tow trucks.

MR LOFTUS: Okay, when you say turf wars, my understanding of what is for turf wars is if someone from another area would encroach on another area, like in the taxi industry.

ADV SIKHAKHANE SC: Yes, yes, exactly.

ADV SIKHAKHANE SC: No, in my opinion that did not happen, because everybody that was running in the Durban South area were normally running in that area.

ADV SIKHAKHANE SC: So are you saying there were not
20 turf wars?

MR LOFTUS: No, I do not believe that.

ADV SIKHAKHANE SC: Okay. So these reports about turf wars and the deaths that are there, you are saying they are false?

MR LOFTUS: I am saying they are false. What I can say,

as far as disputes in a particular area, what I can say is that there are disputes amongst tow truck drivers, and if I can say owners at some stages, where there may be disputes on the accident scene of who arrived first, because how it works is first at the scene picks up the first car, second at the scene picks up the second car. So sometimes there is disputes with that regard. But as far as turf wars, I am not aware of any turf wars of anybody coming from another area and trying to encroach, which I
 10 would say would create a turf war. I am not aware of anything like that.

ADV SIKHAKHANE SC: So there is just a lot of news reporting around that, you would see in the file that they say that, but in any event you are saying there were no such things?

MR LOFTUS: There were no such things.

ADV SIKHAKHANE SC: Okay. Then at 1169, then it talks about the shooting, but interestingly at paragraph, at page 1170.

20 **MR LOFTUS:** Sorry, I had it on the wrong page. Let me just get that. 1169.

ADV SIKHAKHANE SC: Ja, but let us go to 1170.

MR LOFTUS: 1170. Yes?

ADV SIKHAKHANE SC: There is a report there and it is just for your comment. It says:

“Bevan Loftus, 34, was a tow truck operator with a mean reputation who died with four others in what police described as a violent clash on the afternoon of Saturday, 1 April.”

Would you say the mean reputation allegation, as it were, is also false?

MR LOFTUS: That is false.

ADV SIKHAKHANE SC: Okay.

10 **MR LOFTUS**: He did not have a mean reputation. If I can elaborate?

ADV SIKHAKHANE SC: Yes, yes.

MR LOFTUS: The tow truck and the taxi industry is a very tough environment. So if he was put in a situation, for example, I use what I said earlier, hypothetically. If he got to an accident scene, which he only did when he started his business. At later stages, he did not drive. He had never driven a tow truck. He would not go to accident scenes. But in the beginning to establish the business, yes, he did
20 not drive, but he used to attend accident scenes.

So if he got to a scene, for example, and one of the other operators who came after him were trying to take that tow from one of his drivers, he would step in and dispute that action. When I say tough, I would say that is the kind of tough I would say that it was.

ADV BALOYI SC: Mr Loftus, without in any way commenting on the circumstances of his death and what you say with the threats that were being made, what you say about the cases that were being pursued against him and the allegations, without me commenting on that, is it not fair to say that you were not around the clock with your son, as no parent can ever be around the clock with their child. You have also testified, for example, that because he changed his phone so many times, you did not even know
10 his telephone number at the time that the police were there, that you really are not in a position to categorically deny the description, for example, that he was mean.

He may well have been mean out in the streets and out of respect for you, would never show that to you, but as a parent who is not around the clock with their son, it seems to me that you may not be in a position to say in every case that allegations are made about him and where he is described in these terms, you may not be in a position to say all of that is lies. You have to make room, at least I
20 think you would have to make room for, well, I did not live around the clock with him, so I do not know what exactly he got up to, but the son that I know could not be described as a mean person. Is that not, would that be a fair proposition?

MR LOFTUS: I agree that would be a fair proposition.

ADV BALOYI SC: Okay, thank you.

ADV SIKHAKHANE SC: But what does that mean to what you earlier told us?

MR LOFTUS: Look, as the Commissioner says, I am not with him all the time. From what I know about him and what I hear in my sight and whatever's on the street with the towing industry, I can vouch for what I said, but as the Commissioner says, I am not with him 24 hours a day. So I agree that I do not know what he would get up to if I am not
10 with him, but as far as his toughness, yes, he is tough, but I know that he is not a guy that would go and cause trouble unnecessarily. He is not that type of a character.

But if someone brought the trouble to him, you say, he'd do what he had to do to defend himself. Let me put it that way. He had that kind of a tenacity. He is not a pushover. He is the kind of guy that would step up for an underdog, you know?

ADV SIKHAKHANE SC: That is fine, but I just want to understand your answer properly. Are you saying that
20 insofar as you are concerned, insofar as you are with him, you cannot say he had a mean reputation or a bad reputation?

MR LOFTUS: No, I cannot say that.

ADV SIKHAKHANE SC: But you cannot say, for instance, that you were not with him?

MR LOFTUS: To a certain extent, yes. It is obvious because I am not around to see what he is doing.

ADV SIKHAKHANE SC: All right. Then if you turn to page 1185, then this is after the shooting. Former Police Minister Cele was interviewed by ENCA and this is what he says. Well, let me read what it says, rather, entirely. The third paragraph.

10 “Cele arrived on the scene after the shooting and addressed the media. According to clips from ENCA and the SABC, Cele says: These guys have been profiled. They have been causing havoc. He continued: The syndicate seems to be much bigger than what we see. It is a group of guys who look like the nucleus of this nonsense of drug turf wars. Cele: They went around eliminating their opposition. The starting thing, Cele said, was that Loftus had a very long list of
20 cases against him that were withdrawn.”

Let me just pause there. You would say, based on what we discussed, that insofar as you are concerned, and insofar as you have been with Bevan, I would, let me just push it further, you would say, this is not true.

MR LOFTUS: Of the cases being withdrawn?

ADV SIKHAKHANE SC: Of what Cele says. Which he says, as the police, they have profiled Bevan and friends. They are part of a syndicate. This whole thing is part of drug turf wars.

MR LOFTUS: I disagree with that.

ADV SIKHAKHANE SC: You disagree?

MR LOFTUS: I disagree with that.

ADV SIKHAKHANE SC: Okay. But then, if you follow Commissioner Baloyi's proposition, which you accepted, in
10 instances where you would not be with him, you cannot say for sure?

MR LOFTUS: I can say for sure that he was not dealing drugs. I can say that for sure.

ADV SIKHAKHANE SC: Okay. And the other instances, for example, he says they have been profiled, but I suppose you cannot comment when they say they have been causing havoc.

MR LOFTUS: No, I cannot comment on that.

ADV SIKHAKHANE SC: Okay, you cannot comment.

20 **MR LOFTUS:** What I can say, as I said earlier, a lot of the times when they say Bevan was shooting, the CCTV and the downloads to show that he was at home, because he had not left the premises for a long period of time because of the heat that was placed on him. Can I comment on the cases?

ADV SIKHAKHANE SC: Sure.

MR LOFTUS: Okay. I am presuming that if they profiled, I am presuming that they went to the stations on the system and checked if he has been charged for stuff. Yes, he had been charged for stuff. Even before he became a tow truck driver. But cases were withdrawn because they were found to be false in most of the instances. I cannot say that I know the contents of it, but he would relate to me if someone charged him. And I can categorically state on a
10 few occasions where he was falsely charged.

I can quote the instances. There was a Bellair case on one occasion. Okay, he was just newly in the industry. There was a driver that I cannot remember which company he was driving for. A case was opened against Bevan for, I cannot remember, attempted murder or assault GBH, where he said Bevan assaulted him. Bevan was arrested and placed before Court with, I think, other people. I do not know how many.

The victim, or the complainant, his wife came to
20 court and submitted a statement saying that that was a false case that her husband opened against Bevan because when he came home with an injury on his, I think it was on his forehead, if I recall, she says she asked her husband what had happened and he said he was in an accident and his head hit the windscreen. The case was subsequently

withdrawn. There was another matter.

ADV SIKHAKHANE SC: Sorry, before, I think it may be unnecessary to go through those matters. It would seem, let me understand you correctly. Are you saying, oh, maybe the other way is that you are saying in some cases Bevan was falsely accused.

MR LOFTUS: I am saying that, yes.

ADV SIKHAKHANE SC: But not in all the cases.

MR LOFTUS: Yes, I do not think he was an angel. I know
10 he had domestic issues with his, well, now, who became his wife, while she was his girlfriend. I think she charged him that domestic issues and she had applied for the protection order, domestic violence interdict and I think he was convicted on that. And then there were traffic offences, I think, relating to the taxis where he pleaded guilty, paid a fine. And then I remember there was a matter, I think it was a conviction when he was young he was a fisherman at the Bay Area where they were arrested. I do not know if it was fishing in the wrong area or no licence or something to that
20 effect.

ADV SIKHAKHANE SC: Just the essence of it is that he was not involved in violent crime.

MR LOFTUS: No, that is what I am saying.

ADV SIKHAKHANE SC: And all these cases are fabricated?

MR LOFTUS: Yes, it was fabricated. I feel I need to speak on the one in particular. He was still a youngster before he got into the towing industry. He was arrested for an attempted murder, allegedly shooting at someone. Him and a few others at the local service station. He was detained, I think, for a long weekend and the case was not put on the roll because there was no evidence.

But we work in the construction industry, so when you go there, they do police clearances on you. I cannot
10 remember how I got the knowledge of this, but we were going to travel to Petro SA in Mossel Bay, it is a refinery. And I knew that they do these background checks on criminal records because you have to make a declaration and if you lie obviously you do not get the job.

I established that there was a case of attempted murder filed at the Wentworth police station where Bevan was given a conviction for attempted murder. The docket had never been placed on the roll in court. It was registered on the Criminal Records Centre as a conviction
20 for attempted murder. Do you get where I am going? He did not appear for a case but it had a conviction.

ADV SIKHAKHANE SC: No, that is fine, that is fine. Now, I must say I am finding it rather difficult to accept that, I am not saying there were no incidences, but I am finding some difficulty with saying all of these cases, including the

Minister and everyone else where it would just hand in reports, would just simply target Bevan and say he was engaged in violent crime but your contention is that he was not. I am just finding some difficult with that. But we can move on from that.

MR LOFTUS: Can I just respond to that? When I am saying he was not involved in violent crime, it is because there is no evidence of it. I mean he was not charged. There is a narrative that he is involved in, is social media
10 sensationalism and it is social media WhatsApp communications sensationalism as well. As I am saying, I am not saying that he did not get into fights or stuff like that. As I say, I am not with him all the time. I am speaking on, what I am speaking on is what is in fact, it is in black and white.

ADV SIKHAKHANE SC: Sure. And then you recall earlier when we played that video and he was the one and you accepted that made a threat to Mr Naicker.

MR LOFTUS: If you interpret that as a threat which I can
20 say is a threat ...[intervenes]

ADV SIKHAKHANE SC: Well you said.

MR LOFTUS: Yes, I agree.

ADV SIKHAKHANE SC: Okay. And that threat is about leaving?

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: Okay. Chairperson, can I just request to play a video that deals with the interpretation, well, the reputation and what the police have said and then we will go to the execution portion of the affidavit. I beg your indulgence. It is quite a lengthy video. It also narrates the turf wars and the killings and also what transpired. So I just request that we flight it.

CHAIRPERSON: I am looking at the warning there.

[VIDEO PLAYED BACK]

10 "This is Wentworth..."

CHAIRPERSON: Just pause please. I am looking at the warning there. So do we want to play it?

ADV SIKHAKHANE SC: It is not those photos, but I can see the difficulty, but it is not further up. Perhaps what we can do is to edit those in light of what you had proposed and continue and play it thereafter.

CHAIRPERSON: Okay.

ADV SIKHAKHANE SC: I think that will make...

20 **CHAIRPERSON:** As long as we are not going to see anything gruesome.

ADV SIKHAKHANE SC: Ja. It is not that gruesome as the photos as you would see but I think it is just a normal warning. It is not necessarily that gruesome like the photos that you see.

CHAIRPERSON: The very fact that there is a warning, it

tells us something.

ADV SIKHAKHANE SC: No, I am not saying there is not any...

CHAIRPERSON: Ja, okay, maybe let us stop and see if the editing process will result in something positive.

ADV SIKHAKHANE SC: Yes, sure.

CHAIRPERSON: Let us continue with...

ADV SIKHAKHANE SC: Mr Loftus...

CHAIRPERSON: Please remove it. Let us continue with
10 the statement.

ADV SIKHAKHANE SC: Okay. Please continue to paragraph 72 of your statement.

MR LOFTUS:

20 “On the 1st of April 2023 I had been speaking to Bevan telephonically for most parts of the day before he was killed. He was anxious about the court order being served. He said he was tired and wanted to come home but first he was going to fly to Johannesburg to buy Toyota minibus taxis, which are Qantums, to add to his taxis in Wentworth, where he is a member of the association. I told him that the summons would be served on Monday the 3rd of April 2023 and they must stay inside

out of sight and stay safe and stay alive.

I heard him relay the message to his friends in the flat. What seemed like about 10 to 15 minutes later I received a call that Bevan and them were dead. I cannot remember who called but he said there were gunshots heard and he could not get hold of any of them. I tried calling Bevan myself but there was no answer.

10 I got the address of the flat where they were and went to the scene. To my shock it was true that Bevan and his friends had been killed. The forensic teams and others were already on the scene. Whilst I was on the pavement outside ...[intervenes]"

ADV BALOYI SC: Sorry, Mr Loftus, you say you then said to him that they must stay inside out of sight, stay safe and stay alive, you speak in the plural, you say they. How and
20 who did you know him to be with?

MR LOFTUS: It was Ryan's flat, although the flat had been rented by Bevan through his company for Ryan. It was Ryan, Bevan, Michigan Hypolite, Chase Fynn and Sihle Zondi.

ADV BALOYI SC: They were all hiding and you knew that

they are together and they are all hiding there.

MR LOFTUS: Well, at the stage I did not – Bevan was the focus, to me, Bevan was the focus, and the fact that they were there, that made it plural to say you all stay safe, because at some stage I know that they were, Dina and them were talking about Ryan as well. So that is why I said plural, you all stay safe, because if they had to come there, there is no way they were going to just target one person. That was going on in my mind.

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

MR LOFTUS: Okay.

20 “Whilst on the pavement outside the flat a Warrant Officer Venkatesh, whom I know works at Durban Central SAPS Uniform Branch as a sector commander called me and said the captain wants to speak to me. I approached the uniformed captain who was wearing a balaclava on his face so I could not identify him. He removed it and I saw that it was Captain Houston who used to work at Wentworth SAPS. Captain Houston told me that he was on duty in the area when a message came over the radio that there is a shooting at the flat in Percy Osmond Road in

Morningside, Durban. He responded that he would attend shortly. After his response he was informed on the radio that it was not a shooting, it was a domestic issue and it was sorted out.

He said he was close so he drove by the flat and stopped outside. It was quiet but he decided to enter the premises. Upon entering, he saw Captain Dina Govender and Warrant Officer Sivan Naidoo. He knew Captain Dina Govender and did not know Sivan's name.

10

As he approached, Warrant Officer Sivan Naidoo was rude and aggressive and tried to prevent him from going into the flat but Captain Dina Govender allowed him to pass and to enter the flat so that he could help them identify the five deceased. Captain Houston relayed that when he entered the flat he first saw Sihle Zondo...”

20

But at the time he did not say Sihle, he said a black male. We established it was Sihle Zondo after that.

CHAIRPERSON: Zondo or Zondi?

MR LOFTUS: Zondi.

“He first saw Sihle Zondi laying in the passage in a pool of blood. He then saw four more men in the lounge laying side by side. He at first did not recognise any of them but on a second closer look he recognised Bevan. They were all laying in blood on the floor. He said that it was one of the worst things he had been in. He said I must not leave it because they

10 were executed.”

ADV SIKHAKHANE SC: Sorry, just before you go forward with that, when you say ‘he said I must not leave it because they were executed’, how did you understand that?

MR LOFTUS: I... okay, I just want to elaborate. As far as I am concerned you understand, execution is if you are bound and you have got no form of defence. And the way I understand killing is basically you are confronted and you have got freedom of movement et cetera and a killing happens. So I understood execution as you had no freedom

20 of movement, you were actually bound. That is how I understood executed.

CHAIRPERSON: Not necessarily.

MR LOFTUS: That was my understanding.

CHAIRPERSON: You may be executed even if you are not bound. Anyway, let us continue. What was your focus on

execution or was it not leaving it? What was your focus, Mr Sikhakhane?

ADV SIKHAKHANE SC: I wanted to get his understanding and also ...[intervenes]

CHAIRPERSON: Of execution or of not leaving it?

ADV SIKHAKHANE SC: Of execution.

CHAIRPERSON: Okay, all right, all right.

ADV SIKHAKHANE SC: Then if Captain Houston were to dispute what you narrate here, what would you say?

10 **CHAIRPERSON:** If he would what?

ADV SIKHAKHANE SC: If he were to dispute that he said they were executed.

MR LOFTUS: There is nothing I can do about it.

ADV SIKHAKHANE SC: Okay.

MR LOFTUS: That is his choice.

ADV SIKHAKHANE SC: Okay. Please proceed.

CHAIRPERSON: I assume that there have been consultations with him.

ADV SIKHAKHANE SC: Captain Houston.

20 **CHAIRPERSON:** Ja. Is that what he says?

ADV SIKHAKHANE SC: In his statement. I think he does indicate he does dispute that he said that.

CHAIRPERSON: Okay.

ADV SIKHAKHANE SC: But he will testify as well.

CHAIRPERSON: Okay. I guess in a sense we do get what

your response would be based on your last response.

MR LOFTUS: As I said, that is my understanding of executed.

ADV SIKHAKHANE SC: Okay, please proceed.

CHAIRPERSON: It is no longer about your understanding, it is more about what is being put to you is he denies that he ever said this. What is your comment?

MR LOFTUS: I will not be able to dispute. If he says he did not, that is what he is saying. But I know what he said.

10 **CHAIRPERSON**: All right.

MR LOFTUS: Do I go on?

ADV SIKHAKHANE SC: Yes, please proceed.

MR LOFTUS:

20 “While we were on the road, we had already received pictures of Bevan and other murdered men laying on the floor dead. Having seen the photos and the bodies laying on the floor as depicted, I was convinced that they were killed. On the 3rd of April 2023 I attended the Phoenix government mortuary to identify Bevan. The post-mortem was done on the 5th of April 2023. The report was compiled on the 10th of May 2023 and I only saw it a few weeks later.

I went to the flat on or about the 6th of April and I looked at the scene carefully to assess what had happened and particularly if the police reporting was correct. It became clear to me that Bevan and his friends were executed and there was no shootout.

10 I have tried to understand what happened. From the pictures I have seen and taken and the markings on the walls and the floor in the flat, I do not believe there was a shootout. There is a video which I would refer the Commission which my nephew did based on what we believe happened.”

ADV SIKHAKHANE SC: Okay, we will come to it.

MR LOFTUS:

20 “These have been handed to the Commission and I believe will form part of the bundle exhibit.”

ADV SIKHAKHANE SC: No, that is fine. Just on this aspect, before we go to the photos, I want you to explain the scene as you see them. But just to put one issue aside, you say the execution as you understood it would have meant that Bevan and them would have been cable tied and

bound.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: And that is the version you have.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: All right. And I would like us to go through to file 2.

MR LOFTUS: File 2?

CHAIRPERSON: When you saw the bodies, did they have cable ties on them?

10 **MR LOFTUS**: No, no, I saw them at the mortuary. They did not have cable ties on them.

CHAIRPERSON: They did not?

MR LOFTUS: No.

CHAIRPERSON: Or you did not enter the apartment.

MR LOFTUS: No, we were not allowed into the scene.

CHAIRPERSON: You were not allowed.

MR LOFTUS: No.

CHAIRPERSON: Okay, all right. And what do you base your theory on, that is that they were tied?

20 **MR LOFTUS**: When I was at the flat on the 6th, I spoke to neighbours and from their responses I could surmise that there was no shootout and if there was no shootout, the normal procedure when you do an action like that, obviously it should be arranged by detectives and/or investigators. So they have got specialised units around them, National

Intervention Unit, et cetera, which are trained in house penetration and their job is to make the area safe, subdue the suspects for the investigators to enter.

That is their speciality. They do not do investigations. So when I interviewed neighbours, they said to me that they heard screams, well shouting I would say, from the police saying, get down, get down. They clearly heard get down, get down, get down. So I am saying, the normal procedure when they enter, that is what they would
10 do. And then the next step, what they would do is subdue the people either with handcuffs or cable ties. That is standard operation procedure because that is even what they did at my house. I can vouch for that. That is the procedure.

So the fact that the neighbours could say, they heard them say, get down, get down, get down on numerous occasions and they usually do it in a loud audible voice to strike fear into somebody. Furthermore, there were other neighbours that said they heard some policeman saying,
20 where is the money? On numerous occasions in a loud voice, where is the money?

CHAIRPERSON: So the tying is a mere surmise on your part.

MR LOFTUS: Yes.

CHAIRPERSON: All right, you have answered me, thank

you.

MR LOFTUS: Okay.

ADV SIKHAKHANE SC: Ja. So, I think just to follow up from the Chair, just to clarify, is it correct that you did not see them at the date that they were shot?

MR LOFTUS: No, I did not.

ADV SIKHAKHANE SC: And you did not see any evidence, direct evidence, that they were cable tied?

MR LOFTUS: No, I did not see any direct evidence.

10 **ADV SIKHAKHANE SC**: Or any of them. And on your basis to say that they were cable tied is on the basis of, is hearsay and what you would expect.

MR LOFTUS: Okay, let me just backtrack a bit when you say I did not see. Why I also suspected that they were cable tied is because the pictures that were sent out of the deceased, I saw that there were marks on, from the pictures, especially Chase's hands with red marks around his wrist and there were like marks around Bevan's arm as well. So, based on what I know of the procedure and the
20 fact that, in my opinion, they were alive, there was no shootout, they would have been cable tied. So that led me, confirmed what I was thinking based on the operation of these guys.

ADV SIKHAKHANE SC: Ja, thanks. Can I request that we go to file 2? Page 833.

CHAIRPERSON: Sorry, which page?

ADV SIKHAKHANE SC: Let us start at page 824.

CHAIRPERSON: 824. Please. Sorry, sorry. As long as there are no pictures.

ADV SIKHAKHANE SC: So, this is an autopsy report on Mr Bevan Anthony Loftus, right?

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: And this report you provided?

MR LOFTUS: To the Commission?

10 **ADV SIKHAKHANE SC:** Yes.

MR LOFTUS: Yes, I did.

ADV SIKHAKHANE SC: Okay. And you took photos of it, it would seem?

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: Of the pages.

MR LOFTUS: Yes.

ADV SIKHAKHANE SC: Okay. And can you take it as accurate of what at least you saw?

MR LOFTUS: Yes.

20 **ADV SIKHAKHANE SC:** Okay. If we turn to, just for clarity, page 834. Now this report is from an expert. At paragraph 19...

MR LOFTUS: Yes?

ADV SIKHAKHANE SC: ...it is written:

“There is no evidence or suggestion of

any restraint type injury to the wrist.”

Now, you disputed that based on?

MR LOFTUS: From what I saw in the pictures and what I understood of the events that took place, I could dispute it. But this guy, this pathologist is a private pathologist which we hired specifically to see whether there were restraints or not. That is why we actually hired him, to observe, to monitor and observe the, and to do the report for the post-mortem.

10 **ADV SIKHAKHANE SC**: I am not following your answer. Are you saying you dispute this conclusion?

MR LOFTUS: I cannot dispute it because he is a professional.

ADV SIKHAKHANE SC: Okay.

MR LOFTUS: I cannot.

CHAIRPERSON: You say this is your own pathologist in the sense that the pathologist was engaged by you.

MR LOFTUS: Yes.

CHAIRPERSON: All right. There is one of the deceased
20 that you mentioned by name specifically and you said you saw marks on the wrist.

MR LOFTUS: Yes.

CHAIRPERSON: What was the name again?

MR LOFTUS: His name was Chase Fynn.

CHAIRPERSON: Chase. Are you able to take us to a

similar document? Chase.

ADV SIKHAKHANE SC: Of a similar autopsy? No, I do not have a similar autopsy report.

CHAIRPERSON: You do not have that, all right.

ADV SIKHAKHANE SC: There is post-mortem reports but I cannot go through them.

CHAIRPERSON: Okay.

ADV SIKHAKHANE SC: Normally they just record the bullet wounds.

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

MR LOFTUS: Can I make a comment?

ADV SIKHAKHANE SC: Yes.

MR LOFTUS: Okay. I was at the mortuary on the date of the post-mortem, so when the pathologist came out, because I said to him just, he must focus on that and see if there was restraints. He said to me there was no evidence of it but he says it does not rule it out. He told me that verbally. Of course the report came at a later stage.

ADV SIKHAKHANE SC: Sure. But obviously we have to
20 accept what the report says.

MR LOFTUS: Yes, but I accept what he is saying.

ADV SIKHAKHANE SC: Ja, okay. Chair, I see it is just after 1.00. Can I request that we take the lunch adjournment at this point? I do not see that we will go that much further after lunch. It might be 30 minutes or so.

CHAIRPERSON: Let us adjourn and resume at five past two.

ADV SIKHAKHANE SC: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. I think in the interest of time, some of the issues that are on the record, I will not pursue them any further. The statement is there.

10 **CHAIRPERSON:** But just, I would like to get, to finish up the element of, that I was dealing with. Mr Loftus, in your statement, there is something that I just forgot, at page 5, if you go back to page 5, the statement file, statement file, page 5.

CHAIRPERSON: Paragraph?

ADV SIKHAKHANE: Paragraph 19. So in that statement what you are saying, in line with what you were saying, is that Bevan had friends and business associates that were allegedly involved in drugs and other criminal activities. Who were those friends?

20 **CHAIRPERSON:** Is that not going to take us to the issue that Commissioner Khumalo raised, people get implicated, are we planning on calling those people or affording them an opportunity to respond, unless you think it is crucial and it establishes something that we want to consider and decide, otherwise, in my language ...[vernacular]. I cannot

translate this.

ADV SIKHAKHANE: No, I do want to press on it a bit, Chair, because I want to just proceed on the issue of gang activities, and perhaps I just want to understand around him who were those and whether he was part of those gangs and ...[intervenes].

ADV KHUMALO SC: Can we do it without mentioning names, because the moment you say Khumalo is a drug dealer, Khumalo is a member of a gang, then you are
10 implicating him and he has to come here to clear his name. Can we not limit it to he was part of a gang and they were involved in criminal activities?

ADV SIKHAKHANE: That is fine, Commissioner Khumalo, but it is going to be a related question that I will ask following from this, but maybe you will guide me when I get there.

ADV KHUMALO SC: The issue is the names of individuals, because the moment you identify somebody as a drug dealer or as a gangster, then it creates the problems.

20 **ADV SIKHAKHANE:** That is fine. So, you are saying those people, Bevan had friends and business associates that were allegedly involved in drugs and other criminal activities, right?

MR LOFTUS: Which paragraph?

ADV SIKHAKHANE: Paragraph 19, right. Now, would that

be gangs as in drug gangs?

MR LOFTUS: [Indistinct]... [microphone off]

ADV SIKHAKHANE: Ja.

CHAIRPERSON: Your mic, Mr Loftus.

MR LOFTUS: Sorry.

CHAIRPERSON: And start from the beginning of what you said.

MR LOFTUS: Ja, I will not mention names because I cannot really mention names, but what I was inferring there
10 is that I grew up in the Wentworth area. From young, there have always been gangs in that area, different areas accumulating and giving themselves names, et cetera, and that, like, when the older guys realize that this is silly, fruitless, then the youngsters that come up, they carry on with that because they are associated with that area that has got a certain gang name.

So we grew up in an area called Reigerhood, and from the time I was young, I know what had happened there, because it is no yards, the youngsters used to accumulate
20 in the corners of the flats or in the park or wherever it was, and eventually they gave themselves a name. I do not know the history of where it came from. That area where I grew up in Reigerhood was known as the Young Destroyers, but that was way back.

So other areas, likewise, also adopted that names

for their areas, and there was gang fight, but those days it was not shooting, it was running battles with knives, et cetera, and push knives, et cetera. So I am still known, because I grew up there and my mother still lives there, I am still known, if they talk about me, for example, or anybody else, and they are not familiar with who the person is, the person would actually say, Greg from Destroyers, you understand? Now Bevan grew up in that area, so he became friends growing up with youngsters from there.

10 Some of them ended up associating with that name, Young Destroyers.

Now from that area, there was drug dealing going on there. The older guys that started it have passed away now, but younger guys have risen to take their place. And there is one, in that area, there is one particular guy that was like a protege to one of the guys, the senior guys, and he has passed on, so he now is the kingpin in that area with the drugs and with the, you can say violent activity, because he actually got hitmen around him, which have

20 been arrested for killing people, et cetera.

So Bevan knows them all. He went to school with them, he grew up with them and it came to a stage when they started this cartel story. There was never a name called The Cartel in Wentworth. So the guy from that Reigerhood area, Young Destroyers, he had, I think, subject

to correction, a family member who is now deceased. He came out of prison and he started hanging around in that area. He came up with Simone Jasmine, with the name The Cartel, and the thinking was that they will combine all the areas into one unit and name themselves The Cartel. So that is where this cartel came from, and then they actually started the violence. People started getting violently killed after that. So, the point I am making to the question is, Bevan knew the majority of them growing up together.

10 **ADV SIKHAKHANE:** But he was never part of any ...[intervenes].

MR LOFTUS: Never part of them. I can go further. It can be researched.

ADV SIKHAKHANE: No, not The Cartel, of any gangs.

MR LOFTUS: Of any gang. Now I am going back to Young Destroyers now, because Bevan was from there.

ADV SIKHAKHANE: Yes.

MR LOFTUS: He played football with them. He hung around them. He schooled with them. When there was
20 running wars between another flat area, which was I would say about two, three hundred meters down the road, they were known as the G Section and it was violent. People died and got injured in those battles, but during that time, with whoever they fought, Bevan could walk freely in any of those areas, because they knew that he was not part of any

gang. So that is why I am saying he was not.

ADV KHUMALO SC: Is it also not so that one of the, remember five people were killed on the 31st of March or the 1st of April. We seem to have different dates depending on who is telling the story. One of the people who was killed was a convicted robber.

MR LOFTUS: I think that would be Ryan. I do not know his background, but what I have heard, I think that is possibly him, because I know that he did serve prison time.

10 **ADV KHUMALO SC:** Santos.

MR LOFTUS: I believe he was a younger guy at the time. Yes, Santos.

ADV KHUMALO SC: Yes.

MR LOFTUS: Yes, I did not know him personally, but ...[intervenes].

ADV KHUMALO SC: So at least to deal with the point, he hung around people who had trouble with the law.

MR LOFTUS: Yes. And I will add on that is because, because you are from the area in the Wentworth scenario,
20 the guy was charged with GBH for shooting somebody, attempted murder, murder, dealing in drugs. But it is people you grew up with and they are from the area, so you still associated with them as normal friends, understand.

ADV SIKHAKHANE: Sure. And then, can you then, just to explain what is sort of publicly reported, the, so you are

saying there is no cartel, as it were, gang?

MR LOFTUS: There was a cartel.

ADV SIKHAKHANE: Okay.

MR LOFTUS: Yes, but a lot of the role-players, the main role-players are now deceased.

ADV SIKHAKHANE: Okay.

MR LOFTUS: So you do not hear a lot of activity or that name coming up too often anymore.

ADV SIKHAKHANE: Okay, that is fine. And then the
10 Hollywood gang?

MR LOFTUS: The Hollywood gang would be from another area in Woodville and Hime Street area. That is, ja, I do not think they exist anymore because you do not hear about it as well. Since the cartel members and some other role-players have died, the activity has kind of simmered down.

ADV SIKHAKHANE: So, let us take as, let us say in the beginning of 2023, how was the existence of these gangsters?

MR LOFTUS: There was tension and friction between The
20 Cartel and the, Hollywood, because Cartel being now the whole of the Wentworth area. So basically the fight was with The Cartel, which is basically the whole of Wentworth, fighting against these Hollywood guys.

ADV SIKHAKHANE: Yes. Okay, that is fine. Can I just take you back to your, the telephone call between Bevan

and Mr Naicker for example. You do not have to go there.

MR LOFTUS: Okay.

ADV SIKHAKHANE: It is at page 113. It is an attachment to your first file. You, in the call, there is a reference of Dane.

MR LOFTUS: Yes.

ADV SIKHAKHANE: Who is Dane?

MR LOFTUS: Dane is a guy. He was, Bevan was friendly with him. He is from the so-called Hollywood area. He
10 grew up in that area. He is native, if I can say, to that area. Bevan was friendly with him.

ADV SIKHAKHANE: Were they just friends?

MR LOFTUS: Yes, they were friends ja.

ADV SIKHAKHANE: Okay. And in terms of, and I would request to understand, in terms of the competition or turf wars, would there have been any turf wars between these two gangs?

MR LOFTUS: The Cartel and ...[intervenes].

ADV SIKHAKHANE: The Hollywood gang.

20 **MR LOFTUS**: I would not say that because the Hollywood guys are from a very small area. They were concentrated in a very small area. So whatever they did would happen in that area. The Cartel guys were the big organization that encompassed all the areas in Wentworth where different gangs were allegedly from. So they combined those, and

then they were fighting against those Hollywood guys who were concentrated in a very small area. So I would not say turf because if we are talking drug turf, right ...[intervenes].

ADV SIKHAKHANE: Yes.

MR LOFTUS: So the Hollywood, sorry, the Cartel guys basically controlled the whole of Wentworth and obviously outer areas, which I cannot confirm. It is just social media that would speak on that.

ADV SIKHAKHANE: And in terms of the reports, if I may
10 just ask and you, with sympathy from your side, where was Bevan associated between the two, if he was?

MR LOFTUS: Okay, I will go a bit deeper with this one. Bevan is from the Rake Road area. When the Cartel thing rose up, Bevan, there is an area where they would, in the flats where they would sell the drugs from. It actually has got a carport and a pool table. It is like a little club area. He would go there. When this Cartel thing started, he withdrew from going to that area because these Cartel guys were now, he could see what their agenda was, and they
20 were starting to harass people from the area. So he withdrew, and he started sitting around. When he did visit there, he would go to my mother's place and sit outside. In fact, we call it the corner of the flat on the gable side. He would sit there with the younger guys, the Michigan Chase, et cetera.

So it came a stage when he said to me, the guys that he grew up in school with, when they greeted him, he would say to them, just please do not greet me anymore because I do not approve of what you are doing. I am not your friend anymore. So he did not break his friendship with Dane. He still remained friendship with Dane and some of the people from the Hollywood area. So I think that because he was friendly with them, he saw him as belonging to them. So I believe that is where this
10 aggression towards him started, and those youngsters, Michigan Chase, to name a few, other few guys. I think that is what it was about.

ADV SIKHAKHANE: So on his part, he was not involved with any of the, if I, I am trying to get this. He was not involved in any of the drugs and it is just the people that he was with.

MR LOFTUS: Association, yes, which is a normal thing.

ADV SIKHAKHANE: Yes.

MR LOFTUS: Because I know of cases where youngsters
20 were shot and killed in this whole conflict that had nothing to do with either side. It is just that a youngster was friendly with maybe a Hollywood guy, and he was seen as part of that and *vice versa*. A lot of youngsters died innocently through that, through association.

ADV SIKHAKHANE: And obviously we have seen those

reports and those statements which you dispute.

MR LOFTUS: Yes.

ADV SIKHAKHANE: Okay. Chair, can I just request to play that video. I will not play it too much. The only graphical material is, I suppose, is a car that is shot at, but there is no blood that is there, and perhaps just that, nothing too serious, not to sound insensitive at all.

CHAIRPERSON: But was someone not killed as a result of the shooting or not?

10 **ADV SIKHAKHANE:** Yes, there was. There were these alleged gangster people that were shot at publicly. There has been reports about them. I do not think it is a matter of something that is, it is a public video that has been circulating in the media. I do not think it would be a bit of an issue *per se*, but I am in your hands.

ADV KHUMALO SC: Mr Loftus, I just wanted, I have reflected on what I said a few minutes ago, and I hope I was not insensitive, because the date of death of your son you would remember. Remember I gave two dates.

20 **MR LOFTUS:** Yes.

ADV KHUMALO SC: It is because in the other statement of another witness, they said the 1st of April. But yours is, which date did you give?

MR LOFTUS: It is the 1st of April.

ADV KHUMALO SC: It is the 1st.

MR LOFTUS: Ja, 2023.

ADV KHUMALO SC: The other one says 31st. So I hope I was not insensitive *per se*.

MR LOFTUS: No, no, not at all. Not at all.

ADV KHUMALO SC: All right, thank you.

MR LOFTUS: Okay, pleasure.

CHAIRPERSON: All right, please go ahead.

ADV SIKHAKHANE: I do apologize, Chair, but it is just about the reputation, and I leave it there. I am not, it is to,
10 yes.

VIDEO PLAYED BACK

“This is Wentworth, a large Indian and Coloured township located south of Durban. Wentworth is currently facing a severe humanitarian and security crisis. The neighbourhood is trapped in a cycle of extreme poverty, decaying infrastructure, and a ruthless gang war. Wentworth residents in KwaZulu-Natal
20 are pleading for more help from police after a mass shooting left seven people injured and two others dead. The victims include a 20-year-old and a 16-year-old. Yes, there was a shooting on Sunday. There was a shooting on Sunday that

happened. Three guys were shot, but they all survived. Then there was a shooting on Tuesday as well. A youngster in our road was shot as well while he was walking. And then yesterday, there was a shooting where nine, nine children were shot. Nine youngsters were shot, and two were killed, which is Jaden and Lydon.

10 I want to touch on this. You say that not enough is being done. Are you talking about the manpower on the ground?

We are talking about all resources. We are talking about manpower. We are talking about corrupt officials that need to get out of the station. We are so sick and tired of SAPS playing the blame game with our community. Leakings of files of, or dockets going missing,
20 hearing that there is only one van to patrol, hearing that there is no resources at the station. We are tired. We are tired of burying our children. We are tired of innocent people getting hurt on the street. We are tired that our children

cannot even sit in classrooms and not hear the ringing of gunshots on our streets.

Most residents in Wentworth live in multi-storey municipal housing complexes built during the apartheid era. These buildings are highly dilapidated with broken windows, leaking sewage pipelines, structural cracks, and no functional security gates. Pervasive unemployment leaves families with zero financial security. Without legitimate job prospects, local youth face intense peer pressure and economic desperation viewing the illicit drug trade as their only viable means of financial survival. Drug addiction is deeply embedded in the daily life of Wentworth's most vulnerable areas. The local drug trade revolves heavily around sugars, a cheap, highly addictive cocktail of low-grade heroin mixed with chemical bulking agents. Open-air drug dens operate directly out of the flat stairwells and public pathways. The rampant use of sugars and crack

cocaine has fuelled severe localized health crises alongside high rates of petty theft, armed robberies, and domestic violence in Wentworth. The physical layout of the flats makes them ideal ...” [intervenes].

CHAIRPERSON: Can you please pause. Are we going to get to a point where this becomes relevant to our subject matter, which is the infiltration of law enforcement officers
10 by gangs or syndicates or cartels, because ...[intervenes].

ADV SIKHAKHANE: Chair ...[intervenes].

CHAIRPERSON: This far I have not seen that.

ADV SIKHAKHANE: Chair, I think I see your reluctance. It goes there, but the point that also goes there is around the reputation that we have of Mr Bevan Loftus and the interplay with drug gangsterism and what Mr Cele had said earlier on about his reputation and to show these killings to be gang-related and being called in by gangs when they are using police.

20 **CHAIRPERSON**: Is this video about Mr Bevan Loftus at some point?

ADV SIKHAKHANE: Yes, at some point, yes. But perhaps what we can do, Chair, because, can I suggest something, Chair, perhaps? Can I suggest that it just be put on the record. You can look at it at your time and not flight it so

that you have ...[incomplete].

ADV BALOYI SC: Mr Sikhakhane, you have obviously viewed this video.

ADV SIKHAKHANE: Yes.

ADV BALOYI SC: So I would expect that you have a time point at which your relevant material is played.

ADV SIKHAKHANE: Yes.

ADV BALOYI SC: Is there a reason that we do not fast-forward to that point and then watch from that point instead
10 of looking at this historical account of Wentworth?

ADV SIKHAKHANE: No, we can, I will just ask that we go there at some point.

CHAIRPERSON: Why do not we finish the statement so long, please?

ADV SIKHAKHANE: Thank you. I think we are left with one paragraph, literally, yes. Mr Loftus, would you please read on your statement, page 23, paragraph 78.

MR LOFTUS: -:

20 "A few days after Bevan was killed,
someone sent me a picture of Brent Thompson's WhatsApp status showing a photo of a tow truck labelled Roadstar with the caption "The fastest lives the longest" with the hush emoji. A printout of the WhatsApp status is attached as

GR3. Brent Thompson is Mr Clive Naicker's friend and associate. One of the last things that Bevan had said to Mr Clive on the call of January 25th was "the fastest lives the longest".

ADV SIKHAKHANE: Can you then turn to page 114 of that very file. It is Annexure GL3.

MR LOFTUS: Yes, I am here.

ADV SIKHAKHANE: Is that what you are referring to?

10 **MR LOFTUS:** Yes, that is what I am referring to.

ADV SIKHAKHANE: Okay. And who is Brent Thompson?

MR LOFTUS: Brent Thompson is from the Wentworth area. He was associated with the Cartel organisation. He was, I would say, one of the main operators in the Cartel because it was known that Clive Naicker was the supplier of their drugs. And he was associated with another player called Puff as well, Brandon Kalicharan. So he was, if I can put it simply, he was the main player for the Cartel, in between Clive and the Cartel, as far as the drugs are concerned.

20 **ADV SIKHAKHANE:** Sorry, just repeat that.

MR LOFTUS: So he was the main player between Clive Naicker and his organisation, The Cartel, as far as the drugs were concerned. I can go as far as to say I have spoken to associates of his, and as far as they are concerned, Brent always used to speak about Clive Naicker

as his father, and in some instances he would say that is his king, his role model.

ADV SIKHAKHANE: So just to ...[indistinct] but I think Commissioner Khumalo had said, there is a suggestion that we are making, and I just want to make sure that we are correcting it. You are saying that Brent Thompson, Mr Thompson, was an associate of Mr Naicker.

MR LOFTUS: That is correct.

ADV SIKHAKHANE: But then you are putting drugs in it.

10 **MR LOFTUS:** Yes, the association was drug-related.

ADV SIKHAKHANE: Okay.

MR LOFTUS: Ja.

ADV SIKHAKHANE: And do you know why he would put this statement, this caption?

MR LOFTUS: Ja, well, the fact that he did that, it shows his association with the organisation Roadstar, which belongs to Clive Naicker. So it shows his association with Clive Naicker, and he is taking joy in the death of Bevan. To me this is a boasting picture, ja, in other words, the
20 fastest lives the longest, they have got to Bevan and killed him. I do not say him, but the Clive Naickers.

ADV KHUMALO SC: Is the question not, are you not connecting it to the 25 January conversation where your son said to Mr Naicker, the fastest lives the longest, right?

MR LOFTUS: Yes, I am, that is why I mentioned with the

caption, the fastest lives the longest, it is him depicting with pride, in other words, they have won the battle. I will say it a bit more about Brent Thompson. I think it was before Bevan was killed, he did an interview on ENCA, where he confessed that he is a drug dealer and he said a lot of things about myself and Bevan. He actually implicated me as the brain behind the organisation, the drugs and the tow trucks, et cetera, which I am not.

ADV SIKHAKHANE: Which organisation?

10 **MR LOFTUS:** Well, the drug organisation that Bevan is alleged to be involved in.

ADV SIKHAKHANE: Which is?

MR LOFTUS: The operation of drugs, the selling of drugs and the trading in drugs.

ADV SIKHAKHANE: Oh, not the name, not an organisation?

MR LOFTUS: No, no, no, not as such.

ADV SIKHAKHANE: Okay.

20 **MR LOFTUS:** He is the guy, you will see, go to ENCA and you Google him, he is the guy with the mask covering his face.

ADV SIKHAKHANE: Yes.

MR LOFTUS: And I found that strange because I was wondering why did the ENCA reporter actually find him, or how did he get on there, because before Bevan was killed,

when we had the information, I thought, let me go to the media and put this out there, maybe that would cause ...[indistinct] to back off him, but I had no joy. So I thought, how is it that a guy that is a drug dealer gets access to him with such ease? You know, I could not understand that. Ja, but his sole purpose on that interview was to associate us with drugs and gangsterism.

ADV SIKHAKHANE: Thank you. Chair, just to complete this now, the video that we were going to play would have
10 depicted these events that he is talking about, of the man with the balaclava, and his own interview, and what the former Minister Cele had said after the incident of the shooting, and that is where I think the important part that we wanted to contextualize this whole discussion about being gang-related and the use of law enforcement for this.

CHAIRPERSON: So Mr Loftus has placed that on record himself now. Is that your point?

ADV SIKHAKHANE: Yes, I am just contextualizing.

CHAIRPERSON: Meaning we no longer have to play the
20 video, or we still have to?

ADV SIKHAKHANE: I think in the issue of time, Edward, we can stop with the video. It is fine, I am okay.

CHAIRPERSON: All right, all right. Thank you, then. Ja, please continue, then.

ADV SIKHAKHANE: Chair, in, truly the interest of time

and understanding certain dynamics, I would not, I would end it here.

CHAIRPERSON: Oh, Mr Sikhakhane, perhaps please consider summarizing your own impressions of the video insofar as it relates to Mr Bevan Loftus, and put that to Mr Loftus Senior, for his response.

ADV SIKHAKHANE: Okay, thanks, Chairperson, for your guidance. You would have seen the video, I presume, or you would have, if you did an interview. Part of it is the
10 allegation that, well, the allegations are that the late Mr Bevan Loftus was involved in drugs and was a very ruthless, well, that is what it portrays him as, a ruthless gang member that, or criminal, and he was involved in eliminating his opposition, and they depict him as a very dangerous man. That is the one thing, and that is from that gentleman, as you say, and also from the Minister of Police's side, right. And your comment, your interview was to dispute that.

MR LOFTUS: Yes.

20 **ADV SIKHAKHANE:** But we will get there. That was then. But in line with what the Chair is proposing, well, not proposing, is what would be your comment? We have gone through some comments earlier on, but in light of that, if I am summarizing the video, what would be your comment to that narration about Mr, or your late son?

MR LOFTUS: I would go back and say again, that is news sensationalism and social media, because I do not know where they get that from. So I would dispute that he is a killer and he is a drug dealer. I would dispute that. But having said that, as we said earlier, I am not with him 24 hours a day, but in the last year or two of his death, he was at home all the time. So I have no control over social media and the news. It depends on who they interview.

ADV SIKHAKHANE: Sorry, I do have to take this point.

10 **MR LOFTUS**: You truly cannot say that. I mean he went into hiding, and you are not with him all the time.

MR LOFTUS: Okay, yes, having said that, I was not with him during that time, ja. That was from February, okay, the first occasion was from December the 13th to sometime later. I am not specific, because he came home for a short period, and then from February until he died, I do not know what he did in that period. I cannot speak on that.

ADV SIKHAKHANE: And prior to that, you would not know, you would not be with him 24 hours a day.

20 **MR LOFTUS**: As I said, while he was at home in that period, or when he was at home, I can vouch for it. But obviously, when he is out in the streets, I would not know what he is doing. But if you look at, in terms of charges and cases, et cetera, that besides these alleged shootings, before it led up to that, there were no cases that came forth

where police came in and said they are arresting him for violent crimes, et cetera.

ADV SIKHAKHANE: Okay. Let me just summarize what you are saying and see if I understand it. So your version is that your son was not involved in any activities gang-related. Everyone was wrong about him. He was ...[intervenes].

MR LOFTUS: As I say, it depends who you ask.

ADV SIKHAKHANE: Okay. All right. Chair, I seriously do
10 not want, there is going to be other witnesses to address other issues and ...[indistinct].

CHAIRPERSON: Thank you. Thank you, Mr Sikhakhane.

MR LOFTUS: Commissioners.

CHAIRPERSON: Yes.

MR LOFTUS: If we are closing now, there is a few points I would like to raise, which I think is important, which is not in my statement.

CHAIRPERSON: Yes.

MR LOFTUS: I want it to be known that when I went to the
20 flat, we happened to hire a private ballistic guy as well. I haven't got the report yet, for reasons that ...[indistinct]. We did, when he left, I helped him with the investigation there, but stuff, there is some items that bothered me. So I went back to the flat, and I did a video, a walkthrough of the flat with IOL, with the editor of IOL. And that video was

aired, where I, with my knowledge and understanding, I gave a summation of what I think happened. It was not long after that was aired, I am not date-specific, I received a call from a member of the police in Deena's office, I will not mention the name, that said to me, pack a bag and disappear, because they are coming to kill you. He says I heard a discussion that you have become a threat to them. Which I did, I packed a bag immediately and I basically, obviously, my old nervous system went to another mode. I
10 sat down and had a cup of tea. My son came to me and said, they are coming up the driveway. I grabbed my bag and I jumped over fences. I went to the neighbour's house. So while I was there, my daughter-in-law, who lives in my granny cottage, the police went to her. And there was, I think I need to say this policeman's name if, can I say his name, because he did this. I mean, and ...[intervenes].

CHAIRPERSON: Well ...[intervenes].

MR LOFTUS: Okay, I will not say his name now. Let me tell the story.

20 **CHAIRPERSON**: Yes, yes.

MR LOFTUS: And so I fled. While I was at the neighbour's house, my daughter-in-law called me and she said to me, this policeman wants to, he is from Organized Crime, he wants to speak to me. She said he had a docket in his hand and he did not come alone. I have got pictures and a video

of how they came. There were a lot of them, a lot of vehicles, et cetera. So he said to her, he wanted to speak to me. I said, no, I do not want to speak to him. Has he got a case against me? Why are they there? So he says, no, he has not got a case, but he needs my help to, I cannot remember what he said, identify somebody or locate somebody, because I was in another state at the time. So he said, there is no case against me, he just needs to speak to me. So I said to tell him, I have got nothing to say if
10 there is no cases against me. Then he, I could hear the conversation. He says, tell him that he can meet me at the police station of his choice and he can bring a lawyer along if he so wishes. So I said to her, if there is no case, I am not cooperating. I do not ...[indistinct] must speak to them.

Then he went on further to say, because I was still appearing for these cases that I was charged for, I cannot remember the exact date, but an appearance was coming soon, so he said, okay, it is not a problem, he will get me at court when I appear. So I managed to get someone to take
20 me somewhere where I went into hiding, because I know that I did not do anything wrong. So when it came to the court appearance, I happened to catch the flu at that time, so I went to a doctor. I was actually under the protection of my pastor, so he took me to the doctor and I got a certificate and I submitted it to the court.

On the day, the attorney and friends of Bevan's that were at the court called me and said, you know, you are lucky you did not come here because these guys came in here guns blazing looking for you. So at that, I was away from home for about 18 months and I did not hear anything of the case. I approached an attorney who used to be with the DPP and he is supposed to have followed it up to find out what is happening with the case and I did not hear from him. Every time I phoned him, I could not get him and go to
10 him. So as time went, there was an ex-policeman that I used to work with. He happens to know the guy. He is a coloured guy ...[indistinct]. He approached the guy and he said to him, why are you doing this to him? You know that it is not true, what has happened. So he said yes, he was asked to do it by Deena and they were going to help him with a promotion.

So, further, I was just fortunate, it sounds far-fetched, but I was fortunate. There is an attorney that was at the Durban court when this policeman walked in to the
20 office of the prosecutor. He is not the SPP, but the prosecutor of, it was court 9. And they had a discussion. This policeman was discussing the case with him and he said to him, the prosecutor said to him, you cannot arrest him. You need to take a warning statement. But earlier, when this ex-policeman said to him, a question about what

he was doing, he had said to the policeman, tell him to come to my office, I will take a warning statement. But I did not trust him.

I thought they had an agenda having received a phone call from that policeman saying that they were going to kill me because a discussion was heard to that effect. So I was gone from home for about 18 months. That is the one point. I have never heard from it again. I do not know the case number, but I did establish that it was an
10 intimidation case whereby after the shooting, I was gathering, and information was coming my way. One of the policemen that were allegedly involved in the shooting is a captain of the Metro Police. I received reliable information that he had booked off on trauma after the shooting.

So I discussed the matter with my attorney and I gave him the information. So he said to me, if I can establish the guy's right name, because Captain China sounded like a nickname, and establish which branch he works at, because the Metro has different regions that they
20 work in. So I knew a young man, that new Brevan and myself, so I called him, I said, look, I need help, this is what my attorney has asked me to do. Can you tell me whether this guy's name is Captain China or has he got another name, and if you can say which department he works in, because the attorney needs to correspond with that

department.

I believe that that was the contents of the intimidation, that youngster opened intimidation. There is count one and count two was Captain China himself. And I established later that the elements of this was that he felt threatened that I asked that information. And I have not heard anything of that case today. That is the one item.

So, and then, when Bevan was in hiding, and IPID, the same IPID policeman that was handling my daughter-in-
10 law's case, he called me the one evening and he said to me, Greg, do you know where Bevan is, which I did not know. So I said, no, I do not know where he is. So he said, can you establish where he is, because they have got reliable information that Clive is sending guys to kill Bevan. They believe he is in a hotel in Umhlanga. So I went to his wife and I asked her to call him and I gave him the information. He denied it at first, at that time.

So I went and reported back to this policeman. He said, look, there is nothing they can actually do because
20 they have got their team together, but every scenario that they look at, if they approach, it would result in one of their deaths. So they cannot intervene. Later, when I spoke to Bevan, he said to me, yes, he was at the hotel. He did not say the name of the hotel. But he said when I phoned him and told him that, he left the place. That is number two,

which I think is important. So what I am saying that is because it would show from the information that there was an intention by Clive to kill him because the policeman said so, and I believe it is from a source that cannot be revealed for identity purposes. Ja, so that is the second one.

The third one I want to say is earlier I spoke on Captain Varley. I am saying his name because I already mentioned his name. I am going to raise this again. I am going to mention it again, which to me was important
10 because when these guys came with the ...[indistinct] cases, they never mentioned it again after that. They pursued the case of attempted murder, which they say happened at the Bluff meet. Captain Varley was, I am not sure if I said it earlier, Captain Varley was the Duty Officer. So when the shooting happens, he has to go to the scene and write a report. I believe that report was written in the office under the direction of Captain Deena Govender because he did not attend the scene because there was no scene to attend.

20 Then they pursued this youngster based on that attempted murder because when you, even at the court they kept saying it to myself and the attorney, the attempted murder he is wanted for, which did not happen. So basically they pursued him on that. And then when he was killed, they charged him for, that group, for 11 cases after

he was killed. And the amazing thing is that on the 1st of April he was killed, somebody charged him on the police system. So they were charged for 11 cases after they were dead. So I find it important because if they had to make a case, create a case, that tells me they did not have anything on him to arrest him and I think they did not want to lose face to Clive that had paid them. So I, the way I understood it was they had to get him at any cost and they could do with him what they wanted. I thought I just needed
10 to raise that.

Last item. One of, the guy that used to drive for Bevan, I did not mention his name earlier but I will mention it now, he attended an accident scene not too long ago and he called me out of his own and he said, you know, I have got to tell you this. I did mention Captain Bevan's name before because he was part of the team. He is the guy that mentioned to someone previously that this shooting did not happen because he was with them at the Blue Lagoon when a phone call came through saying Bevan is driving around
20 the Bluff and they rushed through and thereafter the shooting incident was created. But at that time, Bevan was at home and the driver, Mr Eckhart, he had been the driver and we got video footage of the butchery where Eckhart is going in and out, yes, and they would say, maybe Bevan stayed in the vehicle. But I am saying that the hard drive

was taken because we could have proven that Bevan was at home at the time. In my opinion, they had no reason to remove that hard drive because it would not help any case of theirs. I think it was to hide the evidence that they were acting incorrectly or against the law.

So, on another occasion, the same Captain Bevan, this guy phoned me, the driver, and he says to me, Captain Bevan met him at the sea and Captain Bevan, they would discuss the matter, and Captain Bevan said to him for the
10 second time to a second person that he was present and there was no shooting that took place. They created that whole crime. So to me, that is key for them pursuing him on that matter. On the same scene, the same driver of the vehicle said there was a policeman of the local station attending, which happened to be Wentworth.

During, before the time of his death, I think between January and the time he died, there had been a shooting incident in Wentworth where people drove past in vehicles, it was on social media and they were shooting at
20 the flat area in what they called the F-section area. That was where one of the Cartel leaders who is now deceased had lived and he was operating. The policeman related to the driver that on the day he was working, there is a picture on social media where one of the police vans had holes in the windscreen where they were shot at by these guys. He

said Deena approached him and said to him that he must say that he saw Bevan shooting him. And my question was, why I think it is important, if you have solid cases to arrest Bevan, why do you want to create another false case? And I will leave it there. I thought that had to be known. So that will add to why I say that they were hunting.

CHAIRPERSON: Any questions on what Mr Loftus has just said, Mr Sikhakhane?

ADV SIKHAKHANE: No.

10 **CHAIRPERSON**: Thank you very much ...[intervenes].

MR LOFTUS: Thank you, Commissioners.

CHAIRPERSON: Mr Loftus.

MR LOFTUS: Thank you.

CHAIRPERSON: You are excused, thank you.

MR LOFTUS: Thank you.

CHAIRPERSON: Good afternoon, Mr Mosikili.

ADV MOSIKILI: Afternoon, Chair. Afternoon, Commissioners. Chair, we have a witness.

CHAIRPERSON: And you are excused unless you are
20 supporting Mr Mosikili.

ADV SIKHAKHANE: Thank you. Thank you, Chair. I will take that.

ADV MOSIKILI: Chair, we have a witness, Captain Houston coming. He is just on the other wing, but I have asked them that they bring him down. So perhaps we will

need about 5 minutes just to set him up with the files,
Chair.

CHAIRPERSON: You will indicate when you are ready.
Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I do not want to take a chance and
pronounce your surname because I have heard different
versions of the pronunciation. Can you place your full
10 names on record, please?

CAPTAIN HOUSTON: Good afternoon, Chair. First name
is Ashley, second name is Lynton, and the surname is
Houston.

CHAIRPERSON: Houston. Thank you very much. I will
tell on him. Mr Loftus pronounced the surname Houston.

CAPTAIN HOUSTON: That sounds like school. It is like
the first name, Chair. If they say Ashley, I know it is
Receiver of Revenue. But I am called Lynton at home.

CHAIRPERSON: Thank you. Good afternoon to you too.
20 Thank you very much. Will you be swearing or affirming?

CAPTAIN HOUSTON: I will be swearing, 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".

CAPTAIN HOUSTON: So help me God.

ASHLEY LYNTON HOUSTON (duly sworn states)

CHAIRPERSON: Thank you.

ADV MOSIKILI: Thank you, Chair. Chair, Captain Houston would have been the first respondent to the shooting incident in the Morningside. That is the one that we have been discussing relating to the five young men that were deceased with obviously Bevan Loftus being at the centre of that incident, Chair, and his evidence will be confined to
10 that. But also given his experience of 38 years in the police and having worked in Durban, he will share some of his views on the connection between the tow trucks, the drugs, and to some extent the interaction with the police, Chair.

Chair will be using two files. So there is a file that is written, "Ashley Lynton Houston Statement", and then we will be using file 2. So concentrate on only those two files, Chairperson, for the purpose of this witness. For now, Chair, let us look at file 1, which is file 1 in terms of his statement.

20 **ADV BALOYI SC**: [Indistinct]... [microphone off].

ADV MOSIKILI: File 2.

EXAMINATION-IN-CHIEF BY ADV MOSIKILI: Captain, you should have by you, there is a file with your statement inside. You will see that it says when you open the first page, it says "Index to statement", and then it says

“Description, statement of Captain Ashley Houston”. Do you have that, Captain?

CAPTAIN HOUSTON: I do, I do.

ADV MOSIKILI: And then if you flip over, Captain, you will see the actual statement. Do you see that?

CAPTAIN HOUSTON: I do.

ADV MOSIKILI: And then if you go to page 12 of that document, Captain, you will see that there is a signature there appended under the name Ashley L Houston. Do you
10 confirm that to be your signature?

CAPTAIN HOUSTON: That is my signature, Chair.

ADV MOSIKILI: And then do you confirm that the statement you prepared, it is for the Commission, it is correct?

CAPTAIN HOUSTON: I confirm.

ADV MOSIKILI: And you stand by the contents thereto?

CAPTAIN HOUSTON: I do, Chair.

ADV MOSIKILI: Thank you. Captain, I want us to go through your statement just to assist the Commission on the
20 evidence that you need to give, but do feel free as you go on to give better explanation where necessary, and there might be some questions that are asking for clarity, either from me or the Commissioners. I would want you to start with paragraph 1, dealing with the introduction, but please, Captain, do not read out your ID number, and also do not

read out your cellphone number there, and also do not read out your home address.

CHAIRPERSON: So basically in paragraph 1 you may just say he is a 60 year old adult, and that is it.

ADV MOSIKILI: That is ...[intervenes].

CHAIRPERSON: So perhaps, Captain, you should just move on to your career history, and there I would suggest that you should just highlight what you consider to be salient matters, that is, summarize instead of reading the whole, ja.

ADV MOSIKILI: Thank you.

CAPTAIN HOUSTON: Page 2.

ADV MOSIKILI: Ja, kickstart at paragraph 2 then.

CAPTAIN HOUSTON: Okay, thanks, Chair. My career history was on the 31st of March 2026, I retired as a Captain of the South African Police Service, reason being is I had turned 60 on the 26th of March. I had 38 years' service and 31 days. So I went on full retirement, Chair. My career history in the SAPS is extensive as a result. I will only highlight a few achievements in my part on this statement, and I will expand where necessary during my oral testimony at the Commission of Inquiry.

My career path as a policeman started in 1988, the 9th of February. I completed my training at Bishop Lavis down in the Western Cape where I completed my basic

training. I was placed as a constable after completing my training at Sydenham SAP, KZN, Durban.

ADV MOSIKILI: Sorry, Captain. I see that you are reading from the screen. There is an actual physical file. I do not know if it will make it easier.

CAPTAIN HOUSTON: I can read of there.

ADV MOSIKILI: Are you happy to read from the screen?

CAPTAIN HOUSTON: I can read off the file. I am good to read off the file, Chair.

10 **ADV MOSIKILI**: Yes, then ...[intervenes].

CAPTAIN HOUSTON: May I just, it just caught my eye. I prefer to read off the file.

ADV MOSIKILI: Ja, I saw that your posture that you seems to be struggling from the screen. Thank you.

CAPTAIN HOUSTON: Thank you. I have always been in an operational environment whilst placed at SAPS, Sydenham. I was promoted 2 years later in 1990 to a full sergeant. The reason why I speak about full sergeant, pre-1994 there was a rank in the police as a lance sergeant.

20 You did not require to write any exams. You did an internal assessment. But I was busy at Technicon RSA furthering my studies. In 1990, sorry, I was thereafter promoted to a warrant officer four years after serving as a full sergeant. I continued my studies, my second year studies at Technicon RSA.

I have served 18 years at SAPS, Sydenham, which ended in 2004. During my time at Sydenham, I underwent different training courses, including, but not limited, sorry, including the detective learning programme, which was held in Paarl, Western Cape. I underwent a course there to become an accredited detective because I had moved, Chair, from the first part, that is the uniform environment, into the detective. So in that 18 years, I had changed the duties that I was doing at the station. So I became a
10 detective and I underwent the course. I was successful in completing the course and I served at the detective branch for 4 years. That was all within my first 18 years.

I then, after 4 years, took a transfer back to the Vispol environment where I became a team commander. I went back to an operational environment where I was not carrying or doing investigation. I was now working operational as a crime prevention operative with members under my command.

In 2004, when South Africa was tendering for the
20 FIFA World Cup, I just want to place emphasis on the year 2004. They may have been tendering earlier. I am subject to correction, but it was during that period I was seconded to a shooting course where I competed at Verulam shooting range with the top 20 shootists in South Africa. I excelled with all three weapons and came up in the top five. So, I

was immediately seconded to training. I never went back to the station.

My skill was identified that I was a good shootist. I am breaking my statement down, Mr Chair, I am breaking my statement down because I want to try and keep it shorter and if you pick up something, please, you can ask me, take me back. Whilst I was at training, I fell under Durban training which was coordinated from the provincial office. I underwent courses to become an accredited trainer
10 to the build-up. So, I did my assessor examination through a company Technicon RSA and I went on to do a moderators as in weapons. The unit standards that I was expertizing in or became accredited in training people was firearms within the SAPS.

At the same time, I came up to Pretoria and I did a further course which was with regards to the EDTP at Pretoria College. It was an 8 week accredited course and due to becoming an assessor and moderator with SASSETA, I applied because they had a detective course to moderate
20 members that underwent investigation courses. So I became an assessor moderator for anyone who went for that training.

Between 2004 and 2010, I attended various training courses. I also became a range officer accredited. I trained down in Addo and this was my period that I was

seconded to training, so I was developed as an accredited range officer and it was a prerequisite because I worked with weapons and I was training people out at the range. That was all members of the SAPS in KZN, especially the Durban area, would undergo, from a constable to a general, attended their training, the use of weapons, tactical policing 1 and tactical policing 2, as well as, I did not include here, pyrotechs, that you will be trained with stun grenades and other pyrotechs that we utilize in the police during our
10 duties.

Soon after the 2010 to fast forward, I decided to take a transfer. I submitted to the current Commissioner of the time who was a General Ngidi. My transfer, as there was no growth, I was a warrant officer and there was no growth as in terms of there was no structure for promotion and I was questioning my growth in terms of my career path and I requested to leave even though I had become developed and trained by the organization or the employer in various departments. I requested to start at Mayville
20 where he was reluctant at first to sign but he was going out as on to retirement and he, with my request on my knees, he signed my transfer to Mayville.

So I reported to Mayville, the Vispol environment as Operational Commander. I was appointed by the Station Commissioner who was a Colonel Van Zyl at the time. I

worked at Mayville for 8 months and during the 8 months, my name came up on the national list where I was promoted or considered for promotion to a Lieutenant. Lieutenant is the old rank. It is the rank that was, which is now equivalent to the Captain rank but I was pending at the time a grievance of where I applied for an Operational Commander's post in Brighton Beach, a Captain rank and I took up the Lieutenant rank. With taking up that rank, I reported to, I was offered three posts so I had to leave

10 Mayville shortly after 8 months.

I reported to the provincial office in Durban and I was identified, obviously, management knew and members knew my skills from training and operations, so I was identified to work in an operational environment. I was seconded to Durban South that is to focus mainly on the Wentworth area because gangsterism was rife, so I had to deal with myself and my family in terms of my secondment and I made request to management that rather they give me a post out in Wentworth and let me take up a post which

20 they agreed to.

I signed the undertaking and I took up a post at Wentworth. I became the Operational Commander heading the crime prevention at Wentworth. That happened in 2010, Commissioner. I reported ...[intervenes].

ADV MOSIKILI: Before you move on, would it be fair to

say at least after 2010 as a Range Officer would it be an overkill to say that at that time you have become now an expert in the use of firearms and accredited as a trainer?

CAPTAIN HOUSTON: That is correct. The skills which I was accredited into was the handgun, the shotgun and the rifle which we used. I did develop and I did become an expert not only in use but also in training and facilitating, I would say a marksman in layman's language with the weapon. I would do what you could call I would train people
10 who are average to medium to a high standard of weapons within the organization.

For example, the normal station policemen will do an application shoot where they do a standing shoot onto a target. The dog units will do advanced shooting. The TRT will do advanced shootings and I will go on further to mention why the TRT because the first selection of the TRT, I was part of it in 2010. I will come back if there is questions arising with regards to training.

But my arrival at Wentworth, I arrived there for one
20 day and I was confronted by management, a Major. That time the Major rank was still like the Lieutenant rank there and I was informed, he was Acting Station Commissioner, that the Cluster Commander who was Brigadier Mphete, requested me to report to him immediately at the cluster. Taking you back to my promotion that I was awaiting, there

was a post, I remember 1818. It was in 2010 I applied for that very, very same post as Operational Commander where I a grievance going on. I came up number one. It was overturned because of equity and I kept that grievance even though I came up on the national list.

So I ended up in that very same post. I reported to the Brigadier and when I arrived there he said this is your team, you know what you are doing and these are the stations you will police wider than Wentworth. You will
 10 focus on six stations which fell under Brighton Beach cluster. So I was stationed at Brighton Beach, overseeing ...[indistinct] Brighton Beach station, Wentworth, Montclair, Umbilo, Mayville and there was one more.

ADV MOSIKILI: Cato Manor.

CAPTAIN HOUSTON: Cato Manor. Sorry, I missed that one. I am not even looking at my statement, Chair, so I am just trying to take it up forward quicker. I worked at the Brighton Beach as an Operational Commander. My duties were dealing with gangsterism, drugs. We got terms that
 20 we use in the police as contact crimes, trio crimes and property crimes. Property crime, for example, business robberies, house robberies where property is taken, common robberies on the road.

Police generated crimes was drug dealing, sale of illegal liquor, unlicensed premises, so that all became my

package of mandate to deal with in the affected areas which I had to police in those policing precincts. And in the contact crimes was the more serious ones as in the carjacking, the trio crimes, carjacking, business robbery and house robbery. All those married my KPA's and my team that was working with me in those six stations.

So I went up until 2017. There was a restructuring in the police where they closed clusters down and they just changed the names to districts. So I was thereafter
10 seconded to, it could have been, sorry, I am subject to correction, could have been 2015. I had moved on to Chatsworth cluster. At that time there was a General as a Station Commissioner, but I reported to the cluster where there was a Brigadier. And at that particular station, again, I had to deal with ...[indistinct] but still on the south, Bayview, Chatsworth and in those six stations that I spoke about. So I had a wider area but I was operating now from an office in Chatsworth where again there is gangsterism, drugs, there is robberies as I mentioned earlier.

20 I stayed at that particular office and operational as the Operational Commander. I worked with a team of about 40 members which were seconded to me. Right up until 2017 I was identified to lead a team in Pinetown, the Tactical Response Team. That was the TRT. So I received, I was called in by management and I was identified to deal

with or manage a unit as I had the training and I occupied the office in Pinetown where the helipad is just behind Pinetown Police Station. I had a team of 13 members. It was a small TRT group. That group during my tour of duty we would cover all 43 stations in the province. We will deal with the crimes I have mentioned, additional to that, taxi violence, stretching all the way up to Newcastle, Ladysmith, Kwadukuza, Margate and we can think of the KZN cluster.

ADV KHUMALO SC: Is TRT Tactical Response?

10 **CAPTAIN HOUSTON:** Tactical Response, the ones that ...[indistinct] Chair. So I headed that unit up until, from 2017 to 2019. In 2020, I received a further call-up to report to the province. I reported to a Brigadier Kapp. At that time he was a full Colonel. He is currently, I think if he is still there, if he is still within the age group, he was Head of Operations at the provincial office. I became the lead member or the Commander of one of the task teams on the 11th floor. My duties, again, my KPA's was to deal with serious violent crime, as in taxi violence, the drug
20 problems, and anything the station could not handle with the district, then we would handle it from the province. When I say handle it, we will go out and we will police it with Crime Intelligence driven operations.

I will also assist as far as, like I said, Newcastle with the taxi problems, where there was violence which was

high at the time, where I would meet teams of Durban POP, that is our crowd control. So they would deal with crowd control, but they will utilize, they had a small section that was dealing, selected to deal with taxi violence. That is people in uniform. I will meet them at the dam outside Newcastle and we will do our operations, if maybe in Newcastle. That is just a small example of this task team that I was dealing with. We were Vispol. We were in uniform, we are easily identified, but we were a team of
10 close to 30 members there from the province. I worked in this team up until 2021, when, sorry, between 20 and 21, when I contracted COVID. It was the first variant. I had it serious, and I was one of the last in my team of about 35. We were only 11 at work when I collapsed at home, and I ended up in hospital for a while. I was on oxygen for a while in hospital, and I can say by God's grace, I pulled through, because there was no medication that was working at the time.

So, on recovery, I went into the wing, because
20 there was slight memory loss, so they needed, the doctors needed that I was not medicated, they needed to observe my cognizance and understanding and memory, and within three days after coming out of high care, I was discharged. I was a bit, if I would use the terms, paralyzed, as I could not walk. Those who had COVID would understand, were

affected by COVID. I had it quite serious where being physically fit, at that time, although I was already close to, I was over 50, but I was, I kept myself relatively fit, but gradually, I progressed to get myself to my fitness. I decided, because of my love for my job, to report back to the station, and I started where I started in 2010.

I went to Wentworth and I had arrangements with the Station Commissioner to work two or three hours a day, and that assisted me with my memory loss, as in terms of
10 what I had forgotten during my illness. Once I had recovered, I received a call-up instruction. I was operationally involved with this gangsterism and this violence that was happening.

ADV MOSIKILI: Captain, can you just give me a moment? Just give us a moment. Thank you, thank you, Captain. You can continue. I think we are just wrapping up paragraph 9, where you are giving an account after you came back from your recovery from Covid, yes.

CAPTAIN HOUSTON: Yes, I received a call-up instruction
20 where I had to report to Durban Central, to the district task team. That was the team that I ran previously, but not from Durban, from Chatsworth. On my arrival at the district task team, I was able to speak to the General that was currently there, and I made a request that I do not want to travel wide. I was still on a recovery process physically, and I

needed some space, and I preferred to rather go down to Durban Central, because crime was extremely high in the city.

She agreed, and again there with consultation with the Station Commissioner, I was placed as an Operational Commander where all the operational members, the bike unit, crime prevention members, and the bike, the field unit members fell under my direct command, whereas operational with them. In my statement in that paragraph, I

10 mentioned something that we were able in the first year to reduce where business robberies were extremely high, to reduce with the strategies I implemented jointly with the team, our crime to 43%, by 43%. So we had lots of businesses, chain stores like the Pedro's, the Nando's getting robbed, the Tops Liquors, and we pursued suspects, brought them to book, and that resulted in a drop of crime in the city during that period. That is basically where I was operative until I was summoned on the 1st or the 23rd. May I proceed with that?

20 **ADV MOSIKILI:** Yes, we are on page 4.

CAPTAIN HOUSTON: Page 4, 10.

ADV MOSIKILI: So you will start at paragraph 10 under the topic “relevant background, then that will be dealing with the incident of the 1st of April 2023.

ADV BALOYI SC: Before you do that, Captain, and this is

really out of interest, in that paragraph 9, you mentioned trio crimes. What is that?

CAPTAIN HOUSTON: Trio crimes is our serious crimes like carjacking, business robbery, and house robbery.

ADV BALOYI SC: Thank you.

CAPTAIN HOUSTON: May I proceed, Chair?

ADV MOSIKILI: Thank you. Yes, proceed.

CAPTAIN HOUSTON: On the 1st of April 2023, I want to say this, Chair, I know I had consulted with the Evidence
10 Leaders, and there was a back and forth, because I am not at work, I am retired, with my timelines, so I did not have anything that was accurate, and I do not want to follow any social media, so I had to look into proper timelines, because it was a sworn statement I was going to be making, so I want to place emphasis on that I knew it was, where I was on this particular day, and I knew more or less it was mid-afternoon, so I ...[indistinct] 13:20 p.m., around about then. On the 1st of April 2023 at 13:20 I was at Ridge Road, Berea, when I received the call via our radio control, that is
20 Flying Squad, of a shooting at 3:40, the 6th floor, Morningside flat which is, which I immediately proceeded to whilst I was patrolling.

To give you timelines of driving normal, I was never a speed driver, I always took a slower vehicle, gave it to the younger people, it would take me under 5 minutes with

normal traffic to get there, that is how close I was to this particular scene. After receiving this information, I arrived at the scene, I enroute summoned one of my crime prevention vehicles with a senior warrant officer with his crew. He had three members on a double cab. I said please meet me because I am responding to a possible shooting, which he did and upon arrival at this particular address, I drove down a driveway which had boom gates as well as a guard house and in this guard house was Sergeant
10 Zwane and coincidentally I knew him for many years as a policeman, he also worked in the short time at Mayville under my command in the crime prevention, so I was able to identify him. He was in the guard house with two security guards and I asked him what is going on because from the road or from the driveway we could not see anything in that flat. It is a long driveway going down and then it is ...[indistinct] you go into the building. And he confirmed that there is an operation and there is a positive shooting.

ADV MOSIKILI: Captain, sorry to disturb you. Just to be
20 clear, when you received this radio control call, there has been some instances where it was suggested that it was a domestic violence. On your call, can you clarify it was a shooting or was there even specific it was a police shooting or what, what exactly did you, if you can recall.

CAPTAIN HOUSTON: No, clearly it was a police shooting.

I would have not responded to a domestic violence with the type of job I was doing in Durban Central. I would have only responded, but I remember clearly it was a shooting. Nothing about domestic violence came to me.

ADV MOSIKILI: Thank you.

CAPTAIN HOUSTON: Just to mention, before I went in, the vehicle I was driving was a marked Nissan Navara double cab, registration BWK575B. The “17” must come out there. Sorry, it is 557B. The registration is wrong.

10 **ADV MOSIKILI**: 55?

CAPTAIN HOUSTON: 7B.

ADV MOSIKILI: 7B, so not ...[indistinct].

CAPTAIN HOUSTON: No.

ADV MOSIKILI: Okay, I will correct on my statement ...[intervenes].

CAPTAIN HOUSTON: I only picked it up now, I am sorry, Chair, the registration number.

ADV MOSIKILI: [Indistinct]... [cross-talking].

CAPTAIN HOUSTON: It is an incorrect one.

20 **ADV MOSIKILI**: No, we have corrected that.

CAPTAIN HOUSTON: Okay. I asked Zwane to accompany me in, into the complex. I drove my van and I am sure as seen on TV those who have seen, there was only one police van that was parked, a marked vehicle, in that flat. That was the vehicle I was driving. There was no other police

cars where I was parked, or police vehicles. It was loadshedding, Chair, at the time, so when I got out of the vehicle and tried to manoeuvre quickly to the lifts to get up because I was looking up into the building whether there was movement of members. The lifts were jammed so we had to use the staircase to get up. So I had to walk four to five flights of stairs up, which was not a problem, but I walked up. Upon arriving at the flat entrance, the flat is L-shaped if I should describe it.

10 I walked in the direction that I am facing, this way, straight down, then I walked L-shaped. The flat was right on the end. When I got there, there were a few members standing outside, plain clothes, faces cladded, and I was approached by Captain Deena Govender, who is now Lieutenant Colonel. I know him, he knows me, because they have also received weapon training from me. I trained them, DPCI, when there were still the Scorpions, they came for the training by me.

So I told him I was there because of the shooting.
20 He is aware that I am Operational Commander in Durban, and I said I would like to go in just to verify what is actually happening. Whilst we conversed and he allowed me to walk in ...[intervenes].

ADV MOSIKILI: Sorry, before you get there, Captain, was it your understanding that at least the first person that

approached you, did it appear that he was the leader of the team?

CAPTAIN HOUSTON: Yes.

ADV MOSIKILI: Okay.

CAPTAIN HOUSTON: He was the leader of the team. I knew that team.

ADV MOSIKILI: Okay.

CAPTAIN HOUSTON: I knew that team.

ADV MOSIKILI: And when you say there were five other
10 members, can you recall their names?

CAPTAIN HOUSTON: I know the members. There was, I may not know the members off name, the two NIU members. There were two members from NIU, National Intervention. There was a Captain China that I saw there from Metro, a Warrant Officer Sivan and Warrant Officer Deena. There could have been, I did see Pedro. At that time, I think he was a Warrant Officer, recently promoted I think after this, but I saw him and I saw one white other member which was unknown to me. But I eventually found out later he was
20 from Organized Crime Pietermaritzburg, but they were all up there.

Just to indicate the entrance of the flat, it had a little passageway that you needed to get to the door. They had a piece of tape there and on request to Captain Deena Govender to allow me in, which he did, I was stopped by

Warrant Officer Sivan. He asked me where I am going to and what am I doing. And not to get into any arguments with him, Warrant Officer Deena said, sorry, Captain Deena Govender said, it is fine, the Captain will be able to identify these people. I think that statement was made because they knew I worked in the south. They knew where I came from training and I have been long, I have only been in this province for policing so it was common course I would know most of the people like they would know me in the Durban
10 area. I walked through ...[intervenes].

ADV MOSIKILI: Captain, just before you walked into the flat, is it a fair interpretation to say that conversation would have alluded to a suggestion at least that they did not know the identity of the people that were shot?

CAPTAIN HOUSTON: I would think so. I would think so, because it was strange. One of Deena's body damage was like, you know, quick, let the Captain through. He will be able to identify. I think he tried to justify this is Captain Deena Govender, trying to justify to Warrant Officer Sivan
20 was coming out from there, the Captain will be able to identify. I think that is the only reason that justified him, say okay, you can go through. Otherwise, maybe I would have had a problem, but I would have been persistent because I was the first responder there. I was responding to that shooting.

So I walked through and led by Captain Deena Govender as I entered the flat, the door was slightly ajar. As I entered the flat, I saw the first deceased laying on the floor. And I walked down further and to the right, which was like blind side of the passage that I entered, there were, the other four deceased were laying there. I was able with a quick glance a very short while stay in the flat, because I do not want to contaminate anything. I knew it is a scene of crime. I am just going to confirm, look in and hoe many
10 they have checked. But with that I had moved my eyes around the flat quickly, was not going to contaminate anything. I knew it was a scene of crime.

With that, I moved my eyes around the flat quickly, just it is my first time going in here. I looked at it and I then withdrew. But I made out or identified two of the five males. I identified the late Bevan Loftus and I identified the second male, which I knew as Ryan. I do not know his surname. If I hear it, I will say it is. I did not know his surname, but I knew him from social media and from a lot
20 spoken on the streets.

I saw a video, Chair, of him shooting on his wedding day with an AK-47 on social media. Just which platform it is, is it popped up on the TikTok. I am only on WhatsApp and TikTok. I am not on Facebook, Instagram, and all these other things. So I wondered who was this

guy, and there is the same guy that was lying in the flat.

ADV BALOYI SC: Captain, in the statement you say Ryan Santos.

CAPTAIN HOUSTON: Ja, that ...[intervenes].

ADV BALOYI SC: [Indistinct]... [cross-talking].

CAPTAIN HOUSTON: I would have confirmed by making my statement, because I made my statement recently, but at that time I only knew him as Ryan.

ADV BALOYI SC: Yes.

10 **CAPTAIN HOUSTON:** I did not know him by surname. When I came out ...[intervenes].

ADV MOSIKILI: Before you go out, Captain, you say at paragraph 16, you confirmed that five males were shot dead and perhaps it is a pedantic question, but how do you know they were dead? Did you check the pulse?

CAPTAIN HOUSTON: The damage done there, there is no way of survival. Everyone had head shots, leave the body shots. I know exactly the killing spots on your body, so as a weapon expert, I am saying this as a shootist, test me, I
20 know exactly where the killing shots went to. So they all had head shots. I did not even scrutinize the bodies. There was no need. Whether they were shot five times, once or three times, but they were deceased, these guys were gone.

I got there, Chair, I want to mention, I got there

very quickly and I would say so from my experience in terms of the blood splatter or the spinning or the bleeding of the deceased, it had not even settled. The blood was still very fresh. It had not even started to dry. So that is how quick I was at that scene. And when I say quick, I could have been, if I were to use my experience going to shootings in progressing the CBD, which I did cash in transits. I have done shootings in taxi ranks where it is still happening. I can hear the shots. I would have been there within easy
10 half an hour at the most. In fact, half an hour would take me from Durban to Maritzburg driving normal. But I would have been there within minutes after I got the call.

So whoever raised alarm to 10111 with a complaint, heard shots, that is a shooting, that is when I immediately said I am going and I have broken the radio and called one of my ...[indistinct] to say back me, we have got a positive shooting. So, I am speaking about the blood, because when you come to a scene and you see blood is starting to dry, it gets a different smell, it gives off a different smell. When I
20 walked in there I could not even smell blood.

ADV BALOYI SC: From your experience or even information that you may have subsequently obtained, what is your estimation, are you able to estimate how soon after the shooting incident the call would have come through, the distress call would have come through and you then end up

at the scene? And I ask, because the previous witness speaking about task teams said something about often these members of task teams they take long to inform, to report the incident to IPID and IPID takes forever. Are you able to give us an estimate?

CAPTAIN HOUSTON: Chair, I will comment on that because I have been following the Commission from day one, not because of this. I never knew I will be sitting here one day. But just firstly to answer the first part of your
10 question, how soon if a distress call is made on the radio to our control room and it is relayed to us, I would say that call could have come very soon after that shoot. If it was delayed by 10, 15 minutes, the blood would have start to dry although it is winter.

With regards to where I am going to now is what do I do after I confirmed it is positive shooting. I am not asking Warrant Officer Deena questions, who shot. I now need to call all the role-players. What I used to do on a state phone is to put an active crime scene because it
20 becomes a crime scene. But I chose not to do because now I have different units involved here. It is a task team and it is a variety of members. So I liaise with radio control of the radio and I request that they get all the role-players, and the role-players I called for was the ambulance. The ambulance will do the certification even though I knew they

were deceased. The patrol van to come open a case. The detectives that are in, we have got detectives that sit in the charge office which attend to crime scenes.

So you do not need to call a detective from his house 24/7. They are in the station. So as soon as there is a crime scene, they leave the station. They mobilise and leave the station. The Duty Officer, the Station Commissioner and the Branch Commander. I do not go as far as knowing with ethics if the Provincial Commissioner or
10 the District Commissioner will be involved, they would be contacted by the Station Commissioner who did arrive. But when I arrived there ...[intervenes].

ADV KHUMALO SC: [Indistinct]... [microphone off] clarify what Commissioner Baloyi is asking. You were not called by the policemen involved in the shooting.

CAPTAIN HOUSTON: No, I was called ...[intervenes].

ADV KHUMALO SC: You received the call via a distress call where a member of the public would have said there has been a shooting.

20 **CAPTAIN HOUSTON:** There is a shooting, that is correct.

ADV KHUMALO SC: Yes, because the earlier witnesses Commissioner Baloyi is referring to, they were criticised because they would take time before they called other teams to come and assist in the scene. So you were not called by the shooters or ...[intervenes].

CAPTAIN HOUSTON: No, I was not called by the shooters.

I will comment about that with the previous witness, because the role-players is also IPID. It is a police shooting. Whether it is a discharge or dispensing of a stun grenade, IPID gets called out. I want to comment on that because I followed it and, you know, sometimes we can hold post-mortems on what has been said, and I watched this from home yesterday that firstly, no member that is, like me, operational with a rifle, going to clear a house where
10 there is suspects. No operational member has IPID's number on their phone, speed dial. I used to carry a state phone, know IPID's number. Even if IPID has contacted me for statements for my members involved with allegations of shooting, assault, corruption, whatever it may be they are investigating.

So when you deal with radio control, that controller silences everyone on the radio. That controller extracts your information and makes sure all the role-players, they actually go into more detail, what firearm was used? What
20 is the serial number? And then I say, hold the lorry, call me, because we speak in where everyone is listening to this. Even if that radio's been scanned, everyone is listening to a shooting scene.

So we try and keep it where limited information leaks out where it should not be leaked out, as in terms of

who we are calling out, the protocols. So I would say, call me. And I would say, get IPID, get this person, get that person. On the story about not calling IPID, no operative or member I know all the years in the police will call IPID out themselves. That has to be done by radio control or if you have got a Vox in your station and that Vox monitoring. Because it is a police shooting or incident involving escaping ...[indistinct] police, they will contact IPID. Now just ...[intervenes].

10 **ADV KHUMALO SC:** [Indistinct]... [cross-talking]
mentioned a Duty Officer. What is the role of the Duty Officer in that scenario that you have just described?

CAPTAIN HOUSTON: The Duty Officer will come and he will verify that all his members are there and he will do a factual or she will do a factual report on actually what transpired. So we will come and interview all the role-players that were involved at that scene, not necessarily take their statements. And then when they go back to the station and statements are now being confined and placed
20 into the docket, he will do or she will do a final report because they need to escalate everything.

ADV KHUMALO SC: So I interrupted you. Duty Officer does not call IPID. So tell us who calls IPID.

CAPTAIN HOUSTON: The controllers, because their numbers are right there. In 10111, if I say now there is a

shooting here, accidental discharge, it is a police shooting, radio control here in Pretoria will call IPID immediately because it is our mission. You deal with radio control, not the shootist.

ADV KHUMALO SC: So if there is a delay in calling IPID, the fault is not to the police ...[intervenes].

CAPTAIN HOUSTON: It is not the police.

ADV KHUMALO SC: ... it is radio control.

CAPTAIN HOUSTON: Ja. I just want to tell you the flip
10 side of the coin, Chair. Operationally, I went out from a lot of locations where my members or myself was involved in a shoot where IPID was under-resourced or could not get a vehicle into, let us just say a 4x4, they did not have, they had a normal sedan to get into a rural area or a dangerous, volatile area where we will go and uplift them, meet them halfway in a safe place and bring them to the crime scene. That is also a delay.

But realistically speaking, my experience is, and this is the truth, it is gospel, when it comes to IPID, they do
20 not attend all scenes. So when IPID is contacted, it is like contacting fingerprints or forensics. There is a reference number that is given. So if the standby member does not come out because of a logistical problem, because they overslept or they did not answer their phone, then there is a reference number given.

That reference number is given to the Duty Officer and it is endorsed in the docket because when we sit as management the next morning, and we are discussing the cases, not just that particular case, we say there was a police shooting, were all role-players there, did the detectives go? They must comment. Did the LCRC come? That is a fingerprint, forensic people, yes. How long did the mortuary take, because they dispatch from Pietermaritzburg to come to Durban. All those things get accounted for. So
10 if IPID did not come, then it is endorsed in the investigation diary, IPID did not attend. They could come two days or three days later and come sign for the docket and take the docket away.

ADV KHUMALO SC: Thank you, Captain. We have digressed a bit, so maybe you can go back to your statement.

CAPTAIN HOUSTON: Thanks, sir.

ADV MOSIKILI: Sorry, Commissioner Baloyi, just on that point, just to wrap it up, is it a fair understanding of your
20 testimony that if there is an expectation or a policy that the shootist ought to call IPID immediately, that is not realistic and if this Commission was to consider some of the reforms, is to deal with some of those issues that it is not what actually happens in reality, that the shootist will be the one who calls IPID to come to attend to the scene, is that a

fair understanding of your ...[indistinct].

CAPTAIN HOUSTON: It is not, the onus is not upon the shootist. I stick by that. There are role-players at that scene to make sure, but when the distress call goes out to radio control, the transcripts are there. They inform, contact IPID. And if IPID has been delayed, they will reiterate and say, please call IPID out to the scene. The scene cannot, no police shooting, no escaping, IPID has to be there, will go without IPID being there.

10 **ADV MOSIKILI**: So in short, that expectation is not correct then?

CAPTAIN HOUSTON: It is not correct for the shootist to call. The onus is not upon them.

ADV MOSIKILI: All right, thank you. Captain, I think you dealt with, when you were dealing with Commissioner Baloyi, when it comes to Ryan, can you deal with then paragraph 17 and 18, because you said you were able to identify Bevan Loftus. Can you then explain to the Commission how were you able to identify him and in those
20 instances, you deal with the incidences where you have met him previously. Can you deal with that, please?

CAPTAIN HOUSTON: Commissioner, in 2010 when I was based, between 2010 and 15 in Durban, sorry, in Durban South at Wentworth, the late Bevan Loftus was a notorious figure already. The Station Commissioner at the time I was

serving, coincidentally was my Station Commissioner at Mayville when I arrived there for those few months. He was a Colonel Van Zyl, which was studying his LLB, and once he achieved it, he had taken early pension or resigned, but coincidentally, he got promoted to a full Colonel, and he was moved to Wentworth as a Station Commissioner.

So when I had taken up a post, I ended up working under my ex-Station Commissioner, which I served for 8 months. So there was a relationship. When I arrived he
10 said immediately, I know you know what you are doing, Houston, this is your team, fix this gangsterism thing up that is happening, fix this problem, which that is how we spoke at a management level in abstention of our members. So I would strategize how we would go, either doing roadshows or doing proactive policing or reactive policing, whatever we did to improve the situation.

But coming back to how I could identify Bevan, Bevan was arrested by me on request of the Station Commissioner saying there is a case opened, I do not have
20 the case number, by the way, where he had threatened to shoot a policeman. The policeman's name was Warrant Officer James. He was working in the Crime Prevention Unit, but not direct under me. He worked alternative to the group that I was working. And what the Station Commissioner disclosed to me was that nobody wants to

arrest him as to go for him because there was a fear.
Sorry, I am just having water, Chair.

So I did a patrol with my team. I looked for Bevan. I could not find him. I did not go into the Bluff area, which was like beyond my patrol area when I was at Wentworth. I left it and I said, I will obviously come across him because he is notorious in the Wentworth area. I was coming from the area which I live, I am not going to mention it before the panel. On the M4 I was heading, and as I came off the M4
10 into the Wentworth area, there was a patch, they call it the patch, where I saw these three tow trucks parked. It was, I was going to start duty about 10 o'clock in the morning because I used to work a flexi.

I was alone, I always worked alone on my vehicle. I had my members close in other vehicles, and I saw him. I approached him, and he knew who I was because they aliased me Robocop in Wentworth. Obviously, I was fully attired when I worked with equipment, but I approached him and I said to him, you are a person of interest. I know that
20 you carry a firearm, I know that you have a licensed firearm, but I need you to make your firearm safe and hand it to me, I am taking you in, the detectives need to speak to you.

He was standing with about eight guys there, by these three tow trucks. They were smoking whatever, some

form of drugs, it could have been Dagga. I was not interested in that. I was alone, but I managed to apprehend him, placed him in my vehicle, front seat, and I drove him to the police station. But I had his firearm with me, it was a 9mm pistol. When I got to the station, I took him straight upstairs, and I informed the Station Commissioner of the time to please get hold of the investigating officer. So he has access on a computer to see who is carrying the docket, because he is an outstanding suspect for
10 intimidation case where he threatened to kill a policeman, a warrant officer.

ADV BALOYI SC: Captain, when you are told that he is notorious, and no one wants to arrest him, what was his notoriety? What was said that he is notorious for?

CAPTAIN HOUSTON: With my short arrival, I would say when I arrived in Wentworth, I had a small team, I had to work for a trusted team. When you say a trusted team, I had a small team of one female and four males, and there was diversity. I had three union members ...[indistinct]
20 speak across the race group, young members. I had one new constable, coloured, and one new female constable. And the four were resident near Bank Wentworth, they lived in that community. The female lived in Sydenham.

So when I had to familiarize myself with the different territories in Wentworth, or the different gangs,

they were of much of assistance to me, so I was able to identify quickly which type of gang is operating in which street, because they do not have like, it is not widespread Durban gang and Maritzburg gang, it is very close. Streets divide the gangs in Wentworth. So just to come back to answer you, Chair, I used to see this guy sitting where the Hollywood gang is, in Woodville Road, even though I knew that his granny was in Reiger Road, and Reiger Road was where a notorious gang, the Young Destroyers was from, 10 but he was not sitting with that gang, he was sitting with the Hollywood, and that Hollywood gang was led by a person, I do not know if I should name him, but he is a fugitive at the moment, he is someone that is wanted as a sentenced prisoner. He is sentenced, but he is somewhere on flight. But that is where I would see him sitting, you know, like you would see these gangsters sitting, and I say, who is this? You know, you look at a face, you say the guy has got an innocent face, but then these young people would say, hey, you know who is this, Cap? This is so-and-so.

20 **ADV BALOYI SC:** I guess my question is to, you did listen to the previous witness.

CAPTAIN HOUSTON: Yes, I did.

ADV MOSIKILI: His father. And I am just trying, when you say he was notorious, I am trying to understand, notorious, that he is a gang member, that he is a drug person, that he

has serious criminal allegations against him. I am just trying to understand what were you told he is notorious for?

CAPTAIN HOUSTON: Chair, the Hollywood gang was not an honorary gang and I heard the previous witness say it is no more. There is no such, it is no more. This gang was dangerous, just like any gang in Wentworth. They were a feared gang. There was two gangs that were opposition, and they took each other out. There were funerals every week and I had to police in Wentworth, sometimes double,
 10 sometimes triple funerals, of ages, of youngsters, of all kinds, and these gangs were policed harshly by us. When I say harshly, there is some media, obviously ...[indistinct] where we made arrests and that, that they actually felt we harassed them, both sides. But when I say notorious, he never moved with a friend that he schooled with. He moved with the head of the Hollywood gang, which is somebody that is running for murder, sentenced already.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: So was he notorious by association,
 20 not because he was wanted for a particular crime, because there is a difference. If you say he was notorious because he moved with this gang, or that gang, or that gang, that is different from saying he is a known killer, or he is wanted for committing ...[intervenes].

CAPTAIN HOUSTON: To place, Chair, with the place

where he is sitting, it is not just sitting where you are sitting and having a social. It is a yard that has got about six pitbulls. It has got people with unlicensed guns in there. It has got walls about as high as the ceiling. Every time I did a raid there, we had to breach, as in terms of pass the walls and then pass the pitbulls before we get to them. And drugs are sold live as we sit here. Even if we call someone now to say, just go do a live video with us, it is sold live there. So you are not sitting where you are saying you are
10 talking to an ex-gangster or someone has reformed from prison or a school friend. You are sitting right there. So, you know, I do not know if it is correct to say the birds of a feather flock together.

How would you label me if I am sitting in a drug den, if my brother's a drug dealer? You are going to obviously say I am dealing in drugs. Whether you smoke or you do not, whether you drink or you do not, he is not moving where I say coincidentally on a sports field or maybe coming out of a church service or a youth service or
20 a program. You are sitting in a drug den. It is more clearly Hollywood. The shootings happened right there. The killings happened right there. The whole community knows this, went to this crime. But I, and I have seen this thing, it is like nobody wants to speak about what is happening, but that is what is actually happening.

But I know this Bevan is late, he is no more, but Bevan associated himself not with two gangs, with one gang. He was part of Hollywood. Just to place emphasis on it, later I have learned, during my few months left in the police, I have learned about the West Side and the East Side and that West Side and the East Side goes across KZN, maybe South Africa. But just to take it back home domestically, they belong to the West Side. So they, these gangs have expanded, where they say you are either from
10 the West or the East Side. You hear these talks, it is like it loses you. You got to, I got to keep asking the younger people, hey, what is West Side? What is this East Side story? And then it comes out, they tell you. So you do not hear this Hollywood, Cartel, Young Destroyers, the Young Americans. You do not hear that, but you will hear West Side. Then you identified as you, the same kind as me, we are not enemies.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Thank you, Captain. I think you are going
20 to then, because you have dealt extensively with the first encounter. At paragraph 18, you deal with the second encounter with Bevan, where he was a complainant in this instance.

CAPTAIN HOUSTON: Yes, I went on, again, Bevan and his dad are somehow, were in business. But Bevan walked into

the station and opened a case of theft of motor vehicle against his dad. It was for a kombi, as in a Quantum taxi. Again there, this is how we worked as a reaction team from Wentworth. Soon as there is a positive suspect or person of interest, we do not let the case get cold. If the statement is strong, you identify it. Your place of residence, Wentworth is as small as my fist, if I say this, there is no hiding space. You cannot run. We will go bring you in. And like I say yes, maybe that is why I was aliased in a
10 different way. But I am saying this, we will pursue you. Bevan opened a case where his dad was the suspect and that took me to his house.

What took me to his house was, again, the detectives were not following through on the docket. The suspect was outstanding. And they knew they are not going to go take that vehicle from his father, which was an exhibit. I went up and I dealt with the matter. Did not meet his father. The very three houses described are right next to each other like my three fingers. Got a long driveway.
20 You would not be able to say who is staying in which house there. When I was given an address, a mark of where I could find the taxi, I must look in the one yard behind the house, I was being told by neighbours, but all three houses are owned by this family. So I was a bit confused. It was in the Brighton Beach area, which is just up across from

Wentworth.

And I spoke to Bevan's mom. She spoke over the wall, she said, her husband is at work and what do I want? I said, he is, again, person of interest, Bevan has opened a case, there is a case number, I would like to access the vehicle. I saw the vehicle, but I could not remove it because the dad was at work allegedly. In the evening before I could finish the tour of duty, the dad arrived with Bevan in the station and both attacked me as to why I was
10 there. But he was the complainant.

To summarize it, he withdrew the charge against his father. So they most probably sorted the issues out after the visitation by me. Had his dad been there, he would have been arrested by me and the kombi would have been seized as an exhibit and impounded. So that is how the question was, how do I know Bevan or his dad. I do not know his dad from the police.

I know him from these occasions, because on both, when Bevan was arrested the first time, the dad did the
20 same thing, he came to the charge office and he made it personal. And I will go on to where I met him at the entrance, at the main crime scene, what was actually happening there.

ADV MOSIKILI: Yes, we will deal with that one later. So at paragraph 18, you deal with, at least where you

associate Bevan with the Hollywood gang in the neighbourhood. So I do not think we need to repeat that because you have explained that. And paragraph 19, you have already at least given the Commissioners an account of what you did when you went outside, when you called all the role-players. Unless if there is anything else you want to emphasize on paragraph 19, when you were activating the role-players, then we can move to paragraph 20.

CAPTAIN HOUSTON: I think we should move to paragraph
10 20, because I covered it. If there is anything you need to question me on clarity, I will cover it. Thank you, sir. On paragraph 20, I am going to summarize it. As time went on, it was now going into the mid-afternoon, past 3 o'clock, all role-players had arrived. The LCRC, the forensic team arrived, so they took over the scene. So these role-players, this task team, under Lieutenant Colonel Deena Govender, had now removed themselves from the top of the flat and they went into the basement, which you cannot see from a public eye.

20 I went down myself and during that time, there was a lot of talk. The Ministers arriving and E-news was arriving and communications was arriving. Our Provincial Commissioner, I remember he came because he was even denied access. One, we did not know who he was personally. He was denied, so we had to arrange for him to

be accessed, but he was accessed, he arrived. He was not contacted by me.

The Station Commissioner arrived, the ex-Station Commissioner. So I did see them, but I did not communicate with them. I did say I was the only police vehicle within the crime scene besides the LCRC. Again, the proof, not that it is been disputed, is whenever they blow this up on TV, on media, I see the van. My grandson sees this, he says, there is your van, Dad. So that van is
10 the only Nissan Navara in Durban. So having this van, I walked down to where this team was and again, when I met this team, I could confirm now exactly who was there.

So they were standing in a group next to a BMW, but the Metro car was there, the Organized Crime constable from Pietermaritzburg's unmarked car was there, Captain Chevon, China's car was there, that is a Metro dog unit vehicle. Warrant Officer Pedro who is captain today, his car was there. They were standing and they were trying to work out something, so I joined them and then I arrived at a
20 point where they were trying to move the so-called person arrested earlier in the day and I do not want to mention his name, but that particular person, they needed him moved to Pinetown Police Station.

Zwane was standing with me at the time and I offered, I said, I will assist you because there is no need for

me to stay at the scene. I will go with one of your members and we will transfer him. The place of his movement to Pinetown Police Station was kept secret because of security.

To give the Chair a clear understanding what happened on that day, we were running parallel events in Durban. There was rugby and soccer, it was a Saturday. So we had armoured vehicles, Nyalas, in the stadiums. I have access as Operational Commander, where we also
10 oversee events. So I have access to communicating with those Commanders that are placed at these events. So I requested, knowing that the road was getting very busy and by then, I, on my state phone, did get a call from home. I also got a picture, which was taken at the scene, sent to me to say, look what is floating around and I said to my wife, I called her, I said, please switch off the TV and I do not want my family to see what is happening here. It was not nice as in terms for people to see that because I do not know how far on social media this thing is.

20 So I had called before I had left with the male that was arrested or the suspect was arrested earlier. I had called for two sections of the POP guys to come down to that street to lock it down. The reason because of that, a picture went viral on social and that drew people from all walks of life who had interests in this drive-by shootings

and these killings that are going on in the Durban area and surrounding. So that road got, from a quiet road, it got very busy and I could see it from the flat and I say that it is time we lock down the road.

So to give the Chair a clearer indication, with any crime scene, you have the inner and you have the outer. If this is a crime scene, I will cordon this whole scene and I will cordon the outer so that people do not come in and hear what you are discussing in terms of who is the deceased,
10 whatever, because sometimes you do not need any information to leave until the scene has been sorted.

So I locked down using, with the assistance of one of ...[indistinct] that is my crime prevention, to place those Nyalas. And I said to the Commander, I am going to need them indefinitely placed because this crime scene does not look like it is going to be an hour, it is going to be more than that. And just to sensitize you all, that crime scene went on for almost a week, I had to place members to guard it. So even though the bodies were removed early hours of
20 the morning, I know I am hopping, as skipping part of my statement, we still had to guard that scene for a week. When I say there was work to do at that scene, I was only involved with placing of members. I was no longer involved besides looking, what happened there and calling role-players. So ...[intervenes].

ADV MOSIKILI: Captain, before you move on, just give us a better understanding. At paragraph 20, you say that there is this young black male inside Captain Deena Govender's BMW that is being handed to you.

CAPTAIN HOUSTON: That is correct.

ADV MOSIKILI: Did they inform you as to why he was detained?

CAPTAIN HOUSTON: Yes, I by then already knew because they were talking, I could hear that this guy was arrested
10 with an AK-47 rifle and he was arrested with drugs. So there was some association with him and the deceased. That is how they arrived there. So he was seated in the BMW which had tinted windows and that BMW I know is, I know the car, it comes into Durban Central Station. It was driven by Lieutenant Colonel Deena Govender. He was in the backseat.

So I said, I will transfer him with Zwane, because Zwane was seconded to them at the Hawks. I said, long as I got a rifleman, we will take him away from here because
20 they cannot leave the scene. So we loaded this male. This male was not handcuffed. He did not have leg irons or nothing. So I wondered, this suspect, AK-47, I do not operate like this with suspects. I will cable tie you the same time. But he had treatment like he was very casual. So I thought, well, they were here before my time. I am

going to have to just treat it the same.

So I warned this guy, I said to him, you are a suspect, though you are not handcuffed, so do not try anything, you know. So Zwane sat next to him in the van and I drove out. By the time I drove out, there was a crowd outside this complex. And that crowd was not just the deceased's family. There was other people of interest. So there was opposition. I picked it up in my ID's. This is rivals. And I drove out and I said, the shortest route for me
10 to get out to Pinetown was, if you know Durban, was to take the M19, not to go up Spaghetti, the long way up the N3 like you are heading to Johannesburg. It is to go down Quarry Road, past the Macro Springfield, straight up the M19 and I will end up in Pinetown.

I managed to get to Pinetown and this is the timeframe I want the Chair to know. When I reached Pinetown, it was already the change of shift and how I know this, it is now 18h00 from the afternoon we arrived. Because a Lieutenant Colonel Wood, which worked with me
20 in Sydenham years ago, was now in charge of the cells and when I walked in and he saw us with the suspect, he said, I saw your van, you are involved with the shooting. And then Zwane was wearing a Hawks T-shirt. So I just said to him, we need a quiet space as to hold the suspect until he is detained. He said, no problem and he gave us an area to

wait for the person to come process.

Now I am speaking about time, Chair. The time was now past 6. The shift had changed, it is my shift that is on. So if you look at time, if I was managing my time, I was like close to four hours busy with this same issue, attending the scene, speedily, assisting now to remove this guy with transport to Pinetown. When we got to Pinetown, that is where it became a concern. And it gave me opportunity while we were sitting there, which is normal of a policeman
 10 to start talking to a suspect, and I had to explain to him who I was, because I was in civilian dress as well, and I managed to speak to him and ask him, where is he from, what he does, and so on. And the indication that he ...[intervenes].

ADV KHUMALO SC: Are you now reading from paragraph 29? Have we skipped the other paragraphs?

ADV MOSIKILI: Yes, he has jumped to paragraph 29 on page 9, where he is dealing with the transportation.

ADV KHUMALO SC: The transport and the suspect.

20 **ADV MOSIKILI:** The suspect, yes. So it is 29 and 30.

CAPTAIN HOUSTON: May I continue, Chair?

ADV MOSIKILI: Yes, please.

CAPTAIN HOUSTON: If you need to take me back, what I am doing, I am not reading my statement verbatim because I know this thing as far as I remember it. So I had

opportunity to even find out his background, what did he do for a living. He said he was a Uber driver, then he became a tow truck driver. Then he was supposed to be transferring a vehicle. The same vehicle was arrested. In the same day, there was papers to transfer it onto, I think Bevan's name, he said. And I did not realize that that vehicle was a vehicle used in a previous shooting because I had not seen the vehicle at the scene and I was not present when he was arrested. And then I went on further to find
10 out his family background and it was then he disclosed to me where his mother of his children works, and how many kids he has, and where the police had taken him to, where he had further exhibits which were seized by this unit.

So I will not discuss that because I was not part of it, but he confirmed that there was items seized, he was cooperative, and then that is how they ended up in Morningside. So I kept it in the back of my muscle memory that this guy has a landmark where he stays. He has a family. He has a spouse. So should he, let us say,
20 hypothetically escape one day or go missing, I know who to ask questions. And one would ask, why would you say that?

The mere fact that I had him in my custody, it was a prerequisite to question him as to who are you, what is your name, even though I do not remember his surname. But to

fast forward, when I was dealing with the evidence leaders and I was dealing with IPID previously, it was alleged that they lost this person. But due to what I furnished him with, they were able to locate him. I am not going to mention who and where. So I was given a phone number by ...[intervenes].

ADV BALOYI SC: Before you do that, you say something in that last sentence in paragraph 29, his association with Bevan.

10 **CAPTAIN HOUSTON:** Yes, I did question him. He did say he is a middleman. He only keeps the weapons and he keeps the drugs. On this particular day, he was taking the drugs to Newlands and then he was going to meet with them. He did not mention that to me.

ADV BALOYI SC: Thank you.

CAPTAIN HOUSTON: I did not include names here, but he also mentioned besides Bevan another deceased. He was not too sure that guy was there. He said that guy has gone on a trip, as on a boat trip, as with the MSC, the trip that
20 takes you out for three days. So he was unaware that this guy was in the flat, as basically confirmed normal or deceased.

ADV MOSIKILI: In simpler terms, Captain, when you say that because you use the word middleman, what does that mean, he was middleman for Bevan?

CAPTAIN HOUSTON: Yes, what he says, whenever it comes to moving or storing or keeping, say keeping on the guns, because he is in the estate, they would leave everything with him. They entrusted him to keep it. That was his roleplaying. And I still wanted to associate because I have never seen him in Wentworth, this guy, during my period that I was policing because even when I moved from Wentworth, I moved to Brighton Beach, I still oversaw Wentworth. When I moved to the provincial task
10 teams, I still oversaw Wentworth, even though it took me wide and far. I never seen this youngster. This gentleman was the first time I have seen him and I was asking questions of interest, which he was not being forced, but he was talking because we were very - Zwane is a member or was a member that was never vocal, very reserved, very professional, and he would not interrogate you by questioning you. That is Zwane.

So I was doing most of the talking with him, and what kept me talking to him was we waited for a long time.
20 From when I left that scene, which takes me less than 15 minutes from the scene up to Pinetown, I was sitting in that holding cell area almost till about 8, half past 8, and I was getting agitated, but I had a phone number because before I left, I said to Captain Deena Govender, please give me a number so I can phone you because I do not have their

phone numbers, and he gave me a number.

So when I phoned him after an hour and said, you said you are sending somebody to come process your suspect, now we are sitting here and nobody has come here. He did not answer. Warrant Officer Sivan answered. And I am saying, is that Captain Deena, and he says, no, it is Sivan. I said, I need to speak to the captain. And he is sort of like, we are coming now, we are coming now. Eventually, after about two and a half hours, after I made
10 off my state phone, several calls to them to say that I am going to leave this guy and I am going to go home. I am going to duty off, it is out of my time. I will drop Zwane and I will go home.

A NIU member, National Intervention member, one member arrived. When he arrived, I was quite happy to see his face because I identified he is the same one I saw at the scene. I do not know his name. I am not going to even mention it if it is mentioned, but he said he is there to process the suspect. I was shocked that a NIU member is
20 now going to write a statement. So I looked at him and I looked at the exhibits. He arrived with a rifle and he arrived with a small amount of drugs. And that was like contrary to what was being said before he arrived, what was being seized, so I did not want to even visit that because what this arrested person, which was arrested earlier, told me

what he was arrested for, was not speaking to what the NIU member arrived with. So he asked me, Captain, can you assist me with processing the suspect? I said, I am sorry, I cannot. You need to get your crew or you need to get Warrant Officer Sivan or Deena to come and assist you. I am now leaving you here. And then I said, you alone? He said, no, I am with a driver. I said, get your driver to come and assist you because they needed to fill in certain documents and write statements.

10 And that is how I left, Chair. I drove and I will never forget, it was close now to 9 o'clock in the evening, about quarter to 9. Zwane is 100% vegetarian. I know I am disclosing his eating habits. I know him, he would not even eat egg in a scone. He worked with me for a while. And we were hungry and I offered to buy a meal and the only place that was open was the Britannia Hotel. The takeout was closed, but I made arrangements and we bought two bunny chows, which we ate, which was vegetable bunnies, broad beans. We ate outside on the bonnet of the car. So we
20 were not in a hurry to get back to that crime scene. We dealt with ourselves first. We need to, we had not eaten the whole day, so we had something to eat.

 And I said to Zwane, I am going back to the scene, but I am not going to go in, I am going to park on the road. By then, the Ministers and all the high profile people would

have arrived. I was not following anything on social media. I parked my vehicle on the roadside and that would bring me to where I met the previous witness and I am going to say how I met him. The minute I saw the crowd, I pulled my ski mask down, it was a beanie, I pulled it down. The reason I did that was, even though people in Durban now drive their vehicle, some people were unaware that I was now the Operational Commander in Durban Central. They all still thought I was on the South. So I pulled my mask
10 down, stepped out of my vehicle, Zwane walked down and he went back to his members that he was assigned to. And I heard a conversation taking place between the Sector Commander ...[intervenes]

ADV MOSIKILI: Captain, I might have missed that, is there a reason why were you wearing a balaclava all this time?

CAPTAIN HOUSTON: There were lots of gangsters and unruly people that were there and being alone on my vehicle, I pulled it down. I was in civilian clothes, I pulled it down and I said, I will sit on my vehicle. But then
20 eventually I got out of my vehicle and I could hear the previous witness talking to my Sector Commander.

Now what happened to my Sector Commander, he used to drive an Urban Cruiser, a new one. He had his lights on the whole day from when he was there, whenever he arrived, because I was not monitoring him. His car

switched off, so he needed a boost. So he came to me, hey, can you boost me? And I said, no problem, I am carrying cables, boosted him. But I heard the conversation.

The previous, Mr Loftus, as in Gregory, was having a small argument with him, that is not Houston. He said, no, that is Captain Houston. He said, no, Captain Houston is in Wentworth. Gregory said, no, Captain Houston I know is in Wentworth, he is not in Durban Central. This guy says, no, he is in Durban Central. In the meantime, I am
10 already long in Durban Central. It is over 2 years, but they did not know my status.

So eventually I said, these people already know who I am and they were closest to the entrance of the driveway, so I rolled up my beanie, but I kept my head on because the dew was falling. I kept my cap on, and I approached him and it was there when I approached him, he said, hey, I can see it is Captain Houston, and I spoke to him. When I spoke to him, he greeted me, and he said, hey, it is you and he mentioned some words which would
20 have upset me, mumbled some words, oh, this was all a planned thing, because he obviously thought I had something with his son, because I had arrested him previously.

Then I sympathized with him. I said to him, Greg, I am sympathizing with you because it is now hours later, this

is like past 9 in the evening. His family were all standing there, but at certain intervals away from each other, but he was standing with the Sector Commander ...[indistinct] it is, and I said, your son is no more, I just want to sympathize with you. But you must let whatever is happening be subject to investigation. That was my exact words to him, because I was not here to say what happened, and if you are going to hear anything, it is going to be propaganda, because the only people who knows what happened here
10 are the people inside. And that is how we left it.

I did not include in my statement - just to tell you who is Warrant Officer Venkatesh so you understand how does he get to talk to this Warrant Officer Venkatesh. Warrant Officer Venkatesh, I never knew whilst I was working in Wentworth, his daughter, his eldest daughter is a teacher in a school right opposite the police station, she is in a relationship or had a kid from late Bevan's first cousin. His name is Heath Loftus. Heath Loftus is an alleged drug dealer. So Heath and Bevan did not get on. They had the
20 same granny in those flats, Reiger Road flats, that is Mr Loftus' mother.

So what actually happened was, they ended up being directed from the charge office personnel into my crime prevention office where they had a domestic feud, where he was threatening to take the child away from her,

and there was a gun threat, but I had met Heath that day, and I sort of, in layman's language, cooled him down properly, and said, if there is anything that you are saying that you are going to do, you are going to end up being arrested, it will work against you. Now, why I am saying this, I never knew that the lady sitting in my office was going to be one day somebody's daughter that is working now under me as a Sector Commander. That is one of Venkatesh's daughters. So if you see why Mr Loftus, 10 Bevan, was talking to, not Bevan, sorry, his dad, was standing with Venkatesh, it is closer than just standing there. It is unlike standing and talking to me. It is your daughter and my first blood nephew are in a relationship, they have a child.

So they know each other very well. So that is why they were having that argument about who is this Houston here? Is this the same Houston I met with? No, no, no, it cannot be. And I heard it. It was like on top of their voices because they were upset, he was upset about this whole 20 thing, which was a norm. As a parent, you would have been upset with whatever they are alleging has happened.

ADV MOSIKILI: Captain ...[intervenes].

ADV KHUMALO SC: Mr Mosikili, at this point, subject to what you have to say, you may have your own plan, but because Captain Houston introduced the topic, Gregory

Loftus, paragraph 74, yes.

ADV MOSIKILI: Yes, it is up there, Chair, Commissioner Khumalo. We want to deal with that directly.

ADV KHUMALO SC: You will deal with it?

ADV MOSIKILI: Yes.

ADV KHUMALO SC: Yes, okay.

ADV MOSIKILI: Captain, you would have heard from the previous witness being Mr Gregory Loftus. At paragraph 73 and 74 of his statement, we are, it is in front of you there. I
10 think you can see it there. He deals with the encounter that he had with you on the pavement of the crime scene and in particular, paragraph 74, this is what he says you said to him, and I would like to invite your comment to that. He says at paragraph 74 ...[intervenes].

ADV KHUMALO SC: Sorry, does he have the ...[intervenes].

CAPTAIN HOUSTON: No, I do not. Is that in the second file?

ADV MOSIKILI: Let me arrange it for you. Page 22,
20 paragraph 74. So the file will say, “Gregory Loftus statement with annexures”. Now, I want you to focus on, in particular, paragraph 74, where he makes specific allegations against you as to what happened on the outside while you were waiting outside. He said, at paragraph 74, at the bottom of the page:

“Captain Houston relates that when he entered the flat, he first saw Sihle Zondi laying in the passage in a pool of blood. He then saw four men in the lounge lying side by side. He at first did not recognize any of them, but on a second closer look, he recognized Bevan. They were all lying in blood on the floor. He said that it was one of the worst scenes
10 he had been in. He said, I must not leave it because they were executed.”

CAPTAIN HOUSTON: Chair, that is not my words to him. I deny saying that to him. I would not say something like that, not to protect anyone's actions, but that is unbecoming of me to say that. About seeing the first person, I did not even know that person. Up until today, I do not even know. This name is foreign to me. So, with identifying who Bevan was and who the second person, as I said, I did not know his surname, those were clearly identified. Just with a
20 quick glance at them, I could say who they were. The other three deceased, I could not say who they were. And there was not a second look.

When I went in, because I knew they are dialoguing about me being in there, I looked and I extracted myself, I left. I was satisfied that there is a shooting. There are five

deceased. I need to get people out there ASAP. So, with Gregory, I would have not discussed such.

ADV KHUMALO SC: Other than identifying his son, did you tell him about the scene? Did you tell him what you saw when you went into the flat?

CAPTAIN HOUSTON: No. I will tell you where he picks that up, or he depicts that. Whilst we were up on the flat, before we even came down, a picture was circulating and that picture circulated on social media. There was a family
10 member, I am not too sure that got hold of me. It was never my wife, because she is also not on this Facebook stories and then, which said, hey, there is a shooting at ...[indistinct] where these people have been shot.

It was a sensitive picture and I was upset about it. I had to wrestle with it the whole night, in fact, for a couple of days as to say who would do such a thing? Only somebody who was up at the scene and it was definitely not forensics that would circulate a picture like that. So, that picture he already had, before he even spoken to me. You
20 must remember when he testified here, it sounded like the shoot took place say, for example, 2 o'clock. He was there half past 2. I only saw him when I came back past 8, almost quarter to 9 in the evening, standing by the gate. I did not communicate with him prior to that.

When Zwane and I returned after depositing the so-

called detainee, and handing over to NIU, only then people saw me close up when I removed my cap. So, my communication was short. Clearly, I did sympathize with him. I would do that even if I am in a shooting with someone. I would sympathize because parents need to know what their children are up to. We all defend our kids.

ADV MOSIKILI: Thank you. So, you never said to him that it was an execution?

CAPTAIN HOUSTON: Never mentioned it.

10 **ADV MOSIKILI:** Okay.

CAPTAIN HOUSTON: He mentions I went in a second time. I did not go a second time and look. There was no second time.

ADV KHUMALO SC: No, he does not say you went in the second time. He said, at first, you could not recognize any of them, but on a second closer look, in other words, you went closer. So, not that you went in and left and went the second time.

20 **CAPTAIN HOUSTON:** No. I did tell him I identified, I only spoke about his son, that I identified his son. The rest, I did not even discuss who is the deceased, even though I could identify a second person. You must remember, Chair, the deceased, the second one that I identified, that I mentioned, his parents did not even know he was there. They thought he is gone on holiday. That particular

detainee that I took to Pinetown, did not even know that that particular individual is no more and I never disclosed that to him. So, when I say I never disclosed, there was no need for me to explain who is now deceased out there.

There was procedures taking place that eventually would have come, right up until early hours, I think it was close to like 2 o'clock in the morning, it is not in my statement, but we had to abseil those bodies down. The body bags were too weak. We had to use search and
 10 rescue to bring those bodies down and the families watched from outer. They counted the amount of bodies that were coming down and they were like, oh, is that correct count?

But like I say, that picture that was taken, and it was taken, and I am going to say this, it could have only been taken by the people who entered there and the people who entered there is Captain Deena's team. One of his members took that and sent that out to somebody and that somebody put it on social media. And I heard Chair say in the previous witness, police have WhatsApp groups. I
 20 belong ...[intervenes].

ADV BALOYI SC: It was me.

CAPTAIN HOUSTON: Yes, I remember. And you know, I sort of like wanted to reach out to you and say, no man, touch the screen here, wait. We do have these groups, but why would we, if we are a team of six, send a picture to

each other when we know what is happening there. And if we are going to do that, keep it as a library or keep it as a file, as part of our file of the scene, because we sort of keep transcripts of our scene. Why would we send it to each other? That thing was sent directly to somebody of the public. Whether it was sent to Wentworth, or whether it was sent to Sydenham, or to Marianhill, or Newlands, it was sent to somebody who immediately, and I remember that day when I got the call and I can say this, even though I am
10 not a computer fundi, I am still, my grandson is better, I am going to say it openly. I am good at weapons, but I am weak with a computer. I am saying this, that when it went on Facebook, somebody blocked it. When it went on Instagram, they blocked it because it was sensitive. It was something that was running currently with the other social media platforms. It is the news.

So, it was a sensitive one. But Mr Loftus had that already before he even spoke to me. He would have confirmed that that is his son by looking at Bevan's name
20 there, and he would have identified, as he says, Bevan's friends. I could not identify them. I could only identify Bevan and Ryan.

ADV MOSIKILI: Thank you, Captain. It is unclear as to why he would attribute those utterances, at least attribute and associate them with you. But I would want us, Captain,

to go to page 7 of your statement.

ADV BALOYI SC: Maybe before you go to page 7, Captain, at paragraph, and maybe just for completeness, at paragraph 34, you actually describe the engagement with Mr Loftus, what it is. Do you want to speak to that?

CAPTAIN HOUSTON: Okay, I just want to read it quietly before I respond to you. Yes, I think I designed my statement, wording like that, Chair, away from this. You must remember that very same firearm, the licensed firearm
10 I referred to, I seized it in Wentworth and somehow it went back, obviously because the policeman's case obviously did not go to trial. Outcome I did not follow, as respect of it, so I think it would have been normal that he would have had a licensed firearm with him, if it was not in his safe at home.

And yes, his dad was, he was mumbling a lot of things at the gate. He was upset and he was saying a lot of things, because obviously of his history. I heard a little that night. I heard more when he testified. I got texts on my personal phone, or maybe even my state phone from him,
20 where eventually I did not just respond to him because he was trying to extract stuff from me. And I think, and I am not pointing fingers, but I would say it openly, I think Warrant Officer Venkatesh was one to furnish my numbers, because nobody has my personal numbers.

ADV MOSIKILI: Thank you, Captain. Can we then go to

page 7. I want us to deal with your observation of the crime scene and that, it starts at paragraph 21. So we are going back to your, so on your statement, yes.

CAPTAIN HOUSTON: Okay.

ADV MOSIKILI: Can you pick it up from paragraph 21, Captain?

CAPTAIN HOUSTON: I have got it. I am just reading it before I comment on it. To summarize it, Chair, my opinion, my opinion from my experience, not on this particular day,
10 but on a simulation, if I were to simulate coming through a door, my tactical experience does not speak to this movement of these members, because any tactical movement, whether the door is closed, or whether the door is ajar or open, a person my frame, with a bulletproof vest, if I took you, Chair, and we came into a single door, we will bump shoulders, with rifles in our shoulders, to engage a threat.

So I had opportunity to read the statements, and that is for the first time I actually get proper insight as to
20 what actually happened on the inside. But for me, from my experience, tactical movement, firstly, I am going to comment on Metro, they do not have any tactical movement. They do not know house movement. I would not work with any Metro member, whether he is from the dog unit, he will end up shooting me from behind.

ADV BALOYI SC: [Indistinct]... should not have been in that room.

CAPTAIN HOUSTON: What I am saying, let us start from the entrance to the flat so we get a clear picture. If the threat is inside ...[intervenes].

ADV MOSIKILI: Captain, sorry, can we do this, maybe to get a better perspective, because we do mention a statement of Jevon Lee China. Perhaps, Commissioners, we can go to file number 2. It will give better context to
10 what the witness is trying to explain. So file number 2 on page 420. So, Captain, you will see there, it says the statement of one Jevon Lee China. You will accept that this is one of the statements that you looked at, is that correct?

CAPTAIN HOUSTON: That is correct.

ADV MOSIKILI: Yes, and for the purpose of this discussion, I only want you to read into the record and then you can explain, paragraph 4 of that statement. Maybe just read that into the record without explaining first.

CAPTAIN HOUSTON: Sorry, Chair, you want me to read?

20 **ADV MOSIKILI:** Ja, into the record, just that part.

CAPTAIN HOUSTON: Read the whole paragraph?

ADV MOSIKILI: Yes.

CAPTAIN HOUSTON: Okay, paragraph 4 from Jevon Lee China's statement. It is the captain from Metro, reads as follows:

“As we approached the flat, I noticed that the flat door was open. Captain Rodriguez, which is Pedro, was slightly ahead of me. Captain Rodriguez shouted out aloud as we entered that we are the police. I also shouted out identifying ourselves as policemen. There was a lot of movement from the occupants of the flat from the lounge area away from us further into the flat. For a few seconds, I lost sight of the suspects. Suddenly there was a deafening sound of gunfire coming from the position of the suspects. The suspects fired at us. Captain Rodriguez returned fire. I saw the suspects firing in our direction. I returned fire as my life or lives of my colleagues were in imminent danger. I fired two rounds from a department LM5 rifle.”

I am not going to read the serial number, it is there.

“My colleagues, one officer Monsami, one officer Chabalala and Constable Halford also returned fire simultaneously. When the gunfire stopped, in a couple of

seconds, Captain Rodriguez informed us that he had been shot in the abdomen. Fortunately, he was wearing a bulletproof vest.”

ADV MOSIKILI: And then before you comment, can you also go to page 405 of the same document and the statement starts at 404. And can you confirm that is a statement of Matthew Roger Halford and can you confirm that is one of the statement that we provided to you?

10 **CAPTAIN HOUSTON:** Okay, I get that. Which paragraph would you like me to read to you?

ADV MOSIKILI: 405, just read into the record paragraph 7.

CAPTAIN HOUSTON: 404?

ADV MOSIKILI: 405.

CAPTAIN HOUSTON: 405, paragraph 7.

ADV MOSIKILI: Yes.

CAPTAIN HOUSTON: Okay, this is the statement of ...[intervenes].

ADV MOSIKILI: It will say ...[intervenes].

20 **CAPTAIN HOUSTON:** Matthew Roger.

ADV MOSIKILI: Yes.

CAPTAIN HOUSTON: He is a constable, this is the member that is from Organized Crime, Pietermaritzburg. Paragraph 7 states:

“I further with Captain Rodriguez,

Captain China, that is his surname, Metro Police, one officer Monsami and one officer Chabalala proceeded to the said flat. As we approached the flat, we noticed the front door was ajar. As entry was gained into the flat, we identified our office by shouting verbal warnings at the time. I observed a group of males jump up from the couch and move further into the flat, where we temporarily lost sight of them. At this point, we came under high calibre automatic fire, a stun grenade was thrown into the said flat, and we moved forward into the flat simultaneously firing.”

ADV MOSIKILI: Can you also read paragraph 10 for completion?

CAPTAIN HOUSTON: Paragraph 10?

ADV MOSIKILI: 10, yes.

20 **CAPTAIN HOUSTON:** Of same 405?

ADV MOSIKILI: Yes, it is on the same page, yes.

CAPTAIN HOUSTON: Paragraph 10 from the same member states:

“I later established that I had fired 10 rounds with my state issued rifle, serial

number ...”

And I am not going to mention it.

ADV MOSIKILI: And then lastly, please go to page 425. That is a statement of Pedro Rodriguez. And again, Captain, can you confirm that this is one of the five statements that we provided to you to consider?

CAPTAIN HOUSTON: Yes, I confirm, Chair. This is a statement that was issued to me to look at.

ADV MOSIKILI: And then on that statement, please go to
10 the next page. I want you to read into the record paragraph 7, which is the first paragraph.

CAPTAIN HOUSTON: Okay, this statement, which I am reading, is one of Mr Pedro's, or Captain Pedro of recent promoted. Captain Pedro, paragraph 7, from SAPS dog unit.

20 “I, together with Captain China of Metro, one officer Monsami, one officer Chabalala, and Constable Halford proceeded to the said flat. As we approached the flat, I noticed the front door was ajar. As I entered the flat, I identified ourselves, our presence as police officers shouting verbal warnings. At the time, I observed a group of males jump up from the couch and move further

into the flat, where we temporarily lost sight of them. At this stage, high-calibre automatic fire began, been fired at us. I immediately began to return fire as we moved further into the flat. During this stage, I felt that I had been shot in my lower abdomen area. Simultaneously, a stun grenade was thrown as we continued to advance forward.”

10 **ADV MOSIKILI**: And then lastly on that page, can you read into the record paragraph 10 of that statement?

CAPTAIN HOUSTON: Paragraph 10 states:

“I later established that I had fired 12 rounds, meaning 12 shots had been fired with the state firearm, R1 rifle.”

I am not going to read a serial numbers there.

ADV MOSIKILI: Thank you, Chair. The story continues where the different police members have given statements of their account, and we had given those statements to the
20 Captain to come and make sense of them. Captain, I think then you can explain to the Chair what you are trying to explain about the whole formation there. How do you enter the house, at least in that instance?

CAPTAIN HOUSTON: Okay, Chair, just again, I will speak about my experience or training. Coincidentally, with my

training accreditation, I had ...[indistinct] trainer with Metro. So where China was trained by his trainers, those trainers were trained by me. We do not do tactical movement with them. They do application shoots. To refer to Pedro, the dog unit, Rodriguez, he was previously a National Intervention member before moving over to the dog unit. So he would have had a bit of experience with house movement or how to enter. DPCI, the constable from Pietermaritzburg, I am not too sure of his background history. If he was
10 assigned to DPCI, it is straight out of training because he is a constable, or if he belonged to a tech unit, but DPCI, as far as I am concerned, if you are in a unit, you are a docket carrier, you have got no experience. I would not train you tactical policing 1 and 2 movements, house movements. There are two NIU members there. Those NIU members do have the experience.

There are prerequisites to every house clearance when we are training you. The prerequisite is seven members to any room. If you have got less, we are not to
20 enter. The reason why we are not to enter, if there is a casualty on the state side, then that person leading that group will have to answer, and *vice versa*. If you look at the amount of rounds the members are counting for what they shot, realistically speaking, if they fired those amount of rounds in such a small area, then I would describe it as

an overkill.

I do not have copies, or I was not part of seeing post-mortem reports. I have nothing in front of me. I am speaking of my experience. I am going to stick to my experience. Again, I use the Chair and myself going through a normal house door. There is a tactical movement way in which we cut that door. When you are looking down the passage, we call it you are looking at your 180, straight down. So your threat is either ahead of you, or was that out
10 of your sight. Now, the way these members are saying in their statements, they moved, it seemed like they were sucking thumb. If that door was ajar, and they managed to set foot inside, and I was sitting on that couch, I would have eliminated him, because I would have had sight on him, because they should, it is either they had intelligence or the whole set up of this flat, because if I do not know what is on the side of the lounge, you lost sight of the people, that flat is not very big.

So hiding spaces, you are going to run around the
20 corner, you are only going to go two metres, and you cannot go anywhere after that. If you are on the balcony, you are five floors up, you are going to jump to your death. So I think it is questionable, or proper accountability should have been done in terms of how they entered, who led this entry. You can see they are all speaking about the stun

grenade being thrown over. A stun grenade do not come after you start firing your rifle. The stun grenade, that is why it has the name stun grenade, it is a pyrotech we use before you even engage or discharge your firearm. You would see in the statements, and I am seeing it now, not for the first time, but the statements were said, and I read, and I do not want to study it page for, but when I read the story, I said, it does not sit well with me from my training experience, because if they were to simulate that

10 ...[indistinct] where they are going through, and I left a mannequin around the corner, or four mannequins around the corner, and I stood there, I would have tapped them on the heads with the dry guns and said, listen, you failed. You would have put yourself as a casualty. That account does not marry what tactical movement is about.

ADV BALOYI SC: Is it possibly a function of what you say is they lacked tactical experience?

CAPTAIN HOUSTON: Yes.

ADV BALOYI SC: They should not have been there, some

20 of them ...[intervenes].

CAPTAIN HOUSTON: Highly trained, highly trained, highly trained. I will reiterate it, there is an indictment, highly trained. When the National Intervention is not working, they are simulating, that is what we do. We are simulating all the time. It is like a fireman. When he is not out

extinguishing a fire, he is not sleeping on the bed if he is at work. He is simulating, he is busy, he is training. It is the same with tactical movement. We do the movement continuously every day until we go out for operations when we needed to go out on operation. There is no space for an error, when I say an error, because we will come back with a casualty if we are coming back.

But I am saying, the way these statements are made, there are members that are not tactical. In other
10 words, you are just the blind is leading the blind. Let us hypothetically say Pedro Rodriguez was tactical. He fired so many rounds of a rifle, a R1. R1 is high calibre, one round, you drop an elephant. You are in a space of less than 4 by 4, a room, so many rounds. Something is not speaking to whatever happened there off their statements.

ADV KHUMALO SC: Captain, so you highlighted two things. I want to ask you about a third one. You highlighted the composition of the team and the fact that at least the dog unit and the DPCI constable may not have had
20 the experience. And also, I guess, Jevon Lee, the Metro police officer. The second issue you highlighted was how they were supposed to enter the room.

But something is strange here, because what the statements seem to suggest is that these five officers were ambushed, as if the people who were in that room were

waiting for them and were already carrying their firearms, because they are all saying, as they entered, the people inside started firing at them. That is what the statements seem to suggest. But then, what is odd is that only Captain Rodriguez was hit, and he was hit by the vest. And the reason why you say this is improbable, you said if the scene happened as they say it happened, they would have been shot or they would have been hurt.

CAPTAIN HOUSTON: That is correct, there would have
10 been a casualty, because again, I start at the door, Chair. I start at the door, the movement, shoulder to shoulder. Nobody walks in front of somebody unless you know what you are doing. If you are in front of me, I will demonstrate it to you, my rifle will be on your shoulder. The next person's rifle will be facing the back, because you do not know who is coming from the back. And we will cut this place nicely, as in terms of cut our corners tactically.

I do not want to demonstrate the whole foot movement, but they will know as tech people what I am
20 talking about. Even if the door is ajar, there is a way you go into a door. You ...[indistinct] person standing behind the door. So again, what you are saying, you are absolutely right. I am saying this, even with panic, they would have shot each other up in that narrow space, because they fired so many rounds. That means all the shooting happened

around the corner.

ADV KHUMALO SC: And Chair has been careful to point out that we are not so much concerned with the shooting and how it happened. The focus of the Commission is whether the police have been infiltrated by the gangsters and the drug dealers and other people. So I do not want to go into detail about the shooting itself. But Mr John, the DPCI officer, when he gave evidence, he talked about the way the victims were lined up. IPID, sorry. Did I say
 10 DPCI? IPID. The way they were lined up. Because you saw them when you entered the flat, what was your impression of how they were lined up? Does it accord with the statement?

CAPTAIN HOUSTON: The four does not speak to the shoot. Even if I took the picture that was circulated, the four deceased, leave the one that is laying closer in the picture, the four around the corner, that is Loftus, Ryan, and the other two unknowns to me, it does not speak to the shoot. When I say it does not speak to the shoot, how does
 20 one cut a corner and you find four people standing there and you hit them? Now they fired so many rounds. Now if those, if that shots fired, missed, they would have hit the walls behind them. Nowhere high up is there one round that missed where there is damage to the walls high up.

ADV KHUMALO SC: Do you still have file 2 next to you?

CAPTAIN HOUSTON: Yes, I do.

ADV KHUMALO SC: Just have a look at 699. They do not have to flight it.

CAPTAIN HOUSTON: Sorry, Chair, just repeat the number, 6?

ADV KHUMALO SC: 699, 699.

CAPTAIN HOUSTON: Ja, I got it.

ADV KHUMALO SC: So having read the statements and the description of what happened, when you look at that
10 photo, is it consistent with what the statements say happened?

CAPTAIN HOUSTON: Never. It cannot be. That is how I saw this when I entered for that few seconds. I saw more, the picture is wider than what is here, but it does not speak to it. You shoot someone with a rifle, I am just saying, or even a pistol, close range, the body positions will never be like that. You get shot with a rifle, resimulated on a shooting range with mannequins, it will lift you and throw you. Maybe enter and even exit, there would be blood
20 splatter all over those walls. So I am saying on the statements, my opinion is what I read and what I see, for me, it does not speak to each other. They need to, whenever, explain how this came about.

ADV MOSIKILI: Captain, while you are there, can you also go to 767 on the same file, file 2. You let me know once

you are there, Captain, 767.

CAPTAIN HOUSTON: Ja, I got it.

ADV MOSIKILI: And then, are you there, Captain?

CAPTAIN HOUSTON: I got it.

ADV MOSIKILI: And then I also want you then to move to 771, and then go to 772.

CAPTAIN HOUSTON: I got it.

ADV MOSIKILI: Captain, maybe in your own words, can you explain what you make of what is depicted on that
10 picture, and in relation to paragraph 25 and 26 of your statement, in terms of those bullet wounds, those gunshot markings, and some of the blood splatters on the floor.

CAPTAIN HOUSTON: What page on the statement?

ADV MOSIKILI: Now we are on 772.

CAPTAIN HOUSTON: No, I got those. The statement?

ADV MOSIKILI: Your statement, page 8.

CAPTAIN HOUSTON: Oh, my statement.

ADV MOSIKILI: Yes, I am saying in relation to what you are saying on your statement, so maybe you can refresh
20 yourself what you say.

CHAIRPERSON: Sorry, which paragraph are you referring him to, 25?

ADV MOSIKILI: We are on 26. 26, paragraph 26.

CHAIRPERSON: Thank you.

ADV MOSIKILI: This is where you say, having refreshed

my memory by looking at the photos of the scene, it is observed that most of the blood splatters were on the lower, should be lower, on the level, lower level on the wall. And it goes on page 9. Do you see that, Captain?

CAPTAIN HOUSTON: Yes, I see that.

ADV MOSIKILI: Yes, I have just given you a demonstration of some of the bullets where they landed.

CAPTAIN HOUSTON: As I said in my statement, Chair, with the statements of the shootists, and the pictures taken
10 by the photographer, it does not speak to each other with the statements of the shootists. And my opinion is, is if anyone try to hide that they go hiding in a laying position, or that they go hiding in a kneeling position, that they stumble on each other, because it is alleged somebody was firing at the police there. So, or some bodies was firing, that is the allegation.

But if you look at all the pictures, the pictures that were taken here, these are all low shots. And you cannot, a rifle, just to give you the difference between shooting with a
20 pistol and a rifle, if I train a slow learner with a pistol, if they fear the sound going off, and they do not follow the fundamentals which I would teach them, they will shoot the ground. And from 5 metres, they shoot the ground.

But if they follow the fundamentals and they know their weapons, that is why I said this would be advanced

units that are doing house clearances. If you are not trained to do it, do not do it, because you will end up injuring or killing your own member. You are going through a door, whatever way your rifle is pointing is the direction in which it is going to fire. So there is no way if you have got your rifle in your shoulder, it is going to fire on the ground. So, the statements, what I have read ...[intervenes].

CHAIRPERSON: Unless you point it, unless you, it is on your shoulder, nothing stops you from pointing it to the
10 ground.

CAPTAIN HOUSTON: Let me give you a better simulation, Chair, and it is good you ask this question. It is healthy because not everyone carries rifles. A rifle is about 15 kilos with a magazine in it, 15 kg's. We have got tactical belts on this rifles. You do not carry a rifle without a belt. So it takes, it supports you with the weight. When you train with a rifle, it is from the safe ready, your rifle is here, but when you engage in a threat, your rifle is here. So the movement is not from your lower hip, one, two, three. By
20 one, two, three, me as a weapon expert, I would have double tapped you before you do anything. So the rifle would be in the shoulder when you enter in the threat.

There is no way when you discharge that rifle, you are going to hit the ground or you are going to fire low. So when we do close contact, we say whatever direction you

point your rifle, if you discharge it, that is the way it is going to fire. So if they went around the corner, for example, and I am not dealing with what happened there because I was not there, but I am saying if one goes around the corner, you need to cut with your rifle. So normally the way we would cut, we will drop the rifle. So it is not the barrel is not seen coming around the corner. Drop the rifle, and as soon as we cut, we lift it up to engage. So you are not firing in a low position.

10 I am saying from experience, when we drive by and we simulate, that is the exercise. The movement is never from upward, downward. It is always from here, save ready, to your shoulder. It is never up here. Even when we engage in someone that is higher, first floor, second floor, and if you are going up the stairs, it is always in your shoulders from there to there. And if the threat is not there, it is immediately here because you could have someone innocent that will just bypass or come in front of you. But from these statements, like I say, to the pictures of where
20 the walls and the floors are damaged, it is indicating clear that the whole shoot, and I do not want to ponder on it, but from my experience, that whole shoot was a low shoot.

ADV KHUMALO SC: So, Captain, you were not there, but in layman's terms, the story as depicted or as set out in the statements does not add up.

CAPTAIN HOUSTON: It does not add up. Firstly, with the amount of rounds they fired, a human being's body is a big target. When we simulate, we shoot on straight pins. We shoot on matchboxes. We shoot on a 9mm cartridge. It is ridiculous.

ADV MOSIKILI: And perhaps, Captain, to give better context, at paragraph 24 of your statement, maybe read into the record as to how many rounds were shot by each of the five members. That is from paragraph 24.1 to 24.5.

10 **ADV BALOYI SC**: According to their statements.

ADV MOSIKILI: According to their statements, yes.

CAPTAIN HOUSTON: According to the statements, ja. Well, I confirmed this off their statements that Captain Pedro Rodriguez fired 12 rounds with the R1. The magazine capacity there is 20 rounds, if it is not an extended mag, but the standard issue is 20 rounds of ammunition. That is a lot of ammunition to be fired. Constable Matthew Rodgers fired 10 rounds off his rifle. Constable Monsami, the stun grenade. Constable
20 Chabalala, three R5 rounds and Jevon, two rounds from the rifle.

ADV MOSIKILI: Now, I want you to consider, Captain – Chair?

CHAIRPERSON: Let me take you to 776 and 780. Do we have any idea where those, where on, whether it is the wall

or whatever else, where exactly those are supposed to be and how does that fit in with what you are telling us? I am not saying it does not. I just want you to please explain.

CAPTAIN HOUSTON: Chair, that 776 looks, from what, if you look at 773, that is looking like that is the passage wall which leads you to the lounge. I could be subject to correction. If you look at 776 ...[intervenes].

CHAIRPERSON: But in terms of what you said, is that low or high?

10 **ADV MOSIKILI**: Perhaps it will help that when you answer that question on 773, look in relation to the green couch, in answering that question, maybe that will assist.

CAPTAIN HOUSTON: 77?

ADV MOSIKILI: 773, yes.

CAPTAIN HOUSTON: That is low.

CHAIRPERSON: I am not sure, it is, especially the top mark would have been around what, head level. In fact, even above head level if someone was sitting on the couch.

CAPTAIN HOUSTON: That picture, if we entered as we are
20 going towards the threat, there is no way we are going to engage the wall by accidentally shooting it. When I say no way, the policeman had entered.

CHAIRPERSON: I am just, I am engaging you at the level of low and high. Remember, your earlier debate was about the marks being low.

CAPTAIN HOUSTON: For me ...[intervenes].

CHAIRPERSON: Which is why I was asking, is that low or high?

CAPTAIN HOUSTON: The ones in the passage I classify as high, as reasonably high. That is hip higher. That is hip higher. That is abdomen shots. That is in the passage. 773, you are looking in line with the couch.

CHAIRPERSON: Yes.

CAPTAIN HOUSTON: The others ...[intervenes].

10 **CHAIRPERSON**: And then what in relation to your theory, what would you say about these which you say are not low? Based on your theory about when you enter, this is what you ...[indistinct].

CAPTAIN HOUSTON: 773, you are referring to Chair?

CHAIRPERSON: Yes.

CAPTAIN HOUSTON: Again, I am saying that if you are going down the passage, where you are searching, if that is the wall, if I am going down the passage with a rifle, there is no way that I am going to accidentally shoot that wall.
20 That wall can only be shot from the opposite 180 direction. And if you are asking for height, I have given it to you. That is higher than hip height. It is hip and higher.

CHAIRPERSON: By that, do you mean someone would have had to be facing that wall?

CAPTAIN HOUSTON: Someone has to be facing that wall,

and that is what we call when you are approaching your 180, you are shooting at 180, straight ahead of you. Even the damage, the damage in the wall, hypothetically, if the police shot that wall, the damage would not have looked like that. They would have taken out chunks, big chunks with the calibre, the 223 and the rifle, the R1 rifle would take big chunks out of that wall.

CHAIRPERSON: Have we seen any such big chunks here?

CAPTAIN HOUSTON: Sorry, Chair?

10 **CHAIRPERSON:** Have we seen any such big chunks here?

CAPTAIN HOUSTON: Ja, if you look at 776.

CHAIRPERSON: Yes.

CAPTAIN HOUSTON: Ja, 776, that is definitely rifle damage. That will not be 9mm damage.

CHAIRPERSON: And I guess because we do not see the ceiling and the floor, you cannot tell how high this is.

CAPTAIN HOUSTON: We cannot tell, ja.

CHAIRPERSON: That is at 776.

CAPTAIN HOUSTON: Yes.

20 **CHAIRPERSON:** And I would imagine at 780 as well. Did you agree that you cannot really tell?

CAPTAIN HOUSTON: I cannot really tell.

CHAIRPERSON: Okay.

CAPTAIN HOUSTON: Especially with the way the picture is taken, you would not be able to tell. It is a close-up on

the wall.

CHAIRPERSON: Did you get to see these bullet marks yourself, or did you just enter briefly, look at the bodies, identify those deceased that you managed to identify?

CAPTAIN HOUSTON: With my experience, attending the crime scene to confirm, I was led by Captain Deena Govender. So he walked me down the passage. I was not even looking, kitchen, bathroom. I walked behind him until I saw this. I could see one person laying and then that is
10 when I looked in. I did not even like walk, step over him or anything. I did not want to contaminate. So I did not look for the bullet holes and whatever there, the damages on the walls.

ADV MOSIKILI: Captain, in relation to page 773 that the Chair is engaging you on, 773, the deceased bodies, in relation to that, on which side would that be, because ...[intervenes].

CAPTAIN HOUSTON: It should be at your quarter past.

ADV MOSIKILI: At your quarter past.

20 **CAPTAIN HOUSTON:** To the picture.

ADV MOSIKILI: Yes. So my understanding is that those holes will be on your left as you enter. That is the corridor.

CAPTAIN HOUSTON: That is the left.

ADV MOSIKILI: Yes. But all the deceased, is it correct at least to say that all the deceased were actually on the

opposite side of the wall?

CAPTAIN HOUSTON: That is correct.

ADV MOSIKILI: Which also creates a difficulty as to why would the police shoot in the opposite direction if their statement is to be taken ...[indistinct].

CAPTAIN HOUSTON: That is correct.

ADV BALOYI SC: Can I just ask a different question about this 773. You say, given that wall, those shootings there, you say, those marks rather, you say, if the police had shot
10 at that with this calibre of weapons, it would have taken out a big chunk.

CAPTAIN HOUSTON: Big chunks, Chair.

ADV BALOYI SC: Does that then mean that you allow for different guns or firearms were used other than the rifle, whether by the police or by the deceased? Is that what it means?

CAPTAIN HOUSTON: Say again, sorry, Chair?

ADV BALOYI SC: If you say, as you have done, if you say that if the rifles that we see listed in the statement had
20 been used, a big chunk of that part of the wall would have been taken.

CAPTAIN HOUSTON: That is correct.

ADV BALOYI SC: My question is, does that mean, therefore, that you allow for the possibility that the police officers used different calibre weapons? That is one

alternative. The other is that the deceased shot with different calibre weapons.

CAPTAIN HOUSTON: I agree with you.

ADV BALOYI SC: Ja.

CAPTAIN HOUSTON: I agree with you. It is clear that different calibres were used there by the damage that is photographed there. Just take note, Chair, you know the, this is all close contact. Just to emphasize a little bit detail on when you discharge a firearm close up to a wall, you
10 must remember there is a thing like a ricochet. It can come right back at you. We do not carry R1's unless we are working in the rural. It is for far contact, not for house clearance. You discharge that gun, there is three people standing in a row, you can take out all three people. It is like a 357 ...[intervenes].

CHAIRPERSON: You can ...[intervenes].

CAPTAIN HOUSTON: [Indistinct]... [cross-talking].

CHAIRPERSON: With a ricochet, you can even kill yourself.

20 **CAPTAIN HOUSTON**: Kill yourself. So I am saying, I do not know. I was saying yesterday to somebody with security companies, I am off the topic, the close protectors are carrying these rifles, although they are not automatic. Do they realize that in urban areas where they have got principles they are protecting, they cannot discharge those

firearms, because if there is a threat and you discharge that firearm, you are going to injure more than one person or kill more than one person. You are going to be arrested. That is why we have a pistol, because the pistol is for close contact, 80% maximum accuracy with any pistol, from the smallest to the Parabellum, which is the biggest. And the rifles only come in for distance. The sights on the rifle is set at 300 and 500. Bullseye ...[indistinct].

ADV BALOYI SC: You have looked at, you have been
10 shown quite a number of pages that show markings.

CAPTAIN HOUSTON: Yes.

ADV BALOYI SC: Does your answer hold for those markings as well that you have been looking at?

CAPTAIN HOUSTON: Yes, I looked at those, even, you know, the one in the ground, I think there is one I saw in the ground.

ADV BALOYI SC: There is some that look obviously low, and then you have got some on the ground.

CAPTAIN HOUSTON: Yes.

20 **ADV BALOYI SC:** And then my question is, is it the same reasoning that you apply ...[intervenes].

CAPTAIN HOUSTON: Same reasoning ...[intervenes].

ADV BALOYI SC: That if it had been these calibre weapons, there should have been a bigger ...[intervenes].

CAPTAIN HOUSTON: Ja, that is reasoning. I also just

want to say about the amount of ammunition fired from these rifles, I am not saying when there is a threat, you stop shooting when you are still being fired at, if that is happening. But the state issues fully automatic weapons. There is high possibilities if you do not know what you are doing, you can put your firearm on automatic, because it has a double lever, that R5. It has a left-hand user lever, which can engage you into automatic with a soft touch, and it has a right-hand lever on either side of the firearm. If you
10 do not know what you are doing, when I train these people, down at the range, fire 20 rounds at your own time, on your own target, from 30 metres. I will just hear brrrr. Within five seconds, all 30 rounds is out, and the person is not competent, because when a weapons on auto, it runs high.

So I am just saying this. I am not saying that happened there. What I am saying is, if you look at the spread, you look at the grouping, we call it, something is not speaking here to the statements. It must have been a long contact to fire this, unless you had your firearm on
20 auto. To fire 12 R1 rounds, it must have been a long gunfight this, which I do not believe was a long gunfight, otherwise, the whole of Durban's armed response, as in policing, would have been there. This was a quick, short burst.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Perhaps lastly, can you look at page, two pages, 779, that marking there, would you say it accords with, are you there, Captain?

CAPTAIN HOUSTON: I have got it, 779.

ADV MOSIKILI: Yes, there is a marking there next to the television. What is your observation of that marking?

CAPTAIN HOUSTON: Again, this is a low shoot in terms of height. It is a low shoot. So, whatever direction the shot was firing, it was obviously firing at something low. The
10 calibre, I am not going to be able to tell you, because if you look at this building closely, I am not too sure if it is built out of block, as in Corrobrick rock, or if it is brick, but from the plasterwork there, a 9mm on block can do that damage. But at the same time, I can say, a rifle can also do this damage, so it is debatable.

ADV MOSIKILI: Chair, I think we have made the point on the bullets, that some of them ended on the floor, some on the lower range, and maybe some on the mid to higher range, but the majority of them, we would say by
20 observation, they seem to be on a much lower end on the ground, Chair, but we cannot exclude some of them that are a bit hip higher, Chair. But that is as much as we can canvas with this witness, at least on the bullets that are seen.

CHAIRPERSON: Ja, I cannot claim to have gone through

all of them. We will see when we do that exercise slowly and carefully and we will see what to make of them.

ADV MOSIKILI: [Indistinct]... Chair.

CHAIRPERSON: Yes.

ADV MOSIKILI: But the exhibit is there, Chair. Captain, what I want to canvas with you while we are dealing with ammunitions is, Chair, I do not intend on going through the post-mortem reports, but what I want to canvas with the witness is the diagrams that they show where the bullet
10 ended and it is not graphic at all, Chairperson. It is sketches, as it were, Chairperson. So, for example, Chair, look at page 440 and check and give us indication whether that should be flighted or not. Captain, go to page 440 ...[intervenes].

CHAIRPERSON: What are we seeking to establish with that, because I am just thinking once you talk that kind of evidence, one would expect that it be what a pathologist who expresses views on that, unless perhaps you ...[incomplete].

20 **ADV MOSIKILI**: Chair, I would submit that we do not even need to go there. We can deduce from this witness, Chairperson, given the kind of fire, the calibre that was used and the injuries that were sustained and we are not dealing with each injury, Chairperson. I demonstrate just five injuries that we say that will say that those on their own

should have been fatal.

CHAIRPERSON: Okay. And does the pathologist not say something in that regard?

ADV MOSIKILI: They would be more useful, but not for that purpose, Chair. I would want them ...[indistinct] the direction of the trajectory and all of that and that ...[indistinct] canvas with this witness, and the range as to what distance was there. That we are not going to deal with, Chairperson. What we need to demonstrate,
10 Chairperson, it is a simple point, which I think should be made, Chairperson. I know we are not dealing with extrajudicial killing cases here, but since we have gone this far, we need to at least demonstrate where some of these bullets ended in line with what we have at least discovered, Chairperson.

ADV BALOYI SC: Ja, Mr Mosikili, I wanted to say, to suggest that, I mean, there is no controversy that these people were killed in that operation by police officers. And without knowing which shot came first and was the fatal
20 shot, is there any, what is the point that we are seeking? If the discussion is not to say, well, there is a headshot there, that shot would have killed and therefore it was not necessary to shoot this person further, what would we be seeking to demonstrate?

ADV MOSIKILI: Commissioner Baloyi, I do not need to go

there, but what I want to put to this witness is that what we have, and to an extent that he might want to see, is that when you look at these diagrams in the post-mortem reports, they all show that each and every deceased received a headshot wound and some might have four or five wounds for the rest of the bodies. And I want to see if he can comment, especially on the calibres used and accepting that on the facts presented, at least the diagrams presented in the post-mortem reports, that there were head
10 wounds that were, at least each and every deceased.

CHAIRPERSON: I believe, I may be wrong, we do know that Captain Houston is an expert in terms of the use of firearms, but I think it is another field of expertise that deals with the wounds that would be on a person, the trajectory, direction. Am I wrong or am I correct? I believe it is a different type of expertise.

CAPTAIN HOUSTON: Commissioner, I think I must concur with you.

CHAIRPERSON: Yes.

20 **CAPTAIN HOUSTON:** I think when it comes to the post-mortem, and no disrespect to Advocate ...[intervenes].

CHAIRPERSON: Yes.

CAPTAIN HOUSTON: Is that that is expert evidence, and that must come from a ballistic expert and a pathologist.

CHAIRPERSON: Yes.

CAPTAIN HOUSTON: We can all give our opinions based on vitals and what damage a weapon can do. But I do not think it is going to make any difference with my opinion, which is a killer shot on there. Any shot can be a killer shot, especially with the type of weapon used there.

CHAIRPERSON: I thought so. I thought so, Mr Mosikili.

ADV MOSIKILI: Yes, Chair, no, that is not what I was trying to deal with, Chairperson, but I take the point in as far as the limitations that he can provide.

10 **CHAIRPERSON**: Yes.

ADV MOSIKILI: Perhaps I can put a proposition to him and see if he can comment without dealing with the diagrams and he is more than welcome to say he cannot comment and I am happy to leave it there. Captain, to an extent that, at least accept for a moment, what we have in front of us is that we know that all the police officers that went in there were carrying rifles and each of the deceased received a headshot wound from these rifles.

20 And you can comment if you may, is there a likelihood that having received a shot on the head from the rifle, from that configuration of the flat, meaning that almost close range, one would have survived long enough to receive further gunshot wounds on the body? If we say for a moment the gunshot wounds were first, we do not know which one came first, let us say the gunshot wound on the

head was first, is it plausible that further to that you would survive to receive further wounds on your abdomen and torso as we have here?

CAPTAIN HOUSTON: There is a possibility realistically if a human being has been shot that there is still life after you have been shot. A person can be decapitated and still have movement. I am saying that from experience. With regards to this, again I am going to reiterate that we cannot say which was the killer shot. But what I do want to add, Mr,
10 Chair, is that if there is any movement with close contact shooting, it can result in burns. When I say burns, residue. Rifle residue from where I am sitting, the cameraman here can have it on him if I shoot past him. Same with me, it can get onto my body, onto my face and my clothing because it is close up. I think I must just close there because the question that is put to me is a difficult one.

My finding might be yes, I can hit you in the artery in your right leg and you are normal. And the other one would say hit you in the headshot and you are normal. But
20 it is all subject to exactly the scene what would happen there. I am not going to be able to give you an accurate answer there.

ADV MOSIKILI: I was only limiting it to the headshot wounds but if that is your final answer, not any other body parts, it was limited to that, to the body parts.

CAPTAIN HOUSTON: No, if it is a headshot, that is a headshot, you have got no chance, not with what I saw there because that whole head is blown out. There is no chance that you, even if you have got life and your heart is still beating, there is no chance. You have got ...[indistinct] survival of returning fire or anything.

ADV MOSIKILI: That will do for now, Captain. Thank you. Chair, that will then do away with having to go through the diagrams because at the point I think it is made and as to
10 how the rest of the wounds will be explained and which one came first and which one is a fatal wound, that is something we will have to deal with when we make submissions to the Commission, but at least I am happy to live with that. No pun intended with that answer from the Captain. Captain, can we then deal with paragraph 28 just to sum up this section of your evidence. That will be on page 9. That is when you deal with the presence of the dog unit on the crime scene.

CAPTAIN HOUSTON: Okay, Chair, I think I included this
20 part in my statement. When you are going for high profile suspects, if they are classified as high profile, dangerous suspects, then the dog vehicle is utilised. Normally a dog vehicle has a dog on it and a dog is normally the first line of defence. You would send a dog in, you get two types, or you get various types, I am just going to stick on the patrol

dog. The patrol dog is a biting dog. When you release it, there is a robbery and a suspect is running, the dog will bite and subdue the suspect. If there is a housebreaking, I am just using examples away from this, you release the dog, you get a positive spore or scent, the dog will find the suspect and flush them out. So a dog vehicle will be utilised for flushing out a suspect. In this case there were two dog vehicles, they had no dogs. That was, when I say had no dogs, I never saw dogs, but there were dog vehicles.

10 That was Captain Pedro, who belongs to the dog unit, and Metro, Captain China, Jevon China, he did not arrive with a dog. I am not saying the scenario would have been better, but if they parted a team because they are dog handlers, that is what the dog units will be used for.

ADV BALOYI SC: Can I just find out Captain, I think Mr John, the first witness, he spoke about a task team which is led by Colonel Deena Govender. Now these people that you are describing, including the dog unit and the Metro police officer, are these part of, to your knowledge, are these part
20 of the task team led by Colonel Govender, or on the day these are randomly put together people and not ordinarily his task team?

CAPTAIN HOUSTON: I will answer this two ways, if you allow me to, Commissioner. When I worked west and I ran the TRT, that is 2017 in Pinetown, Pedro worked in my unit

as a dog unit, as a dog handler. So we would attend to cash in transit, business robberies, serious kind. I was wearing a beret, I was TRT with my members, he was dog unit, but he was in that team. He would report to me at times, I would even sign his permit when it expired for his rifle. So that was a task team. The task team I believe that is there is a task team that is self-made up. Unless I shortfall of having knowledge that there is a principal who put a multidisciplinary task team, because when media
10 publishes this, they speak about a multidisciplinary task team like this is a permanent unit.

But if you look at this, you can see there is immobilization of certain people only work with certain people. I do not know if that answers you. Again, if it was Lieutenant Colonel Deena, I do not know, but he is a senior person there, then he has put his team together. So I am not too sure if his principal, whoever the principal is, is aware that this is his team, because if you are moving anywhere and from what I have been listening to on the
20 evidence from previous witnesses and what has now come to light, it seems like this team is going all over as a team. So what ...[intervenes].

ADV BALOYI SC: The same people?

CAPTAIN HOUSTON: The same people.

ADV BALOYI SC: Okay, I think that answers my question.

CAPTAIN HOUSTON: But again, I have got a brother at NIU, National Intervention, he is a captain there and those two members fall under him. And we talk daily. When NIU or TRT members are utilized, yes they mobilize sometimes against their working hours, but not every time you have the same people. So I do not know, it is like when you get a task team, you have what we call a SAP15. We fill in all the members' names so we can account. This captain, that warrant officer, that constable, and at the back it says, you
10 are inspected by me, you are carrying that firearm, so many rounds of ammunition, and we book you on as a task team. Or if this is a thumb-suck task team, where you just say, hey, we have got information, we are meeting ...[indistinct] or we are meeting ...[indistinct] there is people coming now, cash in - then they immobilize and it is excitement.

ADV BALOYI SC: Maybe just let me make sure that I understand your answer. So whether this is an established task team with someone who created it, with authority, or this is a made-up team, you are able to say that, are you
20 able to say that this group of people that are in this incident, they in fact move around together as, when they do operations, or when they do their work yes.

CAPTAIN HOUSTON: I have seen them, based at Durban Central.

ADV BALOYI SC: Yes.

CAPTAIN HOUSTON: I have seen them because one of ...[indistinct] Durban Central, I think he is on secondment, I do not know if he is placed permanently in the DPCI, Deena reports to Durban Central, I have seen him there in the building. Chevon belongs to Metro, they are in Old Fort Road, they are about 3, 4 kilometres away. Pedro belongs to the dog unit, I do not know if he is Durban South or Durban dog unit or where. So this task team do not have an office, they meet in the street, they meet under the light,
10 and like I said, I do not know if they have a principal. I have not looked into the matter to say, Colonel Deena, is this your task team, who are you reporting to?

ADV BALOYI SC: But they move around together, it is really what I am trying to establish.

CAPTAIN HOUSTON: It is very evident, because not just from previous witnesses, me being Operational Commander of Durban since 2021, I have seen them.

ADV BALOYI SC: Okay.

CAPTAIN HOUSTON: I mean, I could have been leading
20 with my skills, and I think that is why they did not even allow me into the scene, because he knows I am the Operational Commander. I am not there because of anyone's personal interest, I am there to see if there is a crime that came via radio. But I hope I answered that.

ADV BALOYI SC: No, you had, you have answered.

CAPTAIN HOUSTON: There is a big difference, Chair, with task teams. It is task teams either formulated by senior management, you need a multidisciplinary, you need different skills, dog unit, narcotics dog, you know, that type of thing. You need some crowd control, you need tactical people, and you combine this team and you say, go fix the crime up. But this type of team, it is still questions that is hanging, they must answer that.

ADV BALOYI SC: I am answered, thank you.

10 **ADV KHUMALO SC**: Can I ask a follow-up question. In your experience, the people you have identified in paragraph 24 of your statement, so you have Rodriguez, dog unit, you have got Halford, you said it is a DPCI constable, you have Monsami, NIU, you have Chabalala, NIU, you have Lee China, Metro Police. I mean, Metro Police are not SAPS. And then you have got Hawks. Although they are part of the SAPS, they are a different unit altogether.

CAPTAIN HOUSTON: Different.

20 **ADV KHUMALO SC**: In your experience, have you ever come across a task team that is made up the way this one looks like it was made up?

MR JONES: No, I ...[intervenes].

ADV KHUMALO SC: Because obviously they would be reporting to different Commanders.

CAPTAIN HOUSTON: I will answer you, Chair. I ran task teams from 2010, as I said, from the Brighton Beach task team, all the way right until I exited. I was the Operational Commander of a task team. I had a minimum of 14 members always under my command and I worked operationally. I accounted for them every day. They signed what you call a SAP15. If one was involved with a shoot, IPID was able to ask me for documents, an OB entry, whatever, whatever. Now these guys book on in different
10 places. I do not even know if they book on. I do not know how they report, you are understanding. So again, to answer you, for me it is a biryani mix. Is it a team mixed of skills or is it a team mixed of firepower?

And again, I can see error because if I am a criminal and you are coming through the door and you do not have tactical movement experience, I know from five I need to deal with only two or I need to deal with three because the rest do not have it. You cannot be from DPCI and tell me you have been to my range where I trained you
20 how to penetrate a house. You will stand on the road while the riflemen go in.

So I hope I am answering it. You get a docket carrier. When I ran a task team, I asked the General, please give me two detectives whether I am in Richards Bay dealing with a case to sign for those dockets, our dockets

do not get left there. If I am in Pietermaritzburg, we keep those dockets with our detectives. The detectives will write those dockets up. I will sign it as an officer, it will go to the respective courts or the magisterial district. There is control and there is command. But now if you have like ...[indistinct] obviously there is a docket carrier there. There is a task team leader and the rest are riflemen. So I hope that answers. Like I say, I do not know how they formed.

10 **ADV KHUMALO SC:** Ja, it does. I had a question unrelated but it has been bugging me the whole day. In a different stream where we were dealing with drugs and drug busts, certain members of the force, whether they are the Hawks or SAPS, found themselves at a scene of a bust and they were questioned about their inquiry number because it was suggested that for them to be present at that scene an inquiry must have been opened.

I am trying to understand whether in KZN and specifically this scene, that would have been a requirement
20 for a team like this to go to that flat to conduct whatever operation they were conducting, would they have been required to have an inquiry number or could they just get a tip-off and go there and do whatever they did?

CAPTAIN HOUSTON: Let us answer on the drug first one, Chair. On drugs found abandoned or seized, you open an

inquiry because it is subject to an investigation to track and trace the person linked to it. The inquiry gets registered like a docket and the person, if detective, a detective, must be a detective, whether you are the Hawks, DPCI or a local station detective, you will be assigned to carry your inquiry and then you have got to pay attention in all the forensics, moving it to the lab to be tested to see if it is drugs and whatever.

With regards to the other part, I have not heard of
10 an inquiry being opened when you are pursuing suspects allegedly wanted for, let us just say, serious violent crimes. They should have been having dockets, J50's, et cetera. You cannot act impulsively. Yes, information comes through informer networks, but then once you had the informer, the informer is going to Cape Town and he is on a bus, you can still apply for the documents because you do not have to walk in physically into the court. You can make a phone call and you can get the necessary documents.

So, I do not know if that is being followed. I do not
20 want to criticize whoever is overseeing, carrying whatever, or if there is nothing they are carrying, then I think there is questions to answer there.

ADV BALOYI SC: Do you have a docket and a docket number even when there is no identifiable complainant?

CAPTAIN HOUSTON: No, unless there is a state case

opened. A state case means there is a complainant. They will be state as per Captain Houston, SAPS, Durban Central and say I recovered an AK47, that refers you, Chair, to the inquiry now.

ADV BALOYI SC: Okay.

CAPTAIN HOUSTON: So I am registering it saying I am going to do a touch DNA on it, and I have got an informer saying it belongs to Joe Slovo, and I am must start checking him. And after I get all my statements, apply for J50 and I
10 check Joe Slovo. But there is no docket that can have no complainant, whether the elements of the crime is there. And the complainant himself does not have to be, let us just say, the victim. You can open a case on behalf of a person.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Thank you. Captain, can we then go to the tail end of your statement on page 12 where we deal with comments and closing remarks and the subtopic there is truck towing, taxi, and drugs and you can deal with paragraph 35 and 36 together in your summary.

20 **CAPTAIN HOUSTON:** To sum it up, Chair, to be honest, there was much more in my statement which I took out because I do not work on presumption. I like to work on fact, and fact is how I will present it. This is a fact. It is not only in the Durban area, it is throughout South Africa. Yes, there is some areas, Western Cape, Gauteng and KZN,

it is rife. But the taxi, I am just going to, it might not be in the statement like that, the tow trucking, the taxis, the ambulance, and now security companies of recent to arm yourselves have become the latest building blocks to the illicit activities that is happening. So, what am I saying? I am saying is there are tow truck drivers that are dealing with drugs. Again, I will say not everybody because there are some honest ones. There are some ambulance owners which are also dealing in drugs.

10 When you check the history, you look past them, they own tow trucks. You go further, they marry security companies into it. Security companies get them on. They register a company and start buying 100, 200 firearm. Now they have got protectors. Everyone is moving 10 people on their shoulders with rifles. So, that is what is happening, not just in the taxi industry.

CHAIRPERSON: Do you personally know of arrests involving tow truck drivers or owners?

CAPTAIN HOUSTON: In respect of?

20 **CHAIRPERSON:** Of drugs.

CAPTAIN HOUSTON: Yes, in the Wentworth area there has been lots of people maybe not caught with their tow trucks but owning tow trucks that have been arrested for drugs. In the Durban area as well, people have been arrested. Now, there is a difference between owner and

driver because owner can easily say, I do not know what driver is doing, I am not the custodian.

CHAIRPERSON: That is why I think I said “or”.

CAPTAIN HOUSTON: Exactly. And that is why I changed my statement a bit because I do not work on a presumption. I am not saying if I did not process you whilst I had the badge, I cannot say that you are involved with something. And that is fact, I cannot say. It is like somebody can say, I am involved with illicit activities but if I was not arrested,
10 nothing showing I am involved for that illicit activity. But these industries are fuelling what you are saying opening the graves because people want to control these industries.

These are the lucrative businesses as described by previous witnesses that are out there. Tow trucking has always been linked to gangsterism. It is a violent thing. And just to add on to authorities, the authorities are pushed one side, the Metro’s and the SAPS, they do not even dictate.

I will use one example away from this particular
20 case. I attended an accident, which I thought was an accident in Durban. I was near the Blue Waters Hotel so I just drove up Argyle, like I am going west, going home and I rode onto what I thought was an accident. It was a shooting. And I still send the information to be investigated and I hope that cases are being opened because I pursued

the shootists because I believe licensed guns were used there. A Land Rover at the intersection of Argyle Road under camera knocked into a little Corsa bakkie where a gentleman was on his way home from work on a Friday evening. While his leg was broken and he was entrapped, I rode onto the vehicle. That same Land Rover with the tow truck attending there, with the police they were saying, your vehicle is going with you to our taxi rank till you pay for the Land Rover. A ornery driver comes past and intervenes and
10 says, but what you are doing here is wrong, this guy is injured, let us get an ambulance and he ends up being shot several times. It is on camera. He gets shot like an animal has been hunted close-up.

So I get it as an accident and when I get down to the accident I realize, man, the driver is no longer there, he is taken, but his brother is standing at his van. The tow truck guy is waiting to lift that vehicle. The Land Rover is gone. The Land Rover had the shootists. So quietly I look at the eye in the sky and I say but I have got cameras right
20 here, and I go to the Fusion centre, as they call the trolley control, Metro's camera room and I ask, please, man, I need assistance and I sit in front of the screen and I look at it and I see the actual crime.

To fast forward, I see two firearms because people came back to change their clothes and change their

vehicles but they did not come back with their firearms but they came back with firearm licenses on them but there were four of them. Two that did not shoot came back. I forward that case number for it to be investigated. I do not know the condition of the person who was shot but they shot several times with a licensed gun. Now where am I going to? We speak about tow trucking. The tow trucking guy was dictating. That taxi owners were dictating. If you watch the body language on the cameras and you interview
10 the victim, they had no chance. The police were like eating humble pie. They were quiet at the scene.

When I got back and I cordoned the scene and I dealt with the Duty Officer from the detectives and I secured the scene for the forensics to come out and the photographers, people started to panic that the next day I got to work there were two people waiting with their firearms to come hand it to me. But I knew why they hand in those firearms because they were protecting the shooter. But if you see what, how it operates, if you drive out in
20 Durban and you knock a taxi or a taxi knocks you, they are taking your car with you injured or not. So that is how the industry is actually becoming very, very dangerous. Our roads are dangerous. In layman's language, those are gangsters, if gangsters is an English word. That is mafia known to the police.

ADV MOSIKILI: Thank you, Captain. Captain, there are two issues I want to discuss with you which are not in your statement, but only if you are willing to discuss them with the Commission or to share them. Firstly, it is in relation to a restaurant in Durban and I think we had a discussion that you once went there and some implication of the police. Are you willing to share information around that restaurant?

CAPTAIN HOUSTON: Yes, it is simple. I think what the evidence, where the Evidence Leader is taking me to is
10 where I extracted certain things from my statement and reason I did was as I said, if I do not arrest you or if I do not know anyone that has arrested you I cannot label you as a positive drug mule or drug dealer. But during my arrival at Durban Central, I was taken, invited by staff management and the very same Sector Commander ...[indistinct] Venkatesh, one morning let us go for breakfast. They are taking me. So I said, okay, fine, I am not a breakfast guy because I train before work and I normally have something light. That was my program every day, they knew.

20 I went into Morningside and we visited the night, it is a nightclub, but it is open daytime and when I got there, I did not know at the time whose club it was and they disclosed whose club it was and this club turned out to be one of the tow truck guys, owners, whose name is all over this inquiry. Where I went with my statement was that I

opted to pay for my meal once I had found it out. They did not know I had a history of where I worked in Sydenham for 18 years and this particular individual resided in Sydenham when he first started off his business with tow trucking, has now grown into one of the main guys and that is Mr Naicker. I am not naming him but I am saying I am identifying him. That is Roadstar's owner. There is no other director to the company. I think if I should elaborate, the question was put because I had put something in the statement because I
10 know we are pursuing or we are trying to get clarity as to how do we identify what is going on here because there is implications of the tow trucks competing with tow trucks, the drug dealers competing with drug dealers because this is where all this is going with this particular scene. But I was not in a position to put anything into a sworn statement as to what is actually going on because I have not been in that relationship where I have arrested or no members that have apprehended the individual.

ADV MOSIKILI: And to understand you well, Captain, what
20 you are saying and I will not hold you to that, is that in essence there is a restaurant somewhere in the central where at least you were told on one account that the police eat for free or they have a free meal.

CAPTAIN HOUSTON: Ja, it is the same restaurant ja.

ADV MOSIKILI: Yes, and that same restaurant seems to

be owned by the same Clive Naicker that you have been discussing at this Commission.

CAPTAIN HOUSTON: That is correct.

ADV MOSIKILI: And for that reason you felt uncomfortable that your meal should be on the house.

CAPTAIN HOUSTON: That is correct. I just want to, before I close on this, I know it is the last part of my statement, it is not included, Chair. I headed a team, I told you, different units, the bike unit we use on the beach, the
10 smaller roads, so I had a bike unit members. I had crime prevention, four groups, but I made them eight groups, for example, broke them down with no additional resources, and then I had what you call a field team. The field team, they pursue suspects that are outstanding for detectives, but they work with the detective, they work with crime intelligence.

They are, obviously run it by me, or I am involved with them, especially when there is business robberies. I received a call from the Branch Commander from Durban
20 Central a few months before I retired, where am I? And we got a good relation, we sit in meetings, I help him a lot with the suspects that are wanted. And he said, where am I? Where is my team? Who have you put in the boot of the car outside this particular premises? The premises the Evidence Leader is talking about is Curfew in Morningside.

So I said to him, I am on duty, my members are on duty. He said, are you in civilian clothes? Now in Durban I wear shorts a lot. Very informally dressed ...[indistinct] unmarked vehicle, and so does the field unit. So I said, yes, we are in civilian clothes. He said, you are driving a Caddy, you are driving a Polo. I said, my members got that. He knew which vehicles we got that are unmarked. He says, hey, please find your members and find out who has kidnapped a person. We got a complaint there is a shooting
10 at Curfew.

So I made my way there. When I arrived there, I found a Sydenham vehicle seven km's away from the station. The Station Commissioner was sitting inside the vehicle. So I asked one of my members to approach and find out was there an abduction or kidnapping here? And she rolled down the window and she said she heard it on the radio and she responded alone from Sydenham. I found it strange that you would leave Sydenham to come into the CBD. It did not take me long to get there.

20 But whilst I was there it was established that it was Organized Crime that I had come and take a bouncer from that particular premises, sun up in the morning, which was outstanding for a shooting. I did not pursue the matter. It was not even a Durban Central case but the bouncer was working there. Now I was asked the question, is it the same

place that policemen go on frequent? The answer is yes.

ADV MOSIKILI: Thank you, Captain. And lastly, and only if you are willing to share these details with the Commission, you had indicated that you were involved in an arrest of a police officer and that police officer had a dealing with one of Clive's uncles. Is it something that you are willing to share, Captain, or is it something that you are not willing to share with the Commission?

CAPTAIN HOUSTON: If it is relevant, Commissioner, I will
10 take it back. When I was in Sydenham, I did say I was there from 1988. During my time I was there for 18 years but in the timeframe, I am not too sure of the year but Mr Naicker had an uncle shot by a policeman and I responded to the shooting. I was working crime prevention. I was much younger, much quicker on my feet. I responded to the physical address that was given. I still remember it because I know the house. I am not going to mention the house but when I got there it was a warrant officer which was stationed at Sydenham. He had earlier went there with
20 an off-duty warrant officer who is now deceased and he demanded for them to buy alcohol. This was for Mr Naicker's uncle.

Unaware that they were there earlier they came a second time and they refused to give money. This is the uncle I am speaking about as in Mr Naicker, and as a result,

this policeman shot him with a Glock to his chest on the stairs and he died. When I arrived there, there was a lot of commotion at this address, so off the road I had to go down the stairs and when I got there I found Mr Naicker with a pistol in his possession. I checked it, it was licensed and because there was a shooting, he said he fired one shot in the direction of the policeman. I had seized the gun and put it in the station. To fast forward, that case went to trial and that warrant officer was found guilty and he was
10 sentenced. He was stationed at Sydenham with me.

ADV MOSIKILI: Thank you, Captain. Captain, those will be my questions for you. I do not know if you have any comments or remarks that you want to make.

CAPTAIN HOUSTON: No, I think I am good, unless the Commissioner got any.

ADV MOSIKILI: Chair, that will be it from our side.

CHAIRPERSON: Thank you, Mr Mosikili. Captain, thank you very much, you are excused.

CAPTAIN HOUSTON: Thanks, Chair.

20 **CHAIRPERSON:** 9:30 tomorrow?

ADV MOSIKILI: Yes, Chair.

CHAIRPERSON: Let us adjourn until then.

INQUIRY POSTPONED TO 14 AUGUST 2026

INQUIRY ADJOURNS
