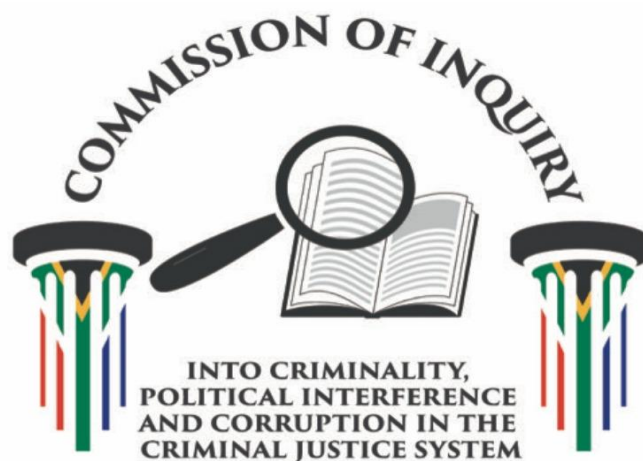


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

17 AUGUST 2026

DAY 160



PROCEEDINGS HELD ON 17 AUGUST 2026

CHAIRPERSON: Who is leading?

ADV SELLO SC: I am, Chair.

CHAIRPERSON: Good morning, Ms Sello.

ADV SELLO SC: Good morning, Chair.

CHAIRPERSON: Good morning, Ms van den Heever.

ADV VAN DEN HEEVER: Good morning, Chairperson, Commissioners.

CHAIRPERSON: Thank you.

- 10 **ADV VAN DEN HEEVER:** If I may just use the opportunity, I am sitting together with one of my Learned Juniors, Ms Fatima Missi. She is a member of the Johannesburg Bar and Legal Practice Council. I have got a second junior that is battling to make it through security, Lené Brighton, who will soon join us. Also just for the record, in addition to the attorney that is on record, a new attorney was brought on to specifically because of the various matters that we are dealing with, to assist us in dealing with the work of the Commission. They are present. It is Baloyi Attorneys.
- 20 They are sitting behind. Thank you very much.

CHAIRPERSON: Thank you. Good morning to you too, Mr Matlala.

MR MATLALA: Good morning, Chairperson.

CHAIRPERSON: Thank you.

ADV SELLO SC: Morning, Chair. Morning,

Commissioners. Today we start the scheduled start of Mr Matlala's testimony before the Commission. Chair, as we have now brought to the Commissioner's attention, there is an issue we will have to engage on before Mr Matlala begins his testimony, but for housekeeping purposes, I request that we initiate the proceedings formally in a sense that Mr Matlala be sworn in, we submit his statement into record, and then both Ms van den Heever and us will address you on the issues that are to be raised. And for the
10 record, Mr Matlala's testimony will be conducted by myself together with Ms Hassim. Thank you.

CHAIRPERSON: Thank you.

ADV VAN DEN HEEVER: Chairperson, good morning again. I have taken note of what my learned friend says. There has been quite a number of issues that has occurred behind the scenes, which is not necessary at this stage, I think, to engage yourself and your fellow Commissioners on.

My learned friends for the Commissioner myself has
20 been dealing with some of these issues. The suggestion that the process be started as my learned friend, Ms Sello, has right now suggested, I have indicated to her that because of the time issues, I have not had an opportunity to take specific instructions from the client as we have had a bit of a different approach in this matter.

Unfortunately, due to the time constraints and due to the fact that I could not get the opportunity to consult with the client in privacy, we had to come here so that your work can start this morning. So I would like the opportunity to, in fact, consult with my client on the issue that was suggested by my learned friend.

CHAIRPERSON: Please, maybe I missed, what is that issue? Is it, are you referring to whether Mr Matlala's ...[intervenes].

10 **ADV VAN DEN HEEVER**: Because ...[intervenes].

CHAIRPERSON: Mr Matlala's statement should be read after he has been sworn in? Is that the issue?

ADV VAN DEN HEEVER: Indeed. Because of, as I said, we have got a very specific approach. Maybe just for the record, my learned friends will confirm it. We have been engaging them often on, and especially during the course of last week and over the weekend about the manner in which we think the matter should be dealt with. We are on the same page at this point in time.

20 However, due to some of the issues that unfolded over the weekend, again, as I said, it is not necessary for me to place it on record. I want to consult with the client on the suggestion of my learned friend. In other words, that he be sworn in and that he deals with the affidavit that was submitted. Because of the approach that we as a team

have taken, I think he has got the right to understand what the Commission wants, the Evidence Leader wants to do at this point in time, and I need to engage him on what or how he needs to deal with it at this point in time in the absence of us being able to properly deal with our approach to his evidence as we foresaw it and the way we have planned it.

CHAIRPERSON: Thank you, Ms van den Heever. For that purpose, 10 minutes should be enough.

ADV VAN DEN HEEVER: It should be ample. Thank you,
10 Chair.

CHAIRPERSON: Yes. Let us adjourn then and resume at 09:45.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Can someone please let Ms van den Heever that we are here?

ADV SELLO SC: Yes, Chair.

CHAIRPERSON: As arranged.

ADV SELLO SC: I confirm that they have gone through to
20 fetch Ms van den Heever to present herself.

CHAIRPERSON: All right.

ADV SELLO SC: Thank you.

CHAIRPERSON: We will sit and wait then. Thank you, Ms Sello. Yes, Ms van den Heever. We always, at this Commission, we always make a point of keeping time,

please. For the future, please.

ADV VAN DEN HEEVER: Yes, Chairperson. You know that I have always been on time when it comes to dealing with the business of the Commission.

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: It is unfortunately so that the issues that I have to discuss with him is much more complex than just a question of yes or no. It involves legal issues and the client, of course, asks questions to
10 understand the legal issues.

CHAIRPERSON: Yes, yes.

ADV VAN DEN HEEVER: And I cannot just leave it there. I need to explain to him what the issues are. So I will ask that you excuse us that we were late, but please take it from us that it was necessary that we deal with it to the best of our ability within the very limited time that we have got.

Where we are right now is not because of the doing of my client at all. Maybe whilst I am addressing you,
20 Chairperson, my client has agreed to his statement being read out. I need to place on record that the following has occurred in the interim. We have been furnished with quite voluminous extra information. Let me call it information for purposes.

So the information that needs to be canvassed and

dealt with and that relates *inter alia* to the 10.6 has increased almost tenfold. Last count, and that was before we got a further email last night, the volume was far exceeding 2 000 pages.

It is common cause between us and the Evidence Leaders that we were only served with bundles yesterday afternoon. We could only then take it in. We had no opportunity whatsoever to canvass the content of these bundles. It is common cause between us that it far exceeds
10 the, let us say, what was contained in the Rule 3(3)s, and there is quite an array of new information in it.

That information *inter alia* relates to issues that was canvassed in the 10.6 that we, I respectfully submit, now have an opportunity or should deal with in a supplementary fashion with our affidavit. There is information contained in there that was never within the purview of my client. That is the first issue.

We have also, I have had a discussion with my learned friend, and I am raising this ahead of my client
20 being sworn in and dealing because it would guide the way forward. We do intend to take issue on quite a number of legal aspects. I have approached my learned friends, and we have come to an agreement that those legal issues, we wish to raise it almost as a point in *limine* because we believe that it can dispose of where we are going further in

this matter.

I am not going to go into the detail of that. I have indicated to them that we are busy with, also because of course my learned friends have told us their approach to the matter, we have decided that the best way to deal with it is to file the supplementary affidavit and deal with the legal issues in it.

That would give the Evidence Leaders the opportunity to answer to the legal issues that we raise. We
10 will, of course, if necessary, because it is legal, supplement it if necessary, draft heads of argument and then deal with those issues or argue those issues and for you then to make a ruling on it.

Our approach was that we file the supplementary affidavit and that it be dealt with together with the affidavit that is currently before you because some of the rights that he laying claim to in this affidavit has no legal basis. In other words, it is not explained to you as the Commissioners why he is claiming this right. So the legal
20 basis for it is not in there.

There was good reason and I do not think it is in the interest of anybody that I at this point deal with why the basis of it was not laid at that point. My learned friends have indicated that if he reads out the affidavit, they are not going to ask him any questions on it. My concern is that if,

for instance, you as the Commissioners wish to ask points in clarification and it relates to legal points, you know, what do we do there?

We say that our supplementary affidavit take care of any concerns that you might have or any questions that you might have based on, let us say, the points in *limine*. I want to call it that because I think it is a good way of explaining that. Let us say the client says I am not dealing with any questions pertaining to person X that you have
10 listed in your 10.6, I say, as an example, I am a suspect in a matter that relates to person X that is named there.

We think, as I have indicated to you, that the way to deal with it is then to deal with that issue in the supplementary affidavit with a proper legal basis and then explaining factually why we say we are a suspect so that everybody is on the same page.

And as I have, where I started off is that you then make your ruling and say, you are not a suspect, you have to answer questions pertaining to witness X, or you uphold
20 our point and say, well, in law I agree, you are a suspect on this issue. In other words, the Evidence Leaders cannot traverse anything pertaining to witness X. That is, in short, where we are.

So my suggestion, or my respectful submission, and not in the way you interpret respectful submission,

Chairperson, is that we be given, because we have already got dates in mind and we agreed on timelines, that you afford us the opportunity to file the supplementary affidavit so that you can read it in conjunction with the affidavit that is before you for a full and complete understanding of the legal and factual basis on which the rights that the client claims in there is, or how he claims it on.

That would also give us an opportunity, as I say, that is the second leg of it, to now deal with a totally new
10 matter pertaining to the, let us call it the Annexure A, the very long list where the state, sorry, not the state, the Commission, the Evidence Leaders has now come up and included documentation or references to those people in the bundle. It will also give the client the opportunity to deal with those and respond to that. Thank you very much.

CHAIRPERSON: Thank you, Ms van den Heever. At the beginning, I thought I understood you to say that Mr Matlala, I assume after advice from you, has agreed that his statement should be read into the record, and I understood
20 that to mean that is going to happen now.

ADV VAN DEN HEEVER: So, I ...[intervenes].

CHAIRPERSON: But as you went on and mentioned the supplementary affidavit, I got confused, especially once you said that the two statements should then be read in conjunction with each other. So I got lost and I do not know

whether you are saying the statement that we have now should not be read and that the two, that is this statement and the supplementary statement should be read together at a later stage ...[intervenes].

ADV VAN DEN HEEVER: So, maybe I just ...[intervenes].

CHAIRPERSON: I am confused.

ADV VAN DEN HEEVER: Maybe I should clarify. That is our first preference, that we deal with it in the way, and that is what I pitched or proposed to my learned friends that you
10 wait, let us file our supplementary affidavit, we intend to file it within days because we need the opportunity to canvass all the material. There is four boxes here on top of each other with material, but so ...[intervenes].

CHAIRPERSON: So your alternative, which is my understanding of what you said at the beginning, so the alternative is ...[intervenes].

ADV VAN DEN HEEVER: The alternative is to read it in without any questions of clarification and that is parked until such time as the supplementary affidavit is filed
20 because that would take care of any questions of clarification that you as the Commissioners may have. My learned friends, I have got no issue with.

They have already said we are not going to ask questions. My concern is if you, for instance, wish to raise this, you say that you are a suspect in this matter, explain it

to us. We do not believe that it would be fair to the client that it be dealt with in that fashion. We say give us the opportunity to file the supplementary affidavit, then you can read it as one because we will cross-reference the answers and it would shorten the proceedings in any event. It would most probably answer 99% of any questions that you might have initially on clarification issues because it will be dealt with factually and legally.

CHAIRPERSON: I have not conferred with my co-
 10 Commissioners, but I do not see any problems with their clarity-seeking questions that are purely on factual issues. So I hope your submission does not go to the extent of saying no such questions of clarity that is not even on pure simple factual issues. I hope you are not going that far.

ADV VAN DEN HEEVER: Chairperson, of course, you always have, I know your act, I know your rules, I know your regulations, you are entitled to ask questions of clarification.

CHAIRPERSON: Yes.

20 **ADV VAN DEN HEEVER:** But those questions of clarification we respectfully submit must be dealt with in conjunction with the rights that we claim and that is why I said I think it will make it easier for everybody and I apologise for repeating this point. If we file the supplementary, then we are all on the same page and

argument goes to the heart of what is contained there. So if you were, for instance, to ask a question of clarification and we say that you cannot do that because of the legal issues, then that brings to an end.

But if I could just go one step further? That is why I have also indicated to you that we believe that it would be in the interest of everybody concerned and the business, I respectfully submit, of the Commission, if we deal with what I call the points in *limine* first because that will be the
10 positive of anything that goes forward. Because if you uphold our submissions that we make or the points we raise, then it is clear for everybody you cannot go there. But if you do not, then we are where we are.

CHAIRPERSON: Thank you. I would rather we start with a reading of the statement and we will ask clarity-seeking questions, and if you happen to have issues with those, you can raise the issue at the time, at the relevant time. So there are two issues I want to raise with Ms Sello. Did you want to say something further?

20 **ADV VAN DEN HEEVER:** No, Chairperson, I just want to say so if I understand you ...[indistinct] read in the affidavit.

CHAIRPERSON: Yes, yes.

ADV VAN DEN HEEVER: At this point?

CHAIRPERSON: At this point, yes. Two issues. We have received quite a number of these complaints by witnesses

that they have been furnished with voluminous documents at the last minute. You might just want to address us on that, please.

And then secondly, an experience we have had is, I forget who the witness was, but the name is not important anyway, where I think the bundles went up to, or rather were in excess of 4 000 pages. But for practical purposes, what the Chief Evidence Leader, Mr Chaskalson, did was to say to the witnesses' legal representatives, we are only
10 going to use X number of pages in these bundles and that number of pages was only in the hundreds. It did not even reach 1 000 pages.

So we have been told that the bundles here in Mr Matlala's matter are in excess of 2 000 pages. If you are in a position, practically, to say to Ms van den Heever, of the 2 000 plus pages, we are only going to use X number of pages, please do that. Thank you.

ADV SELLO SC: Thank you, Chair. And before I do so, if I may, with your leave, address a fundamental error that I
20 think Ms van den Heever made, which is to understanding the Evidence Leaders had undertaken not to ask questions of clarification. It was to the extent that she understood that was a complete misunderstanding on our part, because that effectively would be treating Mr Matlala differently from all other witnesses. The process that we had suggested

when it is his own time to narrate his story is that he is subjected to questions of clarification both from the Commissioners, and we have no control over that, and that we too may have questions of clarification, and we leave it at that.

So I just wanted for the record to correct that to the extent that she understood that to be our position, then we either miscommunicated or she misunderstood us. Turning then to the issues that the Chair has posed to me directly.

10 Yes, Chair, the bundles were unfortunately delivered very late. As Ms van den Heever points out, we have been in engagement for an extended period, including the whole of last week, and it was hoped that in the course of last week at least the electronic bundle would be available. That too was late. The system somehow was not coping.

 In large part because, Chair, when you postponed the appearance of Mr Matlala, it was for the 1st of September. Mr Matlala then presented himself in his
20 criminal trial and the judge set out a programme for that particular trial, which impacted the intended date of the 1st of September. So we had to change everything and ensure that we are able to have access to Mr Matlala for the purposes of this Commission without necessarily prejudicing him in the criminal trial.

The only option available to us was then to bring it forward by two weeks. In that period, our systems were preparing for other witnesses until the 1st, and it was not the most ideal, but where we landed was that even the electronic bundle was issued late.

Then, as luck would have it, Matthews' law crept in, that itself, it had problems, because when you click on the document that the index suggests, is the document being presented, then the document comes out black. So, there
10 have just been a comedy of errors regarding the bundles. So, Ms van der Heever is quite correct that they were given late, even we as the Evidence Leaders received ours very late, including the last batch by yesterday, last night.

So, we do appreciate the position that it places her client in, and that they do require time to apply their minds to the bundle, and we have no challenge in them being afforded the opportunity to do so. We believe that they are so entitled. The bundles are voluminous, and yes, they are in excess, I think, a total of 2 000.

20 There is a slight difference, however. When the Rule 3 notices were served on Mr Matlala, they were, as is standard, served together with excerpts from the relevant witnesses where it is, our interpretation was that Mr Matlala was being implicated. So, he got only excerpts, transcripts and statements and documents from the evidence of the

testimonies of the witnesses that appeared.

The approach adopted in the compilation of the exhibit bundle was slightly different, which is to provide, if it is an excerpt from a statement, to provide the full statement so that appropriate context is taken when Mr Matlala has to consider. So, that automatically increased the number. So, it is very easy to identify the documents, say, when you are given a Rule 3, you were given excerpts from this particular document, we have now made the full document available to
10 you, and that full document will, of course, traverse issues that are wholly irrelevant to this particular witness, because the excerpts would have done that. But, for context purposes, we decided to provide everything.

The same goes for the chats, WhatsApp chats, that were relied upon. He was previously given chats relied upon in evidence, but now there has been a fuller disclosure of the chats for a certain period, and that added to the volume of paper.

Thirdly, it is possible to direct Ms van den Heever
20 on the relevant portions for purposes of our engagement with Mr Matlala that we will be relying on, so that they do not necessarily have to trawl through all 2 000 pages. So, we can do that. It is a question of how we – we have got proposals in that respect.

It is a question of where we land in terms of dates,

because if we are given other dates that are not successive, we are able to identify, for purposes of a particular date, what topics will be covered, and therefore, what documents will be relevant from the exhibit bundle. And so, to the next date, and the third, if possible.

If there are successive dates, then we might as well just do a complete sweep of the bundle and say these are the documents that are going to be relevant. I will confirm for the record that everything that was given to him, in
10 terms of the Rule 3s, will be relevant for purposes of preparation. Thank you, Chair.

CHAIRPERSON: Thank you.

ADV VAN DEN HEEVER: Chairperson, I appreciate what my learned friend has placed on record. The proposal that we be told, let us say, for a particular date, this is what is relevant, might be a bit problematic because our client is, unlike most witnesses that appeared here, not a man roaming the streets. We need access. That access is exceptionally limited.

20 **CHAIRPERSON:** May I make this request, Ms van den Heever? Let us start with the statement and once we are done with it, may those logistical issues be discussed between you and Ms Sello?

ADV VAN DEN HEEVER: I am quite happy that we do that. Thank you, Chair.

CHAIRPERSON: Thank you, thank you. Mr Matlala, will you be swearing or affirming?

MR MATLALA: I will be swearing.

CHAIRPERSON: Can you please state your full names for the record?

MR MATLALA: Say that again?

CHAIRPERSON: Please state your full names for the record.

MR MATLALA: Vusimuzi Matlala.

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

MR MATLALA: So help me God.

CHAIRPERSON: Thank you.

VUSIMUZI MATLALA: (duly sworn states)

EXAMINATION BY ADV SELLO SC: Thank you, Chair. And I have not had the opportunity. Good morning, Mr Matlala.

20 **MR MATLALA:** Good morning, Commissioner.

ADV SELLO SC: Mr Matlala, you should have by you a fairly small white file, and...

ADV VAN DEN HEEVER: I think the witness' file has been taken away. We will just go on, look at it electronically. It is just going to be a bit of an issue pertaining to the

paginated numbers, but I have handed mine over just for purposes of moving along.

ADV SELLO SC: Taken by who so that we can track it down?

ADV VAN DEN HEEVER: I think the attorneys took the boxes with them, but it is not an issue. Let us just move on. He can use mine in the interim.

ADV SELLO SC: That is fine, thank you. I hope that the file you have been given accords with our paginated
10 version, but let us start with a cover. It should bear your name on the spine. Regulation 10.6 notice, statement, and annexure. Is that what you have?

MR MATLALA: Yes, it is.

ADV SELLO SC: Thank you. Now, you do confirm that you have filed a statement in response to a request by the Commission to address certain specified questions that were posed to you. Is that correct?

MR MATLALA: Yes, I do.

ADV SELLO SC: I would like you to, on that file, then turn
20 to page 8 and have regard to the contents of the document appearing from page 8. It runs until page 17 and it has, in the tramlines at page 8, the word affidavit and it purports to be your affidavit. If you go to page 17, this is a document, an affidavit sworn to by yourself on the 2nd day of August 2026 and bears a signature above the word deponent. Do

you confirm that is your signature and that the details I have read are correct?

MR MATLALA: Yes, I confirm.

ADV SELLO SC: Now, attached to this statement, if you go further from page 18, is a two-page document that is referred to in this particular statement as Annexure VM1, and that would start at page 18. Do you so confirm?

MR MATLALA: Yes, I do.

ADV SELLO SC: And you stand by the contents of this
10 statement as we sit here now?

MR MATLALA: Yes, I do.

ADV SELLO SC: Just to give you a sense of how we normally run our processes here in the Commission, as a start, we give the witness an opportunity to speak to the statement that they have submitted. They have a choice of summarising issues or reading the statement into the record as we go along, or in fact, a bit of both.

And during that time, you can expect not to be engaged or the facts that you attest to, to not be
20 contradicted either by the Evidence Leaders or the Commissioners. So, you have a free run with the statement. You must, however, anticipate questions which we call clarification questions.

The clarification questions will be based on what is contained in the statement, either in a particular paragraph

or a paragraph considered in the context of another paragraph, just so you clarify what your eventual position is as regards a particular fact. Do you understand?

MR MATLALA: Yes, I do.

ADV SELLO SC: So, when we start then, you will have the opportunity to relate your story as you choose and, as I said, you may read or summarise. Secondly, the structure of your statement is such that you respond specifically to the issues raised in the Regulation 10.6 notice that was
10 served upon you. So, you do so with reference to the specific paragraphs in the 10.6 notice. In your statement, you deal with your response to the issue, specific issue in a certain paragraph, but you do not indicate what was asked of you. That is correct?

MR MATLALA: Yes, that is correct.

ADV SELLO SC: So, to facilitate the appreciation of your testimony by future readers, where you indicate that you are responding to a particular paragraph, like you say, at paragraph 2.1.1, please allow me an opportunity to read
20 into the record what was stated at paragraph 2.1.1, and then we deal with your response thereto. Would that work for you?

MR MATLALA: Yes, it would.

ADV SELLO SC: Thank you. So, if then we may start at paragraph 8. And before we do so, you should have page 8.

We should have from page 1 to 7 the actual 10.6 notice that you had received. Please confirm that is what you have.

MR MATLALA: Yes, I do have.

ADV SELLO SC: Then each time we have to go back to the 10.6, that is the 10.6 I will be referring to, and you are welcome to go to it just to satisfy yourself that I am reading into the record correctly what is set out in the 10.6.

MR MATLALA: Okay.

ADV SELLO SC: I invite you then to deal with your
10 statement starting from page 8. I think it makes sense that you perhaps read the beginning and the first four paragraphs, and because from the fifth paragraph you are now responding, you pause thereafter, and then I will read into the record paragraph 2.1.1 of the 10.6 notice, and then we take it from there. Thank you.

MR MATLALA: I should start reading?

ADV SELLO SC: Please start reading, whichever works best for you.

CHAIRPERSON: 1 to 4, paragraphs 1 to 4.

20 **MR MATLALA**:

“I am an adult businessman currently incarcerated as a remand detainee and awaiting trial. The facts deposed in this affidavit, save for where otherwise stated or indicated, are within my personal

knowledge and are, to the best of my belief, both true and correct. I confirm that I was served with a notice in terms of Regulation 10.6 of the Regulations of the Commission, and therefore I depose to this affidavit in response to the notice referred to herein. Where I make submissions of law, I do so on the advice of my legal representatives, which advice I very believe to be correct.”

10

ADV SELLO SC: Thank you for that. You then have a heading at paragraph 2.1.1, that is paragraph 2.1.1 of the 10.6 notice, which, as I indicated, starts from your page 1. If we could then refer to page 2? The first two paragraphs are the standard preliminary introductory comments to the notice itself, but you were requested from paragraph 2.1 to provide comprehensive background information, including, and you start with paragraph 2.1.1, and the question to you was:

20

“Whether you have previously been convicted of any offence by a court of law in South Africa, and if so, full details including dates of conviction and nature of the offences.”

You deal with that at paragraph 5. Please read your

paragraph 5.

MR MATLALA:

“I confirm that I have a previous conviction of housebreaking and theft, to which I was sentenced to an effective eight-year prison term. I served 18 months of this ...[indistinct] and I was subsequently released.”

We then turn to the next question and the 10.6 at 2.1.2,
10 where you were asked whether you have ever been charged of any offence, and charges were later withdrawn against you. You are required to provide details of the charges and dates when charges were withdrawn. You respond to that particular request at paragraph 6.

MR MATLALA:

“I can confirm that I was previously charged with offences that were later withdrawn. I attach hereto as Annexure VM1 a list of the offences that I was
20 charged with, which were later withdrawn.”

ADV SELLO SC: And you confirm that the VM1 you referenced there is the document appearing from page 18?

MR MATLALA: Yes, I do.

ADV SELLO SC: Page 18 and page 19?

MR MATLALA: Yes, I do.

ADV SELLO SC: These are the matters you were previously charged with, but all of which were subsequently withdrawn. Is that correct?

MR MATLALA: Yes, it is.

ADV SELLO SC: Okay. The next question to you was at paragraph 2.1.3, asking whether you are currently facing any charges, and if so, the nature of those charges and dates when you were charged. You deal with that question
10 at paragraph 7 of your statement, if you could read that.

MR MATLALA:

“I confirm that I am currently facing two separate pending matters as set out below. I have a pending case in the High Court of South Africa, Johannesburg, under the case number SS98/2025. I was arrested and charged by members of the PKTT on the 14th day of May 2025. I have been indicted on charges of
20 attempted murder and money laundering, which trial commenced on the 20th day of July 2026 and shall run until the 18th day of September 2026. I am also facing a case that is pending before the Specialised Commercial Crimes Court

under case number A16/212/26. I was formally charged with corruption and money laundering on the 24th day of March 2026. I place on record that this matter is with respect to the Health ...[indistinct] tender awarded by SAPS to Medicare24 Tshwane (Pty) Ltd. I confirm that at the time of submission of the bid and the subsequent award of the tender,

10 I was the sole director of Medicare24.”

ADV SELLO SC: Thank you. At paragraphs 8 and 9, you respond to the question posed at paragraph 2.1.4, which reads:

“Thus, when and how you first became involved in the security business and the health sectors.”

If you could then read your response, which is reflected at paragraphs 8 and 9?

MR MATLALA:

20 “I first became involved in the security business on or during 2017. I became a director of CAT Protection and Security (Pty) Ltd trading as CAT VIP Protection with registration number 2017/177122/07. I became involved in the health sector by

means of registering my company to the Central Supply Database in order to participate in the provision of services to government entities. By virtue of being registered on the CSD, my company will receive requests for quotations from the Department of Health, as this is the sector in which we are indicated as our field of trade on the CSD. It is then that
10 the company will provide the requested quotations and thereafter, upon success, provide the requested services.”

ADV SELLO SC: Before we leave paragraphs 8 and 9, just to clarify, at paragraph 8 you deal with the company CAT VIP Protection and you give the registration number. At 9 you deal with involvement in the health care sector and you say you did so by means of registering your company. Just to clarify, is this the same company you registered or is this a different company?

20 **MR MATLALA:** No, it is not. It is not the same company.

ADV SELLO SC: It is a different company?

MR MATLALA: Yes.

ADV SELLO SC: Would you recall off the top of your head the name of the company?

MR MATLALA: Yes, I do.

ADV SELLO SC: Yes, if you could provide that, please?

MR MATLALA: Black AK Trading and Suppliers.

ADV SELLO SC: Sorry, I missed that. Please say that again.

MR MATLALA: Black AK Trading and Suppliers.

ADV SELLO SC: Thank you. And would you have a recollection of when that registration on the Central Supplier Database took place?

MR MATLALA: I would say around 2018.

10 **ADV SELLO SC:** 2018. Thank you for that.

MR MATLALA: Ja.

ADV SELLO SC: And I do accept that you are speaking off the top of your head.

MR MATLALA: Yes.

ADV SELLO SC: Thank you. We then, in your statement, move to the question that was posed at paragraph 2.1.5, which was whether you have other business ventures outside of the security and health business and you provided a response at paragraph 10.

20 **MR MATLALA:**

“I place on record that I do not have any other businesses outside of the security and health sector.”

ADV SELLO SC: And if I may just clarify, your participation in the security and health sector is specifically

through the two companies you have named. Are there any other?

MR MATLALA: Yes.

ADV SELLO SC: Just the two?

MR MATLALA: Yes.

ADV KHUMALO SC: Is it not three? Medicare, CAT Protection, and Black AK?

ADV SELLO SC: Well...

ADV KHUMALO SC: Are we only dealing with health and
10 not security?

ADV SELLO SC: I am dealing with both health and security.

ADV KHUMALO SC: So it would be three.

ADV SELLO SC: Medicare24 Tshwane.

ADV KHUMALO SC: Medicare, CAT Protection Services, and Black AK Trading and Suppliers.

ADV SELLO SC: That is for the health sector, and then CAT VIP. Do you understand the question, Mr Matlala?

MR MATLALA: Yes, I do.

20 **ADV SELLO SC:** So you confirm it is just the three companies you referenced at paragraph 7.2, 8, and 9. You had no other companies through which you participated in the health and security services sectors?

MR MATLALA: Yes.

ADV SELLO SC: Thank you. Then we turn our attention to

the question that was posed at paragraph 2.1.6 of the notice, and the question required you to:

10 “Provide an explanation of your interactions or business engagements with state entities such as the South African Police Service, SAPS, and Ekurhuleni Municipal Police Department, EMPD. You are required to provide details of any companies or organisations in which you have an interest, which conducted business with state entities. These details should include their establishment, business activities, directors, and any joint ventures or contracts within the state.”

Your response to that extensive request is in your paragraph 11 at page 10, and it has got under the heading SAPS, and at your paragraph 11 you address the issue, your relationship with EMPD. So let us first deal with your
20 paragraph 11, which is specifically directed to your dealings with SAPS.

MR MATLALA:

“My company, Medicare, was previously contracted by SAPS to provide health and risk-related services. I place on

record that the Medicare tender has since been terminated. As already alluded to above, I am currently facing a criminal charge which is pending before the Specialised Commercial Crimes Court with respect to the Medicare tender. In light of the current pending criminal charges referred to herein, I am unable to comment further on this matter in that

10 I do not wish to give evidence that may lead to self-incrimination, and therefore I claim the privilege against self-incrimination. However, I do however wish to assist the Commission as best as possible, save to say that I am unable to comment on matters that are *sub judice*. I am in any event entitled to be presumed innocent until proven guilty. I am advised that this is a well-established

20 legal principle which affords protection to accused persons in criminal matters. The exercise of my right to claim privilege against self-incrimination should not be viewed as an obstruction or unwillingness to assist the Commission.”

ADV SELLO SC: Before you turn to the issue of EMPD, what you have stated in paragraph 11, if you are able to explain the extent to which you invoke that privilege? Is it entirely in respect of your engagements and dealings with SAPS, or are you confining yourself specifically to the Medicare24 contract?

MR MATLALA: It is in relation with the Medicare24 contract.

ADV SELLO SC: Specifically, you are confining yourself
10 thereto.

MR MATLALA: And anything that will have to be connected with the Medicare24 contract.

ADV SELLO SC: Anything that will be connected with that contract?

MR MATLALA: Connected, of course, yes.

ADV SELLO SC: Okay. Then from paragraph 12, you then deal with the issue of EMPD.

MR MATLALA: Yes.

ADV SELLO SC: If you could read your response?

20 **MR MATLALA:**

“I place on record that none of my companies were ever awarded contracts by EMPD, and that the only business that was concluded was for no financial gain, in terms of which we threw one of my

companies, CAT VIP Protection, provided security services to former Mayor Tania Campbell.”

ADV SELLO SC: And on that issue, you have not provided it, but are you able to, if it exists, to provide any documentation in respect of the security services you provided to the former Mayor? Would you have any documentation in respect thereto at hand?

MR MATLALA: No, I do not have any documentation.

10 **ADV SELLO SC:** Okay. Then you go to the issues ...[intervenes].

CHAIRPERSON: Sorry. Mr Matlala, we have evidence, I hope I am not mistaken, that your company provided security at a State of the City address in Ekurhuleni.

MR MATLALA: Yes.

CHAIRPERSON: Was that a separate incident, or is it what you are referring to here?

MR MATLALA: Yes, this is what I am referring to.

CHAIRPERSON: Thank you.

20 **ADV SELLO SC:** Thank you, Chair. And before perhaps we leave that point, when we do get to the point of engaging you, I trust you will be able to give more detail regarding specifically the security services you provided to the former Mayor, at a later time.

MR MATLALA: Of course.

ADV SELLO SC: Okay, thank you. Then at paragraph 2.1.7, the notice required you, with regards to the SAPS contract awarded to Tshwane Medicare24, to explain the circumstances in which you came to submit a tender for the SAPS health risk management contract, including any engagements with SAPS members, whether or not they were involved in the bid evaluation adjudication process, the management of the contract once you were awarded the tender, and any gifts, sponsorships, gratification favours
10 that you provided to any member of SAPS after you were awarded the tender. That is reflected at paragraph 2.1.7. You deal with the contents of that at paragraph 13, at page 8, if you could read that.

MR MATLALA:

“As already alluded to above, the SAPS and Medicare contract is a matter in which I have been criminally charged and currently attending court, and as such, I am unable to comment on the question
20 posed on the paragraph under reply, and the basis is that I do not wish to incriminate myself. The Medicare SAPS tender is a subject of a criminal court case, as already alluded to above. I remain an accused in that matter,

together with my company, and as such, evidence is still to be led in an open court with respect to this matter. I am entitled to be presumed innocent until proven guilty, and also not to answer self-incriminating questions, especially on such a complex matter that the state has already preferred charges against me.”

- 10 **ADV SELLO SC**: That would then conclude the list of questions asked of you under paragraph 2.1 of the 10.6 notice. The notice then moved on to paragraph 2.2, which had about seven sub-questions. You deal with that from your paragraph 14 and into paragraph 15.

The questions set out in paragraph 2.2 are lengthy, but basically they required you to explain or provide an explanation on the history or relationship whether direct or indirect, with certain persons listed in the Schedule A to the 10.6 notice. And you were requested, as you provide that
20 information, to answer specific questions relating to such relationships set out in paragraphs 2.2.1 to paragraph 2.2.7.

Your response, as I say, starts from paragraph 14, and if you could read that into the record? And then from paragraph 15, under four sub-paragraphs, you deal with

your relationships with different persons. So when the time comes, we will take it in terms of each individual identified, and then we will read that particular portion into the record. For the moment, I invite you to deal with paragraph 14.

MR MATLALA: The following ...[intervenes].

CHAIRPERSON: Are you not going to do what you have been doing, which is to read, so you will not read 2.2.1?

ADV SELLO SC: The question really is at 2.2.

CHAIRPERSON: Yes.

10 **ADV SELLO SC:** To explain your history and your relationship, direct or indirect, with certain listed officials. Then it required him, in his response, to provide the following information:

20 “When and how you met such each individual, the nature and description of the relationship, the nature and extent and frequency of communications, the nature, extent, and frequency of physical meetings, whether you have exchanged information with such persons, and whether he has been offered gifts, gratification, money, and whether he has been requested or been offered any favours by any of these individuals.”

So the questions listed from 2.2.1 is in respect of each

individual listed in Annexure A, and that Annexure A appears from page 7.

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

ADV SELLO SC: So if you could then, as I said, deal with your paragraph 14?

MR MATLALA:

10 “The following SAPS officials are my co-
accused in the criminal case with respect
to the SAPS Medicare tender, and as
such, I am unable to respond to the
questions posed relating to them on the
basis that I do not wish to incriminate
myself. As already alluded to above, the
criminal case is still pending and
awaiting adjudication in court. General
Fannie Masemola, Brigadier Rachel
Matjeng, Brigadier Alpheus Thembinkosi
Ngema, Patrick Nethengwe, Brigadier
Kirsty Jonker, Brigadier Petunia
20 Reabetsoe Lenono, Brigadier Onica
Ofentse Tlhoale, Colonel Anton Paulsen,
Colonel Natsenge Johannes Monyai,
Colonel Nonjabulo Nomfundo Mngadi,
Colonel Tumisho Nehemiah Maleka,
Captain Brian Neville Cartwright, and

Major General Busisiwe Precious Temba.”

ADV SELLO SC: You then, from paragraph 15, deal specifically with four people. At 15.1, you address matters of your relationship with Minister Senzo Mchunu. At 15.2, you deal with your relationship, if any, with General Phahlane. At 15.6, misnumbered as 14, at 15.6 is your relationship with General Nhlanhla Mkwhanazi, Lieutenant General Nhlanhla Mkhwanazi. At 15.3, Lieutenant General Molefe Fani, and at 15.4 with Major General Feroz Khan.

10 And that concludes your testimony in regard to the relationships you have with the various persons listed at Annexure A. You confirm that?

MR MATLALA: Yes, I confirm.

ADV SELLO SC: Now, looking at your paragraph 14, you have listed 13 persons there that you say are your co-accused in the Medicare24 contract.

MR MATLALA: Yes.

ADV SELLO SC: And you request, in extending your privilege, that you not be required to comment or testify
20 about any relationship you may have with any one of them.

MR MATLALA: Of course.

ADV SELLO SC: If we go to page 7, though, I realise that if one has regard to the 13 that you request that you not be questioned about because they are your co-accused in the Medicare24 contract, we look at those you deal with at

paragraph 15, it still does not conclude the list at page 7.

Would you please go to page 7 of that file?

MR MATLALA: I am on it.

ADV SELLO SC: I will give you an example. Your item 5 requested you to speak to any relationship you may have with Lieutenant General Shadrack Sibiya. Item 8 requested the same of Lieutenant General Senthumule. 9, with former General Thema. 10, Major General Lesetja Senona, and so it goes. So there are persons in Annexure A that you have
10 not included in your statement. Why is that?

MR MATLALA: Ja, these are the present people that will be added in the supplementary affidavit.

ADV SELLO SC: Why did they not form part of the statement? Because you do not explain, at least as far as I can see, in your statement that you will ...[intervenes].

MR MATLALA: They are not ...[intervenes].

ADV SELLO SC: If I may just complete this? That you will be addressing the remainder of the persons identified in Annexure A at a later stage in a supplementary affidavit.

20 **MR MATLALA**: Yes, I was just only referring to my co-accused. So these people here are not my co-accused.

ADV SELLO SC: No, sorry, perhaps I was not very clear. I am saying if we look at the people at 14, you say these are your co-accused.

MR MATLALA: Yes.

ADV SELLO SC: But then you go further at 15, you deal with others who are not your co-accused.

MR MATLALA: On paragraph 15?

ADV SELLO SC: From paragraph 15, 15.1 to 15.4. As I read them out, it is Minister Senzo Mchunu, that is not your co-accused.

MR MATLALA: Yes.

ADV SELLO SC: Former General Phahlane, Lieutenant General Mkhwanazi, Lieutenant General Fani, and Major
10 General Feroz Khan. So besides the fact that you do not deal with the ones you say are your co-accused, which is a different issue, you appear to have made a selection from Annexure A as to which relationship to talk about.

And I point out that, for instance, you completely ignored the request that you talk to your relationship with Lieutenant General Shadrack Sibiya, who is listed under 5, to Lieutenant General Khosi Senthumule listed under 6, and Major General Senona under 10, former General Sandra Thema under 9, Major General Shibiri under 12.

20 So my question was, besides the fact that I hear you will not deal with your relationship with your co-accused, you have gone further to make a selection to deal with only five of the remaining persons whose names appear on annexure file, and have chosen to ignore completely their other persons with no explanation in your

statement as to why that is the case, and I am inviting you to explain to the Commissioners why that is the case.

MR MATLALA: I will say it is because these people, in my supplementary affidavit, it will explain further why I did not include them now here. So because there are some reasons I did that deliberately, because I have reasons why I did not include them, but only those reasons will be found in my supplementary affidavit.

ADV SELLO SC: Are you in a position to share the
10 reasons now and the detail then of the relationship you have with the respective persons to be included in your supplementary? The reasons I am requesting is why they do not form part of this particular statement, and then you do not have to elaborate on the relationship you have with each one of them.

MR MATLALA: It will have to do with the recordings which I am disputing. So I did not want to add them now, because I have to now dive deep and explain why I am saying I am disputing the recordings, which we still have the transcripts
20 that we still need to transcribe again because some of them are unofficial transcripts.

ADV SELLO SC: So then if I understand you correctly, and I do not want to misunderstand you, anyone appearing at page 7 that you have not dealt with, it is your submission that they are to some extent impacted by or involved in the

recordings that you intend to dispute.

MR MATLALA: Yes.

ADV SELLO SC: Is that the basis?

MR MATLALA: Yes.

ADV SELLO SC: I hear you. And that will become apparent when you submit your supplementary statement.

MR MATLALA: Yes.

CHAIRPERSON: Ms Sello, are you not in a position to itemise all of the names that have been excluded? Because
10 what you have done now is to give examples.

ADV SELLO SC: Yes, we are able to.

CHAIRPERSON: If it will take time ...[intervenes].

ADV SELLO SC: No, no, no, it will not, Chair. I am thinking of the best way to do it.

CHAIRPERSON: All right.

ADV SELLO SC: It would be to read the listed paragraph 7, and then we start with where he has itemised it, paragraph 14, and then I will relate it to the item number. Then I will call out those that are dealt with in paragraph
20 15, and then it will become apparent then who else is remaining. So it will just be a quick exercise. So if we ...[intervenes].

MR MATLALA: I am sorry, Commissioner, to disturb. I actually wanted to ask direction because I see here there is on page 7...

ADV SELLO SC: Yes?

MR MATLALA: Number 27, there is Sergeant Zungu.

ADV SELLO SC: Yes.

MR MATLALA: So I wanted, I do not know, because I do not know Sergeant Zungu, but I know Captain Zungu. So I do not know whether the Commission made a mistake or what. So I could not comment on this, not knowing whether it is a mistake or not.

ADV SELLO SC: I will try and clarify that for you.

10 **MR MATLALA:** Okay.

ADV SELLO SC: So I will highlight Sergeant or Captain Zungu as a specific case.

MR MATLALA: Okay.

ADV SELLO SC: And it was unclear to you, as I understand it, who the Commission was referencing. So I will come back to you with clarity, and then you can deal with that in the supplementary.

MR MATLALA: That is fine.

ADV SELLO SC: Chair, then the quick exercise. I think
20 the best way to go about it is to use Mr Matlala's statement at paragraph 14. At 14.1, he deals with General Masemola. Now, the request that he deal with General Masemola is item 3 on page 7. It is followed by Brigadier Rachel Matjeng. And Rachel Matjeng, Brigadier Matjeng, is item 14 at page 7.

The next is Brigadier Alphius Temingkosi Ngema, and that is item 15 at page 7. That is followed by Brigadier Kirsty Jonker. That is item 17. 14.7, he deals with Brigadier Onica Ofentse Tlhoale. That is item 19. That is followed by Colonel Anton Paulson. That is item 20. 14.9, it is Colonel Natsenge Johannes Monyai. That is item 21. Followed by Colonel Nonjabulo Nomfundo Mngadi at item 22. I was then requested to comment on his relationship with Colonel Tumisho Nehemiah Maleka. That is 24, item 10 24 at page 7. Followed by Captain Brian Neville Cartwright. That is item 25. And lastly, Major General Busisiwe Temba. That is item 13. Item 13 at page 7.

I note that at paragraph 14.13, Mr Matlala refers to the Major General as Temba with an H. Page 7 is Temba without an H. So we accept that perhaps our spelling may have been wrong. That is correct, Mr Matlala? You intended to address, to talk about the person listed in item 13 of page 7, notwithstanding the difference in the spelling of the name?

20 **MR MATLALA**: Honestly, I do not know his surname, so I do not know whether it is a spelling error or not. I do not know how to pronounce it.

ADV SELLO SC: No, that is quite right, and I do accept that the spelling error may be on our part, but it is the same person that we are dealing with. If we then, Chair, move to

the ...[intervenes].

CHAIRPERSON: Sorry, I think I missed two names. Did you include both items 23 and 24, Colonel Maleka and Lieutenant Colonel Maluleke?

MR MATLALA: Yes, Nehemiah Maleka, who is 14.1 is included. It is item 23.

CHAIRPERSON: Ja. And 24?

ADV SELLO SC: Maluleke, I had ...[intervenes].

CHAIRPERSON: Not.

10 **ADV SELLO SC**: Maluleke is not listed ...[intervenes].

CHAIRPERSON: Not, okay.

ADV SELLO SC: Maluleke is not part of his paragraph 14.

CHAIRPERSON: All right. Thank you, thank you.

ADV SELLO SC: Now, paragraph 15 then involves other persons. The first being Minister Senzo Mchunu, and the request in that respect is item 1 of the page 7. The next is General Phahlane, and item 4 on page 7. Thereafter, it is followed by Lieutenant General Mkhwanazi, that is item 6, and Lieutenant General Molefe Fani, that is item 7, and
20 lastly, Major General Feroz Khan, that is item 11.

So, that would, on my estimation, leave – if we go then page 7, it will leave item 5, Lieutenant General Shadrack Sibiya. It will leave out item 8, Lieutenant General Khosi Senthumule, item 9, former General Sandra Thema, item 10, Major General Lesetja Senona, item 12,

Major General Richard Shibiri, item 16, Brigadier Patrick Nethengwe, 18, Brigadier Petunia Reabetsoe Lenono ...[intervenes].

ADV KHUMALO SC: Sorry, Nethengwe is 14.4.

ADV SELLO SC: The error is mine. Yes, it is quite good. Thank you, Commissioner. Then that takes us to 18. 18 is dealt with, yes, at item 14.6. So after Major General Shibiri, then we would jump to 24, Lieutenant Colonel Maluleke. And then Sergeant or Captain Zungu, as the
10 witness has stated, and Commissioner Julius Mkhwanazi at item 28. Those are the persons that he has not addressed in the statement or his relationship with them.

ADV BALOYI SC: Ms Sello, it might be I missed it, item 2 and 26.

ADV SELLO SC: Yes, item, indeed, 26 would be Fannie Nkosi. That is quite, I confused that with Molefe Fani, that would be correct.

ADV BALOYI SC: And did you mention item 2?

ADV SELLO SC: I miscounted it as a matter, as somebody
20 had dealt with in the statement. The Commissioner is quite correct.

ADV BALOYI SC: Thank you.

ADV VAN DEN HEEVER: Chairperson, I do feel compelled, maybe as client is not legally trained to just highlight the following issues. In addition to what the client has said, I

was not the deponent or I did not assist with the drafting of this affidavit, but I was consulted on issues relating thereto. The persons that were left off also relates to IDAC. The certain investigations conducted by IDAC and it was going to be dealt with in the supplementary affidavit.

There was information that the attorneys endeavoured to obtain from IDAC that, put it this way, that they battled to get, but we are dealing with it in a different way.

So the legal basis is not only based on the
 10 statement that is at issue, but it relates to investigations that were conducted by IDAC. And I think I am going to stop there because we do intend to basically also set out for you the legal basis as to why these names cannot be dealt with also vis-à-vis IDAC's investigations, and then specifically, I can also mention in respect of the last person, I think it is General Mkhwanazi from the EMPD, there is certain further information that all relates to the issue of suspect, the legal definition of a suspect, et cetera, and your rights afforded to you as a suspect. I just wanted to
 20 place this on record. May it please you.

CHAIRPERSON: Thank you. Thank you, Ms van den Heever.

ADV SELLO SC: Thank you, Chair. So we understand the reason why then some of the people who have been left out on the list were left out. We accept that they will then be

addressed in the supplementary statement to be filed, and we shall pick it up from there when that statement is filed. Let us then turn our attention, Mr Matlala, to your paragraph 15 where you then deal with the five people.

At 15.1, you recall that the request to you had been to explain the history and relationship you maintain with a specific person listed at page 7, and to give the details as to the nature and extent and frequency of your communication, et cetera. You deal at 15.1 with your
10 relationship with Minister Mchunu. If there is any, if you could then address yourself to your paragraph 15.1?

MR MATLALA:

“I place on record that I do not have any relationship with Minister Mchunu. I have never met Minister Mchunu and have had no interactions with him, nor have I been at any gatherings where he was present. It suffices to say that I do not know Minister Mchunu.”

20 **ADV SELLO SC:** And just a question of clarification here. You say you have had no interactions, I take it, with personal interactions.

MR MATLALA: Yes.

ADV SELLO SC: Have you had any interactions on your behalf? Have there been any interactions on your behalf

with Minister Mchunu, to the best of your knowledge?

MR MATLALA: Yes.

ADV SELLO SC: Initiated by you? Had you ever requested anyone to engage with him on your behalf?

MR MATLALA: No, it was only during when we had to confirm whether we know each other. There is a letter that I sent to, it was sent, I think, to the IDAC committee.

ADV SELLO SC: Yes.

MR MATLALA: So it is that interaction that I am referring
10 to.

ADV SELLO SC: So that is the interaction you had with him?

MR MATLALA: Ja.

ADV SELLO SC: Are you able to ...[intervenes].

MR MATLALA: Not with him directly.

ADV SELLO SC: Yes, please clarify.

MR MATLALA: Not with him directly.

ADV SELLO SC: Through who?

MR MATLALA: Through the attorney.

20 **ADV SELLO SC:** Okay. The attorney being his attorney or your attorney?

MR MATLALA: My attorney and his attorney.

ADV SELLO SC: Okay. Sorry. Now you have specified the interactions you had with Minister Mchunu through your attorneys and you referenced a particular letter you

submitted to, or that was submitted to parliament, and you said this was through your respective attorneys, both yourself and Minister Mchunu's. Have you had any other dealings or interactions with him through interactions by others?

MR MATLALA: No.

ADV SELLO SC: None?

MR MATLALA: No.

ADV SELLO SC: Then if we go over ...[intervenes].

10 **ADV KHUMALO SC:** Before you ...[intervenes].

ADV SELLO SC: Yes, please.

ADV KHUMALO SC: Minister Mchunu's foundation, have you had any dealings with it?

MR MATLALA: No, nothing.

ADV SELLO SC: Thank you, Commissioner. Now, perhaps because you were requested at 2.2.5 when you speak of any particular individual to indicate whether you have exchanged information with them. At 2.2.6, whether you have given or offered any gifts, gratification, money,
20 sponsorship, favours to any of these individuals.

Now, confining ourselves to Minister Mchunu, if you look at paragraph 2.2.6 of the notice, do you confirm that you have not taken any step that constitutes an offer of gift or sponsorship to Mr Mchunu, whether directly or indirectly? Is that your position?

MR MATLALA: No, I have never, yes.

ADV SELLO SC: Okay. If then I can invite us to page 13? At page 13, you deal the same questions, but now in respect of former General Khomotso Phahlane. You deal with that at 15.2.

MR MATLALA:

10 “I place on record that I know General Phahlane. I am unable to recall how many times I have met with him and place on record that these meetings were, to the best of my knowledge and belief, at the time when he was no longer within the employ of the SAPS. I confirm that I have no business dealings with General Phahlane, nor have I ever asked for any favours from him or offered him any gratifications.”

20 **ADV SELLO SC:** In light of your response in regard to General Phahlane, may I then ask you, insofar as Minister Mchunu is concerned specifically, whether you have ever asked of him any favours?

MR MATLALA: From General Phahlane?

ADV SELLO SC: No, Mr Mchunu. I am going back, because when you speak of General Phahlane, you specifically say you have never asked for any favours from

him or offered him any gratifications. That is a claim you do not make in respect of Mr Mchunu. So my question, my question to you is whether you have ever asked of any favour of Minister Mchunu.

MR MATLALA: No, I have never asked any favours from him.

ADV SELLO SC: You then, at paragraph 15.6, deal with your relationship with Lieutenant General Nhlanhla Mkhwanazi. If you could read that into the record?

10 **MR MATLALA:**

“I place on record that I know and have on one occasion met Lieutenant General Mkhwanazi. I do not have any relationship with him.”

ADV SELLO SC: Are you in a position to describe very briefly, even just highlight, this meeting on this one occasion? Are you able to provide any detail?

MR MATLALA: I cannot provide any details because it has to do with the case that I am attending in Pretoria for the
20 Medicare tender.

ADV SELLO SC: Sorry, please say that again.

MR MATLALA: I am saying I cannot provide any details because my meeting with General Mkhwanazi, it has to do with the tender that I have, I had with SAPS.

ADV SELLO SC: Okay.

MR MATLALA: Which now I am attending court and I am charged for that matter.

ADV SELLO SC: So if I understand you correctly, then your meeting in that occasion you referenced involved the Medicare24 tender.

MR MATLALA: Yes.

ADV SELLO SC: Did it involve any other issue besides the Medicare24 tender?

MR MATLALA: No, it has to do with Medicare24 tender.

10 **ADV SELLO SC:** Your voice tends to drop sometimes.

MR MATLALA: I am sorry.

ADV SELLO SC: Or maybe my hearing is not what it should be.

MR MATLALA: I tried to speak next to the speaker.

ADV SELLO SC: You can pull them closer to you if more comfortable. Thank you. Yes, no, no, my question had been on that particular one occasion because you say you have met with him only once, I hear that you say that meeting involved or related to the Medicare24 contract,
20 which you say is part of the ongoing criminal trial.

MR MATLALA: Yes.

ADV SELLO SC: My question was whether or not you discussed any other matters outside the Medicare24 contract, and if so, what those were.

MR MATLALA: Ja, there is something that we discussed

except the Medicare24 tender.

ADV SELLO SC: Are you able to shed light on what was discussed?

ADV VAN DEN HEEVER: Maybe again, Chairperson, this particular issue, I want to request for a number of reasons that it be parked. We intend to bring, if necessary, again, in law an application to the Commission to deal with that issue differently. So at this point, I respectfully submit that for reasons that we have also disclosed to the Evidence
10 Leaders, I do not think it is pertinent or prudent at this point to deal with this issue.

We will deal with it in the supplementary affidavit together with a specifically application as to how we wish to deal with that aspect because the client has already indicated to you that there is a relation to the Medicare contract and it flows from there. Thank you very much.

CHAIRPERSON: But Mr Matlala has just said that it is not related to the Medicare24 contract.

ADV VAN DEN HEEVER: It is indirectly related to it. As I
20 said, my client is not an attorney or an advocate. He does not understand the legal, the finer points of the law in as much as how you indicate direct or indirect or related to.

ADV SELLO SC: Chair, my challenge is if we approach matters on that basis, then anything that was discussed on that one occasion, including any potential Christmas gifts

cannot be discussed simply because the Medicare24 contract happened to be discussed in that meeting. Now, Mr Matlala has specifically, as the Chair points out, that there were other matters discussed that are unrelated to Medicare24.

Now, if Ms van den Heever wants the matter to be parked, as she suggests, the least she could do, I would suggest, is to advance a legal basis to the Commissioners for why this matter should be parked. I do not see, even if
10 she were able to, I do not see why the witness cannot comment just in general on the topics that were discussed and the detail to be unpacked in the supplementary statement. Thank you, Chair.

ADV VAN DEN HEEVER: Chairperson, on that issue, if necessary, I will file a substantive application to deal with it and ask that that application be heard in camera. Thank you.

CHAIRPERSON: I just want to be sure, is the point, the simple one, that the other issues that were discussed,
20 which Mr Matlala says are not related to Medicare24 but which you say are indirectly related to Medicare24, that Mr Matlala is claiming the privilege not to incriminate himself? Is that your point, Ms van den Heever?

ADV VAN DEN HEEVER: My point actually goes further, Chairperson, and that is why I say, with the greatest of

respect, allow us the opportunity on that issue alone to set it out, file a substantive application, and set out to you the reasons as to why we believe that should not be dealt with in an open forum.

CHAIRPERSON: But in broad and general terms, why can we not hear now what the extension beyond the privilege is, in broad general terms, not any detail?

ADV VAN DEN HEEVER: Chairperson, then I am going to ask that I just deal with this issue with a client during tea
10 time, and that we then come back after tea time to that particular issue. I need to take an instruction on him as to exactly how he feels comfortable in me addressing you on that issue.

As I said, please understand it clearly. This is not to interfere with the flow of what we are busy with, but I also have my client's interest at heart when I address this issue, but I am quite willing to have a quick discussion with him during tea period and come back to this to see how we can deal with it.

20 **CHAIRPERSON:** Perhaps in the interest of time, Ms Sello, for now, let us just park the issue and revisit it when we come back after the tea.

ADV SELLO SC: I am happy to do so, and I see perhaps it is about that tea time, but if I could just conclude on paragraph 15, and then we will revert to this issue.

CHAIRPERSON: Yes.

ADV SELLO SC: Except to go on record and say Mr Matlala has got a full appreciation of the fact that the other issues that were discussed bear no bearing on the Medicare24 contract, and that is the understanding that he gave to the Commission, to the Commissioners in response to a question, and he is very clear about that. But we shall pack the matter, and we will pick it up after tea. For the moment, then, Mr Matlala, let us go to your paragraph 15.3.

10 This time you are addressing your relationship with Lieutenant General Fani Molefe. If you could read the contents of 15.3 into the record?

MR MATLALA:

“I place on record that I do not have any relationship with Lieutenant General Molefe Fani. I have never met him and have had no interactions with him, nor have I been at any gatherings where he was present.”

20 **ADV SELLO SC:** And that will then lead us to paragraph 15.4, where you specifically then deal with your relationship with Major General Khan.

MR MATLALA:

“I place on record that I do not have any relationship with Major General Khan. I

have never met him and have had no interactions with him, nor have I been at any gatherings where he was present. It suffices to say that I do not know him.”

ADV SELLO SC: And I take it that if one has regard to paragraph 2.2 of the notice, of the 10.6 notice, that insofar as both Lieutenant General Fani Molefe and Major General Feroz Khan, you cannot speak to the issues raised in paragraphs 2.2.1 to 2.2.7 because as you say, you do not
10 know them at all, and therefore the issues that are raised in those subparagraphs do not arise in regard to them. Is that your position?

MR MATLALA: Yes, of course.

ADV SELLO SC: Thank you.

CHAIRPERSON: Let us adjourn and resume at 11:35.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Ms van den Heever?

ADV VAN DEN HEEVER SC: Thank you, Chairperson, for
20 the indulgence. I did discuss it with a client. He is going to add something to the answer that he has given. The previous point, however, stays, that there is an aspect we will deal in the supplementary affidavit, but the other aspect he will deal with in public.

CHAIRPERSON: Let us hear you, Mr Matlala, and whether

or not there will be follow-up questions we will see based on the response that you give. You still remember the question by Ms Sello, was whether any other issues, other than issues relating to the Medicare 24 contract were discussed with the Lieutenant General Mkhwanazi. And ja, let us start there and I think you then...

ADV SELLO SC: I confirm, Chair, I think that that is the best place to start.

CHAIRPERSON: Yes.

10 **ADV SELLO SC:** And as the Chair has pointed out, there might be follow-up questions based on his answer. Thank you.

MR MATLALA: Ja, other than the Medicare tender, we also discussed the warrant that he, they had by then of my arrest, so but the warrant is for the case that I am currently charged with in the Johannesburg High Court, so I would not want to go further in respect of that matter because of it is currently pending in court.

ADV SELLO SC: Is that, so those are the only two issues?

20 **MR MATLALA:** The other issues like I discussed with my counsel, they said they will make a submission and then I do not know how they will deal with it, but she just explained now that it will have to have an application for that.

CHAIRPERSON: But Mr Matlala, I think the antecedent

question before we get to that point, a point on which you received legal advice, the antecedent question is, are those other issues related to the Medicare 24 contract or the matters in respect of which you have been charged?

MR MATLALA: Yes, it is not Medicare 24 contract, it is the other matter that I am charged with. However, I am saying I will still comment more regarding that matter, but I needed to make a submission with my counsel and then she will advise further on how we will deal with that.

10 **CHAIRPERSON:** I am not sure I understand. I want to be sure, are you talking about other matters in addition to the one about the warrant? It is Medicare 24, it is the warrant of arrest, are there additional matters?

MR MATLALA: No, no, there is no other additional matters.

CHAIRPERSON: All right, thank you.

ADV SELLO SC: So then, if I understand you correctly, what was discussed on that one occasion you met with Lieutenant General Mkhwanazi, were the two issues,
20 matters relating to the Medicare 24 contract, that is one?

MR MATLALA: Yes.

ADV SELLO SC: And secondly, the issue regarding your warrant of arrest.

MR MATLALA: Yes.

ADV SELLO SC: And now you confirm those were the only

two issues.

MR MATLALA: Yes.

ADV SELLO SC: Now on the warrant of arrest, you said the Johannesburg case.

MR MATLALA: Yes.

ADV SELLO SC: The only reference you have made to a Johannesburg case is what is set out in paragraph 7.1 of your statement.

MR MATLALA: 7.1?

10 **ADV SELLO SC:** 7.1. Is it that matter, is it in relation to that matter or a different matter?

MR MATLALA: Can I please check?

ADV SELLO SC: Please do.

ADV VAN DEN HEEVER SC: Chairperson, just to save time, simply put, my instructions are that General Mkhwanazi told the client there is a warrant of arrest out for you. You will be arrested on the matter that is currently part heard in the High Court of Johannesburg. I think it is easier that we just place it on record.

20 **ADV SELLO SC:** Chair, I have challenges. I do not know whether...

CHAIRPERSON: Ja, ja, ja. I also, even as you started speaking, Ms van den Heever, it is Mr Matlala who is testifying. Let Mr Matlala respond to questions. You may speak, of course we can never gag you, you may speak if

you want to raise an issue, but what you just said I think is evidentiary matter to which it is Mr Matlala who should respond.

ADV SELLO SC: Thank you, Chair, and I think perhaps that we need a cautionary note going forward that in trying to assist the Commission, perhaps Ms van den Heever takes particular note of the risk of testifying from the bar, because that it places me in a very difficult position of not knowing whether to invite into the witness box.

10 [Parties speaking simultaneously]

CHAIRPERSON: Can you please repeat your question?

ADV SELLO SC: My question to Mr Matlala?

CHAIRPERSON: Yes.

ADV SELLO SC: Mr Matlala had said that on the occasion he met with Lieutenant General Mkhwanazi, they discussed two distinct issues. The first related and concerned the Medicare 24 contract on which he says he is currently facing a criminal charge. The second relates to what he calls the warrant of arrest, and he said for the
20 Johannesburg case, and that is where he left it. So I informed Mr Matlala that on my reading of his statement, the only Johannesburg case referred to in his statement is what is set out in paragraph 7.1, and I sought to establish from him whether it is that case that he references, or is there another Johannesburg case on the basis of which the

warrant was discussed?

MR MATLALA: Yes, I just checked it now. It is this case on 7.1.

ADV SELLO SC: It is the same case?

MR MATLALA: Yes.

ADV SELLO SC: Okay.

ADV KHUMALO SC: Can we just get clarity on when and where the meeting took place?

MR MATLALA: I am not sure about the date, but it is in
10 2025. I think around March, but I am not sure.

CHAIRPERSON: And where?

MR MATLALA: It was in Durban.

ADV SELLO SC: And if I then may just follow up on that, who initiated the meeting?

MR MATLALA: I asked for the meeting.

ADV SELLO SC: Now, I understand then that the detail of what was discussed regarding the Medicare 24 contract, for which you invoke your rights as an accused, as well as the discussion around the warrant of arrest in respect of the
20 Johannesburg court case, the detail will be provided in the supplementary statement.

MR MATLALA: Yes.

ADV SELLO SC: And in respect of both, you invoke your right not to self-incriminate.

MR MATLALA: Yes.

ADV SELLO SC: Okay. Just checking.

ADV KHUMALO SC: Can I just ask one more question?
Sorry.

ADV SELLO SC: Yes.

ADV KHUMALO SC: Is this the same meeting where
General Senona was present?

MR MATLALA: Yes, that is correct.

ADV KHUMALO SC: Is that the same one?

MR MATLALA: Yes.

10 **ADV KHUMALO SC:** He has already testified as regards
the date and time. So I think he said it was in April.

MR MATLALA: April?

ADV KHUMALO SC: Yes.

MR MATLALA: Okay.

ADV SELLO SC: Thank you, Commissioner. And you will
accept that date of the April because you say it is the one
occasion?

MR MATLALA: Yes.

20 **ADV SELLO SC:** Okay. This then would lead us to your
paragraph 16, starting at the bottom of page 13. And at the
bottom of page 13, you respond specifically to what was
raised in paragraph 2.3 of the 10.6 notice. Now, in regard
to 2.3, you are requested to speak to five instances or
incidents and to explain your involvement in any one of
them. They are listed from 2.3.1 to 6. In fact, 2.3.6. You

confirm that, that that was what was requested of you. Six separate incidents. If you could just have regard to page 4 of the 10.6.

MR MATLALA: Page 4? You said 2.3.1?

ADV SELLO SC: We acting experience at page 4 of the 10.6 notice?

MR MATLALA: Yes, I am.

ADV SELLO SC: Now we are dealing with paragraph 2.3. If you look at your statement at page 13, you start at the bottom ad paragraph 2.3.3, which is a sub of paragraph 2.3 in the notice.

MR MATLALA: Okay.

WITNESS: You confirm that. And I say if one has regard to paragraph 2.3 of the notice, six separate incidents are referred to there and you are asked to comment on each one separately and to state your level of involvement in each one of them. You confirm that was what is requested of you?

MR MATLALA: Yes, I do.

20 **ADV SELLO SC**: Okay. Now, looking at then starting your paragraph 16, I see you specifically deal insofar as 2.3 is concerned with paragraph 2.3.3 and 2.3.4. Just for the record, 2.3.3 required you to:

“Provide detail of and your involvement in
the circumstances in which Sergeant

Fannie Nkosi came into possession of
your Luxor Africa bank card.”

You were required to list all the periods when he had
possession of the card and what, when, and for what this
card was used for. You deal with that at paragraph 16.
You confirm that?

MR MATLALA: Yes, I do.

ADV SELLO SC: Then paragraph 2.3.4 of the notice
required you to:

10 “Address the loan or funding agreement
entered with Mr Salim Karim or any of his
companies in or about June 2024 or any
other date, including a copy of such
agreement and the terms thereof.”

That you deal with at paragraph 17, where you deal with
paragraph 2.3.4 of the notice. You confirm?

MR MATLALA: Yes, I confirm.

ADV SELLO SC: Now, I note from your statement that you
specifically do not deal with paragraphs 2.3.1, 2.3.2, 2.3.5,
20 and 2.3.6. Now, before we then deal with the matters that
you respond to, let us try and address the matters that you
choose not to respond to. 2.3.1 required you to:

“Speak of your involvement in Major
General Khan's disciplinary hearing,
including communications with Mr Mogotsi

regarding Mr Maluleke's testimony and attempts to bribe him in order for him to change his testimony in favour of Major General Khan."

You do not deal with the issues raised in that particular subparagraph. Is there a reason for that?

MR MATLALA: Honestly, it is an oversight. I do not have a reason not to deal with this one. I can deal with it now. I am sorry about that.

10 **ADV SELLO SC:** If you can deal with it now, we would appreciate if you spoke to it, because this is your moment to respond to the regulation 10.6 as received. So, let us start with paragraph 2.3.1. You have looked at it. You have considered it. What can you say as regards what is set out there in? And anything that you may overlook in the process, you will then elaborate on in your supplementary. But for the moment, you can introduce us to any response you have to that question.

MR MATLALA: So, it is in regards with Mr Maluleke, am I
20 right? 2.3.1.

ADV SELLO SC: 2.3.1, yes.

MR MATLALA: Yes, Mr Maluleke, I know him. He was staying at my house. The reason for him to stay at my house, I think he was robbed or something and he did not have a place to stay and then I offered him a place to stay.

So, he was staying at my house and as soon as he heard that the police went to my house to do that first raid, and I have been complaining about the conduct of the police to the extent that I even attempted to make an urgent High Court application to interdict the police from harassment.

So, I have been sharing these things with him anyway. So, there came a point where, I do not know who contacted Mr Maluleke, but he told me that, listen, I have been asked to go and testify against, give testimony in
10 relation to General Khan. So, and then he said, because these people who requested me to go there and testify, that are the people who went to your house and raid your house. So, is there anything that you want me to do in regards with this thing?

So, and then I told him that, listen, whatever it is, I have already sorted out my issues with these people. So, I do not have anything to do with them anyway. So, but he said to me, he already spoken to some guy, Mr Mogotsi, and Mr Mogotsi asked him to go there and then to testify, but I
20 do not know what he was supposed to say in his testimony. So, he wanted my confirmation that, do you really want me to go there and then testify on, in favour of General Khan?

I said, I do not know General Khan anyway, and then even if you do, it will not help me with anything because I already solved my, I already sorted out my

problems with the police that were raiding my house. So, from what I heard is, I heard it from Mr Mogotsi, that he said to Mr Mogotsi that, I am going to testify in favour of General Khan, but I want you to speak to your people to give me a promotion and some money. So, Mogotsi showed me the communication between himself and Mr Maluleke.

So, there was a meeting that, they were supposed to have a meeting somewhere, I think it was in a hotel somewhere in Johannesburg, I forgot the name of the hotel.

10 So, I asked Mogotsi that, okay, did your person did what you said he will do? He said, yes, he did, but he told me that they even recorded him, I think, because he was asking for promotion and money. So, I would say, from the top of my head, that is how I remember about this Mr Maluleke story.

CHAIRPERSON: By whether he had done what he had said he would do, were you referring to him testifying at the disciplinary proceedings?

MR MATLALA: Yes.

20 **CHAIRPERSON:** So, he had said he had testified?

MR MATLALA: No, not at the disciplinary proceedings, I am sorry. He was going, before he went to testify, he had an appointment with Mr Mogotsi, and then Mr Mogotsi arranged, I do not know with who, they met with those people, and then that is when maybe they were planning to

try to come up with how he is going to testify, I think. So, during that meeting, that is when he was recorded. Mr Mogotsi told me that they have recorded him, and then he is asking for money and a promotion. I said, then, if he is like that, then why do not you ask the person that is helping you to give him money? So, why are you, that cannot be my problem. So, I left it at that, and then...

CHAIRPERSON: So, when you asked whether Mr Maluleke had done what he had said he would do, were you asking
10 about whether he had made an approach for him to be promoted?

MR MATLALA: No.

CHAIRPERSON: When you asked, has he done what he said he would do, what were you asking about?

MR MATLALA: I was asking that, he said he will testify in favour of General Khan. So, I was asking Mr Mogotsi that, did he do that?

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair. And just as a follow-
20 up, considering the issue, which was you were to speak to Major General Khan's disciplinary hearing, and then include in communication between Mr Mogotsi and Mr Maluleke, and you have testified, as you have. I am not sure I understand, or I am clarified in my mind, what evidence could you potentially give at the disciplinary hearing? What

evidence were you being requested to provide at the hearing?

MR MATLALA: I do not know. I do not know. I would be lying. I do not know.

ADV SELLO SC: And you do not know in relation to what aspect of the disciplinary...

MR MATLALA: What I know is it had to do with General Khan, and then what was the details of the disciplinary hearing, that I do not know.

10 **CHAIRPERSON**: Besides testifying, what role did you understand was required of you? What role did you understand was expected of you?

MR MATLALA: Of me?

CHAIRPERSON: Yes, in all of this, in all of this.

MR MATLALA: No, it is not of... There was no role. I think Mr Maluleke wanted to do me a favour.

CHAIRPERSON: Yes.

MR MATLALA: Because he was under the impression that at that point, I am not in good terms with the police.

20 **CHAIRPERSON**: Yes.

MR MATLALA: So the very same police are the same people who asked him to come and testify. So he wanted to do me a favour and then testify in favour of the person that they wanted to discipline, I think.

CHAIRPERSON: Okay.

ADV SELLO SC: Oh, okay. So maybe the misunderstanding was mine. You were not being required to go testify?

MR MATLALA: No, not myself, no, no, no.

ADV SELLO SC: Okay. Then I think I misheard you.

ADV BALOYI SC: Can I just clarify, Mr Matlala, the favour that you – you say you think he wanted to do you a favour.

MR MATLALA: Yes.

ADV BALOYI SC: The favour would have been what? That
10 General Khan is acquitted?

MR MATLALA: Yes, yes.

ADV BALOYI SC: Okay. Thank you.

ADV KHUMALO SC: Can I just... Sorry, Ms Sello. Did you speak to Mr Maluleke when you offered him a place to stay? Who actually spoke to him and arranged a place for him to stay?

MR MATLALA: I went to see him in the hospital and then after he got out of the hospital, there is a guy who stays at the, it is a cottage. So I connected him with that guy and
20 then he went there.

ADV KHUMALO SC: But he did speak to you?

MR MATLALA: Who?

ADV KHUMALO SC: Mr Maluleke?

MR MATLALA: Yes.

ADV KHUMALO SC: And then you say when there was a

raid at your house, you also told him about that?

MR MATLALA: Yes.

ADV KHUMALO SC: So you spoke to him on at least two occasions?

MR MATLALA: No, a couple of times, not two.

ADV KHUMALO SC: A couple of times?

MR MATLALA: A couple of times, yes.

ADV KHUMALO SC: All right. Thank you.

ADV SELLO SC: Thank you.

10 **CHAIRPERSON:** And the home where you housed him, where is that?

MR MATLALA: It is in Pretoria.

CHAIRPERSON: Pretoria. Where in Pretoria?

MR MATLALA: Home, in Mamelodi.

CHAIRPERSON: In Mamelodi, your home?

MR MATLALA: Yes.

CHAIRPERSON: All right. Thank you, thank you.

ADV SELLO SC: Thank you, Chair. That is then in regard to General Kant's disciplinary hearing. Anything else that is
20 relevant to the question posed at 2.3.1?

MR MATLALA: Not that I can think of, but if I think of something, I will add it in my supplementary.

ADV SELLO SC: Noted. Thank you. The next question is at 2.3.2, and here you were asked to:

“Speak to your involvement in the delivery

of Impala to General Sibiya and any other forms of gratification you may have given to General Sibiya.”

It is at 2.3.2. Once again, that issue is not addressed at all in your statement. Would you like an opportunity to do so now?

MR MATLALA: Yes. This will also be in my supplementary affidavit because I just heard from the recordings after I have made this affidavit that there is a recording, in that
10 recording that is mentioning this Impala in that recording. And then I did not know by then that there was a recording which speaks about such things. So now I have to go back and then make a supplementary affidavit in relation to this Impala story.

ADV SELLO SC: I hear you because now you want to engage with the recording itself, whether it is by way of questioning or challenging its correctness or otherwise. That is a separate issue. Mine is, you were specifically asked in the 10.6 to speak about the delivery to General
20 Sibiya of Impalas and any other form of gratification given to him, so we can confine ourselves to the question as posed. The content of the recording we will deal with in the fullness of time.

MR MATLALA: Yes, Commissioner. Like I said, I do not want to incriminate myself because I know that the

recordings are under investigation. And by the time when I made my affidavit, I was not aware of that. So I just heard the recordings after. So I do not want to comment on something which on a later stage will incriminate me.

ADV SELLO SC: So that if I understand you correctly, in respect to the question posed at 2.3.2, are you asserting your right against self-incrimination?

MR MATLALA: Yes.

ADV SELLO SC: And what in particular would you be
10 speaking to that places you at risk of self-incrimination insofar as the delivery of Impalas to General Sibiya is concerned? I just need to understand the basis upon which you are invoking that. Are you facing criminal charges for that currently?

MR MATLALA: No, there is investigations.

ADV SELLO SC: Yes.

MR MATLALA: Which has been said in open court that there is current investigations going on. So what I will do is I think I will get the transcripts of my court proceedings and
20 then I think I will need to attach them to my supplementary affidavit.

ADV SELLO SC: Can you tell, I ask Ms Hassim here perhaps because I do not necessarily know everything, which court proceedings are you referring to?

MR MATLALA: The Johannesburg High Court.

ADV SELLO SC: Is that the attempted murder case?

MR MATLALA: Yes. Let me try to clarify this.

ADV SELLO SC: Please, if you can.

MR MATLALA: We asked for the recordings during the pre-trial and then the state advocate said that no, the recordings, they are not part of that trial, of that case. So it is something else which they are investigating, meaning whatever is in the recordings is under investigation. So hence I am saying now I do not want to comment on that
10 because I know that it is under investigation.

ADV SELLO SC: So if I, and this is for my understanding, is it your attitude that the Commission cannot engage you on anything that you suspect is currently under investigation?

MR MATLALA: Not suspect, something that I know for a fact that is under investigation.

ADV SELLO SC: So you cannot be engaged on anything that is currently under investigation? Whatever the basis of investigation and progress of investigation, is that the
20 attitude you assume?

MR MATLALA: Yes, I do not want to incriminate myself in that.

ADV VAN DEN HEEVER SC: Sorry to interrupt my learned friend, Chairperson, again, this issue of General Sibiya, I want to place on record, forms part of the whole IDAC

matter that we intend to deal with also in our application as well as in the supplementary affidavit. Thank you very much.

CHAIRPERSON: Thank you.

ADV BALOYI SC: Can I just ask to make sure I understand? You are saying there is an investigating officer who is looking at the question of the delivery of Impalas to General Sibiya?

MR MATLALA: I am saying there is an investigation, the
10 entire recording. So I do not know out of the entire recording which part is investigated, which part is not. But what I am saying is in that recording, there is the Impala in that recording. So I do not know whether it is part of it or not. But what I know is that they are saying that recording itself is under investigation.

ADV BALOYI SC: So your answer to my question is you are not saying, as a matter of fact, that there is an investigating officer who is investigating the issue of Impalas delivered to General Sibiya. That is not what you
20 are saying to us.

MR MATLALA: I am not sure about that.

ADV BALOYI SC: You are not saying that as a fact. You say you are raising, you say are reluctant to speak to it because you do not want to incriminate yourself.

MR MATLALA: Yes.

ADV BALOYI SC: So it is important that we understand the basis of it. That is it just a suspicion that you have that the delivery of Impalas is being investigated. It is a suspicion, and we have to deal with it on the basis that it is a suspicion. Or, as a matter of fact, there is an investigator, an investigating officer, who is looking at this specific question. It is important to understand which one you are relying on.

MR MATLALA: What I understand is they said there is an
10 investigation. So they did not specify, because there is a number of issues in that recording, so they did not specify that directly, we are investigating this, not this. That I do not know. So I cannot say it is under investigation or not. But what I know is that the entire recording itself, they say they are investigating it. So I do not want to sit here and say, no, this is under investigation, which chances are there maybe it might not be under investigation, or it might be. I do not know that.

ADV BALOYI SC: And if it is not under investigation, you
20 would be able to speak to it?

MR MATLALA: Of course, yes, I will.

ADV BALOYI SC: Thank you.

ADV SELLO SC: And if then I may just follow up on that, you will be able to make a determination based on the recording itself? Is that what you need to hear in full to

understand whether or not there is an investigation? Or is there some other exercise we can expect you to undertake to determine whether or not there is an investigation regarding the Impalas specifically? Where do we land?

MR MATLALA: [No answer]

ADV SELLO SC: I am trying to anticipate what we can expect in your supplementary. Because as you say to Commissioner Baloyi, you do not know whether specifically the issue of Impalas is the subject of investigation. You
10 cannot say that for a fact.

MR MATLALA: Yes.

ADV SELLO SC: You know that it features in the recording.

MR MATLALA: Yes.

ADV SELLO SC: And you need an opportunity to listen to the recording in its entirety. Did I understand you correctly?

MR MATLALA: No, I am not saying that.

ADV SELLO SC: Okay.

20 **MR MATLALA:** I have listened to the recording. That is why I am saying I know that the Impalas issue is part of the recording. I have listened to the recording. I do not know whether the investigating team is also investigating the Impala aspect. I do not know that. What I know is the state advocates said the recording is under investigation.

ADV SELLO SC: Okay.

MR MATLALA: So which investigation, I cannot tell. I do not know that.

ADV SELLO SC: So then it is fair to depart from the premise that when we resume, armed now by then with your supplementary statement, you will be able to indicate to the Commissioners as a matter of fact that that particular issue is the subject of ongoing investigations.

MR MATLALA: I cannot promise that because for me to
10 find out, I have to engage with investigators and I am currently in custody, so I do not know how well we will find a way to find out for sure that they are under investigation or not. I do not know that.

ADV SELLO SC: So we leave it on the basis that you will deal with it in the supplementary statement, specifically that issue, and how the Commission then deals with what you say in regard to the Impalas to General Sibiya will be the subject of the legal debate, whether or not you are required to answer that. Is that what you are suggesting?

20 **MR MATLALA:** Yes.

ADV SELLO SC: Okay.

ADV KHUMALO SC: Can I ask a question? Is it possible to avoid the legal debate by simply enquiring from IDAC whether this specific issue is the subject of investigation? If they say it is not, then as I understand Mr Matlala, there

would be no reason for him not to answer.

ADV VAN DEN HEEVER SC: Chairperson, maybe I can deal with that.

ADV KHUMALO SC: Sorry, I was not addressing you. Please wait your turn, Ms van den Heever. I am raising it as a possibility. I am not saying that is what must happen.

ADV SELLO SC: I hear that. We could do that, except that we run the risk of IDAC saying that it is not subject of our investigation. That does not exclude some other law
10 enforcement, SAPS investigations, for instance. And hence my interest to find out from Mr Matlala what his understanding is in regard to any investigations concerning the Impala. He should be able to indicate.

ADV KHUMALO SC: Can I do this? Sorry, because I wanted you to finish on this issue, and then Ms van den Heever gets the opportunity. In light of what Ms Sello has said, there is no need, I think I am covered.

CHAIRPERSON: But perhaps let me still hear Ms van den Heever. It sounded as if you had your ideas on a possible
20 solution. Yes, Ms van den Heever?

ADV VAN DEN HEEVER SC: Chairperson, maybe just for the record, legally, the issue of suspicion has got an objective and a subjective part. I think we must all just place this on record. So it is not a question of seeing it very simplistically. That is the first aspect. The second

aspect is that when it comes to IDAC, we are in the process and we have been engaging them on certain aspects. So we as officers of the court, it means the legal team, would be able to engage you on that issue itself.

I would find it extremely, maybe I should use the word weird, for an accused person who is currently incarcerated to be able to answer the question as to whether there is an investigation on or not. We as legal people normally engage the various authorities that deal
10 with these aspects to establish what the position is with regard to that. But to allay any concerns in that regard, we are busy with this whole issue involving General Sibiya and other issues relating to him with IDAC inter alia.

But it is not only IDAC, it was the PKTT itself that was involved in the recording that my client is referring to. Maybe also just to correct that, what was placed on record then, please I am not making myself a witness, it is recorded in court, in other words it is something that can be dealt with here. It was placed on record that the subject of
20 what is contained in these recordings are being investigated.

And the inference that I would draw from that thinking back was that the PKTT and their cohorts are busy investigating issues that forms part of this interview, that was the statement that my client was made to do. But

again, as I said, I want to emphasise we are going to address legal points to you on that in due course as part of the supplementary and on the points *in limine*.

CHAIRPERSON: And not just the legal issues, but also the pertinent factual question whether there is any investigation relating to the alleged delivery of Impalas to General Sibiya by Mr Matlala ...[intervenes].

ADV VAN DEN HEEVER SC: Indeed, as I have indicated to you...

10 **CHAIRPERSON:** ...that factual issue, whether there is, because otherwise the privilege of self-incrimination will be a non-starter. So we should, that should be addressed specifically as a factual issue, yes.

ADV VAN DEN HEEVER SC: Chairperson, where I started off this morning, you will recall I said that when we deal with these issues we have to deal with it on a factual basis and on a legal basis. You cannot have a legal argument in abstracto, it needs to be supported by factual issues. Thank you.

20 **CHAIRPERSON:** Thank you.

ADV SELLO SC: Thank you, Chair. Then as for my own edification, where we land is Mr Matlala, when you deal in your supplementary with the issue raised in paragraph 2.3.2, you will definitively state whether or not there is ongoing investigation in respect of the Impalas and then

you deal with the issue of Impalas the best as you can.

MR MATLALA: Yes.

ADV SELLO SC: And who is conducting such an investigation?

MR MATLALA: It is the, what is it called, GCI, GCI Ops, GCS, GCI Ops, Gauteng Counterintelligence Operations.

ADV SELLO SC: Well, these are matters you will confirm in your supplementary because it is important. Once you say there are investigations, then it presupposes that you
10 know who is conducting them.

MR MATLALA: Yes, yes.

ADV SELLO SC: So you will state that fact in your supplementary. Thank you. We then turn to item 2.

ADV BALOYI SC: Sorry.

ADV SELLO SC: Yes, ma'am.

ADV BALOYI SC: Just before you step off, just so that nothing falls between the cracks, that paragraph 2.3.2 speaks to two, it raises two questions. There is the Impala delivery and there is any gratification, any other
20 gratification. So I am assuming that you adopt the same posture in respect of any other gratifications and that you will then deal with it in your supplementary affidavit as well.

MR MATLALA: Yes.

ADV BALOYI SC: Okay. Thank you.

ADV SELLO SC: Thank you, Commissioner. That then

brings us to the question set out in paragraph 2.3.3, and this required you to:

“Speak to the circumstances in which Sergeant Fannie Nkosi came into possession of the Luxor Africa Brand card.”

You are required to list all the periods when he had possession of the card and what, when, and for what he used this card. This you deal with at your page, starting at
10 the bottom of page 13 where you have a heading at paragraph 2.3.3 and you deal with the Luxor Africa Brand card at paragraph 16. So if you could take it from there.

MR MATLALA:

“Luxor Africa Brand is my co-accused in the Medicare tender matter, and as such I am unable to respond to the question posed on the paragraph under reply. I am of the view that I may incriminate myself by answering questions related to Nkosi
20 and Luxor Africa in view of the pending case before the Specialised Commercial Crimes Court.”

ADV SELLO SC: On that score, then if we, just so we always know what we are dealing with, is this the case you referenced at paragraph 7.2 of your statement at page 9?

Is that the Specialised Commercial Crimes Court case? If you could go to page 9.

MR MATLALA: Yes.

ADV SELLO SC: It is?

MR MATLALA: Yes.

ADV SELLO SC: Then if you go still to, staying with page 9, paragraph 7.2, you recall we discussed the companies, your companies, through which you participated in the security services sector and the health sector. And we had
10 identified Medicare 24 Tshwane (Pty) Ltd, which you referenced at paragraph 7.2. At 8, you introduced CAT Protection and Security Services trading as CAT VIP. That is in the security industry. And the third is the company you referenced at paragraph 9 that you, I think you named Black AK.

ADV KHUMALO SC: Black AK Trading and Suppliers.

ADV SELLO SC: Black AK Trading and Suppliers, which you say you established in 2018. So those are the three companies we earlier in the morning established. You
20 participated in the two sectors. Against that understanding, are you able to highlight what is the relevance then of firstly Luxor Africa Brand and what your association with that particular company is for purposes of the health sector or the security sector, as you have testified?

MR MATLALA: No, this company, it did not have any

relation with any government entity at all.

ADV SELLO SC: Yes?

MR MATLALA: So the funds that, I have been transferring funds from my Medicare account to this company. And so this company has been charged with money laundering because they have been following all the monies that have been coming from the SAPS tender.

ADV SELLO SC: Yes.

MR MATLALA: So this is how this company ended up
10 being my co-accused.

ADV SELLO SC: I understand.

CHAIRPERSON: So the statement is no longer being projected.

ADV SELLO SC: Thank you, Chair. Apologies, went on the blink for a second there. Now, the rank, Mr Nkosi, Sergeant Nkosi. Sergeant Nkosi is not an accused in the case you reference here, is he?

MR MATLALA: No, he is not.

ADV SELLO SC: He is not. And the question related not
20 to the inflow of funds into the Luxor Africa bank account, which you have just explained, that it came from Medicare, the Medicare account. It is the outflow by Sergeant Nkosi. How does that potentially impact the criminal case?

MR MATLALA: Because now I am mentioning my co-accused, which I also, Luxor Africa is my co-accused.

ADV SELLO SC: Yes.

MR MATLALA: So the money that went to Sergeant Nkosi is from Luxor Africa. So I do not want to do that because now I still have to ventilate this in court. These Luxor Africa funds, how did they end up into Mr Nkosi's account.

ADV SELLO SC: I understood you to say that the issue really is because it is Medicare 24 and it is Luxor receiving funds from Medicare 24. Perhaps if I ask, are those the only funds that Luxor has received in this account in the
10 period of its existence?

MR MATLALA: Not that I can think of.

ADV SELLO SC: So there might be other sources.

MR MATLALA: It cannot be, yes, it cannot be, ja.

ADV SELLO SC: So if there are other sources, Sergeant Nkosi could potentially have been drawing from the other sources that are tainted by the Medicare funds. Again, I struggle to understand how then would that be relevant for the Medicare 24 case? Because this is the spending by Sergeant Nkosi.

20 **MR MATLALA:** It is relevant because it is something which is in the docket. And then it is something which I need to, in court, see how to defend and challenge those charges. It is in the docket, so to speak, and then luckily I even have the disclosure of the docket. I can share it with the Commission and see that it is there.

ADV SELLO SC: Perhaps then, because I just want to understand and draw a distinction between Luxor as a recipient and Sergeant Nkosi spending the money and sources of funds into that particular bank account, is it possible then in dealing, that we request in your supplementary statement, to deal further with the issues that you raise in paragraph 16 and to set out in the supplementary statement regarding head to the question as posed in paragraph 2.3.3 how your right can be self-
10 incrimination because it is not yours. You are asserting a right on behalf of your company, that you do not incriminate your company. Is that my understanding?

MR MATLALA: Yes, it is, because the company, I am representing the company.

ADV SELLO SC: Yes, but the company is an accused in its own right.

MR MATLALA: Yes.

ADV SELLO SC: So perhaps, and I am saying this mainly to your counsel who, and I believe she will be assisting you
20 with this, if you can specifically address the question of how section 35 extends to the question posed at paragraph 2.3.3 in respect of Sergeant Nkosi utilising the funds of Luxor Africa bank. Actually, I saw your microphone on. I thought you wanted to say something.

CHAIRPERSON: Oh, thank you, thank you. Mr Matlala, a

few minutes back you said, open quote, it is in the docket, close quote. What I want to know is what exactly are you referring to, what is in the docket? Is it matters relating to Sergeant Nkosi and the transactions he made on the Luxor account? What exactly did you mean when you said it is in the docket?

MR MATLALA: I was referring to the Luxor Africa company, that it is part of my co-accused and it is in the docket. Because the Commissioner was asking me that how
10 is it possible that Luxor Africa is not Medicare 24, then why is it also charged with this offence? So I wanted to maybe give her proof that it is in the docket because I have proof of that, and then it is also my co-accused, and then I do not want to prejudge my co-accused.

CHAIRPERSON: So in the docket, is there anything about the transactions made by Sergeant Nkosi?

MR MATLALA: I think so, I am not sure, but during the interview they have mentioned, but I do not know whether they have included it in the docket because I have not seen
20 the contents of the docket yet, but I know there is a disclosure.

CHAIRPERSON: Just a minute, please continue.

MR MATLALA: Yes, but during the interview he has been mentioned, I just do not know whether he is in the docket or not.

ADV VAN DEN HEEVER SC: Chairperson, just for the record, and I am sure you know this, the content of such a docket is *sub judice*, we cannot disclose what is in the docket in public at this point because it relates to an ongoing investigation of course, and statements et cetera that are contained in there, we will make ourselves culpable, and my client would, if he does so ahead of time whilst there is a pending matter, and the contents of the docket is subject to that pending matter, we cannot

10 ...[intervenes]

CHAIRPERSON: I am asking the question to understand the basis of Mr Matlala asserting the privilege against self-incrimination, because if there is nothing about that, it may well be that the privilege does not arise, I would be very surprised that the issue that you raise can ever preclude us from asking these sort of questions, I would be very surprised if that is what the law is.

ADV VAN DEN HEEVER SC: Chairperson, that is why I have indicated to you, we are going to deal factually with
20 these issues before you. I do understand that you have a right to ask questions, we have never disputed that right to ask the questions.

CHAIRPERSON: In the interest of time, may I make this suggestion? Ms Sello, I hope both you and Ms van den Heever here will agree to this. Let us leave this Luxor

question, and let us see what the supplementary affidavit will say, and in particular, about the issues that we have specifically raised. But of course, we would want to hear more on the full basis on which the right against self-incrimination is being asserted. Let us leave it at that.

ADV VAN DEN HEEVER SC: Of course, Chair.

ADV SELLO SC: Thank you, Chair. Staying then, Mr Matlala, with the notice, we then move to paragraph 2.3.4 in the notice, and that required you to:

10 “Speak to the loan or funding agreement
entered into with Mr Suleiman Karim or
any of his companies in or about June
2022 or any other date.”

Including requesting you to provide a copy of such agreement and that you speak to the terms of such agreement.

CHAIRPERSON: Did you say 2022 or did I mishear?

ADV SELLO SC: 2024. June 2024, that is the correct date.

20 **CHAIRPERSON:** Thank you.

ADV SELLO SC: That is what is understood to be the date of the conclusion of this loan agreement. So that was the request to you at paragraph 2.3.4. You deal with that at your page 14 at paragraph 17. So if you could read that perhaps into the record. Thank you.

MR MATLALA:

“The loan agreement referred to herein is part of an ongoing criminal matter, and as such I am unable to respond to the question posed on the paragraph under reply. I am of the view that I may incriminate myself by answering questions related to this loan agreement as I believe it forms part of the Medicare criminal matter which is pending before Court. I was advised that there is a financial investigation being carried out with respect to all monies paid by SAPS into Medicare and any transaction made in general within Medicare bank accounts, and it is for this reason that I do not wish to incriminate myself.”

ADV SELLO SC: If I understand your paragraph 17 correctly, the investigation relates to monies paid by SAPS. You stated as such at your paragraph 17, right? That is what the investigation is about.

MR MATLALA: Yes.

ADV SELLO SC: Now, it is safe to conclude that any funding and loans received from Mr Karim in terms of a loan agreement does not constitute monies paid by SAPS.

MR MATLALA: It is.

ADV SELLO SC: Mr Karim is SAPS?

MR MATLALA: No, not paid by SAPS because I was paying the money back to Mr Karim from the monies paid by SAPS.

ADV SELLO SC: So it says the investigation is into monies paid by SAPS into Medicare and you say that that investigation extends to payments you would have made out of the funds in Medicare to pay the loan.

10 **MR MATLALA:** Yes.

ADV SELLO SC: Okay. Now, the question relates to your receipt of the loan, not how the loan was treated thereafter. The question is very specific and requests you to provide the funding agreement concluded with Mr Suleiman Karim. Are you able to provide us with that?

MR MATLALA: I cannot provide with that because it is a matter that is in court and the purpose of the loan was because of to fund the Medicare contract and that contract is something which is now in court.

20 **ADV SELLO SC:** I appreciate that and you explained earlier that the investigation into monies paid by SAPS extends into Medicare, extends to payments by Medicare to inter alia Mr Karim in settlement of the loan. That is what I understood you to say.

MR MATLALA: Yes, that is correct.

ADV SELLO SC: Now, the question requested you to provide the agreement with Mr Karim or any of his companies that you may have concluded on the date specified and the terms thereof. So, it is the terms of the agreement that the Commission is interested in at the moment.

MR MATLALA: The terms of the agreement only?

ADV SELLO SC: The loan agreement, yes. The loan agreements or one, if there is one.

10 **MR MATLALA:** Yes, but the loan agreement has to do with the Medicare contract.

ADV SELLO SC: Okay. Now, as we have established, there is a loan and there is a loan agreement. Is it in writing or oral?

MR MATLALA: It was oral.

ADV SELLO SC: It was oral?

MR MATLALA: Yes.

ADV SELLO SC: The date suggested there is June 2024 or thereabouts. Do you confirm that date?

20 **ADV VAN DEN HEEVER SC:** Chairperson, I do not understand. The client has asserted his rights on that particular issue. Just for the record, my learned friend should know that in her investigation of these matters, more specifically the Medicare 24 contract, does not only relate to a tender that was awarded. There is issues under

PRECCA. There is issues under POCA that forms part of that particular matter. To try and simplify it with a non-legal person by saying it only relates to money coming from SAPS is pure and simply just not correct.

ADV SELLO SC: If I may, Chair, I was addressing myself to the manner in which Mr Matlala elected to express himself. He invoked his rights where investigations are underway and he indicates in the statement that the further investigations he is aware of are in respect of monies paid
 10 by SAPS into Medicare. That is what he has got written. He expounded on that to indicate including monies paid by Medicare back to, let us say, would-be entities that loaned the funds. Now, those are matters I think we will still engage on and debate on an argument with Ms van den Heever.

What I asked about and reminded Mr Matlala about paragraph 2.3.4, it concerned itself only with the loan agreement, the terms of the loan agreement with Mr Karim. If Ms van den Heever wants to argue that because of the
 20 nature of other charges that I am not aware of that invoke PRECCA and related legislation, that he should not be required to speak to such agreements, then I would invite in supplementation that that matter be dealt with in detail to specify the particular sections and the crimes for which Mr Matlala is charged in respect of which he concluded an

agreement with any third party that is not an accused before Court at this current moment.

ADV VAN DEN HEEVER SC: I will do so, Chair.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: And I would imagine this is still going to arise with regard to other issues that are still to come, and that is a function of the fact that the privilege is being asserted in very broad and generalised terms. So perhaps
10 the solution should be, not that we are not going to raise the issues, I am not suggesting we should not ask the questions, Ms Sello, I am not suggesting that my co-Commissioners should not ask the questions.

I am just saying we are likely to encounter this a good few times until we are done with the statement and perhaps the solution in respect of all, is for us to get a clear substantiation of the full basis, its inner and outer contours of why the privilege is being asserted. It is only then that we will all be in a position to engage with the privilege as
20 substantiated. But please continue.

ADV SELLO SC: Indeed, Chair, I am in full agreement and I think the purpose of this exercise was to understand the extent to which this privilege is being asserted. Is it in respect of anything that even is remotely related to the Medicare contract, whether or not it is a subject of any

criminal charge or investigation, because the line we seem to be holding thus far is any reference to anything where Medicare 24 contract is referred to, is subject to section 35.

So I think it was necessary for, or is necessary for Mr Matlala and I to understand one another and for him to appreciate that we need an understanding of when it is this right is asserted and the basis thereof in regard to the specific questions that are asked. So unfortunately, it is an exercise we are going to have to go through in respect of
10 each and he keeps undertaking that when he files his supplementary statement, he will address each question specifically in response where he asserts this right. Thank you, Chair.

Then, Mr Matlala, that leads us to paragraph 2.3.5. We are now in the, not yours, paragraph 2.3.5 of the Regulation 10.6, if you could turn your attention to that. That paragraph is page 4. That paragraph requested you to:

20 “Speak to your appearance at the Ad Hoc Committee, that is the Parliamentary Ad Hoc Committee, and whether you were induced or threatened or influenced to give false evidence, including the details of anyone who may have induced or threatened you to give false testimony.

When that happened, how and for what purpose was the false testimony requested of you?”

That is the request that was put to you. That is one of the issues you have not addressed in your statement. Are you able to indicate why that is?

MR MATLALA: Ja, this is one of the things that will be in our supplementary affidavit.

ADV SELLO SC: Ja, the first question was why it is not
10 addressed in this statement.

MR MATLALA: It is because also of the recordings, that I came across the recordings after I have made this affidavit. So in the recordings there are people that are mentioned here, which have been mentioned in the Ad Hoc Committee. So I will do that in the supplementary affidavit.

ADV SELLO SC: Now if I may just understand that answer. So the recordings have made reference to people who were referred to in the Ad Hoc Committee, so you are not in a position to indicate whether you were in any way induced,
20 threatened or influenced to give false testimony. Is that what you are saying?

MR MATLALA: Yes, I cannot comment on that now because I do not want to end up incriminating myself by way of perjuries. Hence I am saying I need to go back and make my supplementary affidavit in regards to this 2.3.5.

ADV SELLO SC: So you, if I understood the standard correctly and I might not, you do not know whether you were in any manner induced, threatened or influenced to give false testimony. You do not know that.

ADV VAN DEN HEEVER SC: Chairperson, again, he is invoking his right against self-incrimination on this point. And inherent in that, my learned friend can read where this issue is going. If somebody, if you lie under oath, you commit perjury, as simple as that, the client has said, I
10 invoke my right to self-incrimination and I think that should, at this point, be the end of it. We will make a supplementary affidavit and deal with these issues so that you can exercise your discretion or deal with it on a legal basis, having the benefit of factual submissions made to you.

ADV SELLO SC: Chair, with respect, I think, if I may, this fear of self-incrimination has got limits in law and in life. The question is simple. Were you induced or threatened to give false information? That is all. It is not whether you
20 did give false information, because only then does the issue of perjury arise. It is very simple. Were you induced, threatened or influenced? No recording is going to answer that question for me. It is a factual issue that only he can speak to. And I do not see how the issue of self-incrimination arises in respect to whether or not he was a

victim of influence, inducement or threats. Thank you.

ADV VAN DEN HEEVER SC: Chairperson, the moment you answer that as an example in the positive, a number of questions flow from there. That is, simply put, my answer to that.

CHAIRPERSON: Like?

ADV VAN DEN HEEVER SC: [No answer]

CHAIRPERSON: You said a number of questions arise. I am saying like?

10 **ADV VAN DEN HEEVER SC:** Let us say you do admit that you were induced, because you need to look at the whole context of that question. Your appearance, whether you were induced or influenced, gives false evidence. The emphasis here is not your evidence as a whole. Everything that precedes the word false evidence, relates to the word false evidence. Inherent in the issue of false evidence, because that evidence was given under oath, there is a presumption or not a presumption, it is inferred here in this question that that evidence was false.

20 Now the question is, were you? And we go to the preceding aspects thereof. The moment you answer this in any form or manner, it relates to the issue of the false evidence. And the client has said, I invoke my right to not incriminate myself on this issue. And to me, that is the end of it. We will make a supplementary affidavit as indicated

and deal with this issue. This is not were you induced to give any evidence there. This is specifically targeted at the word false evidence. Thank you, Chairperson.

CHAIRPERSON: In the interest of time, may we park this for the supplementary affidavit, please, Ms Sello?

ADV SELLO SC: We could very well park it, but I would expect ...[intervenes]

CHAIRPERSON: Unless you had other follow-up questions.

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

CHAIRPERSON: This specific one, let us just...

ADV SELLO SC: I would not have had other follow-up questions. And I know that the question that the Chair has posed, I am none the wiser as to what could follow up to any answer given. Because if the answer is no, I was not influenced, that is where the matter dies. If the answer is yes, I will deal with the detail in my supplementary affidavit. That is a complete answer. But then I will take the Chair's cue, it shall be dealt with in the supplementary statement.

20 And I expect, and I think it is not unreasonable for us to expect, that to the direct question whether he was induced, threatened or influenced to give false evidence will be answered directly as a yes or a no before any other effect is dealt with in respect of 2.3.5. Thank you.

CHAIRPERSON: Let us just park it and let us see what will

come out with the flush. Thank you.

ADV SELLO SC: Thank you, Chair. Sounds like we are kicking the can down the road, but we will catch up with that can at some point. The next question, then, Mr Matlala, under paragraph 2.3, is to be found at page 5, at the top of page 5. And it required you to:

“Speak to the recording of your
interrogation on December 2024 and 2025
by Witness C or any other police officer
10 who interrogated you after your arrest.”

You have not dealt with it yet, so for the record, I would like you to address yourself to that, whatever position you assume in respect to that.

ADV VAN DEN HEEVER SC: Chairperson, maybe at this point, based on this particular issue, it is one of the legal aspects that I intend to raise with you in due course. It is an issue that a client as a layperson cannot deal with, and it relates directly to the rights that you afforded under the Constitution once you are an accused or a suspect person,
20 and you were then made or forced or coerced, whatever you want to call it, into making a statement.

We intend to deal with this aspect more fully before you, both factually and legally, as to why we say this aspect needs to be dealt with on a legal basis. I can point out to you why we say this. You cannot deal with the greatest

respect with this statement here for a large number of reasons, but I would suggest again, as I have said before, wait for the factual foundation and the issues that is contained in there and then make a ruling on that aspect.

As I said, I jump in here because it is not an issue that a layperson can deal with when it comes to your rights as an accused person, because it is common cause that at that point he was arrested, when he was interrogated for hours on end. I have addressed you on this issue.

- 10 **ADV BALOYI SC:** Ja, I think there must be a difference between an answer to the question, why did you not address 2.3.6, because he did not address it. We are talking about his affidavit, not your legal opinion on why it should not be addressed. The question is, you filed an affidavit in answer to questions. There is 2.3.6. You did not answer that question. The witness is completely competent and must answer that question, why he did not address it. You can argue later on, but what you are doing now is you are giving answers that the witness should give,
- 20 and that is improper. It is improper. That is what you have just done now, and I would urge that you allow the witness to answer a factual question. It is a fact. This can only be a factual answer to the question, why did you not answer? If he wants to say, because my lawyer advised me not to, or speak to my lawyer, that is his answer to the question.

Then we know why he did not answer it, but what you have just done now is improper. You are answering questions, and you cannot argue past it. You are answering questions on behalf of a witness, and that is improper.

ADV VAN DEN HEEVER SC: Commissioner, you have now three times said that I acted improper. The intention was not to act improper. The intention was to bring to your attention that this is an issue that has got a legal basis in it. But I understand what you are saying, and the witness can
10 answer the question.

ADV BALOYI SC: Well, you have answered it already. Ms Sello, do you want to ask the question again? Maybe you will say it differently.

ADV SELLO SC: I think it is pointless asking the question again. If Mr Matlala is an attentive listener, he would know what to say. And I agree with you, Commissioner Baloyi, because I think Mr Matlala, we should remind ourselves that Mr Matlala says that his paragraph 4, and I quote:

20 “Where I make submissions of law, I do so
 on the advice of my legal representatives,
 which advice I verily believe to be
 correct.”

And that is what always happens in the drafting of affidavits. The witness will speak to matters of law on the advice of his legal representatives. And in this instance, Mr

Matlala has warned us that that is possible, and he may do so. And this is one such occasion. If a proper response to the question at 2.3.6 includes issues of law that he must traverse, he will do so in the statement, and we know that he does so not because he is a lawyer or claiming to understand matters of law, but that he is acting on the advice given to him by his legal counsel.

So it really would just be go through the motions to repose the question. So if I may, with your leave, if I may
10 pose a different question. Mr Matlala, are you able to, in your supplementary, deal with your failure to answer the question at 2.3.6? You first tell the Commissioners why you could not, you did not deal with it in the statement, and then to respond thereto as required. And thirdly, you may invoke whatever, or assert any right you have in respect to issues reflected at 2.3.6.

CHAIRPERSON: Let me do it differently. Let us ask for an answer from Mr Matlala. Why did you not deal with this question?

20 **MR MATLALA:** Why did I do what?

CHAIRPERSON: Why did you not deal with the question at 2.3.6 at page 5 of the notice?

MR MATLALA: Yes, it is because these are some of the things that I am disputing. So I actually was supposed to at least say in my first affidavit that I am disputing the legality

and the authenticity of these recordings. So I did not address it now because of I was preparing to dispute it on a later stage.

CHAIRPERSON: But, for example, with regard to those issues in respect of which you are raising the privilege that you have been asserting, you have told us that you are not responding to these questions because you are asserting that privilege.

MR MATLALA: Yes.

10 **CHAIRPERSON:** So I do not follow what you are saying because here you have chosen to keep silent, which is why the question is being asked, why were you silent about it? Because with others, you have said something, even though you are not going to be answering the question directly, you have said something which is, for example, to assert your privilege. So the silence is strange with regard to this one. Just like the others that Ms Sello took you through. So why did you not answer it?

MR MATLALA: Ja, Chairperson, I will say it is because I
20 was not going to invoke my right to self-incrimination. I was going to dispute the recordings. So maybe I should have said that I was supposed to, I am going to dispute them, not saying anything at all. But I was not going to say I do not want to comment because of self-incrimination. I am disputing them at all.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair, noted. Then the basis on ...[intervenes]

CHAIRPERSON: Of course, I did not ask that direct question to take us away from the point made by Ms Sello right at the end, which was that the issue of your exercise of the privilege should be addressed in the supplementary affidavit because that is what your counsel, Ms van den Heever, says, is an issue being raised, even in respect of

10 2.3.6. Thank you. Yes, Ms Sello.

ADV SELLO SC: Thank you, Chair. I think we have addressed issues arising from paragraph 2.3 of the notice as served on you. And back to your statement at page 14, and I see after dealing with the question posed to paragraph 2.3.4, you then skip from paragraph 18 to the question posted paragraph 2.5.1. You confirm that? If you look at page 14, you see your paragraph 17 deals with what was asked of you at paragraph 2.3.4.

MR MATLALA: Yes, I see that.

20 **ADV SELLO SC:** Then it is followed at paragraph 18 with what is asked of you in paragraph 2.5.1 of the notice.

MR MATLALA: Yes.

ADV SELLO SC: Okay. Now, if we go to the notice, I realise that there was another question at 2.4, paragraph 2.4, and this asks you to:

“Comment on the nature and extent of your relationship with the EMPD, that is Ekurhuleni Metropolitan Police Department, including individuals employed therein, including agreements (actual or negotiated) with individuals within the EMPD, donation of vehicles and installation and use of vehicles fitted with blue lights. In particular, who was
 10 involved, what the plan was, and what became of the plan ultimately, the use of vehicles fitted with blue lights and the use of peace officer cards.”

You have not dealt at all in your statement with what is required at paragraph 2.4. Is there a reason for that?

MR MATLALA: Ja, there is a reason. I was supposed to also claim my privilege of self-incrimination because there are people who are already charged and I am also being mentioned as a suspect, and even my family member has
 20 been interviewed. There is a statement that already has been supplied to the law enforcement in regards to the EMPD blue lights and peace officer cards.

CHAIRPERSON: It is difficult to understand that answer for reasons similar to those that I stated when I last engaged you, which is a few minutes back. You have

countless times, I do not know how many times, asserted your privilege against self-incrimination. Why, in respect of other questions, you choose to be silent instead of also asserting that privilege escapes me. So that is why I say it is difficult to accept that to be the answer or to accept that as an answer. You want to comment?

MR MATLALA: Chairperson, I am working on an affidavit that was drafted by my attorney. I was just being interviewed and I gave my attorney my view of the
10 questions. So why some of them were not included here, I cannot answer, but because I am the one who signed this affidavit, because meaning that I acknowledge everything that is in the affidavit. But I will say because of the circumstances that I find myself in now, some of the things, they just keep my mind. I do not know why this thing was not part of it because actually it was supposed also to be and claim my privilege to self-incrimination.

ADV SELLO SC: Thank you, Chair. I see it is quite a wide and expansive question. On the one hand, it speaks of your
20 general relationship with EMPD, of your relationship and extent thereof with any individuals employed in EMPD. Agreements concluded with individuals within EMPD, and all this is before the blue lights. So then it goes further to speak to donations, any donations of vehicles. Again, it does not say anything about blue lights. Blue lights only

appears thereafter. Installation and use of vehicles fitted with blue lights. So I am not sure when you say you are asserting a right, are you asserting a right not to self-incriminate if you testify about relationships you have with any members of EMPD? What self-incrimination could potentially arise from that?

MR MATLALA: If you can go back, Commissioner, I have mentioned about my involvement with the former mayor, Tania Campbell, in the State of the City Address. I did not
10 add it again here because of I already touched on it. So the following questions, it was about the blue lights and individuals that I might know, which obviously is one that I know from EMPD. So hence I am saying the affidavit itself was not drafted by myself, but I am responsible for it because I have signed for this affidavit. So I can answer that way, who I know in the EMPD, but I cannot say, go further and speak about things that are already, people that are already charged, and then who, even myself, I might end up being a co-accused in this matter.

20 **ADV SELLO SC**: I can understand, you can speak about people who are charged, as long as the charges they face, you do not run the risk of being included in. But the fact that they are charged is neither here nor there, it does not stop, there is nothing that stops you from speaking about them. And I think that is my challenge with how you dealt

with paragraph 2.4. You concentrated on the latter part of that paragraph, which speaks to the blue lights, and then you invoke your right against self-incrimination and you extend it to everything that is contained in 2.4.

And from what you are saying now, if I understand you correctly, that is not what you intend to do. You intended to assert your right insofar as the issue of blue lights is concerned and that there are people who are potentially facing charges in respect thereof, and that you
 10 are at risk also of being included therein. Am I understanding you correctly? And that has got nothing to do with the first part of the question.

So you are able to answer those questions without complaining that any of your constitutional rights are being infringed. So would it then be fair to say in your supplementary statement we can expect a response to that question, delineating exactly which aspect of 2.4 entitles you to assert your constitutional rights and which aspects of 2.4 you are able to answer to? And then, of course, as is
 20 the case with the rest of the questions, where you assert your rights, you extend a full basis for assertion of such a right. Would that be fair to conclude on that point?

MR MATLALA: I agree, Commissioner.

ADV SELLO SC: Thank you.

ADV BALOYI SC: Can I just ask, you say you suspect, I

think you used the language, you suspect you will be added as an accused. Have you been informed by any law enforcement person that you are a suspect relating to any of these issues that arise here?

MR MATLALA: What I know is I heard that my name has been mentioned and also the Speaker of SAPS, after their court appearance, mentioned my name. So I do not know the extent of the investigation. So I do not know whether I will be added as an accused person or not.

10 **ADV BALOYI SC:** Yes. So apart from your name was mentioned in the way that you say, you do not know that you are being treated at this point as a suspect because no one has come to you to speak to you?

MR MATLALA: I do not know that.

ADV BALOYI SC: No one has come to speak to you about this?

MR MATLALA: Yes.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner.

20 **CHAIRPERSON:** Perhaps let us try to break it down, Ms Sello. Do you have any relationship with the EMPD? If so, what is its nature?

MR MATLALA: The EMPD or EMPD official?

CHAIRPERSON: That is the second part. That is the second part that says including individuals. So as part of

me breaking this down, I thought I should just take EMPD. But if you want to deal with both, fine. So if you do have a relationship with EMPD officials, do you have such a relationship? What is its nature? So I chose to break it down by referring only to the EMPD. But maybe let me broaden it and say with the EMPD and/or including its employees. If so, what is the nature of that relationship?

MR MATLALA: Not the EMPD, but the EMPD official, yes, I do have a relationship.

10 **CHAIRPERSON:** And what is the nature and who is the official or who are the officials?

MR MATLALA: There is only one official. His name is Julius Mkhwanazi.

CHAIRPERSON: And what is the nature of that relationship?

MR MATLALA: I would say it is a friend.

CHAIRPERSON: Do you want to take it from there, Ms Sello?

ADV SELLO SC: If it is... perhaps I will. Can you speak
20 more about this friendship and to indicate the nature of this friendship and whether it involves his role as a Commissioner within EMPD?

MR MATLALA: Can you please repeat that question?

ADV SELLO SC: You say you have a friendship with Commissioner Julius Mkhwanazi of EMPD.

MR MATLALA: Yes.

ADV SELLO SC: You called him a friend.

MR MATLALA: Yes.

ADV SELLO SC: And I am inviting you to speak more about this friendship and in so doing to indicate whether or not that friendship involves his role as a Commissioner within EMPD.

MR MATLALA: Okay, I know Julius Mkhwanazi through one of my business associates. So he has been coming to
10 one of our clinics a lot and then to a point where I ended up meeting him through one of my business associates.

ADV SELLO SC: And who is this business associate, if I may ask?

MR MATLALA: It is Mr Mike van Wyk.

ADV SELLO SC: Please proceed.

MR MATLALA: [No answer]

ADV SELLO SC: Please go ahead. You had said he is a friend, so I take it, I accept you say that you were introduced to him by your business associate, Mr van Wyk,
20 but then from your earlier response I take it then you subsequently established a friendship.

MR MATLALA: Yes.

ADV SELLO SC: Can you tell us more about this friendship?

MR MATLALA: More in which way, Commissioner?

ADV SELLO SC: In a way...

[Parties speaking simultaneously]

MR MATLALA: I want to understand.

CHAIRPERSON: Sorry, sorry, I guess the point is, if you are introduced to someone, you do not just through being introduced become friends. How exactly did this unfold? How did you become friends? There is Mr van Wyk, here is Deputy Commissioner or Commissioner Mkhwanazi, and there you are as well. Mr Matlala, please meet Mr Julius
10 Mkhwanazi. So what Ms Sello, as I understand it, wants to know is, and then you have not reached the point where you are friends. All you have said is you were introduced.

ADV SELLO SC: Indeed. Thank you, Chair.

MR MATLALA: Ja, I have been introduced by Mike van Wyk and I think because of the security business side, that is why we ended up being close. Because at that time is when there was a, I think Mike van Wyk told him about my security business and stuff, and then he at some point asked me if I can help them with, they needed extra security
20 or backup for the State of the City Address. So I did that, but it was not something which was a tender or, there was not any financial gain. So I did that, yes. So, and going further, I would say from time to time after that, now we call each other now and then. So we end up being close because of now we call each other now and then, and then

we speak and then we meet. So I do not know how to actually elaborate this to, I do not know, I do not know.

ADV SELLO SC: Okay, is it, is it then ...[intervenes]

MR MATLALA: Sorry

ADV SELLO SC: Go ahead.

MR MATLALA: The thing, sorry, Chairperson, the thing is, I do not want to go to point where now I end up going to the things which I know now he has been charged with and some of those things, I am also, my name has also been
10 mentioned, so I am not just leaving some of, why I am not going deep into the depth of our relationship. Because some of the things, yes, I might say them, but unfortunately for now, I just want to know first what is happening with this criminal matter.

CHAIRPERSON: No, no, I do not think that is where Ms Sello wanted to push you. Point is, I have been introduced to countless people in my lifetime, and not all of them have become my friends. So all you had mentioned at the point Ms Sello wanted you to go further was that you were
20 introduced. So Ms Sello wanted to get an idea of how you became friends. Not that, at least not at that point...

ADV SELLO SC: Indeed.

CHAIRPERSON: ...she was pushing you to getting to any possible criminality. I am not saying you were involved in any, I am not suggesting that. I am just mentioning it

because you got to a point where you sought to assert the privilege. I am just explaining.

MR MATLALA: Thanks, thanks, Chairperson.

CHAIRPERSON: Ja.

ADV SELLO SC: Thank you, Chair. I take it then in your supplementary statement, when you have had an opportunity to fully apply your mind to the question posed at paragraph 2.4, and the criminal case that you say Commissioner Mkhwanazi is currently a subject of, that you
10 will be able to walk that tightrope and answer the question to the best of your abilities without, you say, attracting any criminal liability against yourself.

So perhaps we will get a better understanding because I want to conclude on this point on the basis that now we understand you are friends with him. And friends are not acquaintances. And friends are people who have a relationship different from two people who have just been introduced. So you got introduced and you developed this relationship which you classify as a friendship. Is that a
20 fair conclusion to make?

MR MATLALA: Yes.

ADV SELLO SC: And that, this is, it is a question and I am checking, whether flowing from such friendship, the, your engagement with EMPD, I think you said on protecting, ja, providing security services to former mayor Tania Campbell.

Does your friendship have any bearing on the provision of those services or is it a different issue completely?

MR MATLALA: We were not friends by then.

ADV SELLO SC: Sorry, say that?

MR MATLALA: We did not establish that friendship relationship by then.

ADV SELLO SC: At that time. Were there any engagements with EMPD, involving you personally or any of the companies under your control, flowing from the
10 friendship you developed with Commissioner Mkhwanazi?

MR MATLALA: No, nothing.

ADV SELLO SC: Nothing?

MR MATLALA: Yes.

ADV SELLO SC: Were there any engagements you had with him as a friend that were intended to contractually bind the EMPD at all? Or you did not have that kind of engagement and discussion as friends?

MR MATLALA: That is a very tricky question, Commissioner.

20 **ADV SELLO SC**: Yes.

MR MATLALA: Because now it is taking me back to what I am saying, that I do not want to get into that territory.

ADV SELLO SC: Okay. I guess it is something you can apply your mind to when you file that supplementary statement. I departed from the assumption that your

response would be a no, which would put page to everything, but I will basically give you the opportunity to go consider it and please address it in your supplementary to the extent that you are able to.

If, however, you are not, then I would expect that you set out a basis for why you are not answering, and if you assert any particular right, that you articulated in your response, I would appreciate that. Would that be a fair expectation on my part?

10 **MR MATLALA**: It is okay.

ADV SELLO SC: Thank you. Then, Chair, we are at the tail end. My proposal would be to...

CHAIRPERSON: That is the tail end of the questions, but the responses in the statement are not... Which paragraph are we at now?

ADV SELLO SC: We are now headed to paragraph 18 of the statement.

CHAIRPERSON: 18, let me check.

ADV SELLO SC: And if the Chair will have regard to the
20 question at paragraph 2.5, we continue.

CHAIRPERSON: Let us finish the statement.

ADV SELLO SC: Yes, thank you, Chair.

CHAIRPERSON: The questions and the statement.

ADV SELLO SC: Indeed. Mr Matlala, I hope you can bear with us. I am suggesting that we rather work through part

of the hour of the lunch and finish your statement so that we can release you early as well for today.

MR MATLALA: It is okay.

ADV SELLO SC: Thank you. We are now at page 14, we are at your paragraph 18. And at paragraph 18, you are responding, and following, you are responding to questions posed to you in paragraph 2.5 of the notice. And the notice at page 5, paragraph 2.5, required you to:

10 “Speak to the nature and extent of your relationship with listed individuals from subparagraph 2.5.1 to 2.5.9, and that you give detail regarding your communication with them.”

You see the question?

MR MATLALA: I do.

ADV SELLO SC: You begin your response thereto at paragraph 18, and you say at paragraph 2.5.1. And at 2.5.1 is in regard to Mr Jotham Msibi, the late. If you could then deal with your paragraph 18.

20 **MR MATLALA:**

“I place on record that one of my companies, CAT VIP, previously provided security services to the late Jotham Msibi. My relationship with him was that of rendering security services. Mr Msibi was

a taxi business owner who was regarded as one of the industry leaders and operated more than 200 taxis. It is standard practice in the taxi industry that for owners of taxis, especially large fleets, to require close protection services. The very same services that I provided Mr Msibi.”

ADV SELLO SC: My apologies, Mr Matlala. I think you are
10 not as audible as perhaps we would hope you to be. It is brought to my attention.

MR MATLALA: Okay.

ADV SELLO SC: I do appreciate that you speak softly, so perhaps try and bring them closer, the microphone is closer to you.

MR MATLALA: So should I repeat this?

ADV SELLO SC: I think that there is a general nod around the room. Ja, just please then quickly re-read your paragraph 18 into the record. Thank you.

20 **MR MATLALA:**

“I place on record that one of my companies, CAT VIP, previously provided security services to the late Jotham Msibi. My relationship with him was that of rendering security services. Mr Msibi was

a taxi business owner who was regarded as one of the industry leaders and operated more than 200 taxis. It is standard practice in the taxi industry for owners of taxis, especially large fleets, to require close protection services. The very same services that I provided Mr Msibi.”

ADV SELLO SC: Thank you for that. From paragraph 19,
10 you deal with a different issue. I note how you describe your relationship with Mr Msibi and you say you rendered security services. Did you have a relationship other than provision of these security services with the late Mr Msibi?

MR MATLALA: Relationship as a client?

ADV SELLO SC: So you had a relationship as a client. Any other?

ADV KHUMALO SC: Friendship, maybe?

MR MATLALA: He was a very old man. He was not my friend.

20 **ADV SELLO SC:** Like a son, perhaps, then?

MR MATLALA: He used to call me son, but not because I was his son. But that was his way of addressing me.

ADV KHUMALO SC: Other business relationships?

MR MATLALA: Yes, there was.

ADV KHUMALO SC: What?

MR MATLALA: Actually, we attempted to. I never had that business, but we attempted to.

ADV SELLO SC: Did you have a personal relationship with him? By personal, I want to distinguish it from a relationship as a service provider. Did you develop a personal relationship with him?

MR MATLALA: Yes, I was close with him.

ADV SELLO SC: You were close?

MR MATLALA: Yes.

10 **ADV SELLO SC:** Okay. Thank you. At paragraph 18, overleaf, 19, sorry, overleaf, you then deal with a different person. You are responding to 2.5.2 and here you are requested to:

“Speak to the nature and extent of your relationship with Mr Steven Motsumi.”

You deal with that at paragraph 19, so if you could read that.

MR MATLALA:

20 “I can confirm that I know Mr Motsumi and that I have done a commercial transaction with him wherein his company had lent me in advance one of my companies an amount of R5 million.”

ADV SELLO SC: It is 5 million, right?

MR MATLALA: Yes, 5 million, yes.

ADV SELLO SC: When was this, when was this loan extended?

MR MATLALA: When was when?

ADV SELLO SC: When was this when you say he lent in advance one of your companies an amount of 5 million?

MR MATLALA: I think it was 2024, the end of 2024.

ADV SELLO SC: And do you have, was this on the basis of a written agreement or just an oral agreement?

MR MATLALA: Yes, it is a written agreement.

10 **ADV SELLO SC:** A written agreement?

MR MATLALA: Yes.

ADV SELLO SC: Are you able to provide a copy?

MR MATLALA: Yes, I will.

ADV SELLO SC: And you say one of your businesses, which business was this?

MR MATLALA: It is Medicare.

ADV SELLO SC: Medicare?

MR MATLALA: Yes.

20 **ADV SELLO SC:** Okay. Now, you say you have done a commercial transaction where you say he had lent in advance, so the 5 million was duly paid over to Medicare.

MR MATLALA: Yes.

ADV SELLO SC: Thank you. Now you...

ADV BALOYI SC: Can I just ask, Ms Sello?

ADV SELLO SC: Yes.

ADV BALOYI SC: Is this the only kind of relationship that you have had with Mr Motsumi?

MR MATLALA: Yes.

ADV BALOYI SC: Thank you.

ADV SELLO SC: And in fact that is where I was leading to, so you confirm that he is not your friend?

MR MATLALA: No.

ADV SELLO SC: Okay. Do you have any other personal relationship with him besides commercial transactions?

10 **MR MATLALA:** No, I do not have.

ADV SELLO SC: Okay.

CHAIRPERSON: How did you come to ask for a loan from him?

MR MATLALA: Why or how?

CHAIRPERSON: How?

MR MATLALA: I called him and asked for money.

CHAIRPERSON: Sorry?

MR MATLALA: I called him and asked for money.

20 **CHAIRPERSON:** No, no, no. I am not asking by what means, Mr Matlala. For example, I would not call Mr Motsumi and say please loan me or my company R5 million. So you are not answering my question. I am not asking by what means, which is by means of a telephone call to him. That is not what I am asking.

MR MATLALA: For me, Chairperson, to answer that

question, I think if you say why I asked the money, then I would be able to answer, but how, I do not understand.

CHAIRPERSON: The why is probably so as to get money from him for whatever purpose?

MR MATLALA: Yes.

CHAIRPERSON: But why him? How did you come to choose him, to get a loan from him? So I am still asking how. I am still asking how and I am insisting on an answer, please.

10 **MR MATLALA:** He is a businessman and I know that...

CHAIRPERSON: Did you know him before?

MR MATLALA: Yes.

CHAIRPERSON: How did you know him?

MR MATLALA: Through Mr Msibi.

CHAIRPERSON: So you approached him because you happened to know him?

MR MATLALA: Yes, I know him, yes.

CHAIRPERSON: Okay, thank you.

ADV BALOYI SC: Does that answer mean that you socially
20 knew him, you interacted with him?

MR MATLALA: Yes, I did.

ADV BALOYI SC: Before you asked him for a loan?

MR MATLALA: Yes.

ADV BALOYI SC: Okay, thank you.

ADV SELLO SC: As a matter of interest now, seeing as

you are not that close to him, you socially interacted with him, and as the Chair asks, because I am sure if I were to approach him for a R5 million loan, he is unlucky to grant me. My question is, did you have to put up a security for that loan?

MR MATLALA: No, I did not.

ADV SELLO SC: Or he took you on your word and it was by faith?

MR MATLALA: Yes.

10 **ADV SELLO SC:** So he did not secure that loan at all, repayment of that loan?

MR MATLALA: No.

ADV SELLO SC: He trusted you that you will repay it?

MR MATLALA: Yes, and I did.

ADV SELLO SC: Okay.

ADV SELLO SC: Okay.

ADV KHUMALO SC: And CAT VIP Services did not provide any security services to him or any of his business entities?

MR MATLALA: He also has a security company.

20 **ADV KHUMALO SC:** He also has a security company.

MR MATLALA: Yes, yes.

ADV KHUMALO SC: So is that how you know him, that he is in the security business?

MR MATLALA: No, I know him because he used to visit Mr Msibi a lot. Him and Mr Msibi were very close friends.

ADV KHUMALO SC: And you came to know him because, at one point, you were all at Mr Msibi's place?

MR MATLALA: Yes, more than one occasion, yes.

ADV SELLO SC: Thank you, Commissioners.

ADV BALOYI SC: Can I just ask a question whose answer may be obvious, but let me ask anyway. This loan that you approach him for and he gives you, was this after you had been awarded the Medicare, before or after you had been awarded the Medicare contract?

10 **MR MATLALA:** It was before.

ADV BALOYI SC: It was before it was awarded. So the decision had not been made yet and you had not been told that you are successful?

MR MATLALA: It was not for the Medicare contract.

ADV BALOYI SC: Okay. It was for another business, not Medicare?

MR MATLALA: Yes.

ADV BALOYI SC: All right. Thank you.

20 **ADV KHUMALO SC:** But, Mr Matlala, you said it was 5 million towards the end of 2024. If the Medicare contract was awarded in June 2024, then it must be after.

MR MATLALA: No, it is before. Maybe I am confusing the dates, but I know for sure it is before.

ADV KHUMALO SC: So it was early 2024, not late 2024?

MR MATLALA: Yes, maybe. But it was before. That I

know for sure.

ADV SELLO SC: And that can be resolved immediately by the loan agreement that you say is written?

MR MATLALA: Or even with the bank transactions.

ADV SELLO SC: The transaction statements.

MR MATLALA: Yes.

ADV SELLO SC: You have, and I take it then in response, in your supplementary statement, in dealing with 2.5.2, you will then attach hereto as an annexure whatever, that loan
10 agreement. You have indicated you are in a position to provide us with that loan agreement.

MR MATLALA: Yes, I will.

ADV SELLO SC: Yes. So I am suggesting that it be an annexure to the part in the supplementary affidavit where you are dealing with this loan.

MR MATLALA: Okay.

ADV SELLO SC: Thank you. Then if we move on to paragraph 2.5.3, this one required you to once again comment and speak to your relationship with Mr Mike van
20 Wyk. You deal with that at your paragraph 20?

MR MATLALA:

“My relationship with Mike van Wyk is a subject of the matter that is pending before Court, and as such I am unable to comment on this question. I do not wish

to incriminate myself, as Mike was the CEO of my company, Medicare, the very same company that had a contract with SAPS. I therefore claim my right to not incriminate myself.”

ADV SELLO SC: Just to check my understanding, as CEO of Medicare 24 Tshwane?

MR MATLALA: Yes.

ADV SELLO SC: That is the company that was awarded
10 the contract, that concluded the SAPS contract?

MR MATLALA: Yes, that is correct.

ADV SELLO SC: I am correct that Mr van Wyk is not one of the accused in that matter? He is not charged?

MR MATLALA: He is a state witness.

ADV SELLO SC: He is a state witness?

MR MATLALA: Yes.

ADV SELLO SC: Okay. Now, you say, do you have a relationship with Mr van Wyk other than as a CEO of Medicare? And I ask this question because of how you start
20 your paragraph 20. You say:

“My relationship with Mr van Wyk is a subject of the matter that is pending before Court.”

So if your relationship is, in his capacity as CEO, that I would take it does not suggest you are friends, but your

friendship, if any, with Mr van Wyk is not a subject of that criminal case. I do not know if I am making sense. Would you agree with me?

MR MATLALA: Can you please clarify?

ADV SELLO SC: I am trying to understand which relationship of yours with Mr van Wyk is a subject of the matter that is pending in court. I say to you I can appreciate that if, as a CEO, you are the chairman of Medicare 24, of the board.

10 **MR MATLALA:** Yes, that is correct.

ADV SELLO SC: So that relationship I can understand how it becomes part of the criminal case pending before Court. But if you were also personal friends, are you suggesting that even that particular relationship is also part of the criminal case? It is a subject of the criminal case?

MR MATLALA: No, it cannot be.

ADV SELLO SC: Yes. So what other relationship, besides him being a CEO, did you have with him?

MR MATLALA: He was never my friend. It was a
20 business-related relationship.

ADV SELLO SC: Now, outside of Medicare 24, did you have any other dealings with him on a business level?

MR MATLALA: Yes, I did.

ADV SELLO SC: What businesses did you have in common?

MR MATLALA: Security, because he also had a security company.

ADV SELLO SC: What was his security? Let us start with you. Yours was CAT VIP?

MR MATLALA: Yes.

ADV SELLO SC: And what was his business dealings? He is in the security sector.

MR MATLALA: Are you asking the name of his company?

ADV SELLO SC: Yes.

10 **MR MATLALA:** Anubis.

ADV SELLO SC: Anubis. Was there any formal relationship between CAT VIP and Anubis, or was there a relationship between the two of you as the heads of the respective entities?

MR MATLALA: No, but myself, not the company, myself. Before, I used to use his company for protection services for myself.

ADV SELLO SC: Okay. Did the two companies, your company and Anubis, have any joint commercial activity?

20 **MR MATLALA:** No, we never had any joint commercial activity. That was before my company was, I would say, fully established. So I was using his company for my own personal protection.

ADV SELLO SC: And if regard is had to the company, the CAT Protection and Security trading as CAT VIP, it bears a

registration number of 2017, except you could have potentially bought a shelf company. So my question is, when did that company be registered in your name, that CAT VIP?

MR MATLALA: I will just say it from top of my head. I cannot quite remember. Maybe 2019, 2020.

PROSECUTOR: 2019, 2020. I will take that.

MR MATLALA: Maybe somewhere there, the year.

ADV SELLO SC: And in any event, these are matters that
10 can be clarified by the CIPC, and, you know, a search of the CIPC. And as things stand, you said he was never your friend, and he remains not your friend.

MR MATLALA: No, he was not a friend, but I was very close, but I will not say a friend, but someone that I was close to, because we see each other every day, and then we are in business.

ADV SELLO SC: And besides business, did you have any other relationship, I had asked? I know he is not your friend. Is there any other relationship besides business
20 that you maintained?

MR MATLALA: The relationship, I think maybe if you can try to help me understand what kind of relationship are you referring to?

ADV SELLO SC: No, any. It may be you have interests outside the security association that you have spoken of,

outside Medicare. He could be an enthusiast in the same sports or things that you enjoy, that you participate together in. And I am mentioning these relationships that would fall short of being a friend, a personal friend. But as an acquaintance that you socialise with, you spend a lot of social, out-of-professional space, time with. Is it that kind of person? And I keep saying general, because I do not want to confine you to a particular kind of relationship. I was hoping you would be able to describe the nature of the
10 relationship beyond Anubis and VIP, CAT VIP.

MR MATLALA: I would say also a neighbour, because we stay in the same estate.

ADV SELLO SC: Yes.

MR MATLALA: And then for me to end up knowing him, I think it is because he loves sports cars. He used to come to my house with his son to just have a look at my cars or drive around in them. So I do not know how to explain that.

ADV SELLO SC: Okay. I think I get a sense. So there was life beyond association via your respective companies.

20 **MR MATLALA:** Yes.

ADV SELLO SC: Okay. Then I am ready to move to your paragraph 21, which asks you to:

“Speak of your relationship with...”

2.5.4;

“...with Mr Ignatious Mothakathi.”

You deal with that in paragraph 21? If you could read that?

MR MATLALA:

“I do not have any relationship with Mr
Ignatious Mothakathi and have never had
any dealings with him.”

ADV SELLO SC: I see you specify you do not have any
relationships with him. Is it somebody you know?

MR MATLALA: Yes, I know him.

ADV SELLO SC: Okay. And are you able to shed light on
10 what you know him to be and who you know him to be?

MR MATLALA: I know him because he is also a friend of
Mr Msibi.

ADV SELLO SC: Okay. We continue then with your
paragraph 22. You are dealing with what is requested in
paragraph 2.5.5, and here you are requested to:

“Speak to your relationship with Mr
Andrew Boy Mthethwa.”

You deal with that in paragraph 22?

MR MATLALA:

20 “I do not have any relationship with Mr
Andrew Boy Mthethwa and have never had
any dealings with him.”

ADV SELLO SC: And then similarly, as with the previous
question, is this somebody you know, though? And if so,
how do you get to know him?

MR MATLALA: He is also a friend to the late Mr Msibi.

ADV SELLO SC: Okay. But he is not somebody you struck a friendship or relationship with...

MR MATLALA: No, no, no.

ADV SELLO SC: ...separately? That takes us then to your paragraph ...[intervenes]

ADV BALOYI SC: Does that mean, in respect of both, that it is people that you have met?

MR MATLALA: Yes.

10 **ADV BALOYI SC:** You do not have a relationship with them, but you have met them?

MR MATLALA: Ja, yes.

ADV BALOYI SC: Okay, so you know who this person is?

MR MATLALA: Yes, I know them, yes.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner. We are now at your paragraph 23, Mr Matlala. There you are responding to the issue raised in paragraph 2.5.6 of the notice, and similarly there you are requested to:

20 "Comment and speak of your relationship,
if any, with Mr Katiso Molefe."

You deal with that in paragraph 23?

MR MATLALA:

"I do not have any relationship with Mr
Katiso Molefe and have never had any

dealings with him.”

ADV SELLO SC: Is it somebody you have met, and if so, under what circumstances?

MR MATLALA: He is also a friend of the late Mr Msibi.

ADV SELLO SC: Now, for the three, Mr Mothakathi, Mr Mthethwa, Mr Molefe, you indicate that they were friends of Mr Msibi.

MR MATLALA: Yes.

ADV SELLO SC: Should we understand from that that you
10 met them at Mr Msibi's premises, home, residence?

MR MATLALA: Yes, that is correct, that is correct.

ADV SELLO SC: Oh, that is correct. Okay.

ADV KHUMALO SC: Where is that?

MR MATLALA: It is a...

ADV KHUMALO SC: Oh, is it the place that Sergeant Nkosi described as the farm?

MR MATLALA: Yes.

ADV KHUMALO SC: I do not want you to give the location.

MR MATLALA: Ja, yes, yes.

20 **ADV KHUMALO SC:** Okay.

MR MATLALA: Yes.

ADV SELLO SC: Thank you, Commissioner. That then takes us to your paragraph 24, and at paragraph 24 you are responding to the question posed at 2.5.7, and here you were requested to:

“Speak to your relationship, if any, to Mr
Brown Mogotsi.”

You deal with that at page 24, starting at paragraph 16.

MR MATLALA:

10 “I can confirm that I came to know of Mr
Brown Mogotsi when he called me at the
time that the SAPS had raided my house.
Prior to this incident, I had no dealings
with Brown Mogotsi. Brown Mogotsi
impersonated to me that he was from the
office of the Minister of Police, and it
would appear that he was using this
strategy to entice me into giving him
financial assistance.”

ADV SELLO SC: Now, then you say prior to this incident
you had no dealings with Mr Brown Mogotsi. I am reading
your second sentence. Did you know him prior to him
making this call to you?

MR MATLALA: No.

20 **ADV SELLO SC:** So with that statement that you had no
prior dealings with him, it includes the fact that you did not
know him.

MR MATLALA: Yes, I have never, yes.

ADV SELLO SC: You had never met him before?

MR MATLALA: No.

ADV SELLO SC: You had never had any communication with him?

MR MATLALA: No.

ADV SELLO SC: Now, the raid at your house, if I understand it correctly, was the 6th of December 2024.

MR MATLALA: Yes.

ADV SELLO SC: So that is the operative date. And you indicate here that he called you at the time that SAPS raided your house.

10 **MR MATLALA:** Not the day. I think, I will say, the raid was on Friday, I remember. He called me, I think, on Sunday, two days after.

ADV SELLO SC: Okay.

MR MATLALA: Yes.

ADV SELLO SC: So when you say at the time, you mean within a period around the date of the raid itself. And this, you are receiving a call, cold, from somebody you do not know, you have never heard of before?

MR MATLALA: Yes.

20 **ADV SELLO SC:** And is there anything specific about this call that you think might be of relevance to the Commission? Why are you putting it as a marker for a timeframe?

MR MATLALA: Yes, he called and he said to me, he is calling from the Office of the Minister.

ADV SELLO SC: Okay.

MR MATLALA: And then he is here to help me to open the case against the police.

ADV SELLO SC: Okay.

MR MATLALA: So, I will say this, let me just go back and say why was he saying this. Because the following day, on Saturday after the raid, I was not sure whether those people are the police or not, because they were wearing balaclavas. And then they took my cell phones and my
10 company firearms and my personal firearm. So I thought I was robbed. So I went to the police station the following day and then I wanted to open the case.

So when I was busy giving the police the statement, and I think by the time they were supposed to register the case or something, they just realised that no, these were actually real police, because those firearms, if they were taken by thieves, they were not going to book them in the, what is it called, the SAP13, in the police station. So by then now I knew that those were police because they
20 booked in my firearms. But still they did not register my case.

ADV SELLO SC: Okay.

MR MATLALA: So it was on Saturday when I went to open the case, the following morning. So on Sunday, Commissioner, you know, some of the things that I would

not want to comment on them, because it is things that I say I would feel like I would incriminate myself. But let me not take, I want to proceed with this testimony, but let me please not mention some of the things. Maybe in my supplementary affidavit, I do not know how we will deal with it. But let me just proceed, and then you will tell me where you need clarity, and then we can take it from there.

ADV SELLO SC: Yes, go ahead.

MR MATLALA: Yes. On Sunday, when he called me, he
10 said he wants to help me in regards with opening a case against the police. And then I was interested because I wanted to open a case of harassment. And then that is when I got to know of him, and then especially when he said he is from the Ministry of the Police. And then because I know that they, by the police station, they refused to open a case against the police, then he was willing to assist.

So I think when they came for the second time for the raid, he asked money from me. He said he wants to bring experts from the police to do the investigation, to find
20 out who are these people who came to my house. But by then, he wanted money. And then, yes, I gave him that money. I think it was 20,000, I think. He said we must book accommodation for those investigators. So that is when he started to raise a red flag for me, that why would the police need money to do an investigation? But anyway,

I gave him the money.

And then when the police now came to my office, raided my office, and went back to my house looking for me because they were supposed to charge me because they were supposed to charge me, because they, I was not supposed to have a spare key of my office where I keep my firearms, which I did not know that is a novel. So they said they wanted to arrest me for that thing. So they came to my house to arrest me for that, but I was not at home. So on
10 my way to my house, I found out that the police are there already.

My wife called me when I was on my way home. She said, the police are here, they are looking for you. But what worried me is the police were wearing balaclavas again, and then but I am supposed to be charged for a case of having a spare key of your own safe. So I had my own suspicion that something must be wrong here. They would just send a normal investigator, maybe with police in uniform, but not people with rifles and balaclavas for a
20 spare key. So that is when I got engaged with Brown a lot, Mogotsi a lot.

And then he said to me, yes, he will help to get to the bottom of and find out who are these people actually. But at some point, I got a call from a person who was very close to the former Minister, and he said, the former

Minister of Police, and he said to me, listen, because that thing now was in the media. I have already opened, by then I have already, what is it called, that urgent interdict, the High Court interdict, urgent application, I have already done that to stop harassment and it is already been in the media.

So this guy called me and said, listen, I see you are having problems here. Come to KZN and I have someone who will help you with this problem. Then that is when I got to know the Minister, the former Minister of
10 Police, Mr Bheki Cele. So when I got to Mr Bheki Cele, I am still on Brown Mogotsi anyway, but I want to give you the context of when I was with Mr Bheki Cele, I showed him that, listen, this guy, I showed him my communication with him.

He claims that he is from the Minister of Police, but he wants money from me. And then he also says that I must help them with a, what is it called? It is this function that ANC holds every year in January. I do not know what it is called. So, but he wanted money for that also. So, and
20 then that is when the Minister, the former Minister of Police said to me, you know what? Continue giving this guy money. Maybe if you do that, then, then he will lead us to, because he is saying that he is close with the Minister of Police.

And then what are he was doing asking for money

is something that is unlawful. Maybe if we can get to the bottom of this. So that is when I kept on sending Brown Mogotsi money. So I paid also 150,000 to his account for that January 8 celebration of the ANC.

ADV SELLO SC: Now, I just want to retrace my steps, our steps a bit. You say he called you and he offered to help you open a case. Did he say how he came to know you had been raided?

MR MATLALA: Did he say?

10 **ADV SELLO SC:** What did he say was the purpose of his call?

MR MATLALA: To help me to open a case.

ADV SELLO SC: Following the raid on your house?

MR MATLALA: Yes.

ADV SELLO SC: Did he say how he got to know that fact, that your house was raided?

MR MATLALA: Hence I think earlier I just mentioned that I know how now, but then I did not know.

ADV SELLO SC: Okay. How now?

20 **MR MATLALA:** So I am saying the names of the people who I am, I do not want to mention those names.

ADV SELLO SC: Okay.

MR MATLALA: Of how did he end up knowing me, because he is part of the people who are under investigation and myself. So I do not want to go there.

ADV SELLO SC: So are these members of SAPS or are these civilians? No, there are 62 million people at least in this country. You are safe if you say civilians. No one can take an educated guess.

MR MATLALA: One is a civilian, yes, and one is a member of SAPS.

ADV SELLO SC: Okay. Now are these names you are willing to disclose confidentially to the Commission in your supplementary statement?

10 **MR MATLALA:** Ja, they will be disclosed in my supplementary.

ADV SELLO SC: Okay. Now, most importantly, you are a businessman at that time. You have just been raided by people you say you were not sure were even police because you were worried. You were not sure whether police were raided your home or whether you had been robbed. You had that concern with you. Why did you accept an offer of help from somebody you do not know the first thing about? Why did you not suspect that there is something fishy?

20 Why should somebody come out of the blue to help me go open a case on a raid I have just experienced? I ask this to say perhaps, I do not know, he must have said something to you that made you confident to conclude that you are dealing with a legitimate person and if he did, what that something could potentially be. What could he have said to

you?

MR MATLALA: What he said to me is he is from the office of the Minister.

ADV SELLO SC: Yes.

MR MATLALA: And then by that time, out of frustration, I did not even think that far that how did he end up. By now, like I said, I know.

ADV SELLO SC: Did he ever offer you? Did he ever help you with the opening?

10 **MR MATLALA:** No.

ADV SELLO SC: Okay. Now, I am aware that you say you have only got to know of him after around the time of the raid of your house. We know that it is the 6th of December. Did you subsequently develop a relationship with whether as a friend or...?

MR MATLALA: After he asked money, I knew this guy is not what he says he is. So, I did not have any relationship with him.

ADV SELLO SC: You did not have any relationship with
20 him?

MR MATLALA: No.

ADV SELLO SC: You say for January 8th, you paid 150,000.

MR MATLALA: Yes.

ADV SELLO SC: Why would you do that? What would you

be getting in return for that?

MR MATLALA: It was because of the advice from the former Minister, Bheki Cele.

ADV SELLO SC: What would have been the purpose of paying 150,000? What did Mr Cele say to you would be the purpose of paying 150,000?

MR MATLALA: To make him not doubt that I no longer trust him. Maybe he will end up leading us to...

ADV SELLO SC: Okay.

10 **MR MATLALA**: Sorry?

ADV SELLO SC: I was following you. Please go ahead.

MR MATLALA: No, I am saying it is because not to give him any suspicion that I no longer trust him.

ADV SELLO SC: Okay. So, did you give any more?

MR MATLALA: No.

ADV SELLO SC: Give him any more?

MR MATLALA: No, no.

ADV VAN DEN HEEVER SC: Chairperson, I would just like the witness to finish the answer when he said it was to lead
20 him to... If he can just complete that portion.

ADV SELLO SC: No, absolutely. I apologise if I interrupted you. So, let us take a step back and it sounds like that there is an answer I might have interrupted and it is incomplete.

MR MATLALA: Yes, because he said he was from the

Minister of the Police.

ADV SELLO SC: Yes.

MR MATLALA: And then the former Minister of Police, Mr Bheki Cele, he said that giving him money, because he strongly believed that this guy, he is working with the Minister, of the current Minister then. Then he thought by giving him money, I will end up getting close to them, to him and the former Minister, the other, let me just mention that because it is two Ministers. I am talking about Mr Mchunu.

10 Ja, Brown said Mr Cele said that maybe he will lead us to Mr Mchunu.

ADV SELLO SC: Okay.

ADV BALOYI SC: Can I just ask the, so the raid is on the 6th of December, if I recall, in 2024.

MR MATLALA: Yes.

ADV BALOYI SC: This was for the January 2025 ANC celebration.

MR MATLALA: Yes.

ADV BALOYI SC: Is that what you are saying?

20 **MR MATLALA:** Yes.

ADV BALOYI SC: Which is the 8th of January.

MR MATLALA: Yes.

ADV BALOYI SC: So, within that month you gave him this 150,000.

MR MATLALA: Yes.

ADV BALOYI SC: Okay. Two, when ...[intervenes]

MR MATLALA: Sorry, and I also paid for their flight tickets. I did not mention that.

ADV BALOYI SC: Okay, so you paid more than 150,000 in that month. And then two, when you say that Minister Cele, former Minister Cele said to you, give him the money, now that he is asking, give him the money, then maybe it will lead us to the Minister. To what? What exactly were you discussing that he will lead you to discover exactly?

10 **MR MATLALA:** This is according to Mr Cele. He said to me, Mr Senzo wants to fire General Khumalo and hire General, and replace him with General Khan to that position of Crime Intelligence. So, and then, yes, he said, ja, that is what I can remember on top of my head.

ADV BALOYI SC: He was hoping it would lead you to that plan.

MR MATLALA: Commissioner, I will do this, so I will just, because I will make a supplementary affidavit, so I would just have to put it in details, even this statement so that I
20 can...

ADV BALOYI SC: No, that is fine. I am happy that you deal with it further in your supplementary. Thank you.

ADV KHUMALO SC: Did you ever get to meet Mr Brown Mogotsi, because in your statement you mentioned the phone calls. Did you ever get to meet him, and under what

circumstances?

MR MATLALA: Yes, I met him.

ADV KHUMALO SC: When? And under what circumstances?

MR MATLALA: After the first call that he made, after the call, I met him in Sheraton Hotel next to the Union buildings, discussing that he will investigate this thing. He is from the Minister's office. He even made a call in front of me, pretending to call the Minister. Whether it was the
10 Minister, that I cannot confirm. Yes, I will say I met him.

ADV KHUMALO SC: Was it once?

MR MATLALA: I also met him in the other hotel in Johannesburg. I met him twice in the hotel in Johannesburg, the Houghton Hotel.

ADV KHUMALO SC: Did he assist you to open a case against the police?

MR MATLALA: He actually tried, because he connected me with some, I just forgot the name, somewhere in Soweto, Pretoria...

20 **ADV KHUMALO SC:** Protea?

MR MATLALA: Protea, Protea North. But that case was never registered.

ADV KHUMALO SC: Was he there when you went to Protea?

MR MATLALA: He was not there. He was not there.

ADV KHUMALO SC: He just connected you with somebody who was there?

MR MATLALA: Yes.

ADV KHUMALO SC: Okay.

ADV SELLO SC: And if I may just follow up on that, who did he connect you with at Protea police station to open a case?

MR MATLALA: I do not know his name. I do not know his name, but what I know is he said that guy was from Crime
10 Intelligence, but I do not know his name.

ADV SELLO SC: And did he appreciate, or did he advise on the nature of a case you must open?

MR MATLALA: Can you please repeat that?

ADV SELLO SC: Did he advise on what kind of case you must open at Pretoria, or did he appreciate from your perspective what case you wanted to open? I mean, I am trying to understand the extent of your conversation.

MR MATLALA: Yes, I wanted to open a case of harassment.

20 **ADV SELLO SC:** And he understood that you wanted to open a harassment case?

MR MATLALA: Yes.

ADV SELLO SC: You told him.

MR MATLALA: Yes.

ADV SELLO SC: Okay.

MR MATLALA: Sorry, Commissioner, because I think I am leaving other facts behind.

ADV SELLO SC: Yes.

MR MATLALA: Because you will end up asking me about why did not you say this, so I do not know whether I am going to need to go back or whenever you...

ADV SELLO SC: No, no, please. This is your moment. Go ahead.

MR MATLALA: Okay. Because on the second raid, when
10 they came to my house looking for the spare key for the house, he is the one also who said I must open a case in IPID.

ADV SELLO SC: Okay.

MR MATLALA: Yes. And then also the way he was pushing me to open a case in IPID, I figured that this guy and whoever he is working with, they are really fighting with these people from the PKTT, and I am being used as a tool to fight that unit.

ADV SELLO SC: And did you then follow up with laying a
20 charge with IPID?

MR MATLALA: No, I sent him a message. I said to him, because he said my wife was assaulted and then I must... But in IPID, they wanted J88. Ja. I said to him, no, my wife does not want to do that. So then I did not do it anyway.

ADV SELLO SC: Your wife does not want to file a J88?

MR MATLALA: She refused.

ADV SELLO SC: Or she is not assaulted? Which is which?

MR MATLALA: Say that again.

ADV SELLO SC: Is the point that your wife did not because she was not assaulted and therefore did not want to file a J88 or that she just did not want to start this process of completing and filing a J88?

MR MATLALA: She was not assaulted, but she was, I
10 would say she was assaulted, but not... They were poking her with a rifle on her shoulder.

ADV SELLO SC: Yes.

MR MATLALA: So here, she had bruises here.

CHAIRPERSON: In law, that would be an assault.

MR MATLALA: Ja, yes, ja.

ADV SELLO SC: And that was in the second or first raid?

MR MATLALA: The second one.

ADV SELLO SC: Okay. But you did not end up opening that case of assault?

20 **MR MATLALA:** I did not open it because, Commissioner, like I said, I have realised that the person who is helping me, but it looked like I was the one who was helping him actually, because he was pushing it more than I wanted to. So I did not do it.

ADV SELLO SC: Did you get an understanding of what you

could have been helping him with?

MR MATLALA: That was something which I did not understand by then.

ADV SELLO SC: Yes.

MR MATLALA: Yes.

ADV SELLO SC: Okay. Do you currently maintain a relationship with Mr Mogotsi? If not, when did it terminate and what was the basis?

MR MATLALA: No, I do not have, I actually hate him.

10 **ADV SELLO SC:** Why? If I may enquire, it is a matter of interest?

MR MATLALA: He caused a lot of problems for me.

ADV SELLO SC: Ja.

MR MATLALA: When did this relationship end, as far as you are concerned?

MR MATLALA: After my arrest.

ADV SELLO SC: The 2025 arrest?

MR MATLALA: Yes.

20 **ADV SELLO SC:** Okay. Have you been in, because the notice required any communication you may have had with any of these individuals identified, have you had direct communication with Mr Mogotsi after, before you were arrested, but after you no longer liked him as much?

MR MATLALA: Yes.

ADV SELLO SC: When? When did your, I want to

understand, when did your communication terminate if it did and not by reason of your arrest?

MR MATLALA: I did not terminate him, I did not terminate the relationship, but he was not, we were not part of the best of buddies because of what he was doing. I knew what he was doing, but because of what Mr Cele said, I just kept him close, so to a day when I eventually got arrested.

ADV SELLO SC: So you eventually got to appreciate what in fact Mr Mogotsi was doing?

10 **MR MATLALA**: Of course, yes.

ADV SELLO SC: And what was he doing?

MR MATLALA: There is two things here which I cannot be hundred percent sure. It is either he was using the Minister's name, Mr Senzo Mchunu's name to swindle money from me, or he was working with him, but still he was asking money also on the side. So even today I cannot be hundred percent sure whether he was working with him or not.

ADV SELLO SC: Okay.

20 **MR MATLALA**: But I know that he was using his name to ask money from me.

ADV SELLO SC: Okay.

ADV KHUMALO SC: Can I just get clarity on this?

ADV SELLO SC: Yes.

ADV KHUMALO SC: Other than him saying he will help

you open cases against the police for the raid at your house 6 December 2024 and the raid at your offices that ended up at your house, what did he say you were going to get in return for helping him? What was in it for you?

MR MATLALA: For helping him?

ADV KHUMALO SC: For helping him, ja. So other than the issue of him helping you open the two cases, what did he say was the benefit for you giving him money?

MR MATLALA: No, the benefit was not for me, it was for
10 him. There was nothing I would benefit from him.

ADV KHUMALO SC: So you were giving him money without expecting anything in return?

MR MATLALA: I was giving him money because of what Mr Cele suggested.

ADV KHUMALO SC: So that was the only reason.

MR MATLALA: Yes.

ADV KHUMALO SC: Thank you.

ADV SELLO SC: The first one you gave 5,000, now it is 150,000 and air flights all in a space of a month. Did Mr
20 Cele give an indication of how you string him along? In my book 150,000 for somebody you have known just for a month is rather steep, unless it is in your world it is different.

MR MATLALA: So the question is you are saying, did Mr Cele indicate how?

ADV SELLO SC: Yes, how much you should invest in this stringing, the stringing.

MR MATLALA: No, that 150,000 was the last one.

ADV SELLO SC: Ja, but I am commenting about this is a month after you knew him and already you were ploughing 150,000. You were comfortable with that.

MR MATLALA: Yes.

ADV SELLO SC: And if you are thinking, just so I understand, if you were successful in your efforts, what
10 would you have received in return to justify a R150,000 investment?

MR MATLALA: Not myself, Mr Cele was the one who was going to.

ADV SELLO SC: Okay.

MR MATLALA: If it was successful, it was Mr Cele, not myself.

ADV SELLO SC: So Mr Cele persuaded you to invest your money so that Mr Cele can benefit. Am I getting it right?

MR MATLALA: Yes.

20 **ADV SELLO SC:** Why would you invest your money for Mr Cele to benefit?

MR MATLALA: I will say he also helped me to, because I explained to him the situation that yes, I have made an urgent court application against this police, but this guy was pressuring me to do it. And then anyway, he said, no, if

you withdraw this application, and then I will talk to the guys, and then you will even get your weapons back and that thing really did happen.

ADV SELLO SC: Oh, okay.

MR MATLALA: So after that, I was fine with it. I did not, anyway, I was not fighting with them, so I did not know what was happening by then.

ADV SELLO SC: So he had assisted you previously.

MR MATLALA: Yes.

10 **ADV SELLO SC:** All right. Your numbering of paragraphs sort of went slightly awry here at page 16. The last we are dealing with was paragraph 24. At page 16, we are now dealing, you are now responding to paragraph 2.5.8 of the notice, but it is an unnumbered paragraph. Do you see where I am?

MR MATLALA: I can see it.

ADV SELLO SC: And you say ad paragraph 2.5.8, and that paragraph in the notice required you to speak to your relationship with Mr Maumela, and you deal with that in that
20 paragraph. I guess that we could number it 25, if we are to follow, but it is currently unnumbered. If you could read then that paragraph into the record.

MR MATLALA:

“Hangwani Morgan Maumela is my friend
and a person who I have previously

conducted business with. At a point in time, he was a director of CAT VIP protection. I placed on record that I got to know Morgan between the year 2016 and 2017.”

ADV SELLO SC: Okay. So you say you have previously conducted business with him. Are you able to speak to the nature of the businesses you conducted with him?

ADV SELLO SC: He was the director of my company, and
10 then the other thing is markers also which are under investigation by the SIU.

ADV SELLO SC: Sorry, I missed that. Please say that again.

MR MATLALA: I am saying he was at some point the director of my company at VIP Protection, and then the business that I am referring to is something that I cannot speak about now because of self-incrimination, because the matter is under investigation by the SIU.

ADV SELLO SC: So this is one of the matters that then
20 when you expound on this point, you give more detail on, and then you will assert whatever right you believe you have in law, and then you, as with the rest, you advance a basis for why you believe that you are entitled to such a right.

MR MATLALA: Yes, I will.

ADV SELLO SC: Then the next paragraph, and again it is unnumbered, we could pencil it in as 26. This is in response to ...[intervenes]

ADV BALOYI SC: Sorry, Ms Sello, maybe just to finish off. So these are the only two business transactions that you have been involved with Mr Maumela?

MR MATLALA: Yes.

ADV BALOYI SC: Just these two. Thank you, Ms Sello.

ADV SELLO SC: Thank you, Commissioner. And now, we
10 move on still at page 16. Once again, we are dealing with an unnumbered paragraph. I propose we scribble it in as paragraph 26. This is in response to paragraph 2.5.9, and once again here you are asked to speak to your relationship with now Mr Suleiman Karim, and under the heading at paragraph 2.5.9 you deal with that. Do you mind reading that into the record?

MR MATLALA:

20 “I confirm that I know Suleiman Karim. I previously approached Mr Karim to request for funding for my company Medicare 24 Tshwane. As already alluded to above, I have since been charged with respect to the Medicare SAPS tender, and as such, I do not wish to comment further on the nature of the relationship with Mr

Karim beyond confirmation that a funding agreement was concluded the company belonging to Mr Karim. I am aware that there are ongoing investigations on the Medicare SAPS contract, particularly a financial investigation on the flow of funds from the contract, and therefore I move the view that any further comments beyond that which I have provided may lead to self-incrimination.”

10

ADV SELLO SC: On this score, you reference a funding agreement concluded with a company belonging to Mr Karim. What company is that? Which of his companies?

MR MATLALA: Tamiz. It is Tamiz or something. It is just Tamiz.

ADV SELLO SC: Tamiz. Okay. Now, when was this about timeline?

MR MATLALA: July-August 2024.

ADV SELLO SC: 2022?

20 **MR MATLALA:** 2024.

ADV SELLO SC: Oh, okay. Now, was that agreement given effect to, that funding agreement, in a sense that was the funding extended by his company to you?

MR MATLALA: Yes, it was.

ADV SELLO SC: And how much, what is the amount of the

loan?

MR MATLALA: It is 50 million.

ADV SELLO SC: Come again?

MR MATLALA: R50 million.

ADV SELLO SC: 50 million. And you say that you concluded in a funding agreement with a company belonging to him. Was it you personally or was it one of your companies with this, you say it is Tamiz, a company belonging to Mr Karim? Who is the other contracting party

10 in this?

MR MATLALA: No, it was me and him.

ADV SELLO SC: You personally?

MR MATLALA: Yes.

ADV SELLO SC: Okay. And what bearing does this funding agreement have on the Medicare contract, if any? Because I see you are invoking once again against self-incrimination.

MR MATLALA: Yes.

ADV SELLO SC: So, if I could perhaps understand what
20 bearing does it have on...

MR MATLALA: Unfortunately, I could not go into the details of it.

ADV SELLO SC: Okay. Now, are you able to furnish us equally with a copy of this agreement, so that we can have an appreciation of how you extend its terms to the Medicare

contract?

MR MATLALA: The agreement was done orally.

ADV SELLO SC: Oh, this one was an oral agreement?

MR MATLALA: I do however have, but it is an unsigned agreement.

ADV SELLO SC: Okay. But then I understand from what you are saying that the loan of 50 million was eventually extended on the basis of an oral agreement and a gentleman's handshake. Is that a fair assessment?

10 **MR MATLALA:** Of course, yes.

ADV SELLO SC: Okay. Now, you say you know Mr Suleiman Karim. Is he a friend of yours?

MR MATLALA: Who?

ADV SELLO SC: You say you know him, Mr Suleiman Karim.

MR MATLALA: Suleiman, yes.

ADV SELLO SC: He is a friend of yours?

MR MATLALA: Not a friend. I know him through his security business also.

20 **ADV SELLO SC:** And remember, I was quite surprised earlier, I think I am quite jealous of the friendships that you have. You will get 5 million without security. Now you are getting 15 million from somebody you know, close to you, with not even a written agreement in place. Why would he trust you with that amount of money? You say he is not

your friend?

MR MATLALA: I do not know. I cannot answer for him, I cannot.

ADV SELLO SC: Okay. On what basis did you expect him to trust you when he is not your friend?

MR MATLALA: I think ...[intervenes]

ADV VAN DEN HEEVER SC: Chairperson, again, the witness has said he is confirmed there was an agreement. He said this agreement goes into charges that he is
10 currently faced. It is being investigated that it is part of the Medicare agreement. My learned friend is, with respect, going beyond just confirming there was an agreement and confirming the terms of the agreement and the amount involved. He has claimed privilege on that respect, or in that respect, on that contract.

CHAIRPERSON: What would implicate the privilege, just on this one question?

ADV VAN DEN HEEVER SC: Chairperson, I am not going to... I will withdraw the question at this point in time.

20 **CHAIRPERSON:** Thank you.

ADV SELLO SC: Thank you, Chair. Then perhaps if you could assist us. I am interested in the nature of the relationship that you had with Mr Karim and how you could persuade him to extend to you a loan of 50 million in the absence of a written agreement, and I assume no security

or guarantee for the repayment of that loan. Are you able to take the Commissioners into your confidence?

MR MATLALA: I did not have to persuade him. I just showed him my contract and my SLA, and then I just maybe discussed how much the contract is worth and how much he can make out of it.

ADV SELLO SC: Okay.

MR MATLALA: And then it was not a matter of I had to persuade him. It was either whether he is doing it or not,
10 so I did not have to persuade him.

ADV SELLO SC: Now, originally I thought it was a written agreement and you corrected me and you said no, this one was an oral agreement, and I had asked for a copy of the written agreement ...[intervenes]

MR MATLALA: Between myself and, sorry, between myself and Karim.

ADV SELLO SC: And Mr Karim, you said it was an oral agreement, right?

MR MATLALA: Yes, yes.

20 **ADV SELLO SC**: And the benefit of having had a written agreement is that it would then inform the Commission of the terms of the loan, correct?

MR MATLALA: Yes.

ADV SELLO SC: Now, we do not have that benefit. Being an oral agreement, are you able to assist what were the

terms of that loan? Repayment, whether or not your company or you were restricted in terms of how you utilise those amounts, the 50 million, terms of repayment, length of repayment, interest rate applicable, the usual loan agreement terms, which applied in this case?

MR MATLALA: Commissioner, like I said before, this is a matter that is in court. However, I will just have to check because I think I was supposed to, I was paying him 10 percent of what SAPS was paying me. And for a period of
10 how long, I do not remember. I think I was supposed to do that for until I reached, I do not remember the contents of our agreement on top of my head.

ADV SELLO SC: Okay.

MR MATLALA: But what I know is that I was paying him 10 percent of what SAPS was paying me.

ADV SELLO SC: Have you paid off this loan?

MR MATLALA: No.

ADV SELLO SC: To date or still outstanding? Do you have a sense of the amount outstanding?

20 **MR MATLALA:** No, I do not know.

ADV SELLO SC: Any educated guess?

MR MATLALA: No, I cannot.

ADV SELLO SC: Sorry?

MR MATLALA: I cannot.

ADV SELLO SC: You cannot answer. But I take it that

these are issues that can be addressed by, is it your personal bank account or your company's bank account that was settling the loan? So we can take it from other verifiable sources?

MR MATLALA: Of course, yes.

ADV SELLO SC: Okay. Now...

ADV BALOYI SC: Can I just ask a question still on this Karim relationship? Mr Matlala, before you approached, you say you knew Mr Karim, he had a company, a security
10 company, also had a security company. Before you approached him for this loan, what was the nature of your relationship with him?

MR MATLALA: With some, I used to, for me to end up knowing him, he also used to come and visit Mr Msibi at his farm and then because he will see me there now and then, we ended up being close. So maybe I will also say because of the advice that we share within the security industry, so we ended up becoming close.

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

20 **ADV SELLO SC:** Thank you. And perhaps a related question, if I had not asked it, when did you get to know Mr Karim? Were you introduced or you just bumped into each other within the security sector because you both played in that space?

MR MATLALA: Ja, we just bumped into each other.

ADV SELLO SC: When was that?

MR MATLALA: Maybe during, I will say from maybe 2020.

ADV SELLO SC: 2020. And as I understand it, and I speak under correction, Mr Karim is from the North West.

MR MATLALA: Yes.

ADV SELLO SC: Does he operate, he provides his services out here in Gauteng or alternatively, do you provide your services out in North West? I am trying to see where you bumped into each other.

10 **MR MATLALA:** Yes, he is from North West, but he stays in Sandton.

ADV SELLO SC: Oh, so he operates his security businesses here in the Gauteng area?

MR MATLALA: No, I do not know where he operates his business.

ADV SELLO SC: So where would you have bumped into each other?

MR MATLALA: I said he used to visit Mr Msibi.

ADV SELLO SC: Oh, yes, thank you. And you met him in
20 2019, you said?

MR MATLALA: I am saying maybe 2020, 2021.

ADV SELLO SC: 19 to 21, there about?

MR MATLALA: Between that, ja.

ADV SELLO SC: All right.

ADV BALOYI SC: Mr Matlala, I may have misunderstood

your answer in the light of this discussion with Ms Sello. I have you in answer to me and I may be wrong, I may have misunderstood, I have you saying you met him at Mr Msibi and because he was in the security industry, you ended up having discussions and that is how over time you became close.

MR MATLALA: Yes, that is correct, that is correct.

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

ADV SELLO SC: Thank you, Commissioner. Well, I know
10 that once again, you are set your right in respect of the loan and the relationship, the loan advanced by Mr Karim to you and the relationship you maintain with him. It is fair to assume that when in your supplementary, when dealing with these issues, you are able to delineate matters that you can speak of regarding Mr Suleiman and what met, you distinguish that from matters on the basis of which you invoke your rights and of course, you advance the basis for which you contend that your constitutional rights will otherwise be infringed if you are required to testify to those
20 issues. Will you assist us in that sense?

MR MATLALA: Yes, I will.

ADV SELLO SC: And if you may, please, I know you did indicate that you will not recall off the top of your head what the terms of your oral loan agreement were, but I think with application of mind and thinking, you might be able to recall

some of these terms and to indicate the status of the loan as we speak.

MR MATLALA: The status?

ADV SELLO SC: The status of the loan. I know you say it is outstanding. You do not remember the amount of the outstanding amount of the loan. So with time, something might help you recollect and if you could share that with us, we would appreciate that. It is a fact. It is what it is. If the other paid in full or paid in half or 10 percent paid, but I
10 would have a challenge in you claiming that to tell us that 10 million is outstanding would incriminate you, whereas telling us that 3 million is outstanding will not incriminate you. I hope you get what I am saying. So as to the amount that is outstanding on that loan, it is a fact. And if you could just advise us of that, I would appreciate it.

MR MATLALA: Commissioner, I do not think I will be able to because I do not have my bank statements, but I do not know if the Commission has my bank statements. We can check from them and it will show how much was paid and
20 how much is outstanding.

ADV SELLO SC: But we can only do so if you tell us how many bank accounts you were paying from.

MR MATLALA: It was paid from my Medicare bank account.

ADV SELLO SC: The Medicare bank account?

MR MATLALA: Yes.

ADV SELLO SC: Then we would have to know the terms. You spoke of 10 percent of the value of the contract. A whole number of information, some information would have to be put at our disposal to be able to interpret your bank accounts. Then we would have to know who the loan was being paid to. Is it to Mr Karim directly, to a company? You said Tamiz or which company? How do we trace who is receiving repayment on the loan? You would have to give
10 us those indications. Then at least we know what to start searching for.

ADV VAN DEN HEEVER SC: Chairperson, do I understand my learned friend correctly that the Commission is in possession of the bank statements?

ADV SELLO SC: No, no, no, I apologise, Chair.

ADV VAN DEN HEEVER SC: No...

ADV SELLO SC: I am correcting. I never claimed the Commission is in possession of anything.

ADV VAN DEN HEEVER SC: That is what I wanted to
20 clarify. If they are not, then going further with this, we cannot move further with this aspect, because then we have to, because that is what I understood. She said, my learned friend implied that there are bank statements, but the timelines for which is applicable needed to be indicated. I am just trying to ascertain, do they have the bank

statements or not? Otherwise, we will deal with it ourselves.

ADV SELLO SC: Chair, if I may, I am having an engagement with a witness and I established what the witness has thus far told the Commission, that there was a loan for 50 million, that one of the terms for this loan was that Mr Karim would receive 10 percent of the value of the contract and that the loan has not been extinguished in its entirety, that it was repayable over a certain period, the
10 detail of which he cannot recall, and that it was an oral agreement. So my question is, we now have established that you received 50 million, not all of it has been repaid.

He says he was paying through, when I asked what is the outstanding amount, he says that can only be determined through his bank account. I say it is dependent on who was paying towards that loan agreement. You must go on record and you say my personal bank account, then we know which account to target to then do that arithmetic exercise. Then you must indicate who it was being paid to.
20 He mentioned a company called Tamiz. There could very well have been another company by Mr Karim that was receiving on behalf of Tamiz. Are we confronted with such?

So the point I am making was there is so much information and fact that Mr Matlala must put to us for us to determine whether or not the exercise he wants us to

undertake is even feasible. He is not going to direct us to go search for every bank account that he could potentially be associated with and then to read through it and determine whether this amount was potentially paying towards this loan. That is the only point I am making. So I am responding to the invitation by Mr Matlala.

CHAIRPERSON: Mr Matlala, thank you, thank you, ma'am.

Mr Matlala, I think what you should try to do, I understand that you have been saying that some of the issues that are
10 being addressed with you are not practical for you because of where you are, but is it practical for you to – the Commission can subpoena the banks to give us the statements, but there is the detail that Ms Sello refers to, which is that if some payments were not necessarily made to the company that had loaned the amount, which would mean that it is more practical for you to identify the payments from your statements.

So would it be possible for you, when the supplementary statement is prepared, to attach the relevant
20 statement and to indicate or identify the particular payments that were made and the entities or persons to whom those payments were made towards repaying the loan? You should be able to do that even if you are in custody, I would think. It is a practical way. How – I am not sure myself – to lay your hands on your bank statements, or rather your

company's, Medicare 24's bank statement.

MR MATLALA: Chairperson, unfortunately myself, I will not be able to obtain those statements because my accounts has been frozen, so I do not have any direct or – I cannot even send someone to get those bank statements for me because those accounts are not active anymore. So I do not know how other – maybe the Commission can get, but myself I cannot.

CHAIRPERSON: Perhaps then, Ms Sello, the Commission
10 should obtain the bank statements.

ADV SELLO SC: Yes.

CHAIRPERSON: Mr Matlala should then be furnished with copies of the statements for him to then identify the relevant payments.

ADV SELLO SC: We could endeavour to do that, and I am thinking of the time that we have. But perhaps to assist us in this exercise, if Mr Matlala in his supplementary statement could answer some basic questions of from which accounts were the payments towards the loan made, and
20 who were the recipients of those amounts in part payment of this loan, then at least we can focus our search. So if he was paying out of one account and maybe three, if he could help us identify those accounts, and if the recipients used more than one account, if he could help us identify who the recipients were, then we will do our best to try and see if

we can obtain the accounts for the various entities. Thank you, Chair.

CHAIRPERSON: All right. I think practically then let us resolve it that way.

ADV VAN DEN HEEVER SC: I heard the suggestion. Thank you, Chairperson.

CHAIRPERSON: Thank you. Thank you very much, Ms Sello.

ADV SELLO SC: Thank you, Chair. Now, Mr Matlala, we
10 are still at your page 16. I think this would be paragraph 27. Once again, unnumbered, it fell off, but I think you may want to read the last paragraph at page 16, which would bring us to the end of your statement.

MR MATLALA:

“I reserve my right to provide the Commission with a supplementary sworn statement to deal with issues that have not been dealt with in this affidavit.”

ADV SELLO SC: Thank you. Now, this would bring us to
20 the conclusion of your statement. I do appreciate that we are going to receive a supplementary statement from you, but at this juncture, is there anything else you would like to say to the Commissioners, or will you use that opportunity after we have traversed your supplementary statement?

MR MATLALA: You are asking if I have something to say

to the Commission?

ADV SELLO SC: Ja, if there is anything to add to your statement. If you look at, we are at the conclusion of your statement, so I was asking whether there is anything else you would like to bring to the attention of the Commissioners.

ADV KHUMALO SC: Ms Sello, do you want him to make a closing statement? I have quick, two quick, short questions that I want to ask.

10 **ADV SELLO SC:** No absolutely, Commissioner.

ADV BALOYI SC: Then he can make his closing statement.

ADV SELLO SC: Then he can make his closing statement.

ADV KHUMALO SC: Mr Matlala, very quickly, when you were talking about your relationship with Commissioner Julius Mkhwanazi, you said he used to frequent a clinic that is owned by your company. Was that clinic owned by Medicare 24, or what is the nature of that?

20 **MR MATLALA:** No, it was owned by Medicare 24 Holdings, not my company.

ADV KHUMALO SC: Oh, it was not owned by your company?

MR MATLALA: Yes.

ADV KHUMALO SC: And you do not know if that clinic had a relationship with the Ekurhuleni Municipality?

MR MATLALA: They did.

ADV BALOYI SC: They did?

MR MATLALA: Yes.

ADV KHUMALO SC: And it related to COVID?

MR MATLALA: Yes.

ADV KHUMALO SC: Okay, but it was not your company, it was Holdings. Okay, I am clear. And then, do you or your wife own a company that provided training services to the City of Ekurhuleni or EMPD?

10 **MR MATLALA:** To the City of Ekurhuleni, yes.

ADV KHUMALO SC: What is the name of that company?

MR MATLALA: It was Buena Vista Learning Academy.

ADV KHUMALO SC: Buena Vista Learning Academy?

MR MATLALA: Yes.

ADV KHUMALO SC: Are you a shareholder or a director in that company?

MR MATLALA: No, I am not.

ADV KHUMALO SC: You are not?

MR MATLALA: Yes.

20 **ADV KHUMALO SC:** It is owned wholly by your wife?

MR MATLALA: Yes.

ADV KHUMALO SC: All right, thank you.

ADV SELLO SC: Thank you, Chair and Commissioners. That will bring us to the end of Mr Matlala's statement, and as I just invited, I just checked with him whether there is

anything else you would like to say at this juncture, or whether he would reserve that to after we have dealt with his supplementary statement. Thank you, Chair.

CHAIRPERSON: Mr Matlala?

MR MATLALA: No, whatever I have, I will add it on my supplementary statement.

ADV SELLO SC: Noted, thank you.

CHAIRPERSON: Thank you. That is the end of it for now. Ms van den Heever?

- 10 **ADV VAN DEN HEEVER SC:** Chairperson, that brings us back to where we were, and that is we would need the opportunity to go through this volume of documents that we only received yesterday and last night. Based on the content thereof, we may or may not also utilise the opportunity to supplement this statement. Then, of course, as we have indicated, we intend to supplement and deal with the factual and legal issues on which we claim certain rights, et cetera.

- 20 I think it is wise to say that at this point in time. I would respectfully then submit that it is time for us then to arrange for this matter to then stand over. I know we have had a discussion with me and my learned friends. I have not taken instructions as yet on the timelines from the client himself because he, as he is rightly entitled to, likes to also be involved and have seen, because he would like to be

able to go through documents, et cetera.

So maybe we can just at this point place on record what the timelines are that is suggested by my learned friends and that we have discussed before and then I would like to take an instruction, of course, also from my attorneys on that issue. And of course, we have got a lot more light down the tunnel in the sense we know what is important on certain issues and what not and what you would like us, yourself and your fellow Commissioners, to specifically deal
10 with and highlight and emphasise in such a supplementary affidavit.

That also has guided us to extra input, if I could put it that way, that we need to deal with or provide to you.

CHAIRPERSON: Thank you. Does what you are referring to, Ms van den Heever, also relate to Mr Matlala being put on terms as to the filing of the supplementary affidavit?

ADV VAN DEN HEEVER SC: Yes. As I said, also taking into account initially, ja, let me leave it at that at this point in time.

20 **CHAIRPERSON:** Was the date agreed on that, that is for the filing of the supplementary affidavit?

ADV VAN DEN HEEVER SC: We have discussed, my learned friend suggested Wednesday. I need to have a quick discussion with my own legal team also to see if it is physically possible, because a lot of aspects I think you can

appreciate has now also emerged during the questioning of Mr Matlala, new issues that you would like him to highlight, my learned friends would like him to highlight. So I would like to take an instruction on the suggestion that we earlier had, because I think that that, the supplementary affidavit and the application that we need to do, I believe can be filed at the same time, because both of them, the one supports the other one, so it runs parallel with each other. So may I then ask maybe, it is also a good convenience
 10 break for everybody concerned, maybe we have 10 minutes and then we can come back and deal with that issue?

ADV SELLO SC: Before the Commissioners decide whether or not to give the 10 minutes.

CHAIRPERSON: Thank you, Ms van den Heever. Yes, Ms Sello?

ADV SELLO SC: Perhaps to put some issues on the table, firstly let us start with a date for appearance by Mr Matlala and we have conversed this with our learned friend and we are looking at the 24th and the 25th of August, which would
 20 be Monday, Tuesday. Now part of the challenge we have is Mr Matlala's criminal trial is set to resume after the 28th of August and that is what encroached on our 1st of September original set down date and I think it starts whenever after the 28th, which is a Friday until a date in mid-September.

So if we juggle our programme, we have put to Ms

van den Heever that we can accommodate perhaps 20, we can do 24, 25, so that Mr Matlala can dispose of Commission matters and then he can turn his attention to his criminal trial, which then would be coming up the week after. So we then had to discuss filing dates for the supplementary and in fact for the benefit of Ms van den Heever, I think the Commission was kind that we had said the supplementary affidavit can be filed on Thursday, not Wednesday.

10 But there is a challenge, there is this application that Ms van den Heever intends to bring, where she intends to raise some points *in limine*, and I understand that there are a few of them, which in order for the Commission to provide guidance on or make rulings will have to be in writing. The evidence leaders would need opportunity to respond thereto in writing and to the extent necessary Ms van den Heever and her team would reply.

 And we wanted the Commission to have in hand the complete application no later than Thursday, because she
20 has suggested perhaps the filing of heads of argument, which could be necessary, so that could be done maybe sometime over the course of the weekend, Friday or Saturday. This is all in anticipation of the Monday 24th continuation.

 The idea Ms van den Heever had was that

application will then be disposed of first, come the 24th, because it will dictate how we deal with the remainder of the evidence, how do we engage with the witness, and will be guided by the ruling that the Commissioners make in that regard. So then just to retrace my steps, I understand from Ms van den Heever that she says the supplementary statement is relevant for, and it underpins this procedural application she wants to bring.

10 The result would be, we thought we were being kind by saying file the supplementary on Thursday, because insofar as this preliminary points application she wants to bring, we are going to request that that application be filed by tomorrow. It has got, we think that it would be crisper than a supplementary affidavit that the client then has to consider and file would be, to enable us to respond there to by Wednesday, close of business, and Mr Matlala's legal team in return to reply should the need arise by Thursday, and be able to give the Commissioners the full file by close of business on Thursday.

20 That is the offer that was on the table. But the problem with the application itself being filed only on Thursday, then it impacts the question of we can only reply by late Friday afternoon, and/or answer by late Friday afternoon. Over the weekend then we exchange any other documents and heads of argument, but it is the

Commissioners then who bear the brunt, because they do not have the opportunity to apply their minds to a complete application substantiated by heads of argument.

But we are in your hands in that regard. I just thought I should bring to your attention the discussions that we have had at the basis for which we made certain recommendations.

CHAIRPERSON: Ms van den Heever, the points *in limine*, are they pure legal points?

10 **ADV VAN DEN HEEVER SC:** No, M'Lord, Chairperson, the fact is the points we wish to rate, the legal points, are substantiated by facts. I will give you a simple example. I say my client is a suspect in a matter. You expect me to file an affidavit and set out why we say he is a suspect in point A. That takes time. It is not something that falls out of the air and can be done overnight with the greatest of respect. It is something that needs time to properly set out a factual foundation on which you decide the legal points that we then raise.

20 **CHAIRPERSON:** So it is those legal points relate to, in the main, the privilege that is being asserted? Or are there other points?

ADV VAN DEN HEEVER SC: There is other points, but all of them, as I have indicated to you since this morning, is substantiated by facts. And for us to deal with all of those

facts, we do need time because it became quite clear from the questions posed to the client that we have to go almost above and beyond the way we thought we could deal with it. We need to go and find substantiation in respect to certain aspects to basically deal with those issues. You cannot, whether it is in law or otherwise, it is part of the Commission's work too, you cannot raise a point *in limine* without the factual foundation that is there, more specifically based on the various points that we wish to

10 raise.

CHAIRPERSON: No, I asked the question, but of course no longer assists us anyway. But why I asked the question was, if it was pure legal questions, then the timelines could be truncated with regard to the points *in limine* only. That, of course, would still leave aside the supplementary affidavit and when you file and so on, when the two sides file and so on. But by the way, the evidence leaders do not need to file anything with regard to the supplementary affidavit.

20 **ADV VAN DEN HEEVER SC:** Indeed, M'Lord, Chairperson, there is no need for them to answer any of those aspects. It is going to be a simple argument. They are going to say, based on the facts you put forward, you cannot claim that you are a suspect and therefore you are entitled to the rights envisaged in section 35 as an example. Or based on

this, you cannot claim that. But before that argument can be made before you, there needs to be facts.

CHAIRPERSON: But of course, what I just said now is subject to the fact that a point has been made that there is going to be an application. So once something takes the form of an application, they may well have to answer, or rather to file an affidavit.

ADV VAN DEN HEEVER SC: Indeed, we just thought the reason why I have discussed this approach with my learned
10 friends, as I said, is because if you are with us on certain aspects, it would be the end of any interrogation or whatever you want to call it on those issues. In other words, we would reach finality on those issues. There would be, again, no interrogation on those issues. If you are not, then of course you have got the right to reply thereto and deal with those issues. If you can bear with me, please?

CHAIRPERSON: Yes, perhaps whilst you are talking to, let me just say this. Is there any hope that if we take a 10
20 minute stand down or adjournment, there can be agreement on timelines? Or shall we have to force our own timelines?

ADV VAN DEN HEEVER SC: Ja, I would appreciate that, Chairperson, as you can see, we have roped in or called the juniors to assist us ...[intervenes]

ADV SELLO SC: Sorry, Ms van den Heever, your mic,

please.

ADV VAN DEN HEEVER SC: Sorry, they are quite important issues in the context of what we are dealing with. The situation of Mr Matlala is very unique to the Commission's work at this point. And I would like to discuss it also with my juniors. I think they have got the rights, so as my attorneys, to give input into this particular aspect.

CHAIRPERSON: Okay. All right. We will take the 10
10 minute adjournment then. Failing agreement, we will then impose timelines ourselves. We will come back at ten to 3. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Sello.

ADV SELLO SC: Yes, Chair.

CHAIRPERSON: Ms Van den Heever.

ADV SELLO SC: I think best I hand over to Ms Van den Heever to put to the Commissioners the proposal put to us
20 to consider and I do so because it places the Evidence Leaders under extreme pressure but to the extent that she is able to justify why it should be that way, I think it is best that she puts the offer to yourselves and if the Commissioners are inclined to accept it, we will have to live thereby. Thank you Chair.

ADV VAN DEN HEEVER: So the proposal, thank you Chairperson, Commissioners. The proposal is that we will by 10 o'clock on Friday morning file the application together with the affidavit, supplementary affidavit with cross-referencing of course to what underpins the application itself and the reason for it, so the only point of contention between us and them was they said Thursday evening, we said no we need the bit of extra time, is our client's very unique circumstances, if I may leave it at that.

10 We have got limited access to the client and it makes our work so much more difficult. If we then take into account as I again say all the papers that have been served, that needs to also be dealt with in addition to what we are with, so that was our suggestion and we ask you to be mindful of the fact that we are dealing with a unique situation and our access times to the client is very limited, it is basically morning until about 2, access that we have got, 9 to 2.

CHAIRPERSON: If it is only Friday, when will the answer
20 be?

ADV VAN DEN HEEVER: My learned friend said they would, and they, of course mindful of yourselves in that they said by Saturday they will be able to, but maybe my learned friend can just, because I ...[incomplete].

ADV SELLO SC: Yes, Chair, in light of the fact that if the

service is by 10 on Friday morning, we would require at least 24 hours to put together an answer. That will of course be dictated to, the extent thereof will be dictated to by what is in the application. It may very well be a crisp answer and we know that Ms Van den Heever wants to reserve her right to reply, so the question is when does the reply come in?

We had proposed that whatever timetable we agree to, it is best that by the time we reconvene on Monday at
 10 half past 9, the Commissioners have the full set of papers in the application and the heads of argument to limit the extent of oral argument on Monday. It is not necessary to rehash what is already in the heads of argument. The Commissioners are apprised of the legal authorities that are invoked for whatever position assumed in the papers, so that at the very latest we dispose of that application by tea time so that by half past 11, 12 we have started with the factual testimony of the witness on Monday. Thank you.

CHAIRPERSON: The reply by when?

20 **ADV VAN DEN HEEVER:** That is if a reply is needed.

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: We will try and file it within, what did you say, lunchtime on Saturday?

ADV SELLO SC: No, we are filing Saturday, so ...[intervenes].

ADV VAN DEN HEEVER: So it would, we can try and file it during the course of the evening of Saturday, because I cannot foresee because of the fact that the facts cannot be in dispute necessarily, it is about the legal issues where there might be a question or two.

CHAIRPERSON: And the written submissions at the same time as the reply?

ADV VAN DEN HEEVER: The?

CHAIRPERSON: The written submissions, same time
10 ...[intervenes].

ADV VAN DEN HEEVER: Ja, the written submissions
...[intervenes].

CHAIRPERSON: Same time with the ...[intervenes].

ADV VAN DEN HEEVER: So the heads of argument?

CHAIRPERSON: Yes, that is what ...[intervenes].

ADV VAN DEN HEEVER: You refer to that. Ja, we will file the heads of argument by 6 o'clock on, so we might use a little bit of extra time for the reply if necessary, but we can file the heads of argument by 6 on Saturday.

20 **CHAIRPERSON**: Yours at the same time?

ADV SELLO SC: Yes, we had considered that, seeing as, we anticipated it would mainly be legal issues so we can exchange submissions ...[intervenes].

CHAIRPERSON: Yes.

ADV SELLO SC: And anything that perhaps is not dealt

with in our respective heads will be highlighted during the course of oral hearing on Monday morning, but strictly the idea being, it is not intended for the parties to literally make the same submissions in oral that they have tendered in writing. We would both be expected to highlight the key issues in oral to facilitate the quick disposal of that application. Thank you Chair.

CHAIRPERSON: The supplementary affidavit and application on points *in limine* must be filed by 10 a.m. on 10 21 August 2026. The answering affidavit must be filed by 10 a.m. on 22 August 2026. The replying affidavit, if any, and heads of argument by both sides must be filed, oh no, no, no, no. The replying affidavit and heads of argument must be filed by Mr Matlala at 18:00 on 22 August 2026, and the Evidence Leaders must file their heads of argument by 18:00. The hearing of Mr Matlala's testimony is postponed to 24 and 25 August 2026, but to continue on 26 August 2026, if not finalised on the 25th of August 2026. Also, there must be no slippages whatsoever on the filing 20 dates and times, no slippages there. We will not be prepared to hear any stories in that regard.

ADV SELLO SC: Thank you Chair.

CHAIRPERSON: It is so ruled and we adjourn. Mr Matlala, we will see you on the 24th. Let us adjourn. Oh, the usual, we resume at 9:30 tomorrow morning. Let us adjourn.

INQUIRY POSTPONED TO 18 AUGUST 2026

INQUIRY ADJOURNS
