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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

21 SEPTEMBER 2026

DAY 177

PROCEEDINGS HELD ON 21 SEPTEMBER 2026

CHAIRPERSON: Good morning. Ms Qofa, are you lead today? Are you lead counsellor?

ADV QOFA: Indeed, Chair, I am.

CHAIRPERSON: Okay, okay.

ADV QOFA: I am flanked by my colleague, Mr Mfeka.

CHAIRPERSON: All right.

ADV QOFA: Thank you, Chair.

CHAIRPERSON: Good morning, Mr Mosikili. Good morning, Ms Qofa.

ADV MOSIKILI: Good morning, Chair.

CHAIRPERSON: Thank you, and good morning, Mr Sibanyoni.

MR SIBANYONI: Top of the morning, Chairman.

CHAIRPERSON: Thank you, thank you.

ADV MOSIKILI: Thank you, Chair. Chair, when Mr Sibanyoni appeared here last on the 28th of August, he had finished reading his statement. However, Chair, he has submitted a further statement, a supplementary statement, which is quite lengthy, Chairperson. And we are of the view that the purpose of today is to at least get through that statement before we can move to the next phase of his evidence and see how far we can push with that today, Chairperson. So, if we may proceed on those basis, Chair?

CHAIRPERSON: All right.

ADV MOSIKILI: Good morning, Mr Sibanyoni.

MR SIBANYONI: Top of the morning.

CHAIRPERSON: Yes?

ADV QOFA: Forgive me, Chair, if I may, I would have just liked to make a few corrections to the statement. There has been some few numbering mistakes that we would like to correct on the supplementary statement.

CHAIRPERSON: We have had many of those in the past and we have never cared.

ADV QOFA: Chair, I do not know if I should, I can happily go page by page so that we can be able to quickly ...[intervenes].

CHAIRPERSON: If it is just page numbering, maybe let us just leave it be.

ADV QOFA: No, no, not page numbering.

CHAIRPERSON: Okay, on matters of substance, all right, all right.

ADV QOFA: Thank you, Chair.

CHAIRPERSON: Yes.

ADV QOFA: Page 2 of the supplementary statement, top of the page, line 1.

CHAIRPERSON: Page 2.

ADV QOFA: Page 2, the supplementary statement.

CHAIRPERSON: Sorry, sorry, I had the original. Yes?

ADV QOFA: Page 2, the very first line, we delete the word

affirmation, and then we continue. Paragraph 11 at page 5, we correct line 2. 3.1 must read 4.2. And then we proceed, Chair. We proceed to paragraph 44.5 at page 16. The very first line that reads, which the Commission itself in between is urged to rely upon. Is urged, itself is urged to rely upon. And then, Chair, we proceed further. We proceed further to page 24, paragraph 74.

CHAIRPERSON: Have these corrections been made on Mr Sibanyoni's copy or is he correcting as we are going along? Mr Sibanyoni, Mr Sibanyoni, are you correcting as we are going along?

MR SIBANYONI: I am correcting, yes.

CHAIRPERSON: You are correcting.

ADV QOFA: I might get different consequence for those ones, Chair, and I apologise indeed to Mr Sibanyoni.

CHAIRPERSON: All right. Next one.

ADV QOFA: Paragraph 74. It reads, I have already stated, it must be corrected to, I state the concerns. Then next page, Chair, paragraph 78, line number 3. Instead of Part F, it is Part K. Then, Chair, I proceed to paragraph 99.3, page 31. Page 31, the last line of paragraph 99.3, it reads, it was in this context. It must read, in this further context. Yes, but it stayed in the middle between this and further, the context must read the word further. It was in this further context.

And then, Chair, we proceed, I think we are almost done. We are now at paragraph 112 at page 37. The correction there, Chair, the last line of paragraph 112. Instead of paragraphs 235 to 270, it must be paragraphs 135 to 146. Then paragraph 114, equally, instead of 235 to 270, it must be 135 to 146.

Then, Chair, the paragraph 114.4, the last, the second last line on page 39. Instead of paragraph 268, it must be paragraph 145.2. Then paragraph 114.5, instead of paragraph 270, it must be 145.3. Then paragraph 115, Chair, first line ...[intervenes].

ADV KHUMALO SC: I ask about 114.6. Minister Mkhwanazi, is that meant to be General Mkhwanazi?

ADV QOFA: Indeed, indeed, absolutely, absolutely. Apologies, apologies, Commissioner, yes. Then paragraph 115 read together with and delete from the word paragraph to off. It must read with my principal statement.

CHAIRPERSON: I am sorry, can you – you said 115 now.

ADV QOFA: 115, the first line.

CHAIRPERSON: First line, yes.

ADV QOFA: Yes, Chair. Then it reads, I will submit that at H, read with, delete, and start at my principal statement.

CHAIRPERSON: Okay.

ADV QOFA: Then, Chair, I should believe, Chair, that this sums up our corrections as far as the statement is

concerned. No, no, paragraph 157, forgive me, Chair, the final correction. At paragraph 157, it must start with, I have been informed that. Paragraph 157 must start with, I have been informed that, and it will then read compelling the attendance of, we delete myself and another, and it says, Mr Sindane. The second line ...[intervenes].

ADV BALOYI SC: Do that again.

ADV QOFA: It should be, I have been informed that the Commission has issued, and then we continue. Then off, we delete myself and another, and we place it with Mr Sindane. And then line 2 is the change of the date from 21 September to 23 September. Then the rest of the statement, Chair, will be in order. We apologise for this errors that have been made to the Commission. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Qofa.

ADV MOSIKILI: Thank you. Mr Sibanyoni...

CHAIRPERSON: Mr Sibanyoni, you do confirm all the changes, the correctness?

MR SIBANYONI: I think so, but I ...[intervenes].

COURT: Sorry, sorry?

MR SIBANYONI: I think so.

CHAIRPERSON: You must be more categorical than that.

MR SIBANYONI: Ja. That is why I should have given assistance because it was almost too critical.

CHAIRPERSON: Sorry?

MR SIBANYONI: I should have given assistance in analysing all those small factors.

COURT: I am not sure I get you.

MR SIBANYONI: I have made the corrections, Chair.

COURT: Yes.

MR SIBANYONI: But I can say I have missed one or two in those corrections. So as we move along, I think we will also make those rectifications.

CHAIRPERSON: Just a minute. Perhaps what we should do is to adjourn for a very brief period, and Ms Qofa, if you could confer with Mr Sibanyoni on this? I hope it will not take long, please. Please indicate when you are ready. Let us adjourn.

ADV QOFA: Thank you, Chair.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Ms Qofa, are you and Mr Sibanyoni now on the same page?

ADV QOFA: I am indebted, Chair, indeed.

CHAIRPERSON: Thank you. Mr Sibanyoni, do you confirm?

MR SIBANYONI: Thank you so much, Mr Chairman.

CHAIRPERSON: Do you confirm?

MR SIBANYONI: I do.

CHAIRPERSON: Yes. Thank you.

ADV MOSIKILI: Thank you, Chair. Perhaps, Chair, you can just remind Mr Sibanyoni that he remains under oath from his previous appearance.

CHAIRPERSON: Okay. Mr Sibanyoni, you are still under oath.

MR SIBANYONI: Yes, I am still under oath.

CHAIRPERSON: Thank you.

MADODA JOHANNES SIBANYONI: (still under oath

EXAMINATION BY ADV MOSIKILI (CONTINUES): Thank you. Mr Sibanyoni, on the statement that we have, can you go to page 80, 8-0?

MR SIBANYONI: Okay. May I quote it?

ADV MOSIKILI: Yes. Are you there?

MR SIBANYONI: Ja. Mr Chairman, I just wanted to highlight to you in my travel arrangements that I had last week, I was in Europe. When I was there in that hotel, you were the topic of the day. So, your permission, people internationally, they are watching with bulging eyes. I just thought I should share with you. Thank you.

CHAIRPERSON: Thank you for sharing that, Mr Sibanyoni.

MR SIBANYONI: You are welcome.

CHAIRPERSON: Most appreciated.

ADV MOSIKILI: Thank you. Mr Sibanyoni, can you then go to page 80 on the statement?

MR SIBANYONI: 1-8?

ADV MOSIKILI: No, 8-0.

MR SIBANYONI: Yes.

ADV MOSIKILI: Do you then confirm that to be your signature?

MR SIBANYONI: Yes, it is.

ADV MOSIKILI: Thank you. And then do you stand by the contents of the statement?

MR SIBANYONI: Correct.

ADV MOSIKILI: Thank you. Then let us go to page 1 of your statement and try to read it into the record. Chair, I see that Mr Nkabinde is here. I am not sure if Mr Sibanyoni is going to need the services of Mr Nkabinde or what is the position.

CHAIRPERSON: I do not know what the arrangement is, but at this stage, I think the process will be similar as last time, which is more you reading your statement than anything else. So I do not think the services of an interpreter or translator are necessary at this stage. So perhaps the stage of probing, maybe, I do not know. Yes.

MR SIBANYONI: You are correct, Chair.

CHAIRPERSON: Thank you.

ADV MOSIKILI: Thank you, Chair. Mr Sibanyoni, can you then proceed on page 1 of your statement? Please read ...[intervenes].

CHAIRPERSON: I should have said welcome back, Mr Nkabinde. Thank you.

ADV MOSIKILI: Mr Sibanyoni, can you then start on page 1 of your statement and read into the record your full names, and then we proceed to read your statement into the record?

MR SIBANYONI: Page 1:

> "In the matter of the Judicial Commission of Inquiry into Criminality, Political Interference and Corruption in the Criminal Justice…" …[intervenes].

ADV MOSIKILI: Maybe just go to your name, it is …[intervenes].

CHAIRPERSON: No, perhaps page 2, A, Preliminary Matters, and then A1, Basis and Purpose of the Supplementary Statement, and then you read paragraph 1.

MR SIBANYONI: Okay.

CHAIRPERSON: Yes.

MR SIBANYONI: Thank you:

> "I make this supplementary statement in amplification of my sworn statement filed with the Commission on the 17th of August 2026, which was my principal statement, which comprises 85 pages, and it was organised into parts A through

Q. The legal basis for this supplementary statement is established by the Commission's own undertaking recorded in the letter from the Commission's Evidence Leaders to my attorneys wherein we were informed that evidence bundle would be provided to me and my legal team five days before the leading of my statement. That did not happen, and the exhibit bundle was delivered late, with the final bundle having been provided on the eve of the 17th of September 2026 at 18:21 p.m. I have, as a result, had very little time to consider the final document sent to me in finalisation of this supplementary statement.

[3] I have been made aware of the further email from the Commission on the 18th of September 2026 at 11:15 a.m., wherein the Commission, amongst others, have stated the following. We have been instructed by the Evidence Leaders to advise you that the exhibit bundle may be supplemented on receipt

of Mr Sibanyoni's supplementary affidavit. We therefore await receipt of the supplementary statement.

[4] I have raised and continue to raise with concern the manner in which we are being drip-fed information from the Commission, which information is blatantly in the hands of the Commission at the moment, with the understanding that when same is finally made available, I will be expected to keep supplementing my statement. For these continual supplements, one has to consult with legal teams at a cost, to simply take it for granted that one can and will always bear the cost of lawyers to draft statements in this manner is truly not appropriate and should not be encouraged by this Commission.

[5] My attorney drew the Commission's attention, prior to the filing of my principal statement, to the procedural unfairness inherent in requiring me to file a sworn statement before I had received any documentary evidence bundle. My

attorney's letter, forming part of the record before the Commission, expressly foreshadowed that my principal statement would necessarily be incomplete in the absence of the bundle, and reserved my right to supplement once the bundle was received. To provide evidence in drips and drabs defeats the process entirely.

[6] My principal statement was filed on 17 August 2026. The Commission's evidence bundle, comprising a further 55 items, totalling 2 028 pages, was received by my attorneys only on 4 September 2026, being 18 days after the filing deadline for my principal statement. This chronological inversion, requiring me to file my statement before receiving the Commission's own evidence, constitutes a fundamental procedure unfairness which I have since formally recorded.

[7] This supplementary statement addresses the full evidence bundle as received. It should be read together with my principal statement and does not

detract from or contradict the position taken therein, save to the extent that it provides amplification, contextualisation, factual correction, and constitutional objection where warranted.

[8] Nothing in this supplementary statement constitutes a waiver of any constitutional rights invoked in my principal statement, including, but not limited to, my right against self-incrimination under section 35(3)(j) of the Constitution of the Republic of South Africa 1996, which is the Constitution.

A2. Formal objection to matters beyond the Commission's mandate and to new matters arising from the evidence bundle.

[9] The regulation 10.6 notice issued to me defines the scope of the Commission's inquiry insofar as it relates to me. The Commission's evidence bundle, comprising 55 items and 2 028 pages together with the additional bundle CJC452-494, comprising approximately 2 046 further pages, goes materially beyond the matters specifically raised in

that notice. I raise a formal and categorical objection to all matters in the evidence bundle that are: (a) outside the Commission's terms of reference as set out in Proclamation 269/2025, (b) outside the specific matters raised in the regulation 10.6 notice issued to me, or (c) new matters arising for the first time from the Commission's own evidence, in respect of which I have not received adequate prior notice or meaningful opportunity to respond in accordance with the *audi alterum partem* principle.

[10] This objection is raised without prejudice to my right to approach a court of competent jurisdiction to challenge the Commission's reliance on matters outside its mandate. It is raised in the context of sections 33 and 4 of the Constitution, which guarantee every person the right to fair administration action and access to courts, and in the context of the principle that a Commission of Inquiry may not be expanding its evidentiary net beyond the scope of its empowering instrument,

deprive a witness or subject to the fair hearing rights to which the Constitution entitles them.

[11] I identify the following categories of matters as falling outside the Commission's mandate and/or the scope of the Regulation 10.6 notice 4.2, Kwaggafontein 20, the Kwagga 20 matters. This matter involves persons other than myself and relates to conduct in which I do not appear as an accused party in the context of those specific proceedings, if any.

[12] I pause to mention that on my unlawful arrest in the Kwaggafontein criminal case and having been held in the police cells, the police did in fact ask me about the Kwagga 20 with the station commander of Middelburg, Colonel Sigubu. I did engage on the matter and will not address this issue related thereto now. That has become apparent to me that there is in fact a live investigation on the matter.

[13] I have noted the Commission exhibit

bundle at page 144 wherein a Mr Nkabule Themba has sent a message to Mr Sindane about the Kwagga 20 at 10:21:32 a.m. The same message was forwarded by Mr Sindane to me exactly 10:21:50 seconds, literally 18 seconds after received. I note that the individuals mentioned in this WhatsApp were listed in the Regulation 10.6 although not identified, I believe deliberately so, as the alleged Kwagga 20.

[14] The Commission's terms of reference are directed at criminality, political interference, and corruption in the criminal justice system, with specific reference to specific conduct to the extent that the Commission's bundle includes material referencing.

[14.1] The Kwagga 20 proceedings in which I am not directly implicated as an accused person, that material falls outside the Commission's mandate and I am not required to respond to it.

[14.2] The Moloto Road and the Evergreen contracts. The Moloto Road

infrastructure and transport matters do not fall within the Commission's terms of reference. I draw the Commission's attention to:

[14.2.1] The Public Protector findings in respect of the Evergreen bus contracts addressed in Part P of this Supplementary Statement.

[14.2.2] The Competition Commissioner's mandate to investigate restrictive horizontal practices arising from those contracts, and

[14.2.3] The fact that the Moloto Road matters have not been referred to the Special Investigation Unit for investigation.

[14.3] These facts collectively confirm that the Moloto Road matters are matters of administrative and commercial law, not criminal justice system corruption, and accordingly fall outside this Commission's mandate. To the extent that I am asked to address the Moloto Road matters, the rights under section 35(3)(j) and 35(3)(i) of Constitution are

invoked in full.

[14.4] The matter and the..."

...[intervenes].

CHAIRPERSON: Sorry, sorry. Can you please explain, Ms Qofa, what the relevance of section 35(3)(i) is?

ADV QOFA: Chair will note that the issues of Moloto Road are intertwined in clear terms to the Kwaggafontein case, within which Mr Sibanyoni is an accused. We therefore raise this in this context. However, we have noted, as Chair will note in 14.4 ...[intervenes].

CHAIRPERSON: Let me tell you why I am asking the question.

ADV QOFA: Thank you, Chair.

CHAIRPERSON: I may be wrong, but my co-commissioner is looking at the section and she will correct me if I am wrong. I think (i) is about adducing and challenging evidence. So, if I am correct, I do not quite see its relevance in this context. So, that is why I am asking you why you have it there or why Mr Sibanyoni's statement has it there.

ADV QOFA: Chair, maybe let me go to 35(3)(i).

CHAIRPERSON: Yes.

ADV QOFA: 35(3)(i), Chair, states the following.

CHAIRPERSON: So, you start at the top, the introductory part, before the itemisation, the A to whatever, yes.

ADV QOFA: Indeed.

CHAIRPERSON: Ja.

ADV QOFA: They say it is arrested, detained and accused persons. And it says 35(1):

> "Everyone who is arrested for allegedly committing an offence has the right."

I will not go there, should I, Chair?

CHAIRPERSON: Go to 35(3), 35(3) not (1).

MR SIBANYONI: Indeed. 35(3):

> "Every accused person's right to a fair trial, which includes the right..."

And then I now skip ...[intervenes].

CHAIRPERSON: To (i).

ADV QOFA: I now skip to (i):

> "To adduce and challenge evidence."

CHAIRPERSON: Yes.

ADV QOFA: But only in so far as the criminal proceedings are concerned, Chair.

CHAIRPERSON: Yes. What I am asking is, what is its relevance here? Why do you refer us to it in the commission proceedings? I understand the reference to 35(3)(j), for example.

ADV QOFA: Yes.

CHAIRPERSON: So, I am trying to understand the reference to (i), about the right to challenge and adduce

evidence.

ADV QOFA: Chair, actually, Chair, I think if Chair may allow me, I might just have to check specifically, because I am reading through (i) now.

CHAIRPERSON: Yes.

ADV QOFA: And I think it might have been some small error. I will correct it as we go along, Chair. But particularly ...[intervenes].

CHAIRPERSON: Let me tell you, as presently advised, I do not think it is relevant at all. So, please apply your mind and see if in the end you agree with me.

ADV QOFA: I will do so.

CHAIRPERSON: I do not think it is relevant at all.

ADV QOFA: I may very well agree with Chair.

CHAIRPERSON: Yes.

ADV QOFA: But I would like to probably just make sure that indeed I am not reducing the discussions we might have had with Mr Sibanyoni as far as this is concerned.

CHAIRPERSON: Yes, no, that is in order.

ADV QOFA: But Chair, maybe to add further, I just wanted to say it is in that context of the Moloto Road and its relevance to the docket.

CHAIRPERSON: Do not worry about anything else. My focus was just on (i). That is it.

ADV QOFA: Thank you.

CHAIRPERSON: Thank you. Please continue, Mr Sibanyoni.

MR SIBANYONI:

"[14.4] PUTCO and Commuter Transport competition matters. My engagement with PUTCO related matters is addressed in Part J and P of this supplementary statement. Additionally, the general subject matter of Taxi Commuter Transport Competition and Industry disputes between tax operators and bus operators falls outside the specific mandate of this Commission, which is directed at criminality in the criminal justice system. My engagement with PUTCO matters was conducted in the capacity of a legitimately constituted industry leader and stakeholder. These matters are addressed on a without prejudice basis only.

[15] I respectfully request that the Commission's legal team formally identify which items in the evidence bundle relate to matters outside the original Regulation 10.6 notice and afford me an adequate

opportunity to respond to any such matters with proper notice, full particulars and reasonable time.

[16] I wish to emphasise with clarity that my constitutional rights under section 35(3)(i) and 35(3)(j) of the Constitution applies with equal and unreduced force to every new matter raised for the first time in the Commission's evidence bundle. Neither the Commission's rules, its procedures nor any power delegated to it by the President's proclamation curtails or diminishes those rights.

[17] Section 35(3)(i), the right not to be compelled to give…" ...[intervenes].

ADV BALOYI SC: Sorry, Mr Sibanyoni, it is (i) not 1.

MR SIBANYONI: Okay, thank you.

"Section 35(3)(i), the right not to be compelled to give self-incriminating evidence under section 35(3)(j). The right to remain silent and not to be compelled to give evidence against oneself are constitutionally entrenched rights that a Commission of Inquiry, as a creature of statute operating within

constitutional framework cannot override. Any rule of the Commission that purports to compel me to answer questions or provide information that may tend to incriminate me in any current or future criminal proceedings is unconstitutional to that extent and is of no force or effect."

CHAIRPERSON: You see, Ms Qofa, I wanted to say even when you substantiate on the content of the rights, you mention only (j), the content or substance of (j), and nothing about (i). So ...[intervenes].

ADV QOFA: Chair is absolutely correct.

CHAIRPERSON: So I am probably correct.

ADV QOFA: In fact, Chair is correct, only to – I must add that (i) ought to have read as (h), and therefore wherever it reads as (i), it ought to be understood as – I apologise, Chair, and thank you.

CHAIRPERSON: No problem at all. Thank you.

MR SIBANYONI:

"B: the critical factual corrections.

[B1] The identity of Botsotso. Correction of a material misidentification.

[18] Before addressing any substantive matters, it is essential that I place on

record a critical factual correction that affects several items in the Commission's evidence bundle.

[19] Throughout the evidence bundle and in the Regulation 10.6 notice issued to me, reference is made to a person identified as Botsotso. It is my considered submission, supported by exposition below, that this identification represents a material conflation of two separate individuals, which, if uncorrected, would fundamentally distort the Commission's understanding of the relevant transactions and relationships.

[20] The real Botsotso is a person who I came to know through Mr Bafana Sindane (Mr Sindane). Botsotso and Bafana Sindane are married from the same household. It is through this domestic connection that I came to know Botsotso. Botsotso, to my knowledge, retired from the South African Police Service on 31 January 2025."

ADV MOSIKILI: Mr Sibanyoni, can you just give us the full name of the real Botsotso?

MR SIBANYONI: I just forgot it. I just commonly know him as Botsotso, but there is a name.

ADV MOSIKILI: There is a name, but you forgot it.

MR SIBANYONI: That I forgot it, ja, but I call him Botsotso.

ADV MOSIKILI: Okay, let us proceed.

MR SIBANYONI: I think he was a star player at some point.

ADV MOSIKILI: All right, let us proceed.

MR SIBANYONI: Okay:

> "[21] The person referred to in the bundle of financial evidence as Botsotso, particularly in connection with payments made to the cellular number..."
> ...[intervenes].

ADV MOSIKILI: Mr Sibanyoni, again, please do not read out the cell number, please.

MR SIBANYONI: Come again?

ADV MOSIKILI: Do not read out the cell number, please.

MR SIBANYONI: Okay.

ADV MOSIKILI: Yes.

MR SIBANYONI: I will start fresh again at number 21:

> "[21] The person referred to in the bundle of financial evidence as Botsotso, particularly in connection with payments

made to the cellular number, is in fact a different person entirely: Mr Mkhuzelwa Mthimunye. Mr Mthimunye passed away sometime during the year 2025. The cellular number was associated with Mr Mthimunye, not with the real Botsotso.

[22] Mr Mthimunye was associated with an entity called National Mzulu Trading, which is not an entity owned by or controlled by or associated with me in any way.

[23] I am unable to comment on any funds paid to Mr Mthimunye or in his financial affairs. I note that in so far as the Commission's case rests on the conflation of Mr Mthimunye with the real Botsotso, that foundation is factually incorrect.

[24] A further and distinct cellular number appearing in the bundle is associated with a person named Boesman Gillrey Mnguni. I do not know this person. I am aware, as revealed by the Commission bundle, that a payment of R600 was made to this number. I

cannot comment further on this transaction. I respectfully request that the Commission's Evidence Leader take note of this correction and ensure that the bundle is properly reinterpreted in its light.

B2: The identity of Bhokgolo/Mahlangu. Correction of a separate misidentification.

[26] A further material misidentification requires correction. The person referred to in various bundle items as Bhokgolo, whose surname is Mahlangu, Warrant Officer Mahlangu, is not Calvin Mahlangu. They are different persons, notwithstanding that they share a surname.

[27] I wish to add further that my younger brother has a son in the Bhokgolo family. He is, therefore, their brother's in-law in the traditional sense.

[28] Warrant Officer Mahlangu (Bhokgolo) is a homeboy of mine from Kwaggafontein and is currently a serving member of the South African Police

> Service. The fact that he received entry codes of Centurion Golf Estate is applicable in the context set out in Part C below…" ...[intervenes].

CHAIRPERSON: This may not sound all that important, but if I understand you correctly, you are saying because your younger brother has a child in the same family to which Botsotso and who else? Who are the other people who are married into that family?

MR SIBANYONI: Bhokgolo.

CHAIRPERSON: Ja, those two people. You say he is not married into that family.

MR SIBANYONI: Correct.

CHAIRPERSON: He just has a child.

MR SIBANYONI: Yes.

CHAIRPERSON: But you say because he has a child, he is a what? Brother-in-law?

MR SIBANYONI: Ja, in our culture, having a child, we normally call this *sibali*.

CHAIRPERSON: Is that so?

MR SIBANYONI: We just take it like that.

CHAIRPERSON: Cultures are very different than where I come from, which is AmaBhaca, the area of AmaBhaca.

MR SIBANYONI: Ja.

CHAIRPERSON: Although I am ...[indistinct], I have been

assimilated to AmaBhaca. You are not called *sibali*, not in those circumstances.

MR SIBANYONI: Okay.

CHAIRPERSON: All right, anyway.

ADV MOSIKILI: Please proceed to paragraph 29.

MR SIBANYONI:

> [29] Calvin Mahlangu is a different individual with no relationship to Warrant Officer Mahlangu Bhokgolo beyond the coincidence of surname.
>
> [30] The Commission's evidence bundle conflates these two persons in several items. I respectfully submit that any adverse inference sought to be drawn from the conflation as if Bhokgolo and Calvin Mahlangu were one and the same is factually confused and must be corrected accordingly.
>
> [31] I further note the clarity that the newspaper articles at CJC484 and CJC485 concerning Jabu Gwabu Mahlangu, an alleged taxi hitman referred to, had a further and distinct individual who shares the surname Mahlangu. There is no relationship

between Jabu Gwabu Mahlangu and either Warrant Officer Mahlangu Bhokgolo or Calvin Mahlangu. Any association between myself and Gwabu Mahlangu, based on a shared surname with my homeboy, would be wholly without evidential foundation.

C. SAPS Officers, State Access Codes and Security Contacts, CJC458-2466 and CJC480.

C1. Contacts: The avalanche of deaths among associates.

[32] This part responds to Question 2.7 of the Regulation 10.6 Notice. My relationship with other members of the SAPS, including details of all payments made to SAPS members, and to the extent that access codes are related thereto, to question 2.7.3. These matters are addressed in the relevant portions of my principal statement (Parts C and E and Q therein). I submit that the access code evidence falls squarely within the Commission's terms of reference, and I address it fully below. This issue is

addressed compressively in this part.

[33] In order to understand the evidence relating to estate access codes and meetings at Centurion Golf Estate, it is necessary for the Commission to appreciate the security context in which I was operating during the relevant period.

[34] During the period under the Commission's scrutiny, I experienced a devastating and sustained series of deaths among persons known to me. These deaths occurred in rapid succession, constituting what I have only described as an avalanche and an extraordinary concentration of fatal incidents around my circle of associates and colleagues in the Taxi Industry. The precise details of these deaths are addressed in relevant portions of my principal statement and in associated sworn statements.

[35] In response to this sustained threat environment, I took a deliberate decision. I instructed all of my associates and all my team members to hold their meetings

at my office within Centurion Golf Estate, rather than an external venue so that security could not be controlled. This decision was driven solely by security consideration. By centralising meetings at the estate, I could ensure a controlled, monitored, and secure environment for the very people who had become obvious and immediate targets.

[36] As a consequence of this decision, it became necessary to issue estate entry codes to individuals who needed to attend meetings at the estate. These issuance of estate access codes to persons named in the bundle, including Warrant Officer Mahlangu Bhokgolo and others, must be understood in this security context. It does not evidence any impropriety. It evidences a practical security measure taken in response to a genuine threat environment. The access codes would not have been provided for my personal meetings. They were associated with meetings around my teams and associates, as a result of

which, as it will become clear through the Commission's own evidence bundle from pages 1217 to pages 1221. This would have been the period (12 and 13 July 2025). I would have travelled abroad and out of the country, and yet within the same period, sent entry codes to Mr Sindane numerous times.

[37] I pause to emphasise that it must not be understood that even in the fairest manner, that when I issued access codes, it would mean I am attending, are aware, or I am involved in the meeting that resulted in such access codes..." ...[intervenes].

ADV KHUMALO SC: Mr Sibanyoni, in paragraph 35 you say these meetings were held at your office.

MR SIBANYONI: Correct.

ADV KHUMALO SC: Is this the clubhouse or a private office at your house? Can you just clarify that?

MR SIBANYONI: It is a guest house, which is my office.

ADV KHUMALO SC: At your house?

MR SIBANYONI: No, no, office.

ADV KHUMALO SC: What is it? Is it an office park?

MR SIBANYONI: No, no, I operate from the guest house.

ADV KHUMALO SC: From a guest house?

MR SIBANYONI: Ja, which is my guest house.

ADV KHUMALO SC: And the office is at the guest house?

MR SIBANYONI: Correct, ja.

ADV KHUMALO SC: All right.

ADV MOSIKILI: C2.

MR SIBANYONI: Advocate, where were we?

ADV MOSIKILI: C2.

MR SIBANYONI:

"**C2**. My personal knowledge of Pilusa, Mashego, and Tlhako.

[38] I do not personally know the following individuals who appear in the access codes records: Pilusa, Mashego, Andrew Benjamin Tlhako.

[39] I reiterate that while I would have indeed issued access codes to various persons, I cannot be held responsible for the onwards sharing of those codes by the recipients. Once a code was issued to a trusted recipient, the manner in which that recipient used or shared the code was beyond my control.

[40] Insofar as the Commission's evidence bundle (CJC480) suggests that there was a WhatsApp group that

included Mashego Andrew Benjamin, I wish to place on record my clear recollection I was not in a WhatsApp group with Mashego. I request that the Commission's verify and confirm the precise composition of any WhatsApp group alleged to include my name."

ADV MOSIKILI: Mr Sibanyoni, at paragraph 39, when you make reference to the code, just give us an example of how the code works when you talk about being shared or forwarded. For example, can it be used multiple times, or how does it work?

MR SIBANYONI: Perhaps you will call me and say, Mr Sibanyoni, please give me five codes. I will generate a code and multiply the very same code five times.

ADV MOSIKILI: Okay, thank you.

MR SIBANYONI: Thank you.

ADV MOSIKILI: And then C2A.

MR SIBANYONI:

> "**C2A**. Individual address of Mashego, Tlhako, and Pilusa,
>
> [41] Having addressed the general context in Part C2 above, I provide the following individual observations in respect of the three SAPS members most prominently implicated in the Commission's systemic pattern argument.

[42] Mashego Andrew Benjamin (Mashego Police, Modrand) CJC461, CJC464, CJC480, and CJC481: and 2.1, CJC480, contains an 18-page digital forensic record of direct WhatsApp communication between Mashego Andrew Benjamin and Mr Sindane. I address this directly.

[42.1] I did not personally add Mashego Andrew Benjamin to any WhatsApp group of which I was a member. To the best of my recollection and knowledge, I do not have a personal relationship with Mashego that would have led him to include Mashego in any communication group.

[42.2] I have no social, professional, or personal history with Mashego.

[42.3] I am not aware at any time material to this inquiry that Mr Mashego was engaged in direct communication with Mr Sindane.

[42.2] The context of CJC480 (the 18-page Mashego-Sindane WhatsApp records) were entirely outside my

knowledge. I did not direct, solicit, or approve those communications.

[43] Tlhako Thapelo Emmanuel. CJC462, CJC464 and CJC493.

[43.1] I confirm that I do not personally know Tlhako Thapelo Emmanuel. I do not have a social, professional, or personal relationship with Tlhako.

[43.2] Tlhako's appearance in the estate access codes record (CJC464) is explicably only through the mechanism described in Part C/1 above, the onwards sharing of access codes by persons to whom I issued codes beyond my knowledge or control.

[43.3] I was not aware of any communication between Tlhako and Mr Sindane. The 10-page CJC493 record is entirely outside my knowledge. I cannot be held responsible for communication conducted entirely between third parties without my involvement, direction, or knowledge.

[44] Pilusa Molepo Elvis, CJC460 and CJC464.

[44.1] I confirm that I do not personally know Pilusa Molepo Elvis. I have no social, professional, or personal relationship with Pilusa.

[44.2] Pilusa's appearance in the estate access records is explicably, again, through the onwards sharing of access codes, which are managed beyond my control once initial codes were issued to trusted recipients.

[45] The Commission's cumulative argument to the effect that five serving SAPS officers, Mahlangu, Bhokgolo, Pilusa, Mashego, and Tlhako, have connections to me, must be assessed with the following important qualifications.

[45.1]..." ...[intervenes].

CHAIRPERSON: Before you itemise 45.1 and so on, this statement or reference to argument by the Commission with certain variations appears, or rather the statement is replete with such language. At this point, is the Commission arguing anything? Is it not more, at least at this stage, because Mr Sibanyoni is responding to questions, is it not more questions being put to him and

then he having to respond to those? I do not know whether from the questions it can be said that there is argument ...[intervenes].

ADV QOFA: Chair ...[intervenes].

CHAIRPERSON: By the Commission.

ADV QOFA: Maybe, Chair, one would put it this way. When one understands the Regulation 10 notice, and now reads it in line with the evidence bundle that has been provided, a picture forms, which almost gives a narrative that, and Chair, I wish I could find a better expression for this, but it almost creates a picture that a certain image has been created to a particular effect and maybe ...[intervenes].

CHAIRPERSON: And you say this comes from the transcript of the evidence?

ADV QOFA: From the evidence that we have received, and I am saying once again, starting from the Regulation 10 notice itself, read with the evidence bundle that we have received, it creates that picture that can only be, well, not only, Chair, as it might differ from one to the other, but it creates that pattern of understanding that this is the picture that is being sought to be drawn.

And therefore, and Chair, maybe the very example, for instance, of the five police officers that I have referred to, the understanding from the Commission's notice is

police officers within your reach, control, and so on. And you almost understand these five individuals who are put there, through WhatsApp communications, through access to the estate, and through the alleged relationship with Mr Sibanyoni, to the extent that it will then give that picture that indeed there was this relationship. And once again, Chair, if the word argument is the wrong word ...[intervenes].

CHAIRPERSON: Maybe simplifying my understanding of this in the hope that it will not become simplistic. Is not what is sought if one focusses just on this one issue, just explain your relationship with these people. And if I am correct in that, I do not see any argument by the Commission and one could then transpose that to the several other places where you find reference to argument by the Commission.

ADV QOFA: Chair, I would absolutely take the point. And once again, I am saying if the word argument would have seemed inappropriate, it was not meant to have any particular sting. It was simply meant to demonstrate the pattern which we had somewhat picked up, but it truly does not seem to mean that it is an argument.

CHAIRPERSON: Ja. Even without a sting, but it was meant to say something and it is that something that I am engaging you on.

ADV QOFA: Chair, we will withdraw the word argument so as to not be sitting on some ...[intervenes].

CHAIRPERSON: Except, of course, Mr Sibanyuni will not know how to read those several parts of his statement. But, Mr Sibanyuni, when you get to those parts where reference is made to argument, just read the statement as is. But our understanding will be on the basis that Ms Qofa now concedes that that ought not to have been there. Please continue.

MR SIBANYONI: Okay.

> "[45.1] I personally know only Mahlangu (Bhokgolo) exclusively in the homeboy/community context already described..." ...[intervenes].

ADV BALOYI SC: Mr Sibanyuni, can I just understand what you mean there? Because in earlier paragraphs, when you speak about other people, you speak about having no social, professional or personal relationship with them when you speak about them.

MR SIBANYONI: Correct.

ADV BALOYI SC: What does that mean for Mr Mahlangu?

MR SIBANYONI: Mr Mahlangu is the one that my younger brother has with a child.

ADV BALOYI SC: Okay, maybe let me ask more directly. Do you have a social relationship with him? Do you have a

professional relationship with him? Do you have a personal relationship with him?

MR SIBANYONI: No, it can fall back to being a family for the mere fact that my younger brother has got a child.

ADV BALOYI SC: So he is your family member?

MR SIBANYONI: Correct.

ADV BALOYI SC: That is how you describe him?

MR SIBANYONI: Yes.

ADV BALOYI SC: Okay, thank you. And do you have any professional relationship or business relationship with him?

MR SIBANYONI: No, not at all.

ADV BALOYI SC: Okay, thank you.

MR SIBANYONI:

> "[45.2] Botsotso's presence is explained through his relationship with Mr Sindane as set out in parts B1 and C4.
>
> [45.3] Pilusa, Mashego and Tlhako are persons I do not personally know and have not personally engaged with.
>
> [45.5] The Commission's cumulative pattern argument rest on the assumption that I control and directed all estate access and all group chat membership. That assumption is factually incorrect. Access codes were shared by recipients

beyond my control and group chat membership can be acquired through the forwarding of invitation links. Assessed against this actual mechanism, the alleged pattern is far less remarkable than the Commission's directive suggests.

[45.5] The Shongwe Commission report, which the Commission is urged to rely upon, confirms that such infiltration of taxi networks was systematic and pervasive. That systematic reality means that the presence of police officers in the broader environment of Taxi Industry ...[indistinct] does not without more establish an industry leader as the organiser or a beneficiary of that infiltration

C3: Warrant Officer Mahlangu (Bhokgolo) context of the relationship.

[46] Warrant Officer Mahlangu, known to me as Bhokgolo, is my homeboy from Kwaggafontein. He currently serves in the South African Police Service. His receipts of state access codes is entirely

consistent with his attendance at meetings at the estate in the context described above.

[47] I wish to add further the fact that Bhokgolo is a serving SAPS member who receives entry codes is explicable. He is a homeboy of mine, who, in the personal capacity, attended meetings at the estate. I am fully aware that he works for the SAPS. This context of him being a homeboy who happens to serve in the SAPS is categorically different from the Commission's apparent suggestion that SAPS officers were being recruited or enlisted for improper purposes.

[48] I emphasise with clarity that I have grown up with, known and associated with members of the South African Police Services. I have never associated with them for some improper motive or purpose. In fact, I indeed hope my reading of the context from the Commission, that knowing a policeman and meeting them or associating with them would mean nonother than to

corrupt them or cause them to be corrupt because such a narrative will be entirely incorrect.

[49] I am unable to comment on the financial affairs of Gubis85 Solutions (Pty) Ltd (Gubis85) where Bhokgolo/Warrant Officer Mahlangu received payments from Gubis for any reasons is not within my knowledge. I can comment on the financial activities of entities that are not mine."

I cannot. Sorry:

"I cannot comment on the financial activities of entities that are not mine to administer.

C3A Timmy Team Roger (Mkhomazi Timmy T) – CJC486 and CJC491.

[50] The Commission's bundle reveals that a person identified as Timmy Team Roger (Mkhomazi Timmy T) features in approximately 42 pages of WhatsApp communications with Mr Sindane across CJC..." ...[intervenes].

CHAIRPERSON: 472. I think you said 42. 472 pages, ja.

MR SIBANYONI: Okay, thank you, Chair. I will repeat the

same number 50:

> "The Commission's bundle reveals that a person identified as Timmy Team Roger (Mkhomazi Timmy T) features in approximately 472 pages of WhatsApp communications with Mr Sindane across CJC486 (39 pages) and CJC491 (433) pages. The Commission's analysis of CJC481 further suggests that Timmy Team Roger was a named member of the same communication group as myself.
>
> [51] The volume of communication between Timmy and Sindane, 472 pages, is of itself significant. The Commission will doubtless invite an inference that such an extensive communication relationship between a group member of mine and Sindane was coordinated by or known to me. I address this directly.
>
> [52] I am aware of a person known as Timmy. I do not propose consistently with his section 35(3)(j) rise to characterise Timmy's role or his relationship with other parties in detail. What I can and do confirm is as follows.

[52.1] To the extent that Timmy appears in any group communication that included my account, Timmy's inclusion was not at my direction for any improper purposes.

[52.2] I was not aware of the extent of Timmy's independent communication with Mr Sindane. The volume of that communication of some 472 pages across CJC486 and CJC491 was entirely outside my knowledge.

[52.3] I categorically deny that Timmy's communications with Mr Sindane were conducted at my direction, on my behalf or with my knowledge and approval.

[52.4] Group membership does not establish coordinated or directed communication. The mere fact that Timmy and I appeared in a common group chat does not establish that I was aware of, directed or approved Timmy's independent 472 page relationship with Mr Sindane.

[52.5] The 472 pages of WhatsApp communications between Timmy and Sergeant Nkosi represent an independent

bilateral relationship between the two individuals, conducted without my knowledge, direction or involvement. The Commission's effort to attribute this relationship to me by reasons of group chat, co-membership is analytically unsound. If group chat, co-membership suffices to establish direction and coordination, then every member of any WhatsApp group in the Commission's bundle will be implicated in every message that is sent by every other member. Of course, this is a proposition that is self-evidently absurd. Group chat membership is not equivalent to direction of all communications between group members and their external contracts."

ADV MOSIKILI: Mr Sibanyoni, just go up on page 18.

MR SIBANYONI: 1-8?

ADV MOSIKILI: 1-8, yes, 52.5. The 472 pages of the WhatsApp communication.

MR SIBANYONI: Sorry, where are we?

ADV MOSIKILI: 52.5, at the bottom.

MR SIBANYONI: At the bottom, correct, ja.

ADV MOSIKILI: Yes, the 472 pages of WhatsApp

communication. The reference has been between Timmy and ...[intervenes].

MR SIBANYONI: Sergeant Nkosi.

ADV MOSIKILI: Sindane.

MR SIBANYONI: Okay.

ADV MOSIKILI: Should we not correct that?

MR SIBANYONI: Thank you.

CHAIRPERSON: Instead of Sergeant Nkosi, we write Mr Sindane.

ADV MOSIKILI: Sindane.

CHAIRPERSON: Thank you. Thank you, Mr Mosikili.

ADV MOSIKILI: Then we go to paragraph 53 on page 19.

MR SIBANYONI: Okay.

> "I must pause to add in any event that Timmy runs and operates a security business on an ad hoc and intermittent basis as part of his portfolio. He therefore also provides security services to me on this basis. This is the very basis of the relationship between myself and Timmy. Nothing further turns on this issue."

Just there, is this over and above the security provided to you by Gubis?

MR SIBANYONI: Yes.

ADV MOSIKILI: Okay, and Timmy?

MR SIBANYONI: Timmy, yes.

ADV MOSIKILI: His security, does it have a name or he provides security?

MR SIBANYONI: No, he has got a security company.

ADV MOSIKILI: Do you perhaps have a name for us for that?

MR SIBANYONI: I will provide it to you later.

ADV MOSIKILI: I will note that. Thank you.

MR SIBANYONI: Ja.

ADV BALOYI SC: Sorry, Ms Qofa, can I just understand the opening paragraph in 52, that second sentence, what is being asserted there where it says, I do not propose consistently with ease section 35(3)(j) rights to characterise the rest of it? What is being asserted there? I am not sure I understand.

ADV QOFA: Chair and Commissioners, I think – forgive me. I think in truth, maybe one would have gone into the context of the exchanges that have been attached in the 472 pages. To the extent, Chair, that some impropriety would have been, what is the appropriate word, Chair? To the extent that the discussions within the WhatsApp groups between Timmy and Mr Sindane would have been viewed to a level of impropriety, then Mr Sibanyoni is saying, I am not, please, I should not be, my rights should be protected as

far as those communications are concerned.

ADV BALOYI SC: It says his, so Ms Sibanyoni here is invoking 35(3)(j) on behalf of Mr Sindane, it seems. That is where my confusion is.

ADV QOFA: Well, the meaning here, Chair, forgive me, would not have been on behalf of Mr Sindane, but on his own behalf. And if that reading suggests, so let me, maybe, Chair, if I read the paragraph again, I might pick up where the Queen's language might have evaded us. It says:

> "I am aware of the person known as Timmy. I do not propose consistently with his section..."

Yes, indeed, you are right, Chair.

ADV BALOYI SC: Can we accept that he cannot invoke 35(3)(j) on behalf of Mr Sindane?

ADV QOFA: Indeed, Chair, absolutely.

ADV BALOYI SC: Okay, thank you. Did I say Mr Sindane, he cannot invoke the right on behalf of Timmy? The record should so reflect, thank you, Mr Mosikili.

MR SIBANYONI: Where are we, Advocate?

ADV MOSIKILI: Just to wrap up, on the issue of Timmy, you say that Timmy is a person that you use for ...[intervenes].

MR SIBANYONI: Extra security.

ADV MOSIKILI: For personal security services.

MR SIBANYONI: Sure.

ADV MOSIKILI: And that you provide us with the name of his security company.

MR SIBANYONI: That my advocate will provide.

ADV MOSIKILI: Yes, and this is over and above the security from Gubis.

MR SIBANYONI: Yes, ja.

ADV MOSIKILI: Then let us move to C4 then, where we deal with Botsotso and your relationship and the Cash Send payments.

MR SIBANYONI:

> "**C4** Botsotso: My relationship and the Cash Send payments.
>
> [54] As stated in Part B above, I came to know Botsotso (Botsotso through Mr Sindane). They have both married from the same household. My knowledge of Botsotso arose from this domestic connection with Mr Sindane. As I understood, Botsotso retired from the SAPS on the 31st of January 2025.
>
> [55] The Cash Send payments..."

...[intervenes].

ADV MOSIKILI: Mr Sibanyoni, is this the Botsotso that you say you ...[intervenes].

MR SIBANYONI: The real Botsotso.

ADV MOSIKILI: The real Botsotso, that you cannot – can you try and get a name for us? Because it is confusing ...[intervenes].

MR SIBANYONI: My advocate knows.

ADV MOSIKILI: So your advocate knows the name.

ADV QOFA: We will provide the names, Chair.

ADV MOSIKILI: I appreciate it, thank you. Thank you. Remember when you go to paragraph 55, do not read the cell phone number again.

MR SIBANYONI: Okay:

> "The Cash Send payments that the Commission identified in connection with the number were not payments to the real Botsotso. They were payments to Mr Mkhuzelwa Mthimunye, who was incorrectly identified in the bundle as Botsotso. For the reasons set out in Part B, I am unable to comment on these payments further, and confirm that National Mzulu Trading has no connection to me.
>
> [56] I further confirm that there were no direct payments made by me to persons alleged to appear in the access codes or

SAPS-related portions of the bundle. I cannot comment on payments made by other persons to those individuals.

[57] I state unequivocally that I am a man of God, who has built a culture of giving to the needy and the disadvantaged. I carry this spirit with me as a man of God, and understand very clearly that God gives and worships the hand that gives. Let the Commission not be confused by instances where I give now, now or in the future. I will continue to give to the poor and elderly, the most vulnerable and the disadvantaged, as a formal fibre that runs through me as a person. I refer my humility to the book of Acts 20, verse 35 (NKJV) which reads: 'I have shown you in every day by labouring like this, that you must support the weak, and remember the words of the Lord Jesus Christ that he said, it is more blessed to give than to receive.'

[58] I submit that Part C1 through C4, read together with the relevant portions of my principal statement, constitute a

full, substantive answer to question 2.7 and related sub-questions. The matter is addressed in its entirety, and no adverse inference arises.

D. Gubis85 Solutions (Pty) Ltd.

[59] This part responds to questions 2.5 of the Regulation 10.6 notice, my business relationship with Gubis85 Solutions (Pty) Ltd or any office directors or shareholders, and whether I have received any payments directly or indirectly from Gubis85. These matters are addressed in Part C of my principal statement. The question falls within the scope of the Commission's mandate. My answer is set out below and in the documentary evidence annexed hereto. This issue is addressed comprehensively in this part, including the supplementary records at Part D1 (CJC454, CJC457, and CJC458).

[60] Gubis85 Solutions (Pty) Ltd (Gubis85) is a company with which I have a client relationship. I confirm this relationship as already addressed in

relevant portions of my principal statement.

[61] I draw the Commission's attention to the following important contextual matters. My sister, Ms BZ Sibanyoni, is employed by Gubis85. The appearance of her name and payment details in the Gubis85 financial records reflects a standard employment relationship. It does not evidence any impropriety or secular payment structure involving me.

[62] My sister is an adult and a married woman. She does not report nor run financial matters and arrangements through me. Her knowledge of Gubis85 would without question be based on the fact that we all know come from the same village. I do not purport to hold exclusive control of Gubis85 and truly cannot be expended in the slightest manner to be able to explain affairs and matters that do not concern me. I also respect my sister as a person with rights to privacy. Her dealings, be it through employment or any other relationship with Gubis85, is

entirely her own.

[63] I already stated that I am unable to comment on the financial affairs of Gubis85. I cannot account for what Gubis85 does with its own finances, to whom it makes payments, or what commercial decisions its management makes. I have a client relationship with Gubis85, but I do not control or direct its financial activities.

[64] I also draw the Commission's attention to the invoices forming part of the Commission's own bundle, Annexure A showing payments in the amount of approximately R145 000 per month flowing away from me and towards Gubis for services rendered.

[65] I am a leader in the Taxi Industry. It is not reasonable to expect that I should micro-manage the affairs of every person or entity within my professional environment. I cannot be held responsible for what those in my proximity choose to do with my resources they independently control.

[66] I submit that Part D and Part D1, read together with the invoices and payments records in Annexures JS4 through JS6, constitutes a complete substantive answer to 1uestion 2.5. No adverse interference arises from the disclosed relationship.

D1 VIP Protection Services invoices and payments records (Annexures JS4, JS5 and JS6).

[67] I deal in this part with the relationship between the Pretoria Mabopane Pietersburg Taxi Association, NPC (the Taxi Association and Gubis Security Solutions (Pty) Ltd) (Gubis85). I do so in some detail because certain bundled items appear to cast an adverse light on this commercial relationship. It is necessary to correct the record completely and with documentary precision.

[68] Gubis Security Solutions (Pty) Ltd is a registered and lawful constituted private security firm.

[69] Gubis85 has provided VIP

protection services to the Taxi Association and related entities since at least March 2024 under a documented and properly invoiced service arrangement.

[70] The monthly fee for these services at the rate of R145 000 VAT inclusive per month is commercially reasonable, market-related and entirely proportionate to the security requirements of a senior industry leader operating in an environment characterised by demonstrably high levels of violence and threat. I have been subject of credible threats to my personal safety within the Taxi Industry and the security arrangements with Gubis85 is a direct and necessary response to those threats.

[71] Gubis have issued sequential monthly tax invoices for these services from invoice VIP001 covering the period 15 March 2024 to 31 March 2024 through to invoices VIP029 covering the period 1 July 2026 to 31 July 2026. A complete bundle of these tax invoices is attached

hereto collectively marked JS4.

[72] The Taxi Association made regular and documented payments against these invoices through ABSA Bank in favour of Gubis85 ABSA Bank's account number. The payment records confirm the following payments *inter alia*:

[72.1] Payment of R145 000 on 30 October 2025, transaction number below, 80820FD308/9, reference President Security, confirmed by ABSA Notice of Payment.

[72.2] Payment of R145 000 on the 29 November 2025, reference President Security, confirmed by ABSA Notice of Payment.

[72.3] Payment of R145 000 on 31 December 2025, reference President Security confirmed by ABSA Notice of Payment.

[72.4] Payment of R145 000 on 30 June 2026, reference President Security, confirmed by ABSA Notice of Payment. The relevant ABSA Payment confirmation notices are attached hereto collectively

marked JS5.

[73] In addition to the commercial service arrangement described above, Gubis wrote to me on 1 March 2025 confirming that Gubis85 had voluntarily decided to present a bakkie as a birthday gift to me in recognition of my long-standing relationship and goodwill between Gubis85, myself and the Joe Sibanyoni Foundation. This letter explicitly confirms that the gift was made in the spirit of appreciation and was not consideration of any business contract, favour, procurement, opportunity or other commercial benefits. A copy of this letter is attached here to and marked JS6.,,"

...[intervenes].

ADV BALOYI SC: Mr Sibanyoni, this long-standing relationship, what period are we talking about? In paragraph 69 you say that they have provided services to the Taxi Association from March 2024, which should make it a year at the time of the gift and then you do not say what services or from when services were provided to the Foundation. Can you just give us a sense of what period exactly are we talking about when you say long-standing

relationship?

MR SIBANYONI: As far as Gubis is concerned, it is on record. It started March 2024. Yes, that is how far along it is.

ADV BALOYI SC: To both the Taxi Association and the Foundation?

MR SIBANYONI: Yes, which is me. The Foundation is me and the Taxi Association, I am the President.

ADV BALOYI SC: Yes, I understand that. So it is a one-year relationship as to the time of the gift?

MR SIBANYONI: Correct.

ADV BALOYI SC: All right, thank you.

MR SIBANYONI:

> "[73] In addition to the commercial service arrangement described above, Gubis85 wrote to me on 1 March 2025 confirming that Gubis85 had voluntarily decided to present a bakkie as a birthday gift to me in recognition of the long-standing relationship and goodwill between Gubis85, myself and the Joe Sibanyoni Foundation. This letter explicitly confirms that the gift was made in the spirit of appreciation and was not consideration of any business contract,

favour, procurement, opportunity or other commercial benefit. A copy of this letter is attached hereto and marked JS6."

ADV MOSIKILI: Mr Sibanyoni, before you continue, just to piggyback from the question or discussion you had with Commissioner Baloyi in relation to your relationship or the services provided to you by Gubis from March 2024, I think you say. And from what you are telling us, if I understand is that the services would be about R145 000 a month.

MR SIBANYONI: Correct.

ADV MOSIKILI: And what I am trying to understand is that if one do the maths from March 2024 to March 2025, you would have paid well over R1 700 000 for those services, whether you directly or through the Taxi Association. Do you follow that?

MR SIBANYONI: Yes, I do.

ADV MOSIKILI: Yes, now what I need to understand is that now they present you with a bakkie and from what I understand, maybe you can make me understand better, a bakkie is, this particular bakkie is about R1 000 000. So I am trying to understand the financial sense that you spend R1 700 000 on them, then they spend a R1 000 000 on you. And within that period of, if we only confine it to that period between March 2024 and March 2025. Can you explain that?

MR SIBANYONI: My understanding will be, I have mentioned that I have a personal relationship with the owner of Gubis, which is Calvin, as a homeboy. So therefore my relationship personally with him comes very far. That is one concrete matter that I can say here. As to the calculation from his company, Gubis, to me, plus and minus, for me, they are neither there. Whether it is less or no, but my relationship with him as a person, we come very far. Yes.

ADV MOSIKILI: All right, so we can leave it there for now. Let us go to paragraph 74.

CHAIRPERSON: Perhaps we should take the adjournment at this stage. I would like to see counsel outside, because we will take a bit of time with counsel. We will resume at 11:35. Let us adjourn until then.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes, Mr Mosikili.

ADV MOSIKILI: Thank you, Chair. Mr Sibanyoni, let us proceed on page 24 of your statement and we are at paragraph 74. Can you pick it up from there, please?

MR SIBANYONI:

> "[74] I state the concerns that have been raised by my estate regarding the visibility of arms on the security detail I

was using.

[75] The entire commercial and personal relationship between the Taxi Association, myself and Gubis85 is therefore fully documented above board, properly invoiced.

[76] The suggestions that this arrangement represents criminal conduct, whether extortion, facilitation of corruption or otherwise, is not merely speculative. It is directly contradicted by the comprehensive documentary record now placed before the Commission.

[77] I draw the Commission's attention to a critical factual distinction that must not be overlooked. Mr Bhokgolo Gwabo Mahlangu, who appeared in certain bundle documents, is not the same person as Mr Calvin P Mahlangu, the Chief Executive Director and Founder of Gubis85 Security Solutions. These are two different individuals. Any conflation of Mr Bhokgolo Gwabo Mahlangu with the Gubis85 Directorship will be factually incorrect and will lead to fundamental

flawed conclusions. I have addressed this distinction in my earlier supplementary statements and reaffirmed it here.

E. The Shosholoza Stokvel CJC452, 6JC453, NCJC467, 1246712.

E1. Background. The Nature and History of the Club.

[78] This part responds to question 2.11 of the Regulation 10.6 notice detail of all stokvels or other collective savings organisations to which I have contributed. These matters are addressed in Part K of my principal statement. I submit that Shosholoza Club as a legitimate stokvel falls in the periphery of the Commission's terms of reference, which are directed at criminality within the criminal justice system. I, nonetheless, address the question fully. My answer is set out in Parts E1, E2, and E3 below.

[79] The Shosholoza Club was a stokvel which is a savings and mutual support arrangement deeply embedded in South

African culture and practice. The Commission appears to frame this stokvel as a vehicle for improper financial flows. I categorically deny this characterisation.

[80] There were two distinct phases of the Shosholoza Club. The original (an old Shosholoza Club established in approximately 2019). The new Shosholoza Club formed in January 2025 comprising eight members. It is a new Shosholoza Club that is principally an ad issue in the bundle evidence.

[81] The mechanics of a new Shosholoza Club was straightforward. Each of the eight members made monthly contributions throughout the year and at the year-end, each member received their accumulative contributions back, thereby constituting a savings mechanism rather than a profit-generating enterprise. The appropriate year-end distribution to each member was R4 500 000, reflecting the accumulated contributions of all members

over the year.

[82] I am truly not surprised that the bank decided to take issue with a group of blacks, allegedly uneducated people in the Taxi Industry, who had saved up money through these stokvels and individually became entitled, at the end of the year, to the minimum payment of R4 500 000 each. In truth, if this arrangement prevailed between some set of eight white so-called elite businessmen, the bank would have said nothing. After all, this amount of money looks good and reasonable in the hands of a white man than in the hands of some narrative from the village."

ADV KHUMALO SC: Mr Sibanyoni, were you one of the eight members?

MR SIBANYONI: Correct.

ADV KHUMALO SC: And how much did each of you contribute every month?

MR SIBANYONI: It differs quarterly. We started at 300, 350, 400, 450, quarterly. Then at the end it is R4 500 000.

ADV KHUMALO SC: All right, thanks.

MR SIBANYONI:

"[83] This I pause to highlight with respect to this Commission that it must be a subject of another Commission of Inquiry. Addressing various systematic issues that black native child continues to suffer as a result of who they are and who they are expected to be in life, with the imposed ceiling of superiority attached only to race.

[84] All eight members of the New Shosholoza Club were paid back their contributions in full.

E2. The FNB account flows (CJC467.1 to 467.12) legitimate stokvel contributions. The Commission's bundle reflects that substantial sums of money moved through the Shosholoza FNB account, including contributions by Calvin, Gubis, and distributions to members, including myself. The Commission frames these flows as a pipeline, Gubis85 to Shosholoza to Sibanyoni.

[86] This characterisation is wrong. These flows represent member contributions to the stokvel (flowing in)

year-end distributions to members of their own accumulative contributions (flowing out).

[87] Calvin Mahlangu was a member of the Shosholoza Club in his personal capacity. His contributions to the stokvel account were made as a member, not as a conduit from Gubis85. Participating in a stokvel alongside Calvin Mahlangu does not create any impropriety. The stokvel has no law enforcement nexus.

[88] The Shosholoza Club does not fall within the terms of reference of this Commission. The Commission's terms of reference (Proclamation 269/2025) are directed at infiltration of criminal syndicates into law enforcement and related matters. A stokvel, which is a legitimate lawful savings arrangement, practiced across South Africa without any connection to law enforcement, does not fall within the Commission's investigative mandate.

[89] According to the view that CJC452 to 453 and CJC467.1 to 467.12, insofar

as they relate to Shosholoza stokvels are beyond the Commission's terms of reference and should not inform any basis of engagement.

E3 Supplementary banking and payment records (Annexure JS3).

[90] Certain bundled items and related enquiries appear to raise questions about the financial operations of Shosholoza and its associate entities. I deal with this in this part and provide documentary evidence that vindicates the lawful and transparent financial conduct of Shosholoza and its associate entities.

[91] Shosholoza stokvel and/or club investment is a legitimately constituted stokvel. All members of Shosholoza who are entitled to payments receive those payments through properly recorded and documented financial transactions.

[92] A copy of the bank statement of Malambule Property Development (Pty) Ltd held at First National Bank, FNB, platinum business account number, for the period 30 November 2025 to 31

December 2025 is attached hereto and marked JS3. The bank statement in Annexure JS3 reflects the following material financial information:

[93.1] Opening balance as at 30 November 2025, R4 339.21 credit.

[93.2] An investment deposit of R30 000 000 recorded on 6 November 2026 under transaction reference 76208518822.

[93.3] Closing balance as at 31 December 2025 was R865 211.21 credit.

[94] The scale and character of these financial transactions are entirely consistent with the profile of a lawful operating entity engaged in substantial legitimate stokvel activities.

[95] Any allegation or suggestion that members of Shosholoza were not paid or that Shosholoza financial operations were used for unlawful purposes is squarely contradicted by the banking record placed before the Commission now. I invite the Commission to note that all contributions and payments to members were made through recorded

and traceable banking transactions.

[96] I confirm that all persons and entities within the Shosholoza structure who were entitled to receive payments did receive those payments through properly documented financial transactions. The banking records of Malambule Property Development confirm the presence of substantial legitimate funds sufficient to support all such payments. I submit that parts E1, E2 and E3 read together with Annexure JS3 constitute a comprehensive and documentarily supported answer to question 2.11. In all such parts, the Shosholoza Club was a legitimate, lawful operated stokvel. This issue is fully addressed.

F. The Toyota Hilux double cab.

[98] This part responds to question 2.9 of the Regulation 10.6 notice. The date on which I acquired the Toyota SUV vehicle and the circumstances of acquisition with copies of all contractual documentation. These matters are

addressed in the relevant portions of my principal statement. I submit that question 2.9 falls within the Commission's mandate and I address it fully below (CJC455).

[99] I address the Toyota Hilux double cab transaction to provide clarity on several points.

[99.1] The vehicle was not an outright cash purchase. There was a financing agreement. I refer to page 126 of the relevant documentation which reflects a finance arrangement dated 24 March 2025 with full ownership confirmed from September 2026.

[99.2] The ownership chain of the vehicle is as follows. McCarthy Motors to Gubis85 (with TFS as the title holder and/or financier) and later paid in full to Gubis85 and to MJS & Sons (registered 18 February 2026). This chain is confirmed by the documentation available and is entirely consistent with my principal statement.

[99.3] The context of the vehicle is a

gift. I am aware that the Commission may question why this particular vehicle was transferred or gifted to me. I know that the Centurion Golf Estate management had previously raised security concern about the visible and open arm security detail escorting me into the estate. This was discouraged and the security detail had to ensure that their arms were not visible on entry into the estate. It was in this further context that the gift and the transfer to the vehicle took place.

[94.4] I also wish to place on record my formal objection to the inclusion of my family's vehicle details in the Commission's bundle. The vehicles of my family members have been made public through the Commission's proceedings without, in my submission, adequate justification. This raises legitimate privacy and security concerns for my family. I require that the Commission be measured in its treatment of family vehicle information and that

unnecessary public airing of such details be avoided.

[100] I submit that the exposition above read together with the relevant contractual documentation constitutes a full answer to question 2.9. This issue is addressed in its entirety.

G. Sibanyoni Sindane WhatsApp CJC481 constitutional rights and contextual explanation.

G1. Maintained invocation of constitutional rights.

[101] This part responds subject to the constitutional rights invoked herein to question 2.17 of the Regulation 10.6 notice (details of all my discussion with Mr Sindane over the period 2024 to 2026 in relation to the employment assessment or support of Izinkabi) as well as to question 2.6 (my relationship with Sergeant Fannie Nkosi) insofar as it arises from the WhatsApp evidence) these matters are addressed in Part M, N, 0, and 1 on my principal statement. My invocation of section 35(3)(j) and

35(3)(i) of the Constitution governments this entire part."

CHAIRPERSON: If you will remember, Mr Sibanyoni, where there is (i) you should always say (h).

MR SIBANYONI: Okay.

CHAIRPERSON: If you will remember.

MR SIBANYONI: My apologies.

CHAIRPERSON: No problem. Thank you.

MR SIBANYONI:

"[102] My invocation of the right against self-incrimination under section 35(3)(j) and 35(3)(h) of the Constitution is set out in my principal statement (Part M, N, O, and Q) is maintained in full. Nothing in Part G constitutes a waiver of that invocation.

[103] I note with concern that the Commission has received 365 pages of my private communications. Being communications seized from my cellular telephone for the purpose of criminal proceedings and repurposed for use before this Commission without my knowledge or consent, this repurposing raises similar constitutional question

addressed in Part K and Part L of the statement. Subject to and without prejudice to that invocation, I wish to provide the following contextual explanation for specific messages that the Commission has identified in its analysis of CJC481.

G2. Contextual explanation of specific messages.

[104] There are various WhatsApp chat messages that have been shared between myself and Mr Sindane, which were in fact forwarded messages. In the Commission evidence bundle, these messages are reflected as though the communication was directly between us and not per se forwarded chats. I will specifically refer to the messages at the following pages which are not exhaustive and because going through all messages will be too cumbersome.

[104.1] Page 978, chat 7 and 8.

[104.2] Page 979, chat 1.

[104.3] Page 798, chat 8.

[104.4] Page 803, chat 5.

[104.5] Page 807, chat 4.

[104.6] Page 811, chat 2.

[104.7] Page 185, chat 4.

[104.8] Page 830..." ...[intervenes].

ADV KHUMALO SC: Is that meant to be 815 in 104.7? Is that meant to be page 815?

ADV QOFA: Indeed, Chair. Indeed, Chair. Apologies. Thank you very much.

ADV KHUMALO SC: Do you see where I am, Mr Sibanyoni?

MR SIBANYONI: Yes.

ADV KHUMALO SC: Yes, please make that correction.

MR SIBANYONI: It should say? Commissioner, it should say not 185?

ADV KHUMALO SC: Paragraph 104.7, it says page 185, chat 4.

MR SIBANYONI: Yes.

ADV KHUMALO SC: That should be 815, chat 4.

MR SIBANYONI: Okay, thank you:

"[104.9] Page 821, chat 4.

[105]..." ...[intervenes].

ADV BALOYI SC: Maybe for the record, Mr Mosikili, it should reflect that where he says evidence bundle is actually exhibit bundle and it is Bundle 2. I think all of it is Bundle 2. Just for the record. Thank you, Mr Sibanyoni.

MR SIBANYONI: Okay:

"[105] This message is read in isolation would have created a wrong impression such that one would have been made to believe that I am in fact responsible for this chat when the truth is that I am not. I now turn to address the following context in messages.

[106] Dogs are coming out and jogging (24 June 2025, page 1174 of CJC481). This message is colloquial in nature. Dogs in this context was a colloquial reference to ourselves, meaning that we are up and jogging and suffering in the morning. It is not a reference to any person, activities or events of any sinister nature.

[107] We are in charge of the streets (25 June 2025, page 1176 of CJC481). This expression requires contextual understanding taken in isolation. It may appear alarming in context. This was an expression that we are in charge of ourselves and out running on a daily. It is personal motivation of healthy lifestyle

and nothing must be attributed to the statement.

[108] The dog is dead (7 March 2025, pages 1047-1048 of CJC481). This message related to the shooting of a person named Mabonga from Money Talks, who was shot in a police shootout. The phrase is a colloquial reference to this event. It does not reflect any action by me nor any direction I gave. The event was a police matter, not something I participated in or directed. I will not explain the feelings and references to dog as the message was in my event, not sent by me.

[109] Killers number (16 January 2025, page 985 of CJC481). This message was meant to read killer's number, not killers numbers. The person associated with this number is known as Ximba. I knew Ximba long before he joined the South African Police Service. The label killer is his nickname, known among people in our community. I knew Ximba in his personal capacity before he became a

police officer. My sharing of his number was in a personal context and does not evidence anything improper.

[110] The Izinkabi inquiry (11 August 2025, page 1269 of CJC481). The bundle records that I asked Mr Sindane, do you perhaps know the Izinkabi (in reference to two names, Sfundo Mhlongo and Khanyiseleni Mbatha. I explain this as follows:

[110.1] These names would have likely been forwarded to me as an inquiry, be it through a WhatsApp. Alternatively, I have received a call that would have drawn my attention to these names. In my capacity as an industry leader concerned with taxi violence and security threats that had been ongoing, I was seeking to establish whether Mr Sindane, who has always been closest to me, had any information about these persons. Mr Sindane could not provide an answer. The matter went no further than that inquiry. No one could identify them and I received no information from Mr Sindane

about them either.

[110.2] It is also essential to understand that people in the taxi ranks colloquially refer to ranks protectors as Izinkabi. This term is used extensively and commonly within the taxi industry to describe persons who protect taxi ranks and taxi operators. They are security personnel in the formal sense. The term does not invariably connote a hitman or contract killer. As the Commission may be inclined to read it, the inquiry about Sfundo Mhlongo and Khanyiseleni Mbatha should be understood against this broader industry usage of the term. In the context of my role as an industry leader seeking information about potential threats, not as evidence of any Commission of or interest in violence."

ADV BALOYI SC: Mr Sibonyani, the meanings in sub-1 and sub-2 are completely different. Which one were you using? Which of the two meanings? At least in my understanding, they are completely different.

MR SIBANYONI: Why are they confusing, Commissioner?

ADV BALOYI SC: It is not so much confusing, it is trying

to understand in which way were you using this term Izinkabi in your inquiry, because you tell us that in the one instance it refers to contract killers, and then in the other, in the taxi industry it also refers to rank protectors.

MR SIBANYONI: Yes.

ADV BALOYI SC: And my question is, when that inquiry was made that you are addressing, in what context was the word being used of the two?

MR SIBANYONI: Okay, thank you. Those are two names that I found through WhatsApp chats or through a phone call. I do not remember very clear. So I was just extending as far as Mr Sindane knows them, in which formality. So I would have expected that maybe he would come to me and say, no, these are the ones, these are the ones like this. But only to find that even himself, he did not know anything about these two names.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Before, Mr Sibanyoni, before you move in to page 36, can you just explain your relationship with Killer Ximba? You say that you knew Ximba in his personal capacity before he became a police officer.

MR SIBANYONI: Yes, ja.

ADV MOSIKILI: Can you explain further in terms of what you mean by personal capacity?

MR SIBANYONI: I come, I was born from Katlehong. So

Killer stays in those lines. So even if when I went back to where I grew up in ...[indistinct], even when I came back to Pretoria, people that I grew up with or that I was born with at the time, I would normally make contact and see them and talk for whatever reason, but he is just a friend, nothing more.

ADV MOSIKILI: But do you guys keep constant communication ...[intervenes].

MR SIBANYONI: Ja, no, we talk. He is a friend. Sure.

ADV MOSIKILI: Do you guys socialise ...[intervenes].

MR SIBANYONI: No ...[intervenes].

ADV MOSIKILI: [Indistinct].

MR SIBANYONI: No, no.

ADV MOSIKILI: Okay.

> "[110.3] R100 000 monthly payments. I have exercised my 35(3)(j) rights in relation to the specific details of payments addressing the WhatsApp record. I confirm only that my relationship with Mr Sindane as described in Part Q of my principal statement was in the context of peacekeeping and conflict resolution within the Taxi Industry. I categorically deny that any payment I may have made

was in furtherance of any unlawful purpose.

[110.4] Bafana was with the person and Kgomo (3 May 2025, page 1097). I place on record to the Commission consideration that the person referred to in this message alongside Bafana as Botsotso is, per the correction set out in Part B above, likely to be Mr Mthimunye or a person referred to colloquial by that name and not the real Botsotso. this date is also well after the real Botsotso 's retirement from the saps on 31 January 2025, which confirms that references after that date require careful interrogation as to which person is actually meant.

[110.5] The Laduma message and WhatsApp group composition (CJC481 generally). I have no further comment on 675 pages of WhatsApp communications beyond the invocation of my constitutional rights. I note, however, that the Commission's analysis on this item includes certain assessment of

group compositions, including the citation that Mashego was a member of my WhatsApp group, which I dispute. I do not have a WhatsApp group that include Mashego Andrew Benjamin, to my knowledge.

[111] I submit that the contextual explanation provided in Part G read together with the constitutional reservation maintained throughout, constitute my substantive answer to the WhatsApp related portion of question 2.6 and 217. Nothing in Part G constitutes a waiver of any constitutional rights.

H. Sibanyoni/Nkosi WhatsApp (CJC488) forensic direction and statement position.

H1. The critical forensic question.

[112] This part responds subject to the constitutional rights invoked herein to question 2.6 of the Regulation 10.6 notice in full, including sub-questions 2.6.1 through 2.6.6. The nature, duration, frequency and character of my relationship with Sergeant Fannie Nkosi. This matters are addressed in

paragraphs 135 to 146 and 48 to 51. My answer is set out below.

[113] Bundle CJC488 digital forensics extraction of WhatsApp communication associated with the account shows Joe Sibanyoni and Ferrari and the contact zero tolerance in crime (Sergeant Fannie Nkosi). The source device is identified as Apple iPhone 16 Pro Max device IDPA5003275508.

H2. My position on key Nkosi messages. My principal statement on paragraph 135 to 146 and 48 to 51 addresses Sergeant Nkosi's role. I confirm the following position.

[114.1] I knew Sergeant Nkosi as a social acquaintance, a mover and a shaker. I acknowledged approximately 12 home visits by him in a social capacity. My principal interaction with General Mkhwanazi (Acting National Commission of SAPS referred in CJC649) was as follows. The WhatsApp evidence at CJC491 confirms that Sergeant Nkosi contacted General Mkhwanazi to request

NIU, National Intervention Unit, assistance in connection with my meetings with Mr Mandla Gcaba Senior. This was facilitated through Nkosi. My characterisation in these interactions as limited and intermediated through Nkosi is confirmed by that very evidence.

[114.2] Regarding the messages at pages 1528 to 1529 of CJC488 of the bundle. These messages demonstrate that Sergeant Nkosi would indicate to me when he had news and sought access to my estate. I would allow him access when indicated he had information for me. The access codes provided to Nkosi were provided in this context. He was bringing information to me and therefore attended at my estate. This consistent with an informal relationship, not the direction of SAPS resources for improper purposes.

[114.3] This message is this message at Part 1525 of CJC488 of the bundle (which the Commission may have noted) relates to what was happening on

> television regarding the AKA matter. This was an organic social communication by Nkosi who telephoned me spontaneously in response to media reporting at the time.

[114.4] Regarding the Laduma message of 5 December 2024 (page 1541 of CJC488). The word Laduma is an exclamation used in the context of football which means he scores. And as set out in paragraph 1 to 43 of my principal statement, this is a spontaneous expression of excitement in an informal message…" ...[intervenes].

ADV KHUMALO SC: Sorry, Mr Sibanyoni. Our correction is 145.2. I think you have just said 143.

MR SIBANYONI: Okay.

ADV QOFA: Chair, you are correct. I think the correction is paragraph 145.2 of the principal statement.

ADV KHUMALO SC: So can you please read it again and make that correction, Mr Sibanyoni?

MR SIBANYONI:

> "And as set out in paragraph 145.2 of my principal statement, this is a spontaneous expression of excitement in an informal message.
>
> [114.5] Regarding the message of 6 December 2025 (page 1542 of CJC488)

concerning the Special Task Force, paragraph 145.3 of my statement specifically, preserve the positions that to the extent such a message was sent to me by Nkosi, I received it as informal social communication from a social acquaintance and did not act upon it. I maintain this position.

[114.6] My visit with Mr Gcaba was in the run up to KZN peace talks, a context that is fully explained in my principal statement. Sergeant Nkosi facilitated access to relevant parties in connection with those talks and my meetings with General Mkhwanazi were in that context. The visit to Gcaba was part of the preparatory processes for the KZN talks, not a social event without purpose."

ADV MOSIKILI: Mr Sibanyoni, is it Mr Gcaba or Mr Gcaba?

MR SIBANYONI: Gcaba.

ADV MOSIKILI: The way it is now? Is it correctly spelled?

MR SIBANYONI: No not correctly spelled.

ADV MOSIKILI: Can we spell it correctly?

MR SIBANYONI: Correct. G-c-a-b-a.

ADV MOSIKILI: G?

MR SIBANYONI: G-c-a-b-a.

ADV MOSIKILI: It is? How do you pronounce it?

MR SIBANYONI: G-c-a.

ADV MOSIKILI: Is it Gcaba?

MR SIBANYONI: Ja, it is Gcaba.

ADV MOSIKILI: Okay.

MR SIBANYONI: Gcaba, yes.

CHAIRPERSON: Gcaba.

ADV MOSIKILI: Thank you, Chair. All right, let us proceed to 115.

MR SIBANYONI:

> "[115] I submit that Part H read together with of my principal statement constitutes a full substantive answer to question 2.6 and all of its sub-questions. This issue is addressed in it entirely."

ADV KHUMALO SC: Mr Sibanyoni, please complete this picture for me. I see a lot of people called you Mr President. We saw it in JS3, even the payments to you they say payment to Mr President. Sergeant Nkosi calls you Mr Joseph Sibanyoni Ferrari. What is the meaning behind?

MR SIBANYONI: Me and Ferrari? I like sports cars, particularly Ferraris, and I do own a couple of those cars, yes.

ADV KHUMALO SC: Thank you.

MR SIBANYONI:

"[1] PUTCO and related Taxi Industry matters (CJC468 and CJC472/476.

[116] I address the PUTCO related items in the Commission's bundle on the following basis:

[116.1] My engagement with PUTCO matters once in my capacity as a Taxi Industry leader and stakeholder. PUTCO's operation directly affected my members and the communities they serve. My involvement was as an industry representative.

[116.2] Regarding the photograph at CJC468. I acknowledge that a photograph confirming my simultaneous presence with Mr Sindane and Mr Masilela exist in the bundle. I address this photograph in the context of my role as a Taxi Industry leader attending meetings relevant to the industry issues."

ADV MOSIKILI: Mr Sibanyoni, just there at CJC468, what photograph is that? Because we have struggled to pick up a photograph.

MR SIBANYONI: Yes, there was there was a photograph

that was flying. My advocate will...

ADV QOFA: Chair, that would be at page 214 of the Commission's bundle.

ADV KHUMALO SC: [Indistinct].

ADV QOFA: Indeed, Chair.

ADV MOSIKILI: Is that one correct?

MR SIBANYONI: Ja.

ADV MOSIKILI: Thank you.

MR SIBANYONI:

> "[117] Regarding the bus blockade videos (CJC472 to 473) I wish to draw the Commission's attention to a matter that requires investigation. It is a distinct possibility and indeed a matter that should be formally investigated and interrogated with serious precision. It is the prevailing theory that PUTCO torched its own busses in connection with the labour and industry dispute at issue at the time. In fact, it is equally common knowledge that any individuals who would wage a strike against PUTCO would, without question, turn out dead. One such example is the lady, Mpho Msiza, and Doctor Mkhize. There was a

further striking incident where many people were burned to death in one of the PUTCO busses and no compensation was afforded to those families and no one, including law enforcement, did anything about these issues.

[118] I personally raise these issues with Franco Pisapia, the owner of PUTCO, on more than one occasion because of the concerns of black life and I was clear that these killings of people must stop. I raised this not to defect to deflect, but because the Commission's mandate requires it to investigate all relevant circumstances. The origin and cause of the bus torching incident should not be assumed without forensic investigation and proper understanding with full facts.

[119] Regarding the broader PUTCO matter (CJC474 to 476) these matters are addressed by way of background context. Do not fall within a specific answer required by the Regulation 10.6 notice, and they fall outside the specific factual scope of my original notice. New

information not contained in the Regulation 10.6 notice cannot be subject of adverse findings against me without proper notice and opportunity to respond.

[120] As already stated, one of the persons who died after organising a strike against PUTCO is Mr Mpho Msiza from Klipfontein ...[indistinct] section. I place this on record as background information relevant to the Taxi Industry violence context.

J. Edwin Construction and Ntuli Matter.

[121] This part responds to question 2.12 and 2.13 of the Regulation 10.6 notice. Questions 2.12 (my relationship or that of any company in which I have an interest with Edwin Construction (Pty) Ltd and Tengane Mining (Pty) Ltd) and questions 2.13 (full details of my communication with Mr Thomas Tengane Ntuli). All meetings with Ntuli and any payments made at my direction. These matters are addressed in the relevant portions of my principal statement. I submit that these questions fall within the

Commission's mandate. However, as I am an accused person in pending criminal proceedings arising from the very same subject matter, my full invocation of sections 35(3)(J) and 35(3)(h) of the Constitution is maintained throughout this part (CJC477).

[122] The Commission's bundle includes a criminal docket relating to Edwin Construction involving a complaint identified as Thomas Tengane Ntuli. I note that this is the same Thomas Tengane Ntuli who is referred in paragraph 2.9 and 2.10 of the Regulation 10.6 notice.

[123] A criminal case is already in existence in connection with the matters involving Mr Ntuli. My co-accused in the criminal proceedings are Mr Msiza, Mr Sindane and Mr Masilelala. I was unlawfully arrested on 11 May 2026, granted bail in the amount of R70 000, and these criminal proceedings remain ongoing.

[124] The Commission is not empowered

to reinvestigate a matter that is already the subject of an active criminal investigation and prosecution. The inclusion of a pending criminal docket (CJC477) as an exhibit before this Commission is itself constitutionally problematic. A criminal docket is an investigative tool in ongoing proceedings. Its contents represent allegations, not established facts. To place a docket before a Commission of Inquiry while the prosecution is pending is to risk this Commission's making findings on the basis of unproven allegations, which findings could then prejudice the fair side to which I am constitutionally entitled. The Commission is not a criminal court, it has not heard evidence, tested witnesses under cross-examination or evaluated credibility in the way that a criminal court would. Its treatment of CJC477 must therefore be circumscribed accordingly. To do so would constitute an impermissible duplication of investigative function and would risk prejudicing the

criminal proceedings. I respectfully submit that the Commission should not make findings in relation to this specific matter, which is properly before a criminal court.

[125] Any evidence obtained by the Commission in relation to the Ntuli matter that may be used in the criminal proceedings would raise serious questions about the separation of functions between this Commission and the criminal justice process. I reserve all rights in this regard.

[126] I wish to draw to the Commission's attention a further dimension of my right against self-incrimination that is particularly forced in the circumstances of this inquiry. The criminal proceedings in the Kwaggafontein matter are conducted on the basis of a charge of common purpose. As an accused, charge on common purpose grounds, any statement or testimony provided by me, whether before this Commission or otherwise, may have direct and

immediate legal implications for my co-accused Mr Msiza, Mr Sindane and Mr Masilelala.

[127] The common purpose charge sheet creates a legal nexus that means my disclosure about matters relevant to the criminal proceedings are not solely self-incriminating in respect of myself alone. They may constitute evidence against or in relation to my co-accused. This unique and serious dimension of the common purpose charge reinforces with particular force the breadth and imperative importance of my invocations of sections 35(3)(j) and 35(3)(h) of the Constitution. A Commission of Inquiry cannot, through mechanism whatsoever, compel an accused facing a common purpose charge to provide statements that may be used directly or indirectly against that accused or against my co-accused in pending criminal proceedings.

[128] I submit that Part J constitutes my substantive answer to questions 2.12 and 2.13 of the Regulation 10.6 notice

subject to and without prejudice to the constitutional rights invoked herein and formal constitutional objection to CJC477 set out in Part S4. This issue is addressed to the fullest extent constitutionally permissible.

K. The DPCI phone evidence, constitutional objection, and agent application.

K.1. How my phone contact came before the Commission.

[129] My cellular telephone was seized and its contacts downloaded by the South African Police Service in connection with the Kwaggafontein criminal matter being the case number 298/2026, also referred as Delmas/Kwagga 81/11/2025.

[130] The downloading and digital forensics analysis of my was done in the context of those criminal proceedings, which relate to charges of extortion with common purpose and Provisions of the Prevention of Organised Crime Act.

[131] It has come to my attention and to my attorney's attention that the context

of my cellular telephone downloaded in connection with criminal proceedings has now been placed before this Commission and forms the basis of significant portions of the Commission's evidence bundle.

L. The appearance of 28 August 2026 and procedural matters.

L1. The 28 August 2026 appearance.

[132] I appeared before this Commission on the 28 August 2026. The proceedings were postponed to 21 September 2026 appearance. This is the only available date of my appearance as my legal team is required to appear before another Commission on 23 September 2026 and prepare on 22 September 2026, which creates a scheduling conflict on days following the 21st.

[133] I confirm my continued willingness to cooperate with the Commission's process. My invocation of constitutional rights is not a refusal to cooperate. It is the exercise of rights which are constitutionally guaranteed and which

exist precisely to protect persons in my position.

L2. The Constitution violation.

[134] I submit that the appearance of my phone contacts before this Commission represents an absolute abuse and open-ended violation of my privacy and constitutional rights specifically:

[134.1] Section 1.4 of the Constitution guarantees the right to privacy, including the rights not to have one's communication of private information disclosed without proper authority. The search and seizure of my phone was authorised for the specific purpose of the Kwaggafontein criminal proceedings. The onwards use of that contact in entirely different proceedings before a Commission of Inquiry goes beyond the scope of the authorisation and constitutes a separate and additional privacy violation for which no independent authorisation exists.

[134.2] Section 35(3)(h) of the Constitution, the right not to be

compelled to give self-incriminating evidence.

[134.3] No section 212 of the CPA certificate exists that will cover the evidence thus alleged to have been illegally obtained. The absence of a section 212 certificate is a fundamental evidentiary deficiency which affects the admissible and the probative value of the phone evidence.

[134.4] The National Prosecuting Authority (NPA) ought reasonably to have disclosed to me and to my attorneys that phone contact seized in criminal proceedings was being or will be provided to this Commission. This information has not been provided. The failure of the NPA to make this disclosure is itself a breach of procedural fairness.

[134.5] The chain of custody of my phone content is deeply concerning. I am entitled to know how many persons have analysed the context of my phone. Who authorised the transition of that context from the criminal investigation to

this Commission? What was the scope of the search and seizure warrant and did it authorise the provision of my phone content to bodies other than the criminal justice process?

[134.6] The NPA had in fact indicated to my attorneys that they would have taken my phone to SABRIC, South African Banking Risk Information Centre, and that I would be provided with the feedback and the full detail of such seizure. This to date has not been happened despite enquiries on the chain of custody.

[134.7] The search and seizure of my phone was broad in scope. The extent to which material captured in that broad search has been transmitted to and used by this Commission must be scrutinised for constitutionality. I submit that the Commission ought not to rely on material obtained through a potentially unconstitutional process without first satisfying itself that the basis of the search and seizure was lawful in scope

and that the onwards use of the material is independently authorised.

L3. The Commission's rules and constitutional standards.

[135] I am aware that the Commission's rules as constituted may permit the Commission to accept evidence that was obtained unconstitutional. I respectfully submit that the application of such a rule, in circumstances where my phone content was seized for an entirely different legal proceedings and has been transplanted into this Commission, must be addressed at the highest constitutional limit. The existence of a rule permitting such evidence does not in its full resolve the constitutional question. This Commission as a creature of statute operating in a constitutional democracy remains bound by the constitution.

[136] I accordingly formally object to the Commission's reliance on any phone contact derived from the seizure of the Kwaggafontein criminal proceedings. I

reserve the right to challenge this reliance, including by way of urgent application to the appropriate court if necessary.

[137] I must also record my objection to the flighting, that is the public disorder and use of information derived from my phone in proceedings that take place in my absence. I cannot respond to, contextualise, or challenge evidence that is placed under before this Commission without my knowledge or during periods where I am not present. I request that no phone-derived evidence be used or referred to in proceedings from which I am absent…" ...[intervenes].

ADV KHUMALO SC: Mr Sibanyoni, can we just go back to 134.2 and make a small correction? I think you said 35(3)(h). It should be (j).

MR SIBANYONI: 134?

ADV KHUMALO SC: Paragraph 134.2.

MR SIBANYONI: Okay.

ADV KHUMALO SC: On page 46.

MR SIBANYONI: I should have mentioned (h).

ADV KHUMALO SC: I think you said (h).

MR SIBANYONI: Okay.

ADV KHUMALO SC: It should be (j).

MR SIBANYONI: Sorry. All the H's are J. All the I's are J. My ...[indistinct] of my name:

"**M**. Izinkabi.

[138] I have addressed the Izinkabi inquiry in paragraph 80 of this supplementary statement. I add and reiterate the following for completeness.

[138.1] I am aware of term Izinkabi and its connotations in the context of taxi violence. I am a leader in the Taxi Industry. It is not unusual for the industry to hear names and seek information about persons who may pose threats to the industry or to persons within it. Seeking information about a name does not constitute commissioning, employing, or supporting persons engaged in violence.

[138.2] I categorically deny that I have ever commissioned, employed, assessed, or provided support to persons engaged in taxi violence or any form of contract killing. This denial is stated fully in my

principal statement in paragraph Part Q and I do not resign from it.

[138.3] The inquiry about Sfundo Mhlongo and Khanyiseleni Mbatha was a single inconclusive inquiry. Mr Sindane could not answer it. The matter went no further. This is entirely consistent with the conduct of a responsible industry leader seeking to be informed about potential threats.

N. The general reservation of rights.

[139] I reserve all my rights in connection with all matters arising from the Commission's process, including, but not limited to:

[139.1] My constitutional right against self-incrimination (section 35(3)(j)..." ...[intervenes].

ADV QOFA: Chair, might I propose that we can, and I am not trying to, but I was thinking maybe we could skip all we deal with reservation of rights, but in any other section of the affidavit if Mr Mosikili can probably direct the witness to skip just those sections, because they are probably relating only to the law ...[indistinct] later stage. Thank you, Chair.

CHAIRPERSON: So where should we go? Should we go to

50?

ADV QOFA: We will then go to 141.

ADV MOSIKILI: Yes, we will go to O, Chair.

CHAIRPERSON: Yes, yes. So please read the heading O, Mr Sibanyoni, and then start reading from 141.

MR SIBANYONI: Okay.

> "**O**. The PUTCO bus contract Public Protectors report and remedial action inquiry.
>
> [141] This part addresses PUTCO-related matters that arise from the Commission's evidence bundle, including CJC468, CJC472 to 476, and the related items addressed in parts J and S9. I submit that the PUTCO matter, being a matter of administrative and commercial law pertaining to transport contract regulation, does not fall within the specific mandate of this Commission. I address the matter on a without-prejudice basis only and I maintain the objection recorded in Part A2 of this supplementary statement. These matters are addressed in Part J of my principal statement and in my informal inquiry letter, Annexture JS2.

This part is addressed in full, including at Part P1, the formal delivery record.

[142] I deal in this part with the PUTCO bus contract matter and my legitimate role as a transport industry leader in engaging with the Public Protector findings and the related remedial actions. I do so because certain bundle items appear to infer adverse conclusions from my engagement with PUTCO-related matters, and it is necessary to place the full and correct context before the Commission.

[143] The Public Protector of the Republic of South Africa conducted a formal investigation into the allegations of irregular implementation of the PUTCO bus contract by the Gauteng Department of Roads and Transport (GDRT). This investigation resulted in the publication of a formal report, being report number 91 of 2021/22, dated 31 January 2022 and signed by Advocate Busisiwe Mkhwebane in a capacity as a Public Protector. A copy of this report is

attached hereto and marked JS1.

[144] The Public Protector's report made the following material findings:

[144.1] the allegations that the GDRT irregularly implemented contract IC52/97, the PUTCO bus contract was substantiated.

[144.2] The original 136-week contract awarded to PUTCO on 26 March 1997 has been continuously extended as an evergreen contract to the date of the report in contravention of section 41(3) and 41(5) of the National Land Transport Act (NLTA) section 38(1)(c) of the Public Finance Management Act (PFMA) and relevant National Treasury Regulations and Instructions Notes.

[144.3] There existed at least 108 further bus contracts with conditions similar to the PUTCO bus contracts, and the Competition Commissioner was requested to investigate these contracts for possible elements of restrictive horizontal practice as defined in the Competition Act.

[144.4] The GDRT's conduct was improper and constituted improper conduct as envisaged in section 182(1) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

[145] The Public Protector directed the following remedial action:

[145.1] The MEC for Roads and Transport was directed to take note of the final report and to monitor compliance with all relevant procurement and contract management prescripts.

[145.2] The HOD of GDRT was directed to ensure compliance with proper procurement and contract management requirement to provide quarterly reports to the Public Protector on meetings of the National Department of Transport, National Treasury, and the Auditor General on compliance with section 42(3) of the NLTA and to ensure that GDRT staff are trained on the relevant PFMA provisions within 30 working days from the date of the report.

[145.3] The Competition Commissioner was directed to consider whether to investigate the 108 identified bus contracts for restrictive horizontal practices.

[146] As a recognised and a senior leader in the minibus tax industry, with many years of experience representing the interest of the operators and commuters in the Tshwane Metropolitan area and nationally, I have a direct, legitimate, publicly acknowledged interest in the proper management and the regulation of public transport contracts, including the PATCO bus contract. PATCO dominance of the subsidised bus sector in Gauteng directly impacts the Taxi Industry and the commuters we serve."

CHAIRPERSON: Sorry, sorry. Ms Qofa, may I take you to paragraph 144.4? Do you have a copy of the Constitution with you? Please have a look at ...[intervenes].

ADV QOFA: 1821.

CHAIRPERSON: Yes. I am just looking at 1821. All it does is to empower the Public Protector. Is the conduct, so

there is no conduct envisaged there, it just empowers the Public Protector. Does the force of what the statement or affidavit says lie in the later part from end maladministration in terms of section 182(1) itself does not really make sense because it is just an empowering constitutional provision.

ADV QOFA: Indeed, Chair. In fact, what we are simply doing here, we did not want to go into the full extent. I think maybe that should be blamed on us trying to not take the entire text, but to rather paraphrase what was the issues identified as improper on the part of the GDRT.

CHAIRPERSON: Yes.

ADV QOFA: But, Chair, we can actually go back to it and we can probably identify specifically. The idea was just to not go into the full detail under 182(1) of the specific items identified by the Public Protector.

CHAIRPERSON: But you get my point.

ADV QOFA: I get your point, Chair.

CHAIRPERSON: My point is that all that 1821 is, is to empower the Public Protector.

ADV QOFA: The Public Protector, indeed, Chair.

CHAIRPERSON: It says nothing about conduct or misconduct for that matter and that is the simple point I am raising.

ADV QOFA: Indeed, Chair.

CHAIRPERSON: Yes.

ADV QOFA: Maybe what I was also trying to answer and say is section 181 and the subsections that follow after relate to the areas within which the Public Protector can investigate, but I am simply saying, Chair, that maybe to try and be short, we did not quote the remainder of the actual sections, just to try and be short and sweet.

CHAIRPERSON: I will leave it. I have made my point.

ADV QOFA: Thank you, Chair.

CHAIRPERSON: I do not see the envisaged, what? I do not see the improper conduct envisaged in section 182(1). I just do not. I will leave it there. I have made my point.

ADV QOFA: Thank you, Chair. I still feel 181(a), but I accept, Chair.

CHAIRPERSON: Thank you, thank you, thank you.

MR SIBANYONI:

> "[147] Following the publication of the Public Protector's report, I recently caused a letter of inquiry to be directed to relevant authority within the GDRT and/or the Office of the MEC for Roads and Transport requesting information about the implementation of the directed remedial action and the steps taken to address the maladministration identified.

A copy of this letter is attached here to and marked (JS2).

[148] This inquiry was a *bona fide* legitimate act of civic engagement and industry oversight. It reflects my longstanding commitment to ensuring that public transport constructs are managed lawfully, transparently, and in the public interest. There is nothing irregular, unlawful, or improper about such engagement. It is the exercise of ordinary citizenship, rights, and fulfilment of my responsibility as an industry leader.

[149] I am aware that certain individuals may have sought to characterise my engagement with PUTCO-related matters as evidence of improper conduct. I categorically reject any such characterisation. The Public Protector herself identified the PUTCO contract as a vehicle for maladministration and improper conduct on the part of the GDRT, not on the part of those who engaged with the issue in good faith. My

engagement was on the right side of this matter. I reserve the right to address any specific bundle items that purport to draw adverse inference from my PUTCO-related conduct in a further supplementary statement if and when such items are specifically placed before me.

[151] I submit that my engagement with the PUTCO remedial action process as described above as evidence in Annexure JS1 and JS2 and in Annexure JS7 at Part P1 was at all times a legitimate, lawful exercise of civic and industry leader. No adverse inference arises.

P1. Formal delivery of the remedial action inquiry letter Annexure JS7.

[152] On 16 of September 2026, Mphoke PK Magane Incorporated, acting on my behalf, formally delivered the inquiry letter referred to in Part P (paragraph 125 to 131) and Annexure JS2 to each of the following four recipients simultaneously: (i) the Head of the Department, Gauteng Department of

Roads and Transport, (ii) the Public Protector of the Republic of South Africa, (iii) the Competition Commissioner, and (iv) the Director General of the National Department of Transport.

[153] All four recipients formally acknowledge receipt of the inquiry letter on 16 September 2026. The acknowledgement of receipt issued and certified by Mphoke PK Magane Incorporated and confirmed by each recipient is annexed hereto as Annexure JS7. I submit that the simultaneous formal delivery to all formal relevant authorities, the primary obligated department (GDRT) the supervisory oversight body, the Public Protector, the investigative authority mandated by the remedial actions, the Competition Commissioner, and the National Supervisory Department confirms the seriousness, formality, and the legitimacy of my engagement with the PUTCO remedial action processes. This conduct is wholly inconsistent with any reference

that my PUTCO-related activities were motivated by improper or unlawful purpose. On the contrary, my diligent pursuit of formal remedial action compliance through my attorneys establishes that I have been on the right side of the PUTCO method throughout.

P. Constitutional objections to the subpoena, the DPCI directed notice, and the threatened criminal prosecutions…" ...[intervenes].

ADV QOFA: [Indistinct]... under the section that we would pass for the, in which event then, that would then take us to Part Q at page 59.

CHAIRPERSON: Yes, perhaps let us do that. 59. Can you again articulate why you say we should skip this? We just want to make sure we understand.

ADV QOFA: Chair, well, I just felt maybe that Chair would say, well, this would take us to legal argument anyway, because it pretty much goes to the reservation of rights based on – but if Chair ...[intervenes].

CHAIRPERSON: It is not that the points made here between P and what are being abandoned, the legal ...[intervenes].

ADV QOFA: No, no, no, they are not ...[intervenes].

CHAIRPERSON: The legal contentions made to the extent that they may be pegged on factual matter, those remain. Mr Sibanyoni is not abandoning them.

ADV QOFA: Absolutely, Chair.

CHAIRPERSON: Yes.

ADV QOFA: They remain intact.

CHAIRPERSON: They remain.

ADV QOFA: Thank you, Chair.

CHAIRPERSON: Then you are suggesting we go to what paragraph?

ADV QOFA: [Indistinct].

CHAIRPERSON: Thank you.

MR SIBANYONI: Okay:

> "Further supplementary response to additional exhibit bundle (CJC452 to 494).
>
> [164] On 17 September 2026, being the date immediately preceding the filing of this supplementary statement, the Commission served upon my attorneys of record, Mphoke PK Magane Incorporated, a further exhibit bundle comprising documents indexed as CJC452 through CJC494, spanning an estimated 2 046 pages (the additional bundle). I was

afforded no prior notice of the contents of the additional bundle and received same at an advanced stage of the preparation of the statement..." ...[intervenes].

ADV QOFA: Chair, if I may, we have noted, Chair, the concerns of Mr Mosikili and his team of the fact that we indicate we received the bundle on the 17th, in the eve of the 17th, and further documents. But as one would have it, when we say the additional bundle, it seems to imply that we received 2 000 pages on the 17th. That is not the meaning, and if that is how it comes out, it definitely is not. What we simply meant was we received the documents on the 17th and further documents, I think it was about some 40, 45 pages, again on ...[intervenes].

CHAIRPERSON: Sorry, please repeat the number?

ADV QOFA: Chair, I was simply stating that paragraph 164 ...[intervenes].

CHAIRPERSON: Yes, I heard everything. All I want to say is, instead of 2 046, what is the number that you say you received?

ADV QOFA: We received from 2040-something, we received a further, I think, less than 50 pages.

ADV QOFA: It is less than 50.

ADV QOFA: It is about 22 pages.

CHAIRPERSON: 22 pages.

ADV QOFA: So it creates the impression that ...[intervenes].

CHAIRPERSON: It certainly does. When I read this paragraph, I thought the complaint was that ...[intervenes].

ADV QOFA: We received 2 000 pages.

CHAIRPERSON: Yes, you received 2 046, and ...[intervenes].

ADV QOFA: Chair, forgive my language here ...[intervenes].

CHAIRPERSON: Ja, I truly empathise with Mr Sibanoyoni and you, but – so it turns out you are complaining only about 20 pages.

ADV QOFA: No, Chair, we are complaining of the fact that we received the bundle 17 days later than undertaken, and after that, then on the eve of finalising the statement. Thank you, Chair.

CHAIRPERSON: All right. Thank you. Thank you, Ms Qofa.

MR SIBANYONI: We are at number 165:

> "I record, without conceding any waiver or acquiescence, that the lateness of service of the additional bundle has meaningfully curtailed my ability to engage each item with the depth that each document, if generally probative,

would warrant. I expressly reserve the right, upon proper notice and with accurate time, to supplement this response in relation to any item within the additional bundle.

[166] Certain items in the additional bundle replicate or substantially overlap with documentation already addressed in earlier parts of the supplementary statement. I address those items by way of cross-reference and do not repeat what has already been stated.

S1. Items already compressively addressed.

[167] The following items in the additional bundle have been expressly addressed in the identified earlier parts of this supplementary statement, and my responses therein are incorporated by reference.

[167.1] Which is CJC452, Shosholoza Constitution, addressed in Part C, paragraph 12 to 15, and Part F, paragraph 3742, wherein I confirmed my lawful membership of the Shosholoza Bus

Operators Association and refuted any inference of unlawful purpose.

[167.2] 6JC453, Shosholoza accounts details, addressed in Part E, paragraph 28 to 36, wherein I provided a full explanation of the association's banking arrangement and the legitimacy of its operations.

[167.3] CJC454 to 455, Gubis85 bank statements, Nedbank, addressed in Part C, paragraph 12 to 22, and Part E, paragraph 28 to 36, including my clarification of my limited and entirely lawful role in relation to Gubis85.

[167.4] CJC456/Gubis85 vehicle details, addressed in Part E (paragraph 33) confirming that I had no proprietary or operational interest in the vehicle in question.

[167.5] CJC457 to 459, SAPS record and entry codes, addressed in Part S, paragraph 151 to 155, wherein I contextualised those records within the broader pattern of security cooperation relevant to this inquiry.

[167.6] CJC460 to 466, Cash Send records, addressed in Part E (paragraph 28 to 36). I have stated that I have not paid the amount identified and I am not responsible for the Cash Send as reflected, and I have also clarified the confusion with regard to numbers addressed towards the wrong recipient.

[167.7] CJC468 photographs, addressed in Part J, paragraph 72 to 78, wherein I provided full context of each paragraph included in the bundle and denied any inference of criminality arising therefrom.

[167.8] CJC470 PUTCO videos, addressed in Part Q (paragraph 123 to 130) wherein I confirmed my civic role in relation to PUTCO services delivery matters and denied any unlawful intent.

[167.9] CJC472 to 475, letters in (various) addressed in Part Q (paragraph 123 to 130) wherein I confirmed the legitimacy and purpose of each communication referenced.

[167.10] CJC476 further correspondence, addressed in Part Q

(paragraph 123 to 130). I maintain the explanations provided therein.

[167.11] CJC481 and CJC488, WhatsApp extractions, Mr J Siba, Sergeant Nkosi (including pages 701 to 1375) identified in Part I (paragraph 65 to 71) as falling squarely within my right against self-incrimination under section 35(3)(j) of the Constitution. My reservation in respect of these extractions is absolute and is maintained without clarification.

[167.12] CJC489 and CJC490, Sergeant Nkosi's own diverse chats and Timmy Tim Roger/Nkosi, identified in Part I, in paragraph 65 to 71. My constitutional reservation applies with equal force to these items.

S2. Shosholoza Club FNB statements (CJC467.1 to 467.12). An additional bundle includes CJC467 through CJC467.12, 12 consecutive months of FNB bank statements for the Shosholoza banking account spanning the period February 2025 through to February 2026. These statements were not contained in

any prior bundle before the Commission, and I address them here for the first time.

[169] The Shosholoza Association is a lawful, established, stokvel-type collective arrangement formed by minibus operators for the purpose of pooling resources, providing mutual financial support to members in times of need, and facilitating collective participation in industry matters. I participated in this association in my capacity as a taxi operator and industry representative. My participation was at all times voluntarily transparent and entirely consistent with the stated purposes of the association."

ADV MOSIKILI: Mr Sibanyoni, just on that, the Shosholoza Association, Mr Calvin Mahlangu was part of the club.

MR SIBANYONI: Correct.

ADV MOSIKILI: And you say here the club was formed by minibus taxi operators. How does he fit into that? Because what we have, he does not necessarily ...[intervenes].

MR SIBANYONI: Not only taxi operators.

ADV MOSIKILI: So we must add not only ...[intervenes].

MR SIBANYONI: Not only ...[intervenes].

ADV MOSIKILI: So that we can accommodate the presence of Calvin.

MR SIBANYONI: Correct.

ADV QOFA: Chair, if I may? I think that is not what the answer says because the witness is saying the association was not only formed by taxi members, but Mr Mosikili says we should add not only, so that we can accommodate and it now creates a different layer altogether. The answer is the association was not formed only by members of the Taxi Industry. It is not so to accommodate Mr Calvin. Thank you, Chair.

ADV MOSIKILI: Well, Chair, the question was premised on Mr Calvin to explain as to how he became part of the association, because the statement says that there were many taxi drivers, operators that were part of that. And that is where the explanation at the end, to accommodate him, but we will take that up, Chair, with the ...[indistinct] as well ...[intervenes].

ADV KHUMALO SC: Mr Sibanyonii, explain then how Mr Mahlangu became a member of this organisation or association if he was not a taxi operator.

MR SIBANYONI: Ja, it was an open invitation, as someone that I know.

ADV KHUMALO SC: So a businessman who is not a taxi operator could, on invitation, become a member of this

association?

MR SIBANYONI: Correct.

ADV KHUMALO SC: And that is how it came about that he became a member?

MR SIBANYONI: Correct.

ADV MOSIKILI: Thank you, Chair.

MR SIBANYONI:

> "[170] I deny that the FNB Bank statements of the Shosholoza Club, taken in isolation or in conjunction with any other exhibit in the additional bundle, establish any unlawful conduct on my part or on the part of the association. The transactions reflected in CJC467.1 to 467.12 are consistent with the ordinary stokvels and operational activities of an association of this character. The Commission has placed these statements before the inquiry without any accompanying expert financial analysis, without identifying any specific transactions as suspicious or as evidencing unlawful conduct, and without affording me any opportunity to interrogate the underlying data prior to

this admission. I expressly reserve the right to engage further with these statements upon receipt of any particularised allegations or expert analysis.

S3. Shosholoza Additional Bundle Substantive Amplification.

[171] I address the additional bundle items relating to Shosholoza (CJC452/Shosholoza constitution, CJC453-/Shosholoza account details) by cross-reference to earlier portions of this supplementary statement, as recorded. I add the following substantive amplifications.

[172] The Shosholoza constitution (CJC452) confirms what I have consistently maintained throughout this supplementary statement that my principal statement, Shosholoza is a formally and properly constituted body with a defined governance framework, articulated objectives, and transparent membership rules.

[173] The Commission's inclusion of this

document, rather than undermining my position, corroborates it. A cartel, criminal enterprise, or unlawful association does not operate pursuant to a formal, written, registered constitution that is capable of public inspection. The Shosholoza constitution is evidence of legitimacy, not of wrongdoing.

[174] The Shosholoza account details (CJC453) reflects banking arrangements that are wholly consistent with what I have described throughout this statement. A legitimate stokvel association conducting its financial affairs through regulated South African banking institutions with traceable and fully recorded transactions. I confirm that the account details reflected in CJC453 are those of Shosholoza's duly authorised banking accounts and that all transactions visible therein are consistent with the legitimate operations described in Part E and Q of this supplementary statement, in particular:

[174.1] I reaffirm that all member

contributions and all year-end distributions were made through properly recorded and traceable banking transactions.

[174.2] All persons entitled to receive distributions from the Shosholoza Club did receive those distributions through documented financial transactions.

[174.3] The Malambule Property Development bank statement (Annexure JS3) reflects the substantial and entirely legitimate financial activity of the Shosholoza-associated entity. An investment deposit of R30 000 000 on 6 December 2025 confirms the substantial arm's-length financial operations of this entity."

ADV MOSIKILI: Mr Sibanyoni, can you then just explain again the link between the Malambule Property Development bank account to that of Shosholoza?

MR SIBANYONI: There was no formal link. It was just an error of transferring through an app from the Shosholoza account to my account. It was just that error, but from that account, I happened just to manage to distribute those funds.

ADV BALOYI SC: Does that mean that Shosholoza had its own account?

MR SIBANYONI: Yes, correct.

ADV BALOYI SC: So monies were transferred from that account to your account?

MR SIBANYONI: Yes.

ADV BALOYI SC: And then you distributed to individuals?

MR SIBANYONI: Correct.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: Just clarify this for me, Ms Sibanyoni. The way it worked was the members would pay their monthly subscriptions.

MR SIBANYONI: For sure.

ADV KHUMALO SC: And then they will pay into the Shosholoza Club bank account.

MR SIBANYONI: Correct.

ADV KHUMALO SC: And once they have all paid, the total will then be put in an investment account.

MR SIBANYONI: Correct.

ADV KHUMALO SC: And then at the end of the year, you make distributions to the same members.

MR SIBANYONI: Correct.

ADV KHUMALO SC: Okay. Thank you.

MR SIBANYONI:

"[175] I record the following procedural

concern arising from the additional bundles' inclusion of Shosholoza items. The Commission appears to be expanding the scope of its inquiry well beyond the specific matters raised in the original Regulation 10.6 notice, without providing adequate prior notice or meaningful opportunity to respond. I have raised this concern formally in Part A2 of this supplementary statement, and that the objection is incorporated herein by reference.

[176] To the extent that the Commission proposes to rely on CJC452, CJC453 or any other Shosholoza-related material in the additional bundle to draw adverse inference against me, I record my categorical denial that those materials establish any wrongdoing on my part and request that the Commission identify with specificity the inference it proposes to draw and afford me a proper opportunity to respond."

CHAIRPERSON: Let us take the adjournment and resume at 2 p.m. So you will start at the top of page 66 when we

come back. Let us adjourn.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes, Mr Mosikili.

ADV MOSIKILI: Thank you, Chair. Mr Sibanyoni, we are going to proceed on page 66 on S3A Civic and Public Standing CJC469 and CJC471. Pick it up from there, please.

MR SIBANYONI: Okay, 177.

> "CJC469 is a formal written invitation from the Mpumalanga House of Traditional and Khoisan leaders, dated 19 December 2020, extended to me in my personal capacity. This document has been placed before the Commission of Inquiry itself, and I welcome its inclusion without reservation. Far from supporting any adverse inference against me, it confirms my standing as a recognised and respected participant in a broader civic and leadership structure of Mpumalanga province."

178:

> "My engagement with the Mpumalanga House of Traditional and Khoisan leaders

reflects my commitment to legitimate community structures and to the advancement of the interest of my community through lawful and congenially recognised channels. The proposition that a person of criminal intent or engaged in organised criminal enterprise will be extended a formal invitation by a statutory institution of this nature is, with respect, a proposition that cannot withstand scrutiny."

179:

"CJC471 is documentary evidence of my engagement with the President of the Republic of South Africa, His Excellency President Cyril Ramaphosa, and with the Honourable Minister Mantashe, when they were conducting visits during electioneering times to traditional and royal houses, with the aim of understanding and unearthing the fundamental and existing problems in communities.

My interaction with the President and the Cabinet Minister was conducted in relation

to legitimate public and community matters of which I had a first-hand knowledge. This evidence, like CJC469, speaks to my standing as a responsible and engaged civic actor, and surely not as a criminal operative."

180:

"I submit that both CJC469 and CJC471 corroborate the consistent picture I presented throughout this supplementary statement, that of a community leader, taxi industry representative, and civic actor who operates within legal framework and through constitutionally sanctioned structures. This exhibits strength rather than undermine my position before this commission."

S4:

"Criminal docket, Kwaggafontein 85/11/2025 (CJC477) ...[intervenes]"

ADV QOFA: Chair, apologies once again, and without having to encumber the Chair, I am looking at section S4 and I am wondering whether, without abandoning any of the constitutional protections we raise, that we can skip section S4, like the other similar areas that we have identified, and

Chair, skip with respect to S5. Thank you, Chair.

CHAIRPERSON: So we start there, at S5?

ADV QOFA: Yes.

CHAIRPERSON: Thank you. Do you see where that is, Mr Sibanyoni?

ADV MOSIKILI: Page?

CHAIRPERSON: Page 69, the heading there, S5. If you could read it and then what follows.

MR SIBANYONI: Thank you, thank you, Chair. S5:

> "Critically identity distinctions, Bhokgolo Gwabo Mahlangu, is not Calvin P Mahlangu (CJC484 and CJC485)."

183:

> "The additional bundle includes CJC484, what appears to be a media report leading to an individual identified as Gwabo Mahlangu, presented in the context of taxi industry violence or organised criminal activity. CJC485 appears to be a further report, captioned, "Man Sentenced to Life for Taxi Violence", apparently relating to the same or closely associated individual."

ADV BALOYI SC: Sorry, can I just understand that, and maybe Mr Mosikili, there is a question for you, 485, is that the person referred to as Gwabo Mahlangu, or is it a closely

associated individual? Do we have the picture?

ADV MOSIKILI: I do not have an answer to that, as to the closeness of that relationship.

ADV BALOYI SC: My question is, what is in 485? Or who is in 485?

ADV QOFA:

ADV QOFA: Chair, 485 will be at page 1383 of the indexed evidence bundle. It is a newspaper article.

ADV BALOYI SC: So there is no photograph?

ADV QOFA: I think on the next page of the same article, there is a picture of...

ADV KHUMALO SC: Is it not the one on 1379?

ADV QOFA: It is, Chair, it is, Chair, with the heading "Alleged Taxi Hitman Remains in Custody".

ADV KHUMALO SC: Yes.

ADV QOFA: Thank you, Chair.

ADV BALOYI SC: [Indistinct]...

ADV MOSIKILI: It has been flighted, Commissioner, yes.

ADV BALOYI SC: [Indistinct]

MR SIBANYONI: Correct.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: So you have told us that Calvin Mahlangu and Bhokgolo Mahlangu are not the same person.

MR SIBANYONI: Correct.

ADV KHUMALO SC: So we have established that from

your evidence, but are they related?

MR SIBANYONI: Not.

ADV KHUMALO SC: So there is no...

MR SIBANYONI: No, not really. 184:

> "I must alert the Commission in the clearest and most directive term to a critical sexual distinction that must not be overlooked. Bhokgolo Gwabo Mahlangu, the individual who is the subject of CJC484 and CJC485, is an entirely different person from Calvin P Mahlangu, the founder of Gubis85. I have no knowledge of Bhokgolo Gwabo Mahlangu in any context relevant to this inquiry.
>
> The two individuals share only the same name. This is a coincidence that is unremarkably in the South African context. Black people share names, surnames, and even totems, and have never met a single day in their lives. Their identities, personal histories, associations, and any records they may or may not carry are entirely distinct.
>
> I urge the Commission in the most emphatic terms not to proceed on any

assumption whether expressed or implied was the Mahlangu who features in the media reports comprising CJC484 and CJC485 is the same person as the Calvin P Mahlangu, whose name appears in documents relating to Gubis85. The conflation of two distinct individuals on the basis of shared same name without any further basis for identification will constitute a serious analytical and evidential error.

It is precisely the kind of error that, if affected upon, could fatally undermine the reliability and integrity of any finding this Commission might make in connection with Gubis85, the taxi industry, or my associations. I have been advised and accepted that the rules of evidence and the requirements of procedural fairness are designed in part to guard against exactly this form of prejudice.

S6: WhatsApp extractions (CJC478 to 492) Constitutional reservation and forensic integrity."

Number 187.

"The additional bundle includes CJC

...[intervenes]"

ADV QOFA: Chair, apologies Mr Sibanyoni. I think, Chair, that falls within our scoping that Mr Mosikili would take it over on this ones. But paragraph 187 to 189 deals with the same issues and we can put it as pegged. Thank you, Chair.

ADV MOSIKILI: Chair, I think this one is slightly differently pleaded by the witness, so we want to put that in record because it deals with the device and the issues that are placed in challenge, so we would want this to be on record, Chair. So I would ask that the witness proceed, Chair.

CHAIRPERSON: All right.

MR SIBANYONI: S7:

"Minister Chikunga's evidence

...[intervenes]"

CHAIRPERSON: Sorry, sorry. S6 please.

MR SIBANYONI: So should I start at S6?

CHAIRPERSON: Yes.

MR SIBANYONI: Oh, my apology.

"WhatsApp extractions (CJC478 to 492) Constitutional Reservations and Forensic Integrity."

Number 187:

"The additional bundle includes CJC478

through CJC492, a series of WhatsApp extraction reports purportedly derived from the mobile device of Sergeant Nkosi and/or associated individuals. The parties identified as participants in the various extractions include:

Masilela/Nkosi (CJC478),

Lepara/Nkosi (CJC479),

Mashego/Nkosi (CJC480),

MJ Sibber/Nkosi (CJC481 and CJC488),

Mkhomazi/Nkosi (CJC486),

Nkwambule/Nkosi (CJC487),

Sergeant Nkosi's own device charts and Timmy Team Roger/Nkosi (CJC489 to 490),

SAPS Thapelo/Nkosi (CJC491) and

Ngwato Advocate/Nkosi (CJC492).

My position in respect of all WhatsApp extractions involving Sergeant Nkosi is consistent and unequivocal. I have already addressed the broader question of digital forensic material derived from Sergeant Nkosi's device in part 1 of the statement in paragraph 65 to 71 and every reservation recorded therein applies with

equal force to each and every one of the extractions now produced as CJC478 through CJC492."

Number 189:

"In addition to the right against self-incrimination under section 35 (3)(j) of the Constitution, I expressly reserve all rights relating to:

189.1 The chain of custody of the device or devices from which these extractions were made.

189.2 The forensic methodology employed in generating the extractions report.

189.3 The completeness and contextual integrity of any selected extracts.

189.4 The authentication of messages attributed to any particular sender and

189.5 The possible use or admission of such material in my pending criminal proceedings.

I will not engage with the substance of any specific message contained in any of these extractions in this statement. No

adverse inference shall be drawn from this reservation."

ADV KHUMALO SC: Ms Sibanyoni, noting of course that you have reserved your rights, I should bring to your attention and the legal team's attention that Sergeant Nkosi was legally represented in this proceedings and the material from his phone was placed before the Commission as evidence without objection from him and he gave evidence on it, so it is now evidence before the Commission and I thought I should just bring that to your attention.

And he accepted that the WhatsApp chats are what they are, subject to some way he said he cannot remember and some way he said it is not clear what was being said, but on the main he did confirm that those WhatsApp chats come from his phone and they say what is contained in the material that was placed before the Commission and there was no objection from him as regards how they were extracted and how they were placed before the Commission.

And all of that happened with him being legally represented in this Commission so I just thought I should bring that to your attention because this chapter is different from the one where you take issue with how the DPCI or the SAPS obtain material from your phone.

MR SIBANYONI: I get you.

ADV KHUMALO SC: Thank you.

ADV QOFA: Thank you Chair. Noted.

ADV MOSIKILI: Thank you, Mr Sibanyoni.

MR SIBANYONI:

"S7: Minister Chikunga's evidence (CJC493 and CJC494).

I stand by my testimony unconditionally."

190:

"The additional pundit includes as CJC493, a letter from the Commission to the Honourable Minister Chikunga dated 2 September 2026, requesting that the Minister deposed to an affidavit regarding her interactions with me (CJC494), is understood to constitute the Minister's affidavit in response to that request."

191:

"I have noted the transcript of the Commission's proceedings for 28 August 2026 (pages 81 to 87 of CJC494 and pages 221 to 225 of CJC494 thereof), which forms part of the documents accompanying CJC493. I confirm that the transcripts accurately records my testimony before the Commission on that date."

192:

"I testified that I met with Minister Chikunga in a capacity other than Minister of Transport. I informed her of the farm outside Hammanskraal, the pattern of violence and killings associated with that location and the threat that this pattern posed to the safety and security of the transport sector and those who work within it. I did so as a community leader and industry representative who possesses first-hand knowledge on this matter and whose duty of conscience demanded that I escalate my consent to the appropriate constitutional authority."

193:

"The Minister herself disclosed to me that officials within the Department of Transport had what she described as divided allegiances, that is that certain department officials were in their own considered assessment effectively answerable to the farm rather than to the Republic to the rule of law and to the rule of law."

194:

"I reiterate without equivocation that these are the Minister's own words communicated to me directly and personally. I did not fabricate, embellish, exaggerate or mischaracterise the Minister's disclosure in any particular way. My testimony on this point was and remains truthfully in its entirety. I also respect the Minister fully and I wish therefore not to take the matter any further."

195:

"I pause to note the concern and the suggestion by Commissioner Advocate Khumalo SC during the proceedings of the 28th August 2026 to let effect that I may have succeeded to or usurped the power previously held by the late Msibi at the farm. I can understand the temptation to make this connection, as I have stated I have succeeded as the leader of the taxi industry, which must be distinguished from leading the farm and wielding the power that flows from it. I therefore flatly

categorically reject this suggestion with respect. I had no association with the farm, no interest therein, no relationship with the structures connected to each and no desire whatsoever to assume any role or position in connection with that location. My communication to the Minister was as an act of responsibility and courageous citizenship and the act of a person determined to bring the truth to account and not an act of fictional consolidation or self-interested manoeuvring.

S8: Contextual Observation (CJC482 and CJC483)."

Number 196:

"CJC482 is a demand letter from Chris Coetzee Incorporated addressed to an identified party. I am not a party to that letter and the letter does not on its face implicate me in any unlawful conduct. Its inclusion in the additional bundle is noted. I make no substantive response to this item as so as no adverse influence capable of sustaining a finding against me

can be derived from a demand letter to which I am not a party."

197:

"CJC483 is a formal instrument of appointment of Major General Makgato as Acting Commissioner of Crime Intelligence Division of the South African Police Service. I note this appointment in the context of my testimony in Part L of this statement regarding the involvement of elements within Crime Intelligence in the event relevant to this enquiry. The appointment of a new Acting Commissioner is consistent with the broader institutional landscape described by me. I make no adverse comments regarding Major General Makgato personally."

ADV KHUMALO SC: Just please stop there. Mr Mosikili, I have noted that we have CJC482 and that is the Chris Coetzee letter and then where we are supposed to have CJC483, it is not there. So our files are empty. Unless you say it is this document that is in CJC484 on page 1378. So it has been misfiled.

ADV MOSIKILI: So it is item 44, yes.

ADV KHUMALO SC: But then it means we are missing CJC484 or is it that 1379?

ADV MOSIKILI: [Indistinct]

ADV KHUMALO SC: So I am sure they will sort out our files after this, thanks.

ADV MOSIKILI: Apologies for that, Commissioner Khumalo.

MR SIBANYONI: Can I continue?

ADV MOSIKILI: Paragraph 198, it deals with the delivery of the letter which has been dealt with.

MR SIBANYONI: Correct.

ADV MOSIKILI: That I think we can safely skip then. But maybe just read the topic and then you can go to, just read the heading then we can move on to the next S10.

ADV MOSIKILI:

> "Delivery of Remedial Action Enquiry Letter in Annexure JS 9."

ADV MOSIKILI: Yes.

MR SIBANYONI: So should I go to 199?

ADV MOSIKILI: No, let us go to 200. So start with S10, General Reservations of Rights.

MR SIBANYONI:

> "General Reservations of Rights ...[intervenes]"

ADV QOFA: Chair, I do think in truth, unless there is

anything contentious in S10, which there is not, we might probably just move to R. Just a suggestion to Mr Mosikili, Chair. Thank you.

ADV MOSIKILI: I would want the witness to deal with 201 because it deals with implications against the Minister. So I would insist that you go to 201.

CHAIRPERSON: Seeing that it is only two paragraphs, then we may just do both.

ADV MOSIKILI: Even more so, thank you, Chair.

CHAIRPERSON: Yes, yes, thank you.

ADV MOSIKILI: Mr Sibanyoni, then let us start with S10 as it were.

MR SIBANYONI:

> "General Reservation of Rights.
>
> I reiterate that the additional bundle comprising CJC452 to 494 was served at short notice and in circumstances that did not permit full and considered engagement with every item contained therein. Nothing in Part T of this statement, whether by express statement, omission or manner of response, constitute a waiver of any right, including any right to object to the admissibility of any exhibit, to challenge the authenticity or integrity of

any document, to contest any inference the Commission may draw from any item in the bundle, or to supplement this statement further in relation to any matter arising from the additional bundle."

201:

"I specifically reserve my right to engage with an extra CJC494, being the affidavit of the Honourable Minister Chikunga, in greater detail upon receipt of a complete and legible copy thereof, and upon having had a proper and adequate opportunity to consider its full contents and to take informed instructions thereon, to the extent that any portion of the Minister's affidavit may be inconsistent with my testimony before the Commission on 28 August 2026, such inconsistency is denied, pending a full and a proper response upon due notice."

ADV MOSIKILI: Chair, maybe on that, Mr Sibanyoni, just to understand, my copy, it appears on 2041 and it is quite legible of that affidavit by the Minister. Is there a suggestion that yours, maybe we should substitute it to assist you?

MR SIBANYONI: What do you mean?

ADV QOFA: Chair, if I may, the original documents had been printed for us, and when we looked at the printing, it was ineligible, but after that, when we got the electronic copy, it was legible. That is why we are able to deal with it fully. So for all intents and purposes, from the third line down, ja, from the third line down, we can very well accept that this was fully corrected through the electronic copy.

ADV MOSIKILI: Do you accept that, Mr Sibanyoni?

MR SIBANYONI: Correct.

ADV MOSIKILI: Thank you. Let us proceed then to page 76 with R.

MR SIBANYONI:

> "Specific responses to remaining original bundle."

Roman figure 4, Roman figure 6, sorry:

> "CJC482 and item 55, the Legal Profession Privilege Objection"

202:

> "CJC482 consists of a letter from Chris Coetzee Incorporated Attorneys to Ngwato Attorneys dated 17 September 2025. Item 55 (CJC reference to be confirmed) consists of an eight-page digital forensic extraction of WhatsApp communications

between Ngwato Advocate and Mr Sindane. I am not in a position to comment on the substance of this correspondence, as I have no knowledge of the matters to which it relates, and it extracts the privilege objection set out above."

203:

"It is immediately apparent from the face of CJC482 that this is a correspondence between legal representatives.

2.1 Communications between an attorney Chris Coetzee Incorporated and another attorney or Advocate Ngwato, Ngwato Attorney, in connection with matters in which the sending attorneys acted as legal representative of a party to this Commission, attract legal professional privilege at common law and are protected by section 35(3)(g) of the Constitution. Legally privileged communications are protected from the compelled disclosure before any tribunal,

including a Commission of Inquiry.

2.2 To the extent that the content of CJC482 relates to any matter in connection with which Chris Coetzee Incorporated was acting as a legal representative for me or a person connected to me, that communication is covered by legal professional privilege. Its inclusion in the Commission's bundle constitutes a potential violation of my rights to privilege communications with my legal representatives under common law and section 35(3)(g) of the Constitution.

2.3 Item 55 (CJC reference to be confirmed) (Ngwato Advocate Sindane WhatsApp) may be protected by advocate/client privilege attached to Mr Sindane's communications with his legal counsel. The Commission inclusion and intended use of such communications raises a separate

and a distinct privilege concern that the Commission is obliged to resolve before relying on the content of item 55 (CJC reference to be confirmed).

2.4 Communications between the respective legal representatives of parties who are subjects of an enquiry, even when not strictly privileged, is ordinarily without prejudice communication that should not be admitted in proceeding against either party without proper foundation."

204 ...[intervenes]

ADV MOSIKILI: I think then you can you can skip that at 204, Mr Sibanyoni and go to V2.

CHAIRPERSON: Ms Qofa, we are not quiet because we no longer want to raise the issue that was raised by Commissioner Khumalo earlier.

ADV QOFA: Indeed, Chair.

CHAIRPERSON: Insofar as the privilege is concerned, it is none of Mr Sibanyoni's concern when that privilege has nothing to do with him, when it is about a client ...[intervenes]

ADV QOFA: Not him.

CHAIRPERSON: ...not him...

ADV QOFA: Indeed, Chair.

CHAIRPERSON: ...and that party is not him ...[intervenes]

ADV QOFA: In fact, Chair...

CHAIRPERSON: ...so that same point stands, we are not keeping quiet because we are now saying this time around it is fine.

ADV QOFA: Absolutely Chair. The point is taken. What simply, what we simply want to emphasise is that Mr Sibanyoni says he has no idea who this person is, but in the event, because we look, he looks thoroughly for it, but in the event this person is found to have represented him anywhere at all, but otherwise, Chair, we take the point and we will correct it accordingly.

CHAIRPERSON: Thank you.

ADV MOSIKILI: Thank you. Mr Sibanyoni, go to V2 then CJC490 Mr Mandla Qcaba Senior Whatsapp screenshot.

MR SIBANYONI: V2:

> "CJC490 Mr Mandla Qcaba Senior Whatsapp screenshot"

205:

> "CJC490 appears to be a Whatsapp screenshot ...[intervenes]"

CHAIRPERSON: Sorry, sorry, that that should be a G not

a Q in the heading in the heading. Qcaba is GC not QC.

ADV QOFA: Apologies, Chair, that would be me biased towards my Q. Thank you Chair.

ADV MOSIKILI: 205:

> "CJC490 appears to be a Whatsapp screenshot of a communication between myself and Mr Qcaba Senior. I note the inclusion of this item and addresses as follows..."

206:

> "Mr Mandla Qcaba Senior is a recognised figure in the South African transport and business community. To the extent that I have communicated with Mr Qcaba Senior, those communications were in the context of legitimacy industry matters, business affairs and community engagement context that are consistent with my disclosed roles and responsibilities."

205:

> "I record this concern that the single screenshot extracted from what may have been an extended exchange and presented entirely without context, cannot serve as an adequate basis for any

adverse inference. A single message or exchange decontextualized from the surrounding communication history is inherently unreliable as evidence of the meaning or purpose or purpose attributed to it."

208:

"I invoke my positional rights under section 35(3)(j) and 35(3)(j) of the Constitution in respect of any aspect of this communication that may tend to incriminate me in the ongoing criminal proceedings. Without prejudice to that invocation I confirm that my communication with Mr Qcaba Senior were in a lawful legitimate and industry-related context.

V3: CJC491 General Mkhwanazi (acting National Commissioner of SAPS) WhatsApp screenshots."

209:

"CJC491 appears to be a WhatsApp screenshot involving communication with General Mkhwanazi the acting National Commissioner of SAPS during the relevant

period. I address this item in amplification of my position set out in part 1 of the supplementary statement."

210:

"I confirm the following: my interaction with General Mkhwanazi was initiated by and facilitated through Sergeant Nkosi. The meeting and any communication with General Mkhwanazi occurred in the contents of KZN peace talks, preparations and industry-level taxi violence discussion."

211:

"To the extent that CJC491 reflects a WhatsApp exchange, I submit that the content of that exchange must be assessed in the contents of facilitated intermediated nature of the relationship described in part 1. A screenshot showing WhatsApp level communication does not without full context establish that I maintained an ongoing independent relationship with the acting National Commissioner beyond the specific meetings and specific contents disclosed

in part 1."

212:

"I reiterate my position that any communication with General Mkhwanazi was in the context of legitimate peacekeeping and KZN peace talks facilitation consistent with my long-standing role as an industry leader engaged in conflict resolutions."

213:

"I invoke my constitutional rights under section 35(3)(j) in respect of any aspect of this item that may tend to incriminate me in the ongoing criminal proceedings."

ADV KHUMALO SC: Can you just explain why we are calling General Mkhwanazi the Acting National Commissioner? I was a bit confused reading this part of the statement.

ADV QOFA: Chair, at the time he was.

ADV KHUMALO SC: Was he?

ADV QOFA: At the time, yes, Chair.

ADV KHUMALO SC: Okay.

ADV QOFA: Thank you, Chair.

MR SIBANYONI:

"V4: Remaining unaddressed items of the

additional bundle."

214:

"Several items within the additional bundle (CJC452, 494) are not specifically addressed in part T1 either because they were not raised in the original regulation 10.6 notice or because lateness of the additional bundle service on 17 September 2026, the day immediately before this supplementary statement filing, did not afford me adequate time for specific engagements. This item include without limitation CJC467, 469, 471, 477 to 480, 482 to 487, 491 to 494 with 215. Without adequate time to review each of these items I am unable to provide specific substantive responses. My general mandate objection as recorded in part A2 to above applies to all such items. I reserve the right to supplement this statement with specific responses upon receipt of the Commission's identified questions in relation to each such item with proper notice and adequate time."

216:

> "My constitutional right under section 35(3)(j) and 35(3)(j) of the Constitution apply to all items of the additional bundle whether or not specifically addressed in parts T or B herein."

Lastly 217:

> "I respectfully commend this supplementary statement together with all annexures thereto to the Commission's careful and impartial consideration. I reiterate my full cooperation with this inquiry whilst maintaining all rights conferred upon me by the Constitution of the Republic of South Africa 1996, applicable legislation and the principles of natural justice and procedural fairness. I resolve that the truth, careful and comprehensiveness presented, shall prevail."

I end.

ADV MOSIKILI: Thank you, Chair, we have reached the end of the supplementary statement of Mr Sibanyoni, Chair.

CHAIRPERSON: Oh thank you thank you.

ADV KHUMALO SC: Mr Sibanyoni, the Commission can rely on media reports, but as you know sometimes they may

be inaccurate, so the last time you were here I asked you a question about you succeeding Mr Msibi as the leader of the Taxi Association.

MR SIBANYONI: Correct.

ADV KHUMALO SC: And I think we subsequently learned that you had retired, so can you just clarify that for us so that we have the right information before us.

MR SIBANYONI: Okay, thank you, Commissioner. My blood is a taxi industry, born and bred within the taxi industry. I did not retire.

ADV KHUMALO SC: So you are still the, is it the Chairperson?

MR SIBANYONI: The President of the South African Local and Long-distance Taxis and Buses Organisation.

ADV KHUMALO SC: And as far as your other business interests are you still also involved with those?

MR SIBANYONI: Correct.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: So like the late Mr Msibi, you do not want to retire. [Laughter]

ADV BALOYI SC: Mr Sibanyoni, the answer that you give does it mean the media reports were incorrect? Because you were reported as having resigned from something.

MR SIBANYONI: Ja, the media reports, I do not know what were they implying because I am still the president. There

are my members up there.

ADV KHUMALO SC: They were incorrect?

MR SIBANYONI: Correct, yes.

ADV BALOYI SC: Okay, thank you.

CHAIRPERSON: Looks like that is the end, Ms Qofa.

ADV QOFA: Indeed, Chair, that would be the end of us.

CHAIRPERSON: Before the probing.

ADV QOFA: Indeed Chair, thank you.

CHAIRPERSON: And who between you and who between you, Ms Qofa and Mr Mosikili, is going to place on record what is happening tomorrow or what is not happening tomorrow?

ADV MOSIKILI: Chair ...[intervenes]

ADV QOFA: Maybe I should allow Mr Mosikili.

ADV MOSIKILI: Thank you, Chair. Chair, the programme as planned, because of this supplementary affidavit, the plan was to run through a statement as we did today and then tomorrow begin with the probing of the witness and we have reserved tomorrow for that for that purpose, Chair. I understand that there might be difficulties from Mr Sibanyoni's legal team, that some of the members might not be available, but our stance is that we must proceed because the day has been reserved and there is no really prejudice that he will suffer, because during the probing there is really limited interaction by the opposing counsel

and there is an advocate who is available and also Mr Mahane is quite an experienced attorney as well. So Mr Sibanyoni's interest will be safeguarded, Chair, and for tomorrow, Chairperson, through his legal team and there is really no basis for us not to use tomorrow to proceed with the probing of the witness, Chair.

CHAIRPERSON: Ms Qofa.

ADV QOFA: Chair, we have requested and we place on record once again, the legal team of Mr Sibanyoni is allocated different and varying tasks. To the extent that Mr Sibanyoni would have had to go through the probing of his statements, our instructions are that he would require that I be present for that purpose. We have therefore, Chair, tried to request, truly capping hand once again to the Commission, apologising for this immediate request, to say if it is practical we would request that the Commission postpones us to a date, be it immediately on the 29th or immediately after, so that we can be able to lead to allow the cross-examination of Mr Sibanyoni.

Indeed, yes, there are legal representatives from Mr Sibanyoni here in the team, but Chair team members are always allocated different responsibilities and it is within that context that Mr Sibanyoni asks and requests that the Commission considers this request. And, Chair, if I may add, Mr Sibanyoni's feeling has always been that he has

been not only a big fan of this Commission, but he has watched and seen how cross-examination unfolds every other time and therefore he truly requests that without ...[intervenes]

CHAIRPERSON: I am sure you have heard the expression flattery will not get you far, Ms Qofa.

ADV QOFA: My English does not take me that far. But in truth and he does in truth and he truly says the fact he has really laid bare all that he ought to before the Commission and the only thing that he requests is an indulgence that he represented in a manner that ...[intervenes]

CHAIRPERSON: I think for the record we need to be told why, from where you are sitting, we cannot proceed tomorrow. We have not heard that part for purposes of the record.

ADV QOFA: Thank you Chair. If I may place on record Chair, tomorrow I am not available as counsel. I am engaged in an arbitration in Sandton. On the 23rd, Chair, there is another matter and I have just received communication that I will happily share with the Commission a little after. On the 23rd we are also otherwise supposed to be engaged before the Khampepe Commission. Having communicated with them as well I see they have just given me a response, but be that as it may, on the 23rd, Mr Sibanyoni is supposed to leave tomorrow, on the 22nd, for

his engagement with the church until the 28th and he will be back and available from the 29th. Hence we were simply requesting that if the Commission can just put us – we can even make sure that any date from the 29th we can clear whatever engagements he has. But those are the only two pressing issues, Chair, that we would like to request indulgence with.

CHAIRPERSON: I do not know if what I am going to raise is covered by what you say about members of the legal team being allocated different tasks, but I just wanted to say to you, I will hear what your response is, we have had more than, oh I think at least two occasions, where lead counsel for whatever reason was not available. I think one matter being where Mr Padlane was lead counsel, for the remaining few days he was not available and his junior, I think it was Mr Ramatsekisa remained behind and he was the only counsel. That also happened with Mr Matlala and Ms Missi became lead counsel, leading another junior, another junior counsel. And when you, when we exchanged greetings this morning you did say that you are leading a junior, so as counsel you are not the only counsel ...[intervenes]

ADV QOFA: Indeed, Chair.

CHAIRPERSON: ...do you want to just address us on why your junior cannot stand in tomorrow?

ADV QOFA: Chair, maybe let me first start by saying I am not even trying to imply by any measure that Mr Mfeka will not be able to lead this matters tomorrow. No, that is not at all what I am trying to imply. I was simply trying to indicate that Mr Sibanyoni feels a heightened sense of urgency to the extent that knowing that tomorrow is the day when certain objections will have to be raised and addressed, he would really request that he be given this indulgence. Chair ...[intervenes]

CHAIRPERSON: Which are already foreshadowed in the, in the statement.

ADV QOFA: Indeed, Chair, indeed. And the truth is that, and maybe I should allow, Chair, and I know you are engaging with me now, I had a long discussion with Mr Sibanyoni on this, who has indicated and said, please impress upon the Commission on my behalf. I have no intention of not being present to assist the Commission, but I am asking for this one indulgence, because as a matter of fact, and indeed as truth, we have had different roles allocated to us as legal teams, as a result of which it will only give comfort to Mr Sibanyoni that when time comes for his, for cross-examination, that I am present.

It is not an issue of one counsel being able to do that, it is simply because of the delineation of responsibilities. But having said so, Chair, we believe that

not once has Mr Sibanyoni not been able to be here, in terms of the Commission's requirements. And for that reason alone, we ask, cap in hand, that the Commission consider this request. It is not one that is made carelessly, it is one that is being made, indeed there was simply an understanding that he is here only today, and therefore we apologise if any misunderstanding would have caused this. But this is the basis upon which we request this indulgence. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Qofa. Do you want to respond, Mr Mosikili?

ADV MOSIKILI: Chair, just to emphasise on the consistency of your rulings in terms of the unavailability of counsel, Chair, and especially where the juniors are involved, it has always been the principle that the junior or second chair should be able to proceed, and I submit, Chair, there is no exceptional circumstances that, in this case, Chair, that you should postpone the hearing, Chair. We really are pressed with the days of the Commission. There is a possibility that we do not even sit on Wednesday, Chairperson, so we might lose the whole week.

CHAIRPERSON: Is not an important difference that, in those two other matters, there were no attempts at trying to postpone those matters. In those matters, the witnesses and their legal representatives were prepared that the

matters should go ahead and that junior counsel should stand in. Here, there is an insistence that lead counsel should be there, and the point is being made also that objections are being raised, and you and I know what those objections are.

They are already foreshadowed in the statement, and Mr Sindane would, I am very sorry, Mr Sibanyoni, would want his lead counsel to, if it gets to that, which I am sure it will, to argue those objections and not the junior. So I think, even though I did put this to Ms Qofa, I think that these two scenarios are distinguishable or not?

ADV MOSIKILI: Chair, I cannot speak for the previous matters. All I can remember is that I can remember Advocate Missi asking for a stand down for, I think, Advocate van den Heever until she was pressed, and I think the submission is that Advocate Mfeka is well capable and available to proceed tomorrow, Chair.

CHAIRPERSON: Oh yes, yes, you are quite right. She did ask for a stand down to the following. Thank you, thank you for the correction, but I forget the detail as to why we would have insisted.

ADV MOSIKILI: Ja, and, Chair, we are really, it is the issue of being pressed with the times, and Chair, I did not want to make reference to page 45. You will see, Chair, page 45 of the statement, and you will see at paragraph

132, Chairperson, where at least, I will read that into the record. It says:

> "I appeared before this Commission on 20th of August 2026. The proceedings were postponed to the 21st of September 2026 appearance. This is the only available date on my appearance as my legal team is required to appear before another Commission on 23rd of September 2026, and prepare on the 22nd of September, which creates a scheduled conflict on days following the 21st."

So it seems to me, Chair, that this problem, at least part of it, was anticipated when this was drafted, and it could have been dealt with more properly, with probably a more substantiated application, Chair, if part of it was really to prepare for the 23rd, Chairperson. But I will not take it further than what is stated there by the witness himself, Chair, as to the real, or the other reasons why the 22nd should not be used, Chairperson, but clearly it was clear that the 22nd is going to be used. That is one thing that is very clear for the continuation, at least, Chair.

- - - - - - - - - - - - - - - -

RULING

Having heard counsel on the matter, unfortunately the

further hearing of Mr Sibanyoni's testimony will be postponed to a date to be determined.

- - - - - - - - - - - - - - - -

ADV QOFA: We are indebted, Chair.

ADV MOSIKILI: Thank you, Chair.

CHAIRPERSON: That is the ruling on the matter. And now about Wednesday, the testimony of Mr Sindane, and I am raising that now because our understanding is that the same legal team is involved.

ADV QOFA: Indeed, Chair. We did write to the Commission immediately when we received Mr Sindane's subpoena.

CHAIRPERSON: When was that? When did you receive the subpoena?

ADV QOFA: Chair, we would have probably received the subpoena maybe a week or so ago for Mr Sindane's appearance for the 23rd. I am not going to refer exactly to the day, but shortly after, we immediately wrote a letter to the Commission to indicate, amongst others, that the legal team for Mr Sindane, myself and Mr Abrams, have been booked through the Khampepe Commission from as far back as February. Now, we have taken the point that we must make sure that a proper application is made, and we will submit the application to that effect.

CHAIRPERSON: When do we get that application? That is

the substantive application for a postponement.

ADV QOFA: Chair, will you ensure the application is in tonight.

CHAIRPERSON: Before midnight.

ADV QOFA: Indeed, Chair. If Chair releases us before 5.00. Thank you, Chair.

CHAIRPERSON: Mr Mosikili, if there will be an answer, by when do you think that may be filed?

ADV MOSIKILI: Chair, if we receive the application today at 5.00, as promised, Chair, we should be able to ...[intervenes]

CHAIRPERSON: No, no, no.

ADV QOFA: No, not at 5.00.

CHAIRPERSON: Ms Qofa was saying we will get the application before midnight if I release them before 5 p.m.

ADV MOSIKILI: It all depends on when we receive, Chairperson. The best we can do is to say by 9 o'clock, we should be able to respond.

CHAIRPERSON: Midday, midday, perhaps.

ADV MOSIKILI: Midday will be fine, thank you, Chair.

CHAIRPERSON: It should be fine. And there must definitely be somebody to move the application on Wednesday, and Mr Sindane must be here in case that application is not granted.

ADV QOFA: Indeed, Chair.

CHAIRPERSON: In respect of Mr Sindane's testimony, I make the following ruling.

- - - - - - - - - - - - - - - -

RULING

A substantive application for the postponement of the hearing of his testimony must be filed before midnight today, 21 September 2026, and answering affidavit, if any, must be filed at or before midday on 22 September 2026, and a reply, if any, must be filed by 6 p.m. on 22 September 2026.

- - - - - - - - - - - - - - - -

ADV QOFA: We are indebted to Chair.

CHAIRPERSON: The application will be heard at 9.30 on Wednesday, 23 September 2026. Mr Sibanyoni?

MR SIBANYONI: Chair.

CHAIRPERSON: You will appear on a date that is yet to be determined for the resumption of the hearing of your testimony.

MR SIBANYONI: Thank you.

CHAIRPERSON: Thank you. Let us adjourn until 9.30 on Wednesday. Unfortunately, tomorrow is lost.

INQUIRY ADJOURNS

- - - - - - - - - - - - -