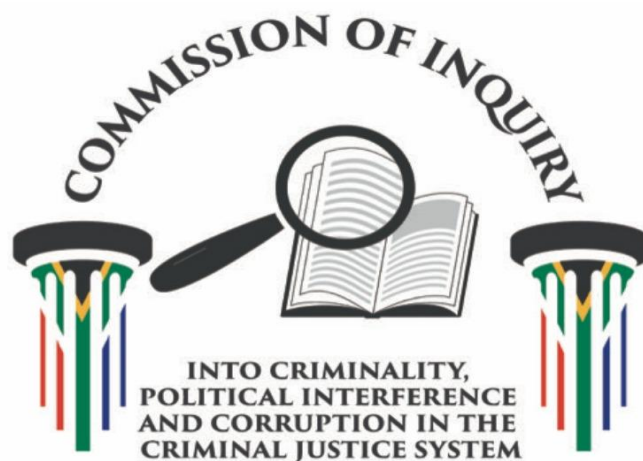


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

26 AUGUST 2026

DAY 167



INQUIRY RESUMES

CHAIRPERSON: Good morning, Ms Hassim. Good morning, Ms van den Heever. Good morning, Mr Matlala.

MR MATLALA: Good morning, Chairperson.

ADV VAN DEN HEEVER SC: Good morning, Chair, good morning, Commissioners.

ADV HASSIM SC: Morning, Chair, Commissioners. Chair, Ms van den Heever approached me not long ago with a request, which I have no problem with, but I think she should make the request to the Chair.

ADV VAN DEN HEEVER SC: Thank you, Chairperson. Unfortunately, it is so that we as a team have been trying to catch up with all the new things we are have constantly being given by the Commission, I think since Friday almost, and we are still battling to catch up. Last night, again, we were given new things. Yesterday, we were given new things. The day before. So all we need is an opportunity in fairness to the client.

It is not us as lawyers can sit here and say, oh, we are okay with it, we can go on because it is our job, we need to do this in the middle of the night. But the client needs to be given an opportunity to consult with us and ask us if he has got issues, discuss those issues with us. So that is all we need to do is to deal with it. My learned friend and myself have had an off-the-record discussion also

pertaining to a different issue.

I am trying to solve that issue amicably amongst everybody because I do not think it is the place or the forum to deal with certain issues in that regard. And I think that would also give me an opportunity to take an instruction on that, and maybe my learned friend could go back to her team, and we can solve that particular issue also in everybody's favour.

So I would request that we stand down for an hour, please. If we are done earlier, we are quite happy to let you know we are ready to proceed if we are done earlier.

CHAIRPERSON: But did you, I think you already said the request you have no problem with. Do you want to say anything else?

ADV HASSIM SC: No, no, Chair. It is up to you.

CHAIRPERSON: All right. Thank you, thank you. We are agreeable to that, but we want to suggest, so that everybody is ready from now already, that if it becomes necessary, we may sit for an hour longer at the end of the day. Let us adjourn until half past ten.

ADV HASSIM SC: Yes, sir.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Let us start. Thank you.

ADV HASSIM SC: Thank you, Chair. Good morning, Mr

Matlala.

MR MATLALA: Good morning.

ADV HASSIM SC: I will be leading you through evidence today and questioning you on aspects of your statement and other evidence that has been led before the Commission thus far.

CHAIRPERSON: Does it work for you to please pull the mic closer to you, please?

ADV HASSIM SC: Is this better, Chair?

CHAIRPERSON: Ja, ja, ja. We have a few files in front of us. What should we have?

ADV HASSIM SC: So, Chair, I think in addition to the file 1, but the file 1 being the Regulation 10.6 notice, statement and annexure, that file, the file 10, and the relevance of file 10 is that Mr Matlala's supplementary statement is contained in that file. That is what I will be looking at there, now and then. And then file 2, which is where the contents of the Senona bundle are included.

ADV BALOYI SC: We have file 2.1, and the label is Additional Chats, Major General Senona. Is that what you are referring to?

ADV HASSIM SC: There are two files. It is file 2 and file 2.1. And there is one more, and that is file 1B, and that is the Ad Hoc Statement and Transcripts.

ADV BALOYI SC: Just to make sure we are looking at the

right files. So, file 2 is Evidence Bundle, Witness C, Senona, Witness I, Shibiri. Is that the two?

ADV HASSIM SC: That is file 2. We will be looking at the Senona part. Mr Matlala, do you have those files?

MR MATLALA: Yes, I do.

ADV BALOYI SC: Ms Hassim, we are still trying to sort this out.

CHAIRPERSON: Let us carry on.

ADV HASSIM SC: Okay, Mr Matlala, what I want to begin with is, you recall on the 2nd of August, you provided us with a statement in response to the Regulation 10.6 notice, right?

MR MATLALA: [No answer]

ADV HASSIM SC: Right?

MR MATLALA: August?

ADV HASSIM SC: Yes.

MR MATLALA: The first or the second statement?

ADV HASSIM SC: Yes, the statement of the 2nd of August.

MR MATLALA: Is it the first one or the second one? I think I gave the first one in the supplementary statement.

ADV HASSIM SC: The first one.

MR MATLALA: The first one.

ADV HASSIM SC: So...

MR MATLALA: Which file will it be in?

ADV HASSIM SC: That will be in file 1, and the file is

described, Regulation 10.6 notice.

MR MATLALA: Yes, I have it.

ADV HASSIM SC: You have got that, right?

MR MATLALA: Yes.

ADV HASSIM SC: So, that was in response to the Regulation 10.6 notice that was sent to you on the 8th of June. You have already gone through parts of it with my colleague, Advocate Sello. You recall she took you paragraph by paragraph, comparing the questions in the notice to your answers. Do you remember that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: Now, what I would like to turn to from that notice is the question that was put to you at 2.2. So, 2.2 requested you to explain your history and relationship with a list of law enforcement officials that the names were contained in Schedule A to that notice. Do you remember that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And then, under 2.2, there were seven subsets of questions for you to answer, beginning with your knowledge of these individuals, your relationship with them, to describe the relationship, meetings, exchange of information, et cetera. Do you remember that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And then, you responded on the 2nd of

August, and again, you would recall that when you testified here, you went through those responses in relation to several individuals, but not all of the individuals that were listed in Schedule A.

MR MATLALA: Yes.

ADV HASSIM SC: Okay. So, you were then requested to supplement your statement in respect of the remainder of the individuals. Do you recall that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And then, you provided us with a supplementary statement over the weekend, in which you dealt with question 2.2 again. Do you remember that?

MR MATLALA: Yes, I remember.

ADV HASSIM SC: So, I just want to go to that supplementary statement then. And that is in file 10 of the file marked Application for Immunity. And your affidavit begins at page 3 of that file. Okay. Now, if you can turn specifically to page 13, paragraph 68. Are you there?

MR MATLALA: Yes, I am there.

ADV HASSIM SC: And you say:

“I deal hereunder with each of the listed law enforcement officials set out in Schedule A, attached to the notice in terms of Regulation 10.6.”

And you say, insofar as it is relevant, you will refer to the

subparagraphs, those questions that I was referring to in 2.2.1 and to 2.2.7. Right?

MR MATLALA: Yes.

ADV HASSIM SC: Now, if you just scroll down and page through the next couple of pages of this statement, page 14 and 15, you see there you deal with Minister Mchunu, former Minister Bheki Cele, former General Phahlane, and Lieutenant General Mkhwanazi, Lieutenant General Fani, and Major General Khan. And then my learned friend, I believe yesterday, raised a question with you about why General Sibiya was not included in this response.

And then you had an exchange and there were questions in relation to General Sibiya. I will come back to that at a later point, I am not going there now. What I would like to put to you is that what you have omitted to address in these paragraphs is the response to Major General Senona. So, in both of the statements you did not provide a response to the Commission to the questions in 2.2 of the notice regarding Major General Senona. Why is that?

MR MATLALA: It is because I have had a consultation with the police and then they served me with a document that says that they are investigating myself and General Senona.

ADV HASSIM SC: In relation to what?

MR MATLALA: I do not know. Here is the document that I have. And I gave the copy to my legal counsel.

ADV HASSIM SC: Have you provided that to us before?

MR MATLALA: Yes, I did. To my legal counsel, yes.

ADV HASSIM SC: Because we have not seen any response from you on why it is you do not address the General Senona questions.

MR MATLALA: Yes, I did not respond because of it was under investigation. So, why it is not here in the affidavit, that I do not know. But I know the reason why I did not respond to it. It is because it is under investigation.

ADV HASSIM SC: But what in particular is under investigation?

MR MATLALA: I think you can, I do not know if you have a copy of the document or if you can...

ADV HASSIM SC: I do not know what you are referring to.

MR MATLALA: Yes, here is the copy of the document. I think you can check it yourself.

ADV HASSIM SC: Okay. Do you have a copy of this document? The Commissioners do not, so I would need to provide this to the Commissioners as well. And we will need to make copies for the Commissioners.

MR MATLALA: It is okay, yes.

ADV HASSIM SC: But for now, why do not you tell me in your own words what it is that is under investigation?

MR MATLALA: My conduct with General Senona, so I would not know what are they investigating. They just said corruption, a couple of things which I would not know exactly which part are they going to concentrate on.

CHAIRPERSON: But corruption was specifically mentioned?

MR MATLALA: Yes, they, yes.

ADV HASSIM SC: Chair, I would have to look at this closely in order to establish exactly what the remit of this investigation is. But I hear you saying that it is a subject of an investigation. I am going to go through a series of questions with you with regard to General Senona. You can explain to us if there is any question you feel you need to assert your privilege against self-incrimination as we go through it. Do you understand?

MR MATLALA: It is okay.

ADV HASSIM SC: Thank you. You have been provided with WhatsApp exchanges between you and General Senona. Is that right?

MR MATLALA: That is correct.

ADV HASSIM SC: And you have been provided with the statement of General Senona and transcripts of his evidence that have been provided to the Commission.

MR MATLALA: Yes, that is correct.

ADV HASSIM SC: Okay. And have you read those

documents?

MR MATLALA: Yes, I did.

ADV HASSIM SC: Thank you. You also testified in the Ad Hoc Committee about your relationship with Major General Senona. Is that right?

MR MATLALA: Yes, that is right.

ADV HASSIM SC: So let us start at the beginning. You met General Senona at his wedding in Mamelodi in about 2018 or 2019, correct?

MR MATLALA: It is not Mamelodi, first of all. I think maybe it is a mistake.

ADV HASSIM SC: Okay, so can you tell us then when did you meet General Senona for the first time?

MR MATLALA: It was in Soshanguve, but like I said, Advocate Hassim, the subject is under investigation, so I do not know what they are investigating.

ADV HASSIM SC: Is your meeting...

MR MATLALA: My relationship... Sorry to interrupt you. I do not know if I can proceed.

ADV HASSIM SC: Please proceed.

MR MATLALA: Because I had an interview with the police, so those questions that you are asking me now, they also asked me. They came to C Max to consult with me, and it is a good thing because they are your investigators. It is easy for you to verify that because they are the Madlanga Task

Team investigators. You can verify with them yourself that they have consulted with me.

ADV HASSIM SC: There is no such thing as the Madlanga Task Team.

MR MATLALA: Tashkok [?]. Tashkok Commander. Takchok [?].

ADV HASSIM SC: Yes.

MR MATLALA: Okay, this investigation team, let us just... Task Team.

ADV HASSIM SC: Right.

MR MATLALA: So yes, those same questions that you are asking me now, I have been asked about from when did I meet, the first time that I met him, any gratifications, a lot of things they have asked me about, which I think I would rather wait for them to see how far are they with their investigations.

CHAIRPERSON: But those people were from SAPS?

MR MATLALA: Yes, I even know their names, yes.

CHAIRPERSON: All right, thank you.

ADV HASSIM SC: So, Mr Matlala, you would have heard the exchanges we have had over the last few days regarding the assertion of your privilege against self-incrimination.

MR MATLALA: Yes.

ADV HASSIM SC: And I understand that you wish to assert

your rights, but it is not permissible for you to assert your rights against an entire category or entire subject matter. So there are some questions that I am going to put to you that, although they are within the broad engagement of your relationship with General Senona, may not implicate you in any way.

So you will need to listen to my questions as I go through it and answer the questions as to the best of your ability, subject to your rights, of course. So the first question I am asking you is, when did you meet General Senona? Your answer to that question, are you saying just by answering that question, you will be implicating yourself in a criminal offence?

MR MATLALA: Yes, I will, Advocate. So that is why I am choosing to remain silent, because the same question... So I do not mind you asking about General Senona, but I will refer to the – if it is questions which I was not asked by the investigators, it is okay. But those questions, I think they have got notes, and then you can verify with them, because, like I said, they are the police. They will tell you yes or no.

But the first question that you just asked me now is the question that they also asked me, when was the first time that I met with him. So I do not know why are they asking me that question. They might want to use it to build their case regarding that question. I do not know that. So I

would rather choose to remain silent, because I do not know what is the intention of that question.

ADV KHUMALO SC: Just a moment, Ms Hassim. Mr Matlala, I went through this with you when we were discussing General Sibiya, and I thought we had moved past this, because in relation to General Sibiya, although you did say that there are aspects of your relationship with him that are under investigation, you accepted that you could tell us when and how you know him.

But on those aspects where answers you give might expose you to criminal investigation or to charges, you will assert your rights there. We are sitting here as a Commission of Inquiry, and the difficulty I have is that we have a lot of questions for you. Many witnesses have come before the Commission to testify, and they have made certain allegations against you. And you coming here is an opportunity for you to give your side of the story.

If you elect not to give your side of the story, having been invited to come here, the only evidence we have as the Commission is the evidence of those people who implicate you. But you are within your rights to say, I assert my privilege. But I have serious difficulty with you saying, I cannot tell you whether I know General Senona or not, and whether I met him at a wedding or not, when nothing about the wedding is the subject matter of any

criminal investigation.

If it is background information, and I am sure the investigators, when they first spoke to you, they wanted background information. Do you know this person? How do you know the person? But that has nothing to do with whether you are involved in criminal activity with him. It is simply background information to understand whether they should even ask you any further questions about the person. Because if you say, I do not know the person, then that is the end of the enquiry.

So you can imagine that when they first engage with you, they will start with, do you know this person? How do you know this person? Before they get to the substance of what they want to ask you about. So it will make our job very difficult if the entire subject matter is off the table. Because to be honest with you, most of the questions that I intended to ask you, I know that they touch on issues that you intend to assert privilege on.

But it can be that in respect of everything, you assert privilege. Because then we are not going to make any progress. I had understood you that you accepted that in relation to General Sibiya, how you knew him. You even testified about the four occasions, including the party at his house and the engagement party. So if you could answer those questions, I am not sure why in relation to General

Senona, you cannot answer the same questions.

So I would expect that the question that was asked, you will answer it. Because answering it does not impact on your section 35 rights or your privilege arising from the Commission's Act and the regulations.

CHAIRPERSON: To add to that, Mr Matlala, just two things. One, I would understand if, for example, your first meeting with General Senona was about criminality. To take this example, the two of you have agreed to pull the greatest cash-in-transit heist in South Africa. And you say, it will be quite discreet if we meet at my wedding. Nobody will suspect anything, but you and I will steal a moment and have a discussion about the heist, do our planning.

So there I would understand if you do not want to come anywhere near the aid discussion of your first meeting with General Senona. I would be surprised if you want to suggest that that very first meeting already concerned any possible or alleged criminality, for you to be refusing to answer any questions that relate to that very first meeting between the two of you.

Secondly, I want to disabuse your mind of any possible apprehension about this so-called Madlanga what, task team? Yes, yes. That entity was wrongly or incorrectly named. It has nothing to do with Madlanga. It is SAPS that chose to name their task team, which they as

SAPS are using to investigate matters that emanate from issues that were debated before the Commission or in respect of which the Commission made referrals. That is SAPS one hundred percent.

All the Commission would have done in certain instances would just be to make referrals. So it is SAPS acting as SAPS and at that level after the referrals, the Commission has no role to play whatsoever. So you kept saying to get answers, because I was already asked questions of this nature by this Madlanga Task Team. You can get the answers in that regard from the task team. They are not the Commission.

The Commission has its own mandate and it wants to establish facts for itself. So you cannot refer the Commission to that task team which is SAPS and which the Commission has nothing to do with. After it has reached the point of we are now referring these matters to SAPS, SAPS then acts as SAPS, not as the Commission. I thought I should just disabuse your mind of any possible misapprehension in that regard.

Now having heard what Commissioner Khumalo said, perhaps we will ask Ms Hassim to repeat her question. Hopefully this time we will get an answer.

MR MATLALA: I wanted to comment on the question of Commissioner.

CHAIRPERSON: Yes, you may.

MR MATLALA: Because he was saying that introduction, so my question, my concern actually is, why would the police ask me about when it was the first time I met him if it does not matter to them. So I am of the view that everything that they will ask me is relevant to them. They would not just ask me a question just because they want to pass time. So I do not want to undermine their investigation and end up incriminating myself by saying things before they can even get there.

So I am not comfortable actually answering these questions. I also find myself in a very bad space because I did not invite them to come and serve me with this document and I did not plan for it to happen. So it just happened. And they even went further and had a consultation with myself, asked me a lot of questions, which my lawyer, my attorney who is not present in the Commission, I assume he has those notes, I think.

So I do not know whether it is a wise move to comment while there is an ongoing investigation, which I am aware of. Unless it is something that has nothing to do with that investigation, then I will be happy to comment on that.

ADV BALOYI SC: Mr Matlala, for what it is worth, before the Commission, you have only two bases that excuse you lawfully from answering questions. It is privileged

information between you and your lawyers, and therefore you refuse to answer on that basis. The law recognises that. And two, you have the privilege not to self-incriminate. Those are the two legally recognised bases on which you may refuse to answer questions. If it does not fall within those two categories, then you are simply refusing to answer questions and the law requires that you answer questions.

If your position is, I refuse, it is what the Commission has to deal with. The law regulates what happens when we deal with a witness who refuses to answer questions on grounds that are not recognised in the law. So it is not open to you to refuse, and that is the end of the discussion. It does have consequences, and I think you should be alerted to that, that you have an obligation to answer satisfactorily subject to the two exceptions.

And you must place yourself within the two exceptions for you to be excused from answering. Otherwise, you are a witness who refuses to answer questions, and it has its own consequences on you. So maybe you need to be clear. If it is a case of I do not want to answer the question, then we engage with you, and Ms Hassim engages with you on that basis. Your legal advisors will also tell you what is the consequence of that. I assume they have done so.

But I think be under no misapprehension. Outside of the two exceptions, you are not entitled to say I do not want to answer a question because I was asked the same question by the police. Go get your answers from the police, which is – it is strange that you would even say that, because if you say go get the answers from the police, it means you do not object to us having those answers. Because if we had the means to demand from the people that interviewed you, if you are happy for us to get that information and we had the means to get it from them.

It really means you do not have any principle objection to answering those questions or us having access to those answers. The long and short of what I am saying is you have only two exceptions that would justify you in law to refuse to answer questions. Otherwise, you are a witness who is refusing to cooperate and to provide satisfactory answers, and the Commission will have to deal with you on that basis. I do not know if you want to comment, if you have anything to say.

MR MATLALA: Yes, I wish to. Firstly, Commissioner, I said not get answers from the police. I said you can verify if indeed they asked me questions. I did not say you must get the answers from them.

ADV BALOYI SC: Am I misunderstanding.

MR MATLALA: So I need to clarify that. And I am not

here because I want to frustrate the process of the Commission. I also want to help, but I also need to know where I stand legally, that whatever I do, it will not implicate me. So since there is an ongoing investigation, which I am aware of, so I thought there is a legal basis on why I do not want to answer that question. It is not like I do not want to because I do not care. It is not like that.

So I said, if there is a question that involves yes General Senona, but is not part of what they are investigating, I am willing to answer that question. So I do not know, because the same question that I have been asked here, I have been asked by the same people who are investigating the case. So now, what is their intention about the question? I do not know that.

ADV BALOYI SC: Maybe lastly from me, whatever further engagement Ms Hassim is going to have with you on this, that perhaps you should also be reminded and be mindful that you have testified before the Ad Hoc Committee on relating to not just General Senona. You were asked specific questions, you answered, and that is a public record.

So some of the questions will not be placing new matter before the Commission that is not previously available to the public. And that we should testify to in the Ad Hoc Committee, we are entitled to put it to you. There is

nothing that says we cannot put it to you. It is up to you how you choose to respond to it. But it is material that is before us, you have testified to under oath, and we are entitled to put it to you.

So the topic of General Senona is not off the table, can never be off the table. You have been advised from the Commissioners, hopefully from your legal team, but you have also heard the evidence leaders say that there is no umbrella topics that are off the table. You have to listen to each question and then say why that question would implicate you, an answer to that question would implicate you.

And you unfortunately have to do it that painful way of each question, state why that would implicate you. It is not clear, for example, to me why repeating the answer you gave to the Ad Hoc Committee of when you met General Senona, why that would implicate you. It is not clear until you explain that, well, if I give you that answer, it potentially discloses my involvement in unlawful conduct, because that is how it must work.

So finally, I think there is no basis. I agree with the Chairperson and with Commissioner Khumalo that you cannot, in a blanket way, refuse to answer questions just because the police have interviewed you and you have got that letter. You cannot refuse to answer any question

related to General Senona, and I do not understand you to be saying that. You should listen to the question and answer the question, including saying I will not answer because the answer to that will implicate me. Thank you.

ADV HASSIM SC: Thank you, Commissioner Baloyi. Is there something you wish to say in response?

MR MATLALA: Yes, I wanted to ask now, will I ever be afforded the chance to, if I see there is a question that will implicate myself, that will I be afforded the chance to say no, this question I am not comfortable answering, it will implicate myself. I am saying regarding General Senona, so if there is a question that will implicate myself. Because now I do not know how I should, the thing is, I do not know the difference between which right I must invoke, which privilege must I invoke, so I do not know how now I must move forward with this.

CHAIRPERSON: The idea of the engagement was not at all to stop you from asserting your privilege where that is warranted. That is not the idea. But what we are engaging you on is that to the extent that there may be questions around or about General Senona, that do not bear relevance to any possible or alleged criminality, which is what the basis for asserting the privilege would be, then there is no reason or basis for you not to answer the questions.

But you know better, you are in a better position to

know that, but once we get there, now that does entitle me to assert my privilege. So we are not suggesting that for as long as we are talking about General Senona, then you are barred from asserting your privilege. That is not what this engagement was intended to achieve, not at all. That is not the idea.

Our engagement basically, and that is why I even gave the example of the cash-in-transit heist, our engagement was merely to say the fact that the police have asked you questions about General Senona does not in and of itself entitle you to raise or to assert the privilege in respect of anything that relates to General Senona. Some of the questions that you may have been asked may not bear relevance to whatever criminality it is that they are investigating.

For example, I think it does make sense that you would start somewhere when interviewing someone, and that starting point may not necessarily in and of itself bear relevance to what is actually investigated. I guess one could even relate it to a conversation. Sometimes when you are engaging in a conversation with people, you do not just go straight to, yes, some people do, but sometimes you will introduce it, but it is not really the crux of what you want to address.

So the question, when did you meet General

Senona for the first time, may not necessarily relate to whatever it is they are actually investigating. So it is at that level that we were engaging you, and you know better at what point does it get closer to what you understand the alleged criminality to be or to be about. You know that better. But if it was a meeting at a wedding and you know from where you are sitting whether there was or there was not any possible criminality, I do not see why you cannot answer the question as to where and when you first met General Senona. I do not.

Unless, again, it goes to my example of the heist, where the very meeting at the wedding would have been intended to discuss the heist. Do you see the distinction I am drawing? So to answer your question directly, no, we are not suggesting that you cannot assert your privilege insofar as General Senona is concerned. We are not suggesting that at all. We are just saying that surely that privilege cannot be applicable to any and every question that has something to do with General Senona. That is all we are saying. I hope that clarifies it.

MR MATLALA: Thanks, Chairperson. But the heist was a very bad example. [Laughter]

CHAIRPERSON: I had to give an example to try to drive the point home, Mr Matlala.

MR MATLALA: No, thank you. I will do it when it is time

for me to assert my privilege.

CHAIRPERSON: Yes, please, please, thank you.

ADV HASSIM SC: Thank you. Thank you, Mr Matlala. So, I mean, you have been listening to the exchanges we have been having regarding the question of the ambit of your right. And I think just to further clarify for you, your right is not a general right to remain silent in the Commission. So, that is why we say to you that you need to answer each question, unless that question itself you feel will incriminate you in a specific offence, in a specified offence. Do you understand? You get the distinction? Okay. So, let us begin again.

My question to you was about your meeting with General Senona. And you recall that you already testified to this at the Ad Hoc Committee. Do you recall that?

MR MATLALA: Yes, I recall that.

ADV HASSIM SC: So, can you tell us when you met General Senona and where?

MR MATLALA: Yes, it was in the wedding, but the date, I do not remember, but it was before 2020. Before 2020, yes.

ADV HASSIM SC: Sorry, are you saying it was in 2020 or before 2020?

MR MATLALA: Before, yes. Because 2020, I remember, because of the pandemic. So, it was before that.

ADV HASSIM SC: Okay. So, and that you said was at the

wedding?

MR MATLALA: Yes.

ADV HASSIM SC: And so, you spoke to him on that day?

MR MATLALA: Yes, I did.

ADV HASSIM SC: And did you exchange numbers that day?

MR MATLALA: No, no.

ADV HASSIM SC: When did you exchange numbers?

MR MATLALA: On a later stage.

ADV HASSIM SC: Do you recall when?

MR MATLALA: I do not recall when, but also, Mr General Senona, also, he is from the same, I would say, township as Mr Msibi. So, I knew him because sometimes he would be with Mr Msibi and then that is how I knew, I got to, I would say, get closer to him.

ADV HASSIM SC: Okay. So, you met him at his wedding, but your introduction, the reason you went to the wedding was not because Mr Msibi introduced you.

MR MATLALA: No, it is not.

ADV HASSIM SC: And then you are saying that your relationship grew closer with the assistance of Mr Msibi because he had a relationship with General Senona.

MR MATLALA: Not with his assistance, because I think it was the funeral of, they are from the same township, so he was at the funeral of Mr Msibi's mother. Then after the

funeral, I was sitting with him on the same table. After the funeral, we were eating, then I was on the same table with him.

ADV HASSIM SC: With General Senona?

MR MATLALA: Yes.

ADV HASSIM SC: Right. So, I get that. So, you became friends. At some point, you exchanged numbers. So, you were not only meeting him at weddings and funerals.

MR MATLALA: That is my big, not friends, because he is my, I will say older brother.

ADV HASSIM SC: Okay. All right. So, you would have seen that in the Ad Hoc Committee, you have in fact described him. In Parliament, you said you described him as your big brother, right?

MR MATLALA: I do not remember, but I will take it, yes.

ADV HASSIM SC: And in your conversations with him in the WhatsApp chats, you described him as Nduna.

MR MATLALA: I just refer to everybody as Nduna, just not only him.

ADV HASSIM SC: Not just him. Okay. But you have got a respectful and friendly relationship with him.

MR MATLALA: Yes, I do have.

ADV HASSIM SC: And you communicated with each other regularly.

MR MATLALA: Yes, yes.

ADV HASSIM SC: And so, I mean, can you identify at what point you began to communicate more regularly? So, after you had first met.

MR MATLALA: I would say maybe after the funeral of Mr Msibi's mother.

ADV HASSIM SC: And when was that?

MR MATLALA: Eish, maybe 2021. I do not, 2021 maybe.

ADV HASSIM SC: Okay. All right. And then you arranged to meet with him when you went to Durban from time to time. Is that right?

MR MATLALA: When I did what?

ADV HASSIM SC: You arranged to meet with him when you travelled to Durban.

MR MATLALA: Yes, I did, yes.

ADV HASSIM SC: And you also would arrange to meet with him when he travelled to Pretoria.

MR MATLALA: Yes.

ADV HASSIM SC: And when you met with him in Pretoria, the meeting place, did you have a common meeting place? And let me say that, firstly, was that common meeting place Menlyn Maine? Is that where you would usually meet?

MR MATLALA: Yes.

ADV HASSIM SC: And is that your apartment?

MR MATLALA: Of course, yes.

ADV HASSIM SC: Okay. And how often did you meet at

Menlyn Maine in Pretoria?

MR MATLALA: On a number of occasions, I cannot tell, I do not know.

ADV HASSIM SC: Can you give us an estimate? Five, ten, one hundred?

MR MATLALA: No, no, that is quite a lot. Less than...

ADV HASSIM SC: But it was regular?

MR MATLALA: Yes.

ADV HASSIM SC: Okay. And in all of the times of these meetings, you knew that he was a senior DPCI officer?

MR MATLALA: Yes, I knew it, yes.

ADV HASSIM SC: Okay. And in these meetings, did you discuss your businesses with him?

MR MATLALA: Yes, he knew it, yes.

ADV HASSIM SC: I did not hear you.

MR MATLALA: He knew before, yes, sometimes I discuss, but he already knew what I was doing.

ADV HASSIM SC: So he already knew what you were doing?

MR MATLALA: Yes.

ADV HASSIM SC: What in particular are you talking about?

MR MATLALA: Security.

ADV HASSIM SC: Okay. So you discuss the business, the CAT VIP protection service business?

MR MATLALA: Yes, yes.

ADV HASSIM SC: Did you discuss with him the needs of your company and particularly an issue about risk management?

MR MATLALA: No, I do not recall that.

ADV HASSIM SC: Okay. Did he introduce you to any people or recommend people for you to consult with to assist you with the management of the company?

MR MATLALA: No, not to consult with, but he was willing to recommend people who needed security services to me.

ADV HASSIM SC: To recommend people who were in the same business?

MR MATLALA: No. Can I give you an example?

ADV HASSIM SC: Yes, please do. And if you could just speak up a little, I am not sure if it is just me.

CHAIRPERSON: I understood, but he just said he will explain, but I understood his answer to be that he would recommend clients. That is how I understood.

ADV HASSIM SC: Yes.

CHAIRPERSON: Did you want to explain further, Mr Matlala?

MR MATLALA: I wanted to say, yes, clients, recommend clients, yes.

CHAIRPERSON: Ja.

ADV HASSIM SC: Okay. So you are saying he did not

recommend sort of experts for you to consult with, with regard to the management of your business?

MR MATLALA: Experts?

ADV HASSIM SC: Yes, like maybe financial experts or business management, people who are experienced in business management or that kind of thing.

MR MATLALA: No, I do not recall that.

ADV HASSIM SC: Okay. And did you discuss your contract difficulties with SAPS with him?

MR MATLALA: Yes, I did, yes.

ADV HASSIM SC: And when was that that you discussed that with him?

MR MATLALA: Maybe in the beginning of 2025 or towards the end of 2024, somewhere there, yes.

ADV HASSIM SC: Okay, so end of 2024, beginning 2025. End of 2024 was also the time at which you had the raid at your place by the GCI Ops Team on 6 December, correct?

MR MATLALA: Yes, that is correct.

ADV HASSIM SC: And then there was a second one in December as well, I think it might have been around 18 or 19 December, is that correct?

MR MATLALA: Yes, that is correct.

ADV HASSIM SC: Did you discuss that police action that was taken against you, did you discuss that with General Senona?

MR MATLALA: Yes, I did.

ADV HASSIM SC: And what was the content of that discussion?

MR MATLALA: Let me just start with the first raid. I was worried that, I thought I was robbed, but as soon as I found out that there are police who came to do the raid, so I told him about what happened. Because he was in Pretoria, I remember, so I did not need to go to KZN, he was around. So I explained to him what happened and I think that is it. So, yes, I just explained to him what happened and then he just said to me, and I told him that, listen, they even took my phones, I cannot even make transactions, I even borrowed money from him.

ADV HASSIM SC: Yes.

MR MATLALA: Yes, I remember that day, he gave me R20,000.

ADV HASSIM SC: He gave you R20,000 on that day?

MR MATLALA: Yes.

ADV HASSIM SC: And that was after the 6th of December?

MR MATLALA: The following day. I think it was the 7th or the 8th, but it was on a weekend, yes.

ADV HASSIM SC: Okay. And did he advise you on how to handle what had happened to you on the 6th of December, including the seizure of your phones?

MR MATLALA: No, he also did not know what was

happening. I just told him, but we thought by then, even myself, I thought, since we found out that those are real police, then we thought, in a way, what they were looking for, they did not find it, it will end like that. So there was nothing further to discuss. Until the second raid.

ADV HASSIM SC: Until the second raid.

MR MATLALA: Yes.

ADV HASSIM SC: What was the concern in relation to the second raid?

MR MATLALA: The concern now, it was because I thought that was a personal thing. Like I explained earlier, that the police went to my office to do an inspection, and while they were there, they ended up coming up with a charge of negligence, I would say, because I had a spare key of my safe where we keep our weapons. And I did not know, according to the law, you are not supposed to do that as an owner of the company.

So but the way the police came to my house to arrest me, then I thought this is more than what it was supposed to be, because they came with their task force members to arrest me for this key. Then I explained that to him, that I do not think this is what it is. There might be more to this thing. Then he advised me that maybe he will ask around and he will tell me what is happening.

ADV HASSIM SC: Okay, let me just pause you for a

moment there. When you discussed this with him, was he still in Pretoria? Did you discuss it with him in person?

MR MATLALA: Yes, I was with him.

ADV HASSIM SC: Where were you?

MR MATLALA: Yes, in Pretoria.

ADV HASSIM SC: In Pretoria?

MR MATLALA: Yes.

ADV HASSIM SC: In Menlyn Maine?

MR MATLALA: Yes.

ADV HASSIM SC: At your place?

MR MATLALA: I only met him, yes. When he was in Pretoria, the only place that we meet was at my apartment.

ADV HASSIM SC: Okay. So, when you discussed this with him, he said to you he would find out more information.

MR MATLALA: He said he would ask.

ADV HASSIM SC: Ask around.

MR MATLALA: Maybe, I do not remember, ask around or find out something like that.

ADV HASSIM SC: Okay, and did he then come back to you with what he learned from his investigations?

MR MATLALA: No, actually, no he did not. But that is when I found out from the former Minister Bheki Cele, that I told him instead what is actually happening. He did not tell me. I told him.

ADV HASSIM SC: Okay, let us take a step back there.

Explain the involvement of former Minister Bheki Cele.

MR MATLALA: Can you say that again?

ADV HASSIM SC: Can you explain his involvement? What is it you are trying to say about him?

MR MATLALA: Minister Cele?

ADV HASSIM SC: Yes.

MR MATLALA: No, I am saying after I met him, that is when I knew, and then I explained to Mr Senona what I found out from former Minister Cele. So, I do not know what you are saying, I must explain what?

ADV HASSIM SC: No, I just want to understand why you were introducing former Minister Bheki Cele into it in response to my question to you. My question was, did General Senona come back to you to say, this is what he has found out, this is the team that did the raid, and any information, did he give it to you? Any information?

MR MATLALA: Yes, I said he did not. I am the one who actually told him what was happening, because I found out from Minister Cele.

ADV HASSIM SC: Okay, so he had no information that he came back to you.

MR MATLALA: No, nothing, yes.

ADV HASSIM SC: Okay. So, but he did undertake to find out, he just never came back to you.

MR MATLALA: Yes.

ADV HASSIM SC: Okay. So, at this point, this is now December 2024 still, and you are meeting him regularly. He, I assume it is a loan that he gives you of R20,000, it does not matter whether it is a loan or not. But by this point in time, you have now become personal friends. Would that be fair to say?

MR MATLALA: It is not fair. It is like now I am saying I am friends with the Chairperson, and it is older than me, so I would rather say my big brother. I cannot say he can be my friend, someone older than me.

ADV KHUMALO SC: Mr Matlala, perhaps in township lingo, you say it was a brotherly relationship.

MR MATLALA: Yes, big brotherly relationship, yes.

ADV KHUMALO SC: He is not a relative, but you have a brotherly relationship with him. *Lidi-bra* [?].

MR MATLALA: Ah, no.

ADV KHUMALO SC: *Killi grootman* [?].

MR MATLALA: Yes, yes, yes.

ADV KHUMALO SC: I want to take you back. Sorry to do this, I had a question. At what point, I know you met first at a wedding, and then at the funeral of Mr Msibi's mother. At what point did you become aware that he was the Head of the Hawks in KZN?

MR MATLALA: At the funeral.

CHAIRPERSON: So you found out at the funeral that he is

the Head of the Hawks at KZN?

MR MATLALA: No, not the Hawks. I just heard people referring to him as General, General, so I did not know General from where.

ADV KHUMALO SC: But you knew that he was a General at SAPS?

MR MATLALA: General, yes.

ADV KHUMALO SC: You just did not know which division or which unit?

MR MATLALA: Yes, that I did not know.

ADV KHUMALO SC: Thank you.

ADV HASSIM SC: So, again, this is December. Let us stay in December and go to the WhatsApp chat conversation between you and General Senona. And for that, you will need to go to file 2. And page 2.

MR MATLALA: Page 2.

ADV HASSIM SC: And do you see the chats between you and General Senona?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And you see that it is dated 28 December 2024?

MR MATLALA: Yes.

ADV HASSIM SC: Okay.

ADV BALOYI SC: 2.1 file?

ADV HASSIM SC: No, file 2.

ADV BALOYI SC: And you said page?

ADV HASSIM SC: Page 2. Perhaps the numbering, I am hoping that your numbering has not gone awry, Commissioner Baloyi, but if you look at the tab, that is numbered. Yes. Sorry, numbered what? Yes.

ADV BALOYI SC: Ja, I am there, page 2, thank you.

ADV HASSIM SC: Thank you. Okay. So, Mr Matlala, now that we are all on this page, you will see these conversations that are taking place on the 28th of December 2024. You say to him, so the green is you. Do you see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: You recognise that number?

MR MATLALA: I see the name, but the number did not...
Ja, but I see his name.

ADV HASSIM SC: And your number ends in...

MR MATLALA: My number, yes.

ADV HASSIM SC: That is your number.

MR MATLALA: Yes, yes.

ADV HASSIM SC: You start off greeting him by saying:

“Morning, Nduna.”

He says:

“I trust you are fine under the
circumstances.”

And then you say:

“The guy I went to see really helped. I will tell you whenever you are back this side. Monday, I am starting with our project. Nothing is disturbing me anymore.”

What were you saying to General Senona here? Let us begin with, who is the guy that you went to see?

MR MATLALA: He is the guy I was referring to, the former Minister. Like I said to you, I am the one who informed him that the Minister helped.

ADV HASSIM SC: Okay, so the guy is a former Minister.

MR MATLALA: Yes.

ADV HASSIM SC: Okay. And when you say to General Senona, the guy I went to see, he knows who you are talking about.

MR MATLALA: Yes.

ADV HASSIM SC: How does he know that?

MR MATLALA: I told him.

ADV HASSIM SC: You told him in advance that you were going to see the Minister Cele.

MR MATLALA: Yes.

ADV HASSIM SC: Okay. And then you say:

“I will tell you whenever you are back this side.”

And then;

“I am starting with our project. Nothing is

disturbing me anymore.”

What did you mean by our project?

MR MATLALA: Yes, our project is under investigation. So I will please want to assert my right not to incriminate myself.

ADV HASSIM SC: In relation to the project?

MR MATLALA: To our project, yes.

ADV HASSIM SC: Our project.

ADV KHUMALO SC: Just to be clear, that is a project between you and General Senona?

MR MATLALA: Yes.

ADV KHUMALO SC: Okay.

ADV HASSIM SC: Is it a project that is unrelated to Medicare 2024?

MR MATLALA: It is a project that is under investigation, Advocate Hassim.

ADV HASSIM SC: Is it the Medicare 24 contract?

MR MATLALA: No, it is not.

ADV HASSIM SC: Okay. So, when you have this exchange with him, he says he is coming back, if you turn over to page 3.

“I am coming back that side tomorrow, a week.”

And then he tells you when he arrives. Two days later. Or three days later because it is December. Did you then meet

with him when he arrives back in Pretoria?

MR MATLALA: I think I did, but I do not remember. Maybe I did, yes.

ADV HASSIM SC: You do not recall, is that what you are saying?

MR MATLALA: I met him a lot. Chances are I might have met him, but I do not recall.

ADV HASSIM SC: Okay.

MR MATLALA: I think this chats will assist me to see, ja.

ADV HASSIM SC: Okay. So, if you look at that page 3, he says on the 30th of December:

“My brother, I am in Pretoria.”

Is he saying that to let you know that he is available to meet?

MR MATLALA: It looks like it.

ADV HASSIM SC: Okay. And if you turn to page 4 of that same file, and at the bottom of that page, you will see 2nd January 2025 General Sonoma says:

“I am around and we can meet once you are available.”

And then you turn over to page... No, let us just pause on that. That is 2nd of January. Did you, do you recall meeting then in January?

MR MATLALA: I think I did, but I just do not remember. But I think I met him.

ADV HASSIM SC: Okay. In fact, the 22nd of January, if we can go to that, page 8. You will see on page 8, he says again, now he is back in Pretoria. He says:

“Good evening brother, I am around in Pretoria.”

Do you see that?

MR MATLALA: Yes. It will mean he is around for the second time now.

ADV HASSIM SC: Yes.

MR MATLALA: Yes, I see it.

ADV HASSIM SC: And then you say:

“Let us meet tomorrow if you are available.”

And he says, he will be available around this time tomorrow, which is in the evening. It is about 6.37 p.m. that he sends this. Right? Did you meet then?

MR MATLALA: Yes, I think I did.

ADV HASSIM SC: Okay. And what was the subject of your meeting then?

MR MATLALA: The same thing that I am saying is under investigation.

ADV HASSIM SC: And did you have further meetings in January?

MR MATLALA: Ja, we had quite a few meetings, but I do not know. It is not only in January.

ADV HASSIM SC: Not only in January?

MR MATLALA: Yes.

ADV HASSIM SC: You met in February as well?

MR MATLALA: I met him a lot, so I think maybe I will say each and every month I met him from what I can remember.

ADV HASSIM SC: When did the meetings with General Senona stop?

MR MATLALA: They never stopped until I was arrested.

ADV HASSIM SC: Until you were arrested?

MR MATLALA: Yes.

ADV HASSIM SC: And they were regular meetings?

MR MATLALA: Not regular, because sometimes his office was in KZN, so he would be at work most of the time. I am saying regular, I will say only when he was around in Pretoria.

ADV HASSIM SC: Oh, did you not meet him in Durban?

MR MATLALA: In Durban, yes, I met him.

ADV HASSIM SC: Okay. I would like to take you to a chat that is on 15 January. I am just trying to find the right page, because it does not seem to be in my file. Just give me a moment, please. No, it is not in my file. It is a chat that is on 15 January, and I will find the page for you. What takes place in that conversation is General Senona says to you, if things are favourable, let us finalise the contract. This is on 15 January 2025. He says, if things are

favourable...

ADV KHUMALO SC: Page 7, top of page 7.

ADV HASSIM SC: Page 7. Thank you, Commissioner Khumalo. Do you have it?

MR MATLALA: Yes, I do.

ADV HASSIM SC: So, page 6 is where it begins. He says:

“I will request if things are favourable, let us finalise the contract for those guys who assisted us.”

That is General Senona to you. What does he mean by if things are favourable? What conditions had to be favourable?

MR MATLALA: I do not know what he was referring to. Maybe my availability? I do not know.

ADV HASSIM SC: And which contract was to be finalised?

MR MATLALA: It is the same that I said, it is under investigation.

ADV HASSIM SC: This is the other project that you are referring to outside of Medicare 24? Yes?

MR MATLALA: Yes, yes.

ADV HASSIM SC: And who were those guys who assisted us?

MR MATLALA: Ja, they are under investigation, Advocate.

ADV HASSIM SC: Those guys are under investigation. And this is linked to the contract, of course.

CHAIRPERSON: thought you nodded very slightly. Do you want to vocalise the response? The question, are those guys under investigation, I thought I saw you nod very slightly.

MR MATLALA: Yes, I said yes. They are under investigation.

ADV HASSIM SC: So, did that contract ever get concluded?

MR MATLALA: No.

ADV HASSIM SC: So, was there any ever draft or any written proposal related to that contract?

MR MATLALA: No, it is not a proposal. There was no proposal.

ADV HASSIM SC: Okay, was there any agreement or draft agreement concerning that contract?

MR MATLALA: Advocate, you are taking me straight to the rabbit hole now. Part of this agreement is under investigation. So, when you say the contract, I cannot answer that, because this is the exact same thing that I am saying is under investigation.

ADV HASSIM SC: Okay. We know now that this is a contract or a project that involved both you and General Senona. Did General Senona receive any fee or interest or any payment in relation to this contract?

MR MATLALA: No, he did not.

ADV HASSIM SC: Okay. I would like to then turn to the relationship that you have with General Senona's son. Do you know him?

MR MATLALA: Yes, Thato.

ADV HASSIM SC: Yes. When did you meet him?

MR MATLALA: Recently. I do not know when, but recently. Maybe 2024. Yes, recently.

ADV HASSIM SC: In 2024?

MR MATLALA: Yes, recently. Because 25 I was arrested. Yes, 2024.

ADV HASSIM SC: Do you have a rough estimate about when in 2024? We are not holding you to it. We understand that you do not have any records in front of you. But if you have a rough estimate, that would assist.

MR MATLALA: Maybe in the middle of 2024. I do not remember the date, but...

ADV HASSIM SC: Okay. And what were the circumstances under which you met Thato Senona?

MR MATLALA: In Pretoria, next to the township, next to Mamelodi, there is a project that is going on there where there is a, what is it called? Ford. The company Ford. So there is a lot of construction that is going on there, so Thato wanted me to help him through his father. His father introduced him to me, and he wanted me to help him to get a job there, because he was also into construction.

ADV HASSIM SC: So to get a job at the Ford Motor Company?

MR MATLALA: Yes.

ADV HASSIM SC: And how would you be able to assist him to get a job?

MR MATLALA: Because I am also from Mamelodi, and obviously what they do is they prioritise people who are local, before they can give jobs to someone outside of that area.

ADV HASSIM SC: So were you able to assist him? Are you in the construction business?

MR MATLALA: No, I am not.

ADV HASSIM SC: Were you able to assist him to get a job?

MR MATLALA: No.

ADV HASSIM SC: But you made an attempt?

MR MATLALA: No, I am saying that is what he wanted. He did not know whether I would be able to or not, but since I am from Mamelodi, that is what he wanted me to do.

ADV HASSIM SC: Okay, so that was when you first got to know him?

MR MATLALA: Yes.

ADV HASSIM SC: And then when did you next engage with him?

MR MATLALA: Yes, I did, when I will not remember, but

yes, there was a second engagement, but when I do not remember.

ADV HASSIM SC: But what was the second engagement about?

MR MATLALA: It is about what I said earlier, that is something which is under investigation.

ADV HASSIM SC: Something that is under investigation?

MR MATLALA: Yes.

ADV HASSIM SC: Are you referring again now to this project with General Senona?

MR MATLALA: Yes.

ADV HASSIM SC: So his son, Thato Senona, was also a part of that project?

MR MATLALA: Yes.

ADV HASSIM SC: I see. So you meet with him again to discuss that project?

CHAIRPERSON: May I?

ADV HASSIM SC: Go ahead.

CHAIRPERSON: There has been evidence before us, I think by General Senona himself, that you and Mr Thato Senona intended to purchase an apartment for purposes of renting it out. Is the project you are referring to that project or is it some other project?

MR MATLALA: Yes, I am referring to that one.

CHAIRPERSON: All right, thank you.

ADV HASSIM SC: So that is a project that you were involved in with General Senona and Thato Senona?

MR MATLALA: Yes.

ADV HASSIM SC: Concerning the purchase of the apartment?

MR MATLALA: The project, yes.

ADV HASSIM SC: So the purchase of the apartment was one aspect of the project?

MR MATLALA: No, it was the project.

ADV HASSIM SC: Okay. So where I was going to take you to is page 6 in file 2. On 9 January 2025, General Senona sends you a message saying:

“Good afternoon brother, did you meet with Thato?”

And you say:

“Tomorrow, I am waiting for offer to purchase first.”

So this is the project, the offer to purchase an apartment that is being referred to here.

MR MATLALA: Yes, it is.

ADV HASSIM SC: And did you purchase an apartment?

MR MATLALA: No, I did not.

ADV HASSIM SC: Can you say where the apartment was?

MR MATLALA: Where it was?

ADV HASSIM SC: Yes, where was this apartment that you

were planning to purchase?

MR MATLALA: In Menlyn.

ADV HASSIM SC: In Midrand?

MR MATLALA: No, Menlyn.

ADV HASSIM SC: Apologies, Menlyn. And what was the purchase price?

MR MATLALA: I do not remember, maybe, but I do not think it was more than 3 million.

ADV HASSIM SC: Say that again.

MR MATLALA: I am saying I do not think it was more than 3 million.

ADV HASSIM SC: Three. No, I am saying between 2 and, I do not remember the exact amount, but it should be 2.4, between 2 and 3 million, somewhere there.

ADV HASSIM SC: Okay. And who was going to pay for the purchase of the apartment?

MR MATLALA: That is part of the investigation, Advocate Hassim.

ADV HASSIM SC: Were you going to pay for the purchase of the apartment?

MR MATLALA: No, I would choose not to answer that question.

ADV HASSIM SC: Was Thato Senona going to have some ownership share in the apartment?

MR MATLALA: I do not know that.

ADV HASSIM SC: You do not know that, or you are not answering that?

MR MATLALA: Yes, I do not want to answer that question.

ADV HASSIM SC: Was General Senona going to have some ownership or beneficial interest in that apartment?

MR MATLALA: Still, I do not want to answer that question.

ADV HASSIM SC: So, when you engaged with the estate agent on the purchase of the apartment, did you request information from Thato Senona?

MR MATLALA: Yes, I did. Yes, I did.

ADV HASSIM SC: You did. Did you request his FICA documents?

MR MATLALA: Request what?

ADV HASSIM SC: His FICA documents.

MR MATLALA: Oh, the FICA, yes.

ADV HASSIM SC: And did you provide those documents to the estate agent?

MR MATLALA: Yes, I did.

ADV HASSIM SC: And you say that purchase then was never completed?

MR MATLALA: Yes, it was never completed.

ADV HASSIM SC: Can you say why it was never completed?

MR MATLALA: Because I was arrested.

ADV HASSIM SC: And did you enter into any other

property or business transaction with Thato Senona?

MR MATLALA: Business transaction?

ADV HASSIM SC: Yes, either property or other form of a business transaction.

MR MATLALA: Excluding that, remember earlier I said this Ford Motor Company, excluding that?

ADV HASSIM SC: Excluding that. That I understood you to be saying that you were trying to assist him on employment.

MR MATLALA: No, I do not think there was other, he used to send me his transport business, but it was not like I was interested in that one. But he used to show me what he was doing currently.

ADV HASSIM SC: Okay. Now, these conversations regarding the purchase of the apartment were taking place in early 2025. Let me take a step back, because I would like to ask you, in these conversations in December 2024, did you and General Senona have any discussions about the PKTT?

MR MATLALA: Yes, I explained earlier that I am the one who informed. The PKTT are the people who went to, it is the GCI Ops, right? The PKTT.

ADV HASSIM SC: Well, it is a GCI Ops.

MR MATLALA: Yes, yes.

ADV HASSIM SC: So, when you had a conversation about

the PKTT, you are saying it was just in relation to the raid?

MR MATLALA: Yes.

ADV HASSIM SC: Did you have any other discussions with General Senona about the PKTT?

MR MATLALA: I might have, yes.

ADV HASSIM SC: What was that?

MR MATLALA: On top of, I think everything that was happening after the raid, I was telling him everything that was happening. So, it was in relation of what was happening at that moment.

ADV HASSIM SC: Yes, but I thought you said you spoke about other things other than the raid.

MR MATLALA: I will have to, yes. I do not want to say I did not, but I just do not remember, but I think I will remember what I said. But, there is quite a lot that I said, so maybe you can, if you can advise what you are referring to.

ADV HASSIM SC: But your concern, your concern that you were expressing to General Senona was in relation to the raid and the seizure of the firearms?

MR MATLALA: Yes, yes.

ADV HASSIM SC: And that is how the PKTT came into it?

MR MATLALA: Of course, yes.

ADV HASSIM SC: Okay, so, and that took place in December. And then on 2nd of January, General Senona

...[intervenes]

ADV KHUMALO SC: Can I interrupt your line of questioning? Sorry to do this. Did you believe that it was the PKTT that raided your house? Did you hold that belief in December 2024?

MR MATLALA: You mean before or after I met the former Minister Cele?

ADV KHUMALO SC: No, no, during 2024. So there is a raid at your house, and after that, there is a raid at your business premises. What was your belief? Did you believe it was the PKTT? Who did you believe raided your house?

MR MATLALA: I did not know until I met Minister Cele.

ADV KHUMALO SC: And then when you met Minister Cele, what was your belief as regards who raided your house?

MR MATLALA: Yes, he told me, yes.

ADV KHUMALO SC: He said it was who?

MR MATLALA: Yes, the PKTT.

ADV KHUMALO SC: He said it was the PKTT?

MR MATLALA: Yes.

ADV KHUMALO SC: So, at the end of December 2024, you believed that the PKTT had raided your house and your business premises?

MR MATLALA: Yes.

ADV KHUMALO SC: Thank you.

ADV HASSIM SC: Thank you. So on the 2nd of January, if

you look at file 2, page 5.

MR MATLALA: It is the same file that I have?

ADV HASSIM SC: Yes. So it is just page 5. It is the WhatsApp chats on the 2nd of January. You will see at the bottom of that page, you sent an attachment.

MR MATLALA: Yes.

ADV HASSIM SC: And it says, Letter to NasCom. Do you see that?

MR MATLALA: Yes, I see it.

ADV HASSIM SC: So, you will find that letter at page 15 of the file. Same file. Do you recognise that letter?

MR MATLALA: Yes, I do.

ADV HASSIM SC: So, this is what we have become to be called the PKTT disbandment letter. Do you see that?

MR MATLALA: Yes. Did you ask General Senona to send you that letter?

MR MATLALA: No, this letter got it from Brown Mogotsi.

ADV HASSIM SC: You received it from Brown Mogotsi?

MR MATLALA: Yes.

ADV HASSIM SC: Okay, but you may have received it from Brown Mogotsi, but in this chat, General Senona sends it to you. Do you see that?

MR MATLALA: Oh, he sent it to me?

ADV HASSIM SC: Yes.

MR MATLALA: Okay. I thought I sent it to him.

ADV HASSIM SC: Okay.

CHAIRPERSON: Ja, look at page 5.

MR MATLALA: No, I am not disputing what she is saying, but I thought it was...

CHAIRPERSON: Oh, okay.

ADV HASSIM SC: You might have shared it with him as well, is what you are saying. You shared that letter with people?

MR MATLALA: Yes, because I received this letter, I think on the 31st, I think on the 29th, somewhere there, from Brown Mogotsi.

ADV KHUMALO SC: Did you also tell Brown Mogotsi that it was the PKTT that raided your house?

MR MATLALA: No, he had that suspicion, Brown, but Mr Cele confirmed it to me.

ADV KHUMALO SC: After Mr Cele confirmed it to you, did you tell Mr Brown Mogotsi that you now believe it is the PKTT that raided your house?

MR MATLALA: No, I am saying he already knew that, but I just did not believe him because by then I already had my suspicions about him. But when Mr Cele told me, then he just confirmed what Brown Mogotsi told me already.

ADV KHUMALO SC: Oh, Brown had already told you that it was the PKTT that raided your house?

MR MATLALA: Yes.

ADV KHUMALO SC: Thank you.

ADV HASSIM SC: So is that how you came to know that it was the PKTT, through Mr Mogotsi, and then you relayed that to General Senona?

MR MATLALA: No, I am saying Mr Cele is the one who confirmed it. I did not believe, oh yes, Brown Mogotsi told me, but at that time I did not believe anything that comes from him. Mr Cele just confirmed what Brown Mogotsi told me earlier.

ADV HASSIM SC: Oh, I see. By which time did you not believe anything Brown Mogotsi told you?

MR MATLALA: When he started asking for money to pay investigators.

ADV HASSIM SC: When did he ask for that?

MR MATLALA: Soon after the first raid.

ADV HASSIM SC: So it was still in 2024?

MR MATLALA: Yes.

ADV HASSIM SC: Okay, we will come back to that. For now, I just want to stay on this letter because in this chat, General Senona sends you the letter. My question was whether you asked him to send it to you. You have explained you did not ask him. And in fact, what you say to us, you already had this letter in your possession.

MR MATLALA: Of course I did, yes.

ADV HASSIM SC: What did you understand the letter to

mean?

MR MATLALA: To mean?

ADV HASSIM SC: Ja, what did it mean for you? Why did you think General Senona was sending this letter to you?

MR MATLALA: Because by then, he already knew that the people who came to raid my house, so maybe he wanted to show me that that unit has been disbanded.

ADV HASSIM SC: So you understood this to mean that General Senona is showing you that there is action taken against this team?

MR MATLALA: Yes, I believe so.

ADV HASSIM SC: And did you have a discussion then with General Senona about the letter after you received it from him?

MR MATLALA: I would not say no, but I just do not remember because I already received it before, so it was not relevant for me anyway. So maybe yes, we had, but I cannot remember what was it.

ADV HASSIM SC: So you are saying you may have had a conversation about the letter. So remember, this is 2nd of January. The earlier chats I took you to, you saw there were a number of meetings that you had with General Senona. So in those meetings, would you have discussed this letter? It seems like it is quite an important letter.

MR MATLALA: Important to?

ADV HASSIM SC: Well, it is certainly important enough for General Senona to send to you. He thinks you would have an interest in this letter, correct?

MR MATLALA: Yes, but like I said, I already received the letter before.

ADV HASSIM SC: Sure, but he sent it to you not knowing that you had already received it before, right?

MR MATLALA: I agree.

ADV HASSIM SC: So he thinks that you have got an interest in this letter, right?

MR MATLALA: I agree, yes.

ADV HASSIM SC: And then you met on a number of occasions after the 2nd of January, after he sent you the letter, correct?

MR MATLALA: Yes.

ADV HASSIM SC: And you are saying that you could have discussed that letter in those meetings?

MR MATLALA: Yes.

ADV HASSIM SC: Do you recall anything about what you would have discussed?

MR MATLALA: That is why I am saying I could have, because I do not remember the contents of the discussions.

ADV HASSIM SC: Okay, so you could have discussed it, but you do not remember the contents of the discussion?

MR MATLALA: Yes.

ADV HASSIM SC: Okay. Did you ask General Senona at any time, not about the letter, but about the team that was investigating you, that had conducted the raid in December?

MR MATLALA: Did I ask him what about the team?

ADV HASSIM SC: Did you ask him any information of the members of the team that was investigating you?

MR MATLALA: You mean by the 2nd of January 2025?

ADV HASSIM SC: Yes, after the 2nd of January.

MR MATLALA: I would not ask him because I know who these people were.

ADV HASSIM SC: Because he told you who they were?

MR MATLALA: No, no, no.

ADV HASSIM SC: Mr Mogotsi told you who they were?

MR MATLALA: Mr Mogotsi and Mr Cele told me.

ADV HASSIM SC: So did you have any discussions with General Senona about the team that was investigating you?

MR MATLALA: About the team, like I said, I might have had, yes, because you cannot just send me something and then nothing has been said about it. Hence, I am saying we might have said something which I do not know or recall.

ADV HASSIM SC: Okay. So, in all of this period of time, in January and in your communications with General Senona, he was obviously, as you said, it was a brotherly relationship. You were obviously very close and he was supportive of you, right?

MR MATLALA: Yes, right, yes.

ADV HASSIM SC: And he remained in support of you and close to you until your arrest, correct?

MR MATLALA: Yes, that is correct.

ADV HASSIM SC: I would like to take you to a chat on the 13th of May. It also should be in file 2.

ADV KHUMALO SC: We have it as 11 to 12.

ADV HASSIM SC: No, that is 13th of April. Let me tell you what it is, because it does not seem to be in the file. On the 13th of May, you will recall what was happening at that time. That was when your contract had just been cancelled.

MR MATLALA: The 13th of May?

ADV HASSIM SC: Yes.

MR MATLALA: Yes.

ADV HASSIM SC: 2025.

MR MATLALA: Yes.

ADV KHUMALO SC: We have another additional chat, Senona 2.1, on page 20.

ADV HASSIM SC: Thank you, Commissioner Khumalo. So if you look at page 20, you will see that you sent him a letter to this SAPS national date of 13 May 2025. Do you see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: Do you know what letter that was?

MR MATLALA: I will assume maybe that is the termination

of the contract.

ADV HASSIM SC: Information on the contract?

MR MATLALA: The termination.

ADV HASSIM SC: Termination.

MR MATLALA: I am saying I will assume.

ADV HASSIM SC: Okay. That was, in fact, a response from you, from your attorneys, to the SAPS challenging the termination of the contract. Do you recall that being sent?

MR MATLALA: Yes, I recall it.

ADV HASSIM SC: Okay. Now, when you sent this, and it is not actually in the file, the 13th of May one that I am looking for, what General Senona told you was:

“Take them on, brother.”

Do you remember that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: Was that his, was he encouraging you in relation to your proposed legal action against the SAPS?

MR MATLALA: Yes.

ADV HASSIM SC: It was?

MR MATLALA: Yes.

ADV HASSIM SC: My learned colleague to my left has just pointed out it is on page 19, so it would be a good idea for you to have a look at it. What General Senona says to you is:

“This is so sad, he is one with choice...”

But I think he means no choice;

“...but to seek legal advice on this issue
with a view to challenge the decision.”

Right, that is the termination.

You respond:

“True, my advocate advised I should make
an interdict within 48 hours.”

And then he says:

“Take them on, brother.”

And you say:

“I am on it.”

So that confirms that it is in relation to the termination of the contract. He had an interest in your contract continuing, is that not so?

MR MATLALA: He had an interest, maybe I think, I will not say contract, but I will say in my project.

ADV HASSIM SC: In your project, he had interest in your project, is that what you say?

MR MATLALA: Okay, the project is a contract, yes, but I would say, I am saying his interest was not in seeing the, whatever works for me, but there is nothing for him to have interest in the contract. I will say he will hear, but he knows that I need the contract, so that was his advice from him to me.

ADV HASSIM SC: So, he had an interest in you?

MR MATLALA: In my best interests, yes.

ADV HASSIM SC: So you are saying he was looking after your interests, that is how you are describing his involvement, if I can use a different word.

MR MATLALA: Yes.

CHAIRPERSON: He had an interest in your welfare.

MR MATLALA: I would say that, yes.

ADV HASSIM SC: And so, did General Senona receive any benefit, other than just wanting to look after your well-being, did he receive any financial or other benefit as a result of your exercising your performance in this contract?

MR MATLALA: Advocate Hassim, those benefits, or whatever they are, is under investigation, so I will choose please not to comment on that.

ADV HASSIM SC: Okay. At the end of that exchange ...[intervenes]

ADV BALOYI SC: Just so that there is no confusion, when you say those benefits are under investigation, you mean that question, that very issue?

MR MATLALA: Yes, yes.

ADV HASSIM SC: The financial benefits?

MR MATLALA: Yes.

ADV HASSIM SC: Thank you. At the end of that exchange, General Senona sends you Minister Cele's contact details, do you see that?

MR MATLALA: What page is it?

ADV HASSIM SC: 21.

MR MATLALA: Okay.

ADV HASSIM SC: Well, do you know why he sent it to you at this point in time?

MR MATLALA: This is 14 May?

ADV HASSIM SC: Yes.

MR MATLALA: I do not know, because I had Mr Cele's number, maybe, I do not know, maybe it was a mistake, I do not know, but I had Mr Cele's number.

ADV HASSIM SC: Okay. You did not request it from him?

MR MATLALA: I do not even think he was sending this to me. I do not think, no, no, it cannot be, because I had Mr Cele's number.

ADV HASSIM SC: No, he was sending it to you, but I accept your answer that you already had Mr Cele's number, because in fact you had met him earlier in the year, as you have already explained.

MR MATLALA: Yes.

ADV HASSIM SC: Yes. Okay. Did you ask General Senona at that point in time for any assistance in relation to the contract?

MR MATLALA: He could not help me in relation to the contract, General Senona.

ADV HASSIM SC: In relation to the termination and

assisting you on that, he could not provide any assistance?

MR MATLALA: No, no, no.

ADV HASSIM SC: So before that then, before the termination, when you were having difficulties with the contract, when you were having difficulties with purchase orders, do you remember that, those difficulties?

MR MATLALA: Yes, I do.

ADV HASSIM SC: You raised those difficulties with several people, is that not so?

MR MATLALA: Yes, I do.

ADV HASSIM SC: With several people within the SAPS, is that not so?

MR MATLALA: Of course.

CHAIRPERSON: Sorry, please do not forget your line of questioning. There is a question, I hope I did not misunderstand it. I thought Ms Hassim asked whether you requested General Senona to assist with the contract, and I assume that is in the context of its cancellation. And your response was he could not assist. But did I understand your question correctly, Ms Hassim?

ADV HASSIM SC: That is, you understood it correctly.

CHAIRPERSON: So the answer that he could not assist does not answer the question directly. Had you requested assistance at all?

MR MATLALA: No, I am saying I did not, because even if I

did, he was not part of the supply chain or anything that could help me. That is why I said he could not help.

CHAIRPERSON: So you did not, because he could not. All right. It is just that you did not articulate the part that you did not, what you articulated was he could not. Please continue, Ms Hassim.

ADV HASSIM SC: Thank you, Mr Matlala. I understand your response in relation to his inability to assist you at the point when the contract was terminated. My question to you now is about a period in time prior to the contract being terminated. And I raised with you your difficulties with receiving purchase orders, and you confirmed that you were having those difficulties. And that you raised these concerns with members of the SAPS, and you confirmed that. Do you still confirm that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And General Senona was one of the people with whom you raised your difficulties, is that not so?

MR MATLALA: Yes, but I was doing it as my big brother, not because he was part of SAPS member.

ADV HASSIM SC: Not because he was an SAPS member. So in your personal capacity, you were sharing with him your grievances.

MR MATLALA: Yes.

ADV HASSIM SC: And in that context, did he provide you any assistance?

MR MATLALA: I would say yes, because not assistance, but when I went to meet General Mkhwanazi, it was in relation with the purchase orders, and he was present.

ADV HASSIM SC: That was in April 2025?

MR MATLALA: Yes.

ADV HASSIM SC: In fact, it was 15 April 2025, is that not so?

MR MATLALA: The date, yes, but I take it yes.

ADV HASSIM SC: We will come back to it, but it was 15 April 2025. I am going to an earlier point in time. Are you saying that prior to that meeting of 15 April 2025, General Senona did not assist you?

MR MATLALA: With what?

ADV HASSIM SC: With the problem you were having with purchase orders.

MR MATLALA: No, he did not.

ADV HASSIM SC: Did he assist you by intervening in any way to have your invoices paid?

MR MATLALA: No, he cannot do that.

ADV HASSIM SC: So, let us turn to page 7 of file 2.

MR MATLALA: Page?

ADV HASSIM SC: 7. And this is file 2, not 2.1. Now, we have been at this page before for the purposes of the

message that is right at the top of the page, but we have dealt with that now. We understand that that is a separate project, not related to Medicare 24. But what I would like to put to you next on this page is the screenshot that you sent him on the 15th of January at 3 minutes past 8 in the evening. Do you see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: What is that screenshot?

MR MATLALA: I think it is to show the progress of how far is the payment from SAPS.

ADV HASSIM SC: So, this is an internal SAPS software system?

MR MATLALA: Yes.

ADV HASSIM SC: And where did you get this from?

MR MATLALA: I got this from my Head of Operations.

ADV HASSIM SC: Your Head of Operations?

MR MATLALA: Yes.

ADV HASSIM SC: In Medicare 24?

MR MATLALA: Yes.

ADV HASSIM SC: And who is that?

MR MATLALA: James Marais.

ADV HASSIM SC: So this, he captured the screenshot, or was that sent to him?

MR MATLALA: There was someone from SAPS, but that is another investigation within SAPS. But that is another part

of the investigation from the Medicare contract. There was someone from SAPS, from, what is it called, the finance department, who was sending it to James.

ADV HASSIM SC: Okay, so an SAPS member from the finance department?

MR MATLALA: Yes, sent his this screenshot.

ADV HASSIM SC: Sent him this screenshot?

MR MATLALA: Yes.

ADV HASSIM SC: And you forwarded it to General Senona?

MR MATLALA: Yes.

ADV HASSIM SC: Why did you send it to General Senona?

MR MATLALA: To show him the progress of the payment.

ADV HASSIM SC: Immediately after you sent it to him, you say:

“Let me know when you are around.”

Was it to discuss this issue of the payments?

MR MATLALA: No, this I was showing him how far is the progress of the payment.

ADV HASSIM SC: Yes, but what does it say? What are you trying to show to him? What type of progress? Lack of progress?

MR MATLALA: No, that I am waiting for payment, but to go deeper, then I will have to invoke my rights, because it is part of investigation. Because it will take us now to that

project that I was talking about, so I do not want to go there.

ADV HASSIM SC: Okay. You will see on that screenshot it says:

“Invoices to be uploaded.”

MR MATLALA: Yes.

ADV HASSIM SC: Okay, so it does not really tell you much about the progress on payments. What it is saying is that the invoices have not yet been, it is just saying the invoices to be uploaded, right?

MR MATLALA: Of course, yes.

ADV HASSIM SC: Okay, and did you then discuss this with General Senona after you met with him? Because you say:

“Let me know when you are around.”

MR MATLALA: I do not think General Senona will even understand the process of finance system from SAPS, but this invoice to be uploaded, it says when we upload invoice, even from their side, they will have to upload them to their system for processing. So that is something that General Senona cannot be part of.

ADV HASSIM SC: Well, when you sent it to him, what did you expect him to do with this information?

MR MATLALA: Okay, Advocate Hassim, I think maybe you did not understand me earlier. I said this is part of the investigation for that project that I was talking about. So

the only way for you to understand now is to exactly explain what was this for.

ADV HASSIM SC: So you are saying that this is part of an investigation into the other project, not Medicare 24?

MR MATLALA: No, not Medicare 24.

ADV HASSIM SC: Okay. Let us go to the next exchange, and that is in file 2, and it is page 9A.

MR MATLALA: The same file that I am having?

ADV HASSIM SC: Same file, 9A.

MR MATLALA: What page is that?

ADV HASSIM SC: 9A. It is A in brackets.

MR MATLALA: It should be another... There is no A here.

ADV HASSIM SC: It is in the same file.

ADV KHUMALO SC: After page 9.

MR MATLALA: After page 9 is 10, and the other side is blank.

ADV HASSIM SC: Does my learned friend have 9A?

MR MATLALA: It just says 9 here.

ADV HASSIM SC: Chair, do you have 9A?

CHAIRPERSON: Yes, yes we do. Thank you.

MR MATLALA: Is it for file 2?

ADV HASSIM SC: It is for file 2, yes. Okay, so you will see on that page, this is now 6 February 2025. At 7.18 in the evening, you send General Senona a video attachment. And if we could just play that video attachment.

MR MATLALA: Is it not under investigation?

ADV HASSIM SC: I do not know. Let us play it and then you will tell us.

MR MATLALA: So we play it first?

ADV HASSIM SC: Yes.

MR MATLALA: It will be too late, but okay.

ADV HASSIM SC: Can we play it please?

MR MATLALA: This is the investigation of the Medicare 24 contract.

ADV HASSIM SC: Okay.

MR MATLALA: I can explain...

ADV HASSIM SC: I would still like the video clip to be played. It has been played before in these proceedings. And we have asked General Senona questions regarding this particular video and it is important for me to be able to give you an opportunity to respond to it.

CHAIRPERSON: Or not respond on the basis of...

ADV HASSIM SC: You will respond as you see fit. Could we please play it?

[VIDEO RECORDING PLAYED BACK]

"I am ready to take the kids to the college on the 4th. So by Monday, if we are able to receive anything, we close. We will have to send members that are short and that process of the non-performance by the

service provider. That process I have already directed that it must start. So...”

ADV HASSIM SC: Do you recognise the name of the speaker in that video.

MR MATLALA: Ja, but this is the core of the investigation. I do. But I do not want to comment on this.

ADV HASSIM SC: I just want to understand it. And as you can see, Mr Matlala, I am respecting your rights as you are asserting them and not pushing where I think you are asserting it appropriately. But I just want to question this response now. Because I want to understand how mentioning the name, identity of the speaker, would implicate you.

MR MATLALA: No, I do not have a problem with the speaker. But I just do not want to go further. The speaker, I do not have a problem to identify the speaker.

ADV HASSIM SC: Okay, so we are taking it one step at a time. The question was whether you could identify the speaker, but you did not want to answer. So can you identify the name of the speaker if you are saying that that is not the issue? It is just that you do not want to go further.

MR MATLALA: If I am not wrong, this should be General Nkhuoa.

ADV HASSIM SC: And who is General Nkhuoa?

MR MATLALA: She is the Head of HR, I think.

ADV HASSIM SC: She is a member of the SAPS in the HR component?

MR MATLALA: Yes.

ADV HASSIM SC: Okay. She says, well, before we say that, where did you get this video from?

MR MATLALA: It was, what is it called, part of our bilateral meetings.

ADV HASSIM SC: Our meaning who?

MR MATLALA: Medicare 24.

CHAIRPERSON: I am sorry, I am sorry. Part of your what?

MR MATLALA: We now and then had meetings with SAPS.

CHAIRPERSON: Yes, okay, bilateral?

MR MATLALA: Yes.

CHAIRPERSON: Okay, okay, I did not hear you.

ADV KHUMALO SC: Service delivery meetings?

MR MATLALA: Progress, ja, it is different purposes.

ADV KHUMALO SC: Concerning the implementation of the contract?

MR MATLALA: Ja, but by then it was running, I think it was concerning... the new recruits, I think.

ADV HASSIM SC: Let us take it one step at a time. So this is a video that was taken. It is a clip of a meeting that was a bilateral meeting between officers of Medicare 24 and

the SAPS. Am I understanding that correctly?

MR MATLALA: Yes, that is correct.

ADV HASSIM SC: Okay. And who from your company was present?

MR MATLALA: It was the COO, Mr Marais.

ADV HASSIM SC: And he is the person who forwarded this to you? And we know, I mean, I think you said that already, but you can confirm it.

MR MATLALA: Yes, I can confirm that.

ADV HASSIM SC: Thanks. So the speaker, who we know is General Nkhua, or you say it is, says that if we receive nothing by Monday, we close. So here, was she talking about the non-performance of Medicare 24? Is that what she was talking about?

MR MATLALA: Please, Advocate Sello, sorry, Advocate Hassim, I choose not to answer these questions. These are part of my questions that I will need to answer during my trial.

ADV HASSIM SC: Okay. I want to ask you this. Why did you send this recording to General Senona?

MR MATLALA: I thought by then they were going to implement, what is it called? Implement a penalty or something. Then I think I was not going to get any work anymore.

ADV HASSIM SC: So did you expect him to intervene or

advise or to obtain information for you?

MR MATLALA: No, it was not about advice.

ADV HASSIM SC: Say that again.

MR MATLALA: It was not about advice.

ADV HASSIM SC: What was it about?

MR MATLALA: Because I was already struggling with my purchase order, so I wanted him to hear that because I am not getting work, because the contract is different. I will say what. It is a very huge contract, but let me not go to the contract, but let us concentrate on Mr Senona. So I was sending him because I was of a view that I would not get any more purchase orders.

ADV HASSIM SC: But I hear that. This was part of your concern. I am asking what you expected him to do with this information.

MR MATLALA: This is someone that I share my problems with, so I want him to know where I stand. So it is not like sometimes when I tell you something, it is like asking a rhetorical question. You just want to share your problems with someone else. So he was someone who was there for me.

ADV HASSIM SC: So what was General Senona's response to you about this?

MR MATLALA: I do not remember the response.

ADV HASSIM SC: But you discussed this problem and the

allegations because this now is talking about... So previously it was about purchase orders. Now what General Nkhuoa is saying in this video is a complaint about non-performance. And you spoke to him about the complaint about non-performance. Right?

MR MATLALA: Not... Ja, I did, yes, yes.

ADV HASSIM SC: And did he say anything to you about that or did he just receive this and say nothing in response to you?

MR MATLALA: My... Advocate Hassim, my entire, not plan, I was looking for someone who will make General Nkhuoa understand what was the delay from our side to SAPS. So I was in the process of meeting someone who can make me understand what was the delay about. So the person who was supposed to be part of that meeting was General Senona. So I was sharing with him my information.

ADV HASSIM SC: So General Senona was going to be one of the people who could explain to her.

MR MATLALA: No, not her. General Senona was supposed... At the end of the day, he did take me to meet General Mkhwanazi.

ADV HASSIM SC: So, you see, this is in February.

MR MATLALA: Yes. There was already non-performance by then.

ADV HASSIM SC: There was already non-performance.

MR MATLALA: Yes.

ADV HASSIM SC: Yes. And you are saying that in February you were already planning to meet with General Mkhwanazi?

MR MATLALA: No, I am not saying General Mkhwanazi. I am saying someone. And it happened to be General Mkhwanazi on a later stage.

ADV HASSIM SC: I am trying to make the connection here between, because you said that there was someone who was going to assist with getting General Nkhuoa to understand the issue of performance, right? And that person is General Mkhwanazi who you meet later, right?

MR MATLALA: Later, yes.

ADV HASSIM SC: Yes. But in February 2025, when you send this to General Senona, I am asking you, what was General Senona's response to you?

MR MATLALA: I said I do not remember the response, but what I was sending to Senona, to General Senona, I was venting out to him. So I do not think there was much that he can do.

ADV HASSIM SC: Okay. But ...[intervenes]

ADV BALOYI SC: Sorry, you said that General Senona was going to be part of the meeting with someone who would then explain to General Nkhuoa to make her understand why there was non-performance. Now, this is in

February. Was General, we know later on that he is part of your meeting with General Mkhwanazi, but at this point in February, was he facilitating or involved in your attempts to get that someone that you would meet with so that that person can get a good understanding and explain to General Nkhuoa?

MR MATLALA: No, he was not.

ADV BALOYI SC: He was not involved in that?

MR MATLALA: No, no, he was not.

ADV HASSIM SC: So this was February 2025. The next conversation you had with General Senona then was in relation to the meeting that took place in April. Is that right?

MR MATLALA: Yes.

ADV HASSIM SC: And what was your conversation with General Senona in relation to the 15 April meeting?

MR MATLALA: I asked him to ask General Mkhwanazi if he would be comfortable if I come with him.

ADV HASSIM SC: If he is comfortable to accompany you?

MR MATLALA: Yes.

ADV HASSIM SC: Okay. When did you have the conversation with General Senona about the upcoming meeting?

MR MATLALA: The date I do not remember, but it was in April. The date I do not remember.

ADV HASSIM SC: Well, maybe I will help you to get the dates in a moment. I am trying to take you through this somewhat chronologically so it helps you to place things in context. So I am not going to go now to the 15 April meeting, but we will come back to it, okay?

MR MATLALA: It is fine.

ADV HASSIM SC: All right. So your relationship with General Senona, to get back to this now, on the 10th of March, if I can take you to your WhatsApp chats again, and specifically page 9D. And I am concerned that if you did not have 9A, you do not have 9D.

MR MATLALA: I just got 9D now.

ADV HASSIM SC: Do you have it?

MR MATLALA: Yes, I do.

ADV HASSIM SC: Okay, so if you look at the third chat on that page, you will see that General Senona, this is 10th of March 2025. General Senona sends you a document at 9.03 p.m., okay? There is an attachment. It is called Annexure SEN2. Now, unfortunately, you have to go to another file to find Annexure SEN2, and that is file 2.1, and that will be at page 22. 22. Okay, you got it?

MR MATLALA: Yes, I do.

ADV HASSIM SC: All right and do you recognise this document?

MR MATLALA: Yes, I do.

ADV HASSIM SC: You remember receiving it at the time?

MR MATLALA: The time, I cannot recall the time, but receiving it, yes, I remember.

ADV HASSIM SC: I mean at that point in time, 10 March.

MR MATLALA: Yes.

ADV HASSIM SC: It runs to about more than 200 pages, but we are not going to go through all of the 200 pages. This bundle of documents that General Senona sends you on the 10th of March concerns a person who is the first complainant in that docket.

MR MATLALA: Okay.

ADV HASSIM SC: Do you see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And who is the first complainant? If you can just read that out.

MR MATLALA: Esmael Malude Ramos Nangy.

ADV HASSIM SC: And do you know him?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And this document contains affidavits and attachments that are part of this docket. Do you agree that? Do you see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And you will see on the first page that it is a police-stamped document, right? Do you see that on page 22?

MR MATLALA: Yes, I see.

ADV HASSIM SC: And on page 23, well, 22 and 23, you will see that it includes sort of the respondents, the people against whom the complaint was brought. Do you see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And it includes details of members of the SAPS. Do you see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: Including an identity number of a Colonel Dawood. Do you see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: And the second-to-last name on page 23 is a reference to General Mkhwanazi. Is that right?

MR MATLALA: Yes, that is right.

ADV HASSIM SC: Now, so General Senona sends you this document. It includes this information. It is an SAPS docket. It has the names and ranks and identity numbers of police officers. It includes the details of General Mkhwanazi's office. In fact, if you go through it, you will see it contains the identity document of Mr Nangy and his marriage certificate and a range of personal information, including photographs. Now, you would have seen this because you have seen this document before, is that not so?

MR MATLALA: Yes, I did, yes.

ADV HASSIM SC: You went through it when he sent it to you?

MR MATLALA: Yes, I did. Not when he sent it to me, but since I got the bundle, I went through it, yes. It was quite a lot of documents, so I did not have time, but now since I am bored in jail, I went through it.

ADV HASSIM SC: You had time to go through?

MR MATLALA: I had plenty of time, yes.

ADV HASSIM SC: Did you ask General Senona for those documents?

MR MATLALA: No, I did not ask for those documents.

ADV HASSIM SC: So what did he say to you, either before or after he sent it to you? What did he say to you about these documents?

MR MATLALA: Yes, before, they asked me to speak to the complainant about withdrawing charges against the police.

ADV HASSIM SC: Now, let us break that down. You say before he sent you this document?

MR MATLALA: Yes, before, yes.

ADV HASSIM SC: Before he sent you this document, they asked you to speak to Mr Nangy?

MR MATLALA: Okay, he told me yes, but he was talking to someone else and then he told me that this is what the other person wants to happen. Referring to General Mkhwanazi.

ADV HASSIM SC: He said to you, so when he sent this to you, he said to you that General Mkhwanazi asked him to ask you?

MR MATLALA: No, not to ask me. He asked me, no, General Mkhwanazi, I do not even think he knew me by then.

ADV HASSIM SC: Okay, so it was not a request that came from General Mkhwanazi.

MR MATLALA: No, I am saying according to General Senona it was, but not to tell me to withdraw. I think he and General Mkhwanazi had a discussion about this document to find someone to withdraw the charges.

ADV HASSIM SC: So what did General Senona tell you?

MR MATLALA: Tell me that I must speak to this guy to withdraw charges.

ADV HASSIM SC: Why?

MR MATLALA: Why, I cannot answer, I do not know. It is them who can answer that why, but what I know is I have been told that I must ask them, ask him to withdraw the charges.

ADV HASSIM SC: And so did you then contact Mr Nangy?

MR MATLALA: No, at this time I did not. I did at a later stage, yes, but not when I received this document.

ADV HASSIM SC: So when then did you contact Mr Nangy?

MR MATLALA: The date, I do not want to say something which I am not sure of, but at some point I did. I cannot remember exactly the date.

ADV HASSIM SC: Was it in March?

MR MATLALA: I do not want to lie, I do not remember, I do not know.

ADV HASSIM SC: Was it before your meeting of the 15th of April?

MR MATLALA: It was before, after that meeting.

ADV HASSIM SC: It was after that meeting?

MR MATLALA: Yes.

ADV HASSIM SC: Okay, so what did you say to Mr Nangy? About withdrawing the complaint.

MR MATLALA: I explained to him that this is the request.

ADV HASSIM SC: Yes, and then?

MR MATLALA: And he said to me he is willing to withdraw the charges, but it was not only him, it was him, I think, with his brother-in-law and someone else, I do not know. And he said his brother-in-law lost his voice, he cannot speak anymore because of that torture. So his brother-in-law is refusing to withdraw the charges, even if he can, but still, his brother-in-law and this other person, I do not know who he is, he was also refusing to withdraw charges.

ADV BALOYI SC: Can I just ask an earlier question? In March, when General Senona sends you this document, it

obviously did not come in a vacuum. There must have been a discussion.

MR MATLALA: Yes, that is right.

ADV BALOYI SC: So that these documents make sense to you when they are sent to you.

MR MATLALA: Yes, of course.

ADV BALOYI SC: At that point, when he sends you this document and you have had an earlier discussion, what does he know about your proximity or relationship with Mr Nangy, that you can do anything about this?

MR MATLALA: We stay in the same estate in Midstream.

ADV BALOYI SC: So he knew that?

MR MATLALA: Yes, he knows that, ja.

ADV BALOYI SC: Because you had told him?

MR MATLALA: He knows I stay in Midstream, yes?

ADV BALOYI SC: No, I am saying he knows that Mr Nangy ...[intervenes]

MR MATLALA: Yes, he knows.

ADV BALOYI SC: ...stays in the same estate as you.

MR MATLALA: Because they have arrested him in that estate, yes.

ADV BALOYI SC: I see. Thank you.

ADV HASSIM SC: So when you had the meeting on the 15th of April with General Mkhwanazi, you already had this detailed bundle, right? Did you disclose that to General

Mkhwanazi in the meeting on the 15th of April?

MR MATLALA: Yes, it was not disclose the bundle, but the issue around this thing, yes.

ADV HASSIM SC: So I need to then take you to your evidence at the Ad Hoc Committee.

MR MATLALA: Yes.

ADV HASSIM SC: Do you recall discussing this, answering questions on this issue in the Ad Hoc Committee?

MR MATLALA: Yes, but it is fine, you can just remind me.

ADV HASSIM SC: Okay, let us start with your statement before the Ad Hoc Committee. In your statement, you did not disclose that you received this bundle from General Senona.

MR MATLALA: Okay.

ADV HASSIM SC: Why not?

MR MATLALA: I am not familiar with the Commissions and I did not know which one, what, I just disclosed what I think I could remember. So I think there is a lot of things which I did not disclose, which I can now recall that those were important things.

ADV HASSIM SC: Okay. So you did not disclose in your statement that you had prior to the 15th April meeting that you had this docket from General Senona and you did not disclose that you had any conversations with General Senona about it. Is that not so?

MR MATLALA: I did not. You are saying I did not disclose that.

ADV HASSIM SC: You did not disclose that in Parliament, that you had discussions with General Senona about the Nangy issue prior to the 15 April meeting.

MR MATLALA: I said something, but okay. I do not remember if I did not disclose it.

ADV HASSIM SC: Okay, maybe we should go to your transcript.

MR MATLALA: No, Advocate Hassim, I am not disputing it. I am not saying I did not. I am saying, yes, I do not, I am saying I did not, I just do not remember.

ADV HASSIM SC: Okay. So when you met with General Mkhwanazi on the 15th April, did you say to him that you received it?

MR MATLALA: No, I did not.

ADV HASSIM SC: Okay. And why not?

MR MATLALA: I did not think that was important.

ADV HASSIM SC: Okay. You did not think it was important, but at the meeting it was discussed. Is that not so?

MR MATLALA: Yes, it was, yes.

ADV HASSIM SC: And how did it arise in the meeting?

MR MATLALA: How? I do not know. I cannot answer. I am saying I do not know how it got to there, but at some

point we were discussing it, yes.

ADV HASSIM SC: Okay. I am going to come back to it because I do not want to jump ahead. When we talk about this meeting, this meeting was the meeting that took place at The Pearls in uMhlanga.

MR MATLALA: Yes.

ADV HASSIM SC: Okay. Just explain for us, you say in your statement in the Ad Hoc Committee that former Minister Cele arranged that meeting. Is that not so?

MR MATLALA: Yes, that is true.

ADV HASSIM SC: When did he arrange that meeting to take place? When did he make the arrangement?

MR MATLALA: When, I do not know. But I just knew when he told me that I can go and meet with him. But when, I do not know. Because he has been trying before, actually. For that day, for me to meet him, it was not his first attempt.

ADV HASSIM SC: It is not his first attempt for you to meet him?

MR MATLALA: General Mkhwanazi, yes.

ADV HASSIM SC: Let me just understand correctly. It is not the first attempt by former Minister Cele to set up a meeting between you and General Mkhwanazi?

MR MATLALA: Yes, yes.

ADV HASSIM SC: I see. So when was his first attempt?

MR MATLALA: We arranged first to meet in my house in Zimbali and then...

ADV HASSIM SC: And when was that?

MR MATLALA: The dates, I do not remember, Advocate Hassim. But I remember he came there in Zimbali in Durban.

ADV HASSIM SC: Who was he?

MR MATLALA: Him, the former Minister.

ADV HASSIM SC: Mmm-mmm?

MR MATLALA: Then when we were there, he told me that General Mkhwanazi said that he has a meeting with the King and then he will not make it. He is going to see the King. So he did not come that day. But I remember we were supposed to meet in Zimbali.

ADV HASSIM SC: Okay. So he then arranged for it to happen in April.

MR MATLALA: Yes.

ADV HASSIM SC: And what did he say to you would be the purpose of this meeting?

MR MATLALA: I was complaining to General, to the former Minister Cele about the purchase orders. And he actually is the one who suggested that General Mkhwanazi is very close with General Nkhuoa. He is the one who can assist.

ADV HASSIM SC: Did former Minister Cele ever communicate with General Senona about this meeting in

your presence?

MR MATLALA: No, no.

ADV HASSIM SC: Did he ever communicate, that is former Minister Cele, did he ever communicate with General Mkhwanazi about the meeting in your presence?

MR MATLALA: General, former Minister Cele?

ADV HASSIM SC: Yes.

MR MATLALA: No, he did not.

ADV HASSIM SC: Okay. And so in the build-up to this meeting, and you say the meeting is this concern you had with General Nkhua, right?

MR MATLALA: Not with her. She was not present.

ADV HASSIM SC: No, no. I am saying the reason for the meeting was because of the non-performance issues that had been raised by General Nkhua, right?

MR MATLALA: Yes, but I am saying I was not supposed to have a meeting with General Nkhua.

ADV HASSIM SC: No, I understand that.

MR MATLALA: Okay.

ADV HASSIM SC: But the reason for the meeting is in order to influence General Nkhua. Is that not so?

MR MATLALA: No, not to influence.

ADV HASSIM SC: To seek assistance from General Mkhwanazi to influence General Nkhua.

MR MATLALA: No, no, no. That is not influence.

ADV KHUMALO SC: To speak to General Nkhuoa on your behalf.

MR MATLALA: Okay, yes.

ADV HASSIM SC: Okay. So if you go to file 2, page 13, this is 14 April 2025. At the top of the page, it says:

“Oh Nduna, please do not forget to ask our brother about that lady who is stirring problems.”

Who is the lady that you are referring to there?

MR MATLALA: The lady is General Nkhuoa, and the brother is General Mkhwanazi.

ADV HASSIM SC: Okay. And General Senona sends you a thumbs up. Right? So you understood that he was going to speak to General Mkhwanazi?

MR MATLALA: Yes.

ADV HASSIM SC: And did he say to you that he did speak to General Mkhwanazi? This is the day before the meeting. Did he speak to General Mkhwanazi? Did they come back to you to say that he did speak to General Mkhwanazi about that lady?

MR MATLALA: I think he did, yes. But yes, okay. We will take it one step further, yes, okay.

ADV HASSIM SC: Okay, thanks. Then on 15 April, now the day of The Pearls meeting, on page 14, you say to General Senona, this number will call you to make meeting

arrangements, and then you send a number.

MR MATLALA: Yes.

ADV HASSIM SC: Whose number was that?

MR MATLALA: I think my battery was dying. It is my wife's number. I was with my wife.

ADV HASSIM SC: Why was your wife making the arrangements with General Senona? Or did you then call using that phone?

MR MATLALA: Yes.

ADV HASSIM SC: Okay. Who decided on the meeting place?

MR MATLALA: I will say, I do not know, because after I asked mister, General Senona to accompany me, he is the one who told me where we are going to meet. So I would assume it is him. No, I am saying, I would assume maybe he got the meeting place from General Mkhwanazi.

ADV HASSIM SC: Okay. So when did you meet General Senona?

MR MATLALA: When?

ADV HASSIM SC: When on that day? You met him first?

MR MATLALA: No, yes, he came to fetch me.

ADV HASSIM SC: Where did he come to fetch you?

MR MATLALA: From the, what is that hotel? The Oyster Box.

ADV HASSIM SC: And he then drove you to the meeting

with General Mkhwanazi?

MR MATLALA: Ja, but it is just walking distance, yes.

ADV HASSIM SC: It is walking distance?

MR MATLALA: Yes.

ADV HASSIM SC: But he drove you?

MR MATLALA: Yes.

ADV HASSIM SC: Okay. And that is when you met General Mkhwanazi at the entrance, is that right?

MR MATLALA: Yes.

ADV HASSIM SC: Okay. So your arrangements with General Senona, was the arrangements that you were making at that time with your wife's number, the arrangements for where he should collect you, is that what was...?

MR MATLALA: Of course, yes.

ADV HASSIM SC: All right. Okay, so he collects you and you go to The Pearls. I take it, it is an apartment that you entered?

MR MATLALA: Yes, it is.

ADV HASSIM SC: And how many people were in the apartment?

MR MATLALA: There was no one. Inside his apartment, not the apartment building, his apartment.

ADV HASSIM SC: Yes, how many people were there?

MR MATLALA: Okay, that apartment, I do not know

whether it belongs to him or not. It was me, General Senona and General Mkhwanazi only.

ADV HASSIM SC: So there were only three people in the apartment?

MR MATLALA: Yes.

ADV HASSIM SC: Okay. Did you sit around a table?

MR MATLALA: On a couch, yes.

ADV HASSIM SC: You sat at a couch, not around a table?

MR MATLALA: Yes, there is a couch, there is a table. I sat on my couch and General Mkhwanazi was sitting on another couch but he was sitting like on top, putting his feet, his legs on top of the couch, like he was leaning on top of that thing to balance the couch with. Do you see that? That armrest of the couch.

ADV HASSIM SC: Is that where you had your discussions, sitting?

MR MATLALA: Yes, and then General Senona was sitting on the side.

ADV HASSIM SC: Sitting on the side where? Sitting on the couch next to you?

MR MATLALA: No, not next to me. That apartment is not huge but it is not next to me. There was another table, a small table and chairs but it is not like, I will say maybe three metres away.

ADV HASSIM SC: And he was sitting three metres away,

is that what you are saying?

MR MATLALA: Yes.

ADV HASSIM SC: And was he present for the discussion that you had with General Mkhwanazi?

MR MATLALA: Yes, he was.

ADV HASSIM SC: And was he, well, let me pause for a moment there. The conversation you had with him, General Mkhwanazi, did you start off then talking about the Medicare 24 purchase orders problem?

MR MATLALA: Yes, I did.

ADV HASSIM SC: And did you say to him you wanted access or you wanted him to speak to General Nkhua on your behalf?

MR MATLALA: Yes, I did.

ADV HASSIM SC: And did you say to General Mkhwanazi anything else in relation to the contract other than the purchase orders?

MR MATLALA: No, it is only that.

ADV HASSIM SC: Did you not speak about any investigations against you?

MR MATLALA: Ja, but now we are on the contract. Okay, we are done with the contract. We are on something, next topic now?

ADV HASSIM SC: No, I am just trying to understand what you discussed.

MR MATLALA: Investigation is something different, yes. We did, but I thought maybe we were still on the contract issue.

ADV HASSIM SC: So, you told him about the problem with the purchase orders. We have got that.

MR MATLALA: Yes, yes.

ADV HASSIM SC: You said you wanted him to assist you with General Nkhua. We have got that.

MR MATLALA: Yes.

ADV HASSIM SC: You had other discussions in that meeting that was not just about the purchase orders. Correct?

MR MATLALA: Yes.

ADV HASSIM SC: And one of the aspects of the discussions was about investigations against you.

MR MATLALA: Yes. Yes.

ADV HASSIM SC: Which investigation?

MR MATLALA: It was not an investigation by then. He said there is a warrant.

ADV HASSIM SC: In what matter?

MR MATLALA: So, the matter is the one that I am attending in the Johannesburg High Court.

ADV HASSIM SC: The attempted murder matter?

MR MATLALA: Yes.

ADV HASSIM SC: Okay.

ADV HASSIM SC: And what was the content of that conversation?

MR MATLALA: Yes, the content I cannot disclose it because it is something that is in Court now.

ADV HASSIM SC: Okay. And other than your attempted murder, the issue around the attempted murder, what else did you discuss?

MR MATLALA: Yes, we discussed other things but those things all of them they are in Court now.

ADV HASSIM SC: Did you mention your relationship with General Sibiya?

MR MATLALA: Not, we spoke about him, yes, but like I am saying to you this is part of things that will be, because my discussion with General Mkhwanazi led to my arrest, so it is part of how I am going to present our case in Court, so I would like not to comment on that.

ADV BALOYI SC: Just to understand what it is you are speaking to, the discussion about or that touched on General Sibiya, was it about the contract or the attempted murder case?

MR MATLALA: No, neither the two.

ADV BALOYI SC: Okay.

ADV HASSIM SC: Was it about you arranging Impalas for General Sibiya?

MR MATLALA: No, no, no.

ADV HASSIM SC: You did not discuss that?

MR MATLALA: We did not.

ADV HASSIM SC: Did you discuss any form of payment to General Sibiya?

MR MATLALA: To him? From me?

ADV HASSIM SC: Yes.

MR MATLALA: No.

ADV HASSIM SC: Did you discuss a townhouse or any other property associated with General Sibiya?

MR MATLALA: I will say, Advocate Hassim, yes, there is issues that we discussed about General Sibiya but I do not want to discuss that because it is part of my presentation of my case in Court, so I just please not want to disclose it prematurely, please.

ADV HASSIM SC: I understand, but these questions are, I mean it is just a yes or no answer, did you discuss payments to General Sibiya? You are saying no, you did not, that is your answer.

MR MATLALA: From me, you said from me.

ADV HASSIM SC: From you to General Sibiya.

MR MATLALA: Yes, and I said no yes.

ADV HASSIM SC: And when I asked about whether you had a discussion about you arranging Impalas for General Sibiya, you said no you did not have that discussion is that right?

MR MATLALA: Yes.

ADV HASSIM SC: Okay, and ...[intervenes]

ADV KHUMALO SC: Just a moment. You sought to distinguish between payments by you, and I wondered, did you discuss payments by other people to General Sibiya?

MR MATLALA: We discussed payments to General Sibiya, yes, but I do not want to, not from me.

ADV KHUMALO SC: I do not expect you to go into what payments.

MR MATLALA: Yes, we did.

ADV KHUMALO SC: The discussions involved payments by other people to General Sibiya.

MR MATLALA: Yes, we did.

ADV KHUMALO SC: Yes.

ADV HASSIM SC: Yes, and you say that you have said what you have had to say about the Impalas, about payments by you. I was asking whether you mentioned any townhouse or property associated with General Sibiya.

MR MATLALA: Are you asking me a question?

ADV HASSIM SC: Yes.

MR MATLALA: Could you please repeat that?

ADV HASSIM SC: Did you mention that to General Mkhwanazi?

MR MATLALA: Mention what?

ADV HASSIM SC: Any information about a townhouse or

any other property related to General Sibiya.

MR MATLALA: That is a vague question, but partly yes.

ADV HASSIM SC: You spoke about...

MR MATLALA: Let us say property, yes.

ADV HASSIM SC: You spoke about General Sibiya's property.

MR MATLALA: Yes.

ADV HASSIM SC: Did you speak about payment from any person?

MR MATLALA: I said yes.

ADV HASSIM SC: For that property?

MR MATLALA: No, no, no, not for that property.

ADV KHUMALO SC: Sorry, I think we are confusing now the townhouse in Sandton and another property, so can we maybe...

ADV HASSIM SC: Well, the question is...

ADV KHUMALO SC: Is there one property or two?

ADV HASSIM SC: The question is whether you discuss property, you say yes.

MR MATLALA: Yes, yes.

ADV HASSIM SC: Okay. Was the property that was discussed a townhouse in Sandton?

MR MATLALA: No, I do not want to comment on that because this is what I said I want to, I do not want to comment on that prematurely, but I just said it is a property,

yes. I did not want to seem as if I do not want to answer questions, but I do not want to go deep into those questions because I might as well just disclose my entire strategy then in court.

ADV HASSIM SC: Well, I am not sure that disclosing what type of property it is incriminates you. You said you discussed a property. I am asking if it was the Sandton townhouse property. I do not need to know further. I am just asking yes or no. Was it the Sandton townhouse property?

MR MATLALA: That is a difficult question to answer because already I am opening a door which I do not want to. That is... I cannot. But when you say property, I will agree you said yes, but I do not want to go deep into that.

CHAIRPERSON: Let us take the adjournment at this stage.

ADV HASSIM SC: Oh, it is one o'clock. Thank you, Chair.

CHAIRPERSON: And let us resume at 2 p.m.

ADV HASSIM SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. Mr Matlala, we were in the midst of the discussion about the Pearls meeting when we broke for lunch.

MR MATLALA: Yes.

ADV HASSIM SC: There is another aspect of that meeting I would like to ask you about, and I think to do so, I should first take you to the transcript in the Ad Hoc Committee in Parliament of General Mkhwanazi, and that will be File 1A of the Ad Hoc Bundle at page 228. Do you have it, Mr Matlala? Page 228.

MR MATLALA: [No response].

ADV HASSIM SC: Mr Matlala, are you with us?

MR MATLALA: Yes.

ADV HASSIM SC: Do you have page 228?

MR MATLALA: Yes, I am on page 228.

ADV HASSIM SC: Okay, so let me orientate you in relation to this page. It is midway through the evidence by General Mkhwanazi in the Ad Hoc, and if you look at page 215, you will see that is where it begins and it is dated 18 March 2026, and it begins on that page, the evidence of General Mkhwanazi.

MR MATLALA: Yes.

ADV HASSIM SC: All right. So the part I want to ask you about is on page 228, and on this page you will see that General Mkhwanazi talks about the meeting at the Pearls, and you will see that on the fourth paragraph, for example, where he says:

“Then he said okay, we are going to meet
at Umhlanga. The meeting is going to be

around Umhlanga. They met at the hotel...”

Et cetera, Oyster Box, and then he explains the meeting, the arrival of you and General Senona at the Pearls, okay?

MR MATLALA: Yes.

ADV HASSIM SC: All right. Two paragraphs down from that, and that would be three paragraphs from the bottom if you are looking at the page, and it is the paragraph that begins, that is when he gave me this information, do you see it?

MR MATLALA: Yes, I do.

ADV HASSIM SC: So, what General Mkhwanazi says here, what he says here is in the context of the meeting, of the Pearls meeting. He say:

“That is when he gave me this information. The information is about Steve Motsumi. Steve Motsumi, it is a name that the 68 million people, excluding the independent podcasters, are the ones who have the guts to talk about. The rest of the media houses...”

It says mirror houses, but I think it meant to read media houses:

“...in South Africa, do not want to research that person. It is a name that

has come out so many times, Steve Motsumi. He told me about Steve Motsumi. He gave me the address of the house of Steve Motsumi. He told me about the activities of Sibiya, how Sibiya is collecting money. He told me about the property of Sibiya that I did not know. He gave me the address. He told me about the imbalances...”

I think thereto, what was meant to be the imbalances is meant to be impalas:

“...he bought for Sibiya. This is all coming from Cat voluntarily. I do not have a clue about all these things. The properties in the townhouse...”

I think he meant the properties and the townhouse, and then it says sentinel, but I think that is meant to read Sandton. Did you follow that?

MR MATLALA: Yes, I did.

ADV HASSIM SC: What discussion did you have with General Mkhwanazi about Mr Motsumi?

MR MATLALA: Like I said before, Advocate, that this is something that we are going to contest in court. So I would rather not comment on this thing.

ADV HASSIM SC: Okay, can I ask you this? Did you

Speak to General Mkhwanazi about Mr Steve Motsumi? Just yes or no?

MR MATLALA: I was asked a question, yes.

ADV HASSIM SC: I think his answer was, I was asked a question, yes.

MR MATLALA: Yes.

ADV HASSIM SC: Okay, let me clarify that answer. When you say you were asked a question, who asked you the question?

MR MATLALA: General Mkhwanazi.

ADV HASSIM SC: What did General Mkhwanazi ask you?

MR MATLALA: We are talking about Mr Steve Motsumi.

ADV HASSIM SC: But what did he specifically ask you? Did he say to you, do you know this person or what?

MR MATLALA: I do not have a way to explain it to you because I will end up disclosing part of our defence strategy. So this is a very crucial part of which I think it led to my arrest, like I explained before. So I do not want to comment further on this part.

ADV HASSIM SC: I want to understand your objection to answering. Are you saying that if you do not, that if you answer the question, you will incriminate yourself?

MR MATLALA: No, not incriminate myself. I am saying I will...

ADV HASSIM SC: So what right are you relying on not to

answer? And just remember, we have had the conversation about ...[intervenes].

MR MATLALA: Yes, ja. I still have to present my case in court, and then this is a very crucial part of how I want to present my case in court. So disclosing this part, yes, it will not incriminate myself, but it will be beneficial for me because it will explain how things unfolded. So this is the reason why I am saying I do not want to comment on it, not because it is going to incriminate me. Yes, it is not going to incriminate me.

ADV HASSIM SC: It will not incriminate you?

MR MATLALA: Yes.

ADV HASSIM SC: But then I think, Mr Matlala, I have to ask you to answer the question. And the question to you was, your first answer to me was, yes, you spoke about Steve Motsumi. The second question, the second answer was that you spoke about it because you were asked about him, and that it was General Mkhwanazi that asked you. And then my question, which you now do not want to answer is, what was General Mkhwanazi's question about ...[intervenes].

ADV VAN DEN HEEVER: Chairperson ...[intervenes].

ADV HASSIM SC: About Steve Motsumi, right?

MR MATLALA: Yes.

ADV HASSIM SC: You have got that.

CHAIRPERSON: Yes. Are you done?

ADV HASSIM SC: No. I see my only friend wants to interject.

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: Chairperson, at this stage, I think it is that moment where I need to address you on the issue of the client is – let me start there. Mr Matlala has made it clear to you that he does not wish to disclose defence strategy. In terms of the provisions of section 35, an accused person has the right to challenge evidence in a court of law. And part of that challenge of evidence in a court of law has got to do with litigation privilege, of course, the manner in which you present your case, the credibility of witnesses, et cetera.

And I think in his own way, that is what the client is endeavouring to say. For me to disclose to you here what, why I do not want to answer those questions is going to be me disclosing defence strategy in my case. It relates to his arrest. It relates to the manner in which the arrest was affected, the reasons for the arrest. In other words, was it a lawful arrest? In other words, it is a challenge to the lawfulness of the arrest.

These issues, if you can recall, he has dealt with in the supplementary affidavit. The events that unfolded after that, that relates to the statement that was made, the

lawfulness of how that statement was obtained, the failure to afford him an opportunity to have legal representation, the fact that he was questioned without giving his rights for I think about eight hours during the whole process. And I respectfully submit that this is one of those crystallised constitutional rights that an accused person has in law. Thank you, Chairperson.

CHAIRPERSON: Ms Hassim?

ADV HASSIM SC: Chair, this is a very broad and generalised assertion of a fair trial right. I hear what my learned friend is saying. Some of these points were raised in the supplementary affidavit by Mr Matlala when they first sought to interdict the questioning. I wish to say the following.

The first is, this is not a criminal court. It is an investigative commission. Mr Matlala in these proceedings is not an accused. He is a witness. And an implicated witness must receive a fair opportunity to know, answer and test material and for us to be able to test evidence with the witness.

It does not confer a right on the witness, the rights that my learned friend seems to be trying to advance should be protected here. It does not confer a right to suppress disputed material. The objections are about search and seizure, unlawfulness of the arrest and all of that. I think

that what Justice Jafta made clear, and I just want to go to the paragraph directly, because there is an assumption, I think, that section 35 as a fair trial right is available to a witness in the Commission simply for the asking.

The minute you say, well, it is a section 35 right, then it may be available in the Commission and that is not the case. So, for example, the submissions my learned friend makes about evidence that was obtained unconstitutionally, and I think that is in section 35(5) of the Constitution, is not something – it is something that he may assert in his trial in due course.

It remains available to him to do so, but it is not something that can be asserted here as the basis for not answering a question. And so it is paragraphs 90 to – let me say, let us start at paragraph 90 of the Justice Jafta judgment in the *Zuma* case, and what ...[intervenes].

CHAIRPERSON: Is the difficulty, though, not this? There is a question of derivative material. He testifies, fine, this is not a criminal trial, but who knows, SAPS, prosecutors and everybody are either listening or, like everybody else, will have access to the transcript. Hence, my reference to derivative material and based on what they derive from that, that may then be used against Mr Matlala. Then hence the argument about unfairness of the trial, eventually.

ADV HASSIM SC: Well, Chair ...[intervenes].

CHAIRPERSON: Fine, the trial will be down the line. This is not the trial.

ADV HASSIM SC: Well, it is for the trial court to ensure the fairness of the trial. And so if that were to eventuate, and remember the scheme of the Commission's Act, rules and regulations is you have got to answer questions barring your privilege that exists under section 3(4) of the Commission's Act. Any question that you answer that is self-incriminating may not be used against you. But yes, we know ...[intervenes].

CHAIRPERSON: Why does that same reasoning not apply to that privilege, then? That is, yes, the 1947 Act, there was no question of the Constitution because it was simply not there, but the witnesses afforded the right to assert the privilege.

ADV HASSIM SC: Yes, Chair.

CHAIRPERSON: So now that we have the Constitution, why can a witness not similarly say, but I have this right and that bears relevance to the trial? And why you assert the privilege is exactly because it bears relevance to the trial. So my point is analogously, why is it that you cannot raise your fair trial rights here before the Commission?

ADV HASSIM SC: Well, let me say this, Chair ...[intervenes].

CHAIRPERSON: The answer, sorry, sorry, so I am very

sorry to interrupt you. The answer cannot be that is because it is not in the Commission's Act.

ADV HASSIM SC: No, no, no, no, no, no.

CHAIRPERSON: Yes.

ADV HASSIM SC: And I had not completed my submissions on that. The Commission's Act is a starting point. The Commission's Act has, of course, been interpreted and that is why the Justice Jafta judgment is so important because it is testing the provisions and it is in the context of an inquiry. And we know that this is a crystallisation of the theme of the privilege against self-incrimination that started with *Ferreira v Levine*, but let us not go there.

Those were other contexts under the Companies Act. But what we know that the case law has made clear is that you have a privilege. If you answer, it cannot be used against you. And of course, there is this derivative evidence issue, which is if investigators independently find out information, then they could bring it to a trial. My argument is that part of the derivative evidence would be something for the trial court to control.

It cannot be something that prohibits this Commission from its fact-finding mission and from the truth-seeking mission that is incumbent upon it. And so the section 90 of the Justice Jafta judgment, it is quite plain

...[intervenes].

CHAIRPERSON: Paragraph?

ADV HASSIM SC: Paragraph 90.

CHAIRPERSON: Nine-zero?

ADV HASSIM SC: Nine-zero. Where he says:

“Let me just say from the beginning, although clumsily put, it is apparent that the respondent and his legal team believe that he has a right to remain silent during proceedings before the Commission. However, the right to remain silent that I am aware of is the one guaranteed by section 35(1) and (3) of the Constitution and under the common law, but that right is evidently available to arrested and accused persons only when he appears before the Commission. The respondent's status is that of a witness. He is not an arrested person, nor is he an accused person. Moreover, a witness in the criminal trial has no right to remain silent.”

And then he explains why there are cogent considerations that militate against permitting witnesses to invoke the right to remain silent. And really, Chair, that is the point I made.

I am not going to go into and read it. It is there. It is the *Magidwana* judgment, but it is the point that I am trying to make, which is, what is the function and purpose of this Commission?

And the truth-seeking function is why we are here, and the effect of what Mr Matlala's legal representatives are submitting is that it will close this Commission off, and for other witnesses too who are still to come from large parts of evidence that you would not have access to.

So, we have to distinguish between the Commission and the proceedings in the Commission and the later trials and the duties on the trial judge to ensure the fairness of that trial. I do not know whether – well, let me address it, because my learned friend referred to the evidence that was obtained.

If I did not hear that correctly, then I will not go into this, but I thought that was part of the reason for asserting the right, is the question of unconstitutionally obtained evidence, including through the search and seizure and the seizure of the cell phones, and then statements and recordings that were taken.

CHAIRPERSON: I think, ja, Ms van den Heever went far wider than what we were dealing with, but I guess she did so because it is a point that she has been touching on repeatedly, but I guess it is useful that we deal with all of

those issues at once.

ADV HASSIM SC: That is right, Chair.

CHAIRPERSON: Yes.

ADV HASSIM SC: I think that it is an issue that has cropped up before.

CHAIRPERSON: Yes.

ADV HASSIM SC: And I understand that my learned friend's interjection now was to say, let us deal with this once and for all. So let me address the full scope of her submissions then. And so on the aspect of the evidence and the material that you are entitled to have reference to, what we know from the law is that the Commission is permitted to receive and to consider a wide scope of material.

And we know this, of course, from the *Sparks* case, which was a pre-Constitution case, a 1980 judgment, and that was the one which said that a Commission, an investigating commission can have regard to any material in any way it finds it, newspaper reports and even hearsay evidence. That was the *Sparks* judgment.

It was a pre-Constitution judgment, but it has been upheld in numerous cases since then. And of course, one of the cases in which it was upheld was the *Bongoza* case, which you know very well, Chair, because you appeared in that case. And as life would have it, you appeared before

Justice Jafta.

CHAIRPERSON: And if I were to blow my own horn, I was on the winning side.

ADV HASSIM SC: And what Justice Jafta held in that case is that the Commissioners are not required to follow and apply rules of evidence as they are applied in courts. The standard is much more flexible, and what is fair to a witness in a commission is not the same as what may be fair in a court hearing.

And then my final point on that, and why I think we then get to 6.1, Rule 6.1, because that reflects, while I have heard the Chair's point about the 47 Act, the regulations and the rules ...[intervenes].

CHAIRPERSON: That was just testing your argument, that is all.

ADV HASSIM SC: Okay. I hope I have addressed ...[intervenes].

CHAIRPERSON: No inclination one way or the other, just testing your argument.

ADV HASSIM SC: I think, Chair, thanks, Chair, I have noticed that the law that I have referred to now is encapsulated in Rule 6.1, because it makes it clear that the Commission may receive any relevant evidence, including evidence that might otherwise be inadmissible in a court of law.

So to the point about the unconstitutionally obtained evidence, it is, you are entitled to have regard to that. The trial court will have to determine whether, indeed, that evidence was unconstitutionally obtained. But, in fact, if we read 35(5) ...[intervenes].

CHAIRPERSON: It then has a discretion right at the end of the years, whether ...[intervenes].

CHAIRPERSON: It will render the trial unfair.

CHAIRPERSON: Yes, yes.

ADV HASSIM SC: So it is not an automatic exclusion. And so if it is not an automatic exclusion in that court, it should not be an automatic exclusion before this Commission. So those are my – that is my response to my learned friend.

CHAIRPERSON: Also, I think in the Evidence Leader's written submissions, you make a point which I found quite attractive, which was the Commission does not have to reject the evidence, but rather must assess its cogency, I am paraphrasing, based on everything, which may even include the very fact of the unlawfulness of how it was obtained, but weighing everything, taking everything into consideration, but not just rejecting on the basis that the evidence was obtained.

ADV HASSIM SC: Indeed so, Chair. It will be probed. It will be tested. It will be weighed, and it will be weighed in the context of volumes of material that are relevant to that

question, but also what is relevant to it is what the witness has to say about the particular topic or the particular piece of evidence we are dealing with. That is something that the Commission too should be able to weigh up. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Hassim. What is your response, Ms van den Heever? And please, please address us specifically on paragraphs 90 and 91 of Jafta J's judgment, which was a unanimous judgment of the Constitutional Court.

ADV VAN DEN HEEVER: Thank you. Let me start off by stating the following. At the time this judgment was delivered, Zuma was not appearing at that point before the Zonda Commission, as it then was, as an accused person. So he did not have the right of a suspect or an accused person to assert.

If you go to, I think, paragraph 111 of the judgment, Justice Jafta makes it clear that the decision that needs to be decided before him – if you bear with me, he says:

“The real disputes about the respondent's attendance at the commission hearing for purpose of testifying and answering questions lawfully put to him.”

So his whole issue was that he believed at that point that as a witness appearing before the Commission, he could assert

purely as a witness the rights that is afforded under the Constitution to an accused person or to a suspect. And the issue of the suspect, of course, we know, I think it was the judgment in the Gauteng Division where Judge Kathleen Satchwell made, delivered judgment to say that those rights that is afforded to an accused is also afforded to a suspect. So that is against that background that we need to deal with the Jafta case.

I have yesterday touched on the situation where I said to you, I do not believe that the moment that your rights that is afforded to you under section 35 as an accused person suddenly cease just because you are called to become a witness before the Commission. Because if that were to be so, those rights would be meaningless and would become a nullity down the line.

In the SCA matter of *State v Magwaza Ponnann JA* with the majority said that it is clear that the rights in question exist from the inception of the criminal process, that is from arrest until its accumulation up to during the trial itself, et cetera. I take it one step further and I respectfully submit to you there is absolutely no indication, I could not find a single case that says that if the opportunity arises where you should and can assert those rights, that you are not afforded the opportunity to assert it just because you are not in the criminal process itself.

We can, and I think the whole issue, the point that we are trying to make here is that we have got certain fair trial rights and part of your fair trial rights, as I said, it has been crystallised over a period of time and I addressed you quite a bit on it already yesterday, is that part of your fair trial is your litigation privilege that you hold.

It means that you cannot be compelled to ahead of time make disclosures about how you are going to defend yourself, what you are going to, the manner in which, for instance, you are going to deal with certain evidence, et cetera. That is but one aspect of it.

My learned friend has addressed you on the issues, for instance, of the recordings that were made. And what we hold dear about that particular aspect is you want to put a reverse onus on us, and by you, again, with respect, I mean the royal you, by saying there is now a reverse onus on you. You now have to assert certain rights before the Commission, an onus that you would never bear in a process where you are actually an accused, to now come up with a reason why you should not answer, for instance, why certain recordings cannot be used against you.

In a trial, and I say for purposes of this Commission, the same point will stand, you have got the right to say that before you can rely on a recording, or before you can force me to answer questions about the

recording, I am saying to you that I have got a right to challenge the lawfulness of this recording, and part of it relates to whether my section 35 rights were adhered to when you made this recording, or when you forced me to answer these questions.

And part of that goes back to the issue, if you withhold a person's right to a legal representative and you question him for hours on end, without giving him food or water, you infringe his right with regard to the lawfulness of the statement you then wish to rely on.

So what we say in that regard is, you want to now force us to answer questions about a statement where we believe we can prove beyond a reasonable doubt that statement was unlawfully obtained. But because it is the Commission and we now regard it as a witness, we are now forced to answer those questions without asserting our rights when it comes to that particular issue. I want to go to the section that my learned friend referred to. If you look at what paragraph 90 says, it says:

“Although clumsily put, it is apparent that the respondent and his legal team believes that he has a right to remain silent during the proceedings before the Commission. However, the right to remain silent that I am aware of is the

one guaranteed by section 35(1) and (3)
of the Constitution and under the
common law.”

And then he goes on, he says it is a right to an accused person. Now I respectfully submit, until such time as there is a judgment that rules to the contrary, I do not believe that the judgment of *Zuma* and that Mr Justice Jafta in the decision that he made then said that those rights are not afforded an accused person when he appears before a Commission, that those rights are taken away from him just because he becomes a witness before the Commission, that he cannot exercise those rights before the Commission just because he is a witness there.

I respectfully submit that if we read what he said here, even what he says in paragraph 90, he recognised the fact that the person that appears before the Commission would have, if he is an accused person, the rights that he is afforded under section 35.

And in fact, I go so far as to say that even yourselves in your rules and your regulations recognise the rights afforded a person in the Constitution. When you deal with the issue of subpoenas, it is clear, it is almost a copy and paste out of the rights that one is accorded when you get served with a subpoena, a search or a seizure subpoena.

So I respectfully submit that they can, where the Constitution is the Supreme Court of this country, I do not believe and I do not believe it was ever the intention to take away a person who is rightfully recognised as an accused, his section 35 rights just because he now appears as a witness before the Commission, and in that ...[intervenes].

CHAIRPERSON: Let us look closely at the wording of paragraph 90. It says when he, that is the witness, appears before the Commission, that was the respondent in that case:

“When he appears before the Commission, the respondent's status is that of a witness. He is not an arrested person, nor is he an accused person.”

So when he is before the Commission, he is not an accused. Even if the witness may be an accused before the criminal court, but before the Commission, the status is that of a witness, says Justice Jafta in so many words:

“He is not an arrested person, nor is he an accused person. Moreover, a witness in a criminal trial has no right to remain silent.”

But I just focus on the two or so preceding sentences ...[intervenes].

ADV VAN DEN HEEVER: I under ...[intervenes].

CHAIRPERSON: Yes, yes.

ADV VAN DEN HEEVER: Sorry, Chairperson. I understand what Chairperson is intending to convey to me. I, however, say you need to read what he says here, Justice Jafta, in light of what transpired before. He did not have an accused person or a person as an accused person who asserted those rights.

The then President Zuma was merely a witness, and he tried to assert an accused person with section 35 rights just as a witness. The situation that you are now dealing with, I respectfully submit, is completely different. You now have an accused person who might coincidentally also be a witness before you. And the mere fact that he is a witness, I respectfully submit, does not take away the rights that he is afforded under section 35.

Those rights, I respectfully submit, have found its being and is crystallised and spelled out and then, of course, developed through case law for a very good reason. And I respectfully submit, I have not come across a single case that says those rights are only afforded to a person when he is an accused in a criminal trial. I respectfully submit, many of those rights are asserted by people outside of the specific situation where he is directly dealing with being an accused or being a suspect.

In other words, not necessarily in the situation

where he is an accused. My submissions to you, and I have made further submissions to you yesterday, I do not want to repeat all of it, is that until such time, I respectfully submit – let go up and backtrack there. I respectfully submit that I do not believe that the *Zuma* judgment takes away the rights of an accused person if he is an accused, recognised or a suspect person or any of the other rights that are asserted.

If he can indicate and demonstrate to the Commission that he has those rights because he is an accused or a suspect or he wishes to challenge that evidence, when he appears before you, even as a witness, I respectfully submit he can assert those rights.

CHAIRPERSON: Two questions. The first one is in relation to the question asked, which is what did General Mkhwanazi ask? Was that the question? Yes. What is Mr Matlala charged with in that regard for your argument to make sense? Because you are saying he is an accused. So he is an accused charged with what in relation to that question?

ADV VAN DEN HEEVER: My understanding was he does not assert the right because he is an accused. In a criminal context, if I answer it, I will incriminate myself or I need to have the right. My understanding from what he said ...[intervenes].

CHAIRPERSON: Then that would destroy your argument. That would destroy your argument because you are distinguishing his case on the basis that he happens to be an accused person and therefore his situation is distinguishable from that which the Constitutional Court was dealing with in the case that we are focussing on.

ADV VAN DEN HEEVER: May I complete my submissions to you please ...[intervenes].

CHAIRPERSON: No, I ...[intervenes].

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

CHAIRPERSON: No, I think this will actually ...[intervenes].

ADV VAN DEN HEEVER: So what I am saying is his submission is I am an accused person in a trial and I have got litigation privilege, I have got a strategy that I wish to deploy during that criminal trial as an accused person ...[intervenes].

CHAIRPERSON: How does that criminal trial relate to the question that was asked? That is my question. Was he an accused in respect of insofar as the question that was put by General Mkhwanazi to him was ...[intervenes].

ADV VAN DEN HEEVER: He ...[intervenes].

CHAIRPERSON: Because otherwise your argument falls flat because paragraph 90 and paragraph 91 will stand. It does not stand on your argument because you are

distinguishing Mr Matlala's situation. You are saying he is an accused, which was not the case in the *Zuma* case. So I am saying show us, I am not saying he is not, I am saying show us how he is an accused person in relation to the question that was put to him by General Mkhwanazi. Maybe you have an easy answer to that.

ADV VAN DEN HEEVER: Chairperson, he yesterday indicated to the Commission on a question, I think, I am not sure one of the Commissioners might have put it to him, he said that when it comes to what transpired – it could even have been the day before – when it came to what transpired at the Pearls, that he is currently an accused, it relates directly to the charges that he is facing in Johannesburg.

And if you can recall, I think he gave evidence on the last Monday when we were here, he said at that point General Mkhwanazi told me that I am an accused person, I will be arrested and he then went on to explain, but I do not want to deal with this further because what else transpired there is directly related to the case that I face in Johannesburg. Can I just take ...[intervenes].

CHAIRPERSON: And you say that was yesterday. I am not sure, if you are talking about yesterday, I am not sure how, if at all, that relates to the questions being asked by Ms Hassim right now.

ADV VAN DEN HEEVER: It was ...[intervenes].

CHAIRPERSON: Just a minute.

ADV VAN DEN HEEVER: Chairperson, if I may just continue?

CHAIRPERSON: Yes, yes, yes.

ADV VAN DEN HEEVER: So you will recall when I was addressing you, I said, and in fact I addressed you on it the last Monday and that is when this issue raised, I indicated to you then that part of the whole case that Mr Matlala is facing in Johannesburg, and that can be objectively established from the day he first appeared there, it was placed on record.

He challenges the lawfulness of his arrest. He challenges the lawfulness of his further detention and part and parcel of that whole arrest is linked up to what transpired at the Pearls, in other words, why he was arrested and why he is facing the charges that he is facing. Number two, the same submissions, as I said, goes for this, what we submit is an unlawfully obtained recording as well as the rest of the defences as it folds out because it all emanates from the moment of the arrest that what we submit was an unlawful arrest.

So everything that happened from there, it is almost, it goes back to the – I know the Americans like to use it, we do not use it there, but for ease of reference, I am going to – it is the fruits of a poisonous tree argument

and that is part and parcel of your defence strategy that you have got and that you can use and you can implement, that is part of your rights to challenge evidence and to adduce evidence.

And if we are forced, and by we I now mean the royal we, if we are forced to now go and disclose the manner in which we intend to prove why we say we were unlawfully arrested and detained subsequently and how this whole thing unfolded, we can just as well now, Chairperson, Mr Matlala can just as well now sit back and tell for everybody and anybody to hear exactly what is going to happen in the trial and this, with respect, it comes back to what you said, it is a derivative evidence rule. It is applied in the Canadian Commission's situation, it is applied in Canada, it is applied in Australia and in England.

And we know it is one of the biggest criticisms that there is of Commissions, is the fact that derivative evidence is very often used to prevent a strategy down the line for people who later on appear in courts because of what has happened before the Commission.

CHAIRPERSON: Do you know what would actually assist us? To know if Mr Matlala is actually an accused, which is the font of your argument or the springboard for your argument. It is this, an answer to the question put by Ms Hassim, which is what was General Mkhwanazi's question to

you?

That is going to tell us what all of this was about and then it gets easier for us to know whether or not he was indeed an accused person. I am not at this stage, I am not, I am just engaging you on your argument because you are saying this judgment is distinguishable because there we are not dealing with an accused person.

And when I ask you the direct question, okay, tell us what exactly Mr Matlala is an accused in respect of, I am not sure that I follow your response. I am not sure. You are giving us generalised answers which do not say in relation to that question, which you are putting to Mr Matlala now, Ms Hassim, Mr Matlala is actually an accused person in relation to that very – I have not heard you say that.

Now I am saying, and in fact I am going to – actually, I am inclined, let me up front say that, I am inclined to overrule the objection insofar as it relates to answering just the question, what was General Mkhwanazi's question to you. I just do not see how that can ever affect Mr Matlala's defence. Thereafter, I have no idea what will flow from the question, in fact, in particular from Mr Matlala's response. I just do not see, unless you show me, you show us how that, a response to what was the question about, that has nothing to do with the rest of what then

flowed or followed from his response to that. I just do not, unless you show me how.

ADV VAN DEN HEEVER: Chairperson, may I now ...[intervenes].

CHAIRPERSON: And I hope the response will be brief.

ADV VAN DEN HEEVER: Yes, Chairperson. The fact of the matter is, the fact that you are an accused person in a trial affords you all the other rights under section 35.

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

ADV VAN DEN HEEVER: But Chairperson ...[intervenes].

CHAIRPERSON: I have heard that.

ADV VAN DEN HEEVER: But Chairperson, with the greatest of respect, if I am an accused in a murder trial, I am afforded the right to challenge evidence and adduce evidence. I have the right to challenge the lawfulness of my arrest or not. I do not need to before you, with the greatest of respect, as a witness now say because I have already, as indicated, I am an accused person in the Johannesburg case.

The fact that you are entitled to challenge under 35 certain evidence, to exercise your rights under 35, does not need to be related directly to a specific charge. The charge is there. He is an accused person. That is accepted by everybody. So you do not need to, your specific challenge

that you launch, and the reason why you do not want to ...[intervenes].

CHAIRPERSON: But Mr Matlala is an accused person in respect of something specific or issues that are specific. So the direct question has been, insofar as this question is concerned, does that relate to anything that he is specifically charged with? It cannot just be the broad question that he happens to be an accused person.

ADV VAN DEN HEEVER: But Chairperson, he said to you I am charged as an accused person in Johannesburg with various ...[intervenes].

CHAIRPERSON: That says nothing. That says nothing. Are you done with your submissions, at least on this point? Just on this point? My inclination, my indicated inclination, are you done with your submissions on it? My indicated inclination, which is that my inclination is to overrule your objection insofar as it relates to the question and an answer to it. That is what you are responding to.

ADV VAN DEN HEEVER: Ja.

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: Sorry, Chairperson, if you do wish to overrule us, I am going to ask you with respect, if you can please explain to us why, so that we can understand the reason why you ...[intervenes].

CHAIRPERSON: I already did when I indicated my

inclination. I said I just do not for the life of me see how, responding to a question that asks what question were you asked, I do not for the life of me see how that will impact the rights that are being asserted. There it is. Are you done with your submissions then?

ADV VAN DEN HEEVER: Just one last thing, Chairperson.

CHAIRPERSON: Yes, yes.

ADV VAN DEN HEEVER: If you wish to assert a specific right, a part of that right is to challenge the evidence of a witness that is directly related to the reason why you arrested or not. I respect submit, that gives you full reason not to answer this question.

CHAIRPERSON: Thank you. Thank you very much.

ADV HASSIM SC: Chair, I need to say something, because I need to correct something.

CHAIRPERSON: All right.

ADV HASSIM SC: And so it is important for me to have an opportunity to address you very briefly. The first thing is, on the question of an accused, Mr Zuma was an accused at the time he was appearing in the Zondo Commission. So it is not correct to say that he was not an accused. The second thing I wanted to correct is that Ms van den Heever relies on the judgment of Justice Satchwell, and I believe it is in the *Sebian* [?] case, yes, right.

So what that case assists my learned friend, so she

relies on that, but she does not tell you that there are other cases that take a different point of view from Justice Satchwell. In fact, there are at least two cases that take a different point of view. One is the judgment in *S v Ndlovu*, where it received not full support, it received qualified support.

Chair, I will provide the citation in a minute. And the second is the *State v Langa and Others*, where the Court declined to follow Justice Satchwell's approach in the *Sebian* case, on the grounds that a suspect did not enjoy the rights of an arrested or detained person. There is also the case of the *S v Mthethwa*, where the Court also declined to follow Justice Satchwell's reasoning.

Now, those judgments, I must give you the citations of first, let me do that first. So, *State v Ndlovu* is 1997(12) of the Butterworths' Constitutional Law Reports, so BCLR, page 1785 (N). *S v Langa* is 1998(1) SACR Criminal Law Reports, page 21 (T). And then, *State v Mthethwa* is 2004(1) SACR 449, and it is Eastern Cape Division.

Now, it could not be more clear that there is no authority then for the proposition that Ms van den Heever, other than Satchwell's judgment, which has differing treatment by everyone else. So, there is not a ...[intervenes].

ADV BALOYI SC: Which is also a High Court judgment.

ADV HASSIM SC: Which is a High Court judgments, so the law is contested. And let me take it one step further then, Commissioner Baloyi, because it was noted by the Supreme Court of Appeal, subsequently, and for that the judgment, Chair, is *State v Makhala*, M-a-k-h-a-l-a. And the neutral Safflii citation is 2022 ZASCA 19, and it is a judgment of Justice Unterhalter, and the paragraph I would like to refer you to is paragraph 29 of that judgment. And the first sentence of that paragraph says, Justice Unterhalter:

“Our case law has not taken a consistent approach as to whether the rights recognised in section 35 that are of application to arrested or detained persons are also enjoyed by persons suspected by the police of committing a crime who have not been arrested or detained.”

And he says that the summary of this is set out in *State v Orrie*. You can read it in the Unterhalter judgment. The inconsistent approach that our Courts in the High Court have taken. And he takes – this is arbiter on his part, where he says any such rights of a suspect cannot derive from section 35 because section 35 is concerned with rights of arrested, detained, and accused person, et cetera. Now, I am not going to read all of it.

That is his view. It is arbiter. For the purposes of this decision, he says he will assume that the rights apply, and then he still finds against the proposition. So it is summarised, again, by the Supreme Court of Appeal. So the Satchwell judgment is not a judgment I would say we can rely upon for the proposition ...[intervenes].

ADV VAN DEN HEEVER: Chairperson, if my learned friend is finished, I could have quoted all the other cases where he was ...[intervenes].

CHAIRPERSON: Just a minute. I will listen to you just now. Yes, Ms van den Heever? Just before that, perhaps, Ms Hassim, can you please remind us why you say former President Zuma was an accused in the context of Justice Jafta's judgment?

ADV HASSIM SC: Well, he was not accused in the arms deal-related corruption case, and part of the evidence and the questioning, et cetera, in the Zonda Commission would have ...[intervenes].

CHAIRPERSON: Related to that.

ADV HASSIM SC: That was the essence of the Zonda Commission's mandate.

CHAIRPERSON: Which then makes it subject to what Ms van den Heever first says. It makes it analogous. Yes, you wanted to – thank you, Ms Hassim. Yes, yes.

ADV VAN DEN HEEVER: Chairperson, first of all, the

Sebian case was followed in eight different matters in this country, and three more in Namibia. So it is not a matter that just stands there in isolation. It was followed many more times than it was discarded or where there was rulings against it in other divisions, as an example. That is number one.

Why I am saying he was – that whole judgment in *Zuma* was not decided against the background of him specifically giving evidence and invoking his right as an accused person. Remember what happened there is he just refused to go and give evidence. He ran away from giving evidence, and then they endeavoured to invoke his right to silence from, let us say, almost from the side.

So it is a totally different scenario than what you are dealing with, with a person that is giving evidence and now invoking the right as an accused person. Thank you.

CHAIRPERSON: I am not sure that in substance I get that distinction, but you have made your point. We have heard it, but I am not sure that in substance it makes sense. I said I was inclined to overrule your objection. I now do so. I overrule the objection that Mr Matlala is legally and indeed constitutionally entitled not to answer Ms Hassim's question. Mr Matlala, you will have to answer the question. Just a minute.

With regard to the wider constitutional issues that

have been raised by Ms van den Heever, I am not in a position to make a reasoned ruling. So what I would rather say is let us see if Ms Hassim is able to ask questions that will not necessarily raise or implicate the sort of issues that we have heard being raised. Let us see if that is practical from where you are sitting so that we use time as fruitfully as possible for the rest of the day. So about a ruling on the rest of the broader issues, a ruling may be made perhaps tomorrow morning. I do not know.

ADV HASSIM SC: Noted, Chair.

CHAIRPERSON: Yes.

ADV HASSIM SC: If I could just clarify that it would be, it would not be ...[intervenes].

CHAIRPERSON: Or what? Friday? Perhaps I should not tie myself to the issue of making a ruling. Let the issues be raised in respect of specifics like, for example, now the section 35 point has just been raised in relation to an issue on which I believe, hence my ruling, it does not make legal sense at all. So perhaps let me not tie myself to the need to issue a ruling. Let us hear those issues not raised in a generalised manner, but rather raised in respect of specific questions. And we have heard the argument and perhaps we will be better placed to deal with them at that stage as and when they arise. So if you could please repeat your question?

ADV HASSIM SC: Thank you, Chair ...[intervenes].

MR MATLALA: Sorry, Chair, before you proceed.

CHAIRPERSON: Yes.

MR MATLALA: Can I please, after answering this question, can I please just rush to the bathroom and then we will continue after, please?

CHAIRPERSON: Let us adjourn, we will come back when it is indicated.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Please repeat your question, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. Mr Matlala, let me just reverse a moment so that we bring back the context of the question because we have spent some time on other matters. So it is one, two, three paragraphs from the bottom just to take you back to the discussion on Mr Motsumi, right? And that is where General Mkhwanazi says the information is about information you gave him:

“This is when he gave me this information, the information about Steve Motsumi. He gave the address of the house of Steve Motsumi. He told me about the activities of Sibiya, how Sibiya is collecting money, et cetera.”

You have got that paragraph?

MR MATLALA: Yes, I do.

ADV HASSIM SC: Okay. Now, the question to you is what – you said that you only told him this in response to a question from General Mkhwanazi. Correct?

MR MATLALA: Yes.

ADV HASSIM SC: What was the question that General Mkhwanazi put to you?

MR MATLALA: The question was if General Sibiya is collecting money from anyone in Gauteng.

ADV HASSIM SC: So that question does not refer to General Motsumi. A question to you that ...[intervenes].

MR MATLALA: Mr Motsumi.

ADV HASSIM SC: Mr Motsumi.

MR MATLALA: Yes, I was getting to that, yes.

ADV HASSIM SC: Okay. So, I am sorry, I heard you say that he asked you whether anyone in Gauteng is, okay?

MR MATLALA: Yes.

ADV HASSIM SC: That is not a question that says, is Mr Motsumi paying General Sibiya?

MR MATLALA: Of course, yes, ja.

ADV HASSIM SC: Okay. So that is not the question then that General Mkhwanazi asked you?

MR MATLALA: No, he asked me if I know of anyone who General Sibiya, yes, is collecting money from in Gauteng. And then I said – and then the following question was, do I

know General – not General. Do I know Mr Steve Motsumi?

ADV HASSIM SC: So when General Mkhwanazi said to you, do you know anyone in Gauteng who is paying General Sibiya, did you answer him before he asked you about Mr Motsumi, or did he immediately say, ask you about Mr Motsumi?

MR MATLALA: No, Mr Motsumi, it was a follow-up question.

ADV HASSIM SC: So what was the answer to the first question?

MR MATLALA: Like, the anyone question?

ADV HASSIM SC: Yes.

MR MATLALA: Yes.

ADV HASSIM SC: What was the answer to that question?

MR MATLALA: I said yes.

ADV HASSIM SC: And did you then volunteer names, or did he then immediately say – what was his next question? Let me not frame the question for you.

MR MATLALA: Yes, the next question was if Mr Motsumi knows General Sibiya.

CHAIRPERSON: Was there no follow-up to your response that General Sibiya was collecting money from people in Gauteng? Did General Mkhwanazi not seek to know who he was collecting money from?

MR MATLALA: Yes, he did.

CHAIRPERSON: And did you give him the names?

MR MATLALA: Not the names. This is where I said I do not want to incriminate myself.

ADV HASSIM SC: So we already have an answer from you that it was not you that was giving money to General Sibiya, right?

MR MATLALA: Yes.

ADV HASSIM SC: Ja, and you said he was being paid by others, right? So now General Mkhwanazi brings in Mr Motsumi. He is the one who introduced the name Mr Motsumi, right?

MR MATLALA: Yes.

ADV HASSIM SC: And did he ask you whether Mr Motsumi pays General Sibiya?

MR MATLALA: Yes, I think he did, yes.

ADV HASSIM SC: And what was your answer to that?

MR MATLALA: These are the answers that I said I do not want to incriminate myself.

ADV HASSIM SC: I need to understand how answering that question will incriminate yourself because that is why I took you back to your earlier answer where you said you yourself did not make any payments to General Sibiya. So how will you incriminate yourself by saying that this person paid General Sibiya? I need to understand that because it does not seem to follow for me.

MR MATLALA: I explained earlier that I have a trial and then I have a case to answer. And then these specific questions that you are asking me now, these are part of the heart of my trial, of my case.

ADV KHUMALO SC: Sorry, just a minute ...[intervenes].

ADV VAN DEN HEEVER: Chairperson, that relates directly to issues under PRECCA. PRECCA is quite clear about that and I can understand why he then says he does not want to answer ...[intervenes].

ADV KHUMALO SC: Just a moment. Which case is this? Because I had understood that the case in Johannesburg is an attempted murder and weapons and conspiracy related to that murder.

MR MATLALA: Okay. Commissioner, let me just clarify because I see we did not even have a chance to clarify that. This very same case of an attempted murder. I have a plan, not a plan, there is a strategy that we need to present in court that how did I end up being arrested. So part of my presentation, it includes my interaction with General Mkhwanazi in his apartment and then it includes the very same topic that we are engaging in now. And then because something along my discussion with General Mkhwanazi went wrong or someone whispered something. So I just do not want to go there because I see now I am saying things that I do not want to say, but I want to clarify some other

things in court that how did I end up being arrested. It is because of this very same topic that we are discussing now.

ADV KHUMALO SC: So you intend to challenge your arrest?

MR MATLALA: Yes. Yes, I do.

ADV KHUMALO SC: And because you intend to challenge your arrest, you are not prepared to answer questions about the discussions that took place on the 14th of April 2024?

MR MATLALA: Not only to challenge my arrest, the build-up of my case that how did I end up to be where I am now. Where did it start? If it was not for this kind of engagement and topics, I would not be where I am now. So this is very important to me because if I say it now, I might as well then – I would not even have a place to start to present my case in court.

ADV KHUMALO SC: I must say I have serious difficulty with that because you told us here that when you first met General Mkhwanazi that very same day, he told you that there is already a warrant for your arrest in relation to that case. That is how I understood your evidence.

MR MATLALA: Yes, but that warrant has been standing and then I do not know if maybe I can submit in private because doing this now is not going to be fair on me, but I can submit it before the end of today now just to – for me to explain this I need to go to the case, there is no other way.

I just need to make you understand why I am saying I want to challenge the build-up of my case or how I ended up being arrested.

Yes, I am facing an attempted murder charge, but even that said warrant, it has been standing. And for it to be where it is now, I think for me to prove it is just to submit to you and then you can see it for yourself and judge it that, okay, this is where he is going with this thing. But for me to say it now, it will unfortunately spoil my case.

CHAIRPERSON: Subject to a further explanation by you, Mr Matlala, I fail to understand how telling us who the Gauteng people, excluding you, because you said you did not pay General Sibiya, how telling us who the Gauteng people from whom General Sibiya received or receives money, how that is going to impact your case adversely. I do not understand.

And again, let me up front say I am inclined to rule that you must answer the question, but as I said at the beginning, this is subject to any further explanation you may give. This is only about you to the extent that it is you who is going to answer the question and who answered the question in response to General Mkhwanazi. But for that, it is not about you, it is about those people that you said, I assume you did say, General Sibiya was receiving money from. It is about them, not about you.

So subject to a cogent explanation by you, I do not understand the point you are making. So I do afford you a further opportunity perhaps to explain in the light of what I have just said.

MR MATLALA: Thank you, Chair. The first thing is there are no other names. The person who was just mentioned, it was only Mr Motsumi and General Sibiya, but he said people in Gauteng, but he did not mention any names except the name of Mr Motsumi and General Sibiya. So I cannot give names that I do not know, except the name of Mr Motsumi and General Sibiya.

CHAIRPERSON: So you did not give General Mkhwanazi any name?

MR MATLALA: No.

CHAIRPERSON: But your answer was, your response was in the positive. You said yes, General Mkhwanazi does receive payments or collect money from people, people plural in Gauteng. Sibiya, General Sibiya. You said that already in response to Ms Hassim. So ...[intervenes].

MR MATLALA: In plural.

CHAIRPERSON: Sorry, sorry, so it is those names that I am asking for.

MR MATLALA: No, I do not think, maybe you heard wrong. I never said in plural. The names that were mentioned, it was only Mr Motsumi and General Sibiya, not in plural.

CHAIRPERSON: Then I misunderstood, I misunderstood.

ADV HASSIM SC: But it still does not answer my question which is, did Mr Motsumi pay General Sibiya?

MR MATLALA: I do not know.

ADV HASSIM SC: Okay, okay. Now, on that same paragraph where General Mkhwanazi talks about Steve Motsumi and he told, he says you told him how Sibiya is collecting money. So you are saying that you did not say this, you are therefore disputing what General Mkhwanazi said in this, in Parliament.

Because what he is saying is that he told me about Steve Motsumi, gave me the address of Steve Motsumi, told me about the activities of Sibiya, how Sibiya is collecting money, et cetera. So now you are saying you do not know, but that contradicts what General Mkhwanazi says here, which is that you said how Sibiya is collecting money.

So it is one of two things, either you do not know, and that stands, whether Mr Motsumi is, but then it raises the Chair's question again, which is that there is somebody else then who makes payments to General Sibiya. Do you understand?

MR MATLALA: Yes, I understand, but if – okay, sorry.

ADV HASSIM SC: No, go ahead.

MR MATLALA: If there is someone, then I would not know. So the first thing that I need to bring to attention is, General

Mkhwanazi himself already had information. So he was just asking me if I know about what he knows. So it is not like I went there to – I went there because of my tender complaints. Then he asked me about these things.

ADV HASSIM SC: So when he says that you told him how Sibiya is collecting money, that is not correct? You did not tell him that?

MR MATLALA: No, I said to you that for that I do not want to incriminate myself, and I do not want to comment on that.

ADV HASSIM SC: Okay, so you are saying you do not know whether he received money from Mr Motsumi. He received money from others, that you know, but you do not want to name them. That is your position?

MR MATLALA: Yes.

ADV HASSIM SC: And I need to ask you then, because it is the same reasoning that applies to the question on Mr Motsumi, why would telling this Commission who the other people are that pay Mr Sibiya would incriminate you? Why would that incriminate you?

MR MATLALA: Maybe when I am saying incriminating, I am using the wrong word. I am basing this on, again, my case in court. So maybe incriminating is not the right word that I am using, because I am repeating again that I still have a case to present in court. So I am already saying a lot here, meaning that at least leave me with half, I can go

to court with half. So do not take everything. Because now you want me to disclose everything here and then I will be left with nothing. Just do not strip me naked, please.

ADV VAN DEN HEEVER: Chairperson ...[intervenes].

ADV BALOYI SC: Just a minute. I understand what your position is. On this line of questions, you are not claiming a privilege against self-incrimination. You are refusing to answer the question because you say it will compromise your defence strategy. Am I correct that is the position you have adopted?

MR MATLALA: Yes, you are correct.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: I want to say this. The case you have to defend yourself against is an attempted murder case. My take from what you are saying is that you do not want to incriminate other people, and that is the real reason why you do not want to answer that question.

MR MATLALA: Can I comment on that, Commissioner? You still do not take it that when I say the way I ended up being arrested, it has to do with my interactions with General Mkhwanazi.

ADV KHUMALO SC: I am prepared to accept that. The question now is who are the other people that were paying General Mkhwanazi money? Sorry, General Sibiya. Or who did you tell General Mkhwanazi that other people are paying

money to General Sibiya? And that is the question you are refusing to answer. And you say, yes, there are, but I do not want to mention.

And that is why I am saying my takeaway from that is the issue is not you incriminating yourself. You have already admitted that to Commissioner Baloyi. The issue seems to me is you do not want to incriminate those people that you know are allegedly giving money to General Sibiya. That is how I see it, and I do not speak for my co-commissioners. I am speaking only for myself.

CHAIRPERSON: You are speaking for me because that is exactly the point I, the last point I engaged Mr Matlala on. I even said this is only about you because the answer came from you. But otherwise, it is not about you. It is about those other people. So whatever the right that you are setting simply does not make sense in this context. Ms van den Heever, let me give you an opportunity.

ADV VAN DEN HEEVER: Chairperson, I am trying to find a practical solution here for this issue because I do not want us – in his evidence under oath during the Ad Hoc Committee, when he gave evidence, General Mkhwanazi on this very day or the next day said he recorded the whole interaction between himself and Mr Matlala. Maybe I can ask that that be disclosed to us. That would make it very easy for us to deal with the issues. I am sure that that

evidence must be available. And I can take my client through it and we can deal with it then before yourselves. That is a very simple answer. You utilise ...[intervenes].

ADV BALOYI SC: No, no, Ms van den Heever, no. The witness can say that if he wants to and you will be engaged about that kind of response. In fact, it has happened where he has referred us to other people and he was told why that was inappropriate or that does not help the questions that are being asked. Ja, let the witness answer questions, please. This is not an objection. You are not objecting ...[intervenes].

ADV VAN DEN HEEVER: And I am not answering for him. That is not what ...[intervenes].

ADV BALOYI SC: And you are not arguing a point, but you have answered the question for him. I suggest you let Mr – I think Mr Matlala has shown to be competent. He understands the questions. I said earlier, and I meant it when I said I assume that his legal representatives have advised him about what he can do, what defences he can take, but I think let him answer the questions, please.

ADV KHUMALO SC: Mr Matlala, you heard me, that my takeaway from all of this is that your concern is not the worry that you will implicate yourself. Your concern is the worry that you will implicate those people that you told General Mkhwanazi that General Sibiya is collecting money

from, and that is your real reason for not wanting to answer this question.

MR MATLALA: No, that is not the real reason, Commissioner. I already said that I do not know if Mr Motsumi was giving General Sibiya money. So I cannot say something that I do not know. So what I said I know is that, yes, other people, which I cannot name people that I do not know. But I will know the facts, yes. But maybe the question that you are supposed to ask me is, how do I know that?

ADV KHUMALO SC: Maybe then, because you have just said now I know that he is collecting money, but I do not know the people he is collecting money from. Did I understand you correctly?

MR MATLALA: Yes, yes, you understand correctly.

ADV KHUMALO SC: And then you said maybe if I ask you how do you know those facts, then you will be able to elaborate.

MR MATLALA: Yes, not the names of the people who are giving money.

ADV KHUMALO SC: No, do not ask that. You said you do not know the names.

MR MATLALA: Yes.

ADV KHUMALO SC: But you are able to elaborate if I ask you how do you know that.

MR MATLALA: Yes.

ADV KHUMALO SC: Yes, so I am giving you the opportunity.

MR MATLALA: So you want me to mention the name?

ADV KHUMALO SC: You said you do not know the names, but you know the facts and you are able to elaborate. So I am giving you the opportunity to elaborate.

MR MATLALA: Okay, from a third person, not from him directly.

ADV KHUMALO SC: What, what from a third person?

MR MATLALA: Come again?

ADV KHUMALO SC: You are saying from a third person, but not him directly.

MR MATLALA: Yes.

ADV KHUMALO SC: What did you hear from a third person and not him directly?

MR MATLALA: I heard him saying that he went to collect money.

ADV KHUMALO SC: Who?

MR MATLALA: I am saying I heard the third person saying that he went to collect money.

ADV KHUMALO SC: Who went to collect money?

MR MATLALA: It is the third person that is saying I am not willing to mention his name.

ADV BALOYI SC: The third person, you heard a third

person say that third person went to collect money or did you hear from the third person that General Sibiya went to collect money?

MR MATLALA: Yes.

ADV BALOYI SC: I think that is what we are seeking to clarify. Is it the second one?

MR MATLALA: Yes.

ADV BALOYI SC: A third person told you or you heard from a third person that General Sibiya went to collect money?

MR MATLALA: The third person told me.

ADV BALOYI SC: Yes.

MR MATLALA: Yes.

ADV BALOYI SC: That General Sibiya collected money.

MR MATLALA: Yes.

ADV BALOYI SC: All right.

CHAIRPERSON: From the third person, from that third person? General Sibiya went to collect money, this you are told by a third person. Did General Sibiya collect the money from that person, that third person or from some other person?

MR MATLALA: No, that person, I would say maybe he was, how can I put it? A good, what can I say, someone, a middle man, I do not know how to mention it.

ADV HASSIM SC: Did you say a middle man?

MR MATLALA: Ja, let me say a middle man, yes.

ADV BALOYI SC: They were a conduit of money.

MR MATLALA: Come again?

ADV BALOYI SC: That third person was a conduit of money between General Sibiya and somebody else?

MR MATLALA: Yes.

ADV BALOYI SC: Is that what you are saying? Thank you.

ADV HASSIM SC: And the somebody else, do you know who that somebody else is?

MR MATLALA: Yes, I know.

ADV HASSIM SC: And who is that person?

MR MATLALA: Sergeant Nkosi.

ADV HASSIM SC: Sergeant Nkosi?

MR MATLALA: Yes.

ADV HASSIM SC: I just want to be clear. Are you saying that Sergeant Nkosi is the middle man or that Sergeant Nkosi is the one who is making things?

MR MATLALA: No, I said the middle man.

ADV HASSIM SC: The middle man. Okay. My question was actually, who is making the payment through Sergeant Nkosi?

MR MATLALA: Yes, I said I do not know.

ADV HASSIM SC: But are you sure about that? Are you sure about that answer? Because it seems inconsistent with what you have been saying earlier, because we have

been going around this issue about other people making payments. And my understanding is that earlier you said you were aware of other people who made payments, but you did not want to mention their names. So you are saying now that you do not know the person who made the payment, but you know that the payment conduit was Sergeant Nkosi?

MR MATLALA: Yes, I said I did not want to mention his name, but now you said I have to mention the name, so I just did.

ADV HASSIM SC: Okay, but you do not know who Sergeant Nkosi is paying the money on behalf of?

MR MATLALA: Yes, I said I do not know that.

ADV HASSIM SC: You do not know. I am going to move off that particular line of questioning, Commissioners, unless you have anything. But not off the issue entirely, because the question of the attempted murder charge, you say that the developments of that case have got to do with this interaction that you had with General Mkhwanazi. Have I understood you correctly? That this meeting you think, sparked a campaign against you, in other words?

MR MATLALA: Yes.

ADV HASSIM SC: And why is it that you say that, first of all? Why do you say that?

MR MATLALA: Because I just found out after that he even

mentioned that he, I think he was in – I do not know whether it was Ad Hoc or here at the committee that after I left his place, I went to, I do not know to whom, and then I spoke about my meeting with him.

ADV HASSIM SC: I see. So it was your, it was not actually this meeting then, it was your evidence in Ad Hoc?

MR MATLALA: Not my evidence. I am saying I do not remember whether he gave evidence in Ad Hoc or here, but there is some way I read in this. I think it is Ad Hoc, yes, where he said after I left his place, he heard, I do not know from whom, that I was telling, I do not know who, but because he did not mention names, that I have mentioned my meeting, the meeting that I had with him, and then I twisted the story.

So I think, I do not know, I am just now assuming that I am thinking that there is someone who said, told him something which is not what I think, but I did not get an opportunity anyway to explain that to him, but obviously someone told him something which is different from what I know.

ADV HASSIM SC: Okay. And you say he said this when he was giving evidence?

MR MATLALA: I think it was Ad Hoc Committee, yes.

ADV HASSIM SC: I think I might be able to find the reference. Give me a moment, please. Okay. While we

look for it, you are the one that introduced the topic of your attempted murder charge at this meeting at the Pearls, is that not so?

MR MATLALA: No, it is not. I did not even know that I had a charge.

ADV HASSIM SC: You did not know about it?

MR MATLALA: Yes.

ADV HASSIM SC: Okay. So on the same page, 228, where General Mkhwanazi says, if I can just take you, it is two paragraphs from the bottom. He says:

“So I take note of all of these things.”

So now this is the paragraph immediately after the Motsumi and the payments and all of that. And what General Mkhwanazi says:

“So I take note of all of these things, and then he asked one thing, but the other one was just a comment, which I could not do much about. The first one was I have got this contract. I have got so many people I should be paying, but I have not paid, but the police are not placing an order. Can you get General Nkhuoa to meet up with me so we can discuss and get to hear what the issue is? And I said I will talk to General

Nkhuoa, but I do not know anything about the contract, but I will talk to her. The feedback will come to Senona. That is one. Two, what is the next thing? The next thing is that I hear that there is an investigation in Gauteng into the attempted murder of his ex-girlfriend. What is happening on that? I said, no, do not ask me that question. I am not in Gauteng. I am here. I cannot even answer any question. If you have issues with it, General Snowden is your brother.”

I do not think that is meant to be Snowden. The only Snowden I know is an American whistleblower. Maybe it is Senona. General Senona is your brother, because we know you have already described him as your brother:

“Let us talk to General Khumalo and establish what the issue is.”

Now, what General Mkhwanazi is saying here is that you asked him about this investigation in Gauteng into the attempted murder of your ex-girlfriend. Is he not being truthful here when he says this?

MR MATLALA: Thanks, Advocate Hassim. First of all, what he said to me, even himself, I think they did not give him full information because he said to me my girlfriend

from Limpopo. So I said, no, which one? And then he said the one that she was an actress in Muvhango. Then I knew that he was talking about the one in Gauteng, not Limpopo.

So it cannot be that I told him about that. So it is him who said to me the warrant now at this stage, it is not being signed even by the Magistrate. It has only been signed by the prosecutor. After whatever, I do not know who told him, I do not know what, and then that warrant ultimately went, and then it was signed by the Magistrate now.

But he told me that at this stage, it was only signed by the prosecutor. So I did not know that there was a warrant that was standing up. I would not even go and confront him. For me, I would think that he might even arrest me. So if I knew that, okay, there was a warrant that he had, the first thing that I was going to do is just to hand myself over to the police. So I would not want to discuss something that I know it would not benefit me with anything.

ADV HASSIM SC: So you are confirming that he was not being truthful when he said this?

MR MATLALA: Not being – I do not know, I am not saying he was not being truthful, maybe he is confusing the facts.

ADV HASSIM SC: Okay, so you are not saying he is not being truthful, but you say maybe he is confused. And you say that you did not ask him, that is what you are really

trying to say, you did not ask him about the attempted murder investigation.

MR MATLALA: I did not know that it existed by then.

ADV HASSIM SC: Okay. So, do you know when the warrant was signed?

MR MATLALA: Yes, I know.

ADV HASSIM SC: When was it signed?

MR MATLALA: On the 13th of May 2025.

ADV HASSIM SC: Okay.

MR MATLALA: A day before I was arrested.

ADV HASSIM SC: The day before you were arrested, yes.

MR MATLALA: Yes.

ADV HASSIM SC: Okay. So on the issue of the – well, no, let me not go there because I know you are not going to answer about the contract. Let me go back to the question of the Nangy which we did not close, that Nangy docket which we spoke about. Now, the Nangy issue came up in the meeting at the Pearls, right?

MR MATLALA: Yes.

ADV HASSIM SC: And did you convey, if I understood your evidence earlier, you had not yet met with Mr Nangy.

MR MATLALA: By then, yes.

ADV HASSIM SC: By then?

MR MATLALA: yes.

ADV HASSIM SC: You had not yet met with him?

MR MATLALA: Yes.

ADV HASSIM SC: So you undertook to speak to Mr Nangy to encourage him to withdraw the charges, to withdraw the complaint, rather.

MR MATLALA: Yes.

ADV HASSIM SC: Yes.

MR MATLALA: But before that, I explained to Mr Senona, before we even went to him, that my wife and Mr Nangy's wife are very close because the kids go to the same school.

ADV HASSIM SC: Yes.

MR MATLALA: Yes.

ADV HASSIM SC: So you subsequently went to speak to Mr Nangy, and I suppose, I think you said you do not recall when?

MR MATLALA: Yes, I do not recall when, yes.

ADV HASSIM SC: And ...[intervenes].

ADV BALOYI SC: Sorry. Why would you be discussing Mr Nangy? Before General Mkhwanazi's meeting and, in fact, even before you get these documents, why would you be discussing Mr Nangy with General Senona?

MR MATLALA: I explained that earlier, Commissioner, that he told me that they wanted help to convince Mr Nangy to withdraw the charges.

ADV BALOYI SC: Yes.

MR MATLALA: Yes.

ADV BALOYI SC: Yes, my question is, for him to speak to you about Mr Nangy, he must know something about your relationship or your interactions or your dealings with Mr Nangy, because otherwise there is no explanation why he even starts the conversation with you about Mr Nangy and not anyone else in your complex or anyone else down your road. So what is it that gives him an in, into discussing Mr Nangy with you?

MR MATLALA: He is the one who arrested – not him personally, but his team, and then they arrested him in the same estate that I live in. And then he asked me if I know him, because that day there was a lot of police in that estate, and I told him that I do not know him, but I know, my wife knows his wife. So I will ask through my wife and then I got to know Mr Nangy.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Ms Hassim, did General Senona not say when he found out that Mr Matlala was neighbours with a suspected kidnapper, he wanted to warn Mr Matlala because he is his friend? Sorry. Yes, Mr Matlala. Was that not his evidence?

ADV HASSIM SC: Yes, that was his evidence. Before we go there, Commissioner Khumalo, I just want clarity in response to the question that Commissioner Baloyi asked when you said it was his team that did this arrest. Whose

team?

MR MATLALA: Mr Senona.

ADV HASSIM SC: Senona's team. Okay. Commissioner Khumalo, do you have a question about – I mean, you can go there. I am also going to get there at some point, but I am happy for you to do it.

ADV KHUMALO SC: I think rather you deal with it, because I just saw the transcript that you were in fact leading that evidence, so I am going to leave that to you.

ADV HASSIM SC: I do not have the transcript, that particular reference, with me now. So if you have the reference and wish to go there, that is fine, but either way.

ADV KHUMALO SC: But I am not sure if you are able to comment, Mr Matlala, but General Senona in his evidence, when we asked him why he shared the Nangy dossier with you, he said because you were close, and he had just found out that a known kidnapper is living in the same complex as you, and he wanted to warn you as his friend about him, so that you watch yourself and your kids, I suppose. Did you know anything about that?

MR MATLALA: And then the documents that he sent me?

ADV KHUMALO SC: Yes. The complaint with the ...[intervenes].

MR MATLALA: It was ...[indistinct] ...[intervenes].

ADV KHUMALO SC: It has Mr Nangy's charge sheet, it

has his ID numbers, it has the complaint against the six policemen who immediately arrested him or harassed him?

MR MATLALA: Are you saying the documents he sent me because as a warning?

ADV KHUMALO SC: Yes.

MR MATLALA: I did not know that, Commissioner.

ADV KHUMALO SC: Did he have that discussion with you when he sent you those documents?

MR MATLALA: No, no. What I know that he asked me, but obviously I knew that arrest, when it happened, it is in the estate, I think everybody knew about it. So he asked me, I said, yes, I know him, obviously the school is the same school as my son and his son. Then I said through my wife, I can ask that. So that is what I know.

ADV KHUMALO SC: So the only issue he discussed with you in relation to Mr Nangy was, do you know him? Can you talk to him about the complaint against the other policemen?

MR MATLALA: It was about to withdraw the charges.

ADV KHUMALO SC: Yes.

MR MATLALA: Yes.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: And you say that is why he sent you these documents, in your understanding. He sent the documents because he wanted – he was giving you this

information so that you could speak to Mr Nangy.

MR MATLALA: About the? Not about the warning.

ADV BALOYI SC: Ja, no, no, to drop the charge, to drop the complaint against General Mkhwanazi and others. Thank you.

ADV HASSIM SC: Can I put a different proposition to you? That it was not provided to you to request you to speak to him to withdraw the charges against General Mkhwanazi, but it is to request that he withdraws the charges against General Senona's team.

MR MATLALA: His team, yes.

ADV HASSIM SC: Yes.

MR MATLALA: Whose team?

ADV HASSIM SC: General Senona's team. If you want to have a look, we were looking at it earlier. It is, oh gosh, File 2.1.

MR MATLALA: I think it is this one.

ADV HASSIM SC: Page 22 and 23. Do you have it?

MR MATLALA: Yes, I have it.

ADV HASSIM SC: Okay, so you will see who the complaint is made against. And on 22, you will see that it begins with a Durban Metro Police officer, and then it has a private individual who works at Vision Tactical. Yaseen Theba, who works at Vision Tactical. And then Yacoob Desai, also seems to be somebody who works in the security, private

security industry. And then you have got Captain Enoch, who is with DPCI KZN. And then you have got a constable from SAPS. You have got Colonel Dawood from the Anti-Kidnapping Unit. You have General Mkhwanazi as the Provincial Police Commissioner. And then another, Colonel Deena Govender, who is with the DPCI KZN. So, you will see that the Provincial Hawks members were involved in this arrest. Right? That was General Senona's team.

MR MATLALA: Okay.

ADV HASSIM SC: So, my proposition to you is that the reason General Senona sent you these more than 200 pages with all of this confidential information is to try to get you to withdraw, to get Mr Nangy to withdraw the complaint against his team. That it was not actually in General Mkhwanazi's interest that he was asking you to do this and sending you the documents, but in his own interests.

MR MATLALA: Yes, but I would not know that.

ADV HASSIM SC: Okay. So, I thought you mentioned earlier that he spoke about his team that was involved.

MR MATLALA: Yes.

ADV HASSIM SC: He did not say to you?

MR MATLALA: Yes, but he also mentioned General Mkhwanazi.

ADV HASSIM SC: Okay, but he did not say to you specifically anything about his team?

MR MATLALA: No, he mentioned his team, yes, and then he said he is not involved. It his team and General Mkhwanazi.

ADV HASSIM SC: All right. So, when you met then at the Pearls, remember he sends this to you 10 March, now you meet at the Pearls 15 April, did you understand from this meeting, because you say you only met then with Mr Nangy after this meeting, was this an understanding from you to be a quid pro quo for General Mkhwanazi facilitating access to General Nkhuoa for you?

MR MATLALA: I do not understand Latin. What is quid pro quo?

ADV HASSIM SC: Was this in exchange for him doing you a favour in relation to General Nkhuoa, that you would then ask Mr Nangy to drop this?

MR MATLALA: Yes, I assume that, yes.

ADV HASSIM SC: You thought it was a quid pro quo, it was a favour, it was an exchange you were doing for General Mkhwanazi. Is that what you are saying?

MR MATLALA: Yes, I thought so, yes.

ADV HASSIM SC: So, when you spoke to Mr Nangy, what did you say to Mr Nangy?

MR MATLALA: I explained to him exactly to withdraw the charges. I told him that General Senona is very close to me, so I asked him to do this because General Senona was

very concerned about his team. So, I was doing this on his behalf, yes. Because I did not know General Mkhwanazi anyway, so I could not say he is my friend or something. So, the only person who was close to me was General Senona.

ADV HASSIM SC: So, if I understand you correctly, what you said to Mr Nangy is General Senona is close to me, my older brother, he is very concerned about his team, can you drop this complaint?

MR MATLALA: Yes.

ADV HASSIM SC: And then what did Mr Nangy say to you?

MR MATLALA: I think he gave me two or three days and then after he came back he said to me, he can do it but his brother-in-law and his other, I do not know whether he is a friend or an accuser or whatever, they refused to do it. And I told that to General Senona.

ADV HASSIM SC: Okay, and then you communicated that reluctance to General Senona, is that not so?

MR MATLALA: Yes, I did.

ADV HASSIM SC: And how did you do that?

MR MATLALA: Say that again?

ADV HASSIM SC: How? How did you communicate it to him?

MR MATLALA: I do not remember whether I called or I saw him because I saw him a couple of times, like I

mentioned, so I do not know whether I called him or we met.

ADV HASSIM SC: Okay. So in your Ad Hoc, if I could just jog your memory, it is at page 27, Ad Hoc statements. Page 27.

MR MATLALA: Yes. I can see that.

ADV HASSIM SC: You can see it on the screen.

MR MATLALA: Yes.

ADV HASSIM SC: Thank you. All right, now it is quite small and there are no line numbers, so I am going to try to direct you there. It is about a third of the way up the page. There is an exchange between you and Mr Arendse, you see that, Advocate Arendse.

MR MATLALA: Yes, I do.

ADV HASSIM SC: Okay, and he asks you this question, let me know if you can find it. He says:

“Then you say you communicated
Nangy's reluctance to Lieutenant General
Mkhwanazi via General Senona.”

Do you see that?

MR MATLALA: Yes.

ADV HASSIM SC: And then you say:

“Can you repeat that?”

And then he reminds you:

“In the draft statement you said you
communicated it to General Senona.”

You see that?

MR MATLALA: Of course, yes.

ADV HASSIM SC: And then he asks you:

“How did you do that?”

And you say:

“I called him.”

And then Advocate Arendse confirms:

“You called Senona to tell him that you spoke to Nangy and he was not prepared?”

And your answer to that is yes. You see that?

MR MATLALA: Yes, I see that.

ADV HASSIM SC: Okay, so you called General Senona.

MR MATLALA: Okay.

ADV HASSIM SC: Well, it is not for me to say okay, you agree that you called him.

MR MATLALA: No, yes, I called, yes, I can see now here from the transcript that I called him.

ADV HASSIM SC: Okay. Now, when General Senona was here before this Commission, he said, and maybe we should go there, it is File 2, page 85. You have got it?

MR MATLALA: No, I thought I will see it on the ...[intervenes].

ADV HASSIM SC: You do not see it on the screen this side.

MR MATLALA: Ja.

ADV HASSIM SC: Do you have it?

MR MATLALA: It is fine, I will check it here. No, it is fine, it is here, ja.

ADV HASSIM SC: You have got it, all right.

MR MATLALA: Yes.

ADV HASSIM SC: Okay. So this was when General Senona was testifying before the Commission on the 28th of January 2026. And he says, he contradicts you on this point. He says:

“I never met with Mr Matlala to discuss the withdrawal of the case by Mr Nangy. And even in the calls, when we were talking about the calls, Mr Matlala never informed me about this.”

So he is denying that you called him. So is he not being truthful here when he says that?

MR MATLALA: What I see here is he is saying that he do not have a recollection of that thing happening. He do not recall it. So meaning maybe he might have forgotten that I called him.

ADV HASSIM SC: No. No, he says this call, it never happened. Let me just find the line. If you look one, line ...[intervenes].

MR MATLALA: I will give you line 10 ...[intervenes].

ADV HASSIM SC: 21.

MR MATLALA: Okay, 21.

ADV HASSIM SC: So the first I took you to where he says, I never met with Mr Matlala to discuss this Nangy thing. So he denies one, he ever discussed it with you. He denies two, that you called him. And if you look at 21, he says:

“This call, it never happened with this discussion. It did not happen.”

ADV BALOYI SC: He also says he did not even hear the discussion in the meeting of the 15th of April.

ADV HASSIM SC: Ja.

MR MATLALA: Maybe because he was drinking whisky, he was a bit tipsy. I do not know, but I see here he is saying, I do not deny that it did not happen, but I do not remember it. So I do not know whether he forgot or something because he was busy with his whisky. But anyway, I did not tell him on the 15th of April. It was after that.

ADV HASSIM SC: Let me just clarify. So on the 15th of April, what he is saying is you did not discuss it. That is a separate point from the call ...[intervenes].

MR MATLALA: Okay. On the 15th of April, he is saying we did not discuss what?

ADV HASSIM SC: The Nangy issue.

MR MATLALA: Okay.

ADV HASSIM SC: But we will deal with that.

MR MATLALA: Yes.

ADV HASSIM SC: But my question to you is, he also says that you never called him to tell him the outcome of your conversation with Mr Nangy.

MR MATLALA: Can you go to our chats? Maybe we will check our chats.

ADV HASSIM SC: Well, you know, we can go through your chats, but we see quite a number of calls between you and General Senona, but we obviously will not know what you discuss in the calls.

MR MATLALA: But he asked me for something, and then he is someone that I take as my big brother. There was no way that I would just leave him in the dark. I explained that to him.

ADV HASSIM SC: All right.

MR MATLALA: He knows it very well.

ADV HASSIM SC: So you did call him, and you did explain what your conversation was with ...[intervenes].

MR MATLALA: Yes, I did.

ADV HASSIM SC: Okay. On the 15th of April issue, you said he was drinking whisky.

MR MATLALA: Yes.

ADV HASSIM SC: So, can you just explain to us this? Because I do not know, how long was this meeting?

MR MATLALA: Not more than an hour.

ADV HASSIM SC: Not more than an hour?

MR MATLALA: Yes, I would say yes. An hour max, I would say.

ADV HASSIM SC: An hour max. So, and when he was drinking whisky, where was he?

MR MATLALA: He was not far. That place is small. He was not far from us.

ADV HASSIM SC: All right. So, he was having his whisky, and he could hear what the conversation was because it was a small place.

MR MATLALA: It is a very small place, yes.

ADV HASSIM SC: So he could hear?

MR MATLALA: If you want, ja, you can hear.

ADV HASSIM SC: All right, and ...[intervenes].

CHAIRPERSON: In fact, on that, but I do not have the right place now. But where we were earlier, on General Mkhwanazi's testimony at the Ad Hoc Committee, where you were referred to, even though that part was not read, General Mkhwanazi also makes the point you have just made, that the space where you were is very small, even if someone is where the kitchen or kitchenette is, and where the dining room area is, where the couch is, he says a person, wherever they were in that space, they were within earshot and they would have heard everything that was being discussed. You confirm that? That is my

understanding.

MR MATLALA: Yes, I do.

CHAIRPERSON: Thank you.

ADV HASSIM SC: Okay, and that is fine, thank you. I am going to leave that topic. In your conversations with General Senona, we see that you share a lot of information. There is another batch of information that he shared with you that I would like to take you to, and that was around the 13th of April. So, if we could just go to File 2, page 11?

ADV BALOYI SC: Is it the same File 2?

CHAIRPERSON: Ja, I wanted to find out whether it is 11 below the yellow tab, or 11 above that, because there are two 11s. In fact, there are two of everything.

ADV HASSIM SC: It is after the yellow tab.

CHAIRPERSON: After, all right, thank you.

ADV HASSIM SC: So, that is page 11, and if you see at the bottom of that page, and this is 13 April 2025, there is a document that is sent to you. It is called Annexure SEN3, and then there is another document sent to you at exactly the same time. It is called Memo Biz Traces, and it is Annexure SEN4. And then, over the page to page 12, you will see another document sent to you, SEN5. And if you look at the timestamps, they all have 16:32. They are literally delivered split seconds apart, so you sent them as one batch, these three annexures to General Senona, okay?

Do you see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: Okay. Is there anything you want to comment on at this point on these annexures before I go there?

MR MATLALA: I do not, maybe if you can open them.

ADV HASSIM SC: That is fine.

MR MATLALA: I do not know what it is.

ADV HASSIM SC: That is fine. So, SEN3 is at page 17 of that bundle. Do you have it?

MR MATLALA: Yes, I do.

ADV HASSIM SC: This looks like a company search for the Senzo and Thembeke Mchunu Foundation. Do you agree?

MR MATLALA: Yes, I agree.

ADV HASSIM SC: And it has the usual information on it, when you do a company search. So, why did you send this to General Senona?

MR MATLALA: This thing is forwarded. I received it from someone else, and he said I might send it to him.

ADV HASSIM SC: Who did you receive it from?

MR MATLALA: From a guy called Calvin. He is a forensic investigator.

ADV HASSIM SC: What is Calvin's surname?

MR MATLALA: Rafadi.

ADV HASSIM SC: Calvin Rafadi sent it to you?

MR MATLALA: Yes.

ADV HASSIM SC: And he asked you to send it to General Senona, is that what you are saying?

MR MATLALA: Yes, he was applying for a job, so he said he wanted to impress General Senona to show him that there is a couple of things that he has been investigating, so this was one of them. So, I think it is a couple of things that I have sent to General Senona from Calvin, yes.

ADV HASSIM SC: Ja. So, he said that these are things that he is investigating and he wants to impress General Senona, so he wants you to forward these things to General Senona, to show General Senona what he is busy with.

MR MATLALA: Yes, yes.

ADV HASSIM SC: So, that would mean that one of the things he was investigating was the Senzo and Thembeke Mchunu Foundation.

MR MATLALA: Yes.

ADV HASSIM SC: All right. SEN4, it is at page 22. So, this is a memo, and the subject of the memo is the confidential information concerning the Honourable Identity of the President, and then he includes information and identity numbers of President Cyril Ramaphosa. You see that?

MR MATLALA: Yes, I do.

ADV HASSIM SC: So, this was also something that Mr

Rafadi was investigating?

MR MATLALA: Yes.

ADV HASSIM SC: And do you know anything about this investigation?

MR MATLALA: No, I was just forwarding these things. I do not know anything about them.

ADV HASSIM SC: Did you have a look at these documents when he sent it?

MR MATLALA: I will just forward. I did not have time to check documents.

ADV HASSIM SC: So, you did not read it?

MR MATLALA: No, I did not.

ADV HASSIM SC: And then if – there should be one more. SEN5, it is at page 26, and that is a newspaper article and it concerns reported corruption in the Rustenburg Municipality. So, I presume your answer here will be also that this is something that Mr Rafadi was involved in.

MR MATLALA: Yes, I think if you can go to my cell phone, you will see that all of these things are from him. They were just forwarding them.

ADV HASSIM SC: Okay. So, did you read this? You did not read this either, this document?

MR MATLALA: No, I just forwarded it to Mr Senona.

ADV HASSIM SC: Okay, and when you forwarded it to General Senona, what did you say to him?

MR MATLALA: Every time I forward them, I tell him that I am sending you stuff from Calvin, but by then he knew that this guy wanted people. He even applied for the national – because actually he applied for, what is it? To be head of DPCI nationally, but he thought because he is not from law enforcement, he did not have that hope that he will get that opportunity, but he thought maybe if General Senona can get it, because even General Senona applied for that, maybe General Senona can squeeze him to the provincial post maybe.

ADV HASSIM SC: So, you are saying General Senona had applied for the position of the Head of the Hawks, national head?

MR MATLALA: Yes.

ADV HASSIM SC: And Mr Rafadi ...[intervenes].

MR MATLALA: He also applied also.

ADV HASSIM SC: Also applied for Head of the Hawks nationally?

MR MATLALA: Yes.

ADV HASSIM SC: But he was not confident of his chances of his application succeeding. So, he wanted General Senona to assist him with some other position in the Hawks.

MR MATLALA: Yes. If he gets that position, maybe he can hire. Because of what he is doing, maybe he can hire him somewhere.

ADV HASSIM SC: Okay, and are you close to Mr Rafadi?

MR MATLALA: Yes, I am.

ADV HASSIM SC: What is your relationship? What is the nature of your relationship?

MR MATLALA: Mr Rafadi actually is someone that I was supposed to hire in my company, but for forensic investigations, but he was furthering studies, and I was also helping him to pay for his studies, so that at least I know that when I hire him, he will be an asset. But at some point, he was hired by – he was the researcher from UJ. UJ? I think it is UJ or Feds. I forgot between the two, yes, but he was a criminal researcher for crime or something there.

ADV HASSIM SC: Okay, and how did you first meet him?

MR MATLALA: Calvin?

ADV HASSIM SC: Yes.

MR MATLALA: We are from the same – he is from – I have known him from a long, long time ago. Maybe more than 25 years, 30 years. I have known him from a long, long time ago.

ADV HASSIM SC: Okay, and so do you meet him regularly?

MR MATLALA: Yes, I did.

ADV HASSIM SC: And do you still meet Mr Rafadi?

MR MATLALA: Unfortunately, I cannot.

ADV HASSIM SC: Up until your arrest?

MR MATLALA: Maybe in my dreams, I meet him sometimes, yes.

ADV HASSIM SC: Up until your arrest, you had a relationship with him?

MR MATLALA: Yes, yes.

ADV HASSIM SC: It did not end at some point?

MR MATLALA: No, it did not.

ADV HASSIM SC: Okay. Okay. There is one other issue that arose, again, in relation to the evidence. I think it was in the Ad Hoc by General Mkhwanazi, where he says that General Senona said to him that he was involved in some Lesotho project, or there was an interest that you and General Senona had in a project in Lesotho that had to do with security services and that he was interested in taking up a position in this project or a position in your company and that he was considering even resigning from the SAPS in order to take up this position. Do you know about this? What is your comment on that?

MR MATLALA: Yes, I do know about it.

ADV HASSIM SC: Okay. Can you tell us about that?

MR MATLALA: Yes, it was, I would not say presidential protection because he is Prime Minister in Lesotho. So, I registered a company in Lesotho for VIP protection for the Prime Minister, and so I was – okay. I was in negotiations

with them to offer security services for the Prime Minister in Lesotho. A VIP – let us just say presidential, same as presidential protection, but because there is a Prime Minister that side. So, that is when General Senona wanted to also come on board.

ADV HASSIM SC: And what position would he have held if he came on board?

MR MATLALA: He will choose whatever I want.

ADV HASSIM SC: Okay, and when was this to take place, the project?

MR MATLALA: The dates I forgot. The dates I forgot.

ADV HASSIM SC: So, do you have the company? Is it up and running?

MR MATLALA: It is the company I have registered, yes.

ADV HASSIM SC: Okay, but has General Senona had anything to do with the company since then? I mean, he did not, as I understand, he did not take up this because he decided not to retire.

MR MATLALA: Yes, that is true.

ADV HASSIM SC: To see his service through to the end and then to take up a position after that. So, there is not been any engagement with General Senona and this company, or has there?

MR MATLALA: Just for clarity, please, can you please repeat that question?

ADV HASSIM SC: Let me tell you that. Let me put it this way. What engagement has General Senona had with this company? Has he done any work for the company? Has he been paid by the company in any way? Has the company provided services to him in any way? Benefits to him in any way?

MR MATLALA: No. He was not even hired. He was considering to. So, there was nothing that happened.

ADV HASSIM SC: Okay. So, nothing further took place?

MR MATLALA: Yes, nothing.

ADV HASSIM SC: From the Lesotho company?

MR MATLALA: No, nothing.

ADV HASSIM SC: Okay. Thank you. Chair, I have noticed it is 16:15. This, for me, is a convenient time to take a pause, but I have not reached the end of my questioning of Mr Matlala. So, we will have to return. I ask that Mr Matlala remains under subpoena and to return on a date to be agreed. We would have to discuss it with Ms van den Heever.

CHAIRPERSON: That is an order, Ms van den Heever, especially if the date is one to be arranged between counsel?

ADV VAN DEN HEEVER: Chairperson, the date will have to be discussed. The issue is we are now returning on Monday ...[intervenes].

CHAIRPERSON: To the trial.

ADV VAN DEN HEEVER: As you know, to this trial, and we need to focus on this trial. So, I do not know when your last date is, by you I mean the Commission's last date, but at this point in time, for the foreseeable future, this is where we are going to be busy doing the trial.

CHAIRPERSON: Let us just leave it at that for now. We will see what comes out of the flush, so to speak.

ADV HASSIM SC: We will discuss it, Chair, and come to an arrangement.

CHAIRPERSON: Yes, yes.

ADV HASSIM SC: Thank you.

CHAIRPERSON: Mr Matlala, the hearing of your testimony is postponed to a date to be determined. Let us adjourn and resume at 09:30 tomorrow.

ADV HASSIM SC: Yes, Chair.

HEARING POSTPONED TO 27 AUGUST 2026

HEARING ADJOURNS

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