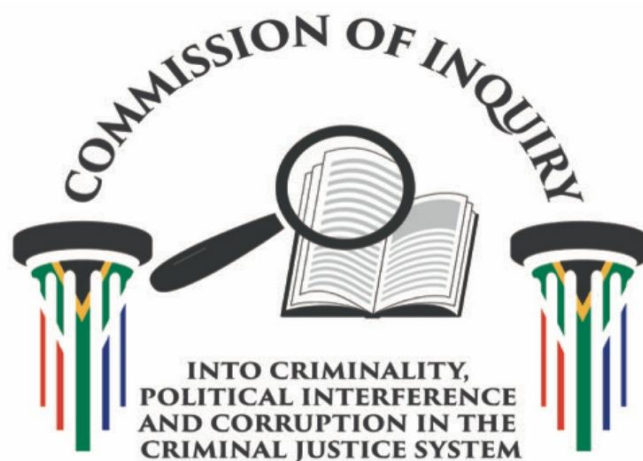


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

28 AUGUST 2026

DAY 169



PROCEEDINGS ON 28 AUGUST 2026

CHAIRPERSON: Good morning, Mr Chaskalson.

ADV CHASKALSON SC: Morning, Chair.

CHAIRPERSON: Can you please place, may lead, lead Counsel please place themselves on record?

ADV ABRAHAMS: Good morning, Chairperson. Good morning, Commissioner Baloyi. Good morning, Commissioner Khumalo. [microphone off] I suppose I better start again. Good morning, Chairperson.

10 **CHAIRPERSON:** Yes.

ADV ABRAHAMS: Good morning, Commissioner Baloyi. Good morning, Commissioner Khumalo. My name is Sean Abrahams and I am representing Mr Sibanyoni. I am not alone today. I am with my learned friend, Ms Mpati Qofa Lebakeng. I am also with Mr Swelihle Mfeka. I think he is sitting directly behind me. And then our instructing attorney is Mr Mpoke Magane from the law firm Mpoke PK Magane Attorneys Incorporated. And, of course, we have one of the other attorneys present as well, Mr Wesley Manyaka.

20 **CHAIRPERSON:** Thank you, Mr Abrahams, and good morning to you too. Good morning, Mr Sibanyoni.

MR SIBANYONI: Good morning to you too, Chairman.

CHAIRPERSON: Thank you, thank you. Must I administer the oath right away or are there any preliminaries?

ADV CHASKALSON SC: Chair, there is a preliminary

issue of postponement after today. Mr Sibanyoni is appearing in the Delmas Regional Court on Tuesday and his legal team asked that they might have Monday for preparation. That seemed a perfectly fair request to us and so what we have agreed is that Mr Sibanyoni will address his witness statement today. The questioning will really be just to amplify and elaborate on certain statements that he makes but will not be intrusive questioning. And then he will be postponed at the end of the day.

10 Mr Abrahams and I had chatted about a postponement to, and I have lost my date, I think it was 21st of September, but, and that certainly suits the Evidence Leaders and Mr Abrahams, and obviously the postponement is in the hands of the Commission, but from our sides, both of our sides, it is agreed.

CHAIRPERSON: Yes, but let us, please remind us right at the end to postpone at that stage.

ADV CHASKALSON SC: Indeed.

CHAIRPERSON: Thank you very much. Mr Sibanyoni,
20 please place your full names on record.

MR SIBANYONI: Thank you, Commissioner. My name is Johannes Madoda Sibanyoni.

CHAIRPERSON: Will you be swearing or affirming?

MR SIBANYONI: I am sorry?

CHAIRPERSON: Will you be swearing or affirming?

MR SIBANYONI: Swearing.

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

MR SIBANYONI: So help me God.

JOHANNES MADODA SIBANYONI (duly sworn states)

CHAIRPERSON: Thank you. Yes, Mr Chaskalson.

EXAMINATION-IN-CHIEF BY ADV CHASKALSON SC:

10 Thank you, Chair, and good morning, Mr Sibanyoni.

MR SIBANYONI: Top of the morning.

ADV CHASKALSON SC: Mr Sibanyoni, you have given us a very lengthy statement. I understand from Mr Abrahams that there are a number of issues that you would just like to correct in that statement before I ask you to confirm it. So can you take me through anything that you want to correct or change in the statement before I ask you to confirm it?

MR SIBANYONI: Thank you so much. The first one will be in paragraph 150, where it says ...[intervenes].

20 **ADV CHASKALSON SC:** Sorry, Mr Sibanyoni, can you give us a page number as well so that we can just get there quicker?

MR SIBANYONI: With me here, I have just jotted it down in terms of paragraphs.

ADV CHASKALSON SC: No problem. I have got page

...[indistinct].

MR SIBANYONI: Ja, in that one, all I wanted to clarify was me first meeting General Mkhwanazi. That was in the year 2020.

ADV CHASKALSON SC: 2020?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: Thank you. And the rest of that paragraph remains untouched.

MR SIBANYONI: Yes.

10 **ADV CHASKALSON SC**: That is just the date. Anything else?

ADV BALOYI SC: Sorry, Mr Chaskalson, if you look at paragraph 151, would that then not require an amendment as well?

MR SIBANYONI: Paragraph 151?

ADV BALOYI SC: Ja, in the first line.

MR SIBANYONI: Which one?

ADV BALOYI SC: In the first line ...[intervenes].

MR SIBANYONI: [Indistinct]... [cross-talking] attempt.

20 **ADV BALOYI SC**: You say, so 151, “The context and purpose”. You say:

“The meeting took place in the period
following the death of Mr Msibi in 2024.”

MR SIBANYONI: Yes, that is the second one.

ADV BALOYI SC: And then ...[intervenes].

MR SIBANYONI: That one is correct.

ADV BALOYI SC: Okay.

ADV CHASKALSON SC: So that would be a second meeting with Lieutenant General Mkhwanazi.

ADV BALOYI SC: That will be a second ...[incomplete].

MR SIBANYONI: Ja.

ADV BALOYI SC: Okay.

ADV CHASKALSON SC: Then can we also change in paragraph 150, because the first sentence says:

10 “I met Lieutenant General Nhlanhla
 Mkhwanazi on a single occasion.”

MR SIBANYONI: Yes.

ADV CHASKALSON SC: So you have met twice.

MR SIBANYONI: Yes, we have met twice.

CHAIRPERSON: So do we delete “on a single occasion”

MR SIBANYONI: No, we change the first one that says, that is at paragraph 150, I met, the first time I met him was in 2020.

CHAIRPERSON: Yes, this is still confusing.

20 **ADV BALOYI SC:** So it would read, it should read:

 “I met Lieutenant General Nhlanhla
 Mkhwanazi for the first time ...”
 [intervenes].

MR SIBANYONI: Sure.

ADV BALOYI SC: -:

“Around April 2020.”

MR SIBANYONI: Correct.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: And then 151 would be the second or would it be the last encounter? Did you meet him between 2020 and 2024?

MR SIBANYONI: Yes.

ADV KHUMALO SC: So 2024 referred to in 151 would be the last time you met him.

10 **MR SIBANYONI:** Correct.

ADV KHUMALO SC: Thank you.

ADV CHASKALSON SC: Anything else to correct, Mr Sibanyoni?

MR SIBANYONI: And then, then we go to paragraph 220, that is page 75.

ADV CHASKALSON SC: And the correction?

MR SIBANYONI: The correction is please remove the first sentence at all, which means we are going to start from “in the period following”.

20 **ADV CHASKALSON SC:** Noted.

MR SIBANYONI: Then the third one will be 221, paragraph 221. We replace the name of Sindane with President Abna Tsebe.

CHAIRPERSON: Sorry, please repeat the name.

MR SIBANYONI: Abnar Tsebe.

CHAIRPERSON: Tsebe?

MR SIBANYONI: Correct.

CHAIRPERSON: T-S-E-B-E.

MR SIBANYONI: Yes.

CHAIRPERSON: Okay.

ADV CHASKALSON SC: And we replace that twice, twice in that paragraph.

MR SIBANYONI: Correct, yes.

ADV CHASKALSON SC: And is there anything else?

10 **MR SIBANYONI:** No, no thanks.

ADV CHASKALSON SC: Thank you.

ADV ABRAHAMS: I think with your leave, Chairperson, I think there is one more paragraph, paragraph 225. In the first line, the name Sindane also needs to be redacted and substituted with the name Tsebe.

CHAIRPERSON: Do you agree, Mr Sibanyoni?

MR SIBANYONI: Correct, yes.

CHAIRPERSON: Thank you.

20 **ADV KHUMALO SC:** What do we then do with 226, the second sentence, does it remain?

ADV ABRAHAMS: Thank you for asking that, Commissioner. It does indeed remain. It has no bearing on the previous paragraph. In fact, it is a direct response to the main question.

CHAIRPERSON: You said that was all, Mr Sibanyoni?

MR SIBANYONI: Correct, Commissioner.

CHAIRPERSON: Thank you. Yes, Mr Chaskalson?

ADV CHASKALSON SC: Then, Mr Sibanyoni, can I ask you to go to paragraph 82 and just confirm that that is your signature at the end of the statement? Sorry, page 82, not paragraph 82.

MR SIBANYONI: Okay. Yes, it is.

ADV CHASKALSON SC: And subject to the corrections that you have just asked us to make, can you confirm that
10 what you say in the statement is correct?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: Thank you. Now, your legal representatives have discussed with me the section of your statement from pages 1 to 15 that deals with the correspondence between yourself and the Commission and your reservation of rights that is recorded there. And by agreement with your legal representatives, I am going to note your reservation of rights as recorded there, but we are going to start leading your evidence from page 15,
20 which is where you speak to your personal background and professional life. And can I ask you then to, well, the first section that you speak to is your personal background and professional life, and maybe if I can ask you to read paragraph 23, which describes where you come from and ...[intervenes].

MR SIBANYONI: Page 15?

ADV CHASKALSON SC: Page 15, paragraph 23.

CHAIRPERSON: Are we not flighting? Thank you, thank you. Please do not read the address into the record.

MR SIBANYONI: Okay.

CHAIRPERSON: Perhaps you may just ...[intervenes].

MR SIBANYONI: Ja.

CHAIRPERSON: Mention, you may mention the district. I do not think there is a problem with that. Thank you.

10 **MR SIBANYONI:** Can I start, Commissioner?

ADV CHASKALSON SC: Please do. And in fact, if you could just keep reading. I have got nothing that I want to probe or clarify beyond, you know, from paragraphs 23 to 32. So if you would like to read everything into the record, please do. If you would just like to highlight particular parts of your background and your, how you describe yourself and why you are here, feel free. You can read everything, as much or as little as you want.

MR SIBANYONI: Okay, thank you.

20 “I was born in Katlehong, Germiston, raised in Kwaggafontein, in the Nkangala district, Thembisile Hani, a local municipality in Mpumalanga, which has been my parental home since the age of 5 years old and which I regard as my

community of origin. I have lived and worked in the Tshwane region for the past 25 years. I also maintain my parental home at the Nkangala district where I have built properties for each of my three wives. My roots in both Mpumalanga and Tshwane are deep, and my ties to both communities enduring. I am a businessman and have so been for the past 42 years. My primary business interests encompass the minibus taxi industry and related services, property investment and development, community development specifically.

I am the President of the South African Local and Long Distance Taxi and Bus Organization, abbreviated SALLDTBO. I am a director of MJS & Sons Transport, a taxi business operating as a sole proprietor which owns and operates in excess of 80 taxis. I employ approximately 250 people across my business activities. I am a director of Santaco Trading (Pty) Ltd t/a TaxiChoice, a specialized service partner of the South

African National Taxi Council designed to formalize, secure and streamline the taxi industry.

I am a director of the Taxi Recapitalization South Africa (Pty) Ltd, abbreviated as TRSA. I am the President of the Joe Sibanyoni Foundation, a non-profit organization dedicated to empowering marginalized communities addressing economic inequalities.

10

I am a director of Plumiscan (Pty) Ltd. I hold property interest in the Tshwane region. I have built this business interest over more than 42 years through legitimate commercial activity. I am proud of the business career I have built. I have at all times endeavoured to conduct my affairs in accordance with the law. Before proceeding to address the substantive matters posed by the Commission, I consider it both necessary and appropriate to place on record who I am as a human being.”

20

CHAIRPERSON: Sorry, sorry, Mr Sibanyoni. You should please read the headings as well.

MR SIBANYONI: Oh, okay. Thank you so much. My apology.

CHAIRPERSON: No problem.

MR SIBANYONI: Okay, we are back into A3.

10 “The man before this Commission, faith, humanity, and personal identity. Before proceeding to address the substantive matters posed by the Commission, I consider it both necessary and appropriate to place on record who I am as a human being. I do not appear before this Commission as a name in file, a reference in an intelligence report or subject to a dossier. I appear as a full human being, a man of faith, a husband, a father, a son, a businessman, a community leader, and a survivor. I set this out not as sentiment, but as context that the Commission must bring to its

20 assessment of everything that follows.

(i) A man of deep and abiding faith. I am a man of deep and abiding Christian faith. I have worked with God throughout my adult life, and my faith has been the bedrock of my endurance through

circumstances of extraordinary personal danger and institutional failure. I do not regard my survival of two assassination attempts as mere fortune. I regard it as providence. This faith is not peripheral to who I am. It is constitutive of it. It shapes the way I conduct my affairs, the way I treat people, and the way I approach this Commission.

10 (ii) Husband, father, and son. Equally important, I am a husband and the father of my children. I have built a family and discharged my seriousness and carry my responsibilities as a husband, as a father, and a provider. I have also honoured my obligations as a son to my family of origin. The violence and the persecution to which I have been subjected over many years has not been

20 suffered by me alone. It has been borne by my entire family, who have lived for the years in the shadow of threats that I have endured at extraordinary personal cost to shield them from. When gunmen opened fire upon me in 2006 and again in

2020, it was not merely a man they shot. It was a husband and a father. I know and understand the temptation to simply regard one as a mere statistic in an industry riddled with violence and simply contend that what must follow is violence that is not obvious. To do this would be a regrettable stance. Those who are compelled to appear before the Commission of inquiry carry with them their families, their histories, and the human weight of everything that has been done to them, including the very aftereffects of life after Madlanga with which this Commission must be acutely aware. The effect should not in the end be acerbated exposure to danger and the multiplicity of attempts on one's life. The Commission must treat these issues with sensitivity they deserve, considering the actual circumstances that one and one's family is likely to face after this.

(iii) Community leader and employer. Beyond my role in the tax industry, I add that I am a substantial employer of

approximately 250 persons across my various business activities, a community leader and the founder and President of the Joe Sibanyoni Foundation, a non-profit organization dedicated to empowering marginalized communities and addressing economic inequalities. I have invested in the communities with which I operate with sustained commitment and personal conviction. The destruction of my industry standing and the ongoing threat to my life and liberty are not abstractions. They have direct and human consequences for the men and women who depend on me for their livelihood, and for the communities that have benefited from my commitment to development and upliftment.

(iv) A survivor twice over. I have survived two deliberate attempts on my life in around 2006 and on the 10th of August 2026. Each time, by the grace of God ...” [intervenes].

CHAIRPERSON: 2022.

MR SIBANYONI: 2022, sorry.

“Each time, by the grace of God, I have returned to my family, to my faith, and to my community. The first time, the State failed to deliver justice for the attempt. As I address more fully in part B, the perpetrators of the 2022 attempt were likewise not brought to justice for approximately 3 years. I have not been broken by these events. I have not sought private retribution. I have cooperated with every legitimate authority that has engaged me. That is not the posture of a criminal. It is the posture of a law-abiding citizen who has faith that the justice system, imperfect as it has been, will ultimately prevail.

10

(v) Why I am here. I am before this Commission because, despite very clear and ambiguous willingness to assist the Commission, I am compelled to appear simply because I could not be provided with the context and information that gave rise to the Regulation 10.6 notice being issued to me. A subpoena was served upon me, and I appear under the

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legal obligations it creates. I do not
 minimize the obligation, nor the
 Commission's authority to enforce it, but
 I appear not only as a compelled witness,
 I appear as a South African citizen who
 believes in constitutional democracy, who
 has tried over more than 40 years to
 build something of genuine value in this
 country, and who deserve, as every
 10 citizen to this Republic deserves, the full
 protection of the law and accountability
 of those who exercise state powers in his
 name. I appear with a sincere and
 deeply felt hope that this Commission will
 be different from the institutions that
 have failed me before it.

A5. The industry in which I ..."
 [intervenes].

20 **ADV CHASKALSON SC:** Sorry, Mr Sibanyoni, if I can
 interrupt at this stage. From A5 you speak about the taxi
 industry as a context for a lot of the things that you are
 going to be speaking to in your statement.

MR SIBANYONI: Correct.

ADV CHASKALSON SC: And I must say, from my side, I
 found what you had to say there incredibly informative and

very, very helpful. For the purposes of going through it, I am going to ask you to pick up, we are going to deal at length with the Shongwe Commission, because you do at a later stage in your statement, so maybe on this section, if I could ask you to start at paragraph 35. And if there is anything, I mean, you do not say anything in 34 that you will not come back to in considerable detail later when we address the Shongwe Commission specifically. So, unless you would like to, nonetheless, to repeat 34 and 33, I would
 10 ask you to skip to 35.

MR SIBANYONI: Okay, should I start at 34, paragraph 31?

ADV CHASKALSON SC: No, no, page 20, paragraph 35, where you speak to the ...[intervenes].

CHAIRPERSON: Just a minute, Mr Chaskalson. I am just checking if my colleagues do have Annexures I and J. I do not.

ADV CHASKALSON SC: No, and in fact, that was an issue I should have raised upfront.

CHAIRPERSON: Yes.

20 **ADV CHASKALSON SC:** Annexures I and J are on, we have not been provided with Annexures I and J yet because Mr Sibanyoni and his legal team have been unable to obtain them.

CHAIRPERSON: Oh, okay.

ADV CHASKALSON SC: But they are trying to source

them from the two previous Commissions.

CHAIRPERSON: All right, all right.

ADV CHASKALSON SC: And when they are made available, we will, they will be forwarded on to us. Sorry, that was something I should have flagged right off the bat.

CHAIRPERSON: All right, no, thank you.

ADV ABRAHAMS: We indeed confirm that, Chairperson. We have engaged the former Secretary of the Shongwe Commission as well as the author of the other Commission
10 that we make reference to ...[intervenes].

CHAIRPERSON: Yes.

ADV ABRAHAMS: To obtain the relevant documents that we are committed to providing. We have engaged some challenges in that regard, but we are working around the clock to retrieve the relevant documents ...[intervenes].

CHAIRPERSON: All right, all right.

ADV ABRAHAMS: And make them available to this Commission.

CHAIRPERSON: Thank you. Thank you. You are asked to
20 continue from paragraph 38, Mr Sibanyoni.

ADV CHASKALSON SC: That is 35, Chair.

MR SIBANYONI: 35.

CHAIRPERSON: In my head, I had 35.

MR SIBANYONI: -:

“The historical origins, the apartheid

exclusion and the emergence of taxi wars. The violence that characterizes the contemporary minibus taxi industry is not a recent aberration. It is the product of a long historical trajectory rooted in apartheid exclusion under the Motor Carrier Transport Act of 1930. Only a limited number of licenses were issued and over 90% of the taxi applications by Black or African operators were rejected. The practical effect was to ban Black South Africans from meaningful participation in the formal transport economy. The industry that emerged under these conditions operated outside the formal regulatory framework out of sheer economic necessity and as an act of economic resistance and survival. The seeds of later conflict arising from issues such as contested routes, informal association structures, the absence of a law dispute-resolution mechanism and the reliance on private enforcement were planted in this era of systematic exclusion.”

Paragraph 36.

“The Welgemoed Commission of 1981 limited its mandate to buses rather than minibus taxis, leaving the minibus operators without institutional support, its recommendations contributed to the Transport Deregulation Act of 1988. As documented by the Shongwe Commission drawing on research by Londeka Princess Ngubane of the University of KwaZulu-Natal, the regulation led to an increase from approximately 3,752 taxis to approximately 39,604 taxis within a period of only 3 years. That nearly 11-fold expansion, in the absence of a coherent regulatory architecture, route planning capacity or institutional support created the conditions for intense and immediate competition over the routes and passengers.”

Paragraph 37.

“The competitions for routes became fierce and violent almost immediately. The late 1980’s and 1990’s saw the emergence of what Jackie Dugard of the

Centre for the Study of Violence and Reconciliation characterized as a transition from law-intensity war to mafia war.

10 Taxi violence in South Africa between 1987 and 2000. What began as a law-intensity conflict over economic territory escalated into organized lethal violence involving hired gunmen, association-level mobilization, and the systematic targeting of rival operators. The advent of democracy in 1994 did not eliminate these structural problems. The National Taxi Task Team established on 18 March 1995 as a ministerial committee and the enactment of the Gauteng Minibus Taxi-Type Service Act, 11 of 1997, were genuine interventions. A memorandum of understanding was concluded between
20 government and industry, and Santaco ultimately emerged as the preeminent national representative body. Yet structural economic conflicts over routes, association members, and territorial dominance were not resolved by the

political transition. Route wars,
assassinations, and uncounted money
collections continued unabated.

The structural drivers of violence.”

Now we are in 39.

ADV CHASKALSON SC: Again, if I can just interrupt you.
At this point, I am going to essentially ask you paragraph by
paragraph to amplify parts of what you are saying there, so
maybe if you get to the end of paragraph 40, then I will just
10 ask a couple of questions just to understand better what
you are referring to there, same with 41 and onwards.

MR SIBANYONI: Okay.

“The Shongwe Commission found that the
business model of the minibus taxi-type
service industry contains within it the
structural preconditions for violence.
These drivers have not been documented
consistently across multiple inquiries
spanning more than two decades.”

20 **CHAIRPERSON:** Have been. You said have not been.

MR SIBANYONI: Yes, have been documented consistently.

CHAIRPERSON: Yes.

MR SIBANYONI: Yes. Sorry. Number 40:

“Route wars constitute a fundamental
economic driver. Control of a route

means control of income. Associations operate as a *de facto* gatekeepers of economic participation. The provincial regulatory entity, which we normally call PRE, requires applicants to produce associations' letters of recommendation, despite this not being a legal requirement, thereby empowering associations to exclude non-members and control who operates and on which routes."

ADV CHASKALSON SC: So if I can come in here, can you tell us practically what that means? Let me give you an example. Assume I want to run, I decide to give up law and I want to get into the taxi business, and I want to run a taxi on a particular route, say one from your ancestral home in Kwaggafontein to Tshwane, how do I do that? Who do I speak to? Who will control whether I can do that? What do I need to do?

20 **MR SIBANYONI:** You firstly write a formal letter to the Chairperson of that particular association. In two instances, whether you would like to have a meeting with them or you go straight to the matter. Then once they allow you to participate in the meeting, you will be easily asking them what is it that you are here, which is to conduct

business with them. Then for the mere fact that you do not have a permit, if they accept you with all their conditions, they will write a letter to the Department of Transport, to this board which is named PRE, so that this application must be approved. Then after the application has been approved, it is then that you will go to purchase a vehicle. Then after purchasing a vehicle, the permit will be attached to that vehicle and then you start operating.

ADV CHASKALSON SC: So there is one association that
10 would be operating on that particular route, and that is the association that I would have to go to?

MR SIBANYONI: Yes, ja.

ADV CHASKALSON SC: You do not have competing associations on ...[intervenes].

MR SIBANYONI: No, currently we do not have. It used to be.

ADV CHASKALSON SC: And since how long, and is this one association, one route, a principle across the industry now, or is it sort of patchy?

20 **MR SIBANYONI:** Ja, it differs with associations, ja.

ADV CHASKALSON SC: And so I go to the association first.

MR SIBANYONI: Yes, you write a letter to the association.

ADV CHASKALSON SC: They ...[intervenes].

MR SIBANYONI: They ...[indistinct] [cross-talking].

ADV CHASKALSON SC: ... give me an audience, and I explain why I, what I want to do, why I want to do it.

MR SIBANYONI: Sure.

ADV CHASKALSON SC: They then assist me to apply to the department to get a permit.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: And the permit will be for that specific route, which is the route controlled by that association.

10 **MR SIBANYONI:** Correct.

ADV CHASKALSON SC: And I have to become a member of the association before they will write me a, before they will support my application.

MR SIBANYONI: Correct.

ADV CHASKALSON SC: And membership of the association comes with what rights and obligations?

MR SIBANYONI: The joining fee is there, which forms the backbone, because it is a receipt.

20 **ADV CHASKALSON SC:** And then are there sort of like monthly association dues that you pay as a member of the association, or is it just the joining fee?

MR SIBANYONI: No, there is that, but it differs with association to association.

ADV CHASKALSON SC: And you say in 40 that *de facto*, the PRE, says it will not look at your application for a permit

unless it comes supported by an association, but that, you say, is not a legal requirement.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: So, in effect, what has happened now is that the associations have, although it is not a legal requirement, in practice the associations control your right to operate lawfully on a particular route.

MR SIBANYONI: Sure.

ADV CHASKALSON SC: Thanks. Can ...[intervenes].

10 **ADV BALOYI SC:** Sorry, before you move on. This process, this approval process, association and PRE, is it a once-off approval process that entitles you to then introduce other vehicles, or with each vehicle, taxi, that you want to introduce, you have to undergo the same process?

MR SIBANYONI: No, not at all. It is a once-off payment, then as they accept you, you will be getting some rules and regulations, because it differs from one association to another, in line that in some associations operate with ten taxis, you will be given that latitude, some others one or
20 two, there it goes.

ADV BALOYI SC: Thank you.

ADV CHASKALSON SC: Can I then ask you to go to paragraph 41, where you talk about bucket money, and again, I am going to ask you to possibly expand at the end of it.

MR SIBANYONI: -:

“The practice known as imali yebhakede, i.e. bucket money, involves the daily or the weekly collection of unaccounted funds from drivers by association executives. The Commission found that that associations have become a law unto themselves through this practice. Through this practice, that money is not properly accounted for and is used at the discretion of executives to fund security companies and payments of hired gunmen. A related practice, imali yesokisi, sock money, involves drivers being given a daily target and paying themselves only after that target is met, incentivising reckless conduct and route encroachment.”

ADV CHASKALSON SC: So again, just to clarify, you have got three different sets of players here. You have got the association.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: You have got the owner, who will employ some drivers, and then you have the drivers.

MR SIBANYONI: Correct.

ADV CHASKALSON SC: Now, the owner will be paying the association an entry fee and will probably be paying monthly fees as well, that are formal fees in terms of the association rules.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: But of course the owner is not physically present at the taxi rank, or at every taxi rank. His drivers are the ones who are in the vehicles at the ranks. Now, as I understand what you are saying, bucket
10 money is when representatives of the association, or at any rate of the association executive members, go to the ranks and say to the drivers, you have got to put money in the bucket. Is that correct?

MR SIBANYONI: It is called the bucket money, not like you have got your literal bucket.

ADV CHASKALSON SC: Sure.

MR SIBANYONI: It is not quite like that.

ADV CHASKALSON SC: Maybe it started out that way.

MR SIBANYONI: Ja, it is not that, but it is called like that.

20 **ADV CHASKALSON SC:** Okay, so they come and say, okay, where is the bucket money? And will they say, is it like a flat rate? Is it a percentage, what, what are we talking about?

MR SIBANYONI: It is just a flat rate.

ADV CHASKALSON SC: So they will go to a driver and

say, I want R500 rands for you ...[intervenes].

MR SIBANYONI: No, it is cannot be like that.

ADV CHASKALSON SC: Sorry?

MR SIBANYONI: Ja, it is a flat rate.

ADV CHASKALSON SC: It is a flat rate.

MR SIBANYONI: A flat rate, ja.

ADV CHASKALSON SC: And everyone pays the same?

MR SIBANYONI: Everyone pays the same.

ADV CHASKALSON SC: And that money is just, according
10 to what you say, there is, presumably it is paid in cash.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: And then it is a sort of slush fund
that the executives of the association can use as they want.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: You talk about some of it being
used to hire hitmen.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: You talk, I mean, is some of it
just appropriated by the executives and just kept for their
20 own cash or are there certain informal rules relating to
bucket money?

MR SIBANYONI: There are no rules, to be precise, but
this is what is happening. And I must put it on record that,
yes, we normally see those kind of actions. Hence, as
leadership, we are preaching that this is not the only way to

go. We have got very formal ways where we can address this thing because these are the things that are leading towards violence in the industry.

ADV ABRAHAMS: Chairperson, before my learned friend proceeds any further, we are not objecting, but we just want to place on record, the greater portion of these paragraphs that Mr Sibanyoni speaks to are findings of a Commission of Inquiry. So it is not his personal, it is not Mr Sibanyoni's personal findings or his personal views. He is recording
10 findings of a Commission who heard the evidence of numerous people, even people *in-camera*. So we must be careful to attribute the contents of these paragraphs to Mr Sibanyoni's own knowledge. I would just like the Commission to reflect on that, and also my learned friend, just to be mindful of the questions posed to Mr Sibanyoni and his ability to respond to some of these questions because he certainly would not be able to respond to all of them simply on the basis that these were findings of a Commission of Inquiry and not his personal assessment or
20 views or findings or position.

CHAIRPERSON: I do not think it is as easy as all that because Mr Sibanyoni is a player in the industry, so I would imagine he knows some of these facts personally. Mr Sibanyoni, where you are not able to respond to the facts in accordance to what you know personally, you may simply

tell us so.

MR SIBANYONI: Okay.

CHAIRPERSON: And you may say, yes, I am aware that this is what the Shongwe Commission found, but personally I know nothing about that.

ADV ABRAHAMS: Chairperson ...[intervenes].

CHAIRPERSON: Yes, yes.

ADV ABRAHAMS: We are satisfied with the position taken by the Commission ...[intervenes].

10 **CHAIRPERSON**: Yes.

ADV ABRAHAMS: And we are happy if that is, if ...[indistinct] proceeded.

CHAIRPERSON: He has been a player for over 42 years.

ADV ABRAHAMS: We accept that, Chairperson, and we do not take issue with that.

CHAIRPERSON: And he is ...[intervenes].

ADV ABRAHAMS: We know the role that he played ...[intervenes].

CHAIRPERSON: Yes.

20 **ADV ABRAHAMS**: And we are here to assist the Commission.

CHAIRPERSON: No, we understand.

ADV ABRAHAMS: Mr Sibanyoni is here to take the Commission into confidence ...[intervenes].

CHAIRPERSON: Yes, yes.

ADV ABRAHAMS: To take the country into confidence
...[intervenes].

CHAIRPERSON: Thank you.

ADV ABRAHAMS: And to assist as best as he possibly is
able to.

CHAIRPERSON: Thank you.

ADV ABRAHAMS: Thank you.

CHAIRPERSON: Thank you, Mr Abrahams. Thank you.
Yes, Mr Chaskalson.

10 **ADV CHASKALSON SC:** Thanks, Chair. So, Mr Sibanyoni,
we have talked about bucket money. Sock money, as I
understand it, is about the relationship between owners and
drivers, that the owners employ a driver, they say your
target is so much per day.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: I expect to get, I do not know,
R1,000.00 from you today, every day. If you manage to do
more than R1,000.00, well, then you can keep what you do
more than R1,000.00, but every day you must pay me
20 R1,000.00.

MR SIBANYONI: Ja.

ADV CHASKALSON SC: And the sock money is what the
drivers keep over and above their targeted amount.

MR SIBANYONI: Let me just add on it and explain it. It
comes in two-folds. If you put a target on a driver of

R1,000.00, then on that particular day he comes to you and gives you R800.00, then there will be sort of an argument as to where is the other money. Then he will tell you all these types of stories, we did not make it today. I had a break down there by the road. Then you start searching him. As you are searching, you will find other money inside the socks, hence the socks money, yes, because he knows you can even go to an extent of searching the car. But you start with him as he is here and then when you search him,
10 that money in most instances used to be inside their socks.
Thank you.

ADV KHUMALO SC: If a driver does not make his target on any particular day, is that the money he owes the owner for the next day or ...[intervenes].

MR SIBANYONI: Not really.

ADV KHUMALO SC: Are he settled for the day?

MR SIBANYONI: Ja ...[intervenes].

ADV KHUMALO SC: Does it carry over to the next day?

MR SIBANYONI: Ja, sometimes in, sometimes out, but not
20 really.

ADV CHASKALSON SC: And does the driver, if a driver makes over and above the target, is that for the driver?

MR SIBANYONI: Ja, that is for the driver.

ADV CHASKALSON SC: Then moving to paragraph 42, if you could read that finding of the Songwe Commission.

MR SIBANYONI: Number 42:

“Incumbent associations executives resist vacating positions even after being voted out because of the financial flows they control. Some executive members hold neither vehicles, nor operating licenses, yet occupy leadership through unscrupulous means. When internal conflicts escalate, concerned groups or
 10 splinter associations emerge, each generating new disputes and further violence. Associations deploy squad cars to monitor routes and enforce their decisions, including unlawful money collection, illegal operators enter routes through intimidation or through corrupt executive complicity. Personal jealousy of members who grew their business fleets, cultural and tribal dynamics
 20 insisting on exclusive group control and political interference during elections have all been documented as an additional driver.”

ADV CHASKALSON SC: So again here, this is a summary of a finding from the Songwe Commission. Is there

anything you would amplify there, anything from your own experience that you think would help us?

MR SIBANYONI: No, not with this one, nothing at all.

ADV CHASKALSON SC: Can you continue then.

MR SIBANYONI: Number 43:

10 “These structural drivers operate in combination. They create an environment in which violence is not an aberration, but a forcible and recurring feature of economic competition. They also create an environment in which senior industry leaders, precisely because they occupy positions of influence within associations and representative bodies, are themselves primary targets of that violence.

20 The primary Commission of Inquiry, a chronicle of attempted solutions. The Songwe Commission was not the first inquiry into taxi violence. It was the latest in succession of Commissions that correctly identified structural causes, made recommendations and largely failed to produce lasting change.”

Number 45:

“In February 1999, the Nkosi-Thomas Commission was established in Gauteng by the then MEC, Khabisi Mosunkutu, chaired by Advocate Lindi Nkosi-Thomas. Its final report was never publicly released because naming witnesses would have placed them in mortal danger. The suppression of that report is itself evidence of the depth of the security crisis surrounding any attempt to investigate taxi violence through public processes, a pattern of witness vulnerability that persisted for decades and that the Songwe Commission would later address through extensive *in-camera* hearings.”

Number 46:

“In May 2000, a Commission was established in KwaZulu-Natal. Its provincial significance is compounded by the fact that KwaZulu-Natal was subsequently identified by the Songwe Commission as the primary source of hired gunmen deployed into Gauteng taxi conflicts, a finding that speaks to the

cross-provincial structural character of the violence.”

Number 47:

10 “In 2005, the Western Cape Commission identified corrupt activities within the Western Cape Operating License Board as a central cause of conflict and recommended a semi-permanent dispute resolution body. That recommendation had still not been implemented when the Shongwe Commission reported in 2021 fifteen years later. The Songwe Commission itself made the same recommendation. The recurrence of the same prescription across Commissions separated by more than a decade is itself evidence of a systematic non-implementation.”

Number 48:

20 “At the inception of the Shongwe Commission in November 2019, Justice Shongwe stated that he was not aware of any prior Commission into the taxi violence in Gauteng that had produced a final official report. The industry has not

suffered from a shortage of diagnosis, it
has suffered from a shortage of
implementation.”

ADV CHASKALSON SC: Can I stop you there. Do you
have any theories as to why there has been no
implementation? What, where have the stumbling blocks
been?

MR SIBANYONI: Specifically in this Shongwe Commission
or all ...[intervenes].

10 **ADV CHASKALSON SC:** Across the board. You are
saying there is a decade of systematic non-implementation
of recommendations. Do you have a sense of why that is
the case? If not, you do not, you know, just say no.

MR SIBANYONI: Ja, from my side, all I know, in the
Gauteng Commission that I was part of, giving evidence at
the time as to matters of taxi-related conflict, I personally
gave evidence there relating as to what is it that I see
happening. But what happened when we were about to
come to finality of that, ultimately what we found, it was on
20 the day, it was supposed to be on a Monday, that we found
a message that the Commission has been disbanded, there
is not enough money. So I am explaining this because I
was there personally trying to give guidance or advising the
Commission at the time. But as for any others, I will never
be sure as to what happened to those.

ADV CHASKALSON SC: And when you speak to the Gauteng Commission, you are talking about the Nkosi-Thomas Commission?

MR SIBANYONI: Yes.

ADV ABRAHAMS: Perhaps, there is an important aspect that Mr Sibanyoni may want to touch on, because a particular witness was scheduled to testify that Monday and then the Commission was told there was no money that is available, hence the work of the Commission has come to
10 its conclusion. And perhaps maybe the Commission just needs to seek clarification from Mr Sibanyoni as to which witness was scheduled to testify on that Monday. Thank you.

CHAIRPERSON: Please respond to that.

MR SIBANYONI: Yes, I am responding to that.

CHAIRPERSON: Yes, yes, thank you.

MR SIBANYONI: On that particular Monday, unfortunately Mr Jotham Msibi was the one who was supposed to come and testify, so all eyes and our ears were glued to hear his
20 testimony, because in his affidavit, when he replied, it was said he was no more a taxi owner, he was in the business of construction. So we were all eager to understand as to whether the Commission is going to ask him about that because he has licenses and all of those things. But unfortunately, the way it came from above, the Commission

has got no money anymore and then we were frustrated, all of us, after that.

ADV CHASKALSON SC: And that affidavit presumably was submitted to the Commission.

MR SIBANYONI: Ja, it was submitted to the Commission, yes.

ADV BALOYI SC: Mr Sibanyoni, so where you say about that Commission, the Nkosi-Thomas Commission, you say its final report was never publicly released. In the light of
10 what you have just said now, do you know for a fact that a final report was submitted?

MR SIBANYONI: No, it was not, because ...[intervenes].

ADV BALOYI SC: There was never a report.

MR SIBANYONI: Ja, there was never a report.

ADV BALOYI SC: Thank you.

ADV ABRAHAMS: Perhaps for the benefit of the Commission, we are embarking on all endeavours to try and retrieve the affidavit that Mr Sibanyoni had made before that Commission and the documents that are annexed
20 thereto. As we intimated earlier on, we have met with some challenges. We have also engaged with Counsel that represented Mr Sibanyoni before the Commission, and of course as well as the Evidence Leader and I just think we need a bit more time you know, to lay our hands on the relevant documents. Some of course, some people have

already conceded that there are drafts available, but you know, we do not want to submit drafts and unsigned documents, so we are trying to lay our hands on the actual signed documents. But we will engage with the Evidence Leader.

CHAIRPERSON: Let us hope the postponement will afford you sufficient time.

ADV ABRAHAMS: Thank you. Thank you, Chairperson. But we will engage with Mr Chaskalson on these issues.

10 **ADV CHASKALSON SC:** Thank you. Mr Sibanyoni, you then moved to discuss the Shongwe Commission in quite a lot of detail and you discussed the immediate factual context in paragraph 50 and you talk about 12 people being shot and killed in Gauteng in connection with taxi violence during November, December 2019 alone. Do you have any more detail in relation to those killings? Were they related to specific fights between specific associations, or do you not have that detail?

MR SIBANYONI: They are in number 50.

20 **ADV CHASKALSON SC:** Paragraph 50, yes.

MR SIBANYONI: Can I read it loud so that I familiarize myself, ja.

“The immediate factual context was stuck. More than 12 people were shot and killed in Gauteng in connection with

the taxi violence during November and December 2019 alone. The immediate context for the Commission's establishment."

What I can explain in this paragraph is, for the mere fact that I met the leadership of the industry, I will pick it up when somebody has been shot at, so, from different levels of associations across South Africa. So in this particular instance, all I was trying to explain was the
 10 number of people that have, that are on records and hearing that certain particular individuals in Western Cape, in Gauteng, Soweto, something like that had happened. But for me in particular, to mention that in 2019, what I know about one or two members that have been killed that are maybe close to me, no.

ADV CHASKALSON SC: Thank you. And then if you can pick up at paragraphs 51 and 52.

MR SIBANYONI: 51:

20 "The Commission set approximately 14 months encompassing 113 sittings at the Emoyeni Conference Centre in Parktown, Johannesburg. It heard evidence from 127 witnesses, 59 gave oral evidence, 43 gave written evidence, and 25 gave evidence *in-camera*. The Commission

submitted its final report to Premier Makhura on or about 31 January 2021. The scale of participation underscores both the breadth of the problem and the willingness of industry participants, regulatory and victims to engage with processes that offer the prospects - however, often disappointed in the past of structural reform.”

10

Number 52:

“The *in-camera* evidence category is itself a measure of a dangerous environment in which witnesses and industry participants operate. 25 of the 127 witnesses' identities were withheld during the public proceedings given the proven risk of reprisal to those who speak openly about the taxi violence. The key structural findings, the scale of the crisis.”

20

Number 53:

“The quantitative evidence before the Commission underscores the scale of the crisis. At the time of the Commission's report, there were 505 open case dockets

relating to taxi violence. A substantial number could not be located to the Taxi Violence Task Team. Each detective carried an overwhelming caseload of ongoing investigations while new cases arrived daily. It was estimated that well over 50% of taxi vehicles in Gauteng were operating without operating license. Well over 100,000 minibus taxis operated in Gauteng, legally and illegally, policed by a GTP Public Transport Unit of only 350 dedicated officers within a broader staff complement of 600.”

ADV CHASKALSON SC: So, if I can stop you there, would you agree that the capacity of the Gauteng Traffic Police, Public Transport Unit to essentially police the taxi industry was just horribly, well, it was horribly under capacitated.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: Has that changed?

20 **MR SIBANYONI:** Come again?

ADV CHASKALSON SC: Has it changed?

MR SIBANYONI: Not yet.

ADV CHASKALSON SC: Not yet.

MR SIBANYONI: Ja. Well, all I can add up is to whether it has changed or not changed, as we speak, under my

leadership within the taxi departments, no more a lot of taxi violence is happening.

ADV CHASKALSON SC: Sorry?

MR SIBANYONI: All I am trying to say, before they were under capacitated, there were less number of police officers who were dealing with the taxi violence, but all I can say now, due to the decrease of taxi violence, I do not see this number is less now. It is equal to the task, because the word that we are spreading in all officials' meetings about
10 peace, no more gun violence.

ADV CHASKALSON SC: And what period are you talking about when you speak of the decrease of taxi violence?

MR SIBANYONI: I am talking about 2020 till today.

CHAIRPERSON: Till?

MR SIBANYONI: From 2020 till now.

ADV CHASKALSON SC: And your sense is that there has been a significant reduction in violence in the industry?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: If you can then continue to –
20 sorry, did you want to add something?

MR SIBANYONI: No.

ADV CHASKALSON SC: If you can continue to 54.

MR SIBANYONI: Number 54:

“The PRE was found to have failed to operate lawfully and independently. It

requires association letters of recommendation as a *de facto* condition for operating license applications, despite this not being legally required. It does not appropriately vet applicants for criminal records. It does not monitor compliance after issuing licenses. And most PRE functions are exercised by the GDRT officials who are not PRE employees and do not report to it. The Operating License Administration System, called OLAS, and the Registration Administration System, called RAS, were found to be outdated, designed for the National Land Transport Transition Act, not the NLTA, slow and vulnerable to fraudulent manipulation, with fraudulent entries found to occur on Sundays and evenings when no one should have been assessing the system.”

Number 55:

“Fraudulent route allocations was also documented. The Africa Mall route was registered to two associations with one apparently having occupied irregularly

through the assistance of certain GDRT employees. Violence followed. Cases remained unresolved years later and those responsible were likely still employed at the GDRT.

The Izinkabi Phenomenon.”

ADV CHASKALSON SC: Before we deal with Izinkabi, can, what you have described here as Shongwe Commission recommendations, do they still reflect the *status quo* today?

10 Has that changed?

MR SIBANYONI: Not yet.

ADV CHASKALSON SC: It has not changed yet?

MR SIBANYONI: Ja, it has not yet changed.

ADV CHASKALSON SC: Because, I mean it seems to me that what is being described is at the very least criminal syndicates operating within the taxi industry and infiltrating government, if not law enforcement agencies.

MR SIBANYONI: Correct.

20 “The Izinkabi Phenomenon. The Shongwe Commission's findings.”

Number 56:

“Among the most significant findings of the Shongwe Commission and of direct relevance to any question before this Commission employing the term izinkabi,

is a documented phenomenon of hired assassins in taxi-related violence. I address the specific question raised in Notice Paragraph 2.17 fully in Part Q of this statement. I set out here the structural and factual background established by the Commission.”

ADV CHASKALSON SC: Sorry, if I can just clarify, you are talking, when you refer to the Commission there, it is the
10 Shongwe Commission.

MR SIBANYONI: Yes, ja.

“The Commission found that of those killed in taxi-related violence in Gauteng, 100% were shot with high-calibre rifles as well as small firearms. Some of those high-calibre weapons were of the kind issued to state agencies such as the South African National Defence Force and the South African Police Service.
20 Typical assassinations involved the use of firearms by hired gunmen known widely as izinkabi.”

ADV CHASKALSON SC: Can I ask again, can you just explain that first sentence, and I appreciate you are reporting a finding of the Shongwe Commission, but do you

understand that finding to mean that in every case of taxi violence, a high-calibre rifle is used, that no izinkabi team will go out without an AK47 or an R4 or some high-calibre rifle like that? Is that what is being said in that first sentence?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: Thank you.

MR SIBANYONI: Number 58:

10 “Izinkabi are hired specialists in contract
 killing, brought in specifically for targeted
 eliminations. They are typically recruited
 from other provinces. Kwazulu-Natal was
 prominently identified as a primary
 source. They are paid large sums of
 money to take out operators as directed
 by those hiring them. In some instances,
 payment takes the form not of money but
 of being allowed to operate on certain
 routes, a practice that itself generates
20 further violence. Hiring is done both by
 individual operators acting alone and by
 groups. Some of the money used to pay
 izinkabi is sourced from the bucket
 money system. Security companies from
 Kwazulu-Natal have been hired by

associations to instil fear at the ranks
and openly display high calibre firearms
without permission.”

ADV CHASKALSON SC: Sorry, again, can I stop you here, because it seems to me if this is a feature of the industry, it means that within the industry, people know how to, you know, who to speak to, to get hold of an izinkabi or how to contact izinkabi directly. You cannot have a system of this nature without knowledge of the identities or the associates
10 of the izinkabi freely available. Is that a fair assumption?

MR SIBANYONI: No, not at all.

ADV CHASKALSON SC: No.

MR SIBANYONI: Ja.

ADV CHASKALSON SC: So how does the system work?

MR SIBANYONI: It depends from one person to another. Some people will find him being the boss of izinkabi. Then you will find Christians within the associations that have no knowledge of izinkabi. So it differs from one person to another. It is not a common cause in the industry that
20 everyone knows what izinkabi stands for and how to make connections with that. I can employ you today ...[intervenes].

CHAIRPERSON: Your voice has dropped, Mr Sibanyoni.

MR SIBANYONI: Okay. I can employ you today to be a member of my association. Obviously, so you know nothing

about izinkabi. All you are interested in is for you just making money, that is it.

ADV CHASKALSON SC: But if this, but there must be a substantial part of the industry.

MR SIBANYONI: Like what?

ADV CHASKALSON SC: That, well, I am asking you. I do not know about the industry, you do. But here we have a finding of the Commission ...[intervenes].

MR SIBANYONI: Yes, ja.

10 **ADV CHASKALSON SC:** Essentially saying that there is a systematic practice within at least large parts of this industry that people enforce control through violence and in particular through the use of izinkabi, which means there must be substantial sections of the industry that are at very least able to access izinkabi when they need them.

MR SIBANYONI: It depends on their leadership at the time. If you have got a leader that is used to fight his battles through izinkabi, then that particular space within that particular time will be led by izinkabi through that
20 particular leader, not everyone. So if you have got a leader that has got no clue to deal with izinkabi's, then your association is at peace at all.

ADV CHASKALSON SC: Well, we will get to specific cases later when you talk to them. Maybe you can illustrate then.

MR SIBANYONI: Okay.

ADV CHASKALSON SC: If you can continue for now.

MR SIBANYONI: Number 59:

“Certain killings specifically target the hired assassins after the fact to eliminate evidence of who commissioned the killings. This cycle of assassination, counter assassination, silencing of witnesses, and the hiring of new izinkabi is self-perpetuating and extremely difficult to investigate.”

Number 60:

“The Commission also identified 10 specific violence hotspots in Gauteng, Johannesburg Central, Everton, Jeppe, Tsakane, Moroka, Lenasia South, Ivory Park, Olievenhoutbosch, Alexandera and Hillbrow with Germiston and Vosloorus additionally mentioned.”

Number 61.

20 **ADV CHASKALSON SC:** Maybe if you can amplify here. When I look at these, I do not see areas that I associate with you.

MR SIBANYONI: Yes, ja.

ADV CHASKALSON SC: Your associations have not operated in any ...[indistinct] [intervenes].

MR SIBANYONI: Not at all. Ja, not at all.

ADV CHASKALSON SC: If you can continue then.

MR SIBANYONI: Number 61:

10 “Critically, the term izinkabi does not
carry a single, fixed meaning in all
contexts within the tax industry. In its
criminal connotation, the connotation in
which this Commission employs it in
Notice paragraph 2.17, izinkabi refers to
contract killers. However, within the
internal lexicon and established culture
of the South African tax industry, the
word izinkabi is also widely used to refer
to guards deployed at tax rank,
individuals who maintain order and
security at the rank facilities, protecting
drivers, commuters and rank
infrastructure. This dual usage is well
understood by those with experience of
20 the industry. Any engagement with
evidence employing the term must be
attentive to this distinction. I address
this fully in Part Q.
Law Enforcement Failures, the Shongwe
Commission's findings.”

Number 62.

10 “The Shongwe Commission’s findings on law enforcement are among its most significant. They describe a structural pattern directly relevant to this Commission's terms of reference, which concern centrally the infiltration of, and undue influence over institutions of the criminal justice system by criminal syndicates.”

Number 63:

20 “Section 13(d) of the National Land Transport Act, 5 of 2009, prohibits law enforcement officials and their immediate families from holding any direct financial or business interest in the public transport sector. The Commission found that this prohibition is widely violated and the leadership of both the Gauteng NTA and the leadership of Santaco confirmed before the Commission that it is widely known in the industry that some operators are proxies of law enforcement officers.”

ADV CHASKALSON SC: Can I stop you here. You are

talking about a confirmation to the Shongwe Commission that some operators in the taxi industry are proxies for law enforcement operators. Are you aware of cases of this nature?

MR SIBANYONI: I am aware of such cases, not particularly in my association, so to put it.

ADV CHASKALSON SC: No, but just more broadly, because ...[intervenes].

MR SIBANYONI: Ja.

10 **ADV CHASKALSON SC:** Certainly the Commission would be interested in knowing which operators are serving as proxies for law enforcement officers.

MR SIBANYONI: Ja.

ADV CHASKALSON SC: Would you be able to assist us in that regard?

MR SIBANYONI: No, with that I am not 100% sure, because this is, it is a known fact somewhere within the taxi association that some are proxies. It is a known fact, but you need to be sure as to which associations and who
20 exactly are those people. Then you will find it in some of the conflicts. It will be, this matter will always stand up, that we are in this conflict because of this. But for the mere fact that we are not there locally on that association, you cannot pinpoint as to which officer for sure is a proxy to the taxi industry.

ADV CHASKALSON SC: But is this information that you would be able, through your connections in the industry, to be able to assist us with?

MR SIBANYONI: No, unfortunately that one, it is not possible.

ADV CHASKALSON SC: Okay.

MR SIBANYONI: Because it is a man-to-man agreement. It is not easy to find it out.

ADV CHASKALSON SC: All right, if you can continue.

10 **MR SIBANYONI:** Number 64:

“State-issued weapons of the type issued to the SANDF and SAPS were confiscated from suspects at the taxi violence crime scene. Planned operations were regularly leaked, with criminals avoiding arrest due to forewarning that could only have come from elements within law enforcement. Complaints were disclosed to the very
20 people against whom they were late, accompanied by the intimidation and threats to the complainants. The Joint Provincial Task Team Force established in 2014 and considered effective by all role players who had testified, simply

ceased to operate when certain agencies withdrew their members without any rational explanation being provided to the Commission.”

ADV CHASKALSON SC: Again, if I can stop you there, do you know which agencies are being referred to here? Which agencies withdrew from the Joint Provincial Task Force?

MR SIBANYONI: Come again?

10 **ADV CHASKALSON SC:** Which agencies withdrew from the Joint Provincial Task Force?

MR SIBANYONI: No, with this one, for me, I do not know anything, ja. Can I continue?

ADV CHASKALSON SC: Yes, please do.

MR SIBANYONI: Number 65:

20 “Investigative quality was found to be deficient throughout, crime scenes not properly secured, witnesses not interviewed while evidence was fresh, exhibits not collected or recorded, CCTV footage not gathered timeously, ballistic links to other provinces not followed up, cellphone data not effectively utilized, crime intelligence absence from operations. SAPS management accepted

all these findings unreservedly and without dispute. Some law enforcement officers were found to accept bribes from the errant operators as a matter of norm. To the point where taxi drivers budgeted for corrupt encounters, officers of the GTP Public Transport Unit are bribed at higher rates than others because they discontinue a vehicle from operating.

10 Extortion is also practiced. Both parties to these corrupt exchanges have become so brazen that they no longer conceal them.”

Number 66:

“This findings ...” [intervenes].

ADV ABRAHAMS: Just before Mr Sibanyoni continues, the question posed by Mr Chaskalson in respect of paragraph 64 in relation to the members that withdrew from the Joint Provincial Taxi Task Force, that information is in the report

20 and we have a next report so we will be able to extract the information from the report. I thought I would just place on record that it is there. We could not of course include everything you know in Mr Sibanyoni's affidavit to this Commission.

CHAIRPERSON: Thank you Mr Abrahams.

MR SIBANYONI: Number 66:

“These findings describe not isolated rogue individuals but a systematic pattern of conflict of interest, proxy ownership, forewarning of operations and the use of state-issued weapons in taxi violence. That pattern is a structural feature of an enforcement environment. It is directly relevant to the Commission's

10 mandate and to the evidence that will be placed before it regarding relationship between industry participants and the law enforcement officials.”

ADV CHASKALSON SC: And these findings of the Shongwe Commission, do they, are they consistent with your knowledge from your experience in the industry?

MR SIBANYONI: They are not 100%.

ADV CHASKALSON SC: Which in particular would you take issue with?

20 **MR SIBANYONI:** Okay, can I repeat it again so that I just identify it clearly to you. More especially at 65, like the, it has been all, it has been, like the report, as my Advocate has already indicated to you that it has got, it is in some of the annexures. Some of the things mentioned here, the late arrival of the police, the police not interviewing people on

time, the CCTV footage not gathered timelessly, some of the things, much as the findings of the Commission has indicated, are not the core thing to identify exactly the perpetrators of violence. Sometimes, for example, you can see someone in the CCTV camera, but it is not easy to identify him. At some point, people got arrested based on information from the CCTV camera, just because of the stature, ja, just because of that, not exactly the same people. At some time, people seem to be the same, but do
10 not find that they are not the ones.

ADV CHASKALSON SC: The broad picture described by the Commission is of criminal syndicates operating inside the taxi industry and infiltrating not just government agencies, but also law enforcement. Do you think that is ...[intervenes].

MR SIBANYONI: Like what?

ADV CHASKALSON SC: Well, what you, what is reported in ...[intervenes].

MR SIBANYONI: Ja, hence, and I am sorry about that,
20 hence, I say not most of them. Some of them I cannot concur with them. Some I will not concur with them. Why concur, why not concur is because I know my dealings, if I am not involved with these particular things that I have been mentioning here, then therefore I in particular know nothing about that. It depends from one particular leader to

another leader, how does he deal with this thing.

ADV CHASKALSON SC: No, I am not asking you to say that you are part of the syndicate.

MR SIBANYONI: Okay.

ADV CHASKALSON SC: You have made clear several times in your statement that you deny that.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: But certainly the picture that is described is that within your industry, there are criminal
10 syndicates operating.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: And that those syndicates are able to infiltrate partly the Transport Department and associated institutions, but also law enforcement institutions.

MR SIBANYONI: Ja, I will concur with the Department of Transport whereby you find that, as it has been mentioned already, that you find some routes, for example, the Midrand Mall where it was mentioned that they issued two
20 operating licenses from two different associations for one particular route. It tells you that there is an infiltration because permits were issued on a Sunday. It tells you that there is an infiltration.

ADV CHASKALSON SC: Yes.

MR SIBANYONI: The system on its own.

ADV CHASKALSON SC: And what is said about bribing law enforcement officers and the like in the Shongwe report, is that not something ...[intervenes].

MR SIBANYONI: You hear about it.

ADV CHASKALSON SC: Ja.

MR SIBANYONI: Ja. If you are in that space, you will hear about it. For example, one will just boast about it, that with me I have got a connection, you will not do anything about that. You will hear someone talking about it, but he
10 will not exactly mention as to who his connections are, but it is a pattern that happens.

ADV CHASKALSON SC: Yes.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: But someone boasting about it is at least holding himself out to have infiltrated law enforcement.

MR SIBANYONI: Ja.

ADV CHASKALSON SC: Let us continue on the recommendation.

20 **MR SIBANYONI:** The Shongwe Commission's recommendation, number 67.

“The Commission's key recommendations submitted in January 2021 included the following.”

Number 68:

“First, structural reform, one township, one association. Associations to be rationalized so that there is only one association per town or township, limiting associations to their lawful mandate and removing them from operational matters. This model is already practiced successfully in the Free State.”

Number 69:

10 “Second, corporatisation: individual operators to be encouraged to hold their interests through corporate structures, reducing the incentive for targeted individual killings and creating conditions for proper accounting, taxation, and regulatory compliance.”

Number 70:

20 “Third, a dedicated, well-resourced, permanent Taxi Violence Unit within the SAPS tasked with concluding all 505 outstanding dockets through prosecution-driven multidisciplinary investigations led by a senior officer with detective experience with active crime intelligence participation.”

Number 71:

“Fourth, money laundering investigation capacity within the SAPS for taxi violence cases. Some incidents of violence were preceded by moments of moneys often collected illegally from the taxis in the ranks, changing the flow of bucket money, security company payments, and the payments to izinkabi is indispensable to investigating the commissioning of violence.”

Number 72:

“Fifth, innovative witness protection to encourage eyewitness participation, the current system being inadequate for the dangers facing witnesses in taxi-related prosecutions.”

Number 73:

“Sixth, a complete overhaul of the OLAS and RAS information system with integration into a notice in the Department of Home Affairs, elimination of all fraudulent routes, registration, and criminal charges for those responsible.”

Number 74:

“The complementation status of these recommendations more than 5 years after the report was submitted in January 2021 remain a matter of deep personal concern of mine and moreover remains an ongoing public and institutional concern. The cycle of violence in the industry will not be broken until the structural prescriptions are meaningfully implemented.”

ADV KHUMALO SC: Mr Sibanyoni, please read the first sentence again, 74.

MR SIBANYONI: -:

“The implementation status of these recommendations more than 5 years after the report was submitted in January 2021 remains a matter of deep personal concern of mine and moreover remains ongoing public and institutional concern. The cycle of violence in the industry will not be broken until the structural prescriptions are meaningfully implemented.”

ADV BALOYI SC: Mr Sibanyoni, what is OLAS and RAS information systems that you refer to in paragraph 73?

MR SIBANYONI: An OLAS is a document that you found when you submit an application to the Department of Transport. Then that receipt that they give it to you is an OLAS. Then a RAS is a document that you get from the Department of Transport whereby all members of that particular association are written in that particular paper.

ADV BALOYI SC: Thank you.

ADV CHASKALSON SC: And just to assist Commissioner, OLAS stands for Operating License Administration System
10 and RAS is the, I think, Registration Administration System. They are terms that appear earlier in the statement.

MR SIBANYONI: -:

“My own engagement with the Shongwe
Commission and its relevance.”

ADV CHASKALSON SC: Sorry, Mr Sibanyoni, if we can, if we can just pause here. I would like to deal with your engagement with the Shongwe Commission, but I would like to do that once we have located Annexure J.

MR SIBANYONI: Oh, okay.

20 **ADV CHASKALSON SC:** So maybe if you can move to paragraph 77 and pick up there.

MR SIBANYONI: Okay.

“It is submitted in the context of all that follows in this statement that the structural facts set out in this part are of

foundational importance. A senior industry leader who has spent four decades in this environment necessarily operates in daily proximity to its risk, its organizational dynamics, its conflicted enforcement landscape, and its violent fault lines. The mere fact of operating at the highest level of this industry cannot, without more, be construed as participation in criminality. The attribution of criminality to any individual must be assessed carefully against the full structural context this part has described.”

Number 38:

“I deny emphatically and absolutely that I am or have ever been a member of any criminal organization, the cartel, the syndicate, or grouping. I have never directed, financed, commissioned, or participated in any unlawful activity. I have never been tried or even convicted of any criminal offense. The Delmas charges are charges which I deny and I intend to contest fully so.”

Number 79:

“I am known by the nickname of Joe Ferrari. I confirm this. This nickname arose originally from my lifestyle and personality over many years. It is a social nickname. It carries no criminal connotation whatsoever.”

Number 80:

10 “I note that Mr Gareth Mnisi used the
appellation “Number One” in his
Commission testimony and alleged that it
referred to me. I do not use that name or
allies to refer to myself. Whether Mnisi
or others use that term, in what context
and with what meaning, it is a live factual
issue that I deserve the right to address
fully in a supplementary statement that
after denying the complex transcript of
this testimony, I deny that any such term,
20 if used in reference to me, connotes
any criminal role, leadership of any
criminal organization, or any improper
relation with any organ or state or
official.”

B. Sibanyoni as a victim of organised

crime – the assassination attempts.”

Number 81:

10 “I preface this part with a statement I
regard as foundational to the
Commission's understanding of my
position long before this Commission was
established, long before Regulation 10.6
notice was issued, and even before the
attempt was made on my life on August
22, I was reporting to the Minister of
Police, Minister Beki Cele, about the
criminal networks operating within the
taxi industry, including the complexity of
very senior SAPS officials in those
networks. I was the person who sought
the Minister's attention, not the person
being investigated for corruption.
Simultaneously, I also sought the former
Acting National Commissioner, General
20 Mkhwanazi to assist with the very issues
and raised under concern with Minister
Cele.

B1. The WhatsApp message to the
Minister Bheki Cele dated 5 May 2022.”

Number 82:

“I ask the Commission to appreciate what follows not merely as factual background, but as constitutionally significant context long before this Commission was established, long before a subpoena was served upon me, and long before any allegation was made publicly against me. I was the person who walked towards the state rather than away from it. On May 5

10 2022, approximately three months before the attempt of my life on August 22, I sent a WhatsApp message directly to the honourable Minister of Police, Mr Bheki Celel. I did so voluntarily, at obvious personal risk and without any compulsion whatsoever. The text of that message, which is attached to the statement as Annexure K, reads as follows:

20 ‘Honourable Minister Cele, I am Mr Joe Sibanyoni, a well-known taxi owner in Pretoria. I am quite certain that you are expecting my call as per info given to yourself, Minister. My fundamental reason is to seek your audience under this current situation the country finds

itself in, the COVID19. The taxi industry is in the verge of catastrophic disaster I felt unattended even now during COVID19. These current killings of Gauteng and the KZN taxi operators, which I personally know of, if it was not for COVID19, Minister, the killings would have easily escalated beyond measure. I certainly request your audience as a

10 matter of urgency to avert more killings of innocent members that will make the source of these killings be impossible to get. As I send you this message, Minister, be aware that service delivered around greater Tshwane and surroundings is highly disturbed by the same cartel which I have solid facts on. Please, Minister, it is my belief as a

20 leader in the taxi industry and a senior citizen of South Africa, it would be very irresponsible of me to keep this information. Minister, you are the relevant person to get the first-hand information from me. One of the very disturbing facts is that the very senior

SAPS officials are in this cabal. As per your statement, Minister, the policeman cannot die with a gun in his hand, therefore, the taxi industry cannot die when I have such valuable information. Your favourable response will be greatly appreciated.”

ADV CHASKALSON SC: Can I just stop you there, because this is a very significant WhatsApp, and I would
10 just like you to amplify what you are saying here. Halfway through, you say:

“As I send you this message, Minister, be aware that the service delivery around greater Tshwane and surroundings is highly disturbed by the same cartel which I have solid facts on.”

What is this cartel that you are talking about? That is the first question, and how is it impacting on service delivery in greater Tshwane?

20 **MR SIBANYONI:** My own understanding in terms of cartel, it was like a group of people doing some nasty, dirty work around Tshwane and Gauteng, as I have mentioned already. So, what was happening in the first place, I wanted the Minister for him to give me an audience so that I can explain further how do I see this happening. And obviously,

during that time, I thought it was easy to get hold of him based on the information the way I have gathered it, or I have sent it to him. And a lot of people were dying around Tshwane, for example, because I am a citizen around here, so I will have to know that people are dying here and there. Therefore, it was an obligation for me as a senior citizen here to give information to him.

ADV CHASKALSON SC: Yes, but you speak specifically about a cartel that is involved here, and you will later on
 10 say that very senior SAPS officials are in the cabal. I am interested in who you are speaking about.

MR SIBANYONI: Ja, I will be direct in this particular instance. At that time, I had information that all this is happening because of the existence of the farm. So, I took it that maybe the Minister is not aware of that, but putting it to him directly so, and for him to give me an audience so that I can give guidance as to where do I get this information or any assistance of that in the broader picture of this letter.

20 **ADV CHASKALSON SC:** Again, we would like that information. I mean, what led you to believe that this cartel was a cartel based on the farm? On what basis? It is a very serious allegation you are making here that the farm is controlling matters ...[intervenes].

MR SIBANYONI: Yes.

ADV CHASKALSON SC: And service delivery in Tshwane is affected by the farm. What evidence did you have for that?

MR SIBANYONI: All I can say, the practical evidence one could never get, but the information from people that were reluctant to tell me was there. So, talking to the Minister for me was more relevant.

CHAIRPERSON: Can you please say more on the open quote, solid facts, close quote, that you told the Minister
10 you had?

MR SIBANYONI: Ja.

CHAIRPERSON: That is about the cartel.

MR SIBANYONI: Ja, cartel in this context, I take it that as a group of person living on the farm were the ones that were driving this force, not to say that this particular person, this particular person, but being there and from the information that I gathered from one of my ...[indistinct] now, I was quite certain that this matter comes from them.

ADV CHASKALSON SC: And your knowledge of senior
20 SAPS officials involved in the cabal, who are you referring to?

MR SIBANYONI: No, I heard about that. From the information that I gathered, one would be knowing exactly that police are more often than not being seen at the farm.

ADV CHASKALSON SC: Individuals in particular?

MR SIBANYONI: No, not really.

ADV CHASKALSON SC: And then no names were given to you?

MR SIBANYONI: Ja, no names were given.

ADV CHASKALSON SC: So, if General Cele had given you an audience, what would you have told him?

MR SIBANYONI: I was going to indicate to him, given the history of my taxi experience first, so that I take it into confidence as to what I am going to talk about to start with
10 is something that is happening. So, therefore, and indicate to him, maybe through his own intelligence, let him take this information and utilize it through his own intelligence. But the place will be clear that it does not originate from Cape Town or Durban, this thing originates from one particular place. Therefore, his job was going to be easy with all that. That was my understanding.

ADV CHASKALSON SC: And when you refer to the farm, you are talking about Mr Msibi's farm?

MR SIBANYONI: Correct, ja.

20 **ADV CHASKALSON SC:** But it seems to me, I mean, I must confess I was hoping you would be able to give us a lot more detail than you just have, because it seems to me, from what you are saying now, is that the only specific information that you had in relation to this was that a cartel organized around Mr Msibi is infiltrating service delivery in

Tshwane and has access to senior SAPS officers. Did you have any more information than that?

MR SIBANYONI: No, no, not more information. It can be specific, direct to this particular person or because that is a broader picture of what I have heard.

ADV CHASKALSON SC: Because, I mean, what your WhatsApp speaks of is solid facts, first-hand information. But what was the first-hand information you had?

MR SIBANYONI: How do I understand it, you have got
10 your colleague here next to you, I mean, if he talks to you as a brother, to start with, you have got no reason to underestimate his statements as to whatever he gives you, because you have been interrogating him, then you will be convinced that it is exactly these things happening. Okay, what do I do next after that? I approached the Minister as an umbrella to this whole thing.

ADV CHASKALSON SC: No, I understand that, but what I am really concerned about is essentially the lack of detail in the information that you had. You had no more information
20 than that Mr Msibi is running a cartel out of his farm and infiltrating law enforcement and Tshwane service delivery.

MR SIBANYONI: Ja, 50/50, in a sense that the information was clear to me that whatever was happening was from the farm. The information was clear and I was convinced with that, therefore, I need to take it to another level to assist

and it was good at the time if I was given an audience.

ADV KHUMALO SC: Just a moment, Mr Chaskalson. Mr Sibanyoni, there is one or two things. Either you do not have those facts or you do have those facts, but you are reluctant to share them in a forum such as these. So, I am going to suggest that during tea time you discuss with your legal representatives and reflect on whether you want to give them in a different way, either in an affidavit or if you do not have those facts, then you do not have those facts.

10 **MR SIBANYONI:** Yes.

ADV KHUMALO SC: We move ...[intervenes].

MR SIBANYONI: Ja, let me just say ...[incomplete].

ADV KHUMALO SC: So, I know that there are issues you raised about security and other things and we must be sensitive to that, so, but these facts are important for us because they are relevant to the terms of reference of this Commission. So, I hope you reflect on that during tea. You can take advice from your legal representatives and then we can move forward from there.

20 **MR SIBANYONI:** Noted, Commissioner.

CHAIRPERSON: Otherwise, the information is not solid at all.

MR SIBANYONI: Ja.

CHAIRPERSON: That is what you have given us thus far, it is not solid facts at all.

MR SIBANYONI: Noted.

CHAIRPERSON: Let us, yes, let us take the adjournment and resume at 11:40. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Thank you, Chair. Mr Sibanyoni, we had been talking about your text to then-Minister Cele. We have been through that text. We have engaged with you
10 on the issues that you raise, on the text and indirectly on the issues you raise on 83.1 to 83.4. Maybe if you can pick up at page 32, paragraph 84.

MR SIBANYONI: [No answer]

ADV CHASKALSON SC: Can we pick up at page 32, paragraph 84?

MR SIBANYONI: Okay. Should I continue?

ADV CHASKALSON SC: Yes, please do.

MR SIBANYONI: All right.

20 “Minister Cele did respond to me. He did so by telephone. The response was notable for its brevity and its remarkable nonchalance. He said the following in IsiZulu, [indigenous language], translated with precision, the Minister asked rhetorically what he was supposed to do

when people in the tax industry were killing
one another.”

ADV CHASKALSON SC: Can I just stop you there? Your text does refer to killings of people in the taxi industry, but it also refers to a cabal that is controlling or that is affecting service delivery around Tshwane and it refers to senior SAPS officials linked to that cabal. Was there any response that you received from Minister Cele beyond this flippant statement about the taxi industry?

10 **MR SIBANYONI:** Not at all.

ADV CHASKALSON SC: Thank you. Can you continue?

MR SIBANYONI:

“The Commission must weigh carefully what this response reveals. The political head of the South African Police Service was informed by a named civilian that very senior SAPS officials were participating in the criminal cartel that was responsible for killings within the taxi industry. His
20 response was not to convene an urgent meeting. It was not to initiate any inquiry. It was not even to ask a follow-up question. It was in effect a shock. The Commission is respectfully invited to consider what that response communicates about the

institutional environment that existed at the time and what it meant for a civilian who has taken significant personal risk to report what he knew.”

10 I was not prepared to accept that dismissal. I specifically requested Minister Cele to convene a dedicated taxi indaba, at the very least, as a structured forum for engagement on the issues. He rejected that proposal on the ground that no one would be willing to come forward with the facts except for me alone.

I persisted. I attempted to persuade him that the interest of the industry and of the lives being lost within it warranted a more sustained institutional response. I failed. The political leader responsible for policing in this country was presented with intelligence about criminal conduct within a
20 critical sector of the national transport network by a person who had risked his own safety to come forward and choose to take no action.

That failure is not a peripheral detail. It is a documented and a significant failure of

political leadership in the face of organised
crime intelligence.

ADV CHASKALSON SC: Again, can I stop you there? You talk about asking him to convene a dedicated taxi indaba. How and when did you make that request?

MR SIBANYONI: As a matter of urgency.

ADV CHASKALSON SC: No, no, but I mean when.

MR SIBANYONI: When he responds to me.

ADV CHASKALSON SC: Is there any written record?

10 **MR SIBANYONI:** No, no. That is when he responded to me telephonically.

ADV CHASKALSON SC: So that statement that you attribute to him was a telephonic statement?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: And in that conversation you asked for the taxi indaba?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: And he said no.

MR SIBANYONI: Mmm.

20 **ADV CHASKALSON SC:** Please continue.

MR SIBANYONI:

“Approximately three months after sending that message to Minister Cele in August 2022, gunmen opened fire on my vehicle. I was shot twice, I survived. I record this

sequence with the precision it deserves and for a specific reason. I am acutely aware that this Commission may ask whether there is any connection between my reporting of criminal intelligence to Minister Cele and the subsequent attempt of my life. I do not speculate on any causal link. I make no such allegation in this statement. I simply record the sequence with exactness and under oath because the sequence in the evidence I reported, three months past I was shot. The Commission may draw its own conclusion from the proximity of these events. I ask only that it note them.”

10

87.

“After the attempt of my life with no resolution in sight from the Minister of Police, I went to meet the Minister of Transport, the Honourable Minister Sindisiwe Chikunga. I did so in a capacity as a political principal of the department responsible for governing the taxi industry in which my life has been endangered. This meeting was, in marked contrast to my

20

engagement with Minister Cele, substantively fruitful. Minister Chikunga listened, she engaged with the information I provided about the state of the industry, the pattern of killings, and the institutional failures that had enabled them.

10 More significantly, and most consistently troubling, the Minister disclosed that she was aware that certain officials within the Department of Transport have divided allegiances and that some of these officials answered not to the department, but to the farm. That disclosure was solicited. It was volunteered by Cabinet Minister about their own officials. The Commission must understand the constitutional weight of that revelation. The Cabinet Minister responsible for governing a national significant transport sector was
20 acknowledging in direct terms and that her own officials had been captured by a private individual operating from a private firm.

This is not a footnote. It is a direct evidence of institutional capture at the

highest level of department governance.”

ADV CHASKALSON SC: And can I ask, did the Minister identify any particular people who were answering to the farm?

MR SIBANYONI: No, he did not mention. He just mentioned Plank Lisongo [?].

ADV CHASKALSON SC: And when you say that you reported to the Minister about the patterns of killings and the institutional failures that had enabled them, what
10 institutional failures were you referring to?

MR SIBANYONI: The same, the Minister Cele is having it. I was giving that example because already I was from Minister Cele.

ADV CHASKALSON SC: So you were referring only to the fact that Minister Cele was apparently uninterested in the issue.

MR SIBANYONI: Correct.

ADV CHASKALSON SC: Okay, can we then proceed back to, sorry, had we got to 89, ja 2.89?

20 **ADV BALOYI SC:** Sorry, before that, the meeting with Minister Chikunga, when was that?

MR SIBANYONI: Not sure about that, but it was after my shootings.

ADV BALOYI SC: In 2024, 2023?

MR SIBANYONI: No, no, 2020... it can be 2023.

ADV BALOYI SC: 23?

MR SIBANYONI: Ja.

ADV BALOYI SC: Thank you.

ADV CHASKALSON SC: Can you pick up at paragraph 89?

MR SIBANYONI: Okay.

10 “The sequence must be understood in its entirety and with clarity. I reported the criminal concerns to Mr Cele in May 2022, I was shot in August 2022, I reported thereafter to Minister Chikunga, to MEC Mamabolo, and ultimately to General Mkhwanazi in 2024. At every stage, I was the one pressing the state to act. I was not the one protecting criminals. I was not obstructing investigations. I was advancing them. That is not the sequence of events of a cartel member. That is the sequence of events of a target who refused to be silenced.”

20 **ADV CHASKALSON SC:** Can I ask you, before you go forward, you referred to a meeting or a report to MEC Mamabolo. When was that report made?

MR SIBANYONI: To MEC Mamabolo, it was not once. It was during that time because as a Minister that was around Gauteng and I was in Gauteng, it was easy for me to

advance and give a cry to him.

ADV CHASKALSON SC: And did you meet with him in person?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: Did you write to him?

MR SIBANYONI: No, I met him in person.

ADV CHASKALSON SC: And what were you reporting to him?

MR SIBANYONI: In a nutshell, I was trying to report the
10 frustration that I and the other members have and give him
a bigger picture if maybe he needs an understanding. And
we did talk a lot about that. But at the end of the day, it
ended up where it ended. I was still surprised.

ADV CHASKALSON SC: And were you asking him
specifically to do something about the fact that you had
been shot at?

MR SIBANYONI: No, not really shot at. I mean, the issue
of me being shot at is the matter of the police. Him
specifically, the MEC for Transport. Because my right of
20 being a taxi owner was vindicated. I was no more
operating.

ADV CHASKALSON SC: Sorry, you?

MR SIBANYONI: I was no more operating.

ADV CHASKALSON SC: And that was because after
having been shot, you...

MR SIBANYONI: No, no, before being shot. As I was always trying to talk to Mr Cele, I also wanted to indicate to him that I was not operating. But that belongs to the MEC for Transport. Then I went to the MEC for Transport to indicate that at the same time, I am not operating.

ADV CHASKALSON SC: And why were you not operating before you were shot?

MR SIBANYONI: No, my vehicles were just stopped. Mr Msibi stopped my vehicle from operating.

10 **ADV CHASKALSON SC:** Sorry, who stopped your vehicles?

MR SIBANYONI: Msibi stopped my vehicle from operating.

ADV CHASKALSON SC: Msibi stopped your vehicles from operating?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: They would not... They or he and his people would prevent your vehicles from entering a rank?

MR SIBANYONI: Yes.

20 **ADV CHASKALSON SC:** And where did this take place and when?

MR SIBANYONI: At the beginning of 2020. For an example, just at the beginning of 2020, it just happened that we had to go to COVID. So everyone stopped operating because of the result of the COVID. But when everything

was coming down, COVID-3, COVID-2, as the President was always saying, my vehicles were totally not allowed to come back to operation up until 2024.

ADV CHASKALSON SC: So from 2020 to 2024, you were out of the industry?

MR SIBANYONI: Sure.

ADV CHASKALSON SC: And physically, how did this happen? I mean, was it with threats of violence to the drivers?

10 **MR SIBANYONI:** Ja. At the time, I could not go and access the taxi rank at that time. So once you send your driver to the taxi rank, easily as all that, they will chuck him away.

ADV ABRAHAMS: Perhaps if I could assist. I think the witness will go, Mr Sibanyoni will go into detail about when he was out of the industry for the first time, when we speak about the 2006-07 attempt on his life. And I think to adopt a more systemic approach to his evidence, with respect, perhaps if Mr Chaskalson could maybe go to that event. Because that leads into whatever happens in 2004. And I
20 think it is very important that the Commission gets that background.

CHAIRPERSON: 2004, 2022?

ADV ABRAHAMS: 2020, 2022, 2024. There is quite a bit that happens in that timeframe. So I think it is, ja, I think we do deal with it, I think from paragraph ...[intervenes]

ADV CHASKALSON SC: Well, it is the next paragraph. So let us go then, if we need to come back to anything we can. So if you can pick up at paragraph 90.

ADV ABRAHAMS: Sorry about that.

MR SIBANYONI: Okay. B2.

“The first assassination attempt of 2006.

10 In August 2006, attack was not the first time criminal forces had tried to kill me. In or around 2006-07, I was a victim of a first assassination attempt arising from the tax industry violence. The attempt was not casual, it was targeted. It succeeded in wounding me and it succeeded in forcing me out of the industry for approximately two years, during which period I removed myself from the tax environment in order to survive. I only returned to the industry in or around 2008.

20 The Commission must also understand what returns represents. A person who was the target of a serious assassination attempt, who was forced to abandon an industry he had spent years building, and who then returned to build the same industry at a national level, is not a person

operating from a position of criminal impunity and protection. A person who is protected does not need to hide. A person who is powerful does not need to flee.

The fact that I fled and that I returned is itself evidence of the position I occupied, not as a predator within the industry, but as a target within it. The precise details of the first attempt are confirmed through the records of the Shongwe Commission and will be provided in Annexure J.”

10

Number 91.

“A person who was targeted in and around 2006 or 2007, who was forced out of an industry for two years in order to survive, and who then returned to lead and build that industry through legitimate organisational structures, is not and cannot, on any rational analysis, be understood to be a person who operates from a position of criminality, power and impunity. The conduct of a criminal boss is to consolidate, to expand and to deploy violence against others. The conduct of a person who flees, survives, returns and

20

builds, is the opposite.

That return was not the act of a criminal boss. It was an act of a committed community leader who refused to be driven out of the legitimate industry he had chosen as his life's work."

ADV CHASKALSON SC: Maybe if I can interrupt at this point. Can you give us details of that 2006 assassination attempt and why you say that Mr Msibi was behind it?

10 **MR SIBANYONI:** At the time, or on that fateful day, he invited me to his house, which is something normal. Then I went to his house. Then, after that, it was on a Friday, I was supposed to go on a social gathering with my friends, yes, we went, I went out. Nothing sinister was happening that could tell what was going to happen. Me arriving at the social club in the evening, engaging with other people that were there, I felt that I was not safe through those engagements. Particularly, a certain gentleman, I faced him at the time, seeing from his eyes, I could tell that
20 something was not okay here.

ADV CHASKALSON SC: And this was at the social engagement?

MR SIBANYONI: Social, yes, just at the social. Then, from there, I decided to leave because of me not feeling okay and understanding my feelings at the time, I opted to leave

the premises, right? Just to say goodbye to anyone, as if there was nothing happening. And I was with a friend, it was in one of the golf estates here in Pretoria North, in Akasia, to put it straight. Then, when I left the premises on an exit gate, that is where we were shot at. Unfortunately, my friend passed on. I survived through getting out of the vehicle, I ran out for my safety.

Then, I survived to the hospital. Four or five days later, I asked for an early acquittal from the hospital so that
10 people must not follow me from the hospital. Subsequent to that, we had a meeting as an organisation as to why I was shot, because when I was shot, the person who shot me, I saw him. He was one of the Msibi's alliance. Therefore, I needed an answer as to I saw this particular person, can he just explain why he shot at me? Because, at that time, I did not suspect anything.

Months passed, everything went okay. On this particular evening, in my house, the meeting was held. Then, Mr Msibi announced to me that the matter that is here
20 is not a taxi-related matter. It is my matter outside there. Therefore, it is not a taxi-related matter. He is out of my life. Reading from those statements, I could see that danger is coming. I decided to flee the taxi industry and go for a trucking business. As to how so simple is all that, during my time when I was recovering, my friends that I had

during the network, who had been advising me, left and right, as to, I need to exit this dangerous place and try something else.

For sure, one of them helped me to get a connection of the truck business. Then, I went to truck business. Solemnly so, I worked in the truck business for almost three years. Then, therefore, I was out from the taxi industry. It just happened, after three years, we encountered recession. When we encountered recession,
 10 the business was not doing well at all. Then, in my mind, the taxi industry came into place.

As to how am I going to go back, it was the mammoth task, I must say. But I had a strategy. I put my frustration into the media, so that they can hear it loud. It was the first week and the second week of Sunday World that assisted me that the government must intervene. Yes, for sure, through that noise, the government intervened. The meeting was held in the Department of Transport here, with all stakeholders invited. There was the Registrar for
 20 Gauteng was there. The industry representatives were there.

In that meeting, I was allowed to come back. And what make me ...[intervenes]

ADV CHASKALSON SC: Sorry, was Mr Msibi at that meeting?

MR SIBANYONI: Yes, he was there.

ADV CHASKALSON SC: And he...?

MR SIBANYONI: I pointed him outright in that meeting, that I am not operating just because of him. Therefore, so that the politics within the taxi industry must be directed to him or me, that is it, nobody else. Then, with that approach, the meeting ended up that I must come back to operation. And what made me to be comfortable coming back at the time, though it was dangerous, most members of the organisation
10 were no more there. Therefore, there was no danger for me. It was for a matter of me concentrating on one person or two, that is it. That is why I decided to come back.

ADV BALOYI SC: When you say most members were not there, is it that they had exited or they had been killed?

MR SIBANYONI: They had been killed, ja.

ADV CHASKALSON SC: And you say you were able to identify the shooter?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: And did you lodge an attempted
20 murder case?

MR SIBANYONI: The attempted murder case was there automatically so.

ADV CHASKALSON SC: And did you give a statement to the police?

MR SIBANYONI: No, I did not give the statement.

ADV CHASKALSON SC: Why not?

MR SIBANYONI: I was afraid of Mr Msibi at the time. And it is not that I did not give a statement, not give a statement to the police, but to them I told them what I saw and what I think did happened. But I did not go to the police.

ADV CHASKALSON SC: Sorry, to whom did you...

MR SIBANYONI: At the time...

ADV CHASKALSON SC: You say, I told them what I saw and what happened.

10 **MR SIBANYONI:** Ja, it was the executive of the association.

MR SIBANYONI: The whole executive?

MR SIBANYONI: The whole executive.

ADV CHASKALSON SC: The executive of SANTACO?

MR SIBANYONI: No, no, our local operation.

ADV CHASKALSON SC: And who was on that executive? Was Msibi one of the members of the executive?

MR SIBANYONI: Msibi was there, ja, Msibi was there.

ADV CHASKALSON SC: And is that person who shot you
20 still alive today?

MR SIBANYONI: No, no, he is not alive.

ADV CHASKALSON SC: Are you able to mention his name?

MR SIBANYONI: I will remember it just now as we talk, but I know his name very well.

ADV CHASKALSON SC: And you know his relationship to Msibi?

MR SIBANYONI: Yes, he was a very close person to him.

ADV BALOYI SC: This meeting, Mr Sibanyoni, this meeting, did it include law enforcement officers?

MR SIBANYONI: No, no, that one did not. The law enforcement was only for me coming back.

ADV BALOYI SC: Yes, I mean that meeting, in that meeting.

10 **MR SIBANYONI:** Yes, the law enforcement was there.

ADV BALOYI SC: And at what level of seniority did you have people there?

MR SIBANYONI: I think the highest person in government was the Registrar of Gauteng.

ADV BALOYI SC: Okay, I have never heard of that title. Is that someone in transport, someone in Transport Department?

MR SIBANYONI: In transport, yes, ja.

ADV BALOYI SC: Okay. And from the police?

20 **MR SIBANYONI:** It is now called PRI, I think. The Registrar, I think, now it is called PRI, yes, ja, and from the police?

ADV BALOYI SC: Yes.

MR SIBANYONI: Although I could not identify them one by one, but for the mere fact, the Department of Transport is

here in town. Up there, there is the office of the police. So I consulted with them prior to the meeting so that they must come and give assurance of the movement of the meeting and making sure that I am part of the meeting, so that I can also divulge what I need to tell them, so that they can understand the broader spectrum of the industry.

ADV BALOYI SC: Yes.

MR SIBANYONI: And for me, doing that action made me easy because it was not difficult for me to mention that it is
10 him who has taken me out. Therefore, he was supposed to respond on that allegations. Then the end result was I must come back to the operation. But it was Commissioners, Police Commissioners, at that level.

ADV CHASKALSON SC: A provincial Commissioner?

MR SIBANYONI: No, National Commissioner. Their offices are here, the Department of Transport.

ADV CHASKALSON SC: So you had engaged with the National Commissioner around this issue before you had the meeting with the Department of Transport?

20 **MR SIBANYONI:** Not particularly the Head of National. You have got Commissioners within the stages of the police force. I am quite aware with that Commissioner that I was speaking to. He is a Commissioner. His title is a Commissioner.

ADV CHASKALSON SC: And who was that police officer?

MR SIBANYONI: Come again?

ADV CHASKALSON SC: Who was that Commissioner?

MR SIBANYONI: I have just forgotten the name now, but I can get the name because I was used to communicating with him at the time. But it was a Police Commissioner. And while I was having to communicate, I had a friend, the late Commissioner Molapo, who assisted me with the level of putting that matter to the Commissioners. Hence, I got to talk to the Commissioners.

10 **ADV CHASKALSON SC:** So after you returned in 2009, were you... well, it was not in 2009. It would have been later because you had withdrawn in 2009.

MR SIBANYONI: It can be nine.

ADV CHASKALSON SC: It was 2009.

MR SIBANYONI: 2009, ja.

ADV CHASKALSON SC: Did you have a relatively peaceful time in the industry going forward from 2009 for some years?

20 **MR SIBANYONI:** Not at the beginning of 2009. As years goes by.

ADV CHASKALSON SC: And what did you encounter at the start of your return in 2009?

MR SIBANYONI: Okay, at the taxi rank, sometimes you will be allowed to operate with three or four vehicles. So at the time of my exit, I had 20 vehicles. So coming back under

those circumstances, I was only allowed to operate with four vehicles, of which for me, it was one leg inside. I agreed to that. But I took the matter to Court to fight for the remaining 16 vehicles. I took the matter to Court here in Pretoria. Then the matter was heard.

On the verge of an order being given, because me supplementing my request for the Court to intervene, for me, I had all the facts because I had licences for the vehicle. I had documentation and recommendation letters
10 from the association. I had permits for the vehicle. Therefore, for me, it was easy a winnable case outside the politics of the taxi industry.

ADV CHASKALSON SC: Can I just, before you continue, who were the respondents? Who were the people who were preventing you from operating with more than four vehicles?

MR SIBANYONI: At the time, I mentioned him as well. The executive, when you write to an association doing an application, you name all the executives of those associations. And I added up his name on top of that.

20 **ADV CHASKALSON SC:** So the people saying you can only have four vehicles, was that the executive of the association and Msibi?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: So ...[intervenes]

ADV BALOYI SC: Sorry, Mr Chaskalson. And this, you

being permitted to return, but only four vehicles, was that said and agreed to in a meeting that has the state officials?

MR SIBANYONI: Correct, yes. And I even raised it up to them that I am not satisfied. And hence, I also indicated to him, that officer, that I am taking this matter to Court. But for the mere fact that one leg is in, for me, it was better than nothing. Hence, fighting for the Court to solve my issues.

ADV BALOYI SC: Thank you.

10 **ADV CHASKALSON SC**: And what then happened? You start off, you are getting to the point of winning this case, and does the case settle?

MR SIBANYONI: Then, on the day when the matter was heard, the Court, their defence, asked for a postponement of that order, citing his reasons, though it was almost evidently to show that the order was going to be given. He forcefully asked for the postponement based on his own reasons. Then the Court gave him that, allows that the matter can be postponed, maybe for three or four days, so
20 that the order must be given.

Just after that, two days after that, I got a call from Msibi, that we need not to take this route. Can we just sit down and talk this matter over? Unlike the Court deciding for us. I agreed to that. The meeting was held in Durban. Then we had to agree that I must come back, full force,

forcefully so, with my own particles and happy I was. Then I got back to operation. Up until now that I was taken out again on operation. Therefore, that sequence, I understand it very well. To be in operation and not to be in operation.

ADV CHASKALSON SC: And this meeting at which he agreed that you could come back in full operation, when did that take place?

MR SIBANYONI: That is in the same year. It can be the same year, but I will never remain, I will never agree with
10 the date. But same year, towards the end of the year. The Court maybe it was in June, July. Same year, August, then we went to meet in Durban.

ADV CHASKALSON SC: And was there any reason why you met in Durban? Were you involving National Taxi Association?

MR SIBANYONI: No, it was just a venue. Because he also said he was not safe. He also said to me he was not safe. Then let us go to a neutral venue.

ADV CHASKALSON SC: And how did your relationship
20 develop with Msibi after that? This is 2009.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: You have come back into the industry. Your statement jumps to about 2019. What happened in the ten years in between?

MR SIBANYONI: So, me coming back after that, I have

mentioned that a lot of people were no more there that forced me out of the industry in 2006 and 2007. So, me coming back as an operator, he asked me to be his assistant, because no more senior people are in the industry. I accepted that. Then, as you normally meet and talk and move the industry forward, we developed a kind of a friendship.

And I was given some specific task and the task that I loved more was taking care of the widows that we had
10 at the time. There were many. I took that task upon myself as to how I must make their life better. Which was the task that I did up until 2019 or early 2020s. And some other engagements within the taxi industry. I was there in terms of making sure that there was peace in the industry where I could assist.

ADV CHASKALSON SC: And then if you can go back to your statement, paragraph 92, you talk about the lead up to the second attempt on your life.

MR SIBANYONI: Should I read it out again?

20 **ADV CHASKALSON SC:** Yes, please.

MR SIBANYONI: Ja. Number 92.

“The circumstances leading to the first attempt on my life and the events that escalated towards the 2022 attempt are deeply intertwined. In and around 2019, as

Mr Msibi approached 60 years of age, he communicated to me that the mutual agreement we had made in good faith to the effect that each of us would retire from the industry upon reaching 60 years of age, was no longer operative. His words, as I clearly recall them, were to effect that this is the taxi business, we die working. I received those words not merely as a
10 change of plans. They were spoken by a man who had years earlier already sent people to kill me.

In that context, we die working was not simply an expression of commitment to the industry, it is communicated with unmistakably implication, a changed disposition towards me that agreed upon in terms of our co-existence were being
20 unilaterally revoked and that the protection I had understood to exist within the framework of our mutual agreement could no longer be assumed. I received those words as a communication of renewed and escalating danger.”

ADV CHASKALSON SC: So, can I just stop there? You

say you and Mr Msibi had previously had an agreement that you would each retire at 60?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: And did you expect to succeed Mr Msibi when he retired before you?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: And then as he approached his retirement age, he decided he did not want to retire?

MR SIBANYONI: Correct.

10 **ADV CHASKALSON SC**: And when you talk about the framework of your mutual agreement, did that agreement encompass anything more than he was going to retire at 60 and you would succeed him? Was there anything, I mean, what was this mutual agreement you are talking about?

MR SIBANYONI: As I came back to come and assist, working closely with him, we become friends. Though he was a little bit older, we became friends. Then, therefore, as we plan, we need to have an exit plan because the industry is not a nice place to be. You cannot live and die
20 within the industry. Therefore, as friends, as we were speaking, we agreed that we cannot die being in the industry through the barrel of a gun.

Therefore, what the plan was, which age do I think can fit us both? We came to agree that 60 years would be a very fair age, whilst you are still energetic, now you can

start travelling the world, you can start engaging other people outside of South Africa, Africa, and the whole world. That age even suits me better at the time we agreed upon that. But it was a verbal agreement, which at the time, as friends, we can agree upon that. It is normal.

ADV CHASKALSON SC: And that was the extent of the agreement?

MR SIBANYONI: Yes, ja.

ADV CHASKALSON SC: That he would step down at 60,
10 you would take over at that point?

MR SIBANYONI: Yes, ja.

CHAIRPERSON: Sorry. I do not quite see the escalation of danger from his words. This is the taxi business. We die working. Why is it that those words merely meant that he no longer wanted to retire? Where is the escalation of danger to you in particular in those words?

MR SIBANYONI: Ja, I offered an alternative to his words, that if he is not retiring, can I retire then? I offered that to him. Then he simply said no to that. Then it triggered me,
20 that thing. Why should I, when I want to retire from within this space, should I not be allowed? How also does this happen? If you retire, it does not mean that you stop operating. You just retire from the point of influence, from the point of having meetings of the taxi industry. You take a step back, so that you continue to just enjoy your life.

Because once you become a leader in the industry, your normal life stops. Your day-to-day life stops. You travel a lot, you sleep outside, you are into making decisions that are not favourable to other people. Therefore, you always make enemies directly and indirectly so. Therefore, for me, it does not sound good when it comes to that.

At that point, I just needed to retire and live my life with my family, like any other person after that. So, him not
 10 allowing me to retire, after he said we witness die here, triggers a lot to myself, that it cannot happen like this. I cannot foresee something ten years ago and come again and renew it now.

CHAIRPERSON: Unless you explain more. If you say to him, if you are not retiring, I am retiring, and he says, please do not, I am working very well with you, please do not.

MR SIBANYONI: No, it was not nice.

CHAIRPERSON: So you have not explained that, though,
 20 so that is why I still do not see the escalation of danger, escalation by him towards you.

MR SIBANYONI: Okay. It was not nicely outspoken to me. I can give an example, Commissioner, maybe you are giving me a question about that. I will just repeat as if it is him talking to me now.

CHAIRPERSON: Please do, please do.

MR SIBANYONI: Okay, here we are now. Brother, I think as we have agreed, we are now closing to your retirement. Do you have anything that we can talk about it? Because we have been talking about it, so now it is coming closer. That is him responding to my statement. What do you mean? I taught you the ins and outs of this industry. Now you are putting it back into my face, that you want to retire. You will retire after me being retiring. This is the taxi
10 industry, Papa. Do you get what I am saying?

So he was putting, I was a little bit frightened. I could hear him, what he means that. Therefore, those words on its own, and the facial impression about him uttering those words were too dangerous to me. And from that instance, because we were nice in talking about that, if you were to get in, into where we were talking, you will be convinced that I swear at him. But knowing me talking to him in that way, I could see now that things will never be the same.

20 Because the year is coming now, then I must still be here. Then I must start thinking the other way around. And I offered this gently so, because maybe he feels energetic, let me then retire. Me retiring means I will leave my vehicle operating and go enjoy my life outside, outside the taxi industry.

ADV BALOYI SC: Ja, it is still trying to understand that conversation and what you made of it. If you are to offer an opinion, why would he not have wanted you to retire if that was your wish and he was tying you down to the industry in the way that you understood him?

MR SIBANYONI: It triggered me back to 2006 and 2007. It triggered me exactly to that point, as if I see 2006-2007 coming again. And why so coming? Because within our space, me coming back, a lot of taxi owners were no more
10 there. I was the only person senior to him in terms of operation. Hence, I am explained my years of being a taxi owner in the industry. Even as we speak, you will find that I can say 2 percent of the ownership of the people of the industry are my age and the experience we have got. But 95, 96, all of them, they are new. I am not sure whether you get me, Commissioner.

ADV BALOYI SC: No, not quite. I guess it is trying to understand whether him not wanting you to leave the industry is because – well, not to leave your leadership
20 position, because I understand it to be about leadership position. Him not wanting you to leave the leadership position, did you consider him to be setting you up for harm?

MR SIBANYONI: Yes.

ADV BALOYI SC: And to what end? Why would he, in

your thinking then, and what you knew at the time, why he would have wanted to set you up for harm instead of letting you leave according to your wish?

MR SIBANYONI: Ja, Commissioner, it is me alone, thinking whilst we are talking with him, the tone and the expression that it gives unto me, automatically taking me back to 2006 and 2007, as to this is the beginning of another war that I will never survive. Therefore, I must come up with a plan as to how do I move out of this. But me not showing him
10 that I am sensing something is coming.

ADV BALOYI SC: Did you think that he may have been thinking your leaving, if you left, you would go and set up something which is competition with him, and he would rather, therefore, have you inside, so to speak. Then you are saying, I am retiring, and then he runs the risk that you would go and be a competitor in something else that he is involved with.

MR SIBANYONI: Yes, he knows exactly when I say I was retiring, I was retiring for sure, because I would map out my
20 way forward so that I do not participate anymore. Not even with an inch, I am not participating, ja.

ADV ABRAHAMS: Commissioner Baloyi, Chairperson, may I be of assistance to, may we be of assistance to the Commission? Perhaps Mr Sibanyoni must be given an opportunity, and I know what the Commission is trying to

establish from him, and the nexus that the Commission wants him to draw for the benefit of this Commission. I think it would be prudent, and if one reads further on, and there are a few things that are not in his statement, perhaps Mr Sibanyoni can speak about the transition of Mr Msibi from his residence in Pretoria to the farm, which was from 2019 to early 2020.

CHAIRPERSON: May I say this? Please be careful, though, not to, in your suggestions, to at the same time
10 suggest answers to Mr ...[intervenes]

ADV ABRAHAMS: Not at all.

CHAIRPERSON: Please, it is a very thin dividing line.

ADV ABRAHAMS: Absolutely, I appreciate that.

CHAIRPERSON: It may not be intended. I am not suggesting that it is intended.

ADV ABRAHAMS: Absolutely, and I appreciate that, and I am very cognisant of that and I do not think Mr Sibanyoni has a problem with me assisting the Commission in this regard. Perhaps he can talk about that, and the nexus will
20 then come to fruition with regards to further discussions between himself and Mr Msibi in relation to the very issue in which that genuine belief, the genuine belief of further belief of fear had been instilled, the genuine belief that his life was in danger. Perhaps maybe he can talk a bit about that.

CHAIRPERSON: But are those facts that are around the same incident of the announcement that Mr Msibi was no longer retiring?

ADV ABRAHAMS: Absolutely.

CHAIRPERSON: Because we are asking questions that relate to that conversation.

ADV ABRAHAMS: It is pertinent.

CHAIRPERSON: And Mr Sibanyoni's belief that there was now, after this statement by Mr Msibi, there was now an
10 escalation or renewed danger.

ADV ABRAHAMS: Absolutely.

CHAIRPERSON: Because if it is facts at a later stage, those will not necessarily answer the questions we are putting to Mr Sibanyoni. You get my point?

ADV ABRAHAMS: I appreciate it very much, Chairperson.

CHAIRPERSON: Yes, yes.

ADV ABRAHAMS: And it is very much correct because there is an intrinsic link to that conversation that took place between Mr Msibi and Mr Sibanyoni and on that very day
20 and subsequent events that followed immediately thereafter, it is intrinsically linked. One cannot separate that meeting, that discussion that took place between Mr Sibanyoni and Mr Msibi, which instils the fear.

CHAIRPERSON: You see, I understand you refer to other issues which, from what you say, appear to have been at a

later stage. But, of course, you do also say there is something or there are facts that were on the same day.

ADV ABRAHAMS: Yes.

CHAIRPERSON: I would understand only the latter. But subsequent events, I would understand if you were to say, and this is further supported by... But that is not the point Mr Sibanyoni is making. Mr Sibanyoni says, I was told by the late Mr Msibi that he is no longer retiring in this industry. We die working. That is what he said. And then
10 he says, from that I deduced that there was an escalation of danger from him towards me.

ADV ABRAHAMS: Absolutely.

CHAIRPERSON: That is why we are engaging him. And that is why I say your point will only make sense to me if it is around that same discussion, nothing later or on some other day. Do you see what I mean? Because there is a definite conclusion founded specifically on the utterance.

ADV ABRAHAMS: I understand. And, you know, I stand by the position that I have taken and the submissions that I
20 have made. There is an intrinsic link on precisely the same issue. You know, it is all events that happened on that day that has a consequential effect. And perhaps let us allow the witness to talk about it. It seems my colleague wants to take the Commission into confidence and make a submission. With your leave?

CHAIRPERSON: That does not normally happen and I would imagine that your junior should be in a position to state what she would want you to convey.

ADV ABRAHAMS: May I with you leave?

CHAIRPERSON: Yes, please, please.

ADV ABRAHAMS: Thank you. We are most indebted to your indulgence, Chairperson.

CHAIRPERSON: Yes, yes.

ADV ABRAHAMS: And perhaps let us allow the witness,
10 let us allow Mr Sibanyoni then maybe to explain the full extent of that engagement with Mr Msibi and I am sure the picture will become all the more clearer. Thank you for the opportunity, Chairperson.

CHAIRPERSON: Thank you, thank you. I will ask this of you, Mr Sibanyoni, from what you say in paragraph 92, it seems, in fact it is quite clear, it is quite plain, that your inference that there was renewed and escalating danger, that inference comes only from the fact that Mr Msibi had now said, he had gone back on his undertaking to retire
20 when he turned 60 and the manner in which he responded to you when you said, if he did not retire, then you were going to retire. That is all you have told us.

MR SIBANYONI: Correct.

CHAIRPERSON: And that is all we understand to have caused you to draw this inference, the inference that there

was now renewed and escalating danger. Is there anything else that caused you to draw that inference on that day? On that day?

MR SIBANYONI: Nothing more or less on that day. For me, my decision from that day, I will start moving back, not cooperating as normal. Because at the very same time, that was 2019, Commissioner, and in that space of our communicating, at the time he was buying a farm. So therefore, for me, it tells a lot when you cannot agree, there
10 is a farm in between, I cannot retire, a lot is coming to my mind.

CHAIRPERSON: Okay, now let me ask the next question. Your counsel, Mr Abrahams, said there is something in addition to the basis for you drawing this inference, there is something additional to that, which, based on what you have just said now, must be something that happened on some other day. What is it that happened on some other day that buttressed the inference that you had drawn?

MR SIBANYONI: Commissioner, I have just mentioned that
20 he is now buying a farm in the mix of things we are not agreeing. He is buying a farm far away from Pretoria. And our fundamental business is here in Pretoria. If we were to leave to another place one hour away from here, it is going to be difficult for me and him to operate based on that distance.

Therefore, knowing him back in 2005 and 2006, me leaving Pretoria, always travelling to his farm, was going to be dangerous for me. Then what I need to do is to start not meeting him regularly, as we used to. Yes, we would meet, but no more regularly because we were at the centre of the tax industry. Our daily meeting at almost was 99 percent. Therefore, I must start reducing that, no more callings at night, no more leaving my duties to attend his duties and just start to be try to be protective at all costs.

10 The only way for me to protect him, to be protective, was only to do that. No more being with him. Start doing my own thing separately so for my own safety.

CHAIRPERSON: So what you mean is that travelling between, was it Pretoria?

MR SIBANYONI: Yes, and the farm.

CHAIRPERSON: Exposed you to the risk of physical harm.

MR SIBANYONI: Correct, ja.

CHAIRPERSON: All right, okay. Anything else?

MR SIBANYONI: No.

20 **CHAIRPERSON:** Thank you. Yes, Mr Chaskalson.

ADV CHASKALSON SC: You speak in paragraph 93 of Mr Msibi stripping away your responsibilities as second in command, and marginalising you within the organisational structure. Can you give us some details of that?

MR SIBANYONI: I have mentioned already that I was in

charge of making sure that the widows of our organisations are taken care of. It is a weekly... it is a daily work anyway to do it. So it needs someone who is operative every day in making sure that whatever promise we promise, to deliver for all the widows. And subsequent to that, the elders of the industry must be taken care of. So it was my primary responsibility of making sure that there are no complaints in that regard.

ADV CHASKALSON SC: And was this taken away from
10 you?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: And when was that, and to whom was it given?

MR SIBANYONI: Beginning 2020.

ADV CHASKALSON SC: Who succeeded you with that responsibility?

MR SIBANYONI: No, no, no, no one. He took it upon himself.

ADV CHASKALSON SC: So he then took it back.

20 **MR SIBANYONI:** Yes.

ADV BALOYI SC: I just want to out, these positions, your, Mr Msibi's and yours, including the one that, the responsibility that eventually get taken away from you, were those elected positions?

MR SIBANYONI: No, his was not elected. His was not

elected. Okay, let me say at the time, it was not an elected position, yes, I was assisting someone elder as an experienced someone else. So therefore, the position that he was, it is a position that it is not going into election processes now and then. But by the time when he was in power then, that was 27 years ago, he was elected.

ADV BALOYI SC: He was elected and then he stayed on?

MR SIBANYONI: He stayed on, yes, ja.

ADV BALOYI SC: Okay. Thank you. The Chairperson
10 says he became a traditional leader. [Laughter] Thank you, Mr Chaskalson.

ADV CHASKALSON SC: Did you have any elected position within the association at that stage?

MR SIBANYONI: No, you are still there, 27 years.

ADV CHASKALSON SC: Yes, but I mean there is a whole exec. Did you have any formal elected position?

MR SIBANYONI: Okay, it differs this way. On local association, the local association that belongs to the organisation where I am the President now, there are
20 elective processes in line with the constitution of SANTACO. But in the position where you are an executive of SALBA [?], it is once, it moves on. Like the Chairman has said, it is a tradition kind of situation.

CHAIRPERSON: No, please. This was for Commissioner Baloyi's ears only. I will be in trouble with traditional

leaders. And it was said in jest.

ADV CHASKALSON SC: So we have established that the position does not give you any status within COGTA, but does it have, I mean, is – I am struggling to understand, did he engage you, as it were, privately as his assistant while he occupied that position?

MR SIBANYONI: Ja, it is easy to do that. Like me coming back within the taxi industry, as people were coming in for consultation with their problems of whatever, he would just
10 inform them that in my absence, Joe Sibanyoni is there.

ADV CHASKALSON SC: So you were essentially an assistant to him?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: Then in paragraph 93, you talk about the lockdown and you distancing yourself from Mr Msibi. What was that distancing beyond deciding that you were not going to commute daily for meetings at the farm?

MR SIBANYONI: Ja, the order of COVID-19, when it started, no one was visiting anyone. It was a national
20 order. So for me, it helped me a lot. Even if we can communicate, we cannot see each other. And the COVID lasted for quite a number of years. So for me, it became the buffer. Always it is the reason, because there is COVID.

I mean, when there is COVID, obviously there is

danger. I can come visit you, I inherit COVID, I go back to my family, then there is danger. Therefore, for me, it helped me a lot. I used the COVID-19 reason as to the main reason of no more visiting him. Even when it gets relaxed, I also insisted that COVID is too dangerous, because every day you find in the news, a number of people are dead.

Therefore, you cannot force me to come see you based on those reasons. But at the back of my mind, I
10 know as to why I am doing that.

ADV CHASKALSON SC: And then you speak about a telephone call, where you confronted him about his attempt to assassinate you in 2006. Do you know approximately when that call took place?

MR SIBANYONI: It was a call during 2020. It is not me calling, it is him calling, because of me no more assisting him, no more coming close to him, only the telephone calls. Then in that call, as he was calling me, what he said was, you can see that nowadays I am playing a distant figure out
20 of him. Then yes, I agreed that yes, one reason was I mentioned COVID, but he did not take that lightly. It is like he did not take that as a reason, because we could take a mask and go visit, like life was normal that other way. But I refused to be closer to him.

Then number two, he asked me, what is it that I am

going to do, because if I am no more in contact with him or having a good relationship, I will not operate my taxis. Then I said, no brother, no, I will not operate, because it happened in 2006 and 2007. And I know that for a fact, I came back after 2006-2007, which was 2009, and operate. So I was putting it to him that he can repeat that as he wants, but come years later, I will come back and operate again.

And as to how will I come back at the time, I did not
 10 know, but what I said to him was, he must never call me again. So that we no more discussing these things of visiting one another or each other, and be in the space of a productive industry.

ADV CHASKALSON SC: So essentially, at that point, your relationship broke up?

MR SIBANYONI: Broke up, ja.

ADV CHASKALSON SC: Can we then pick up at paragraph 96, because you talk then about the involvement of Mr Matlala and Mr Molefe. Maybe if you can read paragraph
 20 96.

MR SIBANYONI:

“The events that followed that confrontation are significant and must be understood in their proper chronological context, following the telephone call in which I had

confronted Mr Msibi directly with the first assassination attempt. Mr Msibi substantially reinforced his personal security apparatus. He surrounded himself with individuals known in the taxi industry, in the criminal connotation of the term, as *izinkabi*.

10 Among those who Mr Msibi engaged for his purpose was Mr Cat Matlala, it was Mr Katiso Molefe. The Commission should note the sequence with care. The reinforcement of this security apparatus occurred immediately after I have confronted Mr Msibi with his responsibilities for the 2006 attempt. The deployment of armed men around him immediately after a direct accusation of attempted murder is not coincidental. It is preparatory.

20 The Commission need to accept the characterisation from me, the subsequent events speak for themselves.”

ADV KHUMALO SC: Please read it again. I think you missed the word not.

MR SIBANYONI:

“The Commission need not to accept that characterisation from me, the subsequent events speak for themselves.”

CHAIRPERSON: Sorry. Surrounding himself with the people that you referred to, was that out there for everybody to see or how did you?

MR SIBANYONI: Yes.

CHAIRPERSON: All right. Thank you.

ADV CHASKALSON SC: And you describe, if I read your
10 paragraph 93 correctly, you describe Mr Matlala and Mr Molefe as people known in the taxi industry as *izinkabi*. Am I reading it correctly? Is that what you are saying?

MR SIBANYONI: Repeat again.

ADV CHASKALSON SC: You say:

“He surrounded himself with individuals known in the taxi industry as *izinkabi*. Among those who Mr Msibi engaged for this purpose were Mr Vusimuzi Cat Matlala and Mr Katiso Molefe.”

20 So are you saying that Mr Matlala and Mr Molefe were known as *izinkabi* or they were contacted by Mr Msibi to procure *izinkabi*?

MR SIBANYONI: Ja, in addition to that, I add them both. There is a portion where it is *izinkabi*. In addition to that, you will find there is Cat Matlala in, you will find there is

Katiso in.

ADV CHASKALSON SC: And why, what is the significance of their involvement at this stage?

MR SIBANYONI: From what I read, through circumstances, was just a proper plan to attack me at that stage when I got those information. Because that information, as the Commissioner has just indicated, it was an open thing if you were to visit the farm. There was no secret about anything. If you were to visit there, you come whisper to me, I will
10 understand what you mean. And it was easy for me to get information, because all people that were visiting the farm were not in support of what was happening. So they were alerting me that they came up now. There is involvement of this one. There is involvement of this one.

ADV CHASKALSON SC: And what was the significance of the involvement of, well let us take Mr Molefe first. What did you understand when people said he is now bringing Mr Molefe close?

MR SIBANYONI: Ja, with Mr Molefe, I cannot be that much
20 specific because me knowing him, there was not any element of this kind. But with Mr Matlala, if you read, he is from Mamelodi and at the time people in Mamelodi were dying and everyone was talking about him. Therefore, him associating himself with Katiso, for me, it says the game is up.

ADV CHASKALSON SC: You said Katiso, you mean Mr Matlala?

MR SIBANYONI: No, Molefe. This was Molefe.

ADV CHASKALSON SC: So who was associating with Katiso?

MR SIBANYONI: Both.

ADV CHASKALSON SC: Msibi and Matlala?

MR SIBANYONI: It is Cat, it is Katiso, then at the top you will find Msibi. Then you will...

10 **ADV KHUMALO SC:** What is it about that trio specifically that made you believe that the game is up? What is it about the three of them associating that made you believe that the game is up?

MR SIBANYONI: Reading from what was happening in Mamelodi, people were dying every day in a big number and me reading the situation, this guy is from Mamelodi and there is a problem in Mamelodi.

ADV BALOYI SC: That accounts only for Mr Cat Matlala?

MR SIBANYONI: Yes, ja.

20 **ADV KHUMALO SC:** It does not account for Mr Molefe?

MR SIBANYONI: For Mr Katiso.

ADV KHUMALO SC: What is it about Mr Molefe that made you think ...[intervenes]

MR SIBANYONI: Yes, I am sorry Commissioner to come whilst you are still talking. If the number is getting big,

obviously arms are up. But if it was him alone, you will find a way of how to protect you. If it was Msibi alone at the same time, I know I have been living with him, running away from him because I even mentioned that I am going to hiding now. It was easy for me. But now having more people within the same situation, the game is too up.

ADV BALOYI SC: Can I just ask it differently? What at that point did you know about Mr Molefe? You have told us what you knew about Mr Matlala at the time, the Mamelodi
10 connection and the people dying. What did you know about Mr Molefe that made you see him as part of the machine against which you have to defend yourself?

MR SIBANYONI: Ja. At the time when, at the time when people were dying in Mamelodi, at the same time Soweto was in fire. There were a lot of people that were dying and Mr Molefe was from Soweto. When I connect my dots, then you could see that the game is up.

ADV BALOYI SC: In respect of those Soweto incidents of violence, did his name come up that you became aware of?

20 **MR SIBANYONI:** Ja, I became aware of this, yes.

ADV BALOYI SC: Thank you.

CHAIRPERSON: Sorry, sorry, Mr Chaskalson. Just one more thing. You see this deployment of *izinkabi* an end in addition to Mr Matlala and Mr Molefe. You see this as preparatory. I am looking at the sentence right at the last

line, that short, short sentence, it is preparatory, not just coincidental.

MR SIBANYONI: Yes.

CHAIRPERSON: And you then say that is borne out by subsequent events.

MR SIBANYONI: Events, ja.

CHAIRPERSON: Let me take you to the last two sentences of paragraph 94. There you say:

“It was at that point in the conversation
10 that I confronted Mr Msibi...”

And this was after he had asked you:

“Why have you disappeared on me?”

MR SIBANYONI: Yes.

CHAIRPERSON: So you say:

“It was at that point in the conversation
that I confronted Mr Msibi directly with the
first assassination attempt. I reminded him
without evasion that in or around 2006, he
had sent people to kill me, that I had been
20 shot and injured, and that I had survived.”

Why is it not the case that he surrounded himself with all these people because he feared you? You have just said, remember, you wanted to kill me in 2006. Why can it be so that he was protecting himself from a possible attack by you or from you? You just said, hey, hey, hey, remember, you

tried to kill me, but I was fortunate enough to survive. Why is that not so?

MR SIBANYONI: Commissioner, I think it is a vice versa situation. How so? If he surrounded himself with *izinkabi*, it was not a protection, it was an attack to me. I did not have anything at the time. I went strictly into hiding. Yes, so, and getting to know about *izinkabi* as a human being, I have got friends within the industry. You will hear them calling you that there is a bunch of people that are coming
10 to assist Mr Mswazi in Gauteng. And we understand that the fight is between you and him, please take care of yourself. Then you will find people at the same time that were visiting the very same farm on their way coming back from the farm that your name has been mentioned, take care of yourself.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: Now, you deal in, from paragraph 97, with the second assassination attempt. And I understand that, you know, this case is currently pending.
20 You are a witness for the prosecution and that you are going to testify probably next month.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: This month.

MR SIBANYONI: Ja, this month, yes.

ADV CHASKALSON SC: Ja. Not that many days left this

month. It is soon. The, what I do want to clarify, you talk about linkages of weapons. We have done our own, we have seen our own ballistics evidence here. And can I clarify with you what the case number of the assassination was? Is it the Lyttelton case number 167/08/2022?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: Thank you. You ask that for the sub judice principle, we do not go into the detail of that second assassination attempt.

10 **MR SIBANYONI:** Yes.

ADV CHASKALSON SC: So maybe we should pick up then on page 38, paragraph 100.

MR SIBANYONI: Paragraph 100.

ADV CHASKALSON SC: Paragraph 100. And there is a specific issue there. You talk, you say:

“In or around 2021 into 2022, Mr Katiso Molefe relocated to and established his criminal operations, specifically drug-related activities, at the farm owned by Mr
20 Msibi.”

Now, can you give us some more detail about this? What, what do you know about Mr Molefe's involvement in the drug industry, the illegal drug industry? What do you know about the activities that he was conducting from the farm?

MR SIBANYONI: Ja, Commissioners, remember at the time

I was not there, physically so. I would rely on the hearsay, I rely on the intelligence, at least to have a clue as to what is it that is happening. And at the same time, I know that when you get an information from a second person or the third person, the information can be infiltrated one way or the other.

Therefore, the information that why I was looking for, it was for safekeeping of my side as to, I must know, Commissioner, when I see you at the mall, for example, or
 10 when I see you in my estate, you are one of those dangerous people. Therefore, I needed that information day and night just to keep myself safe. So it is one of those informations that you will probably get, because it was of necessity for me to be safe.

ADV KHUMALO SC: This suggests that you knew for a fact that before this date, Mr Katiso Molefe was conducting these activities somewhere else, and then you were told that he moved them to the farm.

MR SIBANYONI: Yes, that was the...

20 **ADV KHUMALO SC:** Just take us a step back, you knew that he was involved in these activities, and then presumably somebody would have told you that those activities have moved to the farm.

MR SIBANYONI: Okay, I will put it in two folds. Why people were dying in Soweto, why people were dying in

Mamelodi. I am a very concerned citizen, and at the same time, I am in danger, and these people have colluded. So the information that I was digging or the information that I happened to get is related to the same thing. In Mamelodi, you will find people telling you about Dagga, something like that, or Elisit, something like that. In Soweto, you will find the same people telling you about that.

10 Their names are mentioned within that space, and now they have colluded with this man who is fighting me, and who used to fight me. Then you read between those lines and get a better understanding. If you are hiding in a house that has got no burglar proof, put another burglar proof. Something like that. If you happen to drive your car, armour your vehicle.

That was the danger at that point, and to a certain extent, even if I was shot at, but to a certain extent, I can take it that it helped me because between 2020 and 2022, it tells you that I was able to evade that space, but it was on that unfortunate day that they happened to catch me.

20 **ADV CHASKALSON SC:** But it is quite a specific allegation that you are making. You are saying Mr Molefe relocated his criminal operations, specifically drug-related activities, at the farm. On what basis do you make that allegation?

MR SIBANYONI: Ja, I have made it clear, Commissioner,

that all those two bases, it was a hearsay, all those two, but I connect those two incidents. People are fighting, people are dying, and they are now in one space, and that space is specifically directed to me. It was better if one was operating from his own space, and the intelligence that was coming to me, you get an intelligent, Commissioner, that is live.

It is easy for you to get an intelligence that is live from the farm. Brother, I am here by the farm, I see this
10 one, I see this one, I am just worried about you. Where are you? Then I will say, I am in the hiding. Thank you so much.

ADV KHUMALO SC: Mr Sibanyoni, in this Commission, there is a name that people have mentioned. I do not know, maybe they do not fear this person, but when it is him involved, people have found it easy to say. I have heard it from Sergeant Nkosi. He is the one who told me this. Is he the source of your information?

MR SIBANYONI: No.

20 **ADV KHUMALO SC:** On this specific issue.

MR SIBANYONI: No.

ADV KHUMALO SC: Okay.

ADV CHASKALSON SC: But did anyone specifically tell you that Mr Molefe is drug trafficking operations from the farm, or is that just something that you inferred from the

fact that you were told that he was at the farm?

MR SIBANYONI: Repeat again, sir.

ADV CHASKALSON SC: Did anyone specifically say to you, Mr Molefe is now running drugs out of the farm?

MR SIBANYONI: No, no, not at all. And even that Cat Matlala is running a drug-related business, the direct information I did not get. But as a citizen, I would hear that, that this one is operating like this, this one is operating like this.

10 **ADV KHUMALO SC**: I still have difficulty because in this paragraph you say ...[intervenes]

MR SIBANYONI: Which paragraph, Commissioner?

ADV KHUMALO SC: Paragraph 100, Mr Sibanyoni.

MR SIBANYONI: Okay.

ADV KHUMALO SC: Midway, you say in or around 2021 and into 2022. And you do not say I was told or I heard. You say:

20 “Mr Katiso Molefe relocated to and
 established his criminal operations,
 specifically drug-related activities at the
 farm owned by Mr Msibi.”

So you are stating that as if it is something that you know personally. And that is what we are trying to clarify. Do you know this personally or did somebody else tell you? And if somebody else told you, who is that person?

MR SIBANYONI: Somebody told me, to be precise, because 2021, 2022, I was completely not there.

ADV KHUMALO SC: So let us take it that somebody else told you.

MR SIBANYONI: Yes.

ADV KHUMALO SC: Are you prepared to tell us who that person is?

MR SIBANYONI: It is an easy thing to do because I am trying to assist the Commission as well, ja, it is just the
10 unfortunate part, it was my chairman at one of my associations, and he has passed on recently through natural death. Ja, he was a close confidant to myself.

ADV KHUMALO SC: All right, thank you.

CHAIRPERSON: I see it is two minutes past one. Should we not take the adjournment at this point?

ADV CHASKALSON SC: I think that would be convenient, Chair. Thank you.

CHAIRPERSON: Let us adjourn and resume at 2 p.m.

INQUIRY ADJOURNS

20 **INQUIRY RESUMES**

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Thank you, Chair. Mr Sibanyoni, paragraph 104, you are talking again about the attempted murder case, so I would like to leave that for now. But from paragraph 105 on page 40, you talk about a meeting with

General Mkhwanazi, and maybe if you can read from paragraph 105? Page 41, paragraph 105.

MR SIBANYONI: Yes, paragraph 40, number 105:

10 “The meeting that I now address is, in my
respectful submission, one of the most
significant matters before this
Commission in or around April 24,
following the passing of Mr Jothan Msibi.
I met with Lieutenant General Nhlanhla
Mkhwanazi. The meeting was not sought
by me. It was initiated by General
Mkhwanazi himself through Sergeant
Fannie Nkosi, who contacted me on
General Mkhwanazi's behalf and made
the specific arrangements for the
engagement. The meeting took place
during a period of significant instability
following Mr Msibi's death, a period in
which the Taxi Industry faced renewed
20 violence and a dangerous vacuum of
leadership. General Mkhwanazi, acting
in his official capacity as a senior officer
of the South African Police Service,
understood the significance of the post-
Msibi environment and sought to engage

with the senior industrial leader who had knowledge of the dynamics that were producing that instability. The specific subject matter of the meeting was the status of approximately five to six taxi violence cases in which criminal investigations had been concluded, but in respect of which prosecution had either been declined or well stalled at the level of National Prosecuting Authority. These were not hypothetical concerns. There were specific documented matters that I had been pursuing without success for an extended period.”

Number 107:

“Among the matters I discussed with General Mkhwanazi was the deployment and threat posed by what the industry refers to in its criminal connotation as Izinkabi, contact killers, who had been active within the taxi industry during the period from 2023 backwards. The Commission must understand with precision the character of that discussion. I was not a person who

deployed Izinkabi. I was a person who had been targeted by them twice. The discussion I had with General Mkhwanazi about Izinkabi was the discussion of a victim who had survived being targeted by the contact killers, who was reporting the ongoing and dangerous deployment of those killers, and who was pressing a senior law enforcement official to do something about it. That is not the discussion of a person employing assassins. It is a discussion of a person who had barely escaped with his life, who had watched colleagues being killed, and who was demanding accountability from the very authority constitutionally responsible for providing it. One cannot adequately convey the significance of the quality of engagement that General Mkhwanazi brought to that meeting. He listened attentively and completely. He asked questions. He took extensive and careful notes of every concern I raised. He treated every matter I brought to him as deserving of serious professional

attention. To a man who had spent years reporting terrorism to officials at various levels, including Minister of Police, who had responded with the moral equivalent of a shrug, General Mkhwanazi's engagement was qualitatively and materially different. It was the first occasion I record with candour on which a senior law enforcement official responded to my concern with diligence and commitment they deserve. The results, moreover, were tangible. Following General Mkhwanazi's engagement, there was a visible movement in the prosecution of the specific cases raised. There was a measurable reduction in the intensity of taxi killing in the period that followed. I do not claim, and would not be entitled to claim, that General Mkhwanazi alone achieved those outcomes. I record them as observable results that followed directly from the engagement. This was not the relationship between a criminal and a compromised official. This was the

relationship between a persistent victim who had spent years seeking justice and a law enforcement official who finally provided it.”

Number 110:

10 “It was I who raised this concern. It was I who used my access to the Ministers to press for accountability. General Mkhwanazi came to take extensive notes and to ensure that every issue I raised was fully and properly addressed. In fact, after General Mkhwanazi's engagement, there seems to be a visible movement on both prosecution of cases and the ease in taxi violence. I add emphatically that I was the one demanding justice, not obstructing it. This context is not a minor footnote. It fundamentally reframes the relationship

20 between myself and senior SAPS officials as one in which I obvious in the survival of assassination attempts, the long-standing taxi industry leader, the citizen who contacted both Ministers, was pressing the system to prosecute those

responsible for taxi violence, not corrupting the system, not protecting criminals, pressing for prosecution.”

B5 ...[intervenes].

ADV KHUMALO SC: Mr Sibanyoni, before you go to B5, following the passing of Mr Msibi, did you succeed him in the leadership role? Remember where you had a falling out was because there was discussion about him retiring and you taking over?

10 **MR SIBANYONI:** Correct.

ADV KHUMALO SC: Following his passing in 2024, did you succeed him as the leader?

MR SIBANYONI: Yes, of course, and I will explain as to why did I succeed. Can I explain it now?

ADV KHUMALO SC: Unless it is coming later on, you might as well ...[intervenes].

MR SIBANYONI: No, let me explain it now. After the passing of Mr Jothan Msibi, I was contacted by the elders of the industry at my house. Now they are frustrated as to
20 who must take over and they understand my relationship and what transpired because for the past four years I was not operating. Then I said, okay, what is the problem then? Because I was not operating. All I was fighting for was my taxis to go back to operation. Even now, this is what I am requesting from you.

Then they said, no, we cannot go that way. You were the only person who was available. Then I advised them that it cannot just be a matter of you telling me in my house, then I assume the position. Can we go to conference? Then they agreed of a conference. I gave them the date of the conference, which was the first week after Good Friday, because I wanted them to have enough time and at the same time allow Good Friday to pass so that as we go pray, we must put this matter on line. So first
 10 week after Good Friday, it was my first AGM with the association and me voted in as the president of the organisation.

ADV KHUMALO SC: Just for the record, what is that organisation?

MR SIBANYONI: South African Local and Long Distance Taxis and Bus Organisation.

ADV KHUMALO SC: Thank you. And you remain to this day the leader of that organisation?

MR SIBANYONI: Correct, yes, and every year I go for a
 20 conference.

ADV KHUMALO SC: So there are elections every year?

MR SIBANYONI: No, no. AGM.

ADV KHUMALO SC: AGM?

MR SIBANYONI: Yes, ja. Just to renew the mandate as well and to map a way forward in a more democratic kind of

formation.

ADV KHUMALO SC: Thank you. B5 ...[intervenes].

ADV CHASKALSON SC: Sorry, Mr Sibanyoni. I do not want you to address B5 because, again, it is about the criminal trial.

MR SIBANYONI: Okay, thank you.

ADV CHASKALSON SC: But maybe if you can, in C, from page 43, you respond to specific questions about your relationship with six individuals. The first one at C1 is Mr
10 Msibi. We have covered most of that.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: The only point that I would emphasise that I am not sure that we have covered yet is paragraph 120 where you talk about two visits you made to the farm. In fact, you say you only went to the farm twice. Can I ask you in relation to that, whether when you went to the farm there was any sign of Mr Molefe or Mr Matlala or any drug business being dealt with from the farm?

MR SIBANYONI: Okay. Specifically on the first visit at the
20 farm, it was to see where the farm is and where does he stay, which is a normal practice. Someone that you work with, you normally want to know where he stays, something like that, so that when you communicate or when you visit, you must know that. That was late December, early December, so to put it.

Then after December, the taxi industry is so busy. I was busy doing my formal duties here in town, making sure that December is a busy time. Everything must just go well. Then the second visit was the following year, whereby the planning was how do we map the way forward now because the year has begun. In line with that, what are his requirements as to what is it that he wants to see happening? Me being the assistant to him, I must just make sure that even what I advise is in line with our duty.

10 **ADV CHASKALSON SC:** And there was no contact with either Mr Matlala or Mr Molefe on either.

MR SIBANYONI: No.

ADV CHASKALSON SC: So everything that you say about Mr Matlala and Mr Molefe is from what was reported to you by others.

MR SIBANYONI: Correct, ja.

ADV CHASKALSON SC: Is there anything else that you would want to add in relation to your relationship with Mr Msibi?

20 **MR SIBANYONI:** Not so far. I think I have covered all aspects.

ADV CHASKALSON SC: Then on page 45, C2, 123, you address Mr Motsumi. Maybe if you can read that paragraph?

MR SIBANYONI: C2, Mr Motsumi, paragraph 2.2.2:

“I know Mr Steven Motsumi. I met him through the late Mr Msibi in or around 2012 or 2013 at Msibi's premises in North Hill. Our acquaintance is a social one arising from our shared connection to Mr Msibi. There is no business relationship between us and no financial dealings of any kind between us.”

C3, Mr Katiso Molefe, paragraph 2.2.3:

10 “I know Mr Katiso Molefe. I have already met him as far back as 2016 and 2017 in Woodhill Golf Estate at Msibi's Woodhill home. I came to know him through the late Mr Msibi. I have met him a few times and have also met him at what I understand to be Mr Msibi's farm. Our acquaintance is social and arose entirely through the late Mr Msibi. There is no business relationship between us and no

20 financial dealings of any kind between us.”

ADV KHUMALO SC: Sorry, I thought when you were asked about the two occasions that you visited the farm, you said you did not encounter either Mr Matlala or Mr Molefe ...[intervenes].

MR SIBANYONI: Yes.

ADV KHUMALO SC: In the farm. So when you say here ...[intervenes].

MR SIBANYONI: This is Woodhill.

ADV KHUMALO SC: This is Woodhill, the farm?

MR SIBANYONI: No, no, it is Woodhill, Pretoria here, Pretoria East.

ADV KHUMALO SC: No, no, it says here I have met him a few times and have also met him at what I understand to be
10 Mr Msibi's farm. That is the part I do not understand.

MR SIBANYONI: I have met him a few times and I have also met him in what I understand to be – yes, that is an error maybe ...[intervenes].

ADV KHUMALO SC: Yes, so that is what confused me ...[intervenes].

MR SIBANYONI: Yes ...[intervenes].

ADV KHUMALO SC: What did you mean to say there?

MR SIBANYONI: Come again?

ADV KHUMALO SC: What did you mean to say there? Did
20 you mean to ...[intervenes].

MR SIBANYONI: No, I met him in Woodhill.

ADV KHUMALO SC: Yes.

MR SIBANYONI: Ja:

“Our acquaintance is social and arose
entirely through the late Mr Msibi. There

is no business relationship between us
and no financial dealings of any kind
between us.”

C4, Mr Ignatius Pheello Mthakathi, paragraph 2.2.4:

10 “I know Mr Ignatius Pheello Mthakathi.
My history with Mr Mthakathi is longer
and more textured than the connection
arising through the late Mr Msibi. I first
met Mr Mthakathi in approximately 1990
or ‘91 when we trained together at the
Health and Racket Club in Houghton. I
add that at the time I met with him, he
was a police officer at the time within the
Sandton precinct. We were friends who
socialised together in that period through
our shared team membership. A
friendship formed and solidified well
before I later encountered him through
Mr Msibi. I relocated from Johannesburg
20 to Pretoria in approximately 2002 or ‘3,
after which I lost touch with Mr Mthakathi
for several years. He resurfaced in my
life in or around 2015 or 2016 when I
encountered him at Msibi's home in
Woodhill, reintroduced by Mr Andrew Boy

Mthethwa. Since then, our relationship has been that of a long-standing friend and colloquially a brother, equally a brother. There are no business dealings between us. I know that I may at some point in the past have participated with Mr Mthakathi in the stokvel, a lawful and cultural normal savings arrangement in this country. That stokvel participation was terminated many years ago and carries no significance beyond what stokvel participation has always meant in South African community life.”

ADV BALOYI SC: When you met him again at Mr Msibi's home, was he still a police officer?

MR SIBANYONI: No, no. Not at all.

ADV BALOYI SC: Thank you.

MR SIBANYONI: I know Mr – okay, C5, Mr Andrew Boy Jabu Mthethwa, paragraph 2.2.5:

“I know Mr Andrew Boy Mthethwa Jabu. I met him through the late Mr Msibi at his home in Woodhill in approximately 1996/1997. I regard Mr Mthethwa as a long-standing personal friend and colloquially a brother. Our relationship is

entirely personal and social. There are no business dealings between us.”

6C, Mr Serge Cabonge, paragraph 2.2.6.:

“I know Mr Serge Cabonge, though not closely. My acquaintance with him arose through shared social gatherings and events in the entertainment scene in which our paths crossed over the years. He is a social acquaintance, definitely not a close friend and not a business associate. There are no business or financial dealings between us.”

D, business with the City of Tshwane and the TMPD, notice paragraph 2.3 and 2.4:

“I state this with absolute clarity. I have not done and do not do any business with the City of Tshwane or the Tshwane Metropolitan Police Department. None of the entities in which I hold or have held any interest, whether as a director, shareholder, member or beneficiary, has had any contract, service-level agreement, purchase order or other commercial arrangements with the City of Tshwane or TMPD, whether directly or as

a subcontractor. The subparagraphs of paragraph 2.3 of the notice requiring details of entity names, agreement duration, service natures and amounts received are not applicable. They do not apply because there are no such agreements and no such dealings.”

Number 132:

10 “I am aware that Gubis85 Solutions (Pty) Ltd, a private company which provides security services to me personally, may have provided services and in turn received substantial payments from the TMPD. I address my relationship with Gubis fully in Part E and I state here simply and clearly the fact that Gubis received payments from the TMPD does not mean that I received payments from the TMPD or that I have any business

20 relationship with TMPD. I am a client of Gubis. I am not a dictator, shareholder or beneficial owner of Gubis. I am not responsible for Gubis' own procurement dealings...” ...[intervenes].

ADV KHUMALO SC: Please Mr Sibanyoni, read the

previous sentence. I am not a director. So the second last sentence. So it says I am not a director, shareholder.

MR SIBANYONI: Okay:

10 “I am not a director, shareholder or
beneficial owner of Gubis. I am not
responsible for Gubis' own procurement
dealings. In response to paragraph 2.4
of the notice, no entity in which I hold or
have held any interest have received any
payment from a third party company in
connection with that third party's contract
with the City of Tshwane or TMPD. If
that has in fact happened, I have no such
information and I am not aware. No such
payments have been made to any
company of mine, directly or indirectly. I
deny categorically that any entity of mine
has been used as a conduit for funds
derived from the City of Tshwane or
20 TMPD contracts. I will attach as
Annexure C the certified CIPC disclosure
certificates and company registration
documents for all entities in which I hold
or have held a directorship, shareholding
or the member's interest. This has been

prepared by my attorney and will be attached to the final version of this statement.”

E, the relationship with Gubis Solutions (Pty) Ltd, and that is paragraph 2.5, number 135:

10 “I have a business relationship with Gubis Solutions (Pty) Ltd as their client. I employ Gubis to provide me with personal security services. This arrangement was entered into after the assassination attempt on my life in August 2022. Having survived that attempt in which I was shot twice with the weapon subsequently linked to 18 other serious crimes including the murder of DJ Sumbody, I took reasonably prudent and entirely lawful steps to secure professional protection for myself and my household. The formal contract governs this arrangement. Gubis invoices me monthly and I pay those invoices. This is a legitimate, commercially unremarkable and entirely lawful client-service provider relationship. I have a personal relationship with Mr Calvin Mahlangu, the

20

founder of Gubis85 Solutions. He is also my homeboy, a person from the same community in which I grew up. He is younger than me. Our personal relationship predates the security services arrangement and is rooted in genuine community bonds. I have not received any payment directly or indirectly from Gubis85 Solutions. The financial flow between us is entirely one-directional. I pay Gubis. Gubis does not pay me. I have never received money from Gubis. Not as a remuneration, distribution, loan, commission or in any other form. I am not the director, shareholder or beneficial owner of Gubis85 Solutions. I do not participate in the management, direction or procurement activities of Gubis. I did not direct Gubis to participate in any TMPD tender process. I did not procure or facilitate the award of any TMPD contracts to Gubis through improper means. The conduct of Sergeant Nkosi's alleged acting as an intermediary in

connection with the Gubis arrangement with the TMPD was not directed by me, was not done at my instructions and was not the matter in which I participated. I deny absolutely that I used Sergeant Nkosi as an agent or intermediary for any papers in connection with any organ of state.”

F, my relationship Sergeant Nkosi, notice paragraph 2.6,
10 number 139:

“I am aware that Sergeant Nkosi testified before this Commission over several days in March 2026. I am also aware and record it respectfully but clearly that the Honourable Chairperson of this Commission, the retired Judge, Justice Madlanga, made explicit adverse credibility findings against Sergeant Nkosi, finding that he was not being
20 truthful in his evidence. I am further aware that Sergeant Nkosi was, following those adverse credibility findings, arrested. I engage with the Commission on the accurate record of my relationship with Sergeant Nkosi, based on my

personal knowledge, not on the
discredited version he advanced.”

F1, the nature of relationship and when it started
...[intervenes].

CHAIRPERSON: I do not remember what I said, but was it
already findings at that stage or was I engaging him?

MR SIBANYONI: I think it was findings, I was listening
attentively.

CHAIRPERSON: Please continue.

10 **MR SIBANYONI:** Thank you, thank you, Commissioner.
The nature of relationship and when it started, paragraph
2.6.1 and 2.6.2:

20 “I first encountered Sergeant Nkosi at the
Woodhill location where the late Mr Msibi
was staying. Our acquaintance thus
arose through my longstanding
relationship with Mr Msibi. Following Mr
Msibi's passing in 2024, and after a
significant gap of approximately four
years since our initial encounter at
Woodhill, I reconnected with Mr Nkosi.
The contents of the reconnection was
entirely one of personal safety and the
industry peace. Specifically, I needed to
arrange peace meetings in KwaZulu-

Natal in circumstances where my life was at genuine risk. Those KZN peace meetings were precisely the kind of fragile, high stakes mediation and I have been involved in through my career. Meetings that required me to attend in circumstances of exposing me to further personal risk, Sergeant Nkosi's proximity to the police, and in particular to Commissioner Mkhwanazi, was relevant to my ability to arrange necessary safety assurance for those fragile KZN peace meetings. The engagement with Nkosi was about brokering safety for a process essential for a peace, not about procurement, not about criminal advantage, and not about obtaining confidential police information.”

Number 141:

“The police did ultimately assist in providing the safety framework that made those KZN peace meetings possible and Sergeant Nkosi was part of facilitating that support. This was a legitimate use of social connection with the police

officer in order to advance a peace and safety objective. It was appropriate and lawful.”

ADV CHASKALSON SC: Sorry, can I just clarify my understanding here? Are you saying here that you met Sergeant Nkosi at Woodhill and that you then did not really have much contact with him until after Mr Msibi's passing?

MR SIBANYONI: Correct.

ADV CHASKALSON SC: Thank you. If you can continue
10 with paragraph 142 ...[intervenes].

MR SIBANYONI: F2?

ADV CHASKALSON SC: Ja.

MR SIBANYONI: Okay, F2, frequency of meetings,
paragraph 2.6.3:

20 “My meetings with Sergeant Nkosi were irregular. There was no fixed schedule for our contact. Sergeant Nkosi visited my home on a number of occasions in a social context. The Commission has been told by Sergeant Nkosi that he visited my home on approximately 12 occasions. I do not dispute that he visited me at my home on multiple occasions. I confirm it, although I did not keep any physical account for his visits.

Those visits were social in nature, not operational. A police officer visiting a social acquaintance home is not of itself evidence of anything improper, particularly when, as in my case, the acquaintance is a twice-shot state witness under active security threat.”

F3, procurement discussion, paragraph 2.6.4:

10 “I categorically deny that I ever discussed any procurement matters relating to the City of Tshwane and/or the TMPD with Sergeant Nkosi. No such conversation took place.”

F4, Sergeant Nkosi was not my agent or proxy, paragraph 2.6.5:

20 “I did not at any time use Sergeant Nkosi as my proxy, agent, or representative to carry out any instructions or directions of mine in relation to any official matter. I deny this categorically. Sergeant Nkosi was not in any capacity acting on my behalf in any official context.”

F5, confidential or official SAPS information, paragraph 2.6.6:

“I did not request, solicit, or procure any

confidential or official SAPS information from Sergeant Nkosi or from any other member of SAPS. I state the following clearly:

10 145.1. Any message that Sergeant Nkosi may have sent may referencing SAPS activities on a matter of potential sensitive nature was sent by Nkosi as a unilateral act, not at my request. I was not in a position to identify and verify whether any information in any message I received from Nkosi was classified official or operational sensitive.

20 145.2. Regarding the laduma message, laduma is a universally known South African exclamation used to celebrate a goal in football. I categorically deny that I had any arrangement with Nkosi involving pre-coded signals relating to police operations. An informal, celebratory message from a social acquaintance is not a conspiracy.

145.3. Regarding the message allegedly sent at approximately 02:00 referencing Special Task Force movement, to the

extent that such a message was sent to me by Mr Nkosi, I received it in the context of informal social communication from a social acquaintance. I did not act upon it. I did not use any information in it to evade or frustrate or warn any associate about, but interference interfere with any police operation or investigation. I have never paid Sergeant Nkosi or any person any consideration, whether money benefit or favour for police intelligence or confidential SAPS information.

10

145.5. I had raised on numerous occasions the concern about the lack of any arrest on the attempt on my life. I have raised this with Sergeant Nkosi as I would with any person I know. More so, the fact that Mr Nkosi was a member of the police did not entail any request for any special attention on the matter. Be that as it may, Nkosi knew my frustration with the delays of failure by the law to bring to book the perpetrators who had made an attempt on my life. This is why

20

I must be clear that I did not respond to Mr Nkosi after the said message was sent. I did not so solicit the message as so receiving it did not entail.

145.6. I pause to highlight that having been a victim of such a violent crime, I saw wrong nothing with asking and engaging everyone. Hence, the reach out to the various Ministers, MECs and even Sergeant Nkosi.

146. The mere social contact between civilian and police officer, including visits, conversations, and informal messages, does not constitute corruption or the solicitation or confidential information. What matters is the substance. The substance of my relationship with Sergeant Nkosi was social and, at relevant times, directed at legitimate safety and peacekeeping purposes. Not official, not improper, not directed at obtaining confidential information or official favour.”

G, my relationship with other SAPS members, notice paragraph 2.7, 147:

“As a businessman who has lived and worked in Tshwane for many years, and who has played an active peacekeeping role in the taxi industry conflict resolution over decades, it is not remarkable that I should have come to know certain SAPS officials. I have at no stage used my relationship with any SAPS officials for any improper purpose.”

10 G1, General Shadrack Sibiya, paragraph 2.7.1:

“I have no relationship whatsoever with the suspended Deputy National Police Commissioner General Shadrack Sibiya. I have never met him, communicated with him, or had any dealings with him of any kind.”

G2, paragraph 2.7.1, 149:

20 “I met General Khan on one occasion only, in a professional context. He came to enquire about my matters relating to the taxi violence in the course of his official functions. After I reported and raised concerns with unresolved killings, that was a single professional encounter. I have no further dealings with General

Khan.”

G3, General Mkhwanazi, paragraph 2.7.1:

10 “The meeting and its initiation. I met
General Mkhwanazi on a single occasion
in or around April 2024, which was the
second time I met him. The meeting was
initiated by General Mkhwanazi himself,
through Sergeant Fannie Nkosi, who
contacted me on General Mkhwanazi's
behalf to arrange the engagement. I did
not seek out General Mkhwanazi. The
General reached out to me.”

151, the context and the purpose:

20 “The meeting took place in the period
following the death of the late Mr Jothan
Msibi in 2024, a period of significant
instability and renewed violence within
the taxi industry. General Mkhwanazi,
acting in his official capacity, was
attending to the containment of taxi
violence and relevant law enforcement
matters arising from the power vacuum
left by Mr Msibi's passing. The specific
subject matter of the meeting was the
status of approximately five to six taxi

violence cases in respect of which criminal investigations have been conducted, but in respect of which visible progress at the level of National Prosecuting Authority had been frustratingly absent.”

152, the conduct of the meeting:

10 “What distinguished this meeting from every prior engagement I had with law enforcement officials was the quality of the General Mkhwanazi engagement. He listened, he asked questions, he took extensive and careful notes, he treated every concern I raised as a matter deserving serious professional attention. I record this with sincerity. It was the first occasion in years of fruitless engagement with various law enforcement structures on which a senior
20 official responded to my concern with the diligence and the commitment they deserve.”

153, the outcome:

“Following General Mkhwanazi's engagement, there was visible movement

on the prosecution of specific cases I had raised, movement that had been absent for years prior. There was also a measurable reduction in the intensity of taxi killings in the period following the meeting. I do not claim that General Mkhwanazi alone achieved these outcomes. I record them as observable results that followed from the engagement.”

154, the direction of the relationship:

“The Commission must understand the direction of this relationship with precision. I was not a figure of influence seeking to deploy a senior police official for improper purposes. I was a twice-shot, long-suffering victim and industry leader who had spent years trying without success to obtain law enforcement attention for violence that had claimed lives within my professional community and that had twice claimed attempts on my life.”

155, the irony of the Commission's position:

“It is a matter of deep personal

significance that the very General Mkhwanazi whose public allegations on July 6, 2025 led directly to the establishment of this Commission was a person who, only one year prior, had personally reached out to me to seek my assistance in addressing taxi violence. I answered that call. I provided information, I cooperated, and it is a consequence of that General's subsequent public allegations that I now sit under subpoena before this Commission. I record this irony not with rancour but with the hope that this Commission will assess the full picture with care and impartiality it deserves."

156:

"No payment or improper exchange. I confirm as I do in part G5 of this statement that I have no time made any payment to General Mkhwanazi or provided any improper benefit or inducement of any nature in connection with any official matter. No improper exchange of any kind occurred between

us. Our single meeting was a professional, law enforcement-orientated engagement properly initiated by General Mkhwanazi in the exercise of his official functions and responded to by me in the exercise of my civic duty.”

ADV CHASKALSON SC: Before we get to G4, if I take you back to the notice, which is at page 4 of the annexure bundle, you will see that the question under 2.71 also asks
10 for the nature and details of your relationships with any official of the SAPS at the rank of Brigadier or General, not just Generals Khan, Mkhwanazi and Sibiya. Are there any other SAPS Brigadiers or Generals with whom you have had a relationship and about which you can tell us?

MR SIBANYONI: No, not that I can remember.

ADV CHASKALSON SC: So the only Generals that you have encountered at SAPS are Khan, Mkhwanazi and Sibiya?

MR SIBANYONI: No, not ...[intervenes].

20 **ADV CHASKALSON SC:** Sorry, not Sibiya. You have met Khan on one occasion?

MR SIBANYONI: Yes, Ja. No, Khan once.

ADV CHASKALSON SC: And Lieutenant General Mkhwanazi on a couple of occasions?

MR SIBANYONI: Twice. No, it is twice. Before and after.

ADV CHASKALSON SC: Yes.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: Thank you. And then if you can move on to the question about police escorts?

MR SIBANYONI: G4, police escorts, paragraph 2.7.2:

10 “Police escorts have previously been
provided to me on occasions when I
attended meetings to resolve the taxi
conflict and industry disputes in my well-
established role as a mediator, a role I
have discharged for many years,
involving contending factions in an
industry where violence has at times
been tragically common. Police escorts,
in that context, protect the mediator and
signal official endorsement of conflict
resolution efforts. Police escorts were
also provided in the context of the
credible and ongoing threat to my life
20 following the August 2022 assassination
attempt. A person who has been shot
twice, whose assassination weapons
were linked to 18 other serious crimes, is
encouraged to accept lawful police
protection on the face of ongoing

violence targeted at his life. I pause to add that this was not a benefit unique to me. It was a government decision to provide security to taxi industry bosses and leadership, due to the killings that were emitted on them without fear.”

158:

10 “I deny that the provision of police escorts to me reflects any improper relationship with any member of SAPS. The provision of police protection to a person under a credible and demonstrated threat of assassination is a legitimate function of the SAPS and is entirely consistent with the SAPS need to protect life and limb. It is evidence of a threat that the authorities themselves recognise.”

159:

20 “There have been various reports and articles that show the police actively providing protection to members of the taxi industry after having identified the killings that were taking place within the industry.”

160:

“The then-MEC, Ms Faith Mazibuko, had initially made safety and security arrangements, including the police escort arrangement for taxi bosses, including the late Mr BJ Mkhonza, who was the Chairman of SANTACO Gauteng, due to the fragility and unsafe environment within which he operated and the violence in this industry. I must add that the late former Gauteng SANTACO Chairperson, Mr Mkhonza, who sadly passed on in November 2024, has assisted in arranging police escorts and protection for me when we attended various mediation and peace talks. Knowing exactly what was happening in the industry and the violence therein, Mr Mkhonza extended a hand to assist with protection under the help of the MEC for safety. After his passing, the treasurer of his association, that was Mr Lefa Matemane, who also sadly passed on in or around September or October 2025, kept us assisted through his connections

to receive police escorts in periods when violence was looming large. Following his passing, I have since sadly not been assisted by any police escort and have bolstered my own personal security through the employment of Gubis85.”

ADV CHASKALSON SC: If I can just come in here? Can you explain to us how this police escort system operated? How were you told to arrange police escorts? Who would
 10 you contact? What escorts would be provided? What were the requirements for escorts?

MR SIBANYONI: Ja, from where I am coming from, when the MEC gave the former Gauteng Chairperson, Mr Mkhonza, a right to be escorted to serious meetings of taxi violence because they were so rife, what I have learned is he invited all, if they were not generous, I do not know at which level, and gave them a mandate that they must assist the Chairperson of Gauteng, Mr Mkhonza, with all escorts that at the time Mr Mkhonza would need in relation to the
 20 meetings of taxi violence.

Then, therefore, I was not privy to that as to who the police are. Then me being closer to him as we were doing this, he gave me one of his assistants that I have mentioned, Lefa, to assist me. So for me to assist, to call Lefa, and he knows exactly who to contact. But ever since

after the passing of Mr Lefa, no further communication.

ADV CHASKALSON SC: But is it to attend mediation meetings only, or taxi industry business only, or is it just police escorts on a daily basis? If you want to go down to the shops, are you entitled to a police escort?

MR SIBANYONI: Not only taxi meetings. As a taxi owner, you do not go to shops. Your movements are very limited. Very limited.

ADV CHASKALSON SC: Do you go to football matches?

10 **MR SIBANYONI:** Once.

ADV CHASKALSON SC: So if you were to go to a football match, would you get a police escort?

MR SIBANYONI: No, no, there is no need. There is no need. It is a one-way drive, you get into the stadium, one-way drive with your security, you are home.

ADV CHASKALSON SC: But the security is your own security, not police.

MR SIBANYONI: Yes, and for a record, I have attended only one match ever since. For a record, I have attended
20 only one football game.

ADV CHASKALSON SC: Only one in your life?

MR SIBANYONI: Yes, yes.

ADV CHASKALSON SC: He may not be a true South African.

ADV KHUMALO SC: Is it because your team is doing so

poorly, Mr Sibanyoni?

MR SIBANYONI: No, I love Orlando Pirates, it is just the team.

ADV CHASKALSON SC: No, no, no. Then you most definitely are a true South African, Mr Sibanyoni.

MR SIBANYONI: Yes, and Orlando Pirates are the local leaders as we speak.

ADV CHASKALSON SC: I am aware of this, but you have literally only been to one football match?

10 **MR SIBANYONI**: Yes, yes.

ADV CHASKALSON SC: Okay, let us go back to the statement, 163.

MR SIBANYONI: Okay, 163:

20 “I have never made any payment to any member of SAPS in consideration for any official favour, confidential information, suppression of any investigation or prosecution, procurement advantage or any other improper papers, not to Sergeant Nkosi, not to General Khan, not to General Mkhwanazi, not to General Sibiya, not to any SAPS member.”

H, my relationship with further named individual, notice paragraph 2.8, 164:

“I deal with each of the individuals named

in paragraph 2.8 in turn.”

H1, Mr Calvin Mahlangu, paragraph 2.8.1:

10 “Mr Calvin Mahlangu is the founder of Gubis85 Solutions, which provides me with security services as described in part E. He is also my homeboy and from the same community in which I grew up. My relationship with him combines a legitimate professional client service engagement with a genuine social and community-based friendship that predates the Gubis arrangement. I deny that I hold any beneficial ownership interest in Gubis85 Solutions through Mr Mahlangu and any other arrangement.”

H2, Mr Mandla Mgcina, paragraph 2.8.2:

20 “Mr Mandla Mgcina is my first cousin. His father and my mother are siblings. Ours is an entirely family relationship. We have no business dealings of any kind. In the event there has been any financial transaction between us, it is purely on a familial arrangement as family and nothing more.”

ADV CHASKALSON SC: Can I ask what you mean by

that? Well, first of all, have there been financial transactions between you?

MR SIBANYONI: Come again?

ADV CHASKALSON SC: First of all, have there been financial transactions between you?

MR SIBANYONI: Ja, based on the relationship of being my first cousin.

ADV CHASKALSON SC: And what do you mean based on the relationship?

10 **MR SIBANYONI:** Like I will ask assistance, he will ask assistance.

ADV CHASKALSON SC: So it is essentially extending financial assistance to relatives?

MR SIBANYONI: Ja, more especially during the time when I was not operating.

ADV CHASKALSON SC: Thanks. If you can continue with Mr Dhlamini?

MR SIBANYONI: H3, Mr Umashi Dhlamini, paragraph 2.8.3:

20 “I have no relationship whatsoever with Mr Umashi Dhlamini. I do not know him personally. I have never met, communicated with, or had any dealings with him of any kind. I have, however, associated with his brother Peter

Dhlamini, who is also a taxi owner and operator. He has sadly passed on about 2008 or 2009.”

H4, Mr Mpho Lekukela, paragraph 2.8.4:

“I have no relationship whatsoever with Mpho Lekukela. I have never met, communicated with, or had any dealings with him.”

H5, Mr Gareth Mnisi, paragraph 2.8.5:

10 “I met Mr Gareth Mnisi on one occasion. There is no ongoing personal or business relationship between us. I have never had any financial dealings with Mr Mnisi.”

170:

 “I have addressed Mr Mnisi's testimony regarding the JS identification and Part G above. I specifically deny that any meetings are arranged at my home for 16 December 2022 was for any improper
20 purposes. I reserve the right to deal more fully with Mr Mnisi's evidence in a supplementary statement that I have studied the full transcript of his Commission testimony, which my attorneys have requested and I

understand I yet to receive. I add that Nkosi simply indicated that he wanted me to meet Mr Mnisi. I know Nkosi to have always been a mover and a shaker, and so when he suggested an introduction, I did not object. This meeting was a once-off, and nothing came of such a meeting.”

ADV CHASKALSON SC: And can I clarify, is this the meeting that took place on 16 December 2025?

10 **MR SIBANYONI:** Correct, ja.

ADV CHASKALSON SC: So that is the only occasion that you met Mr Mnisi?

MR SIBANYONI: Sure.

ADV CHASKALSON SC: And it was at your house?

MR SIBANYONI: Yes, ja.

ADV CHASKALSON SC: Thank you.

MR SIBANYONI: H6, Mr Tshukudu Malatji, paragraph 2.8.6:

20 “I have no relationship whatsoever with Tshukudu Malatji. I have never met, communicated with, or had dealings with.”

H7, Mr Sipho Nkomo and Mr Lebogang Phiri, paragraph 2.8.7:

“I have no relationship whatsoever with

either Mr Sipho Nkomo or Mr Lebogang Phiri. I have never met, communicated with, or had dealings with either of them.”

ADV KHUMALO SC: Mr Chaskalson, before we – paragraph 170, where Mr Sibanyoni says they have requested a full transcript of Mr Mnisi's testimony, and to date it has not been provided. As far as I am aware, transcripts are available on the Commission's website.

ADV CHASKALSON SC: Yes, I think that has certainly
10 been communicated to Mr Sibanyoni's legal team.

ADV KHUMALO SC: So I think that must just be clarified and we leave it at that.

ADV ABRAHAMS: Perhaps, Commissioner, I think it included more than just the transcripts.

ADV KHUMALO SC: If that is the issue, then let us leave ...[intervenes].

ADV ABRAHAMS: It included statements, affidavits that Mr Nkosi, Sergeant Nkosi, had made to the Commission and other documents relevant to Mr Sibanyoni ...[intervenes].

20 **ADV KHUMALO SC:** Then it is between the ...[intervenes].

ADV ABRAHAMS: Yes, it is between us. Thank you.

MR SIBANYONI: H8, Mr Austin Seunkie Mokubung , DJ Vettys, paragraph 2.8.8:

“I have encountered and known Mr Mokubung, also effectively and commonly

known in the entertainment space as DJ Vettys. I have met him on various occasions at social events in the entertainment and social schemes in which our respective paths have crossed over the years. These are social encounters. There is no personal friendship or ongoing business relationship between us. I have had no financial dealings of any significance with DJ Vettys. I am aware, through the public record of the Matlala proceedings, that Mr Mokubung is himself a co-victim in the criminal proceedings against Mr Vusimuzi Cat Matlala. That the same alleged criminal network that shot me also alleged targeted Mr Mokubung. His status as a co-victim of the same criminal network as the one that shot me confirms in the very least that the violence of that network was not directed at me as an associate or member. It was directed at us as targets.”

ADV CHASKALSON SC: Sorry, Mr Sibanyoni, can I understand what you are saying in that last sentence, the

point that you are trying to make?

MR SIBANYONI: Where should I start? His status?

ADV CHASKALSON SC: Yes, his status.

MR SIBANYONI:

10 “His status as a co-victim of the same
 criminal network as the one that shot me
 confirms in the very least that the
 violence of that network was not directed
 at me as an associate or a member. It
 was directed at us as targets.”

Let me also add H9 so that it adds up to your question as
well. 174:

20 “I knew DJ Sumbody's father, Mr Sefoka,
 who was a member of our association
 Pretoria Mabopane Petersburg PMP Taxi
 Association and an operator with us. I
 know him from as far back as almost 30
 years ago, where Mr Sefoka passed on
 as an operator. His son, Oupa Sefoka,
 was introduced to the industry. Despite
 having been introduced, Oupa did not
 carry the burden of the work his father
 was doing, and instead the work within
 the industry was taken over and instead
 carried on by his mother, Ms Sefoka.”

What I am trying to explain further here is DJ Vettys, there was an attempt on his life, and I knew him from social events, and he was close to me based on that, very close. Same as Mr Sefoka, DJ Sumbody. Same space, same everything.

Therefore, the attempted life of DJ Vettys and Mr Sefoka being unalive, it was a matter of people that are close to me, irrespective of whether we were in the taxi industry or socialising together. And it is not ...[indistinct] it
10 is just that I put these two on record so that the Commission can understand.

ADV BALOYI SC: Are you conveying that they were attacked because of their proximity to you?

MR SIBANYONI: Correct.

ADV BALOYI SC: Is that what you are saying?

MR SIBANYONI: Yes, ja.

ADV BALOYI SC: Okay.

MR SIBANYONI: Number 175 ...[intervenes].

ADV CHASKALSON SC: Sorry, can I clarify that? Your
20 belief is that DJ Vettys and DJ Sumbody were targeted because of their relationship with you?

MR SIBANYONI: Yes, ja.

ADV CHASKALSON SC: Thank you.

MR SIBANYONI: 175:

“I therefore clarify that indeed, I knew the

late DJ Sumbody. I liked him as a young man who was good at his craft and music in general. He was a celebrated South African musician and entertainer who passed away in and around November 2022. I came to know him even deeper through the entertainment and social scheme. We moved in broadly similar social circles and met at various events and functions in that environment. I knew him as a highly successful entertainer. Our relationship was one of social familiarity. We had no business dealings of any material kind, as set out in Part B, and as I have come to now understand, the weapons used in the assassination attempt on my life in August 22 were subsequently linked by ballistic evidence to the murder of the late DJ Sumbody in November 2022. As I understand, we were linked not by any criminal association, but by the weapons of the same criminal network.”

176:

“I need to pause at the above by stating

that I met and associated with a lot of people. I truly cannot be expected to know each and every person that I may have met, associated with, or having met with. I will be greatly assisted by the Commission to provide me with evidence, as I believe the information will serve to assist me in remembering whatever it is I may have missed with various personalities.”

One, the Toyota bakkie notice paragraph 2.9, 177:

“The vehicle bearing registration number MG31JWGP is a bakkie, specifically a 2025 Toyota Hilux Double Cab. It is not an SUV. I respectfully draw this factual correction to the Commission's attention.”

178:

“The bakkie was gifted to me by Gubis85 Solution (Pty) Ltd on the occasion of my 59th birthday. It was a birthday present, a gesture from my security service provider to mark a significant post-personal milestone, made in the context of both the professional relationship and

the genuine personal friendship between myself and Mr Calvin Mahlangu, my homeboy. Gubis85 Solution purchased and financed the bakkie, paying the instalments on the vehicle over time. The legal transfer of ownership into my name was effected only after all instalments had been paid in full by Gubis. This is a commercial relation arrangement accurately reflecting when the encumbrance of the vehicle was discharged.”

179:

“I confirm that the acquisition of this vehicle was entirely lawful. I deny that it represents an improper arrangement, financial benefit derived from public funds or gratification under the Prevention and Combating of Corrupt Activities Act. It was a personal birthday gift from a service provider with whom I have a longstanding and genuine relationship.”

180:

“I will attach as Annexure B, all available

content and documentation relating to the
donation of the bakkie to myself by
Gubis85.”

ADV CHASKALSON SC: Can I take you to Annexure B? It
is in the annexure bundle. It starts at page 10.

MR SIBANYONI: Page 10?

ADV CHASKALSON SC: Page 10. There is a separate file
of annexures.

MR SIBANYONI: Yes.

10 **ADV CHASKALSON SC:** I see the first document is a
letter from Gubis addressed to dear Chairperson.

MR SIBANYONI: Where are we? I am sorry. Page 10 of
...[intervenes].

ADV CHASKALSON SC: Page 10.

MR SIBANYONI: Yes?

ADV CHASKALSON SC: Of the annexure bundle.

MR SIBANYONI: Where is it?

CHAIRPERSON: Please assist.

MR SIBANYONI: Yes.

20 **ADV CHASKALSON SC:** And that is a letter dated 1 March
2025 from Gubis and it is addressed to dear Chairperson.
Do you know which organisation the Chairperson
...[intervenes].

MR SIBANYONI: It is my foundation.

ADV CHASKALSON SC: Your foundation?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: So it is a letter to the Chairperson of your foundation recording a gift of a bakkie to you.

MR SIBANYONI: Okay.

ADV CHASKALSON SC: And is the bakkie a gift to the foundation or to you? Because the letter seems to be a little bit ambiguous in that regard. The second paragraph describes it as a birthday gift to Mr Joe Sibanyoni and the
10 last paragraph suggests that the Chairperson is requested to accept the gift, and presumably that would be on behalf of the foundation.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: Did you understand it as a gift to you?

MR SIBANYONI: Yes, I understand that way.

ADV CHASKALSON SC: And if it was a gift to you, why would the letter be addressed to the foundation?

MR SIBANYONI: I just do not get it because in my
20 understanding, the foundation does not need a bakkie at all. The foundation needs some passes as far as the way it operates. So as to up to this far in line with the bakkie, I take it that the bakkie for the mere fact that I am using Gubis security. In some of the compartments of that bakkie is the safety for rifles. Therefore, solely for me and for my

protection and the safety keeping of those rifles. Not anything else.

ADV CHASKALSON SC: In fairness, this is a question we should ask Gubis, not you, because they are the ones who wrote the letter.

MR SIBANYONI: Yes, ja.

ADV CHASKALSON SC: But if we go to the next page ...[intervenes].

MR SIBANYONI: Same, ja. Next page?

10 **ADV CHASKALSON SC:** Same letter, page 11 of the same bundle.

MR SIBANYONI: Okay, yes.

ADV CHASKALSON SC: This is also given to us as Annexure B, and this is a letter from an organisation called PMP Transport Services, and it is addressed to Gubis. It is not clear to me how it relates to the donation of the bakkie. Can you explain?

MR SIBANYONI: What does it say?

ADV CHASKALSON SC: It says:

20 “The letter serves as a formal
 appointment of Gubis by...”

Whoever the client are, which is left blank:

 “...to render specialised VIP protection,
 escort and defence security services.
 This appointment is made in recognition

of the service provider's proven excellence, scope of services. Gubis is hereby appointed to provide VIP protection and escort services to the following main principles...”

Namely yourself:

“These individuals will be regarded as the primary principles under the agreement...”

10 And on it goes, but it is not clear to me why this is relevant to the donation of the bakkie.

MR SIBANYONI: The bakkie is not mentioned here. What I can clarify to you is that PMP Transport Services is an association where I operate.

ADV CHASKALSON SC: You say it is an association?

MR SIBANYONI: Taxi association.

ADV CHASKALSON SC: A Taxi Association?

MR SIBANYONI: Correct, ja.

ADV CHASKALSON SC: But again, if one looks at the
20 executive members, I do not see your name on it.

MR SIBANYONI: Yes, I am not an ...[intervenes].

ADV CHASKALSON SC: So, you are not on the executive?

MR SIBANYONI: I am not an executive. This is ...[intervenes].

ADV CHASKALSON SC: What is your relationship with

PMP?

MR SIBANYONI: Remember, I have got taxis that are operating in a particular association. This PMP association is an association whereby my taxis are operating.

ADV CHASKALSON SC: So you have taxis running Pretoria, Mabopane Petersburg.

MR SIBANYONI: Correct, yes, ja.

ADV CHASKALSON SC: So you are a member of this association?

10 **MR SIBANYONI**: Correct.

ADV CHASKALSON SC: But I still do not, maybe we are talking across purposes, but paragraph 80 says Annexure B is documentation relating to the donation of the bakkie.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: So I am trying to see the connection between this document and the donation of the bakkie.

MR SIBANYONI: This document of PMP does not talk about the bakkie, if I ...[intervenes].

20 **ADV CHASKALSON SC**: That was what I thought, which is why I ...[intervenes].

MR SIBANYONI: It does not talk anything about it. It talks about the security services ...[intervenes].

ADV CHASKALSON SC: Yes ...[intervenes].

MR SIBANYONI: That is provided by Gubis to me.

ADV CHASKALSON SC: Yes.

MR SIBANYONI: Yes, ja. So there is nothing of a bakkie in this particular document.

ADV CHASKALSON SC: Yes, then paragraph 180 needs to be corrected in that respect.

MR SIBANYONI: Okay.

ADV CHASKALSON SC: Because paragraph 80 suggests that this document is relevant ...[intervenes].

MR SIBANYONI: Talk to this one.

10 **ADV CHASKALSON SC:** Sorry?

MR SIBANYONI: Paragraph 180 says?

ADV CHASKALSON SC: Of your main state, page 58 of the main state.

MR SIBANYONI: If that is the case, then it needs to be rectified, but there is relevancy in these two documents. PMP is an association that I work with, and is the one that pays directly Gubis on my behalf. Therefore, it was good for them to have this contract, so that if they do not get payments, they know who to call. Or if there is a complaint,
20 I know how to direct that complaint. So that is the relevancy of that.

ADV CHASKALSON SC: So you say PMP pays Gubis on your behalf ...[intervenes].

MR SIBANYONI: On my behalf, yes, ja.

ADV ABRAHAMS: Perhaps I can also be of assistance. I

think it is an administrative error because on the list of annexures, this document should actually fall under Annexure H. So it is an administrative error.

ADV CHASKALSON SC: That may resolve some of my confusion, but if I can just clarify the arrangement? You have the Taxi Association contracting with Gubis.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: Appointing Gubis to provide security services for you.

10 **MR SIBANYONI:** Yes, ja.

ADV CHASKALSON SC: Who pays for those services? You or the Taxi Association?

MR SIBANYONI: The Taxi Association.

ADV CHASKALSON SC: The Taxi Association?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: And then do they come back to you and say, well, we paid Gubis R20 000 this month, you need to pay us R20 000?

MR SIBANYONI: No, no.

20 **ADV CHASKALSON SC:** No? So it is the association?

MR SIBANYONI: The association, yes.

ADV CHASKALSON SC: And when you speak earlier about your relationship with Gubis and Gubis providing security services for you, is there a separate contract between you and Gubis for other services?

MR SIBANYONI: No.

ADV CHASKALSON SC: So it is all done through PMP and the association?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: I understand. Let us get back to the statement, page 59 ...[intervenes].

ADV BALOYI SC: Mr Chaskalson and Mr Adams, maybe just to flag for later correction, that PMP document, which Mr Adams says is H, if you look at H, there is an H, and H is
10 a different document altogether. Just to flag it for whatever corrections may need to be done later. H, you find at page 81. It looks like it is different. Just for flagging for now.

ADV ABRAHAMS: Thank you so much. I apologise for that. That is the service level agreement that forms part of the bundle of documents to which the invoices or proof of payment is annexed. So in the main, it ought to form part of EXHIBIT H.

ADV BALOYI SC: All right. So we move PMP, page 11, to Annexure H.

20 **ADV ABRAHAMS:** I beg your pardon?

ADV BALOYI SC: So we move the current page 11 up to 13. We move it to Annexure H.

ADV ABRAHAMS: We would appreciate it very much. Thank you.

ADV BALOYI SC: Thank you.

ADV CHASKALSON SC: If we can then go back to page 59?

MR SIBANYONI: Page 59.

ADV CHASKALSON SC: And the Presidential Cartel.

MR SIBANYONI: Presidential Cartel, notice paragraph 2.10:

10 “My attorneys have requested full
 particularity from the Commission
 regarding the term Presidential Cartel.
 Before I am required to respond in detail
 including the definition of the entity, its
 alleged membership activities and
 leadership and the specific evidence that
 links me to it, I maintain that request.”

182:

20 “Without prejudice to that request and
 based on my own knowledge and
 understanding, I provide the following
 substantive response:
 182.1. The Presidential Cartel to the
 extent this term refers to a group with
 which I am personally familiar is, in my
 understanding, a social club comprising
 of a number of young businessmen based
 in the Secunda and eMalahleni Witbank

area of Mpumalanga. It is not and has never been a criminal organisation to my knowledge. It is a social grouping of young men who have chosen to associate together and name themselves the Presidential Cartel.”

10 182.2. I have no business dealings with this group as a collective entity. I have no contractual relationship with any entity known as the Presidential Cartel. I have not invested in, financed or supported any enterprise conducted under that name.

20 182.3. I know some of the individual members personally on a person-to-person basis. Some of them regard me as a mentor. I have, in my individual and personal capacity, provided some of them with guidance and, where appropriate, some financial assistance as I have done for various young people in my community and professional network over a 42-year career. Mentorship and financial support for my young business people is not criminal. It is a form of

individual social investment that is commonplace and valued in South African society.

182.4. Some members..." ...[intervenes].

ADV CHASKALSON SC: Sorry, can I just clarify what you say in 182.2 and 182.3? Because in 182.2 ...[intervenes].

MR SIBANYONI:

10 "I have no business dealings with this group as a collective entity. I have no contractual relationship with any entity known as the Presidential Cartel. I have not invested in, financed or supported any enterprise conducted under that name."

ADV CHASKALSON SC: And then in 182.3 when you are saying ...[intervenes].

MR SIBANYONI:

"I know some of the individual members personally..." ...[intervenes].

20 **ADV CHASKALSON SC:** Sorry, can I just clarify my or can I ask you to clarify my confusion?

MR SIBANYONI: Okay.

ADV CHASKALSON SC: Are you saying that you have provided some financial assistance to individual members who associate with each other under the name of

Presidential Cartel?

MR SIBANYONI: Yes, ja.

ADV CHASKALSON SC: But not to any enterprise run by president ...[intervenes].

MR SIBANYONI: No, not at all.

ADV CHASKALSON SC: Not at all?

MR SIBANYONI: Ja.

ADV CHASKALSON SC: So there are some individuals who have been financially assisted and hopefully paid you
10 back?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: But you have not provided – you have not entered into any relationships with the group itself?

MR SIBANYONI: Sure.

ADV CHASKALSON SC: Thanks. 182.4?

MR SIBANYONI:

20 “Some members refer to me as godfather. This is a social term of respect and affection, a colloquial acknowledgement of a mentorship role in many South African communities. Persons of experience who provide guidance to younger people are referred to by this or similar terms as marks of respect. It is a

social honour, not a criminal designation.”

182.5. I was not involved in the formation of this social club. I was not consulted about its name. The name Presidential Cartel was chosen by the members themselves without my involvement or input. I had no role in that naming and do not endorse it. I am not and have never been a member of any cartel in the legal or criminal sense of that word. I am definitely not the financier of the Presidential Cartel as a collective entity or as any organised group of young businessmen.”

ADV KHUMALO SC: Mr Sibanyoni, you seem to acknowledge that such a social club known as the Presidential Cartel exists.

MR SIBANYONI: Yes.

20 **ADV KHUMALO SC:** Are you a member of that social club?

MR SIBANYONI: No.

ADV KHUMALO SC: Thank you.

ADV CHASKALSON SC: And you say you have mentored some of the members.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: Which of those members have you mentored?

MR SIBANYONI: My relationship with them is their president, so to say. My relationship directly is the guy which is their president.

ADV CHASKALSON SC: And who is that?

MR SIBANYONI: I call him Lungile Maseko.

ADV CHASKALSON SC: And no other members of the Presidential Cartel?

10 **MR SIBANYONI:** No. It is like their numbers at some point was big. Now as we talk, I think we are talking about only two people.

ADV CHASKALSON SC: And the only one with whom you have had a mentoring relationship is Lungile Maseko?

MR SIBANYONI: Sure.

ADV CHASKALSON SC: You have not provided financial assistance to anybody else in that group?

MR SIBANYONI: No, no.

ADV CHASKALSON SC: Okay.

20 **MR SIBANYONI:** Okay. Stokvels and collective savings organisation, notice paragraph 2.11. We are sitting at number 183:

“Paragraph 2.11 of the notice requires me to provide comprehensive details of all stokvels and collective savings

organisation to which I contributed. I will provide that detail in a comprehensive supplementary statement after completing the necessary review and consultation with my legal team and I take to deliver that supplementary statement promptly.”

184:

10 “In the interim, I record the following context which I regard as essential to a fair interpretation of this question. I have been a member of stokvels for most of my adult and business life from what I regard as time immemorial. Stokvel participation is not a recent activity for me. It is a lifelong feature of my community engagement. In this respect, I am not different from millions of South Africans.

20 184.2. The institution of stokvels is one of the most deeply embedded features of South African social and economic life. It is a lawful, culturally significant and affirmatively valued saving mechanism. It is regulated under the Banks Act 1994

for certain deposit thresholds and through the self-regulatory structures of the National Stokvel Association of South Africa. The Constitutional Court has recognised the importance of informal community economic institutions. Participation in a stokvel is not evidence of criminality. It is an evidence of ordinary South African social life.

10 184.3. I note with concern that paragraph 2.11 of the notice, and particularly subparagraph 2.11.4, which asks whether a stokvels bank account was ever closed by a financial institution and why it is framed in a manner that implies financial crime. I respectfully but firmly reject that implication. The framing of a question cannot convert a

20 lawful community saving practice into evidence of wrongdoing. I have never used any stokvel or collective savings organisation for the purpose of money laundering, tax evasion, or any other unlawful purpose.”

ADV CHASKALSON SC: Can I stop you there, Mr

Sibanyoni? The question in 2.11.4 is whether you ...[intervenes].

MR SIBANYONI: 2.11

ADV CHASKALSON SC: 2.11.4, the question that you are answering here.

MR SIBANYONI: Okay.

ADV CHASKALSON SC: Was whether any stokvels of which you have been a member have had their bank accounts shut down. That seems to be a simple question.

10 **MR SIBANYONI:** Yes, yes.

ADV CHASKALSON SC: The answer is either yes or no.

MR SIBANYONI: Ja.

ADV CHASKALSON SC: The answer is yes.

MR SIBANYONI: Yes, ja.

ADV CHASKALSON SC: And then the secondary question was by which financial institution?

MR SIBANYONI: It was ABSA.

ADV CHASKALSON SC: And when? And for what reasons that were communicated to you?

20 **MR SIBANYONI:** They just gave me what I call an exit letter. Other than that, I did not entertain there.

ADV CHASKALSON SC: And when would that have been?

MR SIBANYONI: It is not – it is last year I think, last year.

ADV CHASKALSON SC: 2025?

MR SIBANYONI: Sure, I think so.

ADV CHASKALSON SC: And which stokvel was it?

MR SIBANYONI: It was Shosholoza, if I am correct. Shosholoza. Put two names, Shosholoza or Siyaphambili.

ADV CHASKALSON SC: Shosholoza or?

MR SIBANYONI: Or Siyaphambili.

ADV CHASKALSON SC: Siyaphambili?

MR SIBANYONI: Ja, I am not sure about the name for now.

ADV CHASKALSON SC: And they did not give you any
10 reasons?

MR SIBANYONI: No, they mentioned all the legal reasons, which I was not – I did not want to pursue all those legal terms. Once I got that exit letter, then I had to follow the instructions and move.

ADV CHASKALSON SC: Can we ask you for a copy of that exit letter?

MR SIBANYONI: It was not long time ago.

ADV CHASKALSON SC: Yes, it was last year. Presumably it was emailed to you, or not?

20 **MR SIBANYONI:** It should have been emailed, yes, but due to some matters that are arising now from the police, they took my phone and all these things. I did not find anything when my phone was given back to me, so I have started afresh. But there is a way, but it is going to be a difficult exercise.

ADV CHASKALSON SC: We can also ask ABSA.

MR SIBANYONI: Yes, simple as all that. Ja, for me to ...[intervenes].

ADV CHASKALSON SC: We will do that. Sorry, I interrupted you there. You are at 184.4.

MR SIBANYONI:

10 “184.4. There is a deep irony in the fact
that a man was born and raised in
Kwaggafontein in Mpumalanga, who has
participated in stokvels as part of the
community life since he was a young
man, is now being required before a
judicial commission with prosecutorial
consequences to account for his stokvel
participation as if it were suspicious.
Stokvel participation is not evidence of a
criminal mindset. It is evidence of a
South African life. If stokvel participation
were evidence of criminality, a very large
20 proportion of the South African adult
population would need to account for
themselves. I will provide complete
details once I have clarity from the
Commission. It is truly impractical for me
to have to go back 42 years and provide

information of this nature with no
direction of what is being referred to at
all.”

ADV BALOYI SC: Sorry, Mr Sibanyoni, that paragraph
184.5 would suggest on its face that in addition to the 2025
case that you are talking about, there is other cases where
a bank has closed. Is that what you are conveying?
Because you say you are required to go back 42 years.

MR SIBANYONI: Yes, in terms of me being a stokvel
10 person, only in that reference.

ADV BALOYI SC: Okay, not specific to the closing of
accounts?

MR SIBANYONI: No.

ADV BALOYI SC: Thank you.

MR SIBANYONI: A relationship with Edwin Construction
and Tengane Mining, Notice 2.12,185:

20 “The criminal charges currently pending
against me in the Delmas Magistrate
Court arise from the alleged conduct
connected to the Moloto Road 573
aggregate supply project and involve Mr
Thomas Tengane Ntuli, whose name
features in both Tengane Mining and
paragraph 2.13 of the notice. I have
been advised that answering questions

about my relationship or any of my
company's relationship with Edwin
Construction (Pty) Ltd and Tengane
Mining (Pty) Ltd may constitute or
contribute to self-incriminating evidence
in those proceedings.”

186 ...[intervenes].

ADV CHASKALSON SC: Can I just raise something there?
I have a difficulty with these three paragraphs in there.

10 **MR SIBANYONI:** Which ones?

ADV CHASKALSON SC: 185, 186, 187. It is a difficulty
that is broader than these three paragraphs because the
same difficulty arises elsewhere. The first issue, and that I
think I have clarified with Mr Abrahams, this Commission
cannot grant any use immunity. It does not have the power.
So the request in 187, even if the Commission was inclined
to assist you, just cannot.

The legal position is essentially two-fold. You are
entitled, if you say that information may incriminate you,
20 you are entitled to assert a privilege against self-
incrimination and to say you will not answer the question
because you may incriminate yourself, but you have to
make out a case that is sufficient to satisfy the Commission
that there is a risk of incriminating yourself there.

If you choose to say something on a question like

this, whatever you say cannot be used against you in any criminal trial. So any answer that you give to this question will not be something that the criminal court in Delmas can have regard to,, but my problem arises here.

I presume on the advice of your legal team in paragraph 186 you assert a right against self-incrimination and declined to answer the question. The problem I have with that is that at various points through the affidavit, sometimes generally, sometimes specifically in relation to the Delmas case, you make clear that you have never done anything unlawful.

MR SIBANYONI: Correct.

ADV CHASKALSON SC: So if you have done nothing unlawful, I do not think that you can plead a privilege against self-incrimination because there is nothing that may incriminate you if you have not done anything unlawful. To plead a privilege against self-incrimination, you have tacitly to admit that there is a crime out there of which you might be found guilty if you were to give the answer.

20 And where you repeatedly state, both generally and specifically in relation to the Delmas charges, I have behaved completely lawfully, I have committed no unlawful act, the charges are unfounded, I do not think you can assert a privilege against self-incrimination to decline to answer questions that overlap with allegations against you

in a criminal trial. That is my concern. So it is an issue to consider not so much now because there is going to be a supplementary statement.

MR SIBANYONI: Correct.

ADV CHASKALSON SC: But if there is going to be a supplementary statement, it seems to me you are going to have to make an election. If you maintain, and you have consistently through this affidavit, that you have done nothing unlawful, that you have not committed any crime,
10 then I do not – certainly my view is it is not open to you to decline to answer these questions on the grounds that you may incriminate yourself because you are saying there is nothing that could incriminate me. So ...[intervenes].

CHAIRPERSON: Sorry, Mr Chaskalson, I do not know whether you are done with your point, this point, the one on self-incrimination.

ADV CHASKALSON SC: I would like to just amplify it.

CHAIRPERSON: All right, all right.

ADV CHASKALSON SC: So both in relation to the
20 supplementary statement and in relation to your preparation for when you return and when you will be questioned specifically about what you have said in the statement, I want to alert you to the fact that I am certainly going to submit at that point that if you maintain that you have done nothing unlawful, you cannot at the same time decline to

answer these questions.

It is not for you to answer now because there is nothing for you to answer now, but I do want to put it on record so that your legal team understands both what we expect of you and of them advising you in relation to the supplementary statement, and how we intend to proceed when it comes to questioning you.

CHAIRPERSON: I think what I wanted to suggest is that you might be minded to respond because this raises a legal
10 question that may in a sense have been addressed by what Mr Chaskalson says right at the tail end, because he says he will submit at a later stage when there may be a supplementary affidavit. So maybe you two might want to address us at that stage. Should we leave it at that for now?

ADV ABRAHAMS: Thank you. Thank you, Chairperson. We may leave it at that, but we definitely will make legal submissions at the appropriate time in defence of the position that Mr Sibanyoni will be taking on the specific
20 issues that are raised with him in that regard, and of course we will prepare Mr Sibanyoni appropriately in that regard.

CHAIRPERSON: Thank you.

ADV ABRAHAMS: Thank you, Chairperson.

ADV CHASKALSON SC: Thank you.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: Chair, just to clarify, it is not just in relation to the supplementary affidavit, it is also in relation to the next round of questioning when Mr Sibanyoni returns because that is where it will really arise I think most prominently.

CHAIRPERSON: Yes, yes, yes. Thank you. Thank you.

MR SIBANYONI: Can I continue?

ADV CHASKALSON SC: Certainly, and we are at 188 now on page ...[indistinct].

10 **MR SIBANYONI:** Communications with Mr Ntuli in the meetings, notice paragraph 2.13, 188:

“The allegations in paragraph 2.13 directed at WhatsApp communications with Mr Ntuli. All meetings held with or by Mr Sindane with Mr Ntuli, and any payments made at my direction or Mr Sindane's direction directly traverse the subject matter of the extortion and money laundering charges presently pending
20 against me in the Delmas Magistrate. I formally invoke my right under section 35(3)(j) of the Constitution in respect of paragraph 2.13.”

189:

“However, consistent with the approach I

have adopted throughout the statements, providing non-incriminating context wherever I am able to do so in the spirit of genuine cooperation, I record the following factual background regarding how I came to know Mr Ntuli, which I am able to provide without prejudicing my criminal defence, and which I believe materially assists the Commission's understanding. The Commission should know from the outset that Mr Thomas Tengane Ntuli came to me. I did not go to Mr Ntuli. Mr Ntuli was seeking me. I was not seeking Mr Ntuli. The sequence of events that brought us together is as follows:

190.1. In or around early 2022, Mr Ntuli contacted Mr Mvimbi Daniel Masilela from a telephone number that Mr Masilela apparently did not recognise or linked to Mr Ntuli. On that call, Mr Ntuli requested a same-day meeting. At that time, Mr Masilela had a role as project liaison officer, community liaison officer in the Kwaggafontein area.

190.2. Apparently, when Mr Masilela met Mr Ntuli, he recognised him from a prior encounter in approximately 1995 when Mr Ntuli had been a ward counsellor in Bronkhorstspuit. On this second encounter, Mr Ntuli explained his purpose. He had a quarry permit and wanted to supply raw materials to SANRAL in connection with the Moloto Road R573 project. He further disclosed that he had additional business projects in mind, including proposed mall developments and a chicken farm.

190.3. Crucially, Mr Ntuli explained that he was not a local. He did not qualify for the 30% local content requirements applicable to the project's requirements of the quarry. He wanted to penetrate the local business market and needed a partner who was locally based and locally connected. Specifically, he stated that he needed to be introduced to local influential people because he lacked the local connections and local standing required to access business opportunities

in the area.

190.4. At the top of his mind, Mr Ntuli identified me as the president of the local business forum and a member of the Project Liaison Committee established for the SANRAL project. Mr Ntuli was taken to a meeting at the eMthunzini restaurant where introductions were made. They subsequently proceeded to a meeting at my house where I was requested to meet him at his request.

190.5. At that time, Mr Ntuli explicitly stated that he had heard a great deal about me, that he had been looking very hard to find me and that he wanted to work with me. He presented the quarry project, the SANRAL supply opportunity, and his need for a local partner who could provide local content ownership for the project to qualify for local content requirements and as a result of legitimate participation in the quarry project.

Then 191:

“I record this sequence of events because it is directly relevant to the

Commission's enquiry and to the characterisation of my conduct. Mr Ntuli was not a person I targeted, sought out, or approached. He was a businessman from outside the area who specifically sought a person of my standing and connections in order to access business opportunities that he was otherwise not entitled to because he was not a local in the area and therefore the local content provision would automatically exclude him from participation in favour of local people.”

192:

“I cannot, consistent with my constitutional rights in the Delmas proceedings, say more about the subject course of our business relationship at this stage. I respectfully request use immunity in order to provide a fuller account once my constitutional rights can be adequately protected.”

ADV CHASKALSON SC: And again, just to flag for your legal team, the same concerns that I have raised previously would apply to this section.

MR SIBANYONI: I understand.

ADV ABRAHAMS: We acknowledge that and we intend to deal with it in the same format going forward on the next occasion.

MR SIBANYONI: Relationship with co-accused and related persons, notice paragraph 2.14, 193, sorry, Commissioner. 193:

10 “Without prejudice to the constitutional invocation above and without waiving any right, I provide the following non-incriminating background:

193.1. Mr Mvimbi Daniel Masilela, paragraph 2.14.1, Mr Mvimbi Daniel Masilela and my brother are connected through marriage. Their families are linked by marital ties. Our families are thus connected through that familial bond. This is a matter of family background and public family record.

20 Beyond that familial background, all questions regarding my dealings with Mr Masilela in the context of any business or financial arrangements are formally reserved under section 35(3)(j) of the Constitution.

193.2. Mr Stanley Masilela, paragraph 2.14.2, Mr Stanley Masilela is a homeboy and a friend from the neighbourhood where I grew up. We have a long-standing social relationship that predates any matter presently before any court. To the extent that my relationship with Mr Stanley Masilela..." ...[intervenes].

CHAIRPERSON: Sorry, sorry, sorry. It is Msiza.

10 **MR SIBANYONI**: Msiza, yes. Sorry.

CHAIRPERSON: You said Masilela a few times.

MR SIBANYONI: Yes, yes. No, it is Msiza. My apology:

"We have a long-standing social relationship that predates any matter presently before any court. To the extent that my relationship with Mr Stanley Msiza traverses any matters at issue in the Delmas criminal proceedings, I formally invoke my right under section 35(3)(j) of the Constitution in respect of all such conduct.

20

193.3. Mr Makhaya Msiza, paragraph 2.14.3, I know Mr Makhaya Msiza as a friend from the neighbourhood where I grew up. Ours is a long-standing

personal acquaintance rooted in our shared community background. To the extent that any aspect of my relationship with Mr Makhaya Msiza is connected to matters at issue in the Delmas proceedings, I invoke my right under section 35(3)(j) of the Constitution accordingly.”

Part zero, Moloto Road construction projects, notice
10 paragraph 2.15, number 194:

“I formally invoke my right under section 35(3)(j) of the Constitution not to be compelled to give self-incriminating evidence in respect of paragraph 2.15 of the notice. The criminal charges in the Delmas proceedings relate specifically to alleged conduct in the connection with the Moloto Road R573 aggregate supply project. Any answer I provide to
20 paragraph 2.1 may constitute or contribute to evidence directly relevant to those charges and potentially adverse to my defence in those proceedings. I respectfully request that the Commission grant me use immunity in respect of any

evidence I may give in answer to paragraph 2.15 so that I may assist the Commission fully without prejudging my position in the Delmas criminal proceedings.”

P, Relationship with 10 named individuals and support provided, notice paragraph 2.16, 196:

10 “Before addressing each individual named in paragraph 2.16, I record a general observation. I have been in business for more than 42 years. Over that period I have met many thousands of people in the taxi industry, in business, in my community, at social and cultural events, and in all other contexts through which a person of standing builds a life. It would be unreasonable to expect me to know every person who may be mentioned in documents of this kind,
20 much less to be responsible for the character or conduct of every person with whom I have acquainted.”

197:

“I also record the cultural and social context in which the concept of support

must be understood. It is entirely normal and accepted in South African life and it reflects the Ubuntu philosophy, foundation to our constitutional democracy, for persons of means to provide financial assistance, school fees, bursaries, community contributions, or other forms of support to people in their community and family networks. Where I have assisted any person financially, I did so as an expression of genuine care for their well-being, not as a form of criminal inducement. It would truly be regrettable to term assistance of this kind to people as having some criminal connotation.”

Then 198:

“In respect of each of the 10 individuals' names in paragraph 2.16:

198.1. Jabu Gwabu Mahlangu, 2.16.1, I know Mr Jabu Gwabu Mahlangu as the son of a late friend of mine. My acquaintance with him is through that filial connection. I have not provided any financial or material support to Mr

Mahlangu.

198.2. Mr Mandla Mtsweni, 2.16.2, Mr Mtsweni is my nephew, the son of my sister. Ours is a family relationship. Any assistance I may have rendered to him is as an uncle to his nephew. In the ordinary course of family life, entirely consistent with Ubuntu and with normal family relationship.

10

198.3. Mr Norman Skhosana, 2.13.3, to my recollection, I have no relationship whatsoever with Mr Skhosana. I have never met, communicated with, or had dealings with of any kind with him.

198.4, Mr Surprise Ngodela, 2.16.4, to my recollection, I have no relationship whatsoever with Mr Ngodela. I have never met, communicated with, or had dealings with any kind with him.

20

198.5. Mr Ben Mabuza, 2.16.5, to my recollection, I have no relationship whatsoever with Mr Mabuza. I have never met, communicated with, or had dealings with of any kind with him.

198.6. Mr George Besi Skosana. 2.16.6,

to my recollection, I have no relationship whatsoever with Mr Skosana. I have never met, communicated with, or had dealings with of any kind with him.

198.7. Mr Nkosana Ximba, 2.16.7, to my recollection, I have no relationship whatsoever with Mr Ximba. I have never met, communicated with, or had dealings with of any kind with him.

10 198.8. Mr Bongani Oros Simon Mnguni/Mthimunye, 2.16.8, to my recollection, I have no relationship whatsoever with this individual under either surname or nickname, Oros. I have never met, communicated with, or had dealings with any kind with them.

20 198.9. Mr Khanyiseleni Mbatha, 2.16.9, to my recollection, I have no relationship whatsoever with Mr Mbatha. I have never met, communicated with, or had dealings with of any kind with him.

198.10, Mr Sfundu Mhlongo, 2.16.10, to my recollection, I have no relationship whatsoever with Mr Mhlongo. I have never met, communicated with, or had

dealings with of any kind with him.”

Q. The farm and its power, a state within the state, 199:

10 “I introduce this part at this juncture in the statement because it provides the essential constitutional and institutional context within which every answer in this document must be understood. It addresses the phenomenon that has defined my professional life, threatened my personal life, and that this Commission has been established in part to investigate. I do not draft this part lightly. I draft it because the truth requires it, and because I am before this Commission under oath:

1. The Farm as command centre.

20 200. The farm of the late Mr Jothan Mswazi Msibi, situated near Hammanskraal to the north of Pretoria, Tshwane, was not merely a rural property or a private home, having visited the farm on at most two occasions between 2019 and 2020, and I have set out in Part C1 of this statement its function as the operational and political command centre

of an organisation that wielded power far beyond the boundaries of the minibus taxi industry. I do not exaggerate what I observed. I therefore depose what I know from direct experience. The farm was a seat of power whose significance and reach were understood and widely accepted within the industry and far beyond it.”

10 2. Reports of Mr Msibi’s reaching to government, 201:

“I do not make reckless or unsupported allegations. I am acutely conscious of the gravity of what I am about to record and depose to as a matter of constitutional duty, not casual accusation. What I depose to in this subsection are matters of common and widespread knowledge within the taxi industry and its circles beyond it, matters
20 that informed my understanding of the true nature of danger I faced. I advance these matters not as individual proven facts in a court of law, but as a landscape of perception, reports, and common industry knowledge within which

I navigated my professional and personal existence for many years.”

Then 202:

“Within the taxi industry and far beyond it, there has been and continues to be persistent reports and a widespread, deeply shared belief that the late Mr Jothan Mswazi Msibi exercised influence that intended to the highest excellence of government and the state. It was said, and commonly accepted in the most senior industry circles, that decisions of significance within relevant state departments and structures could not be taken without Mr Msibi's knowledge or acquaintance. It was reported, as I heard this not once but many times from multiple sources over many years, that Mr Msibi's practical power was indistinguishable from the power of the state itself in the relevant domains.”

203:

“I do not advance these reports as standing alone as established facts. I depose to them as matters that

fundamentally shared my understanding of the danger I faced. That danger was not merely the danger of criminal organisations operating in the shadows of the state. It was the danger of an entity with what appeared to be state-level reach and state-level protection. A person who understands that individual who wants him killed may have allies within the very apparatus of constitutional charge with protecting him occupies a fundamentally different position from a person facing merely a private criminal adversary.”

204:

“Critically, I do not stand alone in the assessment of the farm's reach into the organs of the state. As deposed in Part B4 of this statement, when I raised this profound concern about my safety with the then Honourable Minister of Transport, Ms Sindisiwe Chikunga, in her capacity as the political principal of the department constitutionally responsible for governing and regulating the mini-taxi

industry, the Minister stated explicitly that he was aware of that certain officials within the Department of Transport have divided allegiances and did in fact report to the farm. These were the Minister's own words communicated directly to me in an inflammatory manner but in a consent manner."

205:

10 "The implications of the Minister's disclosure are constitutionally profound. The very arm of the state responsible for regulating and governing the minibus taxi industry was on the state's own admission through its political principal compromised with the officials answering not to the constitution, not to the law, not to the Minister who was their constitutional superior and not to the

20 South African public, but to a private individual operating from a farm outside Pretoria. This is not peripheral to the mandate of this Constitution. It is the precise essence of the institutional capture that this Commission was

established to investigate and expose.”

ADV KHUMALO SC: Mr Sibanyoni, I think it is fair that I must give you the opportunity to answer this question. You and I discussed earlier that you succeeded Mr Msibi after his passing. If it is true that he wielded this power that he wielded and some government officials and/or departments reported to him, did that power that he wielded pass on to you? Are you now his successor as far as the power to influence the government and people reporting to the farm,
10 as you say, are you now the person that they are reporting to?

MR SIBANYONI: Not at all. Not at all. I specifically deal with taxi matters that concern the members of the taxi business. That is the long and the short that ...[intervenes].

ADV KHUMALO SC: So the power that the firm wielded no longer exists?

MR SIBANYONI: No, it is not with me.

ADV KHUMALO SC: Where does it rest?

MR SIBANYONI: I do not know:

20 “The Shongwe Commission's Findings,
Independent Systematic Confirmation.
The Shongwe Commission of Inquiry into
the Minibus Taxi Type Services, Violence,
Fatalities and Instability in the Gauteng
Province made detailed findings that are

wholly consistent with and independently corroborative of the picture described in this part. The Commission found in Part E, section 6 of its final report that some victims of the tax-related violence testified to and provided anecdotal evidence of collusion between some law enforcement officials, especially members of the SAPS, and those responsible for provoking and fanning the flames of violence. That complaints were informed on the details of their confidential complaints by the very persons against whom they have made those complaints, often accompanied by intimidation and threats that many witnesses hold a firm belief, backed by many examples that some law enforcement officers actively collaborate with criminal elements, aiding and abetting their criminal activities while protecting them from the law. And that planned law enforcement operations within the industry were, on multiple occasions, compromised by leaks

emanating from within law enforcement
itself. Information about raids and
roadblocks being communicated to
...[indistinct] so that they could take
precautions to avoid arrest.”

ADV CHASKALSON SC: Sorry, Mr Sibanyoni, I just want
to clarify what, again, is your opinion and what is just a
report of the Shongwe Commission.

MR SIBANYONI: That is the Shongwe Commission.

10 **ADV CHASKALSON SC:** I understand that ...[intervenes].

MR SIBANYONI: Yes.

ADV CHASKALSON SC: But what you say in the
introductory sentence is that the Shongwe Commission
made detailed findings that are wholly consistent with and
independently corroborative of the picture described in this
part. So when I read this paragraph, at least when I initially
read it, I thought that you were endorsing those findings.
So I would like to take them one by one and just understand
what you say about them, whether you agree with the
20 conclusion, disagree, or have some comment that you want
to make. So I see four key conclusions here. The first one
starts at line 3 of page 70:

“Collusion between some law
enforcement officials, especially
members of the SAPS and those

responsible for provoking and fanning the
flames of violence.”

That was a conclusion of the Shongwe Commission. Do you agree with that conclusion? Do you disagree with it?

MR SIBANYONI: I cannot take you further because a lot of people gave evidence in the Commission. So for me, from my side, I cannot elaborate on something that I did not mention or that I do not know.

10 **ADV CHASKALSON SC:** So you are not aware of any collusion between law enforcement officials, members of the SAPS, and the people responsible?

MR SIBANYONI: No, not at all.

ADV CHASKALSON SC: You are not?

MR SIBANYONI: No, not at all.

ADV CHASKALSON SC: Are you aware that complainants in taxi-violent cases were informed of the details of their confidential complaints by the very persons against whom they had made the complaints, accompanied by intimidation
20 and threats? Are you aware of any of those types of cases? Someone lays a charge, the person against whom they have laid the charge then comes back and tells them, I hear you have laid this charge against me, you had better be careful?

MR SIBANYONI: No, same thing with that, I do not know.

ADV CHASKALSON SC: You do not have any personal

knowledge of that?

MR SIBANYONI: Yes.

ADV CHASKALSON SC: The third one is:

“Some law enforcement officers actively collaborate with criminal elements, aiding and abetting their criminal activities while protecting them from the law.”

MR SIBANYONI: Same with me personally, I do not know.

ADV CHASKALSON SC:

10 “Planned law enforcement operations within the industry are on multiple occasions compromised by leaks emanating from within law enforcement itself. Information about raids and roadblocks being communicated to the targets so they can take precautions to avoid arrest.”

MR SIBANYONI: Yes.

ADV CHASKALSON SC: Are you aware of any of that?

20 **MR SIBANYONI:** No, no.

ADV CHASKALSON SC: Okay, let us go to 207 then.

MR SIBANYONI: 207:

“The Commission further found in Part E, section 5 of its final report, that it is widely known in the taxi industry that

some operators serve as proxies for law enforcement officers, who use them to conceal direct financial and business interests in the taxi industry. A practice that contravenes the National Land Transport Act and that the Commission identified as a direct source of conflicted law enforcement. These findings of collusion, of proxy ownership, of deliberate operational leaks, and of officers protecting those they should be investigating, describe not isolated incidents of individual misconduct, but a systemic and structural pattern of state capture at the law enforcement and transport governance level.”

Should I continue just the Shongwe Commission report?

ADV CHASKALSON SC: Please do.

MR SIBANYONI: Okay. Number 4:

“Shongwe Commission Report, Part E, section C, Collusion, PP 48 to 49. Some victims of the taxi violence testified to and provided anecdotal evidence of collusion between some law enforcement...” ...[intervenes].

ADV CHASKALSON SC: Sorry, we have been through there.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: I am looking for paragraph 208, page ...[intervenes].

MR SIBANYONI: That is what I was asking. Thank you.

My unique vantage point, 208:

10 “I occupy a unique and a painful vantage
point in relation to everything described
in this part. I am not a bystander, a
researcher or a commentator. I was for
many years a senior leader within the
same industry, operating in the highest
levels alongside Mr Msibi. I know from
direct, intimate, and irreplaceable
personal experience the texture and
character of power that the farm
represented. I witnessed it from the
inside across many years of our shared
20 professional relationship. I do not
speculate or infer. I depose from lived
experience under oath to what he directly
observed and understood.”

209:

“I depose accordingly not to implicate

any person without proper evidentiary foundation and not to make assertions that exceed the scope of my personal knowledge. I depose to ensure that...”
...[intervenes].

ADV CHASKALSON SC: Sorry, can I just take you up on that first sentence? Because I find myself in a position where I am slightly concerned for Mr Molefe. You have said in your statement Mr Molefe moved his drug-related
10 operations to the farm. Now that is implicating a person in very serious criminal misconduct. Now I want to understand what the proper evidentiary foundation for that is and what assertions that you make in that regard are within your personal knowledge.

MR SIBANYONI: Which one?

ADV CHASKALSON SC: Well, there is a statement that you make that Mr Molefe, Mr Katiso Molefe, moved his drug operations to the farm and was conducting them from the farm.

20 **MR SIBANYONI:** Yes.

ADV CHASKALSON SC: I need to understand what the evidentiary foundation for that statement is.

MR SIBANYONI: I have mentioned that there was a hearsay. I have mentioned that. And some of those things were like live information in the sense that the person who

called me was giving live information as to here is now, this and this is what is happening. Ja.

ADV CHASKALSON SC: So in that respect, the allegations against Mr Molefe that you make in this statement are allegations that exceed the scope of your personal knowledge.

MR SIBANYONI: Yes.

ADV CHASKALSON SC: Thank you.

MR SIBANYONI:

10 “I depose this to ensure that this
Commission understands the
institutional, quasi-governmental
character of the power against which I
have found myself and continue to find
myself essentially defenceless, a man
who can be shot twice, whose closest
associates can be murdered without
effective investigation, whose concerns
can be raised with Ministers, Generals
20 and MECs without consequential result,
and who now finds himself compelled to
appear before a Commission whose
independence from the very influential
described in this part. I cannot, without
demonstrated assurance, simply

assume.”

The hope that died, Mr Msibi's death and its aftermath.

Number 210:

10 “Mr Jothan Msibi passed away in 2024. I experienced for the first time in many years something I had not permitted himself to feel. I experienced hope, I experienced the genuine, tentative and quite overwhelming possibility that the cycle of violence and persecution and that defined so significant a portion of my adult life might finally be at the end. The source of the threat, the architect of so much suffering directed at me was indeed gone. I dared cautiously and with the reserve of a man who has learned a lot not to trust come to believe that I might at last be free, that my family might finally be safe.”

20 211:

“That hope was short-lived as I set out elsewhere in the statement the period following Mr Msibi's death was marked by renewed instability within the industry, the emergence of new competing threats

and my own good faith efforts to restore peace and stability. Those efforts have not been rewarded with protection, security or gratitude. They have been rewarded with a subpoena with the circumstances that surround his compelled appearance before this Commission and many others.”

212:

10 “I truly hope and pray that this Commission understands the gravity of the concerns I raise here. The constitutional dimension...”
...[intervenes].

ADV CHASKALSON SC: This is essentially a legal submission, so I think given the hour of the day, I would prefer if we just move forward to section R. We certainly note what is being said at the level of law in paragraphs 213 and 214.

20 **MR SIBANYONI**: Okay, R:

“Discussion with Mr Sindane regarding Izinkabi and notice paragraph 217, 215. The notice at paragraph 2.17 directs me to provide details of all your discussions with Mr Sindane over the period of 2024

to 2026 in relation to the employment assessment or support of Izinkabi.”

Then 216:

“I hereby formally and emphatically invoke my right under section 35(3) of the Constitution not to be compelled to give self-incriminating evidence in respect of paragraph 217 of the notice. I further invoke my right under section 35(1)(b) to remain silent. I do so on the following basis. Mr Oupa Sindane is a co-accused of mine in the Delmas criminal proceedings.

216.2. The allegations in paragraph 217 have been discussions about the employment assessment or support of Izinkabi. In the event such a reference relates to matters directly or intimately connected with Delmas criminal proceedings and potentially to the attempted assassination of my person in August 2022, the term Izinkabi is, in common South African usage, understood to refer to contact killers or hitmen.

216.3. Answering questions about my

discussion with Mr Sindane regarding Izinkabi, in the sense of which the Commission appears to use that term, could constitute self-incriminating evidence in the Delmas criminal proceedings. The proceedings to my fair-trial rights will be severe and potentially irreversible.

10 216.4. I rely on *S v Zuma and Others* 1995(2) SA 642 (CC) *Ferreira v Levin NO*, *Vryenhoek v Powell NO* 1996(1) SA 984 (CC), and *Bernert versus Absa Bank Ltd* 2011(3) 3 SA 92 (CC) in support of this invocation. I must add...”
...[intervenes].

CHAIRPERSON: Mr Abrahams ...[intervenes].

MR SIBANYONI: I do not know this term ...[intervenes].

CHAIRPERSON: It does not assist us much not to have pin sites for quoted cases because now we will be forced to
20 read the entire case when sometimes it may not be necessary to do so. Can we be provided with pin sites, please?

ADV ABRAHAMS: Yes, sorry. The relevance of ...[intervenes].

CHAIRPERSON: No, no, no. I am not asking for – I just

say just give us the pin site or paragraph numbers. Let me put it that way. At a later stage. Not now.

ADV ABRAHAMS: Absolutely.

CHAIRPERSON: Please.

ADV ABRAHAMS: We are happy to do so.

CHAIRPERSON: Please. Thank you.

ADV ABRAHAMS: I was somewhat perplexed there for a few seconds.

CHAIRPERSON: Now you know what a pin site is.

10 **ADV ABRAHAMS**: Ja, we are *ad idem*.

CHAIRPERSON: Thank you.

MR SIBANYONI: 217:

20 “I must add that discussing issues of Izinkabi has always been there. It will always be there as long as the threat persists. There is no question that Izinkabi were heavily deployed by the Late Msibi within the taxi industry. The concern around all of our safety has always existed. To the extent that such discussions would have been discussed as a common threat against any people under a set of circumstances, we surely would have discussed this. However, I have no record of such discussions and

will await further information on the issue to properly engage the matter meaningfully.”

218:

10 “I note and strongly highlight the bitter irony. I was myself the victim of assassination attempts, once in 2006 and once in 2022, involving precisely the kind of contact violence that the Izinkabi denotes in its criminal sense. Any suggestions that I was involved in commissioning such violence must be assessed in the light of the indisputable fact that I was twice on the receiving end of it and have cooperated with the state as a witness in the prosecution of those responsible.”

219:

20 “I make the following statement as a matter of unconditional and categorical record. I deny unequivocally and categorically that I have at any time discussed this with Mr Sindane or with any other person the commission, employment, assessment or support of

individuals for the purpose of carrying out murders or other unlawful acts of violence against any person. This denial has been made by me personally after consultation with my legal representatives with the full understanding of the consequences of making this practice statement under oath.

10 219.2. I respectfully request that the Commission not draw any adverse inference from my invocation of constitutional rights in respect of this paragraph. The invocation of a constitutional right is not evidence of guilt, it is the exercise of a right that the Constitution of the Republic of South Africa guarantees to every person.

20 219.3. In a spirit of cooperation and without prejudice to my constitutional invocations and without waiving any right, I provide the following factual context which is non-incriminating. I first came to know Mr Oupa Sindane...”
...[intervenes].

ADV CHASKALSON SC: Sorry ...[intervenes].

MR SIBANYONI: [Indistinct]... yes, ja. Can we skip it then? Where should we start? In the period following?

ADV CHASKALSON SC: In the period.

MR SIBANYONI: Ja:

10 “In the period following Mr Msibi's
passing in 2024, there was a significant
arrest within the taxi industry. Taxi
violence escalated sharply and suddenly.
Approximately six taxi drivers were killed
in a relatively short period. Taxi strikes
disrupted services and created
substantial fear and instability. This was
a period of genuine crisis in the industry
and well documented as such, one that
demanded leadership responses from
those like myself who have spent their
careers working for peace and stability
within it.”

20 [Indistinct]:

 “In the context of widespread fear and
instability...” ...[intervenes].

ADV ABRAHAMS: Perhaps if we could, with your leave,
Honourable Chairperson, if one looks at paragraph 2021
and paragraph 2020, the preceding paragraph, we made

amendments to those. These are repetitions of earlier paragraphs in respect of which we had made amendments. Hence my learned friend had directed the first sentence of the previous paragraph not be read. In respect of paragraph 221, the name Mr Sindane that occurs on two occasions, on the second line and on the fifth line, needs to be substituted with the name Tsebe.

CHAIRPERSON: We did that this morning.

ADV ABRAHAMS: We did that, yes.

10 **CHAIRPERSON:** Or did you not change it on yours? You changed it on yours as well, Mr Sibanyoni?

MR SIBANYONI: Yes.

CHAIRPERSON: Yes. We did it right at the beginning. Thank you. Please continue, Mr Sibanyoni.

MR SIBANYONI: 221:

“In the context of the widespread fear and instability and the threat of Izinkabi, I contacted Mr Tsebe. The purpose of my...” ...[intervenes].

20 **CHAIRPERSON:** In the morning, you even gave us the first name. You said Mr Abnar Tsebe.

MR SIBANYONI: Abnar Tsebe, yes.

CHAIRPERSON: Ja.

MR SIBANYONI:

“The purpose of my contact was one of

peacekeeping, specifically to discuss what steps could be taken to contain the violence, to restore stability within the industry and to protect taxi workers and drivers who feared for their jobs and their safety. Mr Tsebe was a figure whose engagement I believed could assist in constraining the killings and the broader disturbance. This was a conflict resolution and peacekeeping call, an exercise of exactly the kind of community responsibility and industry leadership that I have discharged throughout my career.”

222:

“I must address the Commission's use of the term Izinkabi with great care and necessary specificity. The term Izinkabi does not carry a single fixed meaning in all contexts. In its criminal connotation, the connotation in which the Commission plainly uses it in paragraph 2.17, it refers to contract killers who hitmen.”

223:

“However, within the South African taxi

industry, which has its own culture, internal lexicon and established terminology, the word Izinkabi is also used to refer to guards deployed at taxi rank. These are individuals who maintain order and security at taxi rank facilities, protecting drivers, commuters and rank infrastructure. They are commonly referred to within the taxi industry as Izinkabi. This dual usage is well understood by those familiar with the taxi industry.”

Then 224:

“I have addressed this dual usage at the Shongwe Commission's structural findings of Izinkabi in Part A.5.6. Above, the Commission documented that 100% of those killed in taxi-related violence were shot with high calibre rifles as well as small firearms, some of the kind issued to state agencies and that Izinkabi are typically recruited from other provinces, predominantly KwaZulu-Natal, and paid from the bucket-money system. That structural context is essential to any

fair assessment of the Commission's question at notice paragraph 2.17.”

225:

10 “The discussion that formed the background to my contact with Mr Abnar Tsebe in 2024 were about the broader security environment within the taxi industry following Mr Msibi's death, including the question of rank guarding and security, the deployment of peacekeepers to contain the violence, the running of taxi patrols and the protection of rank workers who feared losing their livelihood. These were legitimate, industry-specific discussions about maintaining order and protecting jobs. They were not, and I state this categorically, discussions about the employment, assessment or support of contract killers or hitmen.”

20

226:

“I repeat and confirm in the most emphatic and ambiguous terms my categorical denial at paragraph 112.1 above. I have never at any time

discussed with Mr Sindane or with any other person the commission, employment, assessment or support of any individual for the purpose of carrying out any murder, attempted murder, act of violence and any other unlawful act against any person.”

CHAIRPERSON: I think you said ambiguous in the first line. It is unambiguous.

10 **MR SIBANYONI:** Okay.

CHAIRPERSON: Do not go back. Please continue.

MR SIBANYONI: Thank you, Commissioner:

20 “I draw the Commission's attention to the significance of my role as first aid witness against Mr Vusimuzi Cat Matlala in the Johannesburg High Court. I meant to testify under oath against the men who allegedly ordered the attempt to kill me. The suggestion that a person who survived the assassination attempts and who is yet to testify as a state witness against the perpetrators was simultaneously engaging in discussions about the hiring of hitmen is not merely incorrect. It is inherently and logically

implausible. It contradicts the fundamental narrative of the Commission's own evidence which cast me as a target of organised crime and violence, not as its architect. As documented in my position, notice paragraph 3..." ...[intervenes].

ADV CHASKALSON SC: Mr Sibanyoni, I think the rest of the statement I think will be addressed in legal argument
 10 and in engagements between the attorneys. You may want to pick up your closing remarks at page 237. Paragraph 237, page 81.

MR SIBANYONI: Should I start at 236.7?

ADV CHASKALSON SC: I think 237 because 237 and 238 are just about the way forward and what will happen when you get the bundle.

MR SIBANYONI: 237:

"I wish to state the following clearly as a matter of record:

20 237.1. I am a person who has survived two assassination attempts. I am a state witness in the Matlala criminal trial. I am an accused person in the Delmas criminal proceedings. I am in all three capacities cooperating with the legal

processes applicable to me. In none of these capacities have I sought to obstruct, delay, or frustrate justice.

237.2. My objections to the process adopted by the Commission are not the objections of a person seeking to hide the truth. They are the objections of a person who understands his constitutional rights and is determined to exercise them in full as every South African citizen is entitled and indeed expected to do.

237.3. The principle that a person should not be required to make a statement without first being told what the case against them is, is not a technical legal point. It is a principle at the foundation of our constitutional democracy. This Commission, as an organ of state, is bound by the Constitution to respect it. I respectfully but firmly call upon it to do so.”

Now number 238:

“I am aware of the provisions of the Commission's Act 8 of 1947 and of the

regulations applicable to this Commission including the consequences of giving false evidence under oath. I have made this statement conscious of those obligations and of the sacred nature of the oath I am about to take.”

239:

10 “Before I conclude this statement, I wish to address the Commission directly in my own voice as a man. I have spent more than 42 years building a legitimate life. I was born in Kwaggafontein. I built businesses. I raised families. I employed people. I mediated violence between industrial factions where others fled. When the taxi industry was being destroyed by the killing, I wrote to the Minister of Police. When those killers shot me, I survived. When the National

20 Prosecuting Authority charged the man who tried to kill me, I stood ready to testify against him and now I sit before the Commission of Inquiry being asked whether I discussed the hiring of hitmen. I understand why this Commission must

ask difficult questions of everyone in its scope. I do not resent the process. I respect it, but I wish the record to reflect who Mr Joe Sibanyoni is, a man who reported the criminal cabal to the Minister and before the cabal shot him, a man who testified against his would-be assassin, a man who despised two attempts on his life has never once been
 10 convicted of any crime, a man who is here cooperating because he believes in the rule of law and the Constitution of the Republic that he has served as a community leader for four decades. My dignity is not negotiable. My cooperation is genuine and the truth, I am confident, will vindicate me.”

ADV KHUMALO SC: Mr Sibanyoni, do you want to correct that second sentence?

20 **MR SIBANYONI:** Which one, Commissioner?

ADV KHUMALO SC: On 15, you said you were born in the East Rand. Now you say here you are born in Kwaggafontein.

MR SIBANYONI: Yes, it is a typing error, sorry.

ADV KHUMALO SC: So, should we say you raised in

Kwaggafontein?

MR SIBANYONI: Raised, yes. Correct, ja. Thank you. Commissioner, it was so hectic when we drafted this. I was talking, they were typing, so I expected these types of errors. 240:

10 “This sworn statement has been prepared
thoroughly, multiple consultations, and
reflects the most complete response I am
able to provide to the Commission's
notice within the bounds of the
Constitution, the law, and my pending
criminal proceedings. It will be
supplemented as soon as the
Commission provides the document
bundle it has undertaken to furnish. I
hereby declare that I know and
understand the contents of this sworn
statement and that I have no objection to
taking this prescribed oath and that I
20 consider the prescribed oath to be
binding on my conscience.”

Deponent, it is myself, Mr Madoda Johannes Sibanyoni.
Signed and sworn before me at Centurion on ...[intervenes].

CHAIRPERSON: No, please, that is enough.

ADV CHASKALSON SC: Thank you very much, Mr

Sibanyoni.

MR SIBANYONI: You are welcome.

ADV CHASKALSON SC: Chair, we have reached the end of Mr Sibanyoni's statement. As agreed and ruled earlier, we would ask that his appearance be postponed to 21 September. 21 September.

CHAIRPERSON: Thank you. Mr Sibanyoni, the hearing of your testimony is postponed to 21 September 2026 at 09:30 in the morning.

10 **MR SIBANYONI:** Thank you.

CHAIRPERSON: Let us adjourn and resume at 09:30 on Monday. Let us adjourn.

HEARING POSTPONED TO 31 AUGUST 2026

HEARING ADJOURNS

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