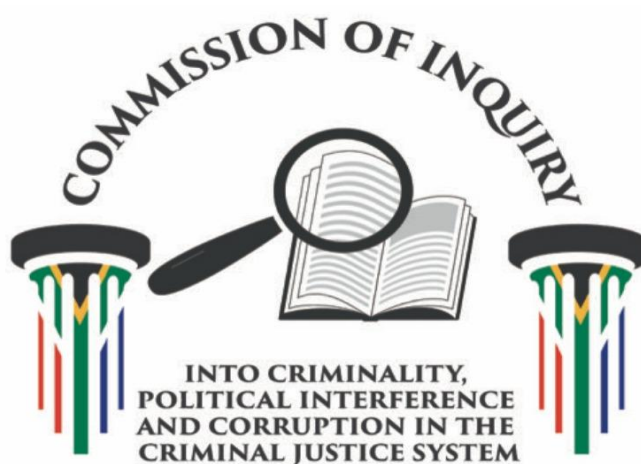


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

21 AUGUST 2026

DAY 164



PROCEEDINGS HELD ON 21 AUGUST 2026

CHAIRPERSON: Good morning, Ms Sello. Good morning, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Good morning, Chair.

CHAIRPERSON: Good morning, Mr Adams.

ADV SELLO SC: Good morning, Chair.

MR ADAMS MP: Good morning, Commissioners.

ADV SEGEELS-NCUBE: Chair, we continue with Mr Adams' evidence today, his testimony. Before
10 ...[intervenes].

CHAIRPERSON: Were you done with having Mr Adams itemise everything that was in his section 27 referral?

ADV SEGEELS-NCUBE: Not yet, Chair.

CHAIRPERSON: All right, okay.

ADV SEGEELS-NCUBE: There has been a turn of events.

CHAIRPERSON: Okay.

ADV SEGEELS-NCUBE: So before we get to that, before we continue with that, there is a matter that Mr Adams wants to address ...[intervenes].

20 **CHAIRPERSON:** All right.

ADV SEGEELS-NCUBE: About him going to Orlando to go and register the cases in Orlando. He wants to address his version that he gave to us yesterday, and then we will take on the next development, Chair.

CHAIRPERSON: Thank you. Yes, Mr Adams?

MR ADAMS MP: Very good morning to you, Commissioners. Commissioners, in actual fact, excuse me, Advocate, two points that I would like to address. The one is that I was wrong in my testimony that I called the gentleman that I know as Elvis when I was at the police station. I was close to the police station, and he told me he was at the tyre shop and he was expecting me much later. And I said, must I meet you at the police station? And he sent me his location and said, no, come to the tyre shop,
10 and we arrived at the police station together. That is the one.

The other thing is that after I played in my mind yesterday the testimony of General Senthumule, of Lieutenant General Senthumule of the South African Police Services, I just want to clarify something on my side. It was General Senthumule's testimony at the Ad Hoc Committee that my dockets – I need to stop referring to it as my dockets, but the case dockets that I had opened at Grand Central, it was her professional opinion that they did not
20 belong in Pretoria.

And as a matter of fact, General Senthumule says, and I have the recording of it, that in actual fact my cases were sabotaged, and that is why I had such a strong opinion on that issue yesterday. So I just wanted that on the record. It was a little bit overwhelming yesterday because I

must tell you I was underprepared yesterday. So please excuse me for that. And I hope that this Commission understands what I am saying in the spirit that I am saying. Thank you.

ADV SEGEELS-NCUBE: Can I just address the first one so that we can be more detailed in what you are saying? Your evidence was that you went from the airport to Orlando on your own. What you are telling the Commission today is that you met Witness G just before you went to Orlando.

10 **MR ADAMS MP:** Yes, ma'am.

ADV SEGEELS-NCUBE: Okay. Correct? To the Orlando Police Station.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: And in fact, if we are more detailed about it, it was in a maroon Mercedes-Benz Vito that you went with him.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay. And was it just the two of you?

20 **MR ADAMS MP:** There was another person with him, ma'am.

ADV SEGEELS-NCUBE: And that person was also from Crime Intelligence?

MR ADAMS MP: I do not know.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: I was under the impression at the time that he worked at Orlando Police Station. I did not know that the man was from Crime Intelligence, but when I give you further information later, then you will understand that I now understand that this is a really wide knit, but we will get to that.

ADV SEGEELS-NCUBE: Yes, thank you.

ADV KHUMALO SC: Can you just – what happened to your Uber? Because I had understood from yesterday's
10 testimony that you Uber'd from the airport to the Orlando Police Station. What happened to your Uber if you met people at a tyre shop and you used the Mercedes-Benz vehicle to go to the Orlando Police Station?

MR ADAMS MP: I asked the Uber to redirect, Commissioner Khumalo.

ADV KHUMALO SC: Thank you.

ADV SEGEELS-NCUBE: Okay, and then on the second issue about General Senthumule, I know you showed me the clip from her Ad Hoc testimony. The point that you want to
20 now make is that your stance that General Jacobs had interfered with your dockets comes from General Senthumule's evidence before Ad Hoc.

MR ADAMS MP: It was my opinion at the time that the dockets were in Pretoria unlawfully. I have never, ever spoken to General Senthumule. So when she said that at

the Ad Hoc, I felt vindicated because she is in actual fact a custodian of dockets as far as I know. And her testimony, it gave me credibility. So I am just trying to explain. I am not trying to argue with you or the Commissioners. I am just trying to put you in the picture as to where my head was and where my opinion is. So if General Senthumule is wrong, then I will accept that, but that is what was said and that is where I felt vindicated, which is why I walked into this room with such a strong opinion of that issue.

10 **ADV SEGEELS-NCUBE**: Okay, but now that we have gone through the timeline regarding your complaint to the Minister and what happened from the 1st of November, do you accept that General Jacobs was entitled to have the dockets with him because he had been mandated to investigate from the Minister's Office?

MR ADAMS MP: Yes, ma'am. To respond to that, General Jacobs was fully within his right to investigate, but according to the General, not to confiscate the dockets. She uses a very strong word in the end. I am not saying
20 that that is the case. I am just saying that my understanding is that General Jacobs should have had access to the dockets, but the dockets should not have been moved.

ADV SEGEELS-NCUBE: The original should not have been with him.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: So he should have had copies or ...[intervenes].

MR ADAMS MP: Yes, ma'am. That is my understanding.

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

ADV BALOYI SC: Maybe for purposes of our record, you should set out what it is that General Senthumule said.

ADV SEGEELS-NCUBE: I will just ask Ms Pooe to find the recording for me and then we will do it. You said
10 ...[intervenes].

MR ADAMS MP: I can request it quickly. I think I can get it a bit quicker if the person is online.

ADV SEGEELS-NCUBE: It is a clip that you had shown me yesterday, so if you can just maybe forward that clip ...[intervenes].

MR ADAMS MP: That was the clip.

ADV SEGEELS-NCUBE: Ja. So we will deal with it, thank you. Then if we can short circuit another issue? It is a minor issue, but we are going through it one by one
20 because like I say, we have come to some compromise on certain things. Is that correct, Mr Adams?

MR ADAMS MP: That is 100% correct, ma'am.

ADV SEGEELS-NCUBE: Okay. The other issue is ...[intervenes].

MR ADAMS MP: Just before you start.

ADV SEGEELS-NCUBE: Yes.

MR ADAMS MP: The statement that you required, I have received it, but I do not know how to send it to you. Can I hand you the phone?

ADV SEGEELS-NCUBE: No, we can- can you WhatsApp it to one of the attorneys?

MR ADAMS MP: I have nobody's numbers.

ADV SEGEELS-NCUBE: Okay. We will arrange for it.

MR ADAMS MP: Thank you, sorry.

10 **ADV SEGEELS-NCUBE**: That is regarding his case against the IDAC officials.

MR ADAMS MP: Thank you. Excuse me, Commissioners.

ADV SEGEELS-NCUBE: I think it is insofar as you will recall, and we do need to address it, although you and I have discussed it, but we do need to address it in public. It is the issue of the recording of Ms Ramsamy's, the consultation that was held on the 6th of January 2025. You confirmed that you have listened to the entire recording. You have given us certain clippings that you had wanted to
20 play. You are not married to the idea, necessarily, of playing it, but it is on condition that should there be something that I wish to play and you then would want to play a clipping as well.

MR ADAMS MP: I am actually asking the Commission, after consulting with my attorneys last night, that we will be

reporting Ms Ramsamy to the LPC and also be laying criminal charges against her. My request is that from my side, we do not play the recording because we will be asking for it lawfully because we are going to pursue that, but I want to just correct myself in that it was not Advocate Ramsamy that introduced herself as Advocate. She was introduced to me as Advocate by Chief Investigator Perumal. So I got that little fact mixed up, and I asked the Commission to understand it was almost two years ago.

- 10 **ADV SEGEELS-NCUBE**: That is fine, and we will not deal with what steps you say you want to take insofar as that is concerned. But insofar as the arrangement that we had regarding the recording, you have confirmed that you have listened to the full two and a half hours.

MR ADAMS MP: I have, ma'am.

ADV SEGEELS-NCUBE: Yes, and then there are aspects that you had given us, certain sections that you asked to have played. Do you still want those to be played, or is it ...[intervenes].

- 20 **MR ADAMS MP**: No, ma'am. The four or five points I asked for, we will play it in court. Thank you.

ADV SEGEELS-NCUBE: Okay, thank you. And, of course, that does not mean that the Commission's Evidence Leaders will not play what they wanted to, but it may very well be that in engaging with you, you will accept what I am

putting to you having now heard the recording, and we will not necessarily have to play the recording to corroborate what I said.

MR ADAMS MP: 100%.

ADV SEGEELS-NCUBE: Thank you. Then, Chair, the question that you had asked about the section 27 affidavit, Mr Adams was given access to the hard copy files yesterday afternoon. He has had a look at what we know as being File 2, page 512 to 516, and I think he wants to address you
10 on that. Shall we go to 512 to 516?

MR ADAMS MP: Which file is that again, Advocate?

ADV SEGEELS-NCUBE: File 2.

ADV KHUMALO SC: [Indistinct].

ADV SEGEELS-NCUBE: Yes, it is the IDAC File, 512 to 516.

MR ADAMS MP: I have it, Advocate.

ADV SEGEELS-NCUBE: Okay, so you have had an opportunity now to have a look at this document, which on page, if we go to page 516, there is a signature there.

20 **MR ADAMS MP:** Yes, Advocate.

ADV SEGEELS-NCUBE: And you will see that your name is, your surname is spelled incorrectly. Do you see that ADM?

MR ADAMS MP: Yes, yes, Advocate.

ADV SEGEELS-NCUBE: And the Commissioner of Oaths is

Felicia Solomons ...[intervenes].

MR ADAMS MP: [Indistinct].

ADV SEGEELS-NCUBE: What you had mentioned yesterday is a counsellor that you are familiar with, you are friendly with.

MR ADAMS MP: Yes, Advocate.

ADV SEGEELS-NCUBE: Okay. Now, do you want to address the Commissioners on this 512 to 516, your signature, whether that is your signature, and the document
10 itself?

MR ADAMS MP: Advocate, these appear to be my signatures, but I cannot believe that I did not mention the PKTT in my section 27. This is one of the reasons why I went to open the case, the statement of which I gave you. I have the case number. I have not supplied you with that yet. I have the case number right here. This is very concerning. And just to save time also, I have laid a case against a chief investigator ...[intervenes].

ADV SEGEELS-NCUBE: Mr Adams, I get it, but let us take
20 it step by step because I know there is other things that we have spoken about that you also want to address in order to place your full version before the Commission on certain other affidavits. Let us just deal with this section 27. You say you would have mentioned the PK – the one that you prepared, because you prepared the section 27 affidavit,

that was your evidence, and you only prepared one.

MR ADAMS MP: I only prepared one.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: I mean, I was busy with it. I printed one. I was not happy with it. I did it again, but I only gave them one. The other one was not even signed.

ADV SEGEELS-NCUBE: And it was Mr Perumal.

MR ADAMS MP: It was Mr Perumal.

ADV SEGEELS-NCUBE: And the one that you gave to Mr
10 Perumal, you are convinced had reference to the PKTT and the forklift expressly.

MR ADAMS MP: Ma'am, if you listen to my testimony, I was explicit about the forklift. So I do not understand how it is not in here because I put it in here.

ADV SEGEELS-NCUBE: Okay, and you only handed one affidavit to Mr Perumal in November of 2024?

MR ADAMS MP: Only the one affidavit, but in the envelope there was the Minister's email.

ADV SEGEELS-NCUBE: And that email is the letter that
20 we looked at yesterday. You are saying it is an email. Was it an email or was it a letter? What are you referring to?

MR ADAMS MP: I am *deurmekaar* right now because as you can see, I mean, even in my section 27 ...[intervenes].

ADV SEGEELS-NCUBE: *Moet nou nie vir ons ook deurmekaar maak nie.*

MR ADAMS MP: No, I am saying I am ...[intervenes].

ADV SEGEELS-NCUBE: Go to page 57 of File 2, your File 2.

CHAIRPERSON: Just a minute. You said you were explicit about the forklift. You were explicit about PKTT as well, were you not?

MR ADAMS MP: Yes. Yes, Commissioner.

CHAIRPERSON: All right.

MR ADAMS MP: And that, excuse me for what I am about
10 to say.

CHAIRPERSON: Yes.

MR ADAMS MP: I am starting to feel like a madman with what these people are saying about my paperwork. If you understand, because it has been a while ago, but I know I put that in there. I know. And that is why when Ms Ramsamy mentions it, I am agreeing with her on that. With everything else, I disagree. I agree with her on that.

CHAIRPERSON: Thank you. Thank you.

MR ADAMS MP: Page?

20 **ADV SEGEELS-NCUBE:** If you go to your annexures, File 2.

MR ADAMS MP: Thank you. Yes, ma'am.

ADV SEGEELS-NCUBE: So page 57?

MR ADAMS MP: I am on 57.

ADV SEGEELS-NCUBE: These are the – it is actually

page 58. So there is this email that you sent to the Minister.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Page 58. You will just – so you recall that there is this email that you sent to the Minister.

MR ADAMS MP: I do, ma'am.

ADV SEGEELS-NCUBE: Then you told us about an email that, the letter from the Minister, which comes on the 11th, dated the 11th. That is in File 9B. So you can keep – take
10 File 9B, page 4004.

MR ADAMS MP: Excuse me just this one second. I am missing – 400?

ADV SEGEELS-NCUBE: 4004, 9B.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: This is the letter that we dealt with yesterday from the Minister's Office dated 11-11-2024.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Now, you keep referring to an email, and we understand that to be a covering email, which
20 you said you would share it with us. You still have not, but we can deal with that. So are you saying that email was in there with this letter, or was it just the letter?

MR ADAMS MP: The email was in there. I printed the email.

ADV SEGEELS-NCUBE: Okay. Not this letter?

MR ADAMS MP: No, not this letter.

ADV SEGEELS-NCUBE: But you have seen this letter before we dealt with it yesterday?

MR ADAMS MP: Yes, I think I have seen this letter before.

ADV SEGEELS-NCUBE: Okay. Now, do you have access to that email now?

MR ADAMS MP: Ma'am, what I can do, and I can promise the Commission this, that as soon as I get to Cape Town, I will take my laptop to Parliament and I will send you the
10 email. Because, again, I was looking, I was asking Sakiena this morning, do we have a copy. They said no. And, again, it is me and this laptop, but I can submit this letter. I have that email. I do have that email.

ADV SEGEELS-NCUBE: And what did that email say? That was on the 11th of November. Was it also the 11th of November?

MR ADAMS MP: Yes.

ADV SEGEELS-NCUBE: The day after you sent the email to Mr Nkabinde?

20 **MR ADAMS MP:** Yes, ma'am.

ADV SEGEELS-NCUBE: And what did that email say?

MR ADAMS MP: The email essentially said that this matter has been referred to the IDAC.

ADV SEGEELS-NCUBE: Okay. So basically what is set out in this letter?

MR ADAMS MP: Essentially, ma'am.

ADV SEGEELS-NCUBE: Okay. And it was addressed to you?

MR ADAMS MP: It was.

ADV SEGEELS-NCUBE: So it said Dear Honourable Adams ...[intervenes].

MR ADAMS MP: It was addressed to me.

ADV SEGEELS-NCUBE: Okay, and it said this matter is now being, your case dockets, this matter is being referred
10 to ...[intervenes].

MR ADAMS MP: Essentially it says this matter has now been referred to the IDAC for investigation.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: Something like that.

ADV SEGEELS-NCUBE: And you had included that email together with your section 27 when you gave the envelope to Mr Perumal.

MR ADAMS MP: Yes, ma'am.

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

20 **MR ADAMS MP:** Can I put this file away?

ADV SEGEELS-NCUBE: Yes, you can put 9B away.

ADV KHUMALO SC: What about us, Ms Ncube?

ADV SEGEELS-NCUBE: 9B you can put away. I just wanted to show him the letter to establish whether that was what was in his envelope.

MR ADAMS MP: On what page do you want me now?

ADV SEGEELS-NCUBE: No, no, no, it is fine. I think Commissioner Baloyi wanted to ask you something.

ADV BALOYI SC: You say you will look through your computer to find that email. The affidavit that you say must contain the forklift complaint and the PKTT complaint, did you type that on your computer?

MR ADAMS MP: On my computer, on my desktop, yes.

ADV BALOYI SC: Okay. Can you check that as well,
10 whether you do not have a copy of that affidavit?

MR ADAMS MP: I can check if I saved it. I could possibly have saved it, Commissioner.

ADV BALOYI SC: Ja, I would expect you would have saved it because it was an important document.

MR ADAMS MP: I will check.

ADV BALOYI SC: Okay. Even if it is unsigned
...[intervenes].

MR ADAMS MP: It would not be signed.

ADV BALOYI SC: Yes.

20 **MR ADAMS MP:** But if you understand what I am saying, Commissioner Baloyi, it is a referral letter that I am typing and I am handing over, and I am thinking that is the end of it, and then all of this comes out of ...[intervenes].

ADV BALOYI SC: All right.

ADV KHUMALO SC: Can you please help us understand?

You typed it in your laptop.

MR ADAMS MP: No, on my desktop.

ADV KHUMALO SC: On your desktop?

MR ADAMS MP: Yes.

ADV KHUMALO SC: On your own?

MR ADAMS MP: On my own.

ADV KHUMALO SC: You then printed it, and then you went across the hall to Ms Solomons ...[intervenes].

MR ADAMS MP: No, no, no. I am struggling with that.

10 **MR ADAMS MP:** Sorry, Commissioner, finish your story.

ADV KHUMALO SC: No, no. I am trying to understand because at the end of the last page, Ms Solomons put her stamp there and she commissions the affidavit. So I am trying to understand whether you went to her with the printed document and you signed in her presence. Is that what happened?

MR ADAMS MP: I had printed it at my house.

ADV KHUMALO SC: Yes.

MR ADAMS MP: And then I either went to my office or to
20 her house. I am unsure of where it was.

ADV KHUMALO SC: Okay, but you were in her presence?

MR ADAMS MP: Yes.

ADV KHUMALO SC: And you signed in her presence and she stamped it?

MR ADAMS MP: Yes, Commissioner.

ADV KHUMALO SC: Okay. We will get to whether it is this one or a different one. I will leave it there for now because I will allow Ms Ncube to continue with her questions.

ADV SEGEELS-NCUBE: So on 512 now, File 2, that is where the affidavit starts.

ADV BALOYI SC: [Indistinct]... File 2 as well.

ADV SEGEELS-NCUBE: File 2. I am busy with File 2 now, 512. His File 2. Yes, you can see this file. Do you have IDAC File 2? Exhibit File. Not your annexure
10 ...[intervenes].

MR ADAMS MP: I am at File 2.

ADV SEGEELS-NCUBE: Ja, page 512.

MR ADAMS MP: 512.

ADV SEGEELS-NCUBE: That is the section 27 affidavit?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay. So you say you typed this affidavit or what you think is this affidavit, except that you say there was definitely PKTT and forklift mentioned in that affidavit that you typed and signed.

20 **MR ADAMS MP:** Commissioners, it is unthinkable for me that I would not have put that. It is in there. It is unthinkable. There is many things I have not been sure of because of time lapses. That is not one of them. I am convinced it was in there.

ADV SEGEELS-NCUBE: Okay. Now, when we look at the

initials on 512, FS, and then there is a signature there, is that also you and Ms Felicia Solomons? Does that look like your signature?

MR ADAMS MP: Look, I cannot speak for her, but that is my signature.

ADV SEGEELS-NCUBE: On each page, so 512, 513, 514, 515, and then the last page, 516?

MR ADAMS MP: That is my signature.

ADV SEGEELS-NCUBE: Okay, and do you recall how
10 many pages yours was? Was it this many pages?

MR ADAMS MP: I did not count. I hate to guess because you are on one page out, but I did not count the pages. I did not.

ADV SEGEELS-NCUBE: Because I am looking at the formatting and all of that of this affidavit compared to what you submitted to us, your 64-pager, this is a very formal, it is aligned, it is very different to what you submitted to us on your 64-pager. Do you accept that?

MR ADAMS MP: I accept that.

20 **ADV SEGEELS-NCUBE:** Okay, and you are saying nobody assisted you with the formatting or anything. You want us to believe that you did this formatting.

MR ADAMS MP: I had days with this. I had what felt like hours with that, if you understand what I am saying. If I had more time to prepare for this Commission, my

submission to this Committee would have looked very different.

ADV SEGEELS-NCUBE: Okay. So when you say you had days with it, when did you – because you get the email from Mr Nkabinde on the 11th, when do you start with the affidavit? When do you speak to Mr Perumal?

MR ADAMS MP: I spoke to Mr Perumal, I think it was two days later. So when I say days, it is not that I had a week. It is an actual fact that I was not pressured with my
10 submission. I was under extreme pressure. I had to find annexures, I had to look for dates that I could not find, I had to backtrack, I had to think of things. I put things in my affidavit that I took out afterwards because it was totally wrong. The pressures were different, ma'am.

ADV SEGEELS-NCUBE: And it is a five-pager compared to a 64-pager, I guess.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Ja, and ...[intervenes].

CHAIRPERSON: Do you have any preferred font type, Mr
20 Adams?

MR ADAMS MP: I normally open the laptop and whoever worked last on it, that is the font type I will use, Commissioner.

CHAIRPERSON: Okay.

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

MR ADAMS MP: Not the laptop, sorry, the desktop.

ADV SEGEELS-NCUBE: The heading, referral to IDAC for investigation in terms of section 27 of the NPA Act, Capture of the Crime Intelligence Division by senior police officers. That is yours. You drafted it. You knew it was section 27. They told you it is a section 27.

MR ADAMS MP: When I was discussing the section 27 with Mr Perumal, I was taking notes because I did not know what a section 27 was. When I asked him, he said, look, it
10 is like an affidavit, right? You put your evidence on, but on top you make sure that you say referral to IDAC via section 27. He said make sure you say that.

ADV SEGEELS-NCUBE: Okay. So if you had, and we will go through the affidavit again, if you had the affidavit ready for him, what was the purpose of having the meeting in Cape Town? And was it on the 21st of November? When was it?

MR ADAMS MP: Ma'am, you know, like I say, I am terrible with dates, and it is actually in my affidavit at the beginning
20 that my date and timekeeping is terrible. So if you say it is the 21st, I will accept it as the 21st.

ADV SEGEELS-NCUBE: I am not saying it is the 21st. I am looking at the date of your affidavit. So the ...[intervenes].

MR ADAMS MP: Of the affidavit?

ADV SEGEELS-NCUBE: Yes. So the date of the affidavit is 21 November 2024. When would you have met Mr Perumal? Because you said you had the affidavit ready ...[intervenes].

MR ADAMS MP: I will tell you now.

ADV SEGEELS-NCUBE: And that would have been in November.

MR ADAMS MP: I will tell you now, if you give me – can I confirm?

10 **ADV SEGEELS-NCUBE:** That is fine. You can confirm it later, but it would have been in November.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay, and it would have been after you have prepared the affidavit because you say when you met him, you handed him the envelope.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: And that was the first time you met him.

MR ADAMS MP: Yes, ma'am.

20 **ADV SEGEELS-NCUBE:** Okay, but you had discussions about what needed to be in the affidavit and all of that.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: So you meet with him. I know you said City Lodge or something like that. Advocate Ms Ramsamy said that Mr Perumal had complained to her when

they went in January to say that there were limited hotels available in Cape Town, and he was upset that they had to meet a Member of Parliament at a Formula 1. You say it was a City Lodge. Was it Formula 1 or City Lodge?

MR ADAMS MP: No, I do not think it was Formula 1. I think he is wrong.

ADV SEGEELS-NCUBE: Okay. She is, ja.

MR ADAMS MP: Let me put it to you like this. If I am wrong, it is the hotel right opposite the airport.

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

MR ADAMS MP: But I do not think that is a Formula 1. I am convinced that is a City Lodge.

ADV SEGEELS-NCUBE: Okay. It is immaterial. I just want to make sure that we are talking about the same consultation. So you met him at the hotel.

MR ADAMS MP: At the hotel.

ADV SEGEELS-NCUBE: Okay, and he is with Mr Padayachee.

20 **MR ADAMS MP:** We were sitting down. Mr Padayachee walked over, he introduced himself to me, and I think he had something, someone else, but I did not watch him because I was busy with Mr Perumal, but he was not part of the meeting.

ADV SEGEELS-NCUBE: Okay, and you then – what is the purpose of the meeting if you had the affidavit ready? What

is going to happen?

MR ADAMS MP: No, what happened was as I was speaking to Mr Perumal, he said to me we will be in town soon, so what you can do is you can give me a little of the background of what you have and you can give me the 27 referral, and that is what happened.

ADV SEGEELS-NCUBE: Did he say why they would not be assisting you with the 27 referral? Did they say it needed to come from you without their assistance, or what was the
10 ...[intervenes].

MR ADAMS MP: There was no mention of the assistance at all. All he said is we cannot touch it without the section 27.

ADV SEGEELS-NCUBE: Okay, we cannot touch it without the section 27. Okay. You then give him the envelope. How long is the meeting?

MR ADAMS MP: It was less than an hour, maybe 40 minutes.

ADV SEGEELS-NCUBE: Okay. So not a lengthy
20 ...[intervenes].

MR ADAMS MP: No.

ADV SEGEELS-NCUBE: Okay, and what are you discussing?

MR ADAMS MP: I am telling him about the forklift, and I am telling him about Major General Madondo's security

clearance, and I am also telling him about other things that I have heard, and I will try to get evidence of it, but unfortunately did not. Or in this case, as I said here, fortunately did not. That was the nature of the investigation.

And after I left, I was actually stupid about it because I asked myself, you did not even ask to see his ID, as in, is he IDAC, but you have given him the referral. But when I met him at the NPA buildings, I realised, okay, it is
10 kosher.

ADV SEGEELS-NCUBE: That would have been in January.

MR ADAMS MP: Second meeting?

ADV SEGEELS-NCUBE: Ja.

MR ADAMS MP: Second, ja, that.

ADV SEGEELS-NCUBE: Okay. So can we just go through the – I know it might be a difficult exercise, because we are talking about 20 – you did this in November 2024, but let us try. So we are on page 512, paragraph 1. What you say in paragraph 1, that is all you?

20 **MR ADAMS MP**: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay. And then we have paragraph 2. It is where you are referring to SAPS Crime Intelligence is in jeopardy, and you mention your growing concern that the Head of Crime Intelligence, who is General Khumalo, Lushaba, Madondo, and other Crime Intelligence

officers were busy with the systemic capture of the Crime Intelligence Division. That was part of your affidavit.

MR ADAMS MP: I have even said that in Parliament already.

ADV SEGEELS-NCUBE: Okay. Then paragraph 3:

10 “My suspicion about General Khumalo
 and others became more clearer when I
 found an envelope pushed under my
 office drawer at Parliament which
 contained some Crime Intelligence
 procurement documents using secret
 funds of Crime Intelligence and vetting
 documents.”

Do you remember phrasing it this way?

MR ADAMS MP: That is me, ma'am. This is me.

ADV SEGEELS-NCUBE: Okay. Now, we know this
reference to Crime Intelligence procurement documents, are
you referring to the forklift?

MR ADAMS MP: The forklift.

20 **ADV SEGEELS-NCUBE:** Okay, but you say you would have
mentioned forklift itself.

MR ADAMS MP: I would have mentioned the actual forklift.
I would have mentioned it, ma'am.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: Look, like I say, it is 20 months ago. I

would not be able to quote this thing verbatim even if I read it, but I would have mentioned the forklift. And again, this is why I sit with the case number now.

ADV SEGEELS-NCUBE: And you accept that there is no reference to forklift in this one?

MR ADAMS MP: None.

ADV SEGEELS-NCUBE: There is no reference to PKTT?

MR ADAMS MP: I went through this thing last night.

ADV SEGEELS-NCUBE: Okay.

10 **MR ADAMS MP**: I was scratching my head the whole time.

ADV SEGEELS-NCUBE: Okay. Now, insofar as I want to show you what Advocate Ramsamy says she recalls was in that section 27 affidavit that she saw on the 6th of December, ja, the 6th of December, 5th of December of 2024 when she was preparing the 28(13) application. And I have asked for her statement to be sent to you. So it is Statement 1 of Advocate Ramsamy, and it is on page 15.

MR ADAMS MP: There? I thought it was coming up here. Page 15?

20 **MR ADAMS MP**: Yes, of her statement, paragraph 36. So she says:

“I have not seen the section 27 affidavit after 6 December 2024 after I returned it to Advocate Johnson. What I recall of its contents is based on my memory, but as

the Commission will see, there are certain contemporaneous recordings by me that somewhat corroborate my recollection of the contents of the section 27 affidavit. For convenience, I will deal with the section 27 affidavit that I was given on 5 December 2024.”

Which she says is the only one that she saw:

10 “...compared to the section 27 affidavit that was flighted before the Commission in tabular form.”

Now, when she talks about the flighted one, it is the one in front of you, 512.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Because we do not have the one that she says she saw on the 6th of December, but she says the one that we have at page 512 to 516 is not what she saw on 6 December 2024.

20 **MR ADAMS MP:** Ma'am, Advocate, I am leaning towards her here because there is things that are not in here. I do not know if someone wanted to minimise something for someone, but there is things that – and as you might have noticed, Commissioners, I do not have the best memory, but let me be adamant about this. There is things that I know I put in there.

CHAIRPERSON: I only got to hear today. You have said it repeatedly today that your memory is failing you for the first time ...[intervenes].

MR ADAMS MP: So, Commissioner, you must ...[intervenes].

CHAIRPERSON: So I have heard that ...[intervenes].

MR ADAMS MP: You must understand what a ...[intervenes].

CHAIRPERSON: [Indistinct] ...[intervenes].

10 **MR ADAMS MP:** What a miserable pensioner I am going to make one day.

ADV SEGEELS-NCUBE: Okay, so let us go to page 16, which has the table. If you look at the first table, that is the section 27 affidavit that she saw. The second column, that is what you have in front of you at 512 to 516. So she says the one that she saw at number one, it referred to your Orlando case numbers and the Villieria case number, and the one that is now on page 512 to 516 refers to the Cape Town case numbers and there is no mention of Orlando and
20 Villieria.

MR ADAMS MP: I do not think I ever put the Orlando case numbers in. I do not remember that at any rate. I do not. I do not.

ADV SEGEELS-NCUBE: You do not think you would have put the ...[intervenes].

MR ADAMS MP: I do not remember doing it.

ADV SEGEELS-NCUBE: Okay. So ...[intervenes].

MR ADAMS MP: Let me attempt to help you, Advocate. I am okay with the first page. I do not think there is anything wrong there.

ADV SEGEELS-NCUBE: Are you talking about page 512 now?

MR ADAMS MP: 512.

ADV SEGEELS-NCUBE: Okay, of File 2. Yes?

10 **MR ADAMS MP:** But let me also be somewhat on the fence about this. I am not going to say that she is wrong or that she is lying, but I do not remember that.

ADV SEGEELS-NCUBE: Okay, so just insofar as the case numbers are concerned. Is that what you are saying?

MR ADAMS MP: Yes, yes, ma'am.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: You probably would have put in the case numbers.

20 **MR ADAMS MP:** Can I ask for permission that if Commissioner Khumalo – see, I want to blame you now. Commissioner Madlanga ...[intervenes].

ADV BALOYI SC: No, do not worry. Many others have made the same mistake.

MR ADAMS MP: If indeed Commissioner Madlanga releases me today, that I be given an allowance to make a

supplementary, because I am going to go sit and think about all of this. It is going to be very hard for me to just yes, no, yes, no. It is 20-odd months ago. Will I be allowed that?

CHAIRPERSON: Let us see how things go. I cannot make a decision about that now.

MR ADAMS MP: Thank you, Commissioner.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: You see, if you go to, just briefly – you do not even have to go to it. The docket for the Cape
10 Town, the front cover, the case number is 1653 and in your document it is missing the 1. So it is 653 instead of on page 512, that section 27. So I would imagine that you would have gotten your case numbers right, but I also would imagine that because you were under the impression that your Cape Town case dockets had been intercepted, you would rather refer to the most recent cases that you had lodged, which would be the Orlando and Villieria.

MR ADAMS MP: I accept that I missed the 1 in the front, but the Cape Town case numbers, to me, were more
20 pressing because in my head those had disappeared. So if you understand what I am saying, Advocate, for me, that was the more pressing issue.

ADV SEGEELS-NCUBE: Okay. So then, can we go back to her table, and we will see how far we can get? She says at item 2 that Major General Madondo failing a polygraph

test while seeking security clearance was specifically mentioned, whereas in the one that is displayed here, 512 to 516, although vetting is mentioned, it is in a different context and no mention is made of a polygraph test. Now, do you recall if you would have said that Major General Madondo failed a polygraph test in your section 27?

MR ADAMS MP: I know that I verbally said that to the investigator on the day we met at the hotel. I am going to struggle now because I know I mentioned vetting in here.

10 **ADV SEGEELS-NCUBE:** But you do not recall the polygraph?

MR ADAMS MP: I must be honest. I want to say yes, but I must be honest, I cannot recall.

ADV SEGEELS-NCUBE: Okay, and then 3, she says:

“Allegations of procurement irregularity within Crime Intelligence regarding the procurement of a forklift.”

And she was adamant that the word forklift was in that affidavit.

20 **MR ADAMS MP:** Yes.

ADV SEGEELS-NCUBE: Are you also ...[intervenes].

MR ADAMS MP: I am leaning towards her.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: I do not want to say I am leaning towards her, but I am leaning towards her.

ADV SEGEELS-NCUBE: So you say you are pretty certain that you would have said forklift.

MR ADAMS MP: Ma'am, I would bet the last cent in my pocket that I said forklift. I said forklift.

ADV SEGEELS-NCUBE: And also because those were the documents that you had.

MR ADAMS MP: Yes.

ADV SEGEELS-NCUBE: The forklift was the documents that you were given to ...[intervenes].

10 **MR ADAMS MP:** Yes, ma'am.

ADV SEGEELS-NCUBE: Okay, and then at number 4, she says:

“Multiple allegations of alleged criminal conduct by the Political Killings Task Team, such as the procurement of vehicles, excessive budget for laundry using the Secret Service account.”

Do you recall that?

20 **MR ADAMS MP:** Ma'am, this is even clearer to me than I used to. Because even at Parliament, and you can go check the recordings, I was gunning them about R500 000 a year on laundry bill for the PKTT, that they are spending R10 000 a night per officer at five-star hotels. I was at war with the portfolio over that. It would have been in my section 27.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: I mean, if nothing else, Commissioners, that if I had given you a one-pager, that would have been in there.

ADV SEGEELS-NCUBE: Okay, and then 5:

“Vehicles that were procured for the
PKTT being used by the former Minister
of Police, Mr Cele, for his personal use.”

MR ADAMS MP: That I know I spoke about. I do not want
10 to lie and sit here and tell you I did it. I know I mentioned
it. I did not have evidence at the time. So just please just
allow me to be a little bit ambivalent about that one.

ADV SEGEELS-NCUBE: Okay. Then last one, number 6:

“Purchasing of hotels or lodges and/or
properties using the Secret Service
account.”

MR ADAMS MP: Can I just take a minute, just a second?
Advocate, will you allow me to leave a question mark there?

ADV SEGEELS-NCUBE: Okay.

20 **MR ADAMS MP**: Thank you.

ADV SEGEELS-NCUBE: So in actual fact, you cannot
assist us as to whether this 512 to 516, you say you are
certain that you mentioned forklift at PKTT and these
allegations, but you do not know what this document is in
because there is some of it that was contained in what you

recall handing over to Mr Perumal, but some things that should be in there, allegations that you recall were in there are not in there.

MR ADAMS MP: Advocate, if I can tell you honestly, I am probably the most confused person in this room right now because this is making me question my own sanity right now, but I know I put those things in there.

ADV SEGEELS-NCUBE: Okay, and what compounds it is that you confirm the signatures on the pages?

10 **MR ADAMS MP:** Yes. I cannot speak for Councillor Solomons. I cannot speak for her, but these appear to be my signatures.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: So ...[intervenes].

ADV BALOYI SC: Can I just check, Mr Adams? You say you do not recall. What could you have been saying about the PKTT in your affidavit ...[intervenes].

MR ADAMS MP: My big ...[intervenes].

ADV BALOYI SC: That must be clear. You must be clear
20 about that.

MR ADAMS MP: I can tell you what I said about the PKTT.

ADV BALOYI SC: Yes.

MR ADAMS MP: And I am not going to mention the officer's name because I believe cases are being withdrawn today, but there was one gentleman who was a driver, who

was promoted from a driver, which I believe to be a sergeant, to a lieutenant colonel. He skipped various ranks, and I know I mentioned that. I asked to look into that. I asked.

ADV BALOYI SC: You see, yesterday you said that among other people that you discussed with is Professor Ms de Haas and Ms Mashale. There had been discussions about the stuff that eventually forms part of your complaints. And I think it is a valid question.

10 If you say you are not sure about what you said in that affidavit or whether what Ms Ramsamy has summarised, whether that is what you said, you surely must be able to say here is my complaint that I had at the time about the PKTT. That I would expect you to remember. The same with the buildings, where she says your complaint includes the Secret Service Fund being used to get buildings.

20 I would expect you to remember clearly and say, I could never have said that because the first time I heard about it was long after I had filed my affidavit. So I am struggling with that you do not remember things as specific as that. And to remember, I am not saying to you, you did put it in the affidavit. I am even allowing for you saying, I could never have said that. I could not have spoken about the laundry expenditure in their budget because it is not

material that was within my knowledge in November. Yes, you may.

MR ADAMS MP: I ...[intervenes].

ADV BALOYI SC: I have raised two things with you. The one is the buildings, the properties being bought. And the other is about the PKTT expenditure, and if you have already dealt with the PKTT laundry expenditure, I am happy to leave it and you have given an answer. But the purchase of the buildings, you must remember whether you
10 knew or did not know ...[intervenes].

MR ADAMS MP: I ...[intervenes].

ADV BALOYI SC: Or had a gripe about it by November 2024.

MR ADAMS MP: Commissioner, the reason I am not saying that I did is because I want to be sure. If I tell you that it is in there, like for example the forklift, it is supposed to be in there. But with the buildings, I know I had a hell of a fight about the buildings, but I am not sure if I – and let me tell you, Commissioner, I am again leaning towards Ms
20 Ramsamy, but I cannot nail it and say yes, but I am strongly leaning towards what she is saying here.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: I want to raise a few issues with you, Mr Adams. I do not remember if I greeted you. Good morning.

MR ADAMS MP: Good morning, sir.

ADV KHUMALO SC: Looking at this affidavit on 512, you say the one that you provided to IDAC made mention of the PKTT and the forklift, right? And we can see that this one does not. Please do not nod. Please answer.

MR ADAMS MP: I am acknowledging as you speak, sir.

ADV KHUMALO SC: Yes, that ...[intervenes].

MR ADAMS MP: That is for myself.

ADV KHUMALO SC: Yes.

10 **MR ADAMS MP:** Sorry, I thought you are still talking, so ...[intervenes].

ADV KHUMALO SC: No, that is fine. So this affidavit we are looking at then cannot be the one that you gave to IDAC on the 21st of November 2024 because according to you, the one that you gave to IDAC had in it PKTT and it had a reference to the forklift. Now, the follow-up question is, where does this one come from? The one that we are looking at, if it is not the one that you gave to IDAC in November 2024, where does this one come from?

20 **MR ADAMS MP:** I think Andrea Johnson is best placed to answer that, sir.

ADV KHUMALO SC: But it has your signature.

MR ADAMS MP: That is what is making me feel like I am insane.

ADV KHUMALO SC: Yes.

MR ADAMS MP: If indeed I was part of whatever is going on here, I would sit here and own this as my affidavit. Yes, no, I did not mention PKTT. No, I did not mention the forklift. But this is not everything I put in there.

ADV KHUMALO SC: Did you do two section 27 affidavits?

MR ADAMS MP: I did not sign the one because I was not happy with it because I put in words like heister instead of forklift. This is not what – Chairperson, I hope you understand why I went to Wellington Police, because I was
10 in Wellington on the day this madness was happening, when I saw these things and I said, no, none of this, I am going to lay a charge.

ADV KHUMALO SC: Now, in October last year, this is important, in October last year the people at IDAC, according to the emails that we have seen, were looking for a section 27 affidavit and they could not find it. But when this Commission sought documents from IDAC, this is the document that was given to the Commission, and it raises serious questions about IDAC and you, Mr Adams. And the
20 question in relation to you is this; did you, after October 2025, sign a section 27 affidavit and backdate it?

MR ADAMS MP: No, Chairperson, and you will understand why later. You will understand why later.

ADV KHUMALO SC: Ja. Now, can you come up with a sensible explanation why we have before us an affidavit

that you say is not the affidavit you signed in November 2024?

MR ADAMS MP: Chairperson, someone has altered this thing. I do not know why. I do not know how. Someone has taken out information that I wanted in here, information that I am passionate about, information that landed me in Pietermaritzburg Prison. I cannot answer that, Chairperson.

ADV KHUMALO SC: How do you explain your signature? I can understand if somebody forged the document, as you
10 allege, or they did something sinister. Advocate Ncube took you through every page and asked you if those are your initials and you confirmed that those are your initials. Now, if this is not the document that you signed on the 21st of November 2024, where do those initials and the signature on the last page come from?

MR ADAMS MP: Commissioner Khumalo, I humbly submit to this Commission that the IDAC must come and explain this.

ADV KHUMALO SC: No, no, they cannot explain your
20 signature. All I want is you to explain your signature. They can explain other things. They can explain why what you say was in the affidavit is not there. But for now, I want you to focus on the signature which you say is yours ...[intervenes].

MR ADAMS MP: If ...[intervenes].

ADV KHUMALO SC: Unless you say to us that is also a forgery.

MR ADAMS MP: I am leaning that way, and I think it is, but I do not want to make accusations. Look, Advocate, sorry to say, I have a scribble of a signature, as you can see in my affidavit also ...[intervenes].

ADV KHUMALO SC: But do you ...[intervenes].

MR ADAMS MP: I would assume somebody tampered.

ADV KHUMALO SC: Do you remember initialling this
10 document that we see in front of us?

MR ADAMS MP: Advocate, if I was not aware of the fact that I included words like forklift, PKTT in my document, you could probably tell me this is my document, and I would agree with you if I was just flipping through it ...[intervenes].

ADV KHUMALO SC: Forget about the content. Do you remember initialling this six-page document? I think it is five. Do you remember initialling this five-page document and signing the last page?

20 **MR ADAMS MP:** Not the one before me, Advocate.

ADV KHUMALO SC: Not the one before us?

MR ADAMS MP: Not the one before me. Not the one before me. There have been alterations made to this document. This is not the one that I submitted.

ADV KHUMALO SC: So you say somebody, you do not

know who, altered this document.

MR ADAMS MP: Chairperson, that is clear from where I stand. Unless I have gone mad, unless I am misreading the thing that I typed, but I am not mad. I know it was in there. These are two things that, as I say, I am passionate about. I have been fighting it, and it is not there, and it makes no sense. It makes no sense. I do not know why they would want to take it out.

CHAIRPERSON: Do the charges that you say you have
10 laid against IDAC relate to this affidavit as well?

MR ADAMS MP: Chairperson, at the time when I see it, I do not think that I have gone through this affidavit. My charges relate to the way they handle my case.

CHAIRPERSON: Okay.

MR ADAMS MP: But when I speak to an investigating officer, this will certainly be one of the things that I raise.

CHAIRPERSON: All right, all right. Thank you.

ADV SEGEELS-NCUBE: Then can I take you to what Mr Raphesu said he recalls was in the section 27, and that is
20 on page 7 of his statement? We have also asked for those files to be given to you.

MR ADAMS MP: Okay.

ADV SEGEELS-NCUBE: Thank you.

MR ADAMS MP: Thank you.

ADV SEGEELS-NCUBE: Do you have it, Mr Adams?

MR ADAMS MP: I have it, ma'am.

ADV SEGEELS-NCUBE: Okay. So you will see paragraph 21, the section 27 referral I saw and the section 27 that served before the Commission. He says:

10 “I record at the outset that I browsed the
 section 27 referral quickly and did not
 read it in full. I did not reach the last
 page, and I did not see who the deponent
 was or how it had been commissioned.
 What follows is my best recollection. The
 section 27 referral I saw dealt
 substantially with the Political Killings
 Task Team, which I refer to as the PKTT.
 As best I recall, it referred to the PKTT
 being accommodated at a lavish hotel
 and to the cost of their laundry, to lavish
 motor vehicles said to have been
 purchased from a slush fund and used by
 the former Minister of Police, Bheki Cele,
20 and to properties and hotels in various
 provinces, including KwaZulu-Natal and
 Gauteng. I recall a reference in Gauteng
 to the Midrand or Kayalami area.”

Do you recall any of that before I continue?

MR ADAMS MP: The only thing here that I would actually,

let me just make sure, sorry, ma'am. The only thing here that I would actually contest is the issue of Minister Cele, because I did not have evidence of that. And the hotels, of course, which I am ...[intervenes].

ADV SEGEELS-NCUBE: You are not sure.

MR ADAMS MP: He is essentially, the man is not, he is not wrong. He is not wrong.

ADV SEGEELS-NCUBE: Okay. Then he says:

10 “It also dealt with political killings. In
that regard, I recognise the name of a
person, one Sergeant Dumisani Dlamini,
whom I knew as he had been a witness of
mine during my earlier service in
KwaZulu-Natal, and I recall mentioning at
the briefing that I knew him.”

Do you recall that?

MR ADAMS MP: I do not think that was in my submission,
ma'am, but I know that he and I spoke at length about
Sergeant Dlamini, who was locked up, and he actually
20 agreed with me that that man does not deserve prison.
That is another one of those things that I am busy with, but
I do not think I would have put it in my affidavit. I do not
think so.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: We spoke about it at length. I mean, I am

sure you heard the recording when his name comes up, and you obviously have heard that I am invested in that, but I do not think I put that in there.

ADV SEGEELS-NCUBE: Okay. You do not think that you had it in there?

MR ADAMS MP: I think maybe Mr Raphesu was also remembering the conversation and thinking that. I do not want to speak for him, but I do not think I put that in there.

ADV SEGEELS-NCUBE: Because he says he remembers
10 mentioning it at the briefing, and the briefing that he is referring to is the briefing that the team had on the 6th of December 2024, so before he met you.

MR ADAMS MP: Their briefing?

ADV SEGEELS-NCUBE: Yes, their briefing, their internal briefing, where they were discussing your referral because remember your referral comes through, the team gets assembled, the section 28(13) is approved, and then Advocate Johnson calls a team meeting. So that is the first meeting of the investigating team and prosecutorial team
20 ...[intervenes].

MR ADAMS MP: Can ...[intervenes].

ADV SEGEELS-NCUBE: So he is referring to that briefing.

MR ADAMS MP: Can I answer you like this? He is the last one between the two of us to have seen the affidavit, if I may answer you like that. So I am not going to argue with

him from a point of certainty, but I would not understand why I put that in there because that was a totally separate fight. It was a totally separate fight.

ADV SEGEELS-NCUBE: But it was something that you were passionate about, and it had to do with the PKTT.

MR ADAMS MP: Yes. Actually, now that you put it like that, I might have mentioned him, but I – can I?

ADV SEGEELS-NCUBE: It is fine. I am not going to press you for an answer ...[intervenes].

10 **MR ADAMS MP**: No, it is just that I do not want to disagree with him because he might actually be right, but I do not want to disagree with him.

ADV SEGEELS-NCUBE: Ja. I think I am basing it off what you say, is that it is something that you were passionate about. You discuss it at length at the meeting of 6 January 2025, insofar as the PKTT is concerned. And he then says it was in it, and he remembers discussing it at the briefing session and telling the team that he knows Dlamini from his work in KZN.

20 **MR ADAMS MP**: Yes.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: Yes, he told me that Sergeant Dlamini was a witness, that he believed the man to be innocent, and that was basically that kind of conversation.

ADV SEGEELS-NCUBE: Okay. Now, unless the

Commissioners want to ask anything else regarding the section 27?

CHAIRPERSON: Mr Adams, during the tea break, can you please call your office and ask them to find the affidavit, the one that you signed and had commissioned? Not this one which you disclaim. Can you please get them to send that document from your desktop or from your computer?

MR ADAMS MP: My desktop is at my house, Commissioner, not at my office. That is where I work from
10 at night because I am on the road all day. I can ask my wife. Look, I am going to try my level best to get it here because this thing is irritating me like you will not believe.

CHAIRPERSON: Why we wanted that to happen today is because your testimony is going to be finalised today ...[intervenes].

MR ADAMS MP: Commissioner ...[intervenes].

CHAIRPERSON: So we wanted to engage with that document whilst you are in the witness stand.

MR ADAMS MP: Yes, Commissioner, I understand that.

20 **CHAIRPERSON**: Yes.

MR ADAMS MP: And if I have the document, I am even willing to come back because I am more than willing to avail myself if you have another date for me. I understand you are also working under time constraints.

CHAIRPERSON: Please try. Let us see if you manage to

get ...[intervenes].

ADV SEGEELS-NCUBE: Let us see what you can do during the tea adjournment.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair.

ADV BALOYI SC: Before you move on ...[intervenes].

MR ADAMS MP: So I am still going to be here after tea time?

ADV SEGEELS-NCUBE: It depends on you.

10 **ADV BALOYI SC**: Mr Adams, you are certain that you submitted only one affidavit to IDAC, one section 27?

MR ADAMS MP: I handed that document to Chief Investigator Perumal. We never spoke about the section 27. I am confused, Commissioner.

ADV BALOYI SC: And you say this was in Cape Town when you handed it to him?

MR ADAMS MP: Yes, ma'am.

ADV BALOYI SC: So Ms Johnson would have been incorrect when she said, because this is what she testified,
20 when she said you delivered your affidavit, your section 27 affidavit to their Pretoria office at reception.

MR ADAMS MP: No, she is lying.

ADV BALOYI SC: Okay.

MR ADAMS MP: I am telling you categorically that she is lying.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: Thank you, but you were in Johannesburg or in Gauteng in November. Correct? You were ...[intervenes].

MR ADAMS MP: I am in Gauteng every month. I do not know if that helps you, but I am in Gauteng a lot.

ADV SEGEELS-NCUBE: No, I am being specific here, because you said that you met with the IGI in November.

MR ADAMS MP: Yes, ma'am.

10 **ADV SEGEELS-NCUBE:** And when would that have been?

MR ADAMS MP: That I cannot confirm. I cannot lie to you about the date, but I was at his office.

ADV SEGEELS-NCUBE: Okay. I just want you to see whether it would have been after 21 November because your affidavit is dated 21 November, or whether it was before, because in your affidavit you say in that same week you met with the IGI. So that would have been, I think it was the first week in November.

ADV KHUMALO SC: You mean that statement?

20 **ADV SEGEELS-NCUBE:** In your statement, yes. In your statement that you submitted to the Commission, you said that you met with the office of the IGI in November.

MR ADAMS MP: What I can do is I can tell you that the IGI's logbook will tell you exactly what time and date I was there, but it was the same week.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: It was the same week.

ADV SEGEELS-NCUBE: And then, so you say you did not drop off any affidavit at all at IDAC's offices?

MR ADAMS MP: No, ma'am.

ADV SEGEELS-NCUBE: Had you ever been to IDAC's offices?

MR ADAMS MP: I was asked to sign a – what do they call the thing? The introduction to something?

10 **ADV SEGEELS-NCUBE:** The preamble?

MR ADAMS MP: I was asked to sign a preamble. On what day I cannot tell you, but it was maybe a few weeks later. And I told them I am in Pretoria on this day, I can do that for you then. And, as a matter of fact, the camera footage will tell you that on that day I did not even get out of the car because I was running late and so I called Chief Investigator Perumal, he met me at the door, I read through it, I signed it, and I drove off.

ADV SEGEELS-NCUBE: Okay.

20 **ADV BALOYI SC:** And what is the – the preamble to what?

MR ADAMS MP: To my statements, my A1s.

ADV BALOYI SC: After your January meeting?

MR ADAMS MP: Yes, ma'am.

ADV BALOYI SC: Okay.

ADV SEGEELS-NCUBE: That is what I was going to ask.

So that would have been in 2025?

MR ADAMS MP: Yes, probably. There I could not help you, but that was the only time I ever went near their office. I have never been inside.

ADV SEGEELS-NCUBE: Well, we are trying to figure out when it would have been. It would have been after your meeting with them in Cape Town on the 6th of January.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay.

10 **MR ADAMS MP**: Yes, ma'am, definitely.

ADV SEGEELS-NCUBE: The reference on page 32 of your statement, if you can perhaps just go there?

MR ADAMS MP: I am ...[intervenes].

ADV BALOYI SC: Maybe before, if you are moving off completely ...[intervenes].

MR ADAMS MP: My own statement, ma'am?

ADV SEGEELS-NCUBE: Commissioner Baloyi has a question.

MR ADAMS MP: Okay.

20 **ADV BALOYI SC**: Yes. Can we then safely, is it safe to assume that this affidavit at 512, the one that you have difficulty with, that you would have read it, if it were your affidavit, because it bears your signature, you would have read it if it was given to you. You would have read it before you signed it, before you presented it to Ms Solomons to

sign for you, and having read it and seeing that there is no reference to the forklift complaint and the detail of the PKTT, that you would have taken issue with that, if this was your affidavit ...[intervenes].

MR ADAMS MP: I am ...[intervenes].

ADV BALOYI SC: Because those were important issues for you ...[intervenes].

MR ADAMS MP: Advocate Baloyi, I promise you that if I look at the pages as I flip past it, it looks like mine, but
10 there are details in there that I know I put in there, and I do not know to what end they were removed, but they were in there.

ADV BALOYI SC: And you are certain that if this is your affidavit, then the forklift and PKTT allegations ...[intervenes].

MR ADAMS MP: They would have ...[intervenes].

ADV BALOYI SC: Were removed from your affidavit?

MR ADAMS MP: Yes, yes, yes.

ADV BALOYI SC: Okay, thank you. Thanks, Ms Segeels-
20 Ncube.

ADV SEGEELS-NCUBE: Thank you. On page 32 of your statement.

MR ADAMS MP: Which?

ADV SEGEELS-NCUBE: Which is File 1 of your files.

MR ADAMS MP: There is no page 32 in here, ma'am. Is

that ...[intervenes].

ADV SEGEELS-NCUBE: In your statement.

MR ADAMS MP: Ja.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: File 1? Witness bundle, sorry, sorry.
Another witness bundle.

ADV SEGEELS-NCUBE: It will be your statement bundle,
actually.

MR ADAMS MP: I think that is a witness bundle. Witness
10 bundles. Wait, I think I got it. Ja. 30?

ADV SEGEELS-NCUBE: 32.

CHAIRPERSON: Paragraph?

ADV SEGEELS-NCUBE: Paragraph 245.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: You say:

20 "I was contacted by the office of the IGI
in November 2024 during my efforts to
have my criminal cases investigated by
SAPS. An enquiry was made about the
cases that I had lodged and asked
whether I would attend their offices in
Pretoria because the department had an
interest in the cases that I had lodged
with SAPS. During the same week, I
visited the IGI's offices where I spent

some time explaining the nature of my concerns.”

But you do not give us a date of when in November that would have been.

MR ADAMS MP: I am sorry if I am frustrating the work of this Commission, but I am terrible with dates and times. When I went to the IGI, it was a simple appointment to express my concerns, hand over the document. In the phone call, his office asked me, do you have the
10 documents, and I said yes. Will you share it with us? I said yes. So it was not a beacon that I can remember the date, if you understand me. It was just a meeting, and that is the end of it.

ADV KHUMALO SC: Do you not keep a diary, Mr Adams? As a public official and a member of Parliament, I would assume that you keep a diary either because you claim for your travel expenses or you need to account for where you are during public time. Do you not keep a diary that sets out where you are? I mean, a meeting with an IGI is
20 important enough for you to diarise it and know that on this date I must be at the IGI's offices and what was discussed there. So do you not keep those things?

MR ADAMS MP: Excuse me.

ADV KHUMALO SC: Yes.

MR ADAMS MP: I generally save my appointments on my

phone, and that device has left me. And the other reason that I would not bother with a book diary is because I do not claim from Parliament not a cent ever. So if I have a meeting let us say with you tomorrow, Commissioner, it will be on my phone for 9 o'clock with a reminder, but I do not write down in the book that I am going there and I am going there – for travel claims, I do not get involved in that.

ADV KHUMALO SC: Okay.

ADV SEGEELS-NCUBE: And ...[intervenes].

10 **MR ADAMS MP:** Again, I apologise for frustrating your work because it is even frustrating to me. But like I say, the IGI's logs will tell you which day and which time I was there.

ADV SEGEELS-NCUBE: Mr Adams, I just want to move on to another topic that I want to close off. There is a ...[intervenes].

ADV BALOYI SC: Before you do that.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: Mr Adams, the conversations and meetings with the IGI, you said in the Ad Hoc Committee
20 that the IGI himself called you. You recall that was your testimony? Because in your statement you say – in this statement that we are looking at in 245, you say you were contacted by the office, which could be anyone in that office. You do recall that in the Ad Hoc Committee, you said ...[intervenes].

MR ADAMS MP: Yes, ma'am.

ADV BALOYI SC: Mr Fazel himself did call you.

MR ADAMS MP: Yes, ma'am.

ADV BALOYI SC: And when he called you, had you had any prior contact with him? Did you know who he was? Had you met him somewhere? Had someone ever referred you or mentioned him to you?

MR ADAMS MP: I had heard of the office of the IGI, ma'am, and I actually made a mistake at the Ad Hoc to be
10 honest with you. When I am writing it down a second time, I realised that, and I said to myself but at the Ad Hoc – anyway. So what happens is I get a call from the office of the IGI. It was a female. I cannot remember her name, and she told me the IGI asked her to make contact with me.

ADV BALOYI SC: But how could you make that kind of mistake that it is the IGI himself that called you ...[intervenes].

MR ADAMS MP: It ...[intervenes].

ADV BALOYI SC: It is a very specific person, it is a head
20 of office and who holds a very important position. How could you possibly make a mistake that he called you?

MR ADAMS MP: It is in my estimation, Commissioner Baloyi, it was a very stupid mistake to make. A rudimentary one, but it was not intended to mislead anyone because the call was from the IGI, but by his office. So I did make that.

It was a very stupid, a casual stupid mistake, and I do own it, I accept that. And as a matter of fact, as I was writing my statement, I knew the contradiction, but I put down what actually happened.

ADV BALOYI SC: But if you pick up the contradiction, why are you not explaining it in your statement? Because it is quite a serious allegation or fact, if it happened, that he, the IGI himself called you. That is very important. And if at the time of drafting your statement you read to us you
10 realise that I made a mistake, why are you not correcting that in the statement?

MR ADAMS MP: I did not think of the affidavit, my affidavit to you, as being something that well should not contradict what I said at the Ad Hoc, but I made a mistake at the Ad Hoc. And in hindsight and with what you have taught me now, I should have actually corrected myself in the affidavit.

ADV BALOYI SC: Okay, thank you.

MR ADAMS MP: Sorry about that, Commissioner.

ADV BALOYI SC: No, no, no, you do not – it is okay
20 ...[intervenes].

MR ADAMS MP: No, I ...[intervenes].

ADV BALOYI SC: I guess we will have to make our conclusions about it. It is difficult, I must say, speaking for myself ...[intervenes].

MR ADAMS MP: And that is why I apologise because I am

giving you extra work. I am sorry, Commissioner.

ADV BALOYI SC: It is very difficult for me to accept, let me say, to accept that nearly a year later in your statement to say I say, oh, I made a mistake back then when I said it was the IGI. And one has to decide what do we do with that, because you either lied to the Ad Hoc Committee, and that is the impression you left them with, and/or you are lying to us now when you say I made a mistake back then. One of these two institutions must hold you to have lied
10 under oath. You accept that?

MR ADAMS MP: What I do accept, Commissioner, is that I made a mistake in front of the Ad Hoc Committee and I am here admitting to the mistake and owning up to it and telling you that this is the correct version. I did not – there is nothing in it for me to say anything like that. I made a genuine stupid, sloppy mistake and I own it, I own the mistake. And I apologise to you for giving you another conclusion to have to reach.

ADV BALOYI SC: Well, I know you say there is nothing in
20 it for you. I want to suggest one possible explanation is you might have now realised, oops, I should not have said that in the Ad Hoc Committee. I should not have disclosed that it is the IGI himself that called me because it is problematic that the IGI would have called you and you would have to explain that conversation, how did it come

about that he knew to contact you. So you might have belatedly realised that is problematic and I need to fix it. That is one possible explanation.

MR ADAMS MP: No, definitely, Commissioner.

ADV BALOYI SC: Okay. You accept that.

MR ADAMS MP: I accept that.

ADV BALOYI SC: Okay. All right, thank you. Lastly before we leave your section 21, 27 affidavit, and I accept that you have difficulties with it as you have described it.

10 In that paragraph 1, you express that you do not trust General Patekile. You do remember that that was your position on day one. So, somehow whoever may have doctored or interfered with your original affidavit at IDAC to create this which, do you have it in front of you?

MR ADAMS MP: I have it in front of me.

ADV BALOYI SC: Yes. Whoever might have rewritten your affidavit seems at paragraph 1 to have gotten it right because you say you did not trust – they say you said you do not trust General Patekile, and that is something that
20 you repeated. That alone seems to suggest, well, this is your affidavit, actually, still.

MR ADAMS MP: Yes.

ADV BALOYI SC: Because there are things that are common to what you have said in the box and what is contained in here. Do you want to say anything about it?

MR ADAMS MP: There is so much about this affidavit that I would say yes, I am questioning the parts that were omitted, if you understand what I am getting at, Commissioner. The easy thing would be, yes, this is my affidavit. No, Ramsamy is ...[indistinct]. I am not saying that. I am saying that there is things that, that something is not right here.

ADV BALOYI SC: Okay, and when you say you did not trust General Patekile, what is the basis for that?
10 Especially, and I want to limit it to when it comes to the handling of dockets. Why, what history did you have that creates a basis or a reasonable basis ...[intervenes].

MR ADAMS MP: I ...[intervenes].

ADV BALOYI SC: For you to hold him in distrust?

MR ADAMS MP: I have always had a very cordial relationship with the General. I mean, the General would call me. Well, I would call him more often, excuse me. So when I am told that the Provincial Office has come to collect your dockets and that is not their job, they are not
20 supposed to, I am under the impression that the head of the Provincial Office knows about it. So I did not trust him with that. It is not that the General did anything to me personally, but something was wrong in the Provincial Office, and I decided not to speak to him further about that.

ADV BALOYI SC: So it was not because there is a history

that made you, with him, that made you distrust him
...[intervenes].

MR ADAMS MP: I ...[intervenes].

ADV BALOYI SC: It was just about these dockets.

MR ADAMS MP: I have lauded General Patekile when he has done right and I have criticised him when I felt he was wrong, but it was always fair in my view. When a man has does right, but just on this one issue I thought I could not trust him on this.

10 **ADV BALOYI SC:** Okay, thank you.

ADV SEGEELS-NCUBE: But if I understood what you said in your evidence yesterday, it is that it was more his response to you when you told him what you had been informed about your dockets and he said he is going to investigate it and you did not – you were not happy with his response. You did not mention anything about not trusting him.

MR ADAMS MP: No, ma'am. I was stating the mood in the room, if you will, that I was not happy with his response, but
20 the mistrust began as soon as I heard it was the Provincial Office. It was not a case of particulars, anything, it is just I do not trust him on this issue, if I am helping you with the answer.

ADV SEGEELS-NCUBE: Yes, but you did not know that the files had moved yet when you called him. Remember that

the note on the diary shows that the files moved to the PC on the 31st. You said you called him on the 30th of October ...[intervenes].

MR ADAMS MP: I am confused ...[intervenes].

ADV SEGEELS-NCUBE: And he said he is going to investigate.

MR ADAMS MP: I am confused. I understand what you are saying about the notes in the OB entries, if you will. Did I call him?

10 **ADV SEGEELS-NCUBE:** Remember you said you did not ...[intervenes].

MR ADAMS MP: Can you just refer me to the page, please ...[intervenes].

ADV SEGEELS-NCUBE: Get your CAS numbers. You did not get your CAS numbers.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: And then you get told by General Lincoln that your dockets are being intercepted. He did not tell you that they had been transferred?

20 **MR ADAMS MP:** No.

ADV SEGEELS-NCUBE: Yes. You called the PC and you are not happy with his response.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: That is what you said.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: So that is what I am saying. Your sequencing is out.

MR ADAMS MP: No, no. So, essentially, not happy with his response and mistrusting him on the issue is essentially the same thing for me.

ADV SEGEELS-NCUBE: Okay. So you mistrust him because of the response that he gives you? What?

MR ADAMS MP: Yes, ma'am. I expected more urgency on something like that. I did, and therefore I mistrusted him.

10 **ADV SEGEELS-NCUBE**: But I think you accepted yesterday that his response was, there was nothing wrong with his response to you.

MR ADAMS MP: That was yesterday, ma'am. This thing was written two years ago. Yesterday I accepted that, you know what, I was in a rush. This thing was not written yesterday. So, just to put it, this is once I am getting my time sequence right. But on that day, yes, after being schooled yesterday for the first time, I own it. Yes.

20 **ADV SEGEELS-NCUBE**: Okay. I think when you do that, when we engage you like that, then you must accept it. You must say, look, I was wrong here, so that we do not have this. Because now every time it is going in circles, we confront you with an allegation in your statement. You stick to it, even though the day before you had conceded the point.

MR ADAMS MP: No, my time sequence was wrong. As you said it, you were right, but I did not have the understanding. So ja, I accept.

ADV SEGEELS-NCUBE: Okay. Then I want to just go back, before we go to the next topic. There is an issue that we dealt with yesterday, again, regarding your time, your sequence. And it is a media clip, because you do quite a few of those. So there is a media clip that we want to play and then I want to engage you on what you said in that clip.

10 [MEDIA CLIP PLAYED BACK]

“**MR ADAMS MP:** I had been contacted by the IDAC. I had been contacted by the IDAC. I had given the file to the IDAC. I was then contacted by the Inspector General for Intelligence. I gave him what I had left, and now I am getting calls from people claiming to be policemen, wanting to meet wherever. And I said, you know what, where are you from Johannesburg? I will come to Johannesburg. I am more than happy to meet you at your office. I never got a return call. Mkhwanazi must not be selective in how he presents information, sir. Here is my thing. I have already

20

given my disclosure to the IDAC. Do I need a parallel investigation? I think not. I do not know who to trust right here. This is the sad part.

MALE SPEAKER: So you do confirm though that investigators did call you to try and get more information. You just did not trust them because you are not sure if they are legitimate.

10 MR ADAMS MP: I had already handed over my file to the IDAC. I did not want to meet another investigator because I did not know who was covering for what. I did not know who.”

ADV SEGEELS-NCUBE: Okay. Now, that is incorrect. I am putting that to you. Can we go to, so that I can take you through the chronology again on this aspect, page 3856 of 9B.

MR ADAMS MP: 38?

20 ADV SEGEELS-NCUBE: 56. The person, the police officer that you are referring to there is Colonel Phillip that had called you, right? That you say you did not trust. Get 9B, page 3856.

MR ADAMS MP: Thank you, sir.

ADV SEGEELS-NCUBE: Do you have it?

MR ADAMS MP: I do.

ADV SEGEELS-NCUBE: Okay. I want you to remember your evidence yesterday on page 3856. The table there, you said you do not dispute the table, what is set out in that table. Now, on the 2nd of November, he does the introduction. We have been through that. Third, you have engagements with him throughout the beginning of November. And you will see that the last engagement is on the 9th of November 2024:

10 “Mr Adams indicated that he has
eventually addressed the challenges at
his residence and will call Colonel Phillip
by the end of the week to confirm when
he, Mr Adams, will be coming to Joburg.
15 November, outgoing call to Mr Adams,
no answer.”

So the last engagement would have been 9 November. At this stage, there is no IDAC, if we are to believe the email from the – you sending the email to the Minister on the 10th
20 of November, the Minister’s Office, on the 10th of November, and Mr Nkabinde responding on the 11th, and the letter saying that IDAC must investigate. We have been through that. All of that is 10 and 11 November. So when you say in that clip that you were already engaged with the IDAC when Colonel Phillip called you, that is not true.

MR ADAMS MP: Can I just see the date on that thing, ma'am, because I am ...[intervenes].

ADV SEGEELS-NCUBE: Which date?

MR ADAMS MP: Of that clip, please?

ADV SEGEELS-NCUBE: Of the clip with Clement?

MR ADAMS MP: Yes, please.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: Not only to see the clip, I have kind of got a frame of mind.

10 **ADV SEGEELS-NCUBE:** We will see if we have the date of the clip, but ...[intervenes].

MR ADAMS MP: Okay, if you can.

ADV SEGEELS-NCUBE: I think the more important thing is what you are saying in the clip about the history.

MR ADAMS MP: No, I understand that, and I am just trying to think what I was doing or thinking at that time.

ADV SEGEELS-NCUBE: Okay. We will try and get the date for you.

20 **MR ADAMS MP:** Or, alternatively, Commissioners, may I make a supplementary after consultation with my attorney about that one? If at all possible.

CHAIRPERSON: Can you just please keep a running list of all ...[intervenes].

MR ADAMS MP: No, there is only two. I will not flood the Commission ...[intervenes].

CHAIRPERSON: Just in case ...[intervenes].

MR ADAMS MP: No, I will not flood the Commission ...[intervenes].

CHAIRPERSON: There was one and now there is two and ...[intervenes].

MR ADAMS MP: It is only two. I will stop right there.

CHAIRPERSON: It is on that basis that I said just keep a running list and then at the end you raise those with us and a decision will be taken.

10 **MR ADAMS MP:** Okay. Thank you.

CHAIRPERSON: Thank you.

MR ADAMS MP: Thank you, Commissioner. Can you just tell me what that is marked as so I can write it down?

ADV SEGEELS-NCUBE: Yes. I will get the date for you, but of that clip.

MR ADAMS MP: Okay.

ADV SEGEELS-NCUBE: What I want to address with you is your, again, what you say in that clip is that when Colonel Phillip called you, you were already engaged with the IGI
20 and with IDAC. That cannot be because Colonel Phillip's engagement with you ends on the 9th of November. By the 9th of November, there is no IDAC. IDAC only comes in on the 10th, actually on the 11th, because you write an email to the Minister on the 10th of November complaining about the fact that your case will not be, you want an independent

investigator, right?

MR ADAMS MP: 100%.

ADV SEGEELS-NCUBE: So that is incorrect, what you are saying in that clip.

MR ADAMS MP: Yes, on the face of it, I will accept that and that is why I am asking just for time just to pick, because I mean it is the first time that I see the clip in this context.

ADV SEGEELS-NCUBE: Okay. What I want to know is,
10 are you sure that your engagement with IDAC only started after your email to the Minister and the Minister's letter to IDAC?

MR ADAMS MP: I can confirm that.

ADV SEGEELS-NCUBE: Okay. There was nothing discussed prior to that?

MR ADAMS MP: No, ma'am.

ADV SEGEELS-NCUBE: Okay, and with the IGI, was it a parallel process or when Colonel Phillip called you, were you already engaged with the IGI?

20 **MR ADAMS MP:** I am actually now, and this is maybe where the IGI's logbook is going to be very important, thinking that maybe I should request what date I was there, because from what I am saying there, I am now not convinced that I meet the IGI afterwards, if you understand what I am saying.

ADV SEGEELS-NCUBE: Afterwards when? When you say afterwards, you need to give us a point in time.

MR ADAMS MP: So my version of events of two years ago is I met with IDAC and then the IGI. I am just questioning myself now if it happened that way. So that is why I am saying I am going to apply for permission from the IGI's office just to tell me what day and what time I was there and then I will be able to give you a proper supplementary, if that is okay.

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

MR ADAMS MP: Thank you.

ADV SEGEELS-NCUBE: Now with the IGI, that was not your only engagements with the IGI. In 2025 there is further engagements because you wanted a copy of the IGI's report.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: How did you become aware that the IGI was investigating Crime Intelligence?

MR ADAMS MP: I was the complainant in the matter. I
20 had handed him some of the documentation that he had and I regularly ...[indistinct] regularly, I would email him to ask if there has been any updates and then one day, brazenly and out of frustration, I asked if the report – I know he confirmed that he concluded his report, his report to the Minister.

I asked if I may have a copy of the report. He said no. I emailed the Minister. I asked the Minister if he would bring the report to the portfolio. The Minister never replied. Now it is at this stage, and I am sorry to be speaking so long, unlimited time, it is at this stage, me, I am thinking if the Minister does not want to share this report or to deal with whoever has been doing what, if any findings have been made, then the Minister is part of it. And that of me was, luckily I did not say it to anyone, it was a blunder. It
 10 was a massive blunder.

ADV SEGEELS-NCUBE: Then the Minister is part of what? What are you ...[intervenes].

MR ADAMS MP: Of the cover-up, the cover-up in my head, in my view.

ADV SEGEELS-NCUBE: Which cover-up now? Because you are now with IDAC and you with the IGI, so there is – you were aware that both were investigating. Did you think that your complaints were being investigated by the IGI and IDAC, right? You were running the IDAC process as well?

20 **MR ADAMS MP:** Yes ma'am.

ADV SEGEELS-NCUBE: Okay. Now, why would you think that the Minister is involved in the cover-up?

MR ADAMS MP: In my view, if there is proof of corruption, I felt that the place that it must be mentioned is in the police portfolio because that is where it was raised. So I

am emailing the Minister to ask him if he is going to bring the report to us as a committee, and the Minister never responded. And to me that was just, that was a little bit offish.

ADV SEGEELS-NCUBE: But did you not first ask the IGI for a copy of the report?

MR ADAMS MP: Yes.

ADV SEGEELS-NCUBE: And then the response was that they had done, they completed the investigation?

10 **MR ADAMS MP**: No. If I am right, I was first told the investigation is complete, excuse me, the report is with the Minister. Then I emailed the IGI, I said, am I allowed a copy of the report? And he said no. And then I emailed the Minister and asked him if he would bring the – because now I know I am not allowed a copy, but if the Minister will bring the report to the portfolio.

ADV SEGEELS-NCUBE: Okay, so and did you eventually get to the report?

MR ADAMS MP: No, ma'am.

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

MR ADAMS MP: To this day.

ADV SEGEELS-NCUBE: The Minister did not – the Minister's Office did not respond to you?

MR ADAMS MP: The office did not respond to that email.

ADV SEGEELS-NCUBE: Okay. So you are the

complainant in that?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: The IGI process as well?

MR ADAMS MP: I am.

ADV SEGEELS-NCUBE: Okay, and that also started in November of 2024?

MR ADAMS MP: Like I said, yes, but I am just going to ask them for the logs to confirm the day I was there.

ADV SEGEELS-NCUBE: Do you know if the Office of the
10 Minister had any involvement in your complaint to the IGI being initiated? Well, whether it was investigated at the instance of the Minister?

MR ADAMS MP: It was not mentioned to me and I did not ask. I was not told at the Minister's instruction, no, no, I was not told anything like that.

ADV BALOYI SC: [Indistinct]... were called by the office of the IGI, surely you must have asked, how do you know that I have a complaint about Crime Intelligence ...[intervenes].

MR ADAMS MP: The ...[intervenes].

20 **ADV BALOYI SC:** They must have told you some background to, we are calling you, we have heard you have laid a complaint, whether with IDAC or whoever, and this is where we know it from, and you want to verify that you are speaking to the right person, surely?

MR ADAMS MP: Thank you, thank you Commissioner.

When I was speaking to this lady, she gave me an office number, she gave me an address, a physical address, and that to me was okay. And when I got there and I was introduced to the IGI, Mr Fazel, it actually occurred to me, I asked him how did you know about this? And he laughed and he said we are Intelligence, and I was not going to question deeper than that.

I do not know if they saw it on social media, because I made a big bwa-ha about my dockets going
10 missing. I do not know, and as the Advocate infers, did the Minister's Office get involved? I cannot answer that.

ADV BALOYI SC: So when you flew up to Pretoria, you knew that you are going to be meeting the IGI himself, because he met you.

MR ADAMS MP: No, I was invited to his office. I was met at security. A lady came down to me to fetch me at the gate. She took me into a room. The IGI was sitting and having coffee. He told me Advocate Govender is just a few minutes late, if you will have a cup of tea with me. We sat.
20 We just started sipping the tea when the Advocate came, and he said to me, right, she will be handling you, but I had explained to him the nature of my concerns and I was taken into a room with Advocate Govender, and everything else flowed from there.

ADV BALOYI SC: And you say at that point the only body

that had the complaint, your complaint, was the Minister's Office, at the point when you get this call?

MR ADAMS MP: Yes.

ADV BALOYI SC: From the IGI's office?

MR ADAMS MP: The Minister's Office and the National Commissioner's Office. No one else knew about it.

ADV BALOYI SC: When did you inform – you are mentioning the National Commissioner's Office for the first time ...[intervenes].

10 **MR ADAMS MP:** I am ...[intervenes].

ADV BALOYI SC: Unless I have missed it. When and how did you report, put your complaints, as we have them now and as you put them to the Minister, when and how did you put them to the National Commissioner?

MR ADAMS MP: I am just trying to gather my thoughts on that issue, but I know I sent an email to him complaining about – you are making me think now, did I send that email? No, no, the email refers to me speaking to the Minister where I am telling him the National Commissioner is not
20 helping. I only sent it to the Minister's Office. Sorry, Advocate Baloyi, I almost sent you in the wrong direction. Thank you for the question.

ADV BALOYI SC: Okay. So at the time that you get a call from the IGI's office, the only people who are sitting with your complaint is the Minister's Office?

MR ADAMS MP: Only the Minister's Office.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: Can you just clarify this? After the letter from Mr Nkabinde, let me not say from the Minister, from the Minister's Office, 11 November 2024, and they told you that they will be referring your complaint to IDAC.

MR ADAMS MP: Yes, sir.

ADV KHUMALO SC: Did you have any further engagements with the Minister's Office regarding the Crime
10 Intelligence issues and PKTT issues?

MR ADAMS MP: The only one was, I became aware of a rumour, and it is only a rumour, I am not throwing shade at anyone, that there was a plot or plan to arrest the Minister if he tried to, what is the word, to do away with the PKTT. That was a rumour that I heard.

I called Mr Nkabinde that day, the morning, and I said, are they really going to arrest the Minister? Because as everybody knows, my feeling is still the same, the PKTT is overfunded, the AGU is getting too little. I said to him,
20 are they arresting the Minister over the PKTT? And he said, listen, we have heard. I do not want to say too much, but we are taking it seriously, but the Minister has done nothing wrong. That was the only discussion I had with him.

ADV KHUMALO SC: Let me ask it differently. After you submitted your section 27 affidavit to IDAC, did you go back

to the Minister's Office to say I have now submitted my affidavit to IDAC?

MR ADAMS MP: No, no, no, Commissioner Khumalo.

ADV KHUMALO SC: You did not?

MR ADAMS MP: I did not.

ADV KHUMALO SC: And you did not say to them I have now met with the IGI's office?

MR ADAMS MP: No, Commissioner, that I did not do.

ADV KHUMALO SC: So they do not know what you did
10 after you received the letter of 11 November 2024?

MR ADAMS MP: What I did is I told the police portfolio that I had met with the IGI's office and I had handed in the dockets.

ADV KHUMALO SC: No, I am focussing only on the Minister's Office ...[intervenes].

MR ADAMS MP: No, no, not with the Minister's Office.

ADV KHUMALO SC: So they do not know that you submitted a complaint to IDAC?

MR ADAMS MP: No, no, no.

20 **ADV KHUMALO SC:** Or at least you did not tell them?

MR ADAMS MP: Let us put it like that, I did not tell them.

ADV KHUMALO SC: Okay.

ADV SEGEELS-NCUBE: And but you knew that the Minister's Office had asked IDAC to investigate your matter?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay. Chair, I see it is 11:01.
Shall we take the ...[intervenes].

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

ADV SEGEELS-NCUBE: Okay.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, Mr
10 Adams did attempt to access his desktop in order to get the
affidavit if it is there. Unfortunately, he is unable to
because his wife is not available to assist him with that.
We have agreed that he would include it as part of his
supplementary because I understand she can only be, if it
exists.

CHAIRPERSON: I have not granted him permission yet to
file the supplementary.

ADV SEGEELS-NCUBE: Subject to what you say, Chair, if
it does exist at all, because he does not know.

20 **CHAIRPERSON:** I think Mr Adams, you are afforded an
opportunity to file a supplementary.

MR ADAMS MP: Thank you, Commissioner.
Commissioner, if I may, just so that you know, because I did
not want to speak on camera, I think you and I had a chat
about where my wife would be on Friday, Commissioner

Madlanga.

CHAIRPERSON: I am not sure.

MR ADAMS MP: Oh, sorry.

CHAIRPERSON: I doubt that. I think all we have done when we meet outside was ask me to exchange greetings and pleasantries. I do not remember that kind of detail anywhere.

ADV SEGEELS-NCUBE: Thank you, Chair. Mr Adams, there are two clippings from the recording that I want to
10 play. The one relates to the opening of the dockets, just to go through what it is that you told IDAC at the time. And the second is what you had spoken about earlier, about the threat that was made, that you heard, the rumour that you heard, that a threat was made by General Mkhwanazi for Minister Mchunu, that he would be arrested if the PKTT is disbanded. I am not so much interested in what you say, what you communicate to them, but what Mr Perumal says in response to that. So can we start with the – and, Chair, I think you will need the headphones that were – and just
20 check if you have it there.

MR ADAMS MP: I do. Thank you.

ADV SEGEELS-NCUBE: I think this portion is audible, but it is easier to have the headphones on. So this is a recording after introductions are made, and Advocate Ramsamy asks you about what happens from the time that

you receive the documents.

“[RECORDING PLAYED BACK – original
not recused – playback audio not audible
enough for transcription]“

Mr Adams, you now heard the recording. Now this is the independent entity that you want to invest, that must investigate your matter. So I am hoping that you would have been open and honest with them about it because it is an entity that hopefully at that stage you did not have
10 misgivings about because this was the independent body.
Correct?

MR ADAMS MP: As far as my memory would allow, yes ma'am.

ADV SEGEELS-NCUBE: Okay. Now, you do correct yourself when you give the date when you initially found the documents and then it is put to you ...[intervenes]

CHAIRPERSON: Oh, sorry, sorry, sorry. Ms Segeels-Ncube, I heard and I think it is the case in fact with my co-Commissioners. I heard Ms Ramsamy quite well but it was
20 not the case with Mr Adams.

ADV SEGEELS-NCUBE: With Mr Adams.

CHAIRPERSON: Yes. Can you perhaps just summarise what Mr Adams said?

ADV SEGEELS-NCUBE: We will do, Chair.

MR ADAMS MP: Excuse me, Justice Madlanga,

Commissioner Madlanga, if you could just speak up, I am struggling to hear you.

CHAIRPERSON: Sorry, sorry about that. I was saying I had difficulty hearing you. I could hear Ms Ramsamy quite well. So I was asking Ms Segeels-Ncube to please summarise what you say.

MR ADAMS MP: I was hoping someone...

CHAIRPERSON: I would hear bits and pieces.

MR ADAMS MP: I was hoping someone who was also
10 struggling to hear me. Thank you.

ADV SEGEELS-NCUBE: I heard it quite clearly but it could be because I heard it and played it on my own system rather than through this. So Ms Ramsamy asks you, let us start with the Lushaba matter and she says, how did you get the documents and you explained it was you found it under your door and she then asks you, what did you do with it? You said you mentioned it to Mr Cameron and you asked questions at Portfolio Committee and nothing came of it.

That is what you say and she then says, and then
20 what did you do? You say, I went and laid a charge and she asked you, when did you get the documents? You say 1 November, around about 1 November initially and you say, but I do not really remember the exact date. She asks you, what did you do? You say you sat on it for a few days and then you went and you opened the case at Grand

Central.

Then as you are telling her that, you say to her, actually advocate, I am wrong about my date, it was in October. It was in October. Then you continue and then later on you say early October, it was early October. She then asks you, you say you go and open it at Grand Central. Did you get the CAS number? You say you then found that your dockets had gone missing or you were told, you were informed that your dockets had gone missing and faced with
10 that, you decided to go to Johannesburg and you opened up dockets there.

Then she asked you, with regards to that, what did you do? How did you make those arrangements? Did you book your own vehicle, your private vehicle? You said you flew with your parliamentary available flights. You went and you opened the cases, and then she says to you, one of the questions you are going to be asked is, you left a whole province to go to Ikasi to go and open up these cases. Why would you do that? Then you explain because your dockets
20 had gone missing in Cape Town.

Then she asks you, regarding those arrangements, who did you go with? You said, I went alone. She said, do you know anybody at Orlando police station? Do you have any connections there? Then she asks you, how did you get your CAS numbers at Grand Central? You say it was

SMS and then you correct yourself and say, actually, I did not get those numbers but I learned something when I went for the Orlando ones. I waited until I got the CAS numbers and that is where it ends. Does that accord with what you heard yesterday?

MR ADAMS MP: As you say it now, , ma'am, it is like I am hearing it here.

ADV SEGEELS-NCUBE: So I just have a few questions regarding that. You say in the recording, you correct
10 yourself and say early October. I had asked you yesterday and you affirmed that it would have been late October. I am going to ask you again about that time period because one of the things you say to her is you sat on it for a few days before you opened the case. In your statement before the Commission you have got it two days before you opened the case in Grand Central which we know is the 29th of October. Which is it?

MR ADAMS MP: I am not understanding the question, ma'am.

20 **ADV SEGEELS-NCUBE:** In your affidavits before the Commission, you say you got the documents, you received the documents on your floor of your office two days before you opened the cases at Grand Central.

MR ADAMS MP: Yes.

ADV SEGEELS-NCUBE: The cases at Grand Central were

opened on the 29th of October. That is inconsistent with receiving the documents early October as you said to her in the recording and sitting on it for a few days and then going to Mr Cameron and asking questions at Portfolio and then going to Grand Central. So the two are inconsistent.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: That is why I am asking you again, now with the benefit of having listened to the recording, when did you actually receive the documents?

10 **MR ADAMS MP:** I am convinced that it was late October. It was not early. I think I made a mistake when I spoke to her.

ADV SEGEELS-NCUBE: Okay. If it was late October, was it two days before you laid the charges at Grand Central?

MR ADAMS MP: Yes, ma'am. In my recollection, it was two days. I did not sit with it long.

ADV SEGEELS-NCUBE: Okay, because in the recording you say to her, I sat on it for a few days.

MR ADAMS MP: Yes, ma'am.

20 **ADV SEGEELS-NCUBE:** And you say I mentioned it to Mr Cameron.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: And you said you asked questions at the Portfolio Committee. So when would that have been?

MR ADAMS MP: I almost think the sequence is wrong, I

laid the cases and then asked questions at the Portfolio. I would ask the Commission to understand that this is just a conversation with the prosecutor and I am just giving her the information as she is asking the questions. I am not taking notes. I did not check my phone. I am just relaying to her as she is asking questions and for example early October, I know it was early October, sorry, ma'am.

ADV SEGEELS-NCUBE: Okay, this part is important, because you know from the recording that one of the
10 pertinent questions that she asks you, is it is important to know what you did with the information before you laid the charges. Because she says to you, you have a duty to report, not just to open cases. Right? And you say, well, I spoke to Cameron and I asked questions at the Portfolio. So you were very adamant that before you opened the cases you did ask questions at the Portfolio and you did mention it to Mr Cameron.

MR ADAMS MP: Yes, ma'am. That is what the recording says. That is what I say. But it would not have been
20 possible because the Portfolio meeting would only happen like the next week. So I consider what you say and I accept what you say but I think my sequence is wrong.

ADV SEGEELS-NCUBE: Ja, but you know having listened to the full recording that that conversation or that topic comes up at least three or four times in that recording and

you are consistent with, in fact at some point when she is assisting with the wording of your statement, she says you went to Mr Cameron, you went to the Portfolio, you asked questions and you got shut down. You recall that part of the recording which says you got shut down.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: You did not object to that part of it but let us leave that aside. What follows from that is that Mr Perumal says that you should exclude that from your
10 affidavit. Do you recall that? Because they did not want to necessarily then get Mr Cameron involved in the loop of things and they did not want to then have the defence ask for parliamentary minutes and all of that. Do you remember that part of the recording?

MR ADAMS MP: Yes, ma'am, I do.

ADV SEGEELS-NCUBE: So it is significant, that that was what you had communicated to them, because they would not know that you have got your dates mixed up or your sequence mixed up and it is an important aspect because
20 she is saying you cannot just simply have gone to open the cases. You should have reported because you have a duty to report and an important part of that reporting is Mr Cameron, mentioning it to Mr Cameron and me asking questions at the Portfolio. So I am asking you again. Is it that you lied to IDAC or did you lie to the Ad Hoc and to this

Commission about that? Because it cannot be a mistake. It cannot be that you were confused about the timeline.

MR ADAMS MP: I would not say that I lied to IDAC because I had no reason to. I think I just gave them the wrong information as it just came out as she was – like I say, if I had my notes, if I had taken notes, I would have given you my dates and timeframes. That is what I struggle with. One of the things I struggle with. And I will tell you honestly, I did not remember Mr Perumal's comment until I
10 heard it yesterday. And at the time, if I think back, I thought it was just a case of an investigator just wanting a clear-cut case pertaining to what is in front of us. But as things have unravelled at this Commission, I do not know anymore.

ADV SEGEELS-NCUBE: Ja, I will accept for purposes of our engagement that you were not aware of what Mr Perumal's motives were necessarily with this.

MR ADAMS MP: No, ma'am.

ADV SEGEELS-NCUBE: But you were aware that he did
20 have an ulterior motive or another motive in addition to investigating your matter because he says it when you guys are discussing the threat made by General Mkhwanazi. Right? I want to play that recording next, but I want to ask you again, Mr Adams, insofar as whether or not you raised the issue with the Parliamentary Committee before you went

to Grand Central, what is your version? You did not do it before?

MR ADAMS MP: No, ma'am.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: No, ma'am.

ADV SEGEELS-NCUBE: Okay. And the reason you did not do it, is it what you told Ad Hoc that these things just do not go anywhere when you were raised at that committee?

MR ADAMS MP: If I may, ma'am, I know that you are
10 trying to get done and you have another witness.

ADV SEGEELS-NCUBE: You know I am trying to do what?

MR ADAMS MP: I know that you are trying to get done because you have another witness.

ADV SEGEELS-NCUBE: No, I do not have another witness. I have enough time for you.

MR ADAMS MP: Okay, so when you raise things at the Parliamentary Portfolio, I mentioned the 100 million rand drugs which goes away. I mentioned the hotels. I mentioned the security clearances. Nothing is ever done.
20 So when you hear me say it in that recording, it is because whatever you bring to Parliament, no one is held accountable. And that was my frustration in the room again.

ADV SEGEELS-NCUBE: Okay. And did you know at any point in time after your engagement now with IDAC on the

6th of January 2025 that they were also approaching Mr Cameron to get an affidavit from him for purposes of the investigation?

MR ADAMS MP: No, ma'am.

ADV SEGEELS-NCUBE: Mr Cameron did not discuss it with you?

MR ADAMS MP: Mr Cameron would never tell me something like that, ma'am.

ADV SEGEELS-NCUBE: Why not?

10 **MR ADAMS MP:** He is my biggest, well not, I would not say my biggest critic, but it is an opposition thing. He would never tell me something like that.

ADV SEGEELS-NCUBE: But you are the A1 in all of these matters and there is a statement by him in one of the dockets. Were you not informed about that?

MR ADAMS MP: No, ma'am, I was not. I was shocked when I heard this. I was not told. I was not informed. I was given scant information regarding the progress, but that was not one of the statements, ma'am.

20 **ADV SEGEELS-NCUBE:** Okay. And just then to confirm on another aspect from the recording, you told IDAC as well that you went alone to Orlando police station.

MR ADAMS MP: When I say alone, ma'am, I mean that I went without anyone from Cape Town, none of my support structure.

ADV SEGEELS-NCUBE: No, Mr Adams. She asks you, do you have any connections at Orlando police station? So she was very specific on a follow-up question and you said no. That was the opportunity for you to say to her actually there were prior arrangements made. I was meeting somebody there who had made arrangements for me. Because she found it as strange as we do that you would go to, like she says, Ikasi to go and open these dockets.

MR ADAMS MP: If I may respond, ma'am. A man that you
10 meet once not a connection, not from where I am. And also it is a connection and I am sure you can speak to the spokesperson afterwards. A connection in terms of where I am at is Generally something that you are doing, I would say, unlawfully, which is not the relationship that I had with Elvis on that one day. That is not, and that is my considered view of the situation. As a matter of fact, I tell you today, agh just, no, it is fine.

ADV BALOYI SC: Okay, forget the meaning and definition of a connection. When you are asked a question, who did
20 you go with, or did you go alone, there is only one answer, only the facts it is, I went with somebody else, even if you did not want to disclose who it was. And especially, because on this morning's explanation where you revise your position of yesterday, you say you went to a tyre shop and you met, I think you called him Elvis or something?

MR ADAMS MP: Yes, ma'am.

ADV BALOYI SC: Elvis. You met him at a tyre shop. So you went, wherever you had slept, you went to Elvis's store and then you went with him to Orlando. That is, you did not go alone. The answer to the question, who did you go with, could never have required you to speak to from Cape Town. It speaks about that morning. Who were you with? And if you say, I was alone, that is a falsehood.

MR ADAMS MP: I accept that, Commissioner.

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

ADV KHUMALO SC: And in your statement before the Commission, you also did not disclose that part.

MR ADAMS MP: No, Commissioner.

CHAIRPERSON: Why is that? Why would you not disclose it? Because you are now testifying in the Commission. Forget about IDAC and the recording. You are now before the three of us and you are explaining the circumstances under which you ended in Orlando and you do not mention this crucial information that, in fact, you went to a shop
20 somewhere and you were driven in a Mercedes Benz to the police station.

And presumably, you left the station in the same Mercedes Benz and you went somewhere with these people before, eventually, you went back to the airport. Why would you not disclose something which is so important to what

we are investigating?

MR ADAMS MP: Thank you, Commissioner.

Commissioner, this is not an excuse and I am not offering it as an excuse, but I wanted to add much more to my affidavit. But the time constraints, that even as I will admit to you, as I was going through my affidavit, wanting to add more information, that was not at the top of my list. But as you frame it to me, it should have been in there. But I asked the Commission to understand that I did ask for a
10 later date because my affidavit, we have a lot more. There is information in here that, well, some of it pertains to your scope, some of it does not, but that I wanted to put in here. And unfortunately ...[intervenes]

ADV KHUMALO SC: Mr Adams, you had an extra week. Remember, you submitted an affidavit late Sunday evening, you came here on Monday, we could not deal with your evidence. You were given a week and a half to come on Wednesday this week. So you had a week and a half to add this. You must have known all along that the reason you
20 are being called to this Commission is these cases that you opened in Cape Town and Orlando and how IDAC took over your case. So that is crucial information that you did not mention and even as you were giving evidence yesterday, you did not mention it until you were confronted with it and you had to correct your evidence this morning. Now that is

problematic.

MR ADAMS MP: I understand your situation, my situation, Commissioner.

ADV KHUMALO SC: But is there any reason why you did not mention it yesterday? Let us assume for a moment you did not have time as you were preparing your statement. Yesterday, when you were going through your statement, what is your reason for not mentioning that actually when I got to Orlando, I contacted Elvis. We met somewhere else.

10 We then travelled to the police station together.

MR ADAMS MP: It was an oversight on my part, Commissioner. Like I said, I was underprepared yesterday and I admitted that and I actually asked the advocate for an extra day and I was told I would not get it. So I was told I would be treated as you would want me to be or as I would want to be and for that, again, I can only apologise.

ADV KHUMALO SC: Okay.

ADV BALOYI SC: Can I suggest that it is not a subject of an oversight when you sit and say I took an Uber from the
20 airport to Orlando. You cannot the following day say, oh, I went to Elvis's tyre shop the following day and we travelled together in a maroon motor vehicle, Mercedes Benz. There is no oversight. It is a completely different story and as you told it yesterday, that I took an Uber and I landed at Orlando and I met Elvis there, you would know as you are

telling it that that is not what happened.

You have conjured up a story. You have come up with an explanation what happened that day. It cannot be an oversight, this change of your story. You chose to tell a version. The best you could do is to say I do not have any recollection of that day and try to make sense of what I did, that is why I told you a different story. It is not a matter of oversight and I want to put a proposition to you but do you want to comment on what I have said now before I put my
10 proposition to you?

MR ADAMS MP: No, Commissioner, I do not want to comment.

ADV BALOYI SC: What I want to suggest to you is when you look at what you tell us happened, the facts of General Lincoln at the airport, he is the one that said go to Orlando. When you are at the airport he is the one that said to you call this number and this happens to be a Crime Intelligence person who, as Commissioner Khumalo pointed out to you yesterday, happens to be the same person that dealt with
20 Mr Mogotsi, Mr Matlala, it is that connection.

And you tell us General Lincoln gave you his contact details. You know he is a Crime Intelligence person or even if you did not know you meet him at Orlando. Those facts suggest you knew this cannot be disclosed. These facts of how all of this came together. You knew it

can never be public. That is why you do not tell people I heard this from General Lincoln.

Remember yesterday you were asked did you say who your source was? You say no, I did not. It is because you knew you could not, if he is your source, including that he is connected to you with these people. And I want to suggest to you that that is why you did not tell the truth about how you land up at Orlando, including who you went with. It is because you understood that you were involved
10 with it. Do you want to comment to that? That is my view of why you have told us the story that you have.

MR ADAMS MP: If I may comment on that.

ADV BALOYI SC: Yes.

MR ADAMS MP: I understand how the dots could be connected, Commissioner. And if indeed Elvis is involved with, I heard he was involved with Brown. If he was involved with Cat I was the loudest Member of Parliament screaming for the cancellation for the cancellation of that Medicare 14 clinic 2014, I promise you now you will not find
20 me anywhere near that man. So what I am saying ...[intervenes]

ADV BALOYI SC: Discount Mr Matlala for my proposition, for what I have put to you. Discount that I have mentioned him. Let us work with you say your source is General Lincoln about the loss of your dockets. He is the one that

says go to Orlando. And because it is him that is saying that, you have no reason to doubt him. You get to the airport. He says to you contact this person. This person comes and takes you to the police station. And you believe that all of that was because General Lincoln is involved. All of that is good because he is a man of integrity as you say.

MR ADAMS MP: Yes he was, Commissioner.

ADV BALOYI SC: Yes. And what I am suggesting is that you understood from those facts, if that is what happened, 10 you understood from those facts that it could never come out that your source was General Lincoln, you told us that yesterday, you understood that. You also understood that you could not disclose that he is the one that connected you with Elvis. Right? You understood that. It is all clandestine. Let me use that word. And you understood and appreciated that that can never be disclosed.

And that is the reason I am suggesting to you that that is in fact the reason that yesterday you gave us a different story about how you got to Orlando and you 20 changed it today and you changed it today because you were confronted with the facts that were going to be put to you. So it is not oversight. It is a deliberate decision to tell a different story from what actually happened.

MR ADAMS MP: Not to be argumentative with the Commissioner, but that is not how it happened. But I do

understand the inference. I will not argue with it. Thank you.

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

ADV SEGEELS-NCUBE: And there is a further individual. It is General Khan as well, that Witness G is connected to General Khan as well. You are aware of that now.

MR ADAMS MP: I am aware of that now.

ADV SEGEELS-NCUBE: You said you were not aware at the time.

10 **MR ADAMS MP:** I am aware of that now.

ADV SEGEELS-NCUBE: Okay. If I can ask you to go to file 9B, page 3920 and this is probably also one of the reasons, Mr Adams, that Commissioner Baloyi is putting it to you that you did not want to disclose that Witness G accompanied you to Orlando. So just tell me if you have 3920.

MR ADAMS MP: I do.

20 **ADV SEGEELS-NCUBE:** This is a letter from General Khan's attorneys and it is addressed to one of the recipients. I think it is Ms Mbele or Mr Mbele but it is CCed in there is General Mbuso Khumalo and it regards a request that was made by General Mbuso Khumalo to interview or see General Khan while he was in hospital, and the attorneys addressed a letter to them to explain what the arrangements will be regarding visits with General Khan by

SAPS officials and the letter says:

“We confirm that we act on behalf of Major General Feroz Khan. We have been copied in on the exchange below. As a solution we propose that subject to our client's medical condition and the professional views of the attending medical team, any visits to our client must be facilitated through Witness G. We have requested
10 that Witness G facilitate such requests, as he is more readily available to respond in person and that he is or should be familiar with members of SAPS. Our reservation regarding the appointment of the PKTT is being addressed with the acting National Commissioner.”

Now there is also an affidavit by Witness G, where he says that although he works with General Khan he has a close friend relationship with him and considers them to be
20 friends. This is the same person that is escorting you to Orlando police station, right, to go and lodge criminal charges against amongst others the Divisional Commissioner of Crime Intelligence, right?

And does it not so transpire that one of the concerns or one of the allegations that you made was that

somebody like General Khan was being overlooked in favour and General Khumalo was being favoured for the position of Divisional Commissioner, when there were other more qualified or qualified Generals within Crime Intelligence, one of them being General Khan?

MR ADAMS MP: Yes.

ADV SEGEELS-NCUBE: That is correct?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Right. So you can see why we
10 are saying to you that the reason why you did not want to disclose that Witness G was the person that escorted you is because of this close connection that he has with associates of the Minister who you complain about your investigation, which the Minister, Office of the Minister escalates, and in so far as General Khan is concerned where you are raising issues that he potentially has been overlooked for the position of Divisional Commissioner which General Khumalo got, correct?

MR ADAMS MP: May I respond?

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

MR ADAMS MP:

MR ADAMS MP: Thank you, ma'am. I note the email that, it genuinely has nothing to do with me, but I will try and assist here, I will try and assist with the assertion you have made. My complaint about policemen being overlooked had

everything to do with security clearance. I was asking questions as to why people who did not have security clearance became Heads of Provinces and Heads of Crime Intelligence and as a matter of fact I think it was the National Commissioner that said, and this is more than a year and a half ago so I am saying it loosely, he said Adams has issues with everybody and the security clearance, but he does not speak about Khan who has got the rank. And my reply was, give me the evidence and I will
10 lay a charge. That evidence never came. I am not acting for Khan. As a matter of fact, later down the line, it is unfortunately not in my affidavit, but I am going to say something, but I just want to, when we get there. What I am saying, I do understand the complications and I am understanding clearer that ever how wide this net is and I am understanding that while I am trying to lay charges, so that we can start fixing the SAPS, there is a game being played behind me that I still do not fully understand.

ADV SEGEELS-NCUBE: Okay, but did you know that
20 General Khan also deposed to an affidavit in one of your cases?

MR ADAMS MP: In one of my cases?

ADV SEGEELS-NCUBE: Yes.

MR ADAMS MP: I was never told this.

ADV SEGEELS-NCUBE: You were never told?

MR ADAMS MP: Never.

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

ADV BALOYI SC: When you resulted the complaint and it is only because you have mentioned it now, it is not anything that I would have asked questions about, when you raised the complaint about General Khan, such as General Khan being overlooked when people without security clearance are appointed, did you know or did you enquire about his own security clearance? Because the testimony
10 that we heard so far, suggests he also does not have security clearance.

MR ADAMS MP: Ma'am, last night people went on TV claiming that I do not know Andre Lincoln and I said to myself I am not going to mention my brother anymore, but I just want to, I mean his wife went on TV and confirmed that we were friends and that we were working together against corporation and gangsterism. But I just want to say to you, I do not have the names right here, General Lincoln told me 7 of the 9 PCs do not have security clearance. Madondo
20 will never have one. Khumalo has one now. This was the discussion, because his concern and my concern was we are run, our SAPS is run by people who for whatever reason cannot get security clearance.

ADV BALOYI SC: My question is about General Khan.

MR ADAMS MP: No, I am getting there. So, I specifically

asked him what about Khan, he said last time I checked, he had one.

ADV BALOYI SC: Thank you. The evidence before us suggests he also does not have security clearance ...[intervenes]

MR ADAMS MP: I will not...

CHAIRPERSON: ...so this is yet another case where General Lincoln gave you an incorrect answer.

MR ADAMS MP: It could well be, ma'am, and like I said, I
10 am quoting his loosely, he said last time I checked, he did, but what I am saying is if General Khan does not have security clearance, he does not belong in the office either.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: And then just financially on this aspect. How long have you, did you know Mr Nkabinde at the time when you complained to the Minister on the 1st of November?

MR ADAMS MP: The very first correspondence I had with Cedric Nkabinde, was when he replied to my email. And he
20 called me from an office line maybe a day or two later, excuse me, and asked me if I was happy with the progress made, I mean with his responses and I said ja and he said, take my cell number if you need my after hours. But I never used it until one specific day and you are going to play that recording later, that was the first time I actually used his

cell phone.

ADV SEGEELS-NCUBE: Okay, that is when you used his cell phone, but I think you are wrong on your sequence again, because remember, I took you to your email of 1 November 2024, at 8.21, where you addressed the email to the Minister himself and then I said to you four minutes later, the email is then addressed to Mr Nkabinde, so how did Mr Nkabinde know to send, for you to send the email to Mr Nkabinde, how did you know to do that. And that is
10 when you said, you received a call. Ja, so it was not a day or two later.

MR ADAMS MP: All, all of our email addresses are on the parliamentary phone book, if I punch in your name, your email address will come. So I found out who the Minister's staff was and also, also the other person that was looking, no, I am lying, no, no.

ADV SEGEELS-NCUBE: You are lying. You said yesterday ...[intervenes]

MR ADAMS MP: I am lying, I am lying.

20 **ADV SEGEELS-NCUBE:** ...that you ...[intervenes]

MR ADAMS MP: I am lying.

ADV SEGEELS-NCUBE: Yes.

MR ADAMS MP: No, my sequence is...

ADV SEGEELS-NCUBE: And I was not even trying to catch you out in a lie ...[intervenes]

MR ADAMS MP: No, I know.

ADV SEGEELS-NCUBE: ...I was just correcting you.

MR ADAMS MP: If I may, ma'am, sorry, it is because I am being flooded with paperwork here, that is why I am correcting myself, I am lying, the first time I spoke to Nkabinde, I mean I got a response from Nkabinde, was, I am not going to say I emailed him or did he email me?

ADV SEGEELS-NCUBE: You emailed the Minister on the 1st of November.

10 **MR ADAMS MP:** The 1st.

ADV SEGEELS-NCUBE: The Minister himself.

MR ADAMS MP: Yes.

ADV SEGEELS-NCUBE: And I said to you, how did you know to them email Mr Nkabinde four minutes later, to forward that same email and that is when you said you got a call from Mr Nkabinde to forward it to him.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay, so that was the first time, the 1st of November.

20 **MR ADAMS MP:** Yes, ma'am.

ADV SEGEELS-NCUBE: Not two days later.

MR ADAMS MP: Sorry.

ADV SEGEELS-NCUBE: So you are saying that is the first time that you spoke to Mr Nkabinde?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay. And what was, how did the relationship progress, such that by the time you meet on the 6th of January 2025 with the IDAC guys, you are able to tell them about what Mr Nkabinde told you about the threat made by General Mkhwanazi.

MR ADAMS MP: I will happily tell you that. I received information and it seems too far-fetched to be true until I spoke to certain people who said this is a concern. And I think you are going to play the, I do not know if you are
10 going to play the recording because I do not want to jump.

ADV SEGEELS-NCUBE: About the threat?

MR ADAMS MP: Ja.

ADV SEGEELS-NCUBE: Yes, I will get to that. There is one part where you use very colourful language ...[intervenes]

MR ADAMS MP: Can I ask that you...

ADV SEGEELS-NCUBE: ...you use it in both, but the first one, it is not as audible, I had to strain my ear for it, but I could hear the colourful language and so I would rather play
20 the second one.

MR ADAMS MP: Yes.

ADV SEGEELS-NCUBE: But I cannot protect you from what you said there as well, but it is less than the first one.

MR ADAMS MP: And I am asking that we, if we can even edit it out, my mother is watching.

ADV SEGEELS-NCUBE: Okay. Tell your mother to switch off now because I cannot edit it. Okay. Yes, you can explain the relationship and then we will get to the recording. How the relationship progressed.

MR ADAMS MP: There was no real relationship. I mean like, and I will tell you why I only called him on that day is because I have, at the best of times, maybe 50 people on my WhatsApp. People are free to use my parliamentary number, there is no WhatsApp on there. But as for
10 WhatsApp, it is a very intrusive thing. So I did not call him. I took his number, but I did not call him.

ADV SEGEELS-NCUBE: Okay.

CHAIRPERSON: Are we playing now?

ADV SEGEELS-NCUBE: I will play it now, Chair.

CHAIRPERSON: May all sensitive viewers or listeners please switch off or stop listening at this point, please.

ADV SEGEELS-NCUBE: Thank you, Chair.

MR ADAMS MP: Mommy, please. Do we need earphones, Advocate?

20 **CHAIRPERSON**: And that includes Mamu Adams.

ADV SEGEELS-NCUBE: That is perfect for me, thank you.

“[RECORDING PLAYED BACK – original
not recused – playback audio not audible
enough for transcription]“

ADV SEGEELS-NCUBE: So just to summarise what is

being said, you tell them, and can I just preface this by saying when you first tell Ms Ramsamy and Mr Raphesu about the threat by General Mkhwanazi, you in fact do not really know General Mkhwanazi. You struggle to even get to who he is. You mistake him for somebody as a General in Crime Intelligence and Mr Raphesu's trying to get the name out of you and he says, who is it? Is it somebody that is national? And you did not know. That is correct. So as at 6 January 2025, you did not really know General

10 Mkhwanazi?

MR ADAMS MP: No, ma'am.

ADV SEGEELS-NCUBE: Okay. So by the time you repeat the threat to Mr Perumal, the reason why you know it is General Mkhwanazi is because Mr Raphesu asked you, is it General Mkhwanazi? And you say, yes, that is the one.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay. And you are relaying to them that Mr Nkabinde told you that General Mkhwanazi called him Mr Nkabinde and said that he is going to effing

20 arrest Minister Mchunu if he disbands the PKTT, correct?

MR ADAMS MP: If I may. I had heard the rumour that very morning that there was a plot to arrest Minister Mchunu. Now, I have made it very clear to anyone that will listen that while I have my differences with the Minister on the issue of disbandment of the PKT and the strengthening of the AGU, I

support the Minister. And what the rumour was going around, and I have a screenshot of it somewhere because someone sent it to me, but by the next morning it had gone countrywide.

It was that General Mkhwanazi, no, no, I do not think, I do not know if General Mkhwanazi's name is on there, but the PKTT is going to arrest Senzo Mchunu if he tries to disband it. So I called Mr Nkabinde and I said to him, I am hearing rumours that probably are not true, but
 10 they are concerning. And he said to me, General Mkhwanazi called me and told me that they will arrest the Minister if he attempts this.

And I was shocked because I genuinely believe that in spite of everything said about the suspended Minister, that he is a more than decent man, and I was upset about it. So that is my answer.

ADV SEGEELS-NCUBE: When you first tell Mr Raphesu and Ms Ramsamy about the threat, you actually refer them to, you say to them, can I tell you something that I am not
 20 supposed to tell you? And you say to them, and this is why Ms Ramsamy actually asked that it not be played that part, because you were saying it is off the record, but you were the one that actually wanted that part to be played when you gave us the clippings. But in that clipping, you say to Mr Raphesu and Ms Ramsamy that:

“I want to tell you something that I am not supposed to tell you, but the Minister, Minister Mchunu, is freezing CI positions.”

Right? Now why do you say that you are not supposed to tell them that?

MR ADAMS MP: Because General Lincoln asked me to tell nobody. He said Senzo is cleaning up.

ADV SEGEELS-NCUBE: Okay, but by the 6th of January 2025, the disbandment letter that was sent by the Minister
10 to the National Commissioner was already public, and one of the directives from the Minister to the National Commissioner was that the post should be frozen. So it was not a secret. So it seems to me that you were not referencing the letter, you had information other than what was contained in the letter. And now you are saying it is because General Lincoln told you, which means he had inside information.

MR ADAMS MP: Ma'am, you know, I have got a voice note here that I will not play, but I will play it to you.

20 **ADV SEGEELS-NCUBE:** Then do not tell us what you have.

MR ADAMS MP: No, because I do not want to drag that man any further. I do not want to harm his family. But General Lincoln had deep information within the SAPS because of the respect people had. People would complain

by him, and he'd give it. If you understand what I am saying. He and I would sit, and we would see how we could source it. So I am not talking about this particular issue. I am talking about issues on the whole. So for me, when the man asked me, keep this tight, Senzo is cleaning up, this was good news, even though I did not know what Senzo was doing.

ADV SEGEELS-NCUBE: Yes, I am interested in that part, because it seems to me that what you are saying to us is
 10 that General Lincoln had information about what the Minister was going to do, which was something outside of the official letter that was communicated to the National Commissioner, because if it was something that was already public, you would not need to say to Ms Ramsamy and Mr Raphesu, I am going to tell you something I am not supposed to tell you, because by then the letter is public. Everybody knows about it.

MR ADAMS MP: That is what I say, ma'am. That is exactly what I mean. That is exactly what I know. And that
 20 is why I do not think I expand any further, because I have got nothing else to add.

ADV SEGEELS-NCUBE: So General Lincoln did not tell you how he knew that Minister Mchunu wanted to clean up?

MR ADAMS MP: Out of respect for him, there are things I did not ask. You know, there are things above my pay

grade. But I must state for the record, and I do not want to mention my friend anymore, that the respect I had for that man, I never questioned anything about him.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: I think, Mr Adams, the more important issue may be on this topic is, you have brought General Lincoln into things that we consider questionable, as in him being, on your evidence, him being involved in things that he had no business to be involved with and to discuss with
10 you as a friend and Member of Parliament. And on this last conversation, that here he knows what the Minister is planning to do. And if he were here, we would have had to ask him the question, what business and in what capacity, are you retired?

So I appreciate that you express, and I do not quarrel with the kind of respect for him that you express, but I do not know that you realise that you have brought his name into matters that are of concern, not only subject matter to the Commission, but who in fact was involved in
20 what looks like machinations. You know, you have involved him, you have invoked his name in that way. I just want to draw it to your attention that that is the effect of your testimony.

And if we accept it, maybe let me say, if I accept your testimony that implicates him, everything that you have

said about him, I would, alone, I am not implicating my co-Commissioners, I would conclude on what you have said about him, that he was part of the shenanigans that have created and resulted in, among other things, the prosecutions of General Khumalo that we now know IDAC is dealing with them the way that they do, or the National Prosecuting Authority.

I would have to conclude that he was part of the machinations that, and he had knowledge into the Minister's
10 decisions and reasons to dissolve the PKTT and the other decisions that the Minister has made, because that is how you have implicated him. You know, he is feeding you information, he is sending you to meet with people clandestinely that you are not able to disclose because you understand you cannot disclose these things. It is a consequence of your testimony, how you implicate him. Do you want to comment?

MR ADAMS MP: Please, ma'am, if I may. This man had retired from the SAPS. He lost both his legs. He was an
20 amputee, he sat in a wheelchair. He would get in that wheelchair, find his way to his car, and meet me in Mannenberg, Gugulethu, Avondale, to stop gang violence. He was passionate about cleaning out the SAPS. I understand one hundred percent the consequences of what had happened since I opened those cases, but my affidavit

said General Lincoln told me, walk away, son.

ADV BALOYI SC: But more importantly ...[intervenes]

MR ADAMS MP: So now what I am trying to say is that this man had no ulterior motives.

ADV BALOYI SC: Yes, he may not have had, and it is still a debate that must be had whether we accept what you say about him, but I am saying if I accept that your testimony about him is correct, that he told you this, he connected to you, and all of that, if I accept that, then it creates the
10 impression that he was part of, he involved himself, let me say. He involved himself in business and affairs that as a retiree, he had no business to be involved with.

He had no business to get involved in telling you that the Minister is cleaning up. He had no business to know that. You understand what I am saying to you? Because he is not in force. He is not in force in the SAPS.

MR ADAMS MP: I will concede that.

ADV BALOYI SC: You understand that?

MR ADAMS MP: But I just want to state it on the record.
20 That man had no intentions that were not good, and thank you for that.

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

ADV SEGEELS-NCUBE: Mr Adams, then can we go to the topic of your A1 statements? And I had prepared extensively on this, and you came... I had planned,

prepared extensively on this, and you came to me this morning to say that you want to tell us about these A1 statements before I interrogate you on it, which is on page 3475 of file 9.

MR ADAMS MP: File 9 or 9B?

ADV SEGEELS-NCUBE: I think it is 9, 9, normal 9.

MR ADAMS MP: Thank you.

ADV SEGEELS-NCUBE: Just 9.

MR ADAMS MP: Thank you, sir. 35?

10 **ADV SEGEELS-NCUBE:** 3475.

MR ADAMS MP: Thank you, Commissioners.

ADV SEGEELS-NCUBE: Let me first identify the documents. So the first one, it is separated by a page. 3475 is where the affidavit starts, and it says A1 bracket 1. And then you would have to go to 3478, which is the second page of the affidavit. Do you have it?

MR ADAMS MP: Thank you. I am unsure if we are going there, because I am going to save the Commissioner a whole lot of time.

20 **ADV SEGEELS-NCUBE:** Yes, but I first want to identify them so that the Commissioners know which affidavits you are talking about when you tell them what you want to say.

MR ADAMS MP: 3475?

ADV SEGEELS-NCUBE: 3475 and 3478.

CHAIRPERSON: Last time, Ms Segeels-Ncube, we had to

correct the second page. It should be 3476.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Thank you.

MR ADAMS MP: Yes, yes, I have it.

ADV SEGEELS-NCUBE: Okay. . So then the next one is at 3479. Chair, you will tell me if I am still correct, because mine, I am working with the electronic version. 3479 and 3480.

MR ADAMS MP: Yes, ma'am.

10 **ADV SEGEELS-NCUBE**: Okay. And then 3483 and 3484. That is the third one.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Now, you confirm the signatures on the pages that we have identified?

ADV BALOYI SC: There is also 3485.

ADV SEGEELS-NCUBE: No, that is the supplementaries, Commissioner Baloyi. These are the A1s. So you want to tell us whether those are your signature on those pages that we have dealt with?

20 **MR ADAMS MP**: Those are my signatures.

ADV SEGEELS-NCUBE: And it is commissioned by Mr Perumal on the 6th of January 2025?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: And it says, in my presence at Cape Town?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay, tell us about this affidavit, these affidavits.

MR ADAMS MP: Commissioners, thank you, Advocate. Mrs Ramsamy is right that this, there is a deviation on these affidavits. But they are commissioned on the same day, on the date as said. However, what has transpired in this committee? It has become obvious to me that Advocate Johnson was working with a brief, and that I was seen in
10 this respect as a pawn. This is why I have laid the criminal charges against the IDAC and the Dylan Perumal.

And if it is okay with the Commissioners, and I will consult my attorney and the investigating officer, who I intend to see this week, and we will, if it is lawful, I will give you my affidavit that will be presented to the NPA. Because what happened here, from here on in, and I do not wish to talk about it here, not on a public platform, from what I know now, it was wrong, false pretences were used, and from here, I am not saying what happened before, I am not
20 saying hotels were not bought without tax monies, I am not saying any of that, but right here.

I think 30 years of prosecution experience was thrown around, certain things were done, and this is why I have laid the criminal charge with the IDAC, I mean, against the IDAC.

ADV SEGEELS-NCUBE: Well, let us just take it step by step. These are your affidavits, commissioned by Mr Perumal, on the 6th of January 2025, in Cape Town.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: But not during the consultation that was held with you, Mr Raphesu, Ms Ramsamy, and Mr Perumal, on the 6th of January 2025.

MR ADAMS MP: I am going to give the Commission one final statement on this, before I invoke my right, no, not to
10 remain silent.

ADV SEGEELS-NCUBE: Well, you do not, according to you, you have laid the criminal charge, so you will not have to invoke any right, and we do not know whether it is under investigation, you have just lodged it, so I am going to ask you to explain to the Commissioners what you have said, and I want you to be very careful with what you say, remembering that you are under oath now, regarding this.

MR ADAMS MP: Yes.

ADV SEGEELS-NCUBE: And I have given you ample
20 opportunity to have a look at the document, and confirm that it is your signature. You took the file home with you as well, and you confirm and you remember that this was commissioned by Mr Perumal in your presence on the 6th of January 2025.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay, you can tell us the circumstances under which that occurred.

MR ADAMS MP: Some hours after my consultation with Ms Ramsamy, Mr Perumal and Mr Raphesu, Mr Perumal called me. You could see he was pressured, or you could hear, because he spoke as fast as I do, and he said to me, I have submitted your A1s to the auntie, he said, I said, who is the auntie? He said, the ID, I said, okay. He says that the ID's not happy with the way we have structured this thing. She
10 wants her case broken into four, and she says we must add a little bit more meat. I said to him, when do you want to do it?

He says, I am flying out tomorrow. It was late. He said, but if you want to come to my hotel, I have a printer. I said, no, I have got a printer at my house. If you want to do it otherwise, we can fix the affidavit next week. He said, no, man, I have got, I am under pressure. Mr Perumal came to my house. He was in conversation with the advocate for a long time.

20 **ADV SEGEELS-NCUBE:** When you say the advocate, you are speaking about Advocate Johnson.

MR ADAMS MP: Advocate Johnson. I was not part of the conversation, but I could hear her speaking to her. She seemed very agitated. He seemed very nervous. This was commissioned at my house in Cape Town. However, it is

different from the A1s that were signed in the office.

ADV SEGEELS-NCUBE: You mean the supplementary affidavits that were signed during the consultation?

MR ADAMS MP: During the consultation. As of now, Commissioners, I do not want to say anything that may jeopardise something that I have laid a criminal charge against. I would ask that we move off this topic. I am more than happy to speak to my attorney about it, and if indeed my assistance is sought, I am happy to offer it.

10 **CHAIRPERSON:** Mr Adams, part of what we are investigating is any impropriety that IDAC may have been involved in. And at face value, it appears that that is exactly what happened here. So we would want to get to the bottom of this, and you will have to answer any questions that relate to this aspect. And as Ms Segeels-Ncube said earlier, the fact that you have laid criminal charges against IDAC should not affect that. That is us asking questions and you having to respond to those questions.

20 **MR ADAMS MP:** Okay, if I have that understanding.

CHAIRPERSON: Thank you. Yes, Ms Segeels-Ncube?

ADV SEGEELS-NCUBE: Thank you, Chair. You say that you did not, that Advocate Johnson and Mr Perumal were in conversation, and what was he doing? Was he drafting while he was talking to her? How did the affidavits come

about?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Did they come with it finalised, and what happened?

MR ADAMS MP: No, ma'am. It was typed out at my house, printed at my house, signed at my house.

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

ADV BALOYI SC: Sorry. You say in that session, he was speaking to Advocate Johnson.

10 **MR ADAMS MP:** Advocate Johnson.

ADV BALOYI SC: How did you come to know that it was?

MR ADAMS MP: I recognised the voice of, even after hearing it here, it is the same voice.

ADV BALOYI SC: Okay, so you recognised from her voice.

MR ADAMS MP: It is the same voice. And he was calling her, he was calling her, and she was calling him, and it went back and forth as they were typing. I personally, at the time, saw nothing wrong with it. The auntie wants the case broken into four, because they are going to do it in
20 sections. The auntie wants more information. But, and at the time, thinking nothing of it until things are mentioned and said here, when I, and if you just throw your mind back a little bit, Commissioner, if that is the stage where I demand to come and testify.

ADV BALOYI SC: Okay. Thank you.

CHAIRPERSON: It is not that Mr or Chief Perumal's phone was on speaker. It is just that it does happen with cell phones that if the person's phone volume is high, you can hear, even if it is not on speaker.

MR ADAMS MP: No, the phone, I can confirm the phone was not on speaker, but I could not hear the conversation, but, you know, words come out.

CHAIRPERSON: Ja, okay. So the volume was high enough for you to hear the voice?

10 **MR ADAMS MP:** Yes, I was sitting on his left-hand side. He was the one in front of the computer.

CHAIRPERSON: Okay.

MR ADAMS MP: So I am not a voice specialist or analyst, but my belief is that he was speaking to Advocate Johnson.

CHAIRPERSON: All right, thank you.

ADV KHUMALO SC: Can I just ask a question? There is a preamble which accompanies this A1 statement, and it is dated 6 January 2025, and you signed it. When did you sign it?

20 **MR ADAMS MP:** No, I flew up to Jo'burg to sign the preamble, sir.

ADV KHUMALO SC: Was it on the 6th or on a different date?

MR ADAMS MP: No, it could not have been on the 6th.

ADV KHUMALO SC: It could not have been on the 6th?

MR ADAMS MP: It could not have been on the 6th.

CHAIRPERSON: So why did you put the date of the 6th on that document?

MR ADAMS MP: Was the date on at the time when I signed it?

ADV KHUMALO SC: Yes.

MR ADAMS MP: No, if I can have a look at that, please?

ADV KHUMALO SC: Can you put it up in file 3680? IDAC file. Is it also inside that?

10 **ADV SEGEELS-NCUBE:** Ja, there is 3481.

ADV KHUMALO SC: 3481.

MR ADAMS MP: 3481. Oh, no, it is fine. 3481?

ADV KHUMALO SC: Mr Adams, look at 3481, please.

MR ADAMS MP: Yes, sir, I see this.

ADV KHUMALO SC: Is that your signature? Sorry.

ADV SEGEELS-NCUBE: That is my signature.

MR ADAMS MP: You signed it on the next page, 3482, sorry.

MR ADAMS MP: 3482.

20 **ADV KHUMALO SC:** Ja. That is your signature?

MR ADAMS MP: That is my scribble, but the date is not my handwriting, and I would not have allowed this.

ADV KHUMALO SC: So you did not put that date there?

MR ADAMS MP: I think this date was put in retrospectively.

ADV KHUMALO SC: So when you signed it, it did not have a date?

MR ADAMS MP: I do not think it had a date, sir. Look, I think I mentioned it earlier, that when I went up and I told him I will come to Pretoria, I was running late, and I called Mr Perumal, and I said to him, can you meet me in the parking? I need to go. And he just came down. I just read through it, and I signed it.

ADV KHUMALO SC: And is it not possible that the
10 affidavits Ms Ncube was taking you through, you also signed them on the date that you signed this preamble?

MR ADAMS MP: No, no, no.

ADV KHUMALO SC: And for me, I want to leave the issue of the affidavit to Ms Ncube, but why did you not tell the Ad Hoc Committee this? You knew the Ad Hoc Committee was probing Advocate Johnson on the very issues we are discussing, the referrals, the charges against General Khumalo and others. And she was being asked about the section 27 referrals.

20 You were there, you know that committee members even asked for these documents. So why did you not mention it to the Ad Hoc Committee? Because you were there as a committee member, but you were also called as a witness to testify on these very issues. And then in your statement to this Commission, you have a section where

you set out the headings that you are going to be dealing with and the subheadings specifically refer to the issue of the affidavits that you signed and you deposed to.

Why do you not mention this late night call and this late night affidavits and the commissioning of affidavits at your house? Because you must have heard Ms Ramsamy's evidence and parts of her evidence upset you so much that you gave media interviews on them. And your first shot at her in this Commission was to criticise her for calling
10 herself an advocate when she was not an advocate. So you knew about these issues.

And I know I have said a lot, so my two questions are this. Why did you not mention this to the Ad Hoc Committee? And why did you not mention them in your evidence-in-chief?

MR ADAMS MP: If I may. In the Ad Hoc Committee, there was never a mention of more than one section 27. It was only said that she had classified it, which I thought was a bit iffy, but I did not make much of it and I did not really go
20 into the statements. And again, she ...[intervenes]

ADV KHUMALO SC: Mr Adams, I am talking about the conduct of IDAC.

MR ADAMS MP: Yes.

ADV KHUMALO SC: If you were at the Ad Hoc Committee and you know that the conduct of IDAC was improper in the

sense that after you had deposed to affidavits, somebody came to your house late at night, had a call with Advocate Johnson, and they wanted your affidavits to be changed. That is the part that I say, why did you not mention it at IDAC? The conduct of IDAC.

MR ADAMS MP: I will tell you, Commissioner, for me, the conduct of IDAC now, if I look at it ...[intervenes]

ADV SEGEELS-NCUBE: No, no, no...

MR ADAMS MP: No, I will go back to it.

10 **ADV KHUMALO SC:** Please pause there. That night, when Mr Perumal came to your house without his two co-investigators, and he said to you, the madam or the advocate does not like the affidavits you have prepared, they want to give you different ones. They come to your house and you do that. Did you, at the time, think that was proper?

MR ADAMS MP: I did not think it was normal, but I did not think it was... It was out, out, out. I would not say, I did not think there was anything excellently wrong with it.

20 **ADV KHUMALO SC:** So, my question is, why did you not bring that conduct to the Ad Hoc Committee's attention? When you know that the very issues that Ad Hoc Committee was investigating is the conduct of IDAC in relation to these cases.

MR ADAMS MP: I will be honest with you, Commissioner.

I needed IDAC to succeed. I needed these cases before the Court.

ADV KHUMALO SC: So, you were willing to do anything to help IDAC succeed, however improper their conduct?

MR ADAMS MP: Not anything, Commissioner, but there are things that I was willing to almost close my eyes to, to get the end result.

ADV KHUMALO SC: Let us leave Ad Hoc. Before this committee now, before this Commission, you have
10 subheadings where you are saying, I am going to deal with the issue of the affidavits, and some of the things that Advocate Ramsamy has said. Why do you not mention that Perumal came to your house, and while he was at your house, he was speaking to Advocate Johnson, and in that discussion, they wanted your affidavits to be changed? Why did you not mention that?

MR ADAMS MP: At that time, Commissioner, I had not yet seen these, and I had laid the charge, the case against Perumal and IDAC.

20 **ADV KHUMALO SC:** Mr Adams, you do not have to see these things to know what happened. I mean, you have given us detail about how you went to the Minister, how documents came under your door, how you did a section 27. Why do you not mention that there was something happened that happened on the 8th or on the 6th of January 2025,

rather, and now that I think about it, I did not think about it then, but now that I think about it, it was unusual, because after I had prepared A1 affidavits, they came to my house late at night, and they said the affidavits have to be changed. Why did you not mention that?

MR ADAMS MP: Commissioner, to me, it was a case of we are going to do the affidavit better, we are going to break it into four pieces, and that was it. It was only after what I saw here, and I laid a charge, and the reason I do not
10 address it in my affidavit was because I was not going to. I was not going to comment on the issue because it is under investigation until Commissioner Madlanga cleared it up for me that, no, we are going to speak about this.

ADV KHUMALO SC: You know, Commissioner Baloyi used the word, and she said machinations, machinations. That is what it is starting to look like now, that somehow you were part of a scheme at all costs to bolster these cases, even when you knew that they were not strong, and you would do anything to assist in that regard, even when you could see
20 that whatever was going on, if not improper, then it was suspicious.

MR ADAMS MP: Commissioner, for me, when I said that we can do it next week, I was told no, man, it has to be today. I said, okay, let us just do it, let us get it done. So I do say that that is not regular, even for me, who works late

hours, but as far as these cases are concerned, I was willing to play whatever part I need to, and I am not saying that I am playing for IDAC or I was playing for IDAC. If I was, I would shut up right here. I am telling you these events as they happen. Thank you.

CHAIRPERSON: I am not a handwriting expert, but I just want to understand some matter of detail. Can you please go to the preamble at page 3477?

MR ADAMS MP: 3477.

10 **CHAIRPERSON:** Yes, please.

CHAIRPERSON: Are you there?

MR ADAMS MP: Yes, Commissioner.

CHAIRPERSON: Okay, I will be with you just now. 3477, 3477, I am sorry.

MR ADAMS MP: Yes, Commissioner.

CHAIRPERSON: The corrected one, the corrected one.

MR ADAMS MP: I am not with you, Commissioner.

CHAIRPERSON: There is a preamble, it comes...

MR ADAMS MP: Is that what I am looking for?

20 **ADV SEGEELS-NCUBE:** We will help you with the signature, but yes.

MR ADAMS MP: Yes, I am there, I am there.

CHAIRPERSON: Is that the correct one?

ADV KHUMALO SC: No, the one that has A1 and 2 in brackets.

CHAIRPERSON: Ja, A1 and then bracket 2 at the top in manuscript.

ADV SEGEELS-NCUBE: 3476.

CHAIRPERSON: Do you have it now?

MR ADAMS MP: I have it, Commissioner.

CHAIRPERSON: Yes. Now, I think you have owned that signature and that is the one where you say when you were in Johannesburg, you said.

MR ADAMS MP: Yes, sir.

10 **CHAIRPERSON:** This was brought to you and you met, ja, and you signed. What I have noticed with the signatures on the preambles, if, for example, we were to think in terms of angles, angles as in mathematics, that part of your signature that comes down, do you see it? In this signature, on this preamble, it is slanting to the left. So if we are talking an angle, it would be an obtuse angle, slanting to the left like that. And let us go to page 3481. There as well, you see, that is slanting to the left, which would again be something like an obtuse angle if you look
20 at it in conjunction with a dotted line at the bottom. You see that?

MR ADAMS MP: I see that.

CHAIRPERSON: Ja. Okay, now let us look at the signatures on the affidavits themselves. Let us look at 3476. You see, are you at 3476?

MR ADAMS MP: Yes, yes, I am, Commissioner.

CHAIRPERSON: Do you see that that line is slanting to the right? If it was an angle, it would be an acute angle now. And let us go to 3480. There as well, same thing, slanting to the right. And then we go to 3484. Same thing, also slanting to the right. I know that when you sign, like if I were to sign now, even if I were to sign immediately after having signed, I sign my signature, and immediately, within seconds, I sign. Those may not look exactly the same. I
10 know that. But what strikes me is that with all the preambles I have referred you to, we see what approximates an obtuse angle with all the affidavits, we see what approximates an acute angle. Can you explain that?

MR ADAMS MP: Yes, Commissioner, I can.

CHAIRPERSON: Yes.

MR ADAMS MP: I signed that while I was sitting in the car. They brought the paperwork down. It was a case of this. That is why I can tell you the signature is mine. The date is not accurate. I can tell you that without a shadow of a
20 doubt. It could not have been that date. But they brought it to the car for me. I signed off, and I drove off.

CHAIRPERSON: And how were you holding the document?

MR ADAMS MP: In my left hand. In my left hand, signing with my right hand. That is why, even for my scribble, that is terrible.

CHAIRPERSON: But the paper was not slanting. It was straight in front of you.

MR ADAMS MP: Commissioner, I would not be able to tell you which way I was leaning, but I do remember that I was holding it in my left hand and signing on it. And that is why, if you look at my signature, I do not have a pretty signature. And that is even slightly uglier. So that is the reason for that.

CHAIRPERSON: Okay.

10 **MR ADAMS MP:** So I will own the signature. It is mine. The date, that does not belong to me.

CHAIRPERSON: Ja, I just had to raise that because there are lots of issues around these documents.

ADV SEGEELS-NCUBE: No, I understand, Commissioner.

CHAIRPERSON: And therefore, if I notice something that is off with the signatures, I just had to engage you on it.

MR ADAMS MP: I understand, Commissioner.

CHAIRPERSON: All right, thank you.

20 **ADV BALOYI SC:** I just take you back to these affidavits in this conversation with Mr Perumal that Advocate Johnson wanted the topics or the complaints to be broken up into four parts. You have already, at that point, given the team of three, Perumal, Ramsamy, and Mr Raphesu, you have already given them four different, separate affidavits.

MR ADAMS MP: Yes, ma'am.

ADV BALOYI SC: What does Mr Perumal say to you now you are supposed to do? Why are you now required to do four separate, to deal with what now? Because you have four separate affidavits already.

MR ADAMS MP: So I gave them four separate affidavits, and my understanding was that she wanted it done another way because she wanted to break it into separate cases. I do not know if it was four or six matters. So that was my understanding of the situation, of which I was willing to
10 comply. I was willing to comply.

ADV BALOYI SC: Ja, what I am trying to understand is you already have four separate cases, remember? And that is what those affidavits that you gave earlier in the day to the three of them, the supplementary affidavits, they deal with four different cases.

MR ADAMS MP: Yes, ma'am.

ADV BALOYI SC: What was explained to you is going to be the difference in the content, because it must have had something to do with the content. He must have said to
20 you, now we need to exclude this for reason A, B, C, D, or we need to include that for reason A, B, C, D, for his approach to you to make sense. What does he say to you?

MR ADAMS MP: My understanding of the affidavits that I gave him was that it was going to be three cases.

ADV BALOYI SC: Even though you gave him four?

MR ADAMS MP: Even though I gave him four.

ADV BALOYI SC: Okay.

MR ADAMS MP: That was my understanding. He then said to me that, no, the auntie wants it in four, which I did not argue with because she is the senior prosecutor. So he said to me, the auntie also wants a little bit more meat to the cases. And this is where we sat down, and this is where we started writing.

ADV BALOYI SC: Yes and do remind me, because I have
10 closed the pages here, do any one of the ones that Mr Perumal takes from you in the evening, do they deal with your allegations about the PKTT?

MR ADAMS MP: Let me just see?

ADV BALOYI SC: I see that the one speaks about General Cele and General Khumalo. If you look at the one at 3475.

MR ADAMS MP: 34?

ADV BALOYI SC: 75.

MR ADAMS MP: Thank you, ma'am.

ADV BALOYI SC: That deals in paragraph 2. It says
20 something about General Masemola and Cele and General Khumalo. And then in the next paragraph, it talks about top secret clearance for many years. That is the one. And then the second one at 3479 speaks to General Madondo and the documents that you found under your door.

MR ADAMS MP: Which page are we at now?

ADV BALOYI SC: Sorry about that.

MR ADAMS MP: I am sorry, I just lost track now.

ADV BALOYI SC: 3479.

MR ADAMS MP: 3479.

ADV BALOYI SC: You will see in paragraph 2, it deals with General Madondo.

MR ADAMS MP: Yes, ma'am.

CHAIRPERSON: And the documents that you found. And then if you go to 3483, 3483.

10 **MR ADAMS MP:** Oh, three, sorry.

ADV BALOYI SC: It deals with Brigadier Mokwele's appointment. I think there was an earlier one. Ms Ncube, do you want to remind me?

ADV SEGEELS-NCUBE: The three.

ADV BALOYI SC: 34?

ADV SEGEELS-NCUBE: We only have the three.

ADV BALOYI SC: Okay, so we have these three. None of them speak to the PKTT matter that you have covered in an earlier affidavit. None of them speaks to the forklift, as far
20 as I can see, that you had dealt with earlier.

MR ADAMS MP: There was a fourth one relating to the forklift. And when I questioned Chief Perumal about the PKTT, he said that will come at a later stage.

ADV BALOYI SC: Did he explain why? I mean, it is an important topic to you at the time.

MR ADAMS MP: It is very important to me, and still is. But at a later stage, I did not like it, but I am not going to argue as long as it comes.

ADV BALOYI SC: He said, you say that he said the auntie wants it to be done this way.

MR ADAMS MP: This is what he has been sent to come.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: I must say, Mr Adams, and this is my last point on this, what you have just told us about the
10 supplementary affidavits, the A1s, and how they came about, makes me doubt what you said earlier about your section 27 referral. Because it now makes me suspect that at a later point, you were handed a document which is a new 27, and you signed it at a later point. Because that would be consistent with what happened with these A1s.

MR ADAMS MP: If I may, Commissioner Khumalo, this happened on the same night. That section 27 is the only one I signed.

ADV KHUMALO SC: I understand that part. I am talking
20 about affidavits having been prepared before and then late at night or whenever, somebody comes back to you and says, we need to add this, we need to take this out, we need to do this, sign new affidavits. That is consistent with you having prepared a section 27 referral and then at a later point, somebody coming to you and say, we no longer

want PKTT or forklift in this. Let us take them out. Sign a new section 27 referral.

Because if that is your signature in the document that we looked at, it does not explain why it does not look like the original that you say you submitted. And the only logical explanation is that at a later point, you were presented with a different document and you signed that document.

MR ADAMS MP: No, no, no, no, Commissioner Khumalo.

10 **ADV KHUMALO SC:** Because we are going to live here not knowing how your signature ends up in this document that starts on page 512 of file 2, because your signature is there and we do not know how it ends up there. And we are going to leave today not knowing that. And that is my parting shot on this.

MR ADAMS MP: Commissioner, I am only answering you as I can. For instance, if I may, that, ja, forget it again. The introduction?

ADV SEGEELS-NCUBE: The preamble.

20 **MR ADAMS MP:** The preamble. The easiest thing in the world would have been to deny the signature on the preamble. I am telling you as fact it is mine. As I am telling you with the Section 27, I did not do two. And when I heard there was a second one, I was confused. And now when I look at what Ms Ramsamy is saying, and I am going

back into what is left of my memory bank, I am leaning towards her. And that is not even a place I want to be. I am telling you, I am answering it to you as you ask me the question. And as far as the section 27 is concerned, well, whoever did whatever, they must come and explain it to you.

CHAIRPERSON: Sorry. Oh, sorry, sorry, Ms Segeels-Ncube. If you have already testified on this, please forgive me. What time in the evening did Chief Perumal contact
10 you for this second set of statements to be made?

MR ADAMS MP: Commissioner Madlanga, the time it was late, I cannot be very specific.

CHAIRPERSON: How late? How late?

MR ADAMS MP: It was definitely after 9.00.

CHAIRPERSON: After 9.00.

MR ADAMS MP: Ja.

CHAIRPERSON: That is when he contacts you.

MR ADAMS MP: That is when he asks if he can come quickly.

20 **CHAIRPERSON:** Ja, so he goes to your place around 9.00. And you sat together until roughly about what time?

MR ADAMS MP: He still had coffee afterwards.

CHAIRPERSON: Sorry, sorry, sorry. When the affidavits had now been commissioned, roughly about what time do you think it was?

MR ADAMS MP: He had a cup of coffee afterwards and he left around about half past 11.00 to some to 12.00. I did not check, but it would have been late because we sat a while. Because he was taking instruction and he was phoning. It was a back and forth.

CHAIRPERSON: Three people had travelled from Gauteng to Cape Town to consult with you and to take your statements and now only one of them contacts you that late in the evening at 9.00 and he goes to your place all by
10 himself and is with you until 11.00 or even after 11.00. Were you not suspicious about this contact?

MR ADAMS MP: Not at the time, Commissioner. I am speaking to an officer of the law. On the phone, he has got an officer of the court. I am comfortable.

CHAIRPERSON: All right. Thank you.

ADV SEGEELS-NCUBE: Thank you. And Mr Adams, Ms Ramsamy, while you were giving this evidence, sent me a message to say that at that stage, by 6 January 2025, nobody in IDAC was referring to Ms Mokwele as Ms
20 Mokwele. They had only known her as the BMW lady. And if you go to one of the A1s, the Mokwele A1...

MR ADAMS MP: The Mokwele A1?

ADV SEGEELS-NCUBE: ...which is on page 3483.

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Do you have it?

MR ADAMS MP: I have it.

ADV SEGEELS-NCUBE: If you look at paragraph 3:

“I was informed that there were several highly skilled and qualified senior police officers who applied for the post but were overlooked by the CI management who favoured Mrs Mokwele over them. The Generals involved are Khumalo, CI Head Lushaba, CI Madondo, and Lekalakala.”

10 And she says at that stage, it was just known to all of them, including Advocate Johnson, as the BMW lady. In fact, later on when they have a meeting, she even, and this is after 6 January 2025, when they eventually get the details, her CV and all of that. Before that, she even misspelled her name because nobody knew her as Ms Mokwele. So for it to be in this affidavit on the 6th of January 2025, and remember in your consultation with Mr Raphesu, Ms Ramsamy, and Mr Perumal, you do not even talk about the BMW lady.

20 **MR ADAMS MP:** Yes, ma'am.

ADV SEGEELS-NCUBE: You agree?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: In fact, it is not a complaint of yours when you have that meeting with him.

MR ADAMS MP: One hundred percent, ma'am.

ADV SEGEELS-NCUBE: Ja.

MR ADAMS MP: So I cannot speak about who knew who as Mrs Mokwele. I was asked to have my ID number ready and just to help out with details. I saw the Ms Mokwele. I did not know. I cannot answer for that, ma'am.

ADV SEGEELS-NCUBE: Well, not your ID number, really. But we, because they had met with you earlier that day. So what are you saying?

MR ADAMS MP: No, no, I am using it as an example,
10 ma'am. I was there and he would ask me a question and I would answer and he would call the auntie and the typing would go on. I do not know. I do not know what Ms Mokwele's first name is. I would not know that nobody knew who she was, but this is what happened.

ADV KHUMALO SC: But did you know who she was?

MR ADAMS MP: Yes, I knew who she was.

ADV SEGEELS-NCUBE: Did you know her as Mrs Mokwele?

MR ADAMS MP: No, I knew her as the BMW lady.

20 **ADV SEGEELS-NCUBE:** Yes, because everybody at that stage knew as the BMW lady. They would not know her as anything else because you are the source of the information. So if you do not know her as Ms Mokwele, how would they know?

MR ADAMS MP: Let me answer you like this, ma'am. This

is not my typing. So when we are talking about BMW and the person that got the job and they refer to her as Ms Mokwele, I am accepting it as Ms Mokwele. I am not arguing, I am not asking, do you know her as Ms Mokwele? The person who will answer this is Chief Investigator Perumal.

ADV SEGEELS-NCUBE: And she also says that nobody even knew at that stage who was on the panel, the appointment panel, by the 6th of January. Nobody within
10 IDAC knew that.

MR ADAMS MP: I was outside of IDAC. I was assisting with the affidavit at the request of the auntie.

ADV SEGEELS-NCUBE: And both Ms Ramsamy and Mr Raphesu testified that Mr Perumal, they did not have this Pretoria stamp that you see on the affidavits that Mr Perumal commissioned. They did not have it in Cape Town.

MR ADAMS MP: Ma'am, that part I cannot agree with because those affidavits, I signed in their presence and I left. I did not check the stamp.

20 **ADV SEGEELS-NCUBE:** No, not that. If you go to one of Mr Raphesu's, so 3486.

MR ADAMS MP: 34...

ADV SEGEELS-NCUBE: 86. Do you see?

MR ADAMS MP: Just give me a second, please. Yes, ma'am.

ADV SEGEELS-NCUBE: Mr Raphesu's affidavits that he commissioned does not have the stamp. Do you see that?

MR ADAMS MP: Yes, I do.

ADV SEGEELS-NCUBE: It is the affidavits of mister, that Mr Perumal commissioned that has the stamp. So 3478.

MR ADAMS MP: If I may ask, ma'am, that perhaps Mr Perumal must come and tell you as well that this thing was stamped. I do not know what Mr Raphesu is saying. I cannot argue with Mr Raphesu. As we all know, they have
10 got their own internal war, but this thing was done this way.

ADV BALOYI SC: It was stamped in your presence ...[intervenes]

MR ADAMS MP: In my house.

ADV BALOYI SC: Is that what you are saying?

ADV SEGEELS-NCUBE: What was stamped in your presence? The ones that Mr Perumal did?

MR ADAMS MP: Yes, ma'am.

ADV SEGEELS-NCUBE: Okay, but that is why I am saying to you what Ms Ramsamy and Mr Raphesu say is that the
20 stamp was not with, they did not travel with the stamp to Cape Town, with the Pretoria stamp.

MR ADAMS MP: If I may answer you this way, I do not know what was in whose bag, and I do not know who has got the knife out for who, but I am telling you my version of what happened, ma'am, and the Commissioners will make a

determination.

CHAIRPERSON: Why do you think you were chosen by whoever made the choice for sticking this envelope under your door? Why do you think you were chosen?

MR ADAMS MP: Commissioner Khumalo, I think I am easily the most outspoken and active person regarding fighting gang violence and drug abuse on the Cape Flats, easily, by a mile, and people know that this is my passion and this is what I live for, and I have been making noise in
10 that Police Committee since day one.

Somebody thought I will either take it to the media or to the SAPS, but when I saw the confidential part, I knew the media was not an option. Somebody probably put his money on, now this guy will lay a charge. I understand that now. I one hundred percent understand, as Commissioner Khumalo put it rightly, the machinations, and I do not see the whole picture. I do not see the whole picture, because I have got many question marks and many questions.

I am even starting to doubt things that I did myself,
20 but let me give you the assurance, Commissioner, if tomorrow another envelope comes under my door, I should not, and my wife will be angry with me, but I will probably do the same thing. I will go and lay charges, because we need to turn the ship around, by any means necessary, if you want to.

CHAIRPERSON: You see, that very narrative about an envelope under your door, the unseemly haste with which you acted moving between Cape Town and Orlando, there is several imponderables that we have engaged you on. The very fact that you yourself, say you have a number of questions, a number of questions which, of course, you may have because you are now faced with the imponderables that we are raising with you.

All of that from where I am sitting seems to suggest
 10 at least two things. Either you were part of a concerted effort to lay these charges for whatever reason, reasons which may not necessarily have had anything to do with a genuine belief of the existence of criminality. So you having been part of that, or, as I said, at least two possibilities, or that you were used to achieve this purpose, that is the purpose of laying these charges for whatever reason. Do you want to comment on that?

MR ADAMS MP: If I may comment, Commissioner?

CHAIRPERSON: Yes. Most of the cases that we have
 20 before the Court and that are under investigation, we actually do not know who the sources are. Well, not most of them, some of them. So we are used. Many times there is no merit in it. Like you can receive ten things, and there is only two things worth reporting. So I do believe I was used. I believe that what I saw was real. However, the

Courts, the NPA has made a determination. You will soon make a determination. I will respect both.

CHAIRPERSON: But to the extent that there are a number of questions that you cannot answer on issues that you yourself participated with your eyes wide open, one could say that those are indicators that you were a willing participant in all of this. What is your comment?

MR ADAMS MP: Commissioner, the one thing I will take away here, besides the hiding you gave me on day one, is
 10 that I need to pause sometimes. I need to not react immediately, and I need to do better timekeeping above all. But I was not a willing participant in anything. There was nothing in it for me. This has cost me big time. As you can see, I do not even bring an attorney with me because I cannot afford to house him here. So I understand that there are people that might have benefited financially who sat before this Commission. I am not one of them.

This madness that I got myself into, it was only because I want to see our boys live. That is the only
 20 reason. And I tell you now, Commissioner, someone told me last night, Madlanga's going to kill you. I said, why would you say something like that? He said, they need a sacrifice. I said to him, *boeta*, not to you, to him, I said, *boeta*, if our children are going to live longer on the Cape Flats, forget prison, they can see me to hell. And that is

why I am here.

CHAIRPERSON: You know, give them the assurance that I do not kill anybody.

STENOGRAPHER: Thank you.

CHAIRPERSON: Thank you very much.

MR ADAMS MP: Commissioner, if I may?

CHAIRPERSON: Yes, yes, yes.

MR ADAMS MP: I really need to get to the bathroom. I have had lots of water. Let us adjourn, but we will come
10 back. We are not taking the lunch adjournment now.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Let us adjourn now.

ADV SEGEELS-NCUBE: Just five minutes.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube?

ADV SEGEELS-NCUBE: Thank you, Chair. Two brief matters. The first is that Mr Adams has now given us the recording of General Senthumule's evidence at Ad Hoc. It
20 is a two-minute clip that he wants us to place on the record and we will just play it quickly. And then there is one last topic that I want to address with him.

CHAIRPERSON: Is it audible enough?

ADV SEGEELS-NCUBE: It is audible, yes, Chair.

MR ADAMS MP: Chairperson?

CHAIRPERSON: Yes, Mr Adams.

MR ADAMS MP: I just wanted to bring you to your attention. I lost track of time earlier. It is Friday. If my mother sees me on TV at twenty past one, I cannot go home. I need to be in mosque. So if we can please expedite this out. I understand the Commission's responsibility. I am hoping that the Commission understands mine.

CHAIRPERSON: So that is seven minutes.

10 **ADV SEGEELS-NCUBE:** I will be done by then.

MR ADAMS MP: I will keep my answer short. Thank you.

ADV SEGEELS-NCUBE: No, I do not think that you will be able to elaborate. But let us see.

[RECORDING PLAYED BACK]

20 “**FEMALE SPEAKER:** My capacity as the DevCom, I did not have to know the contents of the dockets and transferring dockets for me, it is not about police information. It is actually law enforcement information. So if IDAC writes it down and says these are our dockets, I am not the one to say all that.

MALE SPEAKER: Where were these dockets kept?

FEMALE SPEAKER: They were in General

Jacobs' office.

MALE SPEAKER: Safe?

FEMALE SPEAKER: In his safe, yes.

Where do you normally keep dockets?

FEMALE SPEAKER: Dockets are kept at a station.

MALE SPEAKER: Why were they in a safe at someone's office?

10 **FEMALE SPEAKER**: And I think that that is what General Jacobs ...[intervenes]

MALE SPEAKER: Are these dockets the dockets of Honourable Adams?

FEMALE SPEAKER: I checked yesterday.

MALE SPEAKER: So it is Honourable Adams' case that was kept in a safe?

FEMALE SPEAKER: Yes.

MALE SPEAKER: Do you think that he is justified to think that you were sabotaging his cases?

20 **FEMALE SPEAKER**: Not his cases. He was not the IO. As you can see, the dockets actually ...[intervenes]

MALE SPEAKER: He is the complainant. That is the point. He went to open cases, three police stations. He went to. And he

says to us, he was testifying. He is still going to testify today. He was testifying that you – he has went to three police stations on the basis that he felt that you police of South Africa are sabotaging him. That is the reason he even went to an extent of going to IDAC. And you come here and confirm that the dockets he opened a case on police stations were kept
 10 in a safe of someone's office, not where dockets usually get kept at SAPS.

FEMALE SPEAKER: I was not part of any sabotage and I think I would not accede to that and I would agree with you and I did say this over and over again, that in my capacity as the DevCom, I did not have to know the contents of the dockets.”

ADV SEGEELS-NCUBE: That is the clip that Mr Adams wanted us to play, Chair.

20 **MR ADAMS MP:** Commissioner, I apologise. You know I am here willingly. You know I am trying to be as cooperative as I can. May I ask of you, Advocate, if you could perhaps allow me to answer whatever it is you are going to ask in a supplementary, I have to go to mosque, ma'am.

ADV SEGEELS-NCUBE: Okay.

MR ADAMS MP: I love my life, Justice.

ADV SEGEELS-NCUBE: Chair, I will just then place on record, since I have four minutes left. It is the document at page 3527, which is a section 28(6) summons that IDAC sent to the acting National Commissioner, Lieutenant General Dimphane, asking, in May 2026, asking for the details of the PKTT that travelled to Cape Town to arrest Mr Adams. And that is what I wanted to ask him, whether he
10 had any, and the information is at page 3531, where it says:

“Particulars pertaining to the PKTT team
that travelled to the Western Cape for the
arrest of Mr Fadiel Adams MP.”

And I wanted to know from Mr Adams, what business was it of IDAC to know which members of the PKTT had gone to arrest you? And were you involved in asking IDAC to get this information of the members of the PKTT?

MR ADAMS MP: I was in prison at this time, Advocate.

ADV SEGEELS-NCUBE: It is on the 11th of May.

20 **MR ADAMS MP:** May, no, I never had a discussion with anybody about this. I do not even know if this is IDAC's business. But surely IDAC can come and explain. I would just like to, Commissioner, if Advocate is okay, if I can just... There is a Pretoria case that I would like this Commission to look at. It is 561/7/2024. It relates to the

murder of a covert intelligence, of a CI. There are allegations that ...[intervenes]

ADV SEGEELS-NCUBE: Mr Adams, you have given us limited time, so we have got the case number. We will deal with it. Thank you, we will take down that case number.

MR ADAMS MP: If I may.

ADV SEGEELS-NCUBE: But you said you need to go.

MR ADAMS MP: No, I know my own timing. It is alleged ...[intervenes]

10 **CHAIRPERSON:** Can you not make your point in your supplementary affidavit about that?

MR ADAMS MP: I just want you to hear this, Commissioner.

CHAIRPERSON: Okay.

MR ADAMS MP: God is going to hit me for this, but I just want you to hear this. It is alleged that Brigadier Johnson, who I now know is related to Andrea Johnson, was involved in the cover-up of that murder, and it is believed that that cover-up goes all the way to General Khan at Crime
20 Intelligence. So I am asking you to please have a look at that. Thank you.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Chair, I have nothing further for the witness.

CHAIRPERSON: May I just comment on the clip that was

played? My sense, listening to that and having the background of the evidence that we went through, my sense is that Mr Nqola and General Senthumule appear not to have been aware of the background of the investigation that was being done by General...

ADV SEGEELS-NCUBE: General Jacobs.

CHAIRPERSON: That was being conducted by Colonel Phillips.

MR ADAMS MP: I think I had...

10 **CHAIRPERSON**: If they had had that background, I doubt that the questioning and answers would have gone the way they did. I just wanted to make that comment.

MR ADAMS MP: Am I released, Commissioner?

CHAIRPERSON: Yes.

WITNESS EXCUSED

MR ADAMS MP: Thank you very much.

CHAIRPERSON: Sorry, let us adjourn formally, let us adjourn formally.

ADV SEGEELS-NCUBE: What time do we...

20 **CHAIRPERSON**: Ja, what time do we...? We will come back at twenty past two and what is the final word the, it is just a supplementary from this...

ADV SEGEELS-NCUBE: Correct, Chair.

CHAIRPERSON: Ja, you will communicate with the evidence leaders about the timing and everything. Let us

adjourn and resume at twenty past two.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Good afternoon, Mr Chaskalson.

ADV CHASKALSON SC: Afternoon, Chair.

CHAIRPERSON: Can you please place your name on record?

Good afternoon, members of the panel. I appear for the witness before the Commission. My initial is A, surname
10 Nepaul, spelled N-E-P-A-U-L. I am assisted today by my assistant, Mr Nshaka.

CHAIRPERSON: Thank you. Good afternoon, Mr Nepaul. Thank you. And good afternoon to you too, is it Colonel? Yes, Colonel Govender.

LT-COL GOVENDER: Good afternoon, Commissioner.

CHAIRPERSON: Good afternoon.

ADV CHASKALSON SC: Chair, Mr Nepaul and I have had a bit of a back and forth over the last few days. We have received a series of affidavits from Lieutenant Colonel
20 Govender. One of them is the subject of an *in-camera* application and I think it is important to separate that which can be dealt with publicly and that which may have to be dealt with *in-camera*. In relation to that which can be dealt with publicly, Lieutenant Colonel Govender is still promising us an additional affidavit and we have two thus far. We

have suggested that what we will get is a consolidated affidavit, but it is not here yet.

And in relation to the *in-camera* application, we have agreed a process where the fact of the *in-camera* application will be publicly notified today, will be notified together with what was Lieutenant Colonel Govender's, let me call it, the original *in-camera* application, which does not provide any detail of the evidence, well, which does not provide the evidence which is sought to be kept *in-camera*,
10 but we explained to Mr Nepaul that we cannot, as Evidence Leaders, consider our position until we have seen the whole affidavit setting out that which Lieutenant Colonel Govender wants to testify to *in-camera* and what we are proposing is that by Tuesday, the 25th of August, that is next week Tuesday, at 2 p.m., Lieutenant Colonel Govender will file both his, let us call it the possibly confidential affidavit, together with a supplemented *in-camera* application which the Evidence Leaders and the Commission will see, but which the media will not see, because it will have the
20 information which is sought to be kept confidential.

The fact of the application and the broad outline of what it seeks to achieve, the *in-camera* application, will be publicized today in terms which do not disclose the confidential information. If the Commission, after seeing the full application, or if any member of the media wants to

oppose, they will do so by Wednesday at 2 p.m., in other words, 24 hours after we see the supplemented application. And Lieutenant Colonel Govender, if there is opposition, will file a reply by Thursday morning at 9. If it is necessary for arguments in the *in-camera* application to be heard, we will seek a direction from the Commission that it be heard at some stage from either after hours on the 27th of August or some stage before, Monday the 31st of August, because Monday the 31st of August is the next free day, which we
 10 have, or next available day for the hearing of Lieutenant Colonel Govender's evidence.

We would like to use this afternoon to take Lieutenant Colonel Govender through his non-confidential, or one of the non-confidential affidavits that he has furnished to us so that we can use the time rather than wasting it and having to traverse that in the consolidated affidavit on the 31st of August. So we have agreed to those arrangements, but obviously, it is subject to the Commissioners' consent.

20 What I should have done at the very beginning is handed up this draft so that you can have it in writing in front of you. But can I do that now?

CHAIRPERSON: You confirm the arrangement, Mr Nepaul?

MR NEPAUL: Thank you, sir. Yes, we do confirm those arrangements and the timeline stipulated in it.

CHAIRPERSON: May I ask you to, thank you, Mr Nepaul.
May I ask you to please read it into the record, Mr
Chaskalson?

ADV CHASKALSON SC: I will do so, Chair.

“1. The Evidence Leaders will ensure that
the original *in-camera* application of
Lieutenant Colonel Governor is published
to the media on 21 August 2026.

10 2. Any media organization proposing to
oppose the *in-camera* application of
Lieutenant Colonel Governor will file an
answering affidavit on or before Tuesday,
25 August 2026 at 2 p.m.

3. Lieutenant Colonel Governor will file a
supplemented *in-camera* application
together with an affidavit containing that
evidence which he proposes to give *in-*
camera on or before Tuesday, 25 August
2026 at 14h00.

20 4. The supplemented application and the
affidavit referred to in paragraph 3 above
will be filed with the Commission but not
disclosed to the media unless and until
the Commission rules that the relevant
proceeding should not be held *in-camera*.

5. If any member of the media or Commission wishes to oppose the *in-camera* application:

5.1 they will file their answering affidavit on or before Wednesday, 26 August 2026 at 14h00;

5.2 and Lieutenant Colonel Governor will file his replying affidavit on or before 27 August 2026 at 9h00.

10 If it is necessary for argument in the *in-camera* application to be heard, the Commission will hear argument on or after 27 August 2026 at 16h30 ...”

Meaning on or after 4:30 on the 27th of August but not necessarily on the 27th of August if it does not fit in with where the Commission is.

20 “Lieutenant Colonel Governor will file his consolidated non-confidential witness statement on or before 9h00 on 28 August. Lieutenant Colonel Governor's evidence will continue on Monday, the 31st of August at 9:30 a.m.”

CHAIRPERSON: Thank you, Mr Chaskalson, but can you please explain paragraphs 2 and 5.1. Are they not addressing the same subject?

ADV CHASKALSON SC: You are absolutely right, Chair, so ...[incomplete].

CHAIRPERSON: Except, except that, let me just look, except that 5.1 read with the intro or the main part of the paragraph also refers to the Commission, whereas 2 does not refer to the Commission.

ADV CHASKALSON SC: Chair, I think if we change 2 to we will give notice on or before Tuesday, 25 ...[intervenes].

CHAIRPERSON: All right.

10 **ADV CHASKALSON SC:** I think that is what I originally had in mind.

CHAIRPERSON: All right.

ADV CHASKALSON SC: I am trying to salvage my dignity in this process.

CHAIRPERSON: Thank you. With those changes, a ruling is made in those terms. Thank you.

ADV CHASKALSON SC: Thank you, Chair. At this point, might I ask to be excused. Mr Mosikili will be leading the evidence of Lieutenant Colonel Governor.

20 **CHAIRPERSON:** Thank you. Can you please, Mr Chaskalson, arrange for a proper ruling then to be made for signature by the Commission secretary?

ADV CHASKALSON SC: I will do that, Chair.

CHAIRPERSON: Thank you very much. You are excused. Good afternoon, Mr Mosikili.

ADV MOSIKILI: Afternoon, Chair, afternoon, Commissioners. Chair, Lieutenant Colonel Governor will take an oath, Chair.

CHAIRPERSON: Thank you. You will be swearing?

LT-COL GOVENDER: Yes, that is correct, Chair.

CHAIRPERSON: Thank you, thank you. Do you swear that the evidence you are going to give is the truth, the whole truth - the evidence you are going to give is the truth, the whole truth, nothing but the truth. If so, as you have done
10 already, please raise your right hand and say, "So help me God".

LT-COL GOVENDER: So help me God.

DEENADAYALAN GOVENDER (duly sworn states)

CHAIRPERSON: Thank you.

EXAMINATION-IN-CHIEF BY ADV MOSIKILI: Thank you, Chair. Colonel, you should have with you a file, a written file one. Chair will be using one file with possible reference to file 2, but for now, let us concentrate on file 1. The only reference that the Chair might want to have to file 2 is if the
20 Commissioners want to check the Regulation 10.6 questions that he is speaking to in his affidavit, but anything else will rely on file 1, Chair. In file 1, Chairperson, there is one preliminary affidavit, and then there will be a second statement that is also called the first supplementary statement by the Colonel. Colonel, can you confirm that

you have file 1 with you, which is a statement file?

LT-COL GOVENDER: That is correct, I do confirm, Commissioner.

ADV MOSIKILI: Yes, and then if you flip over to the first page, you will see that there is an indexed statement, and it will say preliminary statement of Colonel Govender.

LT-COL GOVENDER: Yes, that is correct, Commissioner.

ADV MOSIKILI: Thank you. And then you will see that when you go to the next page, I think actually page 1, then
10 that will be the start of the statement, and then if you go to page 28 of that document ...[intervenes].

LT-COL GOVENDER: To page?

ADV MOSIKILI: 28.

LT-COL GOVENDER: 28, okay.

ADV MOSIKILI: Yes.

LT-COL GOVENDER: I am with you.

ADV MOSIKILI: Yes, you will see there on the top right, there is a signature on top of deponent. Can you confirm that to be your signature?

20 **LT-COL GOVENDER:** I do, Commissioner.

ADV MOSIKILI: Thank you, and then you confirm that the contents of ...[indistinct] [microphone off].

LT-COL GOVENDER: Yes, I do, Commissioner.

ADV MOSIKILI: Thank you. And then ...[indistinct] [microphone still off] because he still has to supplement his

statement, some of the annexures are not attached. We have not been finished with them, so some of the paragraphs we will have to skip, because it will not make sense without those annexures, but I will guide the witness when we get to those statements. And also, Chair, you will see that part of the first pages of the statement deals with the administrative exchanges between the attorneys, and that will not make any sense to read that into the record, because we have now reached an agreement that was read
10 into the record by Mr Chaskalson, Chair. Now, Colonel, I want you to start at, so I want you to read your name into the record, and then I want you to start reading into the record from paragraph 1, and I will stop you when you get to paragraph 4, and then I will tell you where to go to from there.

LT-COL GOVENDER: Okay, Commissioner.

ADV MOSIKILI: Thank you.

LT-COL GOVENDER: Commissioner, my name is Deenadayalan Govender. If I may spell it for the
20 Commissioner, it is D-Double-E-N-A-D-A-Y-A-L-A-N, Govender.

“I do hereby make this oath and state as follows. The contents hereof are unless otherwise stated, or where the context clearly indicates, the contrary within my

personal knowledge and belief are true and correct. I am presently a Lieutenant Colonel employed by the South African Police Services. I am attached to the DPCI, Directorate for Priority Crime Investigation Unit, Serious Organized Crime Unit, Durban, and currently the Acting Unit Commander. I am also the Head of DPCI Provincial Tracking Team in KZN. I am properly known as Deena, Govender.”

Number 3:

“I deal with my appointments in a greater detail to set out in my CV, and later on this affidavit, due to the time constraints, I shall prepare a bundle and documents upon which I rely and deliver it separately as soon as possible.”

Number 4 ...[intervenes].

20 **ADV MOSIKILI**: Thank you. Ja, thank you. So Chair, when you get to paragraph 4, it starts with the events of the 10th of June 2026, and really it refers to the engagement between Colonel and this Commission in preparation of his testimony, Chairperson. And from paragraph 4 to paragraph 14, can you confirm, Colonel, that that deals with the

engagement ...[indistinct] [microphone off] can you confirm that paragraph four to 14 deals with your engagement to the Commission and just summarize the essence of that without going ...[indistinct] [microphone off].

LT-COL GOVENDER: I confirm that, Commissioner. I had engagements with the Commission's investigators, and I reached out to the Evidence Leaders as well.

ADV MOSIKILI: And, Chairperson, when you go to paragraph 15 on page 4, so from paragraph 15, Chair, to
10 paragraph 23, there, what is contained is a reference to correspondence between the attorneys, Chairperson. And Chair will see that file 2, it contains the actual correspondence letters between the attorneys, and it will not serve any purpose for the witness to traverse those correspondence.

CHAIRPERSON: You said up to which paragraph?

ADV MOSIKILI: To paragraph 23.

CHAIRPERSON: Two, three.

ADV MOSIKILI: Two, three, Chair.

20 **CHAIRPERSON**: Thank you.

ADV MOSIKILI: Colonel, can you confirm that from paragraph 15 to paragraph 23 on page 7, there it deals with all the correspondence between your attorneys and the Commission?

LT-COL GOVENDER: I do confirm that, Commissioner.

ADV MOSIKILI: Yes. Now, I want us to pick it up from paragraph 24 then, on page 7, in terms of your evidence.

LT-COL GOVENDER: May I proceed?

ADV MOSIKILI: Proceed to read into the record, paragraph 24, yes.

LT-COL GOVENDER: Thank you. Paragraph 24:

10 “I respectfully submit that it is in the
interest of justice and for a fair, proper
hearing that I be allowed the opportunity
to supplement this affidavit when the
latter documents become available. I
shall, however, attempt to the best of my
ability to furnish as much detail as I can
at this stage in response to Regulation
10.6 notice.”

Paragraph number 25:

20 “At the outset, I wish to record that I feel
that I am being unfairly targeted by Mr
Len John of IPID and for ulterior purpose.
For the reasons that will appear
hereinafter, it is my respectful view and
submission that I am being used as a
pawn to discredit Lieutenant General
Mkhwanazi, the Provincial Commissioner
of KZN. It is common knowledge that

this Commission was established pursuant to the allegations made by him.”

Paragraph number 26:

“On Sunday, the 16th of August 2026, I received a telephone call from a known person, the importance of the call was to request me to implicate General Mkhwanazi in the shootings, which John referred to. I have the recording of the
10 phone call. I have requested a transcription of it, and I will make them available to the Commission.”

From there onward, Commissioner, if I could, while I am at paragraph 26, is to refer to the supplementary affidavit one.

ADV MOSIKILI: Chair ...[intervenes].

LT-COL GOVENDER: On the same file, page number 2, Commissioner.

ADV MOSIKILI: Chair ...[intervenes].

20 **LT-COL GOVENDER:** Commissioner ...[intervenes].

ADV MOSIKILI: The supplementary statement is a separate statement, I am just trying to make sure that the Commissioner has found that statement that the witness wants to make reference to. And you want to start at page 2 of that document?

LT-COL GOVENDER: Yes, page 2, paragraph 6, Commissioner.

ADV MOSIKILI: Perhaps before you do that, Colonel, can you confirm on page 5 of that document the signature thereto, to be your signature?

LT-COL GOVENDER: Yes, is it page four?

ADV MOSIKILI: Page 5, on the right, top right.

ADV KHUMALO SC: He is correct, page 4, and then on page 5 is the Commissioner of Oath.

10 **ADV MOSIKILI:** That is precise, yes, bottom right.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Do you confirm that to be your signature?

LT-COL GOVENDER: I do confirm that, Commissioner.

ADV MOSIKILI: And you confirm that this is your statement?

LT-COL GOVENDER: I do confirm that, Commissioner.

ADV MOSIKILI: And you stand by the contents thereto?

LT-COL GOVENDER: Yes.

20 **ADV MOSIKILI:** Yes, then you wanted to take, Chair, to paragraph, to page 2 of the document.

LT-COL GOVENDER: Yes, I want to take the Commissioner to, Chair to page 2 and paragraph number 6, and I will proceed, Chair.

“On Thursday, the 13th August 2024, I was approached by a certain known

persons to have an informal meeting outside the building in which IPID offices in Durban. I duly did so. They told me that I should look to protect myself and not anyone else, that I should give evidence to the Commission on this basis, that I act on the instruction of Lieutenant General Mkhwanazi for the police shootings, that policemen and drug dealers and politicians wanted me to throw him under the bus. I was threatened with being arrested for 172 cases and bail denied and being poisoned. He telephoned the Minister of Police, Minister Senzo Mchunu in my presence. He also told me that he is very close to John from IPID.”

Paragraph number 7.

ADV MOSIKILI: Colonel, before you go to paragraph seven, can you give us the name of the person that called you on the 13th?

LT-COL GOVENDER: Yes, the person that approached me, Commissioner, his name is Mavuso.

ADV MOSIKILI: Can you give us a full name, Colonel?

LT-COL GOVENDER: I can give you his full name. It is

Mavuso Ntandani. I could be wrong with the pronunciation.

ADV MOSIKILI: And then how do you know him, because you say he is known to you?

LT-COL GOVENDER: Yes. Commissioner, I have known him for a few years and I have known him to be close to Minister Senzo Mchunu.

ADV KHUMALO SC: Colonel Govender when you say close to, you know, we have had many allegations in this Commission. Brown Mogotsi is close to this person, so and
10 so. You have seen them together? Why do you say they are close to the Minister?

LT-COL GOVENDER: Commissioner, I will come further on ...[intervenes].

ADV KHUMALO SC: You will deal with that later?

LT-COL GOVENDER: Yes, yes, indeed.

ADV MOSIKILI: All right, we will take that for now then. Please proceed to paragraph 7 then.

LT-COL GOVENDER: Yes, paragraph 7:

20 “On Sunday, the 16th of August 2026, at approximately 10:14, I received a telephone call from one of the persons who I had met on Thursday before. In this conversation, he made serious allegations against Lieutenant General Mkhwanazi and again sought to influence

me, my evidence to the Commission to
falsely implicate Lieutenant General
Mkhwanazi in police shootings. I attach
marked DG1 an independent transcription
thereof.”

Paragraph number 8:

“On Wednesday, the 19th of August 2026, the
aforesaid caller phoned me at 10:36. He continued in the
same vein in his previous conversation. An independent
10 transcription thereof is attached here, marked DG2.”

9.1 ...[intervenes].

CHAIRPERSON: Sorry, sorry, sorry, sorry. In paragraph
6, your use of “they” did not make me think that, did not
make me think that you were talking about more than one
person because these days, that is what people normally
do. “They” will be used so as to cover all persons,
including non-gender conforming people. So I understood
your “they” to mean that or to refer to that. Now I see in 7
that you are referring to more than one persons.

20 **LT-COL GOVENDER:** Yes, Commissioner.

CHAIRPERSON: So who were the other people that you
are referring to in paragraph 6?

LT-COL GOVENDER: Yes, it is a good point,
Commissioner. For clarity, there was another gentleman
that, I do not know his name, that accompanied Mavuso.

CHAIRPERSON: Oh, some oh, so that, were you seeing that person for the first time?

LT-COL GOVENDER: No, I have seen that person before as well.

CHAIRPERSON: But you do not know who they are?

LT-COL GOVENDER: I do not know his correct ...[intervenes].

CHAIRPERSON: And do you know where they work?

LT-COL GOVENDER: Commissioner, they are in business,
10 according to them, but in political circles as well.

CHAIRPERSON: Okay, okay.

LT-COL GOVENDER: Yes.

CHAIRPERSON: Now in 7, was it Mavuso that called you or was it that other person?

LT-COL GOVENDER: It was, Commissioner, always Mavuso that called me.

CHAIRPERSON: All right.

LT-COL GOVENDER: Yes.

CHAIRPERSON: Okay, thank you, thank you.

20 **LT-COL GOVENDER:** We are at paragraph number 9.1.

“Earlier today, being Thursday, the 20th of August 2026, at approximately 6:47, the caller called me again to call me to a meeting. I attended. The caller was in company of another person ...”

And I will refer, as Commissioner said, to the same person that he always accompanied with.

10 “The meeting lasted approximately 1 hour and 20 minutes. In this meeting, the caller continued to persuade me in line of what I have described herein above. In order to convince me, he made a phone call to Minister Senzo Mchunu. The Minister of Police who spoke to me, I recognized the Minister's voice as I had other occasions spoken to him.”

9.2:

20 “The Minister, *inter alia*, asked how I was, told me that this is a very nice country, we must not let anyone ruin this country. He comes from the struggle. This reminds him of the apartheid days. I should tell the Commission that I am getting instructions from Lieutenant General Mkhwanazi for the police shootings.”

9.3:

 “The caller called me at 15:54 today, told me, *inter alia*, ...” [intervenes].

ADV MOSIKILI: Sorry, sorry, Colonel, today would have

been the 20th ...[intervenes].

LT-COL GOVENDER: Yes, that is correct, sir.

ADV MOSIKILI: Of August.

LT-COL GOVENDER: That would have been the same day, ja.

ADV MOSIKILI: Yes.

LT-COL GOVENDER: -:

10 “The caller called me at 13:54 today and told me, *inter alia*, that Lieutenant General Mkhwanazi’s contract would be terminated as it was not awarded properly and things are going to be bad. Attached hereof marked DG3 as an independent transcript thereof.”

Paragraph 10.

ADV BALOYI SC: Colonel, the meeting in paragraph 9.1, where was that?

LT-COL GOVENDER: Can I mention it, Commissioner? I am willing to mention it.

20 **ADV BALOYI SC**: Are you going to mention it, okay.

LT-COL GOVENDER: Yes, Commissioner, it was at Coastlands, Musgrave, Coastlands Hotel, ma'am.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Just clarify, Colonel, how did the, so the last part of 9.2, you say the Minister said to you, you

should tell the Commission that you are getting instructions from General Mkhwanazi regarding police shootings.

LT-COL GOVENDER: That is correct.

ADV KHUMALO SC: So how did your conversation with the Minister end?

LT-COL GOVENDER: Commissioner, there is a recording that will be played, but in this conversation, Commissioner, what happens is, I am respectful towards the Minister, so he speaks to me for a lengthy period and that can be
10 transcribed here as well. You could hear. And I listened to him and in there, he asked whether I have kids. I said, yes, I got two kids. Is this, do I live in two countries? No, I live in one country, South Africa. That is our conversation and towards the latter part, he ended off with that.

ADV KHUMALO SC: What I am getting at is, did you agree to do as he said or you just kept quiet and said bye-bye? So how did it end, the conversation?

LT-COL GOVENDER: I said yes, I said yes, Commissioner.

CHAIRPERSON: You say a transcription of that call, the
20 call referred to in 9.1, may be played. Did I understand you correctly?

LT-COL GOVENDER: Yes. Commissioner, so amongst all ...[intervenes].

CHAIRPERSON: How would you lay your hands on that? Or how did you, because it was the other person calling the

Minister, so it is on their phone, not yours. How did you come to have a transcript of that?

LT-COL GOVENDER: So what had happened, the meeting I had recorded between myself and Mavuso and the second person.

CHAIRPERSON: Okay.

LT-COL GOVENDER: But that call was made from Mavuso's phone that he always call me on. And when he spoke to the Minister, you could hear before that he spoke
10 in Zulu and if I could recall correctly, he said, "Umsaba, I am scared" and he thinks that ...[intervenes].

CHAIRPERSON: It was he who was scared?

LT-COL GOVENDER: Me.

CHAIRPERSON: Oh. Oh, ...[intervenes].

LT-COL GOVENDER: He was referring to me.

CHAIRPERSON: He said you were scared.

LT-COL GOVENDER: Yes, he is telling the Minister that I am scared.

CHAIRPERSON: Okay.

20 **LT-COL GOVENDER**: "Umsaba", he said to me that I am under the impression that Nhlanhla, which is General Mkhwanazi , is close to the number 1, which is the President. So, and then he thereafter gave me, passed his phone to me, where I spoke to the Minister, but it was not a loudspeaker. So I was just responding to the Minister

talking to me. Now, I recognize his voice because I have met him twice before and I know him.

CHAIRPERSON: So what the transcript would show is what you said, not what the Minister said.

LT-COL GOVENDER: No, it do not show what the Minister said.

CHAIRPERSON: Okay.

LT-COL GOVENDER: What I said, my response, Commissioner.

10 **CHAIRPERSON:** Okay, all right, all right.

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: Will the record, does the recording carry his voice?

LT-COL GOVENDER: No, Commissioner, because it was not on loudspeaker from Mavusa's phone. I did not want to tell him, put it on loudspeaker. He would have become suspicious then.

ADV BALOYI SC: Okay.

20 **LT-COL GOVENDER:** Because it was in a sort of a restaurant and people were around us, a bit of noise. Some of the recordings are extremely clear and some were in places like, example, outside IPID was with noise of the cars. For example, this here was a restaurant and you could hear people close to the kitchen making noise and you could hear.

ADV BALOYI SC: No, thank you. You answered, thank you.

LT-COL GOVENDER: Yes. 9.3. Sorry, I finished that. Number 10, paragraph 10, Commissioner, may I proceed?

ADV MOSIKILI: Yes.

LT-COL GOVENDER: -:

10 “I have retained an audio recording of the phone calls received from the 16th of August 2026 and the meeting of earlier today. I wish to give evidence about these calls, the meeting, and the meeting play these recordings to the Commission.”

Well, there is some typographic errors.

20 “I have obtained an independent transcription from Sneller Recordings of the content of the phone calls to me on the 16th of August 2026, at 10:14, 19th of August 2026, at 10:56, which I attach hereto, marked DG1 and DG2, respectfully. I have requested for an independent transcription of the meeting held earlier today and the other recordings. I will make those audio recordings and transcriptions available to

the Commission and Evidence Leaders. I am also attempting to ascertain video surveillance footage of the meeting held earlier today. I will also make such evidence available ...”

Which I did, Commissioner, came through today. Paragraph number 12, okay, I will stop right there, Commissioner.

ADV MOSIKILI: Yes, Chair, so what we have, it is a, so we
10 have the audio of the 16th, that is DG, DG1 and the one on
19, DG2. Those have been transcribed. We have tried to
reach an agreement with the Colonel that we can at least
play one of them. I think the shortest is 4 minutes that we
can play. Alternatively, we can just go through the
transcript, but I am in the Chair's hands, what the Chair
prefers, which will be more efficient. My first price will be
to do the audio, Chair.

CHAIRPERSON: The 4 minute one?

ADV MOSIKILI: The 4 minute one.

20 **CHAIRPERSON**: Let us do that.

ADV MOSIKILI: Thank you, Chair.

ADV BALOYI SC: Sorry, before we forget, in that last
sentence where it says I am also attempting to ascertain
video footage, I understood you, Colonel, to say you have
provided it.

LT-COL GOVENDER: Yes, indeed.

ADV BALOYI SC: That is in the last sentence.

LT-COL GOVENDER: It was fetched today, Commissioner,
from the hotel.

ADV BALOYI SC: You have it, Mr Mosikili?

ADV MOSIKILI: Chair ...[intervenes].

ADV BALOYI SC: If you do, should we not be giving it a
number, as in DG3 or whatever?

ADV MOSIKILI: We do, you will see that on the index, it is
10 the reference to Commissioner, so the video will be item
number 27 and we can, I am just not sure on the numbers
where we are on the CJC's, but it is itemized on the index.

ADV BALOYI SC: 27?

ADV MOSIKILI: 7, yes, that will be the video recording.
So that is on the supplementary statement. May I propose
that because we only have six items, then we see how we
can marry that to the supplementary affidavit or
consolidated affidavit when he brings it in, then we can just
align it properly there so that we do not misuse or duplicate
20 the CJC numbers. But I think for now, because it is six
items, we can manage.

CHAIRPERSON: For purposes of identification, you see
the transcripts themselves, are DG1 and DG2, but what
about the video clips themselves? For purposes of
identification, do not we have maybe exhibit numbers or

whatever?

ADV MOSIKILI: We can, yes, what we can do, Chair, when you go to the index, what we can, so it is DG1, DG2, DG3, so we can continue from there so that at least we do not lose the exhibit, Chair. So we can do item 5 being audio recordings as DG4. So these are annexures, Chair, to his statement.

CHAIRPERSON: Ja, seeing that we went up to, ja, DG3, then we just say 4, 5, 6.

10 **ADV MOSIKILI:** Thank you, Chair, that will make sense. And then when the consolidated affidavit comes, we can deal with it in terms of the CJC's, Chair. Thank you.

CHAIRPERSON: Thank you. Can you play your first one.

ADV MOSIKILI: Thank you, Chair.

AUDIO RECORDING PLAYED BACK

20 "Speaker 1: ... [indistinct] Because ...[indistinct] say you cannot do this alone and you will give instruction someone, so now you cannot let yourself suffer alone and your family, so why ...[intervenes].

Speaker 2: So, who, who do you say the someone is?

Speaker 1: Sorry?

Speaker 2: Who do you say that someone

is, instruction?

Speaker 1: They say maybe the big man
...[indistinct] because they say you
cannot do this alone and you are not
going to go down alone.

Speaker 2: Ja, but who is big man,
Baba?"

ADV MOSIKILI: Chair, I have asked the audio to be
paused so that if one needs to follow with the transcript, it
10 is on page 18. You will see that it just mentioned
unidentified male, "Okay, Colonel, this big man". Is that
correct, Colonel, is that where we are?

LT-COL GOVENDER: That is correct.

ADV MOSIKILI: Thank you, Chair.

CHAIRPERSON: Which 18? I am looking at 7.

ADV MOSIKILI: Yes, Chair, sorry.

CHAIRPERSON: 7?

ADV MOSIKILI: Yes.

CHAIRPERSON: Okay, thank you.

20 **LT-COL GOVENDER:** Sorry, the recording, Commissioner,
you are saying it is 18, page 18?

ADV MOSIKILI: 7.

LT-COL GOVENDER: Okay, 7, yes ...[intervenes].

ADV MOSIKILI: [Indistinct]... [cross-talking] 7.

LT-COL GOVENDER: Yes.

RECORDING PLAYED BACK

“Speaker 2: Which big man they talk about? There is two here, there is two.

Speaker 1: Ja.

Speaker 2: It is Senona and Mkhwanazi.

Speaker 1: I think both of them.

Speaker 2: Ja.

10 Speaker 1: Ja, both of them. Even, they say even if you, you put them under the bus, you are going to come free. But if you do not put them under the bus, they will make you suffer and you are going to stay for all your life in jail.

Speaker 2: Ja, I can see they are pushing that angle there. They are pushing very hard.

20 Speaker 1: Ja, so I do not know what is in your mind, but think twice. I know you are going to, you are going to come out of this if you think properly. I know you are a little bit confused because this, this storm just come from nowhere, you understand?

Speaker 2: Ja.

Speaker 1: Ja, but if someone is in this

storm, you cannot leave him alone. We are here for you.

Speaker 2: Ja, you are my brother, you. But tell me something now, I am just asking you, so, where are you going to take me if I go or where am I going to?

10 Speaker 1: I think on my options, on my side, because I have the connections on direct to number 1 of the country, I think number 1 of the country must take you and sit down with you without telling anyone.

Speaker 2: Ja.

Speaker 1: Please, because you know, everyone knows you are doing a good job in KZN.

Speaker 2: Ja.

20 Speaker 1: You are doing a good job in KZN. Everyone is happy now because of you put your life on the line because of to save people, right, community.

Speaker 2: Ja.

Speaker 1: So, there are other staff there, there, there, but it is going to, but please, let us meet tomorrow so that you

can facilitate this thing, you understand?

Speaker 2: Ja, I know, but what are they going ask me, what I must do? I do not know. What I must do?

Speaker 1: No, let us talk it tomorrow, Colonel. I am with you. You are going come out, but as long as, because now, Colonel, you cannot suffer alone. You understand the point?

10 Speaker 2: Ja. No, it is so unfair what they are doing to me. You can see what they are doing to me.

Speaker 1: Ja, it is unfair because ...[intervene].

Speaker 2: [Indistinct]...

Speaker 1: Because this case is, Colonel, there are 172.

Speaker 2: Ja.

20 Speaker 1: So, 172, each case is life sentence. Each case is life sentence.

Speaker 2: I know.

Speaker 1: So, they are going to make you suffer and they are going to block the bail for you or even the, whatever, but you cannot go alone because we know

who you are.

Speaker 2: Ja.

Speaker 1: You understand? KZN has got peace right now because of you.

Speaker 2: Ja.

Speaker 1: Yes. So, you must not just treat you like you are like anyone. You understand my point?

10 Speaker 2: You know, I have never done anyone anything and you know what, everything, I will help people, but for what they are doing now and trying to set me up, it is sad. It is heartsore, brother. It is heartsore.

Speaker 1: That is why I say, I am with you. As long as you come back to a sense of understanding.

Speaker 2: Ja.

20 Speaker 1: Because I know you are going through a lot and you are frustrated and there is a lot of things keep coming out, coming out, coming out, you see.

Speaker 2: Ja, but who is doing this, Baba? Who is it, McBride? Who is, I know it is coming from McBride. Say,

who else, Baba? Right on top, maybe it is bigger people.

Speaker 1: It is the big people, bigger people, business people, politicians, drug dealers, all of them.

Speaker 2: Ah, ah, ah. But they are after Mkhwanazi, why are they fighting with me?

10 Speaker 1: Actually, they say all these things, you are not doing it for your own instruction.

Speaker 2: Ja.

Speaker 1: You understand?

Speaker 2: But what I am saying, why they fight with me? I never do nothing.

Speaker 1: Colonel, see tomorrow 10 you are going to be free, because I need to see you urgently in the morning.

Speaker 2: Sharp, sharp.

20 Speaker 1: What time ...[indistinct] going to meet?

Speaker 2: I will phone you, Baba, I will phone you.

Speaker 1: Okay, Colonel. Keep well, eh?

Speaker 2: Sharp, sharp, bye, bye.”

ADV MOSIKILI: Thank you, Chair. And then you will see that on page 12, it is the next transcript of the conversation of the 18th. Colonel, then you will see that on page 13. That is on DG2 ...[intervenes].

CHAIRPERSON: Sorry, sorry. Sorry, Colonel, the recording that we just listened to, who is speaking there?

LT-COL GOVENDER: That is, Commissioner, Mavuso speaking to myself.

10 **CHAIRPERSON:** Okay. All right.

ADV MOSIKILI: Colonel, just to be clear, when you mentioned the word Commissioner Mavuso, is it Commissioner Mavuso, are you saying Commissioner?

LT-COL GOVENDER: No, no, Mavuso, I am so sorry. I am addressing Commissioner. It is Mavuso. Sorry for that. I have a photo of him here, Commissioner, if Commissioner allow that. I do have it on my phone here to see really who this guy is.

CHAIRPERSON: You described the second person at the
20 meeting as, I think you said a business person, you said, or not?

LT-COL GOVENDER: Ja, they did ...[intervenes].

CHAIRPERSON: And Mavuso, did you describe, I must have forgotten if you did.

LT-COL GOVENDER: Ja, Mavuso ...[intervenes].

CHAIRPERSON: I am using the first name, I am sorry, which may be disrespectful because I did not quite catch the surname, but what does he do?

LT-COL GOVENDER: Commissioner ...[intervenes].

ADV MOSIKILI: [Indistinct]... [microphone off] Ntandani.

CHAIRPERSON: Ntandani or Ntandane?

LT-COL GOVENDER: So let me put it in this terms, Commissioner ...[intervenes].

CHAIRPERSON: Mr Ntandani, what does he do?

10 **LT-COL GOVENDER:** Yes, so they are sort of political runners in terms of business contracts, you know, running around fixing, they call it fixers. They will fix any problem.

CHAIRPERSON: Okay.

LT-COL GOVENDER: So that is my understanding of them.

CHAIRPERSON: Okay.

LT-COL GOVENDER: They are always together, these two guys.

CHAIRPERSON: All right.

LT-COL GOVENDER: So this footage that we have, which
20 Commissioner will view at some stage, where we are sitting together with both of them and myself.

CHAIRPERSON: Thank you. Yes, Mr Mosikili?

ADV MOSIKILI: Chair, it seems to me that it is quicker to run through the transcript with the audio in the background. Perhaps instead of Colonel doing the blow-to-blow reading

of the transcript, and maybe we just play it through on DG2, if the Commission will allow us to do that.

CHAIRPERSON: Okay, please do.

AUDIO RECORDING PLAYED BACK

“Speaker 2: Hey, Boeta, sorry man, I am in provincial office for the meeting.

Speaker 1: It is fine, how are you?

10 Speaker 2: Hey, I was tired, Baba. I finished up late last night, 1 o'clock, half past 1 in the morning. I came back early, early morning to work this morning.

Speaker 1: So you are going tomorrow, right?

Speaker 2: I am not too sure what is going on. I think maybe tomorrow, maybe Friday.

Speaker 1: Oh, okay. You are not alone. We are together, Colonel.

20 Speaker 2: Hey, I am worried, Baba. Hey, I am telling you.

Speaker 1: Your problem is my problems. The good news is we know what we are doing. And our province is safe because of you. You are putting your life on the line. Yes, some way, somehow, but we

know actually the good job you have done for this province.

Speaker 2: But Baba, these guys are going to keep attacking me. How are we going to fix this problem? They keep attacking me, attacking me. For what? How do we ...[intervenes].

Speaker 1: They want you to expose big people.

10 Speaker 2: Ja, but what can I say? I mean, why are they doing this?

Speaker 1: Because they say you, actually they say you are not doing this alone. There is instruction ...[indistinct] in the morning there is people you report to.

Speaker 2: Ja, but like, I do not know who I report to. That is the problem. I keep asking you that over and over.

20 They have got the wrong perception.

Speaker 1: Yes, maybe ...[indistinct] report to Senona or the PC, so I think if you report to Senona, Senona report to PC. So both of them, there must be account so you will become a state

witness.

Speaker 2: Hey, Baba, my head is
paining, Baba. My head is paining.

Speaker 1: No, this thing is eish
...[intervenes].

Speaker 2: But why ...[intervenes].

Speaker 1: [Indistinct]...

10 Speaker 2: [Indistinct]... after the big
man, PC, so much again? That man is
doing his job. Why they hate him so
much?

Speaker 1: Who?

Speaker 2: Mkhwanazi. Mkhwanazi.

Speaker 1: They do not like him because
he is always honest, same as like you.

Speaker 2: Yes.

Speaker 1: Ja, so they want you to put
him under the bus and also Senona.

Speaker 2: Yes.

20 Speaker 1: Ja.

Speaker 2: But that man is no more here
now. He is gone now. He bought his
discharge. He is gone. He is sitting
somewhere in a farm ...[indistinct] the
farm.

Speaker 1: Ja, but you must account.
You must account. So I do not know, I
do not know. But what is in your mind,
because you cannot fight this battle
alone, Colonel.

Speaker 2: Baba, I only had two hours
sleep this morning, two hours sleep.

Speaker 1: Sorry?

10 Speaker 2: I only had two hours sleep
this morning because I am preparing, you
know, for all lies. The allegations
against me is frivolous and lies. I am
preparing from last night. Two hours
sleep I had. I had nothing to eat.

Speaker 1: Eish. So do you think you are
going to win?

20 Speaker 2: Ja, but it is ...[indistinct]
guys, they all work in one syndicate. You
can see what they are doing to me when
they are lying. If you had an allegation,
why did you not call me and ask me, but
you are calling me for other matters.
Why do you go and go and the whole
world is watching and put my bank
statements up. For what reason? You

know, why did you not call me first and ask me whether you can account for it, or, you know, whatever the case may be. But you liaise with me every other day for different matters.

Speaker 1: No, it is, it is, it is jealous. It is jealous and also I can see there is, there is something behind this.

10 Speaker 2: Ja, but who is behind this guys ...[indistinct]. Who?

Speaker 1: I think ...[indistinct] McBride.

Speaker 2: I told you. I told you the other day, Baba. I told you.

Speaker 1: Ja.

Speaker 2: I told you. I told you.

Speaker 1: Ja, he is, it is McBride and also ja, but it is going to be tough ...[indistinct] [intervenes].

20 Speaker 2: But McBride is not working alone.

Speaker 1: [Indistinct]...

Speaker 2: McBride is not working alone.

Speaker 1: This is, ja, there are a lot of people that ...[indistinct] 172 dockets ...[indistinct].

Speaker 2: Hey, I do not know where they got that figure from.

Speaker 1: No, I think it is got that thing. They say they got that proof.

Speaker 2: Ja, but if he got the proof, then why do not come and arrest me? Why is going and putting it in, in the national television? You know, you are going to the Commission and you are going then. How, these are old matters, Baba. It is not new matters.

10

Speaker 1: Ja, it is old matters. The old, old, old, old, old matters, ja.

Speaker 2: Baba, who else beside McBride, Baba?

Speaker 1: I think there is some other drug ...[indistinct] politicians as well.

Speaker 2: Ja, but if you tell me, at least I will be able to figure it out. My head is not right now. I will be able to figure it out.

20

Speaker 1: I do not know when I am going to see you. Can I see you tomorrow morning?

Speaker 2: Ja, I can see you tomorrow

morning. Tomorrow morning is Thursday.

Speaker 1: Ja, I will come and see you tomorrow morning, ja.

Speaker 2: Ja, I will come in the morning. We will have a breakfast there.

Speaker 1: Thank you. Thank you, Colonel.

Speaker 2: Right, sharp, sharp, bye.

Speaker 1: You are not alone.”

10 **ADV MOSIKILI**: Thank you. Colonel, I think you have made the point. We can reserve maybe part of the remaining audios ...[indistinct] the video for when you return, but I think you have made the point about the calls that you received. Are you happy to proceed on those basis?

LT-COL GOVENDER: I am happy.

ADV KHUMALO SC: Can you just confirm that in the second audio it is the same person as, or it is the same people as in the first one?

20 **LT-COL GOVENDER**: Commissioner Khumalo, I can confirm that, yes, sir.

ADV MOSIKILI: Thank you. Then can you go back to your statement. You should go to page 8.

LT-COL GOVENDER: I am with you, Commissioner.

ADV MOSIKILI: And then you pick it up at paragraph 27 on

top.

LT-COL GOVENDER: Yes, indeed.

ADV MOSIKILI: Thank you.

LT-COL GOVENDER: -:

10 “I have also ascertained that during
2013, John had requested the State
Security Agency to reject General
Mkhwanazi being granted the top-secret
clearance. This was at the point in time
when General Mkhwanazi was put on
special leave by the National
Commissioner. John accordingly
obstructed the top-secret clearance to be
issued to Mkhwanazi at the time.”

ADV MOSIKILI: Colonel, at this point, are you able to
provide, even when you provide your consolidated
statement, any proof to substantiate this?

20 **LT-COL GOVENDER:** Yes, Commissioner, I have spoken
to General Mkhwanazi and he indicated that he will come
back and he has the proof. There was some sort of letter or
email that was sent for the very same John to the State
Security Agencies, and he happened to be the only
Lieutenant General at the time that never got the top-secret
clearance because of John.

ADV MOSIKILI: So the proof you are referring to, it will

come from General Mkhwanazi?

LT-COL GOVENDER: That is correct, Commissioner.

ADV MOSIKILI: Not from yourself? Not yourself?

LT-COL GOVENDER: Not myself.

ADV MOSIKILI: Okay, so for now, we can just not to expect anything in this regard from your consolidated statement.

LT-COL GOVENDER: Noted, Commissioner.

ADV MOSIKILI: Okay. Then let us move on to paragraph
10 28.

LT-COL GOVENDER: -:

“John has failed to entrust the Commission with the information regarding the number of task teams and their activities in KZN region, namely the eThekweni District Task Team, which reports to Major General Kheswa, the eThekweni Infrastructure Task Team ...[intervenes].”

20 **ADV BALOYI SC:** Sorry, Colonel, maybe as you go along, if you could just say what each task team deals with, because the second one you do say it indicates an infrastructure task team, but the others, it is not apparent what they are all about.

ADV MOSIKILI: And then perhaps while you do that, can

you just explain when you say failed to entrust, what do you mean by that?

LT-COL GOVENDER: Yes, Commissioner, let me give some clarity there. So when Mr John came to the Commission, he only spoke about three task teams. And even if you look at this page 8, I have got one, two, three, four, five, six. There is much more than six task teams in KZN. And as Commissioner Baloyi indicated, I will go slowly through each one and explain so we understand.
10 Sorry, I am going so fast. I will go slowly, Commissioner Baloyi. 28.1:

“The eThekwini District Task Team,
which reports to Major General Kheswa.”

Now this team, it falls under the District Commissioner. So maybe I could go back first to give you a better understanding. None of any teams fall directly under General Mkhwanazi, so, and I will highlight it as I am going past. So 28.1, the eThekwini District Task Team, which reports to Major General Kheswa, this team is set up to
20 address infrastructure. It also deals with violent crime. Those teams are also involved in shootings.

28.2, the eThekwini, sorry, the first one was the District Task Team. I am sorry for that, Commissioner. That was not, so the District Task Team is doing exactly what the Provincial Tracing Team is doing. So they are just

called District Task Team falling under the District of eThekweni. So they trace serious and violent crime suspects, police murder suspects, house robbery suspects, the trio crimes, and they quite often in contact shootings as well. And Mr John very well know that he has got all these matters at his unit from these very same unit, but he does not talk about it.

28.2, the eThekweni Infrastructure Task Team, I have spoken about it. It also falls under General Kheswa, and they are also doing the similar job and also involved in shootings and those matters are dealt with at IPID itself. Then we have the Inanda Task Team, which reports to Brigadier Mkhize and General Kheswa. Now, this team is highly active than most teams and Mr John has maybe four or five times more dockets than the three teams he mentioned and mentioned to the Commission in terms of shootings. They deal with the greater part of Inanda and surroundings, which is extremely volatile and violent suspects often hiding there.

King Cetshwayo Task Team, that is, Commissioner, around far north, Empangeni, doing the similar job, setup what the other task teams are doing as well, and also involved in contact shootings, engagements with suspects. The eThekweni Metro Police Task Team, which reports to Commissioner Mchunu at the eThekweni Metro Police and

some of these teams are integrated with the other abovementioned task teams, including my task team. And quite often, they are also involved in many shootings, which Mr John himself and his team is carrying those investigations. He does not talk about it.

The Majuba Task Team, which reports to General Alexandra, and that none of the above task teams report to General Mkhwanazi, I mention again. And there again, those teams are also involved in police shootings. But what
10 I am trying to draw here and explain, Commissioners, is that John has specifically targeted the tracing team, which I command, the team of Pedro Rodriguez.

Now, I want to give an understanding who is Pedro Rodriguez. Commissioner, this policeman is one of the bravest policemen you will ever get. I do not know how many times he has been shot. Now, I will give Commissioner an example. He was conducting a cash-in-transit operation around about 2019, and he was accompanied by a special task force member. There were
20 many task force members, and there was a cash-in-transit that was going to happen towards Nongoma.

Now, they had the information on hand, and the Commander of the team, Carl Van der Vyfer, the late Carl Van der Vyfer, was ambushed in that operation, not far from the tactical members, and subsequently fatally wounded. In

that vehicle was a female who will bear testimony, and she is living today, that he shot her, and she played like she was dead. Then they did not fire more shots. She is alive. That shooting was gruesome. Pedro was there.

There is another shooting that I can talk about. This is the longest shooting Commissioners in history, four hours and 24 minutes, nonstop. I was part, I was there in the shooting. I was investigating the docket where they had killed the police murder suspect, and we in turn had
 10 information they had gone to Estcourt, and there was a full load of kombi with heavily armed guys with rifles and ammunition, and this fight ended up into the mountains, and I will tell you this was a long fight, and Rodriguez was there as well. A task force member got shot as well there.

Mr John does not speak about all the policemen being shot. He just say no one has got shot when he came here. This is the calibre of the policemen that we work with, including Pedro Rodriguez, and he is not who he is perceived to be as a thief or a rogue, and I will defend him.
 20 Commissioner, if I can tell you, go back to another incident recently, let us say maybe a year ago.

ADV MOSIKILI: Before you move on, Colonel, are you willing to accept for a moment that at least Pedro Rodriguez is at least notorious for being a shootist, for being trigger happy? I mean, for example, if you look at just this incident

involving Bevan Loftus, he discharged most rounds out of the guys who were there, so that kind of action seems to precede him in terms of him being very quick on the trigger. Would you accept that proposition at least, whether it is justifiable or not?

LT-COL GOVENDER: Respectfully, no, Commissioner, and I will explain why. So, we are coming back, or let us get back to the Morningside. Can I go back to Morningside? Now that you speak about the Morningside, let me get back
10 there.

ADV MOSIKILI: No, no, we will come to Morningside.

LT-COL GOVENDER: Okay, all right.

ADV MOSIKILI: Let us not, let us stay on the track. We will come back to Morningside. I just mentioned that ...[intervenes].

LT-COL GOVENDER: Respectfully ...[intervenes].

CHAIRPERSON: Please ...[intervenes].

ADV MOSIKILI: [Indistinct]... deal with.

CHAIRPERSON: Okay, please answer the question in
20 whichever manner you see fit.

LT-COL GOVENDER: All right.

CHAIRPERSON: And if you are, I think in fairness, Mr Mosikili, if he thinks he can address your question by referring to Morningside, he should do so.

ADV MOSIKILI: Let it be, Chair.

CHAIRPERSON: Yes, yes. We can go back to Morningside later.

LT-COL GOVENDER: Can I go back ...[intervenes].

CHAIRPERSON: Please answer the question you want, in the way you want to, Colonel.

ADV MOSIKILI: Thank you. You have been given the license, yes.

LT-COL GOVENDER: Thank you, Commissioner. So, coming back to the Morningside, you know, Commissioner,
10 this information of the Morningside incident did not come from me or my team and later we will refer in documents to show that this anti-gang task team, how it was set up, and none of my members or myself shot there. But this information came from Pietermaritzburg, Director for Priority Crime Investigation Unit, Constable Matthew and Colonel Nelson Naicker. The information relating to the Morningside and we will get there now, there was an informer claim put there as well. I do not know who is the informer, but it was paid out.

20 **CHAIRPERSON:** Are you at some point going to focus on the shooting, because I think the ...[intervenes].

LT-COL GOVENDER: Yes, I am getting there.

CHAIRPERSON: All right, all right, because the focus of the question is about ...[intervenes].

LT-COL GOVENDER: I just want to give the Commissioner

a small overview.

CHAIRPERSON: All right, okay.

LT-COL GOVENDER: So, there is two claims, Crime Intelligence gather information as well. Now, there was a buildup before this shooting, Commissioner. The focus was not Bevan Loftus and the others. The information on hand they were working on was a triple murder that was in Green Park case where a couple and a 9 year old child were shot dead. So, that vehicle that was used there was somehow
10 flagged with the sniper cameras information gathered. Subsequent to that on the vehicle, the vehicle was coming down the M13 and the police members that were there with Pedro Rodriguez and the other members stopped that vehicle.

And in that vehicle, there was a guy called Ayanda Mzimela. In that vehicle was AR15, which was taken in the business robbery in Eastern Cape. After that, he had pointed out his premises in Hillcrest where there was an R4 taken from the military.

20 **CHAIRPERSON:** Sorry, Colonel, sorry, Colonel. I have no idea whether Officer Rodriguez will be called. Do you know Mr Mosikili?

ADV MOSIKILI: Chair, not at this present moment we do not have him lined up, Chair.

CHAIRPERSON: I am raising that because perhaps it

would be better to traverse this question with him. I think we are spending a lot of time on this now.

ADV MOSIKILI: Yes, Chair, that is the reason why I do not want to go to Morningside for two reasons. He was not part of the group that did the shooting in any event, so he cannot really answer.

CHAIRPERSON: Yes, yes.

ADV MOSIKILI: And the proposition really to him was a factual account that when the ballistics were done is that he
10 did shoot and in his own statement, it did indicate that he shot most shots. But maybe let us not get lost ...[intervenes].

CHAIRPERSON: Maybe why do we not just not ask the direct question and then the conclusion about being trigger-happy and so on should be a matter of inference. Do you know or do not you know, Colonel, whether Officer Rodriguez fired the most shots compared to other officers who were part of the operation? Do you know or do not you know?

20 **LT-COL GOVENDER:** Commissioner, I do not want to speculate. I must just go back and see the shooting report.

CHAIRPERSON: So you do not know off the top of your head.

LT-COL GOVENDER: Ja.

CHAIRPERSON: I think let us leave it there.

ADV MOSIKILI: Let us leave it there, Chair, otherwise we will not finish the statement.

LT-COL GOVENDER: Commissioner, I just want to go back where I finished off. So there was another incident that the bomb was ...[intervenes].

CHAIRPERSON: No, I think let us follow the statement and the way in which we were, otherwise, we will be all over the show, ja. 31.

ADV MOSIKILI: I think, Colonel, yes, so on page 9,
10 paragraph 31.

LT-COL GOVENDER: 31, yes.

ADV MOSIKILI: So maybe start from then, read that into the record.

LT-COL GOVENDER: -:

“However, due to the time constraints, I
am not in possession of all my bank
statements and financial documentation.
I will deliver a supplementary affidavit
explaining those transactions as soon as
20 I am in possession.”

ADV KHUMALO SC: Colonel, maybe please start at 30, because you are addressing the Rule 10 Notice in 31.

LT-COL GOVENDER: Noted, Commissioner, I will do so.

“Furthermore, I was surprised to hear
that John's evidence at the Commission

when it was televised regarding the financial affairs of my wife and I in regard to the acquisition of our property and deposits made into various accounts. I was not contacted by any police officer, officer from IPID, any fiscal authority questioning these transactions. I was not given an opportunity to answer those allegations to IPID before it was
10 televised. I intend dealing fully and comprehensively with that aspect in John's evidence and the Rule 10 Notice."

ADV MOSIKILI: Before you continue, maybe you want to comment just to be fair to Deputy Director John, and you can take it for a fact that he did, Chairperson, provide us with a very detailed statement mentioning some of these task forces and also where he gave us detail on the statistics regarding the conduct of the other shootings. It is just that we had to confine his statement to what we
20 consider to be relevant for the purpose of the terms of reference and giving evidence. So please accept it that he did take us into confidence and it is just that we had to reshape his statement to confine it to what we needed for the purpose of presenting evidence. So I do not think it is quite accurate to say that, I think the word used is to say

that he has failed to entrust the Commission *per se*. He would testify and say that he did provide a very detailed statement, but we had to chop and change to make it more confined.

LT-COL GOVENDER: Ja.

ADV MOSIKILI: So please accept that in whatever criticism that you are entitled to attribute towards him, but please accept that he did give us a detailed statement, but for the reasons that I have just given to you, his affidavit
10 came the way it is.

LT-COL GOVENDER: No, I accept that, Commissioner, but I just want to go back because if I hear what Mr John said, rifles were not recovered on scenes. Now I brought statistics to give bundles to the Commissioner to bring forward. A lot of rifles where I was present was recovered. Explosives, I can quote different incidents where explosive was recovered. He says no explosives.

ADV MOSIKILI: Yes, no, no, you deal with that later on in your evidence ...[intervenes].

20 **LT-COL GOVENDER:** Yes, yes.

ADV MOSIKILI: But I just wanted to say, take that into account, what I am telling you.

LT-COL GOVENDER: Noted, Commissioner.

ADV MOSIKILI: Thank you, let us proceed then where you deal with the financial transactions on paragraph 31.

LT-COL GOVENDER: Yes.

“However, due to the time constraints, I am not in possession of all my bank statements and financial documentation. I will deliver a supplementary affidavit explaining those transactions as soon as I am possession of those documents. In these regards, I beg the indulgence of the honourable Commission to allow me a reasonable opportunity to obtain the source material before responding to the request made in Regulation 10 Notice.”

Paragraph 32.

ADV MOSIKILI: Before you go there. Chair, just to give context. In this regard, Chair would remember that there was evidence to the effect that Colonel has to explain some transactions to his account and one of the amounts, at least the total was 2.3 million that was somehow linked to the payout for the alleged hit on Bevan. So we had asked him to explain those transactions and here he says that he has not had a chance to consider his own bank statements and he will do that in due course and ...[intervenes].

CHAIRPERSON: I would just say there was not necessarily a link. It was a link made by Mr Bevan Loftus himself. But there was no other objective basis for saying there is a link,

am I mistaken?

ADV MOSIKILI: That is correct, Chair. But the question is that he had to, for various reasons ...[intervenes].

CHAIRPERSON: Yes, yes.

ADV MOSIKILI: To be fair to him, to explain those transactions.

CHAIRPERSON: Yes, yes. No, I am ...[intervenes].

ADV MOSIKILI: But you are quite right, there was no direct linkage that we can work on, on the link.

10 **CHAIRPERSON**: I understand.

ADV MOSIKILI: On the hit.

CHAIRPERSON: I understand.

ADV MOSIKILI: Yes, and ...[intervenes].

LT-COL GOVENDER: Commissioner, may I respond, please? There is not, I can stand before the Commission, even a single transaction coming from Mr Clive Naicker to my bank account or anyone else and I will explain that in due course.

20 **ADV MOSIKILI**: Yes, no, no, we understand that. That is why we want an explanation because we want to know where they come from. Let us deal with paragraph 32 and then we can take it from there.

LT-COL GOVENDER: -:

“My attorneys had requested the Commission to provide me with copies of

the bank statements on which it relies
and make their averments against me,
but the Secretariat has advised that the
issue is referred to as the Evidence
Leaders who will revert to my attorneys.
At the time, deposing to this affidavit,
there has been no response from the
Evidence Leaders. I am therefore
severely handicapped and cannot deal
10 with those allegations at this stage.
Suffice to record, and the source, and
advancing of the funds, to me, are all
lawful and legitimate.”

ADV MOSIKILI: And, Colonel, at this stage, you will at
least accept that the position has changed because we have
provided you with this document and your attorney can
confirm that.

LT-COL GOVENDER: Yes, indeed, Commissioner, I can
confirm that.

20 **ADV MOSIKILI:** Thank you, then we can move to
paragraph 33.

LT-COL GOVENDER: 33:

“Furthermore, John is not the initial
investigators at IPID who multiple dealt
with any of the complaints of the police

shootings by members of these teams under my command. The complaints were previously investigated by other officers. He therefore has no first-hand knowledge in respect of those investigations and explanations by the members of the teams that I was in charge of.”

Paragraph 34:

10 “John misled the Commission when he stated that the teams that I was in charge of made no recoveries.”

And I think I addressed that to the Commissioners just now.

“The substantial recoveries ...”

Commissioner, which I will give a database at some point in time to the Commissioners.

20 “... I will include a schedule reflecting substantial recoveries, weapons, ammunition, drugs, explosives, monies, et cetera, and the rest in the bundle that I will deliver.”

35.1:

“Furthermore, John referred to the telephonic conversation between Naicker

and Bevan Loftus, Bevan. A transcript, therefore, was produced and tendered to the Commission. The voice recording was played at the Commission. A listing of the voice recording contains the name Puff. Yet he sought to have the Commission to rely on what, with respect, is clearly an incomplete and therefore incorrect transcription. The importance of this doctoring of the transcript and evidence will appear thereafter.”

35.2:

“My attorneys have secured an independent transcription of recordings, which was televised after being flighted in the evidence before the Commission. The independent transcription was done by Sneller Recordings. In it, the late Bevan is heard to have also said, as part of his utterances, you and Puff, referring to the Naicker and Puff. It bears mentioning that some two days after that phone call by Bevan, employees of Naicker operating a tow truck, which

were shot during March, 2023, Kalicharan Puff, his wife and his child were shot and killed and Bevan was identified as one of the shotters.”

ADV MOSIKILI: Chair, and Colonel, so what the Colonel has done, Chair, was to take the audio that we played, that was a recording between Mr Naicker and Mr Bevan, and gone through it and picked up some of the things that we did not pick up and he has done his own transcription. And
10 he has, and what I would like to do, Chair, while we have had the video, ag, the audio, I would like us to play it with a specific attention to what he says we did not transcribe properly in what we were provided with and then he can tell the Commission the relevance of that part that he says is important to his testimony, Chair.

CHAIRPERSON: Just remind me, I know from the transcript itself, it was not long at all. How many minutes is it, do you remember?

ADV MOSIKILI: It is less than two minutes, Chair, if I
20 remember well. So Colonel, we will play the audio, and then you will pick up what you say is not appearing on the transcript, and then you can inform the Commission why you say that it is relevant in relation to your testimony.

LT-COL GOVENDER: Noted.

ADV MOSIKILI: Chair, before we play it, I have been

corrected to say that it is not the Commission that transcribed that audio. It is what we received from Mr Gregory Loftus, being the father, Chair.

CHAIRPERSON: I thought so.

ADV MOSIKILI: Yes, Chair.

CHAIRPERSON: I thought so.

ADV MOSIKILI: Thank you, Chair.

AUDIO RECORDING PLAYED BACK

10 “Speaker 1: The Roadstar, Mr Clive
himself. How are you?

Speaker 2: [Indistinct]...

Speaker 1: Lekker. Lot of money, 2,5 on
my head now, eh?

Speaker 2: [Indistinct]... Bevan, you.

Speaker 1: How you can ...[indistinct]
[intervenes].

Speaker 2: [Indistinct]...

Speaker 1: How you can phone Dane to
tell Dane to set me up?

20 Speaker 2: [Indistinct]... I do not even
fucking know ...[indistinct] [intervenes].

Speaker 1: Ja, me I never ever fought
with you. I have no problem with you,
but look like you after me, you are paying
Deena Govender, you are paying

...[indistinct] you and Puff to do all this things to me. I never had nothing to do with you. I never minded your business. I have got no flop with you, but Bali, you went out of your way to do all these things to me. You want to kill me and all that kind. Bali, where is the numbers?

Speaker 2: Are you going to ...[indistinct] against me or are you telling ...[indistinct].

10

Speaker 1: I am asking you where is the numbers, Bali.

Speaker 2: [Indistinct]... [intervenes].

Speaker 1: I never do fuck all to you.

Speaker 2: [Indistinct]...

Speaker 1: [Indistinct]... done fuck all to you.

Speaker 2: [Indistinct]... the people ...[indistinct].

20

Speaker 1: See how Bali, see how ...[indistinct].

Speaker 2: [Indistinct]... [cross-talking].

Speaker 1: No, flop, you want to kill me, right, no, flop. The fastest lives the longest. Right, lekker.

Speaker 2: [Indistinct]..."

CHAIRPERSON: So the, Colonel, is the only, I am not saying it is not important, but is the only exclusion, the Puff, or is there anything else that you had to add in your own transcription?

LT-COL GOVENDER: No, Commissioner, the importance of Puff, why it was left out ...[intervenes].

CHAIRPERSON: Is it the only thing that was left out?

LT-COL GOVENDER: Yes.

10 **CHAIRPERSON**: Is it just Puff only?

LT-COL GOVENDER: Yes, Commissioner.

CHAIRPERSON: All right. Now its importance, yes?

LT-COL GOVENDER: Yes.

CHAIRPERSON: Give us the full sentence that had the Puff.

LT-COL GOVENDER: Yes, so Puff is also an alleged drug dealer, and he lived in Unit 11, Chatsworth. So him and Clive were friends, Clive Naicker. So the importance here, he says, the fastest live the longest, because the threat was
20 made against Puff as well. Within a short space of time, Puff and his wife were going to buy ...[intervenes].

CHAIRPERSON: Let us start here. I asked you to just, either looking at whatever ...[intervenes].

LT-COL GOVENDER: Yes.

CHAIRPERSON: Just read us the sentence that has Puff in

it.

LT-COL GOVENDER: Okay, let me do that for you.

CHAIRPERSON: As is.

LT-COL GOVENDER: The voice recording contains the name Puff, that is on paragraph 35.

CHAIRPERSON: I want the full sentence.

LT-COL GOVENDER: The full sentence, I will give you now. A listening of the voice recording contains the name Puff. It is line four, line four, Commissioner.

10 **CHAIRPERSON**: Oh, where it says you and Puff?

LT-COL GOVENDER: Yes, Commissioner.

CHAIRPERSON: What we should have done, I thought I did hear this, you and Puff, but I forget what the sentence was. Maybe we should have asked you to ask for us to pause it, where it talks about Puff, so that maybe we could go back a few seconds and just replay that, okay.

LT-COL GOVENDER: Yes.

CHAIRPERSON: But what is your recollection of the full sentence, you and Puff, what, put 2.5 on my head or what?

20 **LT-COL GOVENDER**: Ja, something like that, Commissioner, when I heard the ...[intervenes].

ADV MOSIKILI: So, Chair, just to assist, the sentence would say, it would start at saying:

“You are paying Deena Govender, you are paying all the *kêrels*, you and Puff, to

do all these things to me.”

CHAIRPERSON: Okay, all right, all right.

ADV MOSIKILI: So, the previous version, it said:

“You are paying all the *kêre/s* to do all
these things to me.”

CHAIRPERSON: Okay, all right. Now, you were telling us
the significance or the importance.

LT-COL GOVENDER: Yes, Commissioner.

CHAIRPERSON: Yes.

10 **LT-COL GOVENDER**: So, the parents were ...[intervenes].

CHAIRPERSON: Thanks, Mr Mosikili.

LT-COL GOVENDER: So, the parents were taking the
young girl to buy some, doing birthday shopping, to have a
party, and they subsequently were shot.

CHAIRPERSON: Puff being one of the parents?

LT-COL GOVENDER: Correct.

CHAIRPERSON: All right.

LT-COL GOVENDER: They were shot in ...[intervenes].

CHAIRPERSON: The name is, what is it now, yes
20 ...[intervenes].

ADV MOSIKILI: Kalicharan.

CHAIRPERSON: All right, please continue.

LT-COL GOVENDER: Was subsequently shot with high-
powered rifles in Springfield Park area, together with their 9
year old child and that case, the anti-gang task team,

because Puff was also an alleged drug dealer as well, so, we had taken the investigation over, and I explained earlier on, the information came from Crime Intelligence Covert and Pietermaritzburg NPVC.

CHAIRPERSON: And as you say, in paragraph 35.2, this is only two days after the phone call.

LT-COL GOVENDER: Commissioner, there would not be two days. Is Commissioner referring to 35?

ADV MOSIKILI: 35.2.

10 **CHAIRPERSON:** No, no, no, I see the two days is referring to another incident.

LT-COL GOVENDER: That is another incident of ...[intervenes].

CHAIRPERSON: Okay, okay.

LT-COL GOVENDER: Of another tow truck, Roadstar.

CHAIRPERSON: All right. Okay, all right. Is there anything else you want to say about the significance or are you done now?

LT-COL GOVENDER: No, that is it.

20 **CHAIRPERSON:** Thank you very much. Yes, Mr Mosikili.

ADV MOSIKILI: And then you proceed, then let us go to page 11, where you deal with *ad seriatum* to the parts of the aforesaid notice to the best of your recollection. You will see on top, it says ad paragraph 2.1.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Can you pick it up from there? Maybe if you leave it there and say that you will submit your CV in due course.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Then you can start with 2.2.1.

LT-COL GOVENDER: Yes.

CHAIRPERSON: So what we usually prefer is to have the question itself read and then the answer, because otherwise the response will be out of context or we will not understand
10 what that is.

ADV MOSIKILI: Chair, I accept that, hence I said 5.2.

CHAIRPERSON: Oh.

ADV MOSIKILI: But the way they have answered, Chair, it does give context to what he speaks to. Perhaps we can do one or two questions, but if the Chair insists that we read the question, then we will do that.

CHAIRPERSON: Let me just look at 2.2.1 then and see.

ADV MOSIKILI: Yes, Chair. So, Chair ...[intervenes].

CHAIRPERSON: Our preference is still for you to read the
20 question yourself and then the Colonel will read his responses.

ADV MOSIKILI: Oh, let us do that, Chair.

CHAIRPERSON: Yes.

ADV MOSIKILI: So the questions themselves, or the Regulation 10.6, it is on file 2.

CHAIRPERSON: Okay.

ADV MOSIKILI: And it will be item 2, Chair, and that will start on page 2 as well, Chair.

CHAIRPERSON: Thank you.

ADV MOSIKILI: Yes, Chair. And then Colonel, I am going to read the questions to you and then you will then read your responses thereto.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Yes, but if you want me to repeat the
10 question ...[indistinct] [microphone switched off]. Thank you. So 2.1, we have dealt with, Chairperson, which deals with your SAPS DPCI career and your current rank. Then we go to question 2.2, which says:

“Details in relation to the anti-gang unit,
cash-in-transit task team, provincial
tracing team (the task team).”

Then the question being:

“Are the task teams separate units or one
specific unit?”

20 So that is 2.2.1. Can you read your answer to that question?

LT-COL GOVENDER: So, must I read 2.2.2?

ADV MOSIKILI: 2.2.1 ...[intervenes].

CHAIRPERSON: No, your paragraph ...[intervenes].

LT-COL GOVENDER: Okay, thank you.

CHAIRPERSON: Your paragraph 37.

LT-COL GOVENDER: Sorry, Commissioner, I did not know.

10 “The anti-gang task team and the DPCI
 provincial tracing teams are separate
 units. There is no cash-in-transit task
 team. Cash-in-transit, police murders,
 and other serious and violent crime were
 also attended by the DPCI provincial
 tracing team. For convenience, I shall
 refer to the first mentioned task team as
 the anti-gang task team, and at the latter,
 the tracing team.”

ADV MOSIKILI: And then 2.2.2:

 “When was each unit formed and what
 was its strategic objective?”

 And you give your answer at paragraph 38.

LT-COL GOVENDER: Yes.

20 “I shall deliver copies of the written
 authority establishing the anti-gang task
 team and the tracing team. It records the
 dates and persons appointed to each of
 those teams, and the strategic objective
 of each team, the dates when each one
 was formed, and the persons appointed
 to it.”

ADV MOSIKILI: Go to the next paragraph.

LT-COL GOVENDER: 38.2:

“In summary, the anti-gang team was established on the 17th of October 2022, and was to be dissolved on 20th September 2023.”

38.3:

10 “The tracing team was established on 6 June 2023, and was to continue until further notice. With the establishment of the tracing team, the anti-gang team was dissolved.”

ADV MOSIKILI: The next question is:

“What is your role in each unit?”

That is paragraph 39 where you give an answer.

LT-COL GOVENDER: -:

“I acted as the Commander of the anti-gang team, and the Head of the provincial tracing team.”

20 **ADV MOSIKILI:** And then:

“To whom does each unit report to?”

LT-COL GOVENDER: -:

“The anti-gang and the tracing teams report to me, I report to Brigadier Nyuswa on behalf of the teams. Brigadier

Nyuswa in turn reported to Major General Senona, who was the Provincial Head of DPCI KwaZulu-Natal. Brigadier Nyuswa had five units of Serious Organized Crime unit, including the CATS unit, Crimes Against the State, the TRC, Truth and Reconciliation Commission, reporting to him. The task teams are not a permanent structure, unlike the other units.”

ADV MOSIKILI: The next question is:

“What criteria are used to select the members of each unit?”

LT-COL GOVENDER: -:

“The proposal to establish the anti-gang was made by the Provincial Head of Organized Crime Investigations, KwaZulu-Natal, namely Brigadier PT Mbele. He therefore identified the members of the anti-gang team that he wanted to serve in it. Upon approval of the recommendation, a call-up notice was issued on the 17th of October 2022, for members to report to the anti-gang team.”

ADV MOSIKILI: Please proceed.

LT-COL GOVENDER: 42:

10 “Although the information requested
 therein is not within my knowledge, but
 within the knowledge of the management
 of the SAPS, Brigadier Nyuswa, in his
 capacity as the Provincial Commander of
 Serious Organized Crime Investigation,
 Directorate for Priority Crimes, asked me
 for recommendations of officers when he
 intended forming the task team. I made
 recommendations on, *inter alia*,
 expertise, investigation, tactical
 penetrations, K9 expertise, tactical
 response, crime intelligence, analytical
 monitoring, sniper cameras, and profiling.
 He also recommended certain officers
 from his section.”

20 **ADV KHUMALO SC:** Colonel, question 2.2.5, and your
 response there, these two units, so the anti-gang unit and
 the tracing teams, are they SAPS or DPCI? What are they?

LT-COL GOVENDER: Commissioner, good question.
 Those are integrated teams.

ADV KHUMALO SC: They are integrated?

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: So they comprise both SAPS and DPCI?

LT-COL GOVENDER: Correct, from the Provincial Commissioner and from the Provincial Head at the time, which was General Senona.

ADV KHUMALO SC: Yes. Now, do members of the Metro Police form part of any of these units?

LT-COL GOVENDER: That is correct, Commissioner. Later on, we will explain, as we go along, of the tracing
10 team, how they incorporated the different role-players, and external role-players as well, how we incorporate them and for what purpose.

ADV KHUMALO SC: But all of them reported directly to you, and you reported to Brigadier Nyuswa?

LT-COL GOVENDER: That is correct, Commissioner Khumalo.

ADV MOSIKILI: Colonel, just while we are there, let me take advantage of this. Pedro Rodriguez, where would he fall?

20 **LT-COL GOVENDER:** He would fall under the Durban K9 unit.

ADV MOSIKILI: And in terms of this ...[intervenes].

LT-COL GOVENDER: He was not part of both teams, the tracing team or the anti-gang task team.

ADV MOSIKILI: So he is not part of it?

LT-COL GOVENDER: No, Commissioner.

ADV MOSIKILI: Okay, let us continue. We will pick it up later then. Go to paragraph 43.

LT-COL GOVENDER: I am with you, Commissioner.

ADV MOSIKILI: Yes, please read that into the record, because it is still answering the same question.

LT-COL GOVENDER: -:

10 “On the 2nd of June 2023, Brigadier Nyuswa, in this capacity of Provincial Commander, Serious Organized Crime Investigation, Directorate for Priority Crime Investigations, KwaZulu-Natal, applied for the establishment of a tracing team. His request was approved by the Provincial Head, DPCI KZN, Major General Senona, on the 6th of June 2023.”

ADV MOSIKILI: Continue.

LT-COL GOVENDER: 44.

20 **ADV MOSIKILI:** Yes.

LT-COL GOVENDER: -:

 “I was appointed in writing as the Head of KwaZulu-Natal DPCI tracking team. The document also dealt with movement of Lieutenant Colonel PK Majola, and

contains details of the movement of Lieutenant Colonel PK Majola from Crimes Against the State to Durban EPR, which is Economic Protected Resources.”

They deal with kidnappings and so forth.

ADV MOSIKILI: And then the next question is:

“How is each unit funded?”

LT-COL GOVENDER: 45:

10 “There is no extra funding of the teams. Members retained their ordinary benefits in accordance with their conditions of employment. Those are funded by the state. There were no extra costs incurred by the state in members serving in the anti-gang task team and the tracing team. Members seconded to the Provincial DPCI tracing team remained administratively attached to their respective components, and continue to

20 utilize the physical resources, operational equipment, vehicles, allocated budgets of those components whilst performing the tracing team functions. Consequently, the establishment and operation of the

tracing team did not require any additional financial resources from the DPCI as participating in the components provided necessary logistically and operational support from their existing resources and budgets.”

I would like to explain this, Commissioner, if you will allow me to. So, for example, this unit of the tracing team, we have a whole platoon of Pietermaritzburg K9. 10 Although they work in our operations as arrangement, but administratively they fall under Pietermaritzburg, with their code, their finance, their vehicles, their firearms, and administratively. For example, Metro Police, they would come on board and they are funded by Commissioner Mchunu, Metro Police itself, but they come with the resources, the cars.

And simultaneously the tactical response team, they will fall under the provincial office of tactical response teams. Everything is done administratively by them. They 20 causes funding, equipment, vehicles. So that is what I am trying to explain. There is no additional funding where you have to buy vehicles for, specifically for this team.

ADV MOSIKILI: Yes. Thank you, Colonel. The next question, 2.2.7:

“The fatality rates in respect of task team

operations, in respect of which you have been involved, including the total number of suspects arrested in task team operations in which you have been involved, the total number of suspects killed in task team operations in which you have been involved, the total number of suspects wounded with gunshot injuries in task team operations in which you have been involved, the total number of SAPS members killed in task team operations in which you have been involved, and the total number of SAPS members wounded with gunshot injuries in task team operations in which you have been involved.”

And you give your response at paragraph 46.

LT-COL GOVENDER: Yes, Commissioner, at paragraph 46:

“I am currently not in possession of the detailed request therein. However, information sought can be obtained from the Priority Crimes Management Centre, which is commonly known as PCMC, KZN. Presently the person in charge is

Colonel Mangule.”

And if I can also elaborate on this here, Commissioner. So every operation, every arrest, everything is accounted by PCMC. It is, we have to give a detailed report and they capture it at the province. From the province, it goes to national. So we are going to access it from them. They would have the accurate account of exactly what is required, Commissioner.

ADV MOSIKILI: Then for the purposes of this question and
 10 incidents that we mentioned that you were involved in, can you, do you need assistance from our side to help you retrieve some of this information so that they can form part of your comprehensive statement?

LT-COL GOVENDER: Yes, indeed, thank you, Commissioner. If we could get some something in writing from the Commission itself and given to the Acting Provincial Head, which is Brigadier Mulligan, she would gladly release those details or information, rather, to the Commission.

20 **ADV MOSIKILI:** Yes, and we are only interested in the ones that you were involved in. Then can we go to the next question, and this deals with the Morningside five shooting incidents. Question 2.3.1:

“Can you elaborate on the environment of the unit in the investigation of Brandan

Puff Kalicharan and family killings? Who was Puff and what criminal activities was he involved in?"

LT-COL GOVENDER: -:

10 "Members of the anti-gang team did investigations consequent to the triple murder of the Kalicharan family. Puff Kalicharan, his wife and his child were killed in a drive-by shooting. The detail of the members of the unit in the investigation is contained in the police docket relating to three murders. I am not in possession of the docket at this stage. Such information cannot elaborate further. Intelligence suggests that Puff lived in Chatsworth, Unit 11, and was rumoured to be a drug dealer."

ADV MOSIKILI: And then the next question is:

20 "What evidence were you aware of in the dockets against Bevan in the ...[indistinct] case number 7 ..."

There is a case number there, I do not think I need to read that to the record, there is two CAS numbers.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Yes.

LT-COL GOVENDER: -:

“So I do not have access at this stage to two police dockets referred to. I am therefore unable to respond meaningfully to the request made in sub-paragraph and access the dockets and answer the questions.”

ADV MOSIKILI: And then the next question:

10 “What were the reasons for the raid on the Loftus family home on the 13th of December 2022?”

LT-COL GOVENDER: -:

“I filed a comprehensive affidavit in the interdict proceedings.”

CHAIRPERSON: Sorry, sorry, should you not read 2.3.4 and 2.3.5 as well?

ADV MOSIKILI: Yes.

CHAIRPERSON: Because the response is responding to all three.

20 **ADV MOSIKILI:** That is so, Chair. So the next question, keep in mind the question that I asked before, what were the reasons for the raid of the Loftus family home on the 3rd of February 2023, and then the details of how you identified the location of Bevan Loftus in Morningside on the 1st of April 2023, and how you gained access to the flat where the

suspects were hiding, and then you deal with all of that in one response of paragraph 49.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Going forward.

LT-COL GOVENDER: Commissioner, I did give Commissioner a small background as to how we got there and to the premises and where it started, what led us there and who led us there as well.

ADV MOSIKILI: Are you proceeding?

10 **CHAIRPERSON**: Please just read from 49 all the way to ...[intervenes].

LT-COL GOVENDER: No problem, Commissioner. I will do that.

20 “I filed a comprehensive affidavit in the interdict proceedings instituted by Mr Gregory Loftus against myself and others under the case number D3437/2023 in the High Court of South Africa, KwaZulu-Natal Local Division. I do not have a copy of that affidavit at this stage. I am uncertain whether it has been made available by Mr Loftus or Senior, Mr Len John to the Commission ...”

[Indistinct]... Len John ...[indistinct] sorry.

“My attorneys have requested the

Registrar of the High Court in Durban to make a copy available. She is presently trying to ascertain the court file. I also attended upon the State Attorney and emailed the State Attorney the request a copy of the affidavit. My attorneys also requested it from the attorney who represented the applicant. I have still not received a copy of it. However, my receiving a copy of it, I shall forward it to the Commission as it constitute the important evidence contradicting much of the evidence led before the Commission regarding the Loftus family.”

ADV MOSIKILI: Colonel, at this stage, is it fair that as you sit today, you have obtained this affidavit, well, the complete application with the affidavits?

LT-COL GOVENDER: Yes, indeed, the Commission provided to us.

20 **ADV MOSIKILI:** And we can deal in detail when you submit your comprehensive affidavit on Tuesday.

LT-COL GOVENDER: Yes, indeed, Commissioner.

ADV MOSIKILI: Thank you. But nevertheless, please proceed to read into the record paragraph 50.

LT-COL GOVENDER: Yes, paragraph 50:

“Without the benefit of the aforesaid affidavits and access to the police dockets, I record herein that to the best of my ability and recall matters of relevance in regard to the Loftus family and their allegations.”

ADV MOSIKILI: Ja, please proceed.

LT-COL GOVENDER: 51:

10 “To my knowledge, no member of the Loftus family have been intimidated by any conduct by members of the SAPS. Obviously, if any such conduct had been engaged upon by other members of the SAPS, not in the anti-gang team, for any other reasons of which I have no knowledge, I cannot comment thereon. I make it clear, however, the members of the anti-gang team had not yet engaged any such conduct in relation to any

20 member of the Loftus family.”

52:

“As far as Bevan is concerned, I do believe that he did own a tow truck business called First for KZN, but I have no knowledge of his threats,

assassination made against him, or information that there was a contract to kill him. It is obvious that the insinuation is that such occurred at the instance of the members of the anti-gang team. I deny the same. I should also inform the honourable Commission when a member of the police is engaged in untoward conduct of any nature relating to their occupation, persons affected thereby are entitled to lodge complaints with, *inter alia*, the Provincial Commander of the unit concerned, the Provincial Head of the Hawks, the Provincial Commissioner of the South African Police Services, Crime Stop Hotline accepts anonymous calls, all of which are internal remedies, but they can also lodge a complaint with the external remedy provider, namely Independent Police Investigative Director, IPID. The judge is appointed to oversee matters involving the Hawks and the South African Police Service.”

This is a retired judge, Commissioner.

“I accept that I was the Provincial

Commander of the anti-gang team, and therefore complaints, if there were any, would not be expected to be made to me, but there are clearly still several other persons to whom the complaints could have been made. Certainly, internally, the above-mentioned Provincial Commissioner and Provincial Head are my superior officers for that matter. If a complaint was dissatisfied with the provincial structure approach, a complaint could have been made to the National Head of the Hawks, and higher up, the National Commissioner of the South African Police Services. I am not aware of any complaints relating to harassment, intimidation, threats, and the likes by Bevan in his lifetime or members of his family.”

20 **CHAIRPERSON:** I think about roughly halfway through the paragraph, the line starting, “The Hawks”, you said South African Police Service instead of South African Human Rights.

LT-COL GOVENDER: Oh, yes, indeed, Commissioner.

CHAIRPERSON: I assume you mean the South African

Human Rights Commission.

LT-COL GOVENDER: Yes, indeed, Commissioner.

CHAIRPERSON: Commission, all right, thank you.

LT-COL GOVENDER: Yes.

CHAIRPERSON: Paragraph 54.

LT-COL GOVENDER: -:

10 “I also respectfully point out that Mr
Gregory Loftus, Loftus Senior. is a
former policeman holding the rank at the
time of his leaving the police of a
Warrant Officer, and he was employed in
the specialized unit at the time, being the
South African Narcotics Enforcement
Bureau, which now falls under the
jurisdiction of the Hawks, and he will
therefore be expected to know his
entitlement to lodge complaints.”

55:

20 “Furthermore, in interviews given with
either social or media or eTV, Loftus
Senior stated that he was being assisted
by seasoned ex-police officers, who I
submit will also know how to lodge
complaints, yet no complaints were
actually lodged. Copies of the

newspaper reports pertaining to the interviews given by the first applicant and a copy of a clip of the interview of the first applicant gave to eTV, which was aired nationally, will be made available to the Commission.”

56:

10 “On 1st April 2023, Bevan and several of his colleagues were at the flat on the 6th floor in Morningside, Morningside Flat, Durban, when members of the SAPS were called there to investigate a report of receiving illegal firearms being held at Morningside Flat, to investigate a report of the persons in Morningside Flat, alleged to be Mr Bevan Loftus and members of the gang controlling him, who were planning an assassination in Morningside Flat, if the circumstances
20 required it, to arrest such persons.”

ADV KHUMALO SC: Did you mean a gang controlled by him? So you said “alleged to be Mr Bevan Loftus and members of a gang control him”?

LT-COL GOVENDER: That is correct, Commissioner.

ADV MOSIKILI: While you are there, Colonel, can you just

explain, you say they were planning an assassination in the Morningside Flat. Whose assassination, if you have knowledge?

LT-COL GOVENDER: I am not sure of that, Commissioner. It was information received, I think, to the local police at the time, because they were carrying rifles.

ADV MOSIKILI: Okay. You can proceed on paragraph 57.

LT-COL GOVENDER: -:

10 “The information received aforesaid
arose in consequence of the white Isuzu
bakkie, subjected to have been utilized in
a triple murder of Puff Kalacharan, his
wife and his child in Springfield Park,
approximately one week earlier, was
identified on cameras, monitoring the
traffic reported in SAPS. The Crime
Intelligence Unit of SAPS, in turn,
contacted the SAPS Durban K9 Unit and
Pietermaritzburg National Priority Violent
20 Crimes Unit, and informed them of the
same.”

I should add that I was aware that the vehicle was being monitored for a few days before 1st April.

58:

“Acting on information received of

10 aforegoing police units, together with the
National Intervention Unit, apprehended
the vehicle on the roadway and found the
driver to be in possession of the illegal
drugs and an AR15 automatic rifle. That
rifle was stolen during the robbery in
Eastern Cape. However, questioning the
suspect indicated that he had additional
firearm in the flat, in Hillcrest, and he
was taken there by the said police.”

59:

20 “As I was the Provincial Commander of
the anti-gang team at the time, and
bearing in mind that the rifle found in the
vehicle had been used in a gang heist
robbery, and my unit was investigating
the triple murder, which was thought to
be the gang-related, I was notified by the
aforesaid police units as to what was
happening, and even before they tracked
the vehicle and apprehended the
suspect.”

ADV MOSIKILI: Colonel, just there, when you say that
their vehicle was used in a gang heist robbery, are you able
to provide us at some stage with further details?

LT-COL GOVENDER: With the rifle, inspect the rifle, Commissioner?

ADV MOSIKILI: The rifle, yes.

LT-COL GOVENDER: Yes, indeed.

ADV MOSIKILI: Linking it to that ...[intervenes].

LT-COL GOVENDER: To Eastern Cape.

ADV MOSIKILI: You will give us something there?

LT-COL GOVENDER: Yes, Commissioner.

ADV MOSIKILI: Thank you. You may proceed to
10 paragraph 60.

LT-COL GOVENDER: Paragraph 60:

“However, I did not accompany them at
the time, nor did any member of the
anti-gang team. Even when they arrived
at the flat in Hillcrest, I was not there. I
was told by the said police of further
rifle at the flat, and I was asked to come
there as soon as I could. I did so
together with a member of my team,
20 Warrant Officer Thanasagren Naidoo,
who is also known as Sivan Naidoo,
Warrant Officer Naidoo. As soon as my
duties allowed me to, other members of
the anti-gang team arrived. I arrived
there and questioned the suspect in the

premises of other policemen. We ascertained that the R4 rifle handed over at Hillcrest flat had been stolen from the military. The suspect realized that he was in serious trouble and faced a long period of imprisonment. He then indicated that he wanted to come clean, obviously hoping that he did so, he would be treated more leniently by the court when it sentence him. He furnished the important information about firearms and the gang of Bevan planning an assassination that could take place, including Bevan, which turned out to be the Morningside Flats.”

10
20 **ADV MOSIKILI:** Again, when you were now talking to this suspect and he informs you, and you say he provided important information about the planned assassination, at this stage now, because you are talking to the suspect ...[intervenes].

LT-COL GOVENDER: Yes, Commissioner.

ADV MOSIKILI: Did you then become aware of who is the target or targets?

LT-COL GOVENDER: No, Commissioner.

ADV MOSIKILI: And any details around that assassination,

when it was planned?

LT-COL GOVENDER: No, Commissioner.

ADV MOSIKILI: What exactly did he provide? Do you accept what you ...[intervenes].

LT-COL GOVENDER: So, from the time he is providing the information, it was a quick operation, meaning which we had a short time to go to the flat, and that is why you notice there were less members and not more members. En route, I could recall that Captain Rodriguez was calling, for
10 example, members who could assist for that operation, one being Captain China from Metro Police who was, happened to be on duty that day, and one of the shooters. So, he came at short notice. So, it was not a planned thing. We waited for a lot of members. So, it was a quick response to the flat.

ADV MOSIKILI: Okay, but we will pick it up when you do the cross. But the point is that at this stage, you did not know who the target was, and you did not have any details ...[intervenes].

20 **LT-COL GOVENDER:** No.

ADV MOSIKILI: As to when was this assassination planned, but you regarded this information as important.

LT-COL GOVENDER: Yes, Commissioner.

ADV KHUMALO SC: There was no meeting at which the members of the task team were briefed about the operation.

It was a matter of finding out that Bevan and his team are planning something, and you called whoever was available to accompany you there.

LT-COL GOVENDER: That is correct, Commissioner.

ADV MOSIKILI: Thank you, Colonel. Let us go to paragraph 61.

LT-COL GOVENDER: Yes, so, I can give Commissioner Khumalo one more example. Sorry, Commissioner, it will not take long. Captain China from Metro Police, so, they
10 work shifts. On that day, he happened to be on duty, that is why he was there.

ADV MOSIKILI: All right, thank you. Ja, you can proceed on paragraph 61.

LT-COL GOVENDER: -:

“On learning of this, it was obviously to
us that such persons were dangerous
persons and needed to be apprehended
urgently, as the suspect had been
arrested and was in custody of one of the
20 other abovementioned units they were,
so to speak, in charge of confirming that
he had seen proceeding where the
additional suspects were in Morningside
Flat. In any event, being tactical
response units, they would make the first

entry. Warrant Officer Naidoo and I accompanied them in our own vehicle with the suspect who had been arrested. We left members of the anti-gang team at the flat in Hillcrest in case of anyone arrived there, in which event their presence could be investigated by those members.”

Now, that will be the detectives of the anti-gang
10 task team, Commissioner.

“That is how the police units mentioned above and I came to be at Morningside. Although I add amplified later herein that Warrant Officer Naidoo and I did not enter the flat until the shooting had taken place.”

64:

20 “What I have indicated above will be confirmed by Constable Halford of Pietermaritzburg National Priority Violent Crimes Unit, who was involved in the shooting, involved in the interception of the vehicle and the subsequent events set out by me. It can also be confirmed by other policemen involved.”

ADV MOSIKILI: Colonel, can I ask you, and you must tell me if my proposition is not correct, my fair understanding is that at least Bevan has been in your radar, i.e. he has been a person of interest in your work for various alleged crimes.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Now you arrive at the scene and you are told that he is upstairs and you chose to stay downstairs. Can you explain why you chose to stay downstairs with Warrant Officer Naidoo?

10 **LT-COL GOVENDER:** Ja. Commissioner, so the tactical members, because the information given on hand that they possibly could be armed and conduct an assassination and they would always penetrate the house first. Now, very importantly, as indicated earlier, Pedro is from ex-NIU, Shabalala is from NIU, Megan Moonsamy is from NIU, Matthew, which Captain Houston said that he is from, a detective, he is not a detective, he comes from Public Order Policing and he advanced towards his task force selection, so he is also a tactical member. Captain China also
20 underwent training with the special task force. These tactical members naturally will go first. We are detectives. So they will penetrate the house to see if the suspects are secured.

ADV MOSIKILI: And you say that you only went up after the shooting had taken place?

LT-COL GOVENDER: Yes.

ADV MOSIKILI: As far as you can recall, could you hear the shots from where you were ...[intervenes].

LT-COL GOVENDER: Certainly.

ADV MOSIKILI: You were standing?

LT-COL GOVENDER: Yes, I could hear the shots.

ADV MOSIKILI: Were they all at the same time or there were some pauses between them?

LT-COL GOVENDER: When the shooting happened, you
10 cannot really, Commissioner, to know exactly which shot, before or after, during, you know, it is loud bangs.

ADV MOSIKILI: No, my question is, for example, by the time you were going up, there was no further shots being executed?

LT-COL GOVENDER: I cannot recall that, Commissioner. I cannot comment on that day. It was just shots went off.

ADV KHUMALO SC: The simple point is that the shooting had stopped when you went up.

LT-COL GOVENDER: Yes, indeed, the shooting had
20 stopped ...[indistinct].

ADV MOSIKILI: And then on that score, lastly, and taking up from the evidence by Captain Houston, he suggested that Warrant Officer, Sivan Naidoo, stopped him from entering the premises. Do you remember that incident?

LT-COL GOVENDER: Yes, indeed, Commissioner.

ADV MOSIKILI: Can you explain, to the best of your recollection, what was happening there?

LT-COL GOVENDER: Yes. Normally, if an incident like this happened, if a shooting incident, it would secure the scene and prevent anyone from coming into the scene. Now, I know Captain Houston, he is a hard worker, so he is the first responder. And naturally, I said to Captain Sivan Naidoo, well, he is now Captain, you ought to allow him in, which I did.

10 **ADV MOSIKILI:** And then there is an allegation by, or at least there is a testimony by Captain Houston that you said to him why he should be allowed so that he can identify the suspects.

LT-COL GOVENDER: That is correct.

ADV MOSIKILI: Do you recall that?

LT-COL GOVENDER: Yes, I do.

ADV MOSIKILI: Can you explain the context around that conversation with him?

20 **LT-COL GOVENDER:** So Captain Houston also deal with gangs in the surrounding areas of Wentworth and Newlands and Sydenham. Now, those suspects at the time were not identified. No one knew who they were. So Captain Houston, I think at a later stage, I recall, managed to assist in identifying them.

ADV MOSIKILI: I think that is what I find a bit unpalatable,

Colonel, that it seems to me, at least on the face of it, you shot, not you personally, because you were downstairs, but people were shot. They do not even know who they shot at, to an extent that you had to rely on Houston to identify them. What do you make of that? I mean, is that a fair observation, at least on the face of it from where I am sitting?

LT-COL GOVENDER: Ja, my response to that, Commissioner, is that these were suspects in the flat, and
10 they opened fire on the police. Section 49, police defended themselves. Not to say that I am looking for a specific person that I want to shoot someone.

ADV MOSIKILI: Yes, no, no, we do not want to go into the purview of section 49 because that is something else that we do not want to deal with. As Chair was saying, we are not investigating the extent and whether those were extrajudicial killings or not. I found it very disturbing that you would ask Captain Houston to identify those deceased, but that is just my observation. Maybe we can visit when
20 you do cross-examination.

LT-COL GOVENDER: Ja.

ADV MOSIKILI: But keep that in mind, that it is of concern to me.

LT-COL GOVENDER: Yes, in all scenes normally we go to, we will ask the neighbours whether it is different places,

can you identify the person if someone is around. That is one of the things that we need to do is identify the person. If we cannot, at a later stage we go to the mortuary and identify at a later stage. That is for profiling suspects, ja.

ADV MOSIKILI: Perhaps I would have been comfortable with the word “confirm” the deceased or the suspects, not identify. But let us keep going, and we can deal with that later ...[intervenes].

LT-COL GOVENDER: Noted.

10 **ADV MOSIKILI:** As to why I am saying that. But you may comment before you move if you want to.

LT-COL GOVENDER: No, as indicated, Commissioner, this is straightforward. The suspects who were in the flat opened fire, police returned fire. And Commissioner, while I am there, there were a substantial amount of firearms that were recovered. About three hours into the forensic examination, IPID, which Mr John did not say here ...[intervenes].

CHAIRPERSON: Is that not in the statement somewhere?

20 **LT-COL GOVENDER:** It is not here.

CHAIRPERSON: Oh, okay.

LT-COL GOVENDER: So I just, while I am here, it is so important, Commissioner, I would like to ...[intervenes].

CHAIRPERSON: No, I am not stopping you.

LT-COL GOVENDER: Sorry, sorry, sorry. Ja, so IPID, a

senior Assistant Director, Ngcobo, was with the forensic team, and they found four additional firearms in a secret compartment. It was two AK47 and two pistols. And Ngcobo came out and said to me, hey, guys, did you see what we found inside? I said, what? He said, more rifles. So there is about seven firearms, large amount of money in small denominations, drugs as well was found in the flat.

ADV MOSIKILI: Ja, but those were not used in the shootout, in the alleged shootout anyway.

10 **LT-COL GOVENDER:** One of those firearms came up ...[intervenes].

ADV MOSIKILI: I am saying those that you say they were stashed.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Yes, okay.

LT-COL GOVENDER: One of the firearms came up ballistically matching for the triple murder.

ADV MOSIKILI: Yes, no, no, but I am saying they were not used in dealing with the purview of section 49, as far as I
20 ...[intervenes].

LT-COL GOVENDER: I am not sure which firearms were used there.

ADV MOSIKILI: Ja, but I can tell you from what we have.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: As you said, those were found hidden

somewhere else.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: So they could not have been used in any encounter at that stage. Let us go to paragraph 65.1. Are you there, Colonel?

LT-COL GOVENDER: I am here, I am here, sir.

ADV MOSIKILI: Ja, let us continue and read that into the record.

LT-COL GOVENDER: -:

10 “After the shooting at the Morningside
Flat, 197 rounds of ammunition, a large
amount of drugs, an automatic R5 rifle
being of a state issue, and therefore not
being allowed to be possessed by
civilians, two AK47 automatic assault
rifles, four pistols, and almost
R400,000.00 cash were recovered from
the Morningside Flat. These were
entered in the SAP13 register at Durban
20 Central Station, reference number
2240/223.”

65.

ADV MOSIKILI: Before you go, just a quick one. Did you, yourself, observe this amount of cash and the firearms referred to there?

LT-COL GOVENDER: Commissioner, that was collected by the forensic team, if I can recall.

ADV MOSIKILI: Did you observe it?

LT-COL GOVENDER: I did not process the scene.

ADV MOSIKILI: You did not observe it?

LT-COL GOVENDER: No, no, I did not process the scene.

ADV MOSIKILI: But you went inside the building?

LT-COL GOVENDER: I did.

ADV MOSIKILI: The question, did you see any of that?

10 **LT-COL GOVENDER**: I just had a brief appearance inside with Houston, and that was it.

ADV MOSIKILI: Okay.

LT-COL GOVENDER: Ja.

ADV MOSIKILI: Let us go to ...[intervenes].

ADV BALOYI SC: Can I just ask a related question? You have given us the reference number of the SAP13.

LT-COL GOVENDER: Yes, Commissioner.

ADV BALOYI SC: So we should expect, if we look at that SAP13 register, we should expect to find these items?

20 **LT-COL GOVENDER**: Yes, Commissioner.

ADV BALOYI SC: Okay, thank you.

ADV MOSIKILI: And I am only asking you because the pictures that we have seen and probably will play during your cross-examination, the amounts that were discovered, it is a huge difference from what you are showing us. We

have seen R10.00 and all of that, but we will deal with that at the later stage.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: But also compare that with the SAP13.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Yes.

LT-COL GOVENDER: As indicated, I did not process the scene and enter the exhibit scene.

ADV MOSIKILI: It is in your statement, but let us proceed
10 to 65.2.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Please proceed, Colonel.

LT-COL GOVENDER: 65.2:

‘As there are rumours circulating that the
anti-gang task team was responsible for
the killing of Bevan and others with him
in the flat, which is denied, is it
necessary for me to inform this
honourable Commission of the procedure
20 that is undertaken when dangerous
persons are sought to where information
available suggests that there are
dangerous arms and equipment present.
The investigating officers of the units
involved in investigating a crime do not

generally speaking make first entry or first penetration of the premises. This is left on specialized units, which are known as the tactical response teams. On the day in question, the flat was approached by members of four separate tactical units. These were units from the National Intervention Unit, South African Police Service equivalent to the famous
10 Special Weapons and Tactical, SWAT unit in the United States, the SAPS Durban K9, eThekweni Metro Police K9, which had been summoned for backup by the SAPS K9 unit, and the Pietermaritzburg National Priority Violent Crime Unit. It was their responsibility to penetrate the premises to secure the same, meaning that it would then be relatively safe for us to, as investigating
20 officers, to enter the premises to conduct investigations.”

ADV MOSIKILI: Colonel, something for you to also consider, and what I find, I need you to balance me when we deal with this.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: I understand your role is that you did not go in with the operation, but is it fair that you remained in charge of the whole operation, or is that correct?

LT-COL GOVENDER: That is not true, Commissioner. As I indicated, that information came from Pietermaritzburg. That will be Matthew, Halford and Captain Rodriguez.

ADV MOSIKILI: At the moment you got involved, and at least when you got to Morningside, who was in charge?

LT-COL GOVENDER: It was Captain Rodriguez. He was
10 leading the team.

ADV MOSIKILI: The one who does not have a specific unit?

LT-COL GOVENDER: He has a unit, it is Durban K9, not the one that is sitting on the roadside that Captain Houston said, no.

ADV MOSIKILI: Okay.

LT-COL GOVENDER: [Indistinct]...

ADV MOSIKILI: All right, but also what I also want to deal with ...[intervenes].

20 **LT-COL GOVENDER:** So ...[intervenes].

ADV MOSIKILI: But to consider, when at least remarks are made, and I suppose in some instances, when accolades and awards are given, you seem to be acknowledged for this kind of work to say you have done a good job, as if you were in charge of this thing. So you specifically, you are

being called up to say you are doing a commendable job. But now, as we sit here, it seems to me as if you are trying to create some rift or distance between the incident that took place here and the overall operation.

LT-COL GOVENDER: Not really.

CHAIRPERSON: Before you answer, can we just clarify, Mr Mosikili, did that happen in respect of this operation, because you sound like you are speaking generally, and is it something that has happened with this operation, where
10 he has been acknowledged as the owner of the operation?

ADV MOSIKILI: We will have to go back to, that is my understanding, on two occasions, at least and on the recording of General Cele, and there is also a recording, a further recording where there is an award ceremony, and perhaps not specific to this incident, but to this kind of work him being acknowledged, Commissioner.

ADV BALOYI SC: Can I suggest you deal with it in cross-examination?

ADV MOSIKILI: Indeed, Commissioner.

20 **ADV BALOYI SC:** [Indistinct]... maybe that you need to reframe.

ADV MOSIKILI: Yes. No, it is fine, we will do that, Commissioner. Colonel, then can we move to paragraph 67.

LT-COL GOVENDER: Yes, indeed.

ADV MOSIKILI: Yes.

LT-COL GOVENDER: -:

“Whilst the tactical units made their way to the Morningside flat, we were initially in the basement parking of the building in company of the suspects, and we went to the 6th floor near the lifts, awaiting clearance from the tactical units that were engaged in the penetration of the flat. Other members of the police attached to one more of those units were also in the vicinity of the building, but not on the 6th floor.”

68:

“I was told by members of the tactical units that when they attempted to entry, they were fired upon by the occupants of the flat, that they returned fire, and in the process, the occupants were killed. One of those occupants was Bevan. The others were Chase Fynn, Michigan Ippolite, Ryan Santos, and Sihle Zondi, all of whom were allegedly suspected to be members of the gang of Bevan.”

ADV MOSIKILI: Is there a name for the gang of Bevan?

LT-COL GOVENDER: The Hollywood Gang.

ADV MOSIKILI: Hollywood Gang.

LT-COL GOVENDER: Yes. I have a photograph that, a picture, sorry, depicting where Bevan is part of the photo, and we will provide to the Commission, I think it is in the bundle, next to him is a guy called Dale Majority[?], and currently, right now, there is two warrant of arrest. He has been convicted, Commissioner, and he is on the run right now. The police are looking for him. Amongst all the other guys, some are even deceased from the gang.

10 **ADV MOSIKILI:** All right, let us do, let us continue on 69.1.

LT-COL GOVENDER: -:

“I must reiterate that when the gunshots rang out, neither Warrant Officer Naidoo or myself, nor the other members of the police that I have referred to were in the immediate vicinity of the flat. We thus do not know firsthand what transpired in the flat when the shootings occurred.”

20 69.2:

“It is thus incorrect for the persons to spread rumours that the anti-gang team was responsible for the deaths of those that died in the flat that day. I am aware that one such person spreading such

malicious rumours is Loftus Senior, and I say this because he has said so on national television, eTV, where he has named Warrant Officer Naidoo and I.”

Paragraph 70:

10 “Constable Halford made a successful informer fee claim for the information leading to the detection of the Kalicharan triple murder suspects. In addition, Crime Intelligence Durban also made a successful claim for its informer locations, Ayanda Mzimela, the driver of the Isuzu bakkie used in the Kalicharan shootings.”

71:

20 “I do not accept for one moment that Bevan feared for his life in consequence of his conduct involving the members of the police. I wish to point out to this honourable Commission that there does not appear to have been any report made to the police at any police station in the country by or on behalf of Bevan relating to his harassment, intimidation threats and the like, and I can state that no such

report had been brought to my attention as the Provincial Commander of the anti-gang team. If such report had been made, it ought to have been brought to my attention. Even though I am the Provincial Commander, investigation to such complaint would then have taken a course in which I was not directly involved.”

10 72 ...[intervenes].

ADV KHUMALO SC: Is it not fair to say at this point, even you knew that there was an interdict application where the father said, I fear for my son's safety, I believe that these people want to kill him. So in light of that, is there a need for a report to the police that he fears for his life if you are aware that there is an application where such allegations have been made?

LT-COL GOVENDER: Yes. Commissioner, that would have been after the fact because that application, if I can
20 recall, was granted on the 5th. That was after the shooting.

ADV KHUMALO SC: No, forget about when it was granted.

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: When it was launched, I think it was the day before the shooting, if I am not mistaken.

LT-COL GOVENDER: That is correct, Commissioner

Khumalo.

ADV KHUMALO SC: So at least on the day of the shooting, I do not know if it had been served on you at that point.

LT-COL GOVENDER: No, Commissioner.

ADV KHUMALO SC: It had not?

LT-COL GOVENDER: No, we only came to learn about it on the 5th.

ADV KHUMALO SC: No, then that is fine. But I think we
10 can accept from the application that at least the day before the shooting ...[intervenes].

LT-COL GOVENDER: Yes, indeed.

ADV KHUMALO SC: That the father feared for his son's safety.

LT-COL GOVENDER: That is correct, Commissioner.

ADV KHUMALO SC: Ja. You may continue.

ADV MOSIKILI: Thank you, Commissioner.

ADV KHUMALO SC: 72, I think.

LT-COL GOVENDER: 72:

20 “Crime is, as is commonly known in this country, widespread but violent crimes in the Wentworth area. We are not within the areas where investigations were conducted by any of the members of the anti-gang team, including myself. I must,

however, mention that one of the reasons for the establishment of the anti-gang team was that suburbs of Wentworth, Sydenham, and Newlands in Durban, were hard hit in respect of the drive-by shootings, emanating from the gang rivalries, drug trade, turf wars for some 10 years prior to the establishment of the anti-gang team. As the Commander of the anti-gang team, I am aware of this.”

73:

“Upon its establishment of the anti-gang team has been furnished with in excess of 150 cases dealing with the incidents, which have taken place in the past where the cases have been closed, so-called cold cases, from various police stations, and are busy investigating the same. Considerably a progress had been made in investigating many of the cases. This was a time of consuming exercise and required several members of the anti-gang team to investigate some incidents, being investigated were years old. These cases were in addition to active

cases where investigations were being undertaken. I should mention that Bevan had been implicated and was thus a person of considerable interest in several of the cold cases. The then active investigations to which reference will be made at a later stage hereunder.”

74:

10 “I have read the transcription of the telephone call between Naicker and Bevan provided to the Commission. I do not see confirmation of any hit on the life of Bevan. In fact, all that I read thereon is Bevan talking about money being placed on his head, but at no stage there were confirmation from a person with whom he is speaking, namely Naicker, if anything. I read the last words of Bevan on that transcript, “The fastest live the
20 longest. Right, lekker”, as being a threat of against Naicker. Naicker is the owner of a tow truck business called Roadstar. I have listened to the recordings played at the Commission. Transcript is inaccurate and that it omits a material

aspect which Bevan refers to as puff. I refer to the independent transcription from the Sneller recording, which I will deliver to the Commission.”

ADV MOSIKILI: Chair, we have dealt with this transcription earlier on, so we do not have to deal with that. Are you happy with that? We have dealt with that.

LT-COL GOVENDER: Yes. 75.

ADV MOSIKILI: Let us move to paragraph 75, yes.

10 **LT-COL GOVENDER:** -:

“As indicated earlier, approximately two days after the aforesaid telephone conversation, a tow truck driver working for Naicker together with the passenger were shot by four armed men and both of them were seriously injured, being shot in the head and they were hospitalized. That was on the 25th of June 2023. The anti-gang team has been looking for Bevan to arrest him ...” [intervenes].

20

ADV MOSIKILI: Colonel, Colonel, just there, so that we understand, are you linking this to a telephone call to say that, or what are you saying here, what is the inference of this? And also in that, can we, in your affidavit, provide details of this incident in terms of the docket and so on?

LT-COL GOVENDER: Yes, indeed. This is a threat made on Roadstar and subsequent to that, after that, the drivers were shot in this incident.

ADV MOSIKILI: So, your inference for mentioning this is that it could have been Bevan ...[intervenes].

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Responsible for this shooting.

LT-COL GOVENDER: That is correct.

ADV MOSIKILI: And you will provide us with the details of
10 that?

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Thank you. Let us go to paragraph 76.

LT-COL GOVENDER: -:

20 “The anti-gang team has been looking for Bevan to arrest him on more than one charge in different cases. Since December 2022, we were unable to find the precise location of Bevan, even when confidential information of his whereabouts was furnished to us, such as he was at home on the night of the 13th December 2022. He managed to flee therefrom. The information on hand at all relevant times was that Bevan was not living at that residence and had taken a

temporary residence, other locations to avoid his arrest.”

77:

10 “I should also mention that when Loftus Senior was arrested on 13 December, I personally requested him to bring Bevan to the police station so that he could be arrested and if he promised that he would do so, but never did. Furthermore, he enquired from me as to which case Bevan was being sought for and I gave him the details, same by identifying that it is related to the incident in the M7, which had been reported at Bellair Police Station and were being investigated by the anti-gang team. I suppose I could say no more than a short while later, on 20 December 2022, the complaint in this case was shot and killed outside the 20 Moses Mabidha Soccer Stadium in Durban, together with another gentleman who was present and tried to mediate a settlement which he thought might have resulted in a case being investigated against Bevan withdrawn by the

complainant.”

78:

“In the 10 years preceding 2022, shootings and killings in the Wentworth area had been on the increase. This was one of the reasons why the anti-gang team was established.”

Now, if I could explain to Commissioner here. So, there was an outcry from the communities and escalation of
10 gang violence between Sydenham, Wentworth and Newlands and it is because of this reason, the Station Commanders of, for example, Newlands, Colonel Mbele, Sydenham ...[indistinct] and there was Wentworth, Branch Commander, was pushing for a team to be formed because the stations could not handle the sporadic shootings.

Now, Commissioner, if I can explain, on one night, you would have seven to nine shootings between the three places and there were lots of other people arrested, Commissioner, and I will provide this to the Commission.
20 Prior to the shooting of Bevan, there were lots of people being shot. There were innocent people getting shot. For example, at Nando's, there was a young girl, she was 19 years old, and in that shooting, she was shot dead and Bevan was identified as the shooter in the car. That is another matter. I will just give you an example. But it was

not only about Bevan, there was other people shooting as well, rivalry gangs.

So they have been arrested by the police. Some been, there was a shootout between the police. So that is the reason the anti-gang task team was formed. It was a request from the mother body, which is the police, SAPS, to the DPCI. 79:

10 “It is true that there have been a number
 of shootings and killings in the
 Wentworth area involving drug gang
 known as Cartel. The leader of the
 Cartel gang, one Kyle Pretorius (Parra),
 was shot and killed in one of these
 incidents, 15 December 2022. But when
 the anti-gang team commenced
 investigation of several of these
 shootings and killings in Wentworth area,
 the name of Bevan kept cropping up. I
 know this as I was the Commander of the
20 anti-gang team and had access to my
 members to information of what they
 were investigating. He was certainly a
 person of considerable interest in
 shootings and killings, particularly as he
 was the leader of his gang, which was

called the Hollywood Gang. On available information, the Hollywood Gang was seeking to take over the drug trade in the Wentworth area and found the Cartel Gang to be the obstacle in its path in that regard.”

80:

10 “Bevan was responsible for shootings in that area according to the information supplied to the anti-gang unit during this investigations. It is certainly not any narrative started by the anti-gang team. In addition, I must inform the honourable Commission that members of the Cartel Gang are not involved in tow trucks industry or no tow trucks. Since the death of Bevan, a number of shootings in Wentworth have dropped significantly to virtually zero. I have been ...”

20 [intervenes].

ADV MOSIKILI: Colonel, what do you base that on? Is there a document that you can provide to back that up?

LT-COL GOVENDER: Ja, this is what really happened. I am talking about the gang, not only Bevan himself now, I am talking about the gang itself. Remember, that includes

Ryan Santos. Now, in one of the videos that we played to Commissioner, is here, Ryan Santos got an AK47 and he is firing ...[indistinct] rapid fire, at a place called Newlands, and that is a video clip that I will submit to the Commission. So, it was his gang, and the gang violence dropped drastically. That is why, and one of the reasons that they decided there was a new threat of cash-in-transit, and now the threat has to move to CIT's, and this tracing team was now formed as a result. If the threat was still greater with
 10 gangs, we would remain with the anti-gang task team.

ADV MOSIKILI: So, for now, are you saying this is based on observation, or there is something that you can provide?

LT-COL GOVENDER: There is some stats ...[intervenes].

ADV MOSIKILI: [Indistinct]... [cross-talking].

LT-COL GOVENDER: That I will not be able to provide.

ADV MOSIKILI: Okay.

LT-COL GOVENDER: Yes, and as I indicated, there are other Station Commanders that still, at their respective stations, will come here and testify independently, to say
 20 they have firsthand knowledge about Bevan, they have firsthand knowledge about Ryan Santos, and all the other people. They would phone me at 1 o'clock in the morning, and 2 o'clock, and say, Colonel, Captain, sorry, there is a shooting, come out here. I get home, I have something to eat, I am back again, because that is how they were

shooting. These guys were not sleeping, so most of the crimes were even late at night.

ADV MOSIKILI: Yes, no, it is fine. I just, I found it very interesting that you would say just the shooting of one person, or its gang ...[intervenes].

LT-COL GOVENDER: No, it is not one person.

ADV MOSIKILI: Or his gang, because you are saying since the death of Bevan the number of shootings in the entire Wentworth dropped.

10 **LT-COL GOVENDER:** Ja, I say his gang, I meant his gang.

ADV MOSIKILI: Yes, there is no gang, but okay, I will take gang as well.

LT-COL GOVENDER: Please, thank you.

ADV MOSIKILI: You can proceed to ...[intervenes].

LT-COL GOVENDER: 82.

ADV MOSIKILI: 82, yes.

LT-COL GOVENDER: -:

20 "I have been informed that ballistics examination of the AK47 rifle recovered at the Morningside crime scene has been positively identified as a weapon that were used in the triple murder and shooting of Puff Kalacharan and family in Springfield Park, Durban."

8.3.1 ...[intervenes].

ADV MOSIKILI: Okay, before you read that, let us read the question that you are speaking to.

ADV KHUMALO SC: Just a moment. Do you need to address the Chair? No.

MR NEPAUL: Commissioners, I have lost feed on the headset, and I cannot hear the evidence and questions being asked. Okay, just, I think the technician is on the way to try, so if you kindly bear with me.

CHAIRPERSON: Sure. Let us take an adjournment. We
10 will come back just now.

ADV MOSIKILI: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV MOSIKILI: Thank you, Chair.

CHAIRPERSON: Yes, yes. Is it working perfectly now, Mr Nepaul?

MR NEPAUL: Thank you, honourable member. It is now, the battery has been replaced. It is now back ...[indistinct].

CHAIRPERSON: Thank you. All right then.

20 **ADV MOSIKILI:** When he said honourable member, I got worried. Colonel, we are about to go to 2.3.6, paragraph 83. The question is:

“Whether IPID was immediately informed
of the incident and if not, why you did not
notify IPID immediately after the shooting

incident and why you allowed members of the task team involved in the shooting incident to leave the scene before the IPID arrived.”

You deal with that at paragraph 83.

LT-COL GOVENDER: Yes, paragraph 83:

“Furthermore, John is not the initial investigator at IPID who multiply dealt with any of the complaints of police shootings by the members of the team.”

10 **ADV MOSIKILI**: Wait, wait.

CHAIRPERSON: Sorry, paragraph 83.

LT-COL GOVENDER: 83? Sorry. I am so sorry, Commissioner.

ADV MOSIKILI: Yes.

LT-COL GOVENDER: It is a long day.

ADV KHUMALO SC: 27.

LT-COL GOVENDER: Sorry, Commissioner Khumalo. I am with you, Commissioner, 83.1:

20 “The protocol is for the police officers involved in the shooting to telephone Radio Control, 10111. They will in turn contact IPID to the best of their knowledge on the day of the shooting. Radio Control was in fact contacted. A team of IPID investigators arrived on the scene. I was not in charge of the operation. It has been led by Constable Matthew and Captain Rodriguez, together with

the other members of NIU and Metro Police. I cannot recall now exactly who telephoned Radio Control.”

CHAIRPERSON: Can you please explain this. My understanding is that you are the Commander of this team. Why is it that you were not the person in charge, or am I mistaken in understanding that you are the Commander?

LT-COL GOVENDER: Yes, Commissioner ...[intervenes].

CHAIRPERSON: Why then, why if you are the Commander, would you not have been in charge?

10 **LT-COL GOVENDER:** Yes. Commissioner, if you could recall earlier on ...[intervenes].

CHAIRPERSON: I remember you touching on that and saying even when this was happening, you were somewhere downstairs and so on, and that you were not leading the team.

LT-COL GOVENDER: Ja.

CHAIRPERSON: I just want to understand this.

LT-COL GOVENDER: So the information emanated from Pietermaritzburg for that information for the suspects. So
20 they would naturally take precedence and be in charge of the scene. In terms of the tactical part, it would have been Captain Rodriguez. He is the most senior tactical member that would be in charge of the scene. That was his scene. But when the other role players arrived from the station, for example, the Station Duty Officer, Branch Commander, they

will now take over the entire scene. If it was my information, Commissioner, then I will take full responsibility to say, well, from the beginning, it is my information, my responsibility. I am the Commander of that scene, it is my operation.

ADV KHUMALO SC: Maybe, Colonel, the most difficult thing to understand is in any operation, why is the most senior police officer in that operation not in charge of the operation, because you would accept that you were the
10 most senior officer.

LT-COL GOVENDER: Yes, I will accept that, Commissioner.

ADV KHUMALO SC: At the flat.

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: So because of that, why then were you not in charge of the operation as the most senior officer?

LT-COL GOVENDER: Commissioner, I facilitated and assisted and coordinated after the fact. But in terms of the
20 operation itself, that would be Captain Rodriguez who led the operation, but ...[intervenes].

ADV KHUMALO SC: It still does not make sense.

ADV BALOYI SC: Can I maybe ask the question differently.

LT-COL GOVENDER: Yes. Yes, Commissioner.

ADV BALOYI SC: You referred to Constable Matthew and Captain Rodriguez.

LT-COL GOVENDER: Yes.

ADV BALOYI SC: And then you have mentioned the information came from or belonged to, I think you said Pietermaritzburg?

LT-COL GOVENDER: That is correct.

ADV BALOYI SC: Can you just locate Constable Matthew and Captain Rodriguez in the two entities that you say it
10 was their information?

LT-COL GOVENDER: Yes, Commissioner.

ADV BALOYI SC: Was it Pietermaritzburg?

LT-COL GOVENDER: Yes.

ADV BALOYI SC: Who was from Pietermaritzburg?

LT-COL GOVENDER: Constable Matthew.

ADV BALOYI SC: And then Captain Rodriguez?

LT-COL GOVENDER: From Durban K9.

ADV BALOYI SC: Okay. And was Captain Rodriguez senior to you? What would have made him in charge ahead
20 of you? Maybe just explain that for us.

LT-COL GOVENDER: No, he would not have been ahead of me, Commissioner. I am the senior person to him. But for that purpose of the operation, it was their information. If you go back onto the M13, he was in charge of the operation when the firearm was recovered. When you go

back to Hillcrest, he was in charge and present when the firearm was recovered. When he got to the flat after the incident, he was still in charge. But I will assist from my point of view as coordination or further assistance.

ADV BALOYI SC: Thank you.

CHAIRPERSON: What is the relevance of the Pietermaritzburg information for purposes of who is in charge?

LT-COL GOVENDER: Normally, Chair, is that when the
10 information derives from a certain unit, they will register an inquiry. It is their information. They are in charge of that information.

CHAIRPERSON: I am not talking about, I am talking about being in charge of the operation, not just the information. Fine, the information comes from Pietermaritzburg.

LT-COL GOVENDER: Yes, Chair.

CHAIRPERSON: But now it is here and it relates to what is being done in Durban.

LT-COL GOVENDER: Yes.

20 **CHAIRPERSON:** So what is the relevance of that information if there is now an operation in Durban? That is what I want to understand, because you emphasize this thing about information from Pietermaritzburg. When I asked you the question, why is it that you were not in charge of the operation, you said the information was from

Pietermaritzburg and so on and so on. So what is the relevance of that information when we have an operation in Durban?

LT-COL GOVENDER: Yes.

CHAIRPERSON: What is the relevance of the Pietermaritzburg information?

LT-COL GOVENDER: So, Commissioner, it is a, may I explain, continuous operation emanating from Pinetown, which the docket is registered, Hillcrest and ...[indistinct].

10 It was a continuous operation.

CHAIRPERSON: But then Captain Rodriguez is Durban, K9 Durban, correct?

LT-COL GOVENDER: Yes, that is correct.

CHAIRPERSON: So, and he is the one who ultimately becomes in charge at the Morningside Flats, correct?

LT-COL GOVENDER: Yes.

CHAIRPERSON: So meaning the fact that there was information from Pietermaritzburg did not result in him not being in charge.

20 **LT-COL GOVENDER:** Yes.

CHAIRPERSON: Do you see what I mean?

LT-COL GOVENDER: Yes.

CHAIRPERSON: So he was in charge even though the information or some information originally emanated from Pietermaritzburg.

LT-COL GOVENDER: That is correct, Commissioner.

CHAIRPERSON: So we should say to me that Pietermaritzburg information was irrelevant for purposes of who became in charge.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: Correct?

LT-COL GOVENDER: Put it that way, Commissioner.

CHAIRPERSON: Now, back to my original question.

LT-COL GOVENDER: Yes.

10 **CHAIRPERSON:** Why was it not you that was in charge, because this Pietermaritzburg thing that you are telling us about has, as you have just admitted, become irrelevant.

LT-COL GOVENDER: Yes.

CHAIRPERSON: Why were you not in charge?

LT-COL GOVENDER: Commissioner, in terms of, as I explained, I go back again, this is what happens in practice.

CHAIRPERSON: But please forget about Pietermaritzburg now.

LT-COL GOVENDER: Yes.

20 **CHAIRPERSON:** We have accepted that it is irrelevant for purposes of who is in charge.

LT-COL GOVENDER: Yes.

CHAIRPERSON: So, ja.

LT-COL GOVENDER: So it is a continuous operation, Commissioner. One do not want to interfere if it is running

from one area to another area. If it is stopped at one stage and, you know, if it is another operation another day, I am just giving you an example, now, it was managed quite well by Captain Rodriguez himself before I got there. I am not saying I do not want to take any responsibility. That is what I am not saying, Commissioner. I assisted in every way I could as being a senior person there. But in terms of the incident itself, I am not taking myself away from there. It is what was emanating to the scene. I assisted where I could.

10 But naturally, it started there and he managed it very well.

CHAIRPERSON: I will leave it there.

ADV KHUMALO SC: Is there an Operational Manual or National Instruction that governs what we have just discussed with you, because I am not saying you are wrong or I do not believe you.

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: I just have serious difficulty understanding how a junior officer, you would have to take instructions from them if they were in charge of the
20 operation. So if they said, shoot, and you happen to be there, you would have to take instructions from them.

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: And that I have serious difficulty with. If they said, let us leave the scene and not call IPID ...[intervenes].

LT-COL GOVENDER: Ja.

ADV KHUMALO SC: You would have to follow their instructions since according to you, they were in charge.

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: And I have serious difficulty with that. So is there an Operations Manual or a National Instruction that we can read for ourselves to ascertain what happens when police go to a, it is not a moving scene, it is a flat.

LT-COL GOVENDER: Yes.

10 **ADV KHUMALO SC:** And they go there because they believe that suspects are hiding there and are planning a different crime to the one that started somewhere else.

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: Is there a manual that we can read that can give us an answer to this question?

LT-COL GOVENDER: Commissioner Khumalo, so let me put it this way to you. Even if the guy is a Constable, the member itself, if it is his inquiry and his docket, no matter what the circumstances are, if you are going, for example,
20 whether it is KwaMashu or Effingham or wherever it is, he will remain in charge of that investigation. That is his information. Although I might be the senior guy, he will request assistance from myself to say, well, I need this, I need that.

ADV KHUMALO SC: I think you have said that already and

I hear you. My question is, is there an Ops Manual or a National Instruction that says what you are telling us?

LT-COL GOVENDER: I can look into it, Commissioner.

ADV KHUMALO SC: Because there has to be a source document or a prescript ...[intervenes].

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: That says this is how things work.

LT-COL GOVENDER: Yes.

ADV KHUMALO SC: Will you provide that to us so that at
10 least going forward ...[intervenes].

LT-COL GOVENDER: I am going to look into it, Commissioner.

CHAIRPERSON: But can you answer some of the questions that are implicit in what Commissioner Khumalo says. So if that junior officer, who, as you say, could even be a Constable, were to say, retreat, and you, the Colonel, do not believe that you should retreat, you would retreat based on the instruction given by the Constable?

LT-COL GOVENDER: So that ...[intervenes].

20 **CHAIRPERSON**: Can you please answer the question directly?

LT-COL GOVENDER: Sorry, Commissioner, I am just engaging with Commissioner. That happens in, for example, POP. Now, a junior member cannot give an instruction to a senior member, Public Order Policing. For

example, if they are having a standoff at ...[indistinct] or something. But in circumstances of investigation, a junior member can guide you, but he can seek assistance from a senior member in terms of administratively.

CHAIRPERSON: Please answer the question directly in relation to an operation of this nature. There is a shootout. The police are deciding whether to shoot back or to retreat and run away and the Constable says, let us retreat and you do not believe that retreating is warranted under the
10 circumstances. Do you just obey the Constable? Please answer the question directly.

LT-COL GOVENDER: Commissioner, in circumstances, we must do that, Commissioner, if the guy is tactically trained, for example. So we must listen to what he is saying.

CHAIRPERSON: And you say that if we get a manual, it is going to bear you out on this?

LT-COL GOVENDER: Commissioner, I am going to look into that. That is a bit of a grey area, but this is my understanding.

20 **CHAIRPERSON:** It cannot be. No, no, no, no, there cannot be a grey area. Surely there must be a command structure and basically you are saying ...[intervenes].

LT-COL GOVENDER: Yes.

CHAIRPERSON: A Constable can command you under those circumstances. Surely there must be a command

structure.

LT-COL GOVENDER: There is a command structure, Commissioner. It has to be the hierarchy.

CHAIRPERSON: You know better, but I am not willing to believe that there is any grey area on this issue.

LT-COL GOVENDER: So there is a command structure, Commissioner.

CHAIRPERSON: Which is?

LT-COL GOVENDER: As a senior member ...[intervenes].

10 **ADV BALOYI SC:** Yes.

LT-COL GOVENDER: It is a senior member, but administratively, the junior members require assistance from the senior members ...[intervenes].

CHAIRPERSON: I am not talking assistance now. I am talking, because you say the junior officer is responsible for the operation. So I just want to get an idea of how far that goes. Does it go even to the junior officer instructing you?

LT-COL GOVENDER: Yes.

20 **CHAIRPERSON:** A Constable instructing a Colonel, is that what you mean? Is that what you want us to believe?

LT-COL GOVENDER: It depends on what investigation we speak about, Commissioner.

CHAIRPERSON: No, no, no, no, no, I am not being general here. I am asking you about a specific one like this Morningside operation ...[intervenes].

LT-COL GOVENDER: Yes.

CHAIRPERSON: Where there was a shootout.

LT-COL GOVENDER: Yes.

CHAIRPERSON: Let us say instead of Captain, is it Rodriguez?

LT-COL GOVENDER: Rodriguez.

CHAIRPERSON: Yes, let us say instead of him, it was a Constable that was responsible.

LT-COL GOVENDER: Yes.

10 **CHAIRPERSON:** Are you saying that Constable could have given you instructions or orders, underlying instruction or order. Is that what you are telling us?

LT-COL GOVENDER: Orders and ...[intervenes].

CHAIRPERSON: And that you would have had to obey that instruction or order. Is that what you are telling us?

LT-COL GOVENDER: Commissioner, with regards to the shooting?

CHAIRPERSON: The entire operation. An order could have manifested in whatever ...[intervenes].

20 **LT-COL GOVENDER:** In different ways.

CHAIRPERSON: In different ways and for whatever purpose it could easily have manifested.

LT-COL GOVENDER: Yes, Commissioner.

CHAIRPERSON: So you would have had to obey that order or instruction from a Constable.

LT-COL GOVENDER: If it is his inquiry and his investigation, that is correct, Commissioner.

CHAIRPERSON: Thank you very much. Thank you.

ADV MOSIKILI: Thank you, Colonel. I think the difficulty, Colonel, is that it appears as if you are trying to distance yourself from this operation and the question will be why. I mean, for example, the simple question is, do you accept that your anti-gang unit was part of this operation? What is your response to that?

10 **LT-COL GOVENDER:** That is correct, myself and Warrant Officer Sivan Naidoo.

ADV MOSIKILI: You were part of this general operation?

LT-COL GOVENDER: Yes, that is correct.

ADV MOSIKILI: Yes. And you say technically for the purpose of, I would accept if you said for the purpose of house penetration, you would send the most technical person. Remember I said to you, I would have said to you, my proposition is that Rodriguez will be your sharpshooter. You would send him to be in charge of the shooting. But
20 the general operation, you will still be in charge. I think that is what you are trying to get at.

LT-COL GOVENDER: Ja, that is what I indicated, tried to indicate earlier on. Sorry, Chair, if I mixed my words up. I did say operationally it would be Rodriguez.

ADV MOSIKILI: No, no, remember, let me give you an

example.

LT-COL GOVENDER: Ja.

ADV MOSIKILI: And I am trying for the last time. Think about a bank robbery.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: The guy who is, there are guys who are going to go inside and do a stick-up. There are guys who are going to be like you wait outside. And the person who is waiting outside can still remain in charge of the whole
10 operation. So the fact that someone else went inside and be in charge of the stick-up does not necessarily mean that they are in charge. The boss could be waiting in the car in a similar fashion that you are waiting downstairs. That does not excuse you to say that you sent the most, I will say your best shootist upstairs. You remained in control and you had interest in any event, because you were looking for Bevan.

LT-COL GOVENDER: Yes. Ja.

ADV MOSIKILI: But that is my last attempt, otherwise, we
20 will have to leave it for cross-examination. What is your comment?

LT-COL GOVENDER: So my comment again, once again, Commissioner, I could be totally wrong. We do this every single day and administratively, yes, I am there. Operationally, the most senior person will be in charge.

That goes in the operational plan as well when you are doing an operational plan as to who is in charge, whose operation, where it emanated from, Commissioner.

ADV MOSIKILI: Let me ask you a different question. These guys that are at the scene, have you worked with them before in other operations, Rodriguez, China, and ...[intervenes].

LT-COL GOVENDER: That is correct.

ADV MOSIKILI: And in those operations, who was in
10 charge?

LT-COL GOVENDER: Depends which operations. If they worked with me in my operation, I was always in charge.

ADV MOSIKILI: But you have worked with them.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: So ...[indistinct] operation. And it is correct that in your statement you say, in fact, you seconded their referrals to be appointed as part of your team.

LT-COL GOVENDER: Not Captain Rodriguez.

20 **ADV MOSIKILI:** Not Rodriguez, but the others.

LT-COL GOVENDER: I am talking about the anti-gang detective members.

ADV MOSIKILI: Yes, detectives, okay.

LT-COL GOVENDER: Yes.

ADV MOSIKILI: All right. We will pick it up from

...[indistinct] but please keep that in mind because it is still concerning.

LT-COL GOVENDER: I am not distancing myself away from ...[intervenes].

ADV MOSIKILI: Okay.

LT-COL GOVENDER: I did indicate administratively, yes, I will assist him.

ADV MOSIKILI: Yes. No, no, remember all of this is said with also the background that in your statement you say
10 that there are rumours that your unit was involved in the shooting on the operation, and you say that is not correct and the proposition is that you were involved, whether you were sitting downstairs, your unit was involved. Whether you were sitting in the basement or you went up, it is one operation.

LT-COL GOVENDER: In terms of the shooting?

ADV MOSIKILI: No, in terms of the whole operation because you were looking ...[intervenes].

LT-COL GOVENDER: Yes, we were part of the operation,
20 that is correct.

ADV MOSIKILI: Yes. Okay. And in any event, my understanding at least from our chats is that you were not equipped yourself to go upstairs anyway. Is that correct?

LT-COL GOVENDER: Ja.

ADV MOSIKILI: In any event.

LT-COL GOVENDER: On the day in question I was wearing short pants, Commissioner.

ADV MOSIKILI: Exactly.

LT-COL GOVENDER: I was wearing short pants with my tekkies. I was not prepared for such an incident.

ADV MOSIKILI: Thank you. Let us move on, Colonel.

CHAIRPERSON: Is it what, 83.2 or ...[intervenes].

ADV MOSIKILI: 83.2. I have put a question to you. Yes, you are answering on 83.2 now. You have read the first
10 paragraph.

CHAIRPERSON: Please read 83.2, the police officers.

LT-COL GOVENDER: -:

“The police officers that approached and entered the flat and who fired the shots were not members of the anti-gang team. They were accordingly not my members, neither Captain Sivan Naidoo or being members of the anti-gang team played any part in the shooting.”

20 83.3:

“Both Captain Sivan Naidoo and I remained in the scene, even when IPID, LCRC and Provincial Commissioner and the National Commissioner, paramedics and local police station duty officers,

district duty officers, DPCI Provincial
 Commander, Brigadier Nyuswa, Colonel
 Jacobs, Provincial Commissioner,
 Lieutenant General Mkhwanazi, the
 National Commissioner of Police,
 Lieutenant General Masemola, and the
 former Minister of Police, honourable
 Minister Cele, attended the scene. We
 were accordingly on the scene for a very
 10 long time.”

ADV MOSIKILI: Before I go to the, this is my very last
 attempt. Do you accept that, for example, remember in the
 robbery example I gave you, if people were to be charged
 with common purpose, the driver sitting outside not doing
 the shootings at the bank would also be implicated as part
 of the enterprise.

LT-COL GOVENDER: That is correct, Commissioner.

ADV MOSIKILI: Yes, now when you go to paragraph 83.2,
 I want to suggest to you that it does not make any
 20 difference to insist that your members, as you say, your
 members would have been you and Warrant Officer Naidoo
 did not do the shooting, because you formed part and parcel
 of the same operation, will you accept that, at least on that
 level?

LT-COL GOVENDER: Yes, I do accept that because, okay,

I will accept it.

ADV MOSIKILI: Okay. And then ...[intervenes].

ADV BALOYI SC: [Indistinct]... [microphone off] in fact, IPID is investigating this matter.

LT-COL GOVENDER: That is correct, Commissioner.

ADV BALOYI SC: And you are one of the people that, you and Mr Naidoo are part of the people that are being investigated by IPID.

LT-COL GOVENDER: That is correct. We are suspects in
10 this matter, Commissioner Baloyi.

ADV BALOYI SC: Okay, thank you.

ADV MOSIKILI: And then question 2.3.7:

“Why did IPID and its investigating officer were not allowed immediate access to the crime scene when they arrived at the flat?”

And you deal with that at paragraph 84 of your statement.

LT-COL GOVENDER: Yes.

20 “I was not in charge of the crime scene.
It was managed by the detectives from the local police station to the best of my knowledge. The allegations made in this sub-paragraph is incorrect.”

Now, Commissioner, if I may explain, we also, here we are responding to Gregory Loftus when he put out the,

and that is the reason we are going hard. For example, he said that, for example, if we shot, we did not shoot. So this was a response here as well. Some of it was a response to his application for the interdict. And if you look here, that is why we directed, when Counsel was drafted and Senior Counsel, some of it is directing towards not as if we are not taking responsibility, but it was drafted in such a way to respond to Gregory Loftus' allegations.

ADV MOSIKILI: Okay. And then we go to 2.4. Chair, we
10 have had discussions with Colonel, and you will see that questions relating to 2.4 and 2.5, they form part of the application that will be submitted for *in-camera* for reasons that will be fully provided. But Colonel, and only if you are comfortable for the purpose of, because I know from what we have discussed that it is not everything that relates to Mr Naicker that would form part of the privileged or confidential information and there is only one incident that was put before this Commission, really, which involved you being, using Mr Naicker's vehicle in one of the cash-in-
20 transit operations. Is there something you are willing to talk about?

LT-COL GOVENDER: Yes, indeed. Commissioner, so around about, I could be wrong of the year, you correct me if I am wrong, 2016, 2017, and so there was a cash-in-transit information, and yet again we come back. There was

Colonel Carl Van der Vyfer, who is late now, who died in the last CIT. He was the coordinator and operational commander of this information. So we had staged up an area in Springfield Park next to Makro, and information was that the robbers would come in a certain car, and they would rob the van as soon as the cash van arrived. And we had about 26, 27 NIU policemen around, National Intervention Policemen, a big team. But suddenly, so we were in the Mercedes Benz with a guy named Neil
10 Tomlinson and two other members.

This car was identified already by one of the spotters, so we had to leave it aside. And subsequent to that, an A200 Mercedes Benz speeds right into the van, shots fired, they grab the money. All hell break loose. The members are disorientated. A suspect is shot down on the floor. Shots are still flying. It is in a built-up area in the mall. It is like a, what is it called? It is opposite of Makro, Value Centre, Value Centre.

Now, there is three members in the Golf VI that
20 comes off from NIU and chases the A200. During that time, the purpose of this bulletproof, the guy that was driving Naicker's bulletproof, he had some tow trucks as well that were sort of spotting the robbers. That was discussed the day before with Colonel Van der Vyfer, that because his tow trucks are there, it will not be conspicuous. We will use it

and we will keep surveillance. No one is really going to see if it is – so, in doing so, the A200 is opening fire with a rifle. They shot his tow trucks.

But he is holding, sort of holding it back. The only other vehicle that could assist this Golf VI was his bulletproof at the time. So we had jumped into his bulletproof. It was myself, Warrant Officer Pandey, and Neil Tomlinson, ex-dog handler, part of CI, was in that vehicle. And whilst the chase was on towards Parlock,
10 suspects opened fire and they shot the tires off the Golf VI and this vehicle was going on rims. And we started to push hard with this bulletproof vehicle to keep the pressure on and they went into a dead end. They took a wrong turn and subsequent, the Golf VI managed to catch up with the three NIU members.

A long shootout. Commissioner, four suspects were shot dead. Firearms recovered and all the money was recovered as well. It was a long crime scene. So I had indicated to the source, this is a crime scene. Or I
20 indicated to the, Naicker, and you cannot move your vehicle because this is a crime scene. So it was there for about 12, 13 hours.

It became a problem later, Commissioner, where there was a big investigation as to they did not know the real story ...[indistinct] the police in this incident.

ADV MOSIKILI: And I think that the whole story about it, the nub of it really was that you used, or at least the police used Naicker's vehicle to chase down.

LT-COL GOVENDER: Ja, so if I gave the real events of what occurred, in my best of my recollection, that is exactly what happened on the day, Commissioner. If it was not through Naicker's vehicle, I can tell you these members would have been probably injured very badly or something bad would have happened. And the suspects would have
10 got away.

CHAIRPERSON: When you say then there was a lot of misunderstanding and investigation, was it about the use of Mr Naicker's motor vehicle?

LT-COL GOVENDER: Yes. At the time, Mr Naicker, so why did we use his bulletproof in that operation. That was, other members were not happy with that, with Naicker. So later we were called and there was an investigation and I explained and said, no, listen, now we have got the right story, you know. This was Carl Van der Vyfer's operation.
20 He had met with Naicker a day before to sort of plan this operation and see how we can prevent it.

ADV BALOYI SC: Would there be a report of that investigation?

LT-COL GOVENDER: Commissioner, I can see if there is a report somewhere and get back to you.

ADV BALOYI SC: Will you please make those inquiries.

LT-COL GOVENDER: Yes.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: And to be fair to you, Colonel, when we continue on the next ...[indistinct] the difficulty is that the Commission had some evidence to suggest that Mr Naicker might be involved in the drugs. So it is not just using a civilian's vehicle in such instances, but because there is evidence that was put before the Commission that he is
10 potentially a very prominent figure in the drug business.

LT-COL GOVENDER: Ja.

ADV MOSIKILI: And that is where the difficulty comes in, in the bigger scheme of things, not necessarily just using a civilian's car.

LT-COL GOVENDER: Ja. So there is something that we applied for *in-camera* that is sort of sensitive, that I will elaborate more as to who Mr Naicker is and maybe the Commission will allow me, if the application is allowed for that purpose. He played a very important role very
20 recently, very, very important role. Commissioner, if I can tell you, this is part of the Commission that the Commissioner was dwelling on to it and because of him, something that happened. But I will hear from the Commissioner or the Chair if he will allow this *in-camera*.

ADV MOSIKILI: Chair, we have reached the end of the

statement on page 28. Chair will see that when you go back to the Regulation 10.6, I have mentioned item 2.4, dealing with Mr Clive Naicker and his relationship, and 2.5, Mr ...[indistinct] and all those two will be dealt with *in-camera*. And then what remains is 2.6, which deals with the Colonel's financial information. Colonel, perhaps, let me leave it to you to explain that, because obviously it does not appear on your statement. What is the position there?

LT-COL GOVENDER: So all those funds, Commissioner,
10 was legitimate. It was not a single cent from ...[intervenes].

CHAIRPERSON: Is it not going to be dealt with in some statement?

LT-COL GOVENDER: It is going to be dealt with, yes.

CHAIRPERSON: Ja, so, ja, let us leave it.

ADV MOSIKILI: Yes, the long and short of the answer is that he will deal with this in his comprehensive ...[intervenes].

CHAIRPERSON: Yes, yes.

LT-COL GOVENDER: Commissioner, it was so hurtful for
20 me. The whole world is watching what Mr Len John did, said, with no proof. He accused me of taking money for a hit and putting it in my bank account, which was never verified. He could never, ever come up with a single transaction, but with unverified information. And I speak to Len John, Commissioner, on other matters. I got e-mails

and trailing e-mails of other matters.

So I am very polite with him, but this, it hurts me, because I have got a wife and I have got kids. I did not steal the money from anywhere, Commissioner, and I will account before the Commissioner to say where I got the funds from. But right now, I am so embarrassed. If I go anywhere, the people are laughing at me. My kids go to school. But I do not think it was very fair and premature for him to come right here, Commissioner. I am not saying to
10 the Commissioners. I am saying but for the rest of the world to watch.

I have been in the police for 30 years right now. It is the first time that I have come across allegations of this nature, especially by Mr Len John. And I have also got charged recently for the Nangi matter and it is the same people that want to charge me here again and I will prove to the Commission, I was exonerated after so many months for 37 charges or maybe more, because the same people again, I appeared in head office, I got attorneys, which I am still
20 paying for and I won my case. But these are the same people which I am going to bring out to the Commission that are doing this to me now again.

CHAIRPERSON: Thank you. We will see the detail in your supplemented statement.

LT-COL GOVENDER: Thank you, Commissioner.

CHAIRPERSON: Thank you. We will adjourn now, and the hearing of your testimony will continue on 31 August 2026 at 9:30 a.m.

LT-COL GOVENDER: Thank you, Commissioner.

ADV MOSIKILI: Thank you, Chair.

CHAIRPERSON: And we will resume at 9:30 on Monday.

ADV MOSIKILI: Indeed, Chair.

CHAIRPERSON: Yes, let us adjourn.

INQUIRY POSTPONED TO 24 AUGUST 2026

10 **INQUIRY ADJOURNS**
