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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

13 NOVEMBER 2026

DAY 194

PROCEEDINGS HELD ON 13 NOVEMBER 2026

CHAIRPERSON: I think each one of you is going to be leading somebody. So good morning, Ms Segeels-Ncube. Good morning, Ms Pooe.

ADV POOE: Good morning, Chair. Good morning, Commissioners.

CHAIRPERSON: And of the three witnesses we have, who do we have in the witness stand?

ADV POOE: Chair, we have Warrant Officer Mashala.

CHAIRPERSON: Mashale.

ADV POOE: La.

CHAIRPERSON: Mashala, Mashala. Good morning, Warrant Officer.

WARRANT OFFICER MASHALA: Good morning, Commissioner. How are you?

CHAIRPERSON: I am well. I am well, thank you very much, Warrant Officer. And how are you?

WARRANT OFFICER MASHALA: I am very well.

CHAIRPERSON: Thank you, thank you. Can you please state your full names for the record?

WARRANT OFFICER MASHALA: I am Phuti Eric Mashala.

CHAIRPERSON: Are you going to swear or affirm?

WARRANT OFFICER MASHALA: I am going to swear, Commissioner.

CHAIRPERSON: Do you swear that the evidence you are

going to give is the truth, the whole truth, nothing but the truth? If so, please raise your right hand and say, so help me God.

WARRANT OFFICER MASHALA: So help me God.

CHAIRPERSON: Thank you, Warrant Officer. Yes, Ms Pooe.

PHUTI ERIC MASHALA: (duly sworn states)

ADV POOE: Thank you, Chair. Commissioners, this morning we will resume with the stream dealing with the JMPD. In particular, you will recall when Superintendent De Beer was here, she testified about certain cases and incidents that involved two other people within JMPD in particular, Ms Emma Phakoane and Mr Manyama, who had since retired. The three witnesses today will give context to those allegations and specificity about what happened and the investigations that they had undertaken. Commissioners, so for this purpose, the first witness is actually number three in the file, and we will work our way backwards. So if we can just go to tab three in the files before you? Warrant Officer Mashala, you should have a file in front of you. If you can go to the third tab.

CHAIRPERSON: Please assist because there are several sub-tabs as well.

ADV POOE: Yes, Warrant Officer, if you can have regard to the first document under that tab, that should be your

statement. Do you confirm that that is the statement you have prepared for purposes of giving your testimony before the Commission?

WARRANT OFFICER MASHALA: Yes, I do confirm.

ADV POOE: And if you can go to page 14, do you confirm that that is your signature?

WARRANT OFFICER MASHALA: Yes, I confirm, Commissioners.

ADV POOE: And do you confirm that the contents of this statement are true and correct?

WARRANT OFFICER MASHALA: Yes, I do confirm.

ADV POOE: Thank you. Now, to begin with, Warrant Officer, we will go through your statement and we will then ask some questions as we go through the facts of this case in particular. To begin with, can you set out briefly your position, which law enforcement agency you work for and what you do there?

WARRANT OFFICER MASHALA: That will be ...[intervenes].

ADV POOE: In particular, that is paragraph 3 of your statement.

WARRANT OFFICER MASHALA:

> "I joined the SAPS, South African Police Service, in July 2007. On the 1 December 2019, I was appointed to the

DPCI Serious Corruption Investigation Unit, Johannesburg. My duties entail the investigation of serious corruption, including corruption involving members of the law enforcement agencies."

ADV POOE: Thank you, Warrant Officer. So you were in charge of investigating Booysen's CAS number 196/8/2023. Can you take us through that investigation? If you can start with paragraph 4.

WARRANT OFFICER MASHALA: Yes, I will do:

"In August 2023, I held the rank of sergeant. I was the investigating officer in Booysen CAS 196/8/2023, a case of theft or robbery of R1 500 000 against Eric Mphahlele, a Johannesburg Metropolitan Police Department, JMPD, officer. I was also the applicant and the designated agent in section 252A of Criminal Procedure Act 51 of 1977 entrapment operation that formed part of the investigation."

ADV POOE: All right, thank you, Warrant Officer. So you do not need to go through the purpose of the statement. What I would like you to do is to go straight to the allegations of theft by the JMPD officer, if we can go to

paragraph 8 of your statement. And I am just going to ask for the statement to be flighted from this point on. Thank you.

WARRANT OFFICER MASHALA:

"On the 12 August 2023 at about 12:50, Captain Tauatswala, whom I am working in our unit with, called me on my official DPCI cell phone and informed me that Mr Nawazish Ali Raja had made the report against the JMPD officer. Mr Raja alleges that Mr Eric Mphahlele, a metropolitan police officer, had pulled him over and stole R1 500 000 in cash that was in Mr Raja's vehicle. Mr Raja was with his wife at that time. Captain Tauatswala and I met at East Gate and drove together to Booysens Police Station, where Mr Raja was already being interviewed by Superintendent De Beer and Sergeant Archibald Nemukula of JMPD Internal Affairs. When we arrived, they were in the process of taking Mr Raja's statement. A case was registered under Booysens CAS 196/8/2023, and I was assigned as the investigating officer.

According to Mr Raja, earlier that day, it was on the Saturday, 12 August 2023, at about 12:15, he was with his wife in a grey Mercedes-Benz with registration number FD...” ...[intervenes].

ADV POOE: You do not need to deal with the registration number, so where there is any registration numbers, do not read them out.

WARRANT OFFICER MASHALA: Thank you, Commissioner.

ADV POOE: Thank you.

WARRANT OFFICER MASHALA: I will be going back to paragraph number 10:

“According to Mr Raja, earlier that day, it was Saturday, 12 August 2023, at about 12:15, he was with his wife in a grey Mercedes-Benz with registration on his way to buy the stock for his hardware shops at Brothers Cash and Carry in Selby. As he was driving on Booysens Reserve Road, he noticed marked JMPD Golf following his vehicle. At the Stewarts and Lloyds shop, the JMPD vehicle suddenly signalled for Mr Raja to pull over his vehicle on the side of this

road, which he did. The driver, a uniformed metro officer, got out of the JMPD vehicle and walked to Mr Raja's vehicle. The officer asked if Mr Raja had a firearm, and he said he did not have. The officer accused Mr Raja of speeding, which he denied. The officer requested Mr Raja to hand over his driving license, which he did, and the officer asked to search the vehicle for firearms, and Mr Raja agreed. According to Mr Raja, the officer did not find anything in the boot and then proceeded to open the rear passenger door behind the driver's seat and found the big black bag. Mr Raja told the officer that there was money in that bag to buy the stock and gave the officer permission to open that bag. The officer opened the bag and saw the money, which Mr Raja told us was R1 500 000 in cash. According to Mr Raja, the officer remarked that him and his wife were involved in money laundering. Mr Raja denied the money laundering allegation and replied that he had proof

of the source of the funds in the bag and that they should go to the police station. Mr Raja stated that the officer then made a call. Mr Raja would hear that it was a woman on the other side of the phone and the officer told the woman that he had found the money and was taking it to a police..."

Sorry, Commissioner ...[intervenes].

ADV POOE: And was taking it to the police station.

WARRANT OFFICER MASHALA:

"The officer told the woman that he had found the money, and taking it to a police station. Mr Raja would hear the officer ask a woman on the phone which police station to go to. After the call, the officer told Mr Raja that they would go to Johannesburg Central or Booysens Police Station."

ADV POOE: Warrant Officer, if you can just stop there for a moment? Now, Mr Raja said that there was a call involving a woman. Can you just identify the woman?

WARRANT OFFICER MASHALA: At that time, as I was the investigating officer, at about 10 to one on the very same day of the incident, Immaculate Emma Phakoane, who, she

is the supervisor to Eric Mphahlele, was called and then they communicated over the phone. That was before the incident. During the incident, while he was stopped, he communicated with Emma again. So, on that time, while I was the investigating officer, I felt that Emma is directly involved because over the phone she can give the directive to the officer, Eric Mphahlele, and the very same car that was used ...[intervenes].

ADV POOE: Warrant Officer, before you get to the car that was used, I just wanted you to identify who the officer was, just so that the Commissioners can follow the story. So what you have discovered in Mr Mphahlele's phone was that he had communicated with Emma before and during, and the person he is referring to here, the woman, is Ms Phakoane.

WARRANT OFFICER MASHALA: That is correct, Commissioners.

ADV POOE: Thank you. Then you can proceed to paragraph 14.

WARRANT OFFICER MASHALA:

> "The police officer wanted to arrest Mr Raja for money laundering and handcuffed them, but did not do so. The officer took the black bag out of Mr Raja's vehicle and put it in the JMPD

marked vehicle. The officer told Mr Raja to drive his own vehicle to Booysens Police Station. As they were leaving, Mr Raja noticed a man in civilian clothes in JMPD vehicle in the passenger seat behind the driver's seat. They then proceeded to Booysens Police Station. Mr Raja stated that as they approached a stop sign in Booysens Road, the officer pulled alongside Mr Raja's vehicle and told Mr Raja that they were going to Johannesburg Central Police Station to take his statement via N1 North. Mr Raja drove in front. The JMPD vehicle had its blue lights on and following Mr Raja's vehicle. Once on the N1, the JMPD vehicle drove in a yellow lane as traffic was quite congested. As they were approaching the Langlaagte turnoff, the JMPD vehicle stopped as if to block oncoming traffic, but as the vehicle passed, Mr Raja lost sight of the JMPD vehicle. Mr Raja realised that the officer had fled with the money. The stressful situation seemed to have had an effect

> on Ms Raja's blood pressure, and Mr Raja had to take her home. Mr Raja stated that they could identify the officer and the vehicle. He said the amount taken was R1 500 000. Mr Raja believed that the officer had done this before, referring to the theft of money."

ADV POOE: Thank you, Warrant Officer. Commissioners, the statement that was taken from Mr Raja is at page 51, where he gives a detailed account of what happened. And, Commissioners, in the statement, the witness refers to the officer. The officer is Officer Mphahlele. And just on the last sentence that you just read, that Mr Raja believed that the officers had done this before, did he explain what he meant by this?

WARRANT OFFICER MASHALA: He did not give me a clarity what was he referring to.

ADV POOE: All right, thank you. Then can you move on to the investigation of the matter, in particular the tracing and arrest of Mr Mphahlele?

WARRANT OFFICER MASHALA:

> "After the interview with Mr Raja, JMPD Internal Affairs I identified the officer involved as Eric Mphahlele and obtained his residential address. Captain

> Tauatswala and I joined the tracing team in Protea Glen, Soweto, but it turned out that the address was not the correct residential address. Mr Mphahlele's correct residential address was obtained from the other Metro officer who knew him. Superintendent De Beer provided me with the cell phone number of Eric Mphahlele. I called him and I explained that I was the investigating officer in the alleged theft that occurred earlier that day. I requested the meeting with him. He told me that he was already aware that people are looking for him. He said that he was..." ...[intervenes].

CHAIRPERSON: Sorry, I am not a detective, but do you think it was advisable for you to call him and say you were looking for him? Was the element of surprise not crucial in those circumstances? Because you were basically alerting him, and if, for example, he had the money in his house, in the car, or wherever else you might have been minded to search, he would then get an opportunity to spirit it away or to hide it. As I say, I am not a detective, but I think it was unwise of you to do that.

WARRANT OFFICER MASHALA: Commissioner, we did

not have any other resort than to call him because already he was aware.

CHAIRPERSON: But when you called, you did not know that he was away, so you cannot use that information which you just happened to know about after the event, that is the event being you having called him.

WARRANT OFFICER MASHALA: The reason for that call, Commissioners, it was because of Superintendent De Beer and other members of their office tried all the avenues to locate him, but he cannot be found, and they knew his cell phone numbers. As we were there, they were calling left and right to say Mphahlele is the one who is involved. But I decided to say, can I have the cell phone number for him to call him because already he knew and he is not around. To him, it was not surprise to know that we were looking for him.

CHAIRPERSON: You see, my point is it does not come out of your statement that he was already aware. You only mention him having been aware after you had called him. It does not come out of your statement that you were aware that he was already aware.

WARRANT OFFICER MASHALA: That one, it might be the element that I missed to write it on the statement.

CHAIRPERSON: So is the short point you are making that you already knew that he was aware that the police were

looking for him? Is that what you are saying?

WARRANT OFFICER MASHALA: That is correct, Commissioner. As a result of the communication between me and Superintendent De Beer and the other colleagues who were assisting to trace him.

CHAIRPERSON: Had someone called him that is from the cops?

WARRANT OFFICER MASHALA: When I checked ...[intervenes].

CHAIRPERSON: If so, who had done so?

WARRANT OFFICER MASHALA: I have got the attachment that I have the screenshot on here. During that day, there were also the messages that they sent to him to say he is the one who stopped the car, who took the money, meaning the person who appears to be the one who sent the message already knew, and at that time it was during the day while we have not yet traced him.

CHAIRPERSON: Thank you. All right, you may continue. Thank you.

ADV POOE: Chair, we will help locate the name of the officer that called because I think Superintendent De Beer did say that by the time they found him, he had already been warned by members of JMPD that he was being sought at the time.

CHAIRPERSON: Thank you, but I think for the record it

had to be clear because it is not clear from his statement.

ADV POOE: Certainly, Chair.

CHAIRPERSON: Thank you.

ADV POOE: Warrant Officer, if you can proceed? You were on a call with him, and he told you that he was aware that people were looking for him, so that is the last, you were dealing with the last sentence where it starts, he said he was coming.

WARRANT OFFICER MASHALA:

> "He said he was coming from Secunda and I agreed to meet at Sasol Garage on N12 at about 09:30 that evening."

ADV KHUMALO SC: 19:30 in the evening.

WARRANT OFFICER MASHALA:

> "Captain Tauatswala and I left the tracing team and went to Sasol Garage. At about 20:02, Mr Mphahlele called me to say he was on his way. He arrived in a grey Jetta with registration and..."
>
> ...[intervenes].

ADV POOE: You do not need to read the registration. So he was with a female who he introduced as his cousin.

WARRANT OFFICER MASHALA: That is correct, Commissioners.

ADV POOE: Thank you. Then you can move to paragraph

20.

WARRANT OFFICER MASHALA:

"We interviewed Mphahlele at Sasol garage. He confirmed that he is employed at JMPD. He confirmed that he had stopped Mr Raja's vehicle as part of his duties, but denied seeing a bag of money. During the interview, he offered us a bribe, which I dealt with later."

ADV POOE: Thank you, Warrant Officer. Can I ask why were you interviewing him at the garage?

WARRANT OFFICER MASHALA: The reason to interview him is to make sure that he understands why are we looking for him, because he does not know us before.

ADV POOE: Okay.

WARRANT OFFICER MASHALA: It was to inform him, to say we are the investigators of the case, and then we were entitled to interview him to tell us what exactly happened.

ADV POOE: All right, thank you. Paragraph 21.

WARRANT OFFICER MASHALA:

"We followed him to his residence in Soweto, where Superintendent De Beer and her team were still waiting. We had to search his house for evidence that may link him to the alleged crime. I

placed him under arrest and explained his constitutional rights. The marked JMPD Golf identified by Mr and Ms Raja as the vehicle that stopped them was found parked at a neighbouring address of Mr Mphahlele's residence. Superintendent De Beer's team had recovered the vehicle and Mr Mphahlele confirmed that he used the vehicle. We searched Mr Mphahlele's residence, his private vehicle, and the JMPD vehicle (marked Golf). No money was found during the search and Mr Mphahlele denied any knowledge of the money or that it had been stolen. After the interview, Mr Mphahlele was detained at Booysens Police Station. Photographs of the recovered JMPD vehicle, the search of his house, his JMPD appointment certificate and ID, and the screenshot of the calls on his cell phone on 12 August 2023 are attached as Annexure A. The screenshot on Mr Mphahlele's cell phone shows that Inspector Emma Phakoane called Mphahlele on the day of the

alleged theft of money at about 10 to one. On the 14 August...” ...[intervenes].

ADV POOE: Warrant Officer, before you deal with that paragraph, perhaps let us go to the annexures just to deal with them quickly. If you can go to page 15?

WARRANT OFFICER MASHALA: Yes, Commissioners, I can see there.

ADV POOE: Can you describe what this is?

WARRANT OFFICER MASHALA: This, according to my interpretation, is the incoming call at about 10 to one that was coming from Emma.

ADV POOE: So this is a picture of Officer Mphahlele's phone?

WARRANT OFFICER MASHALA: That is correct, Commissioners.

ADV POOE: And you are taking a picture of the incoming call that he received at 12:50, so 10 to one.

WARRANT OFFICER MASHALA: I am not the one who took the picture.

ADV POOE: Okay.

WARRANT OFFICER MASHALA: The person who took the picture is Sup De Beer , and then she forwarded those conversations to me so that when investigating I will be knowing what to look for.

ADV POOE: All right, thank you. Now, and then let us go

to the second picture. Is that the appointment certificate for Officer Mphahlele?

WARRANT OFFICER MASHALA: That is correct, Commissioners.

ADV POOE: And his card is contained at page 17?

WARRANT OFFICER MASHALA: That is correct, Commissioners.

ADV POOE: Then at page 18, is that the card that was identified to have been involved in the commission of this crime?

WARRANT OFFICER MASHALA: Correct, Commissioners.

ADV POOE: At page 19, can you explain to the Commissioners what they are looking at?

WARRANT OFFICER MASHALA: Yes, I can, Commissioners.

ADV POOE: Can you please do so?

WARRANT OFFICER MASHALA: Here, when I checked the call logs, I found that Mr Khuba, who was called at about 14:32 on the same day of the incident, is the very same phone that he has been calling Mr Mphahlele several times on that day. My analysis was to assume that either they were discussing anything to do with this theft of the money, then he was subjected to be interviewed, according to me.

ADV POOE: Sorry, so just to make, to understand what you are saying, is that from this you identified that Mr

Khuba was in communication with Mr Mphahlele several times on that day, and you identified him as a person of interest for interviewing?

WARRANT OFFICER MASHALA: That is correct, Commissioners.

ADV POOE: And was he interviewed?

WARRANT OFFICER MASHALA: At that time, I did not interview him.

ADV POOE: Okay. And on the next page?

WARRANT OFFICER MASHALA: On the next page, what I observed here, there were several calls. It is like Mr Mphahlele, on that day, he were communicating with many, many people. That was going to be the issue of, after the 205 is done, is to analyse, to identify these people fully, and they will be subjected to explain as whether what was the business between them and Mr Mphahlele, because it is shown that that day he was busy calling many people. So for us it was to identify those people fully to interview them regarding to the matter.

ADV POOE: All right, thank you. And I am going to skip a few of the screenshots because they just show more calls. I wanted to ask about page 24. You will see there Mr Mphahlele had received quite a number of calls from JMPD officers.

WARRANT OFFICER MASHALA: That is correct,

Commissioners.

ADV POOE: Is this what you were referring to when you were responding to the Chairperson earlier about him having been called by JMPD?

WARRANT OFFICER MASHALA: Correct, Commissioners.

CHAIRPERSON: But my point stands, though. Regardless of who made the calls, if they made calls and said we are looking for you, my point stands about effectively alerting him and then giving him time to hide the money if he had it in his possession. So it does not matter if he was not called by you. Whoever called him, my point stands. Do you agree?

WARRANT OFFICER MASHALA: I agree with you, Commissioners.

CHAIRPERSON: Thank you.

ADV POOE: Then, Warrant Officer, there are more screenshots of more calls. I will not go through those unless there is one that you think is significant that you want to point out to the Commissioners.

WARRANT OFFICER MASHALA: As I indicated initially, that Mr Khuba is the person of interest to me, and also the column Mosii at JMPD. That is how they saved him here on the call log. Oh, the one that is written M-o-s-i-i?

WARRANT OFFICER MASHALA: That is correct, on page 24.

ADV BALOYI SC: Why did he become a person of interest?

WARRANT OFFICER MASHALA: Because on that day of the incident, Mphahlele was communicating with him or her several times. Now this call here is for the second time. And as I indicated about Mr Khuba, on page 25, we have got three calls, I mean to say two calls of Mr Khuba, who communicated with Eric Mphahlele on the very same day.

ADV BALOYI SC: I guess my question is, and I am interested in that this person is a JMPD officer, Mosiii. My question really is, was he implicated in this incident?

WARRANT OFFICER MASHALA: He was not implicated at the initial stage, because what I have realised during my investigation when I analysed, as per Mr Raja has indicated to say at the time while he was stopped, Mphahlele was communicating with a woman who came out as Emma, and that Emma was giving the instruction through the phone. Then now I tend to have a reasonable to believe that whatever they are discussing is about this theft of the money, because on that day, Eric Mphahlele was off duty. The vehicle that has been used, it was parked at the garage.

Emma initiated to go and fetch that car and give it to Eric Mphahlele. Then Eric Mphahlele got into the JMPD uniform on that day. He is placing himself on duty. Now he

is communicating with Emma on the phone to give the instructions. So that is why I am saying I have got the reasonable to believe that whoever called that time might be giving the directive to Mphahlele to do what he is instructed to. That is my reasoning.

ADV BALOYI SC: Yes, maybe then let me develop my question. When you are now doing the investigation, forget this day, as you are doing your investigation, did you find that that other JMPD person whose name, I think you said Mosiii, whose name appears on the phone, did you find that he is also implicated in this incident?

WARRANT OFFICER MASHALA: Commissioners, it is very unfortunate because at that stage, I did not reach that stage.

ADV BALOYI SC: Okay.

WARRANT OFFICER MASHALA: I end up being out of the investigation.

ADV BALOYI SC: All right, thank you.

ADV POOE: Commissioner Baloyi, to your point, if we can just go to page 40? Warrant Officer Mashala, you will see that there is a text from Mosiii, and the text was sent at about 19:10, if my sight is not failing me. Can you see that?

WARRANT OFFICER MASHALA: Yes, Commissioner, I can see it.

ADV BALOYI SC: Can we not have it projected? We cannot quite see it.

WARRANT OFFICER MASHALA: Yes, okay, I can clearly see it, Commissioners.

ADV POOE: Can you read that text, please?

WARRANT OFFICER MASHALA: Yes, Commissioners. It says:

> "MaOrange says today you stopped a Mercedes-Benz and there is footage, and is the footage of going to the garage, Booysens SAPS garage..."

ADV POOE: Chain Joburg Central.

WARRANT OFFICER MASHALA:

> "...Johannesburg Central, and you left that car on the freeway off-ramp to Vosburg. Apparently the Golf has been driven by you..." ...[intervenes].

CHAIRPERSON: And seen driven by you.

WARRANT OFFICER MASHALA: Okay, Commissioners:

> "...and De Beers knows that Emma, she is in Cape Town and you using her car to..."

Commissioners, you bear with me, my eyes are not good. C

CHAIRPERSON: Ms Pooe, please, please read the whole thing from the beginning. I could see you are struggling,

Warrant Officer. We understand. We understand.

WARRANT OFFICER MASHALA: Yes.

ADV POOE: Chair, I am just going to enlarge it on my screen quickly. It says:

> "MaOrange says today you stopped a Mercedes-Benz and there is footage of going to the garage Booysens SAPS chain Johannesburg Central, and you left that car on freeway and off-ramp *ko* Vosburg. Apparently the Golf has been seen driven by you all the time and De Beer knows that Emma she is in Cape Town and you using her car. So, IA, internal affairs, has a footage and the matter is at the Hawks."

Then it is accompanied by crying emojis and broken hearts. Now, at the time that this message is being sent, do you recall what you and the Internal Affairs officers were doing? I am just trying to ascertain that at the time when he sent this message, was he not effectively tipping off Officer Mphahlele? Because it is quite a detailed account there.

WARRANT OFFICER MASHALA: It was tipping off to Mphahlele. At that time, we were still at his house before we can leave for anyone to meet with him.

CHAIRPERSON: And crucially, there is what follows, which

says:

> "Bra, I am worried about you. Is everything all right there?"

It follows the longer text that Ms Pooe read into the record.

ADV POOE: Yes, Chair. Warrant Officer, just to be clear, you never interviewed Mosii, right?

WARRANT OFFICER MASHALA: No, I never interviewed MaOrange.

ADV POOE: Mosii is the person who sent the text, and he seems to be referring to a MaOrange. So you did not interview both Mosii or MaOrange?

WARRANT OFFICER MASHALA: Not yet.

ADV POOE: And were you able to identify who Mosii is?

WARRANT OFFICER MASHALA: I have not identified since I indicated to say I did not have that chance because I ended up fell sick.

ADV POOE: All right, thank you. Now ...[intervenes].

CHAIRPERSON: And did it deal with MaOrange, the identity of MaOrange, Ms Pooe? And any idea who MaOrange is?

WARRANT OFFICER MASHALA: I have got no ideas, Commissioners, because when I came back to work, I did not have any interest to do with that case anymore.

CHAIRPERSON: All right, thank you then.

ADV POOE: Thank you, Warrant Officer. We were still

busy with the annexures. We do not need to show the picture at page 28, but is this the residence that you were searching?

WARRANT OFFICER MASHALA: That is correct, Commissioners.

ADV POOE: And the pictures that follow in the house, was that you and your team searching the entire house?

WARRANT OFFICER MASHALA: Correctly, Your Worship, Commissioners.

ADV POOE: Thank you. And if you go to page 35.

WARRANT OFFICER MASHALA: Yes, Commissioners.

ADV POOE: Is that where the car was found, or?

WARRANT OFFICER MASHALA: That is correct, Your Worship, Commissioners.

ADV POOE: And at page 37, is there anything of significance we should note?

WARRANT OFFICER MASHALA: Here I cannot recall exactly whether it was Eric Mphahlele's place or the neighbour.

ADV POOE: Okay, thank you. If we can then return back to your statement? You were dealing with paragraph 25.

WARRANT OFFICER MASHALA: Yes, Commissioners:

> "On the 14 August, Mr Mphahlele appeared in Johannesburg Magistrate Court and was remanded in custody at

Hillbrow Police Station…" ...[intervenes].

CHAIRPERSON: 2023. You left out the year. 2023.

WARRANT OFFICER MASHALA: That is correct, Commissioners:

> "On the 18 August 2023, during an identity parade held at Hillbrow Police Station, Mr Raja and his wife both positively identified Mr Mphahlele as the officer who pulled them over and stole the money."

ADV POOE: Thank you, Warrant Officer. Now let us deal with the bribery attempts and interference with the investigation. If you can go to paragraph 26?

WARRANT OFFICER MASHALA:

> "On the 12 August 2023, during the interview at Sasol Garage, Mr Mphahlele offered a bribe to Captain Tauatswala and me. The second offer was made on the 14th by Inspector Emosacia Tintswalo Rikhotso, who was introduced to us by Captain Matimu Mabunda of DPCI at the time she was situated at Vaal. The meeting with Captain Mabunda and Inspector Rikhotso took place at Brixton Flying Squad, Johannesburg, next to

> Auckland Park. Before dealing with the bribery allegation, I prepared the table of the officers involved and brief description of their involvement. Eric Mphahlele from JMPD officer, his role was suspect offered R250 000 to make the docket disappear. Inspector ET Rikhotso, JMPD inspector at Selby, identified to us as the friend to Mr Mphahlele, offered the broker a payment since she collected the cash from his (Mr Mphahlele's) cousin. Inspector EFF Phakoane (known as Emma) JMPD inspector, the officer to whom the JMPD Golf was allocated (by a JMPD as official vehicle) and accompanied inspector Rikhotso."

CHAIRPERSON: It is not EFF. It is EEF.

WARRANT OFFICER MASHALA: Sorry for that, Commissioner.

CHAIRPERSON: Some people might fight with you.

WARRANT OFFICER MASHALA:

> "Captain Matimu Mabunda, SAPS DPCI, Captain in Vereeniging (Vaal Office) set up a meeting with investigators."

Here investigators, I am referring me and Captain

Tauatswala and Inspector Rikhotso:

> "Captain NJ Tauatswala, SAPS DPCI, Captain Johannesburg. my colleague, section 252A handler, myself, SAPS DPCI sergeant. At that time I was a sergeant, investigating officer, section 252A applicant and agent."

ADV POOE: Thank you, Warrant Officer. If we can then deal with first Mphahlele's offers to you and Officer Tau, paragraph 27?

WARRANT OFFICER MASHALA:

> "During the interview at Sasol on the 12 August 2023, Mr Mphahlele asked whether we were recording him and we told him that we were not. He then asked us to make the theft docket against him to disappear and offered Captain Tauatswala and me 250 in exchange. Captain Tauatswala and I decided to play along. Our intention was to trap Mr Mphahlele lawfully through section 252A operation. While transported him to the detention, he continued to negotiate and repeated the 250 000 offer. Based on this, I applied for section 252A

entrapment authorisation."

ADV POOE: Warrant Officer, before you proceed, if we can just go to your application, which is at page 44, and just to confirm, which is at page 48, that you made the application on the 14th of August. Is that correct?

WARRANT OFFICER MASHALA: That is correct, Commissioners.

ADV POOE: And in sum, what was your intention with this application?

WARRANT OFFICER MASHALA: The intention with this application for section 252A is to allow us to uncover the truth of the matter, bearing in mind that our evidential material to prove our case, it is money that we need to get as evidence.

ADV POOE: So you wanted to use this to get the money so that you can then use that as part of the investigation?

WARRANT OFFICER MASHALA: That is correct, Your Worship. That at that time we will be knowing that indeed it is the right person, because he will be linked with the money.

ADV POOE: How would you know that that money and the money that was taken was the same money, or are you saying by virtue of the bribery itself would prove that he is?

WARRANT OFFICER MASHALA: That is correct. I will be assuming that that is part of the money because he cannot

be able to afford that kind of money from his salary.

ADV POOE: Okay. Commissioners, the affidavit in support of the application for record purposes is at page 50 of the bundle. And at this point, this application was concerned with the offer that was made by Officer Mphahlele only at this point?

WARRANT OFFICER MASHALA: Yes, Commissioners. At that time, the primary suspect, it was Mphahlele because he is the one who initiated the bribe. These other ones, they came as ...[intervenes].

CHAIRPERSON: Should we not deal with the others when we get there on the statement? Otherwise the evidence may be repetitive.

ADV POOE: Yes, Chair. It is okay, Warrant Officer. If we can go to paragraph 29 at page 9?

WARRANT OFFICER MASHALA: Yes, Commissioners.

ADV POOE: Yes, that is where you were at. Can you take it from there?

WARRANT OFFICER MASHALA: Okay, Commissioners:

> "On the 15 August 2023, after Mr Mphahlele's first appearance in court, as we were transferring him to the cells at the Hillbrow Police Station, he asked me if I had received any money. I assumed that he was referring to the bribery

> money we discussed a few days earlier. I told him that I had not received any money. He told me to leave the ladies (referring to Inspector Rikhotso, Inspector Phakoane and Captain Mabunda) to deal with the money, and he would give me the 250 once he is released. I deal with the ladies later."

ADV POOE: Thank you.

WARRANT OFFICER MASHALA: Here I was referring to Mphahlele, that he will deal with the ladies after.

ADV POOE: Thank you, Warrant Officer. I think you were just meaning that you are dealing with them later in the statement.

CHAIRPERSON: Yes, I do not think you need to correct this, because later you do deal, as Ms Pooe says, you do deal ...[intervenes].

WARRANT OFFICER MASHALA: Yes, definitely, it is like that because ...[intervenes].

CHAIRPERSON: Yes, yes.

WARRANT OFFICER MASHALA: That was my interest.

CHAIRPERSON: Yes, all right. I thought you are now saying the reference to dealing with the ladies was by Officer Mphahlele. All right, please continue, Ms Pooe.

ADV POOE: Thank you. Warrant Officer, you have already

mentioned what the entrapment application was about and the purpose thereof. I think the only thing that is worth noting in this short section is the extensions of the authorisations, and that is at paragraph 31 of your statement.

WARRANT OFFICER MASHALA: Yes, Commissioners.

CHAIRPERSON: Please read 31 into the record.

WARRANT OFFICER MASHALA:

> "The section 252A authorisation was initially due to expire on the 31st of August 2023, but the Deputy Director of Public Prosecution extended the authorisation to 30 September in order for us to execute the planned undercover operation."

ADV POOE: Thank you, Warrant Officer. Commissioners, the extensions are at pages 42 and 43 of the bundle. Warrant Officer, if we can then now move to the approach through Captain Mabunda and Inspector Rikhotso, paragraph 32?

WARRANT OFFICER MASHALA:

> "On the 14 August 2023, Captain Tauatswala received a call from Captain Mabunda, who was then based at the DPCI Vereeniging office and had

previously worked in our office, Johannesburg. She asked whether we had arrested Mr Mphahlele. She said she was with Metro officers who had information about the illegal activities by our complainant, Mr Raja, and wanted to pass it to us as the investigation…" …[intervenes].

CHAIRPERSON: Investigators, not investigation.

WARRANT OFFICER MASHALA: As the investigators, correct, Commissioners:

"Captain Tauatswala informed me of Captain Mabunda's call, and we agreed to meet her. We met Captain Mabunda later that afternoon on the 14 August 2023 at Brixton Flying Squad in the state vehicle, a white bakkie, Toyota Hilux double cab. Present were Captain Mabunda, Inspector Rikhotso, who we met for first time, Captain Tauatswala and me. Captain Mabunda introduced Inspector Rikhotso to us as her home girl. Inspector Rikhotso claimed that Mr Raja, the complainant, was involved in money laundering. She identified her

informer as the boyfriend of Mr Raja's domestic worker, and that more money had been taken than Mr Raja had declared to the investigators. She promised to introduce us to the informer, but that never happened. I found this allegation interesting because Mr Mphahlele had denied any knowledge of the money alleged to be stolen from Mr Raja, but now Inspector Rikhotso was alleging that the money was indeed stolen and that the amount was stolen was more than what Mr Raja had disclosed to the investigators. I also could not understand the relevancy of Mr Raja's alleged money laundering activities. It had no bearing on the investigation into whether Mr Mphahlele had stolen the money from Raja. It simply meant that Mr Raja was also involved in criminal activities and the money stolen would not be returned to him if recovered."

CHAIRPERSON: It was relevant because whether true or false, it tended to show that there had indeed been theft of

money. That, of course, is if the allegations are true. But the issue would more be how much. Do you see what I mean?

WARRANT OFFICER MASHALA: Yes, Commissioners.

CHAIRPERSON: Thank you.

WARRANT OFFICER MASHALA:

> "Captain Tauatswala asked Inspector Rikhotso about her interest in the case. Inspector Rikhotso said he wanted to help her friend, Emma, who we later learned is JMPD Inspector Phakoane, and Mr Mphahlele to avoid prosecution. Inspector Rikhotso then offered to arrange payment of 250 000 as a bribe in order for the docket against Mr Mphahlele to disappear. Inspector Rikhotso said she wanted her own share, including in the total. I told her that..." ...[intervenes].

ADV POOE: Sorry, so she wanted her share included in the total?

WARRANT OFFICER MASHALA: Yes, Commissioners. In other words here, she wanted to say they are going to add more for the advance, because the initial part of the agreed amount of it was 250 between us investigators with

Mphahlele.

ADV KHUMALO SC: In other words, she wanted a cut for herself.

WARRANT OFFICER MASHALA: That is correct. That is why now when it goes, we will be talking of 500 and something thousand that has been handed over, meaning their cut, it was from that 250. The remaining money will be them for theirs.

ADV POOE: You can continue. You said Inspector Rikhotso said she would visit Mr Mphahlele.

WARRANT OFFICER MASHALA:

> "Inspector Rikhotso said that she would visit Mr Mphahlele in the sense to arrange matters. By this I understood to mean that she would meet with Mphahlele to make arrangement for the payment of the 250 000 to us (the investigators). Inspector Rikhotso said that she did not trust us. She said she will not deal directly with us. She said all the dealings with us would be through Captain Matimu, and the money would be given to Captain Matimu to give it to us."

CHAIRPERSON: Obviously, at this stage, you must have realised that Inspector Rikhotso and Captain Mabunda were

working together in seeking to get a bribe from Officer Mphahlele.

WARRANT OFFICER MASHALA: That is correct, Your Worship. Hence, they are ...[intervenes].

CHAIRPERSON: Commissioner, please, Chair or Commissioner, not His or Her Worship or Their Worship.

WARRANT OFFICER MASHALA: Noted, Commissioners.

CHAIRPERSON: Okay, you have confirmed the correctness of the proposition. Now, the aim of Inspector Rikhotso and Captain Mabunda was plainly to get the R250 000 bribe in order to help Officer Mphahlele by making his docket disappear. Correct?

WARRANT OFFICER MASHALA: That is correct, Your Commissioners.

CHAIRPERSON: All right, I will ask my next question later.

ADV POOE: Warrant Officer, you can go back into your statement. That is at paragraph 36.

WARRANT OFFICER MASHALA:

> "Inspector Rikhotso said she did not trust us. She said she would not deal directly with us. She said all the dealings with us will be through Captain Mabunda, and the money will be given to Captain Mabunda to give to us. We played along by agreeing to have proposal. At this stage,

we were operating on the basis of the section 252A entrapment."

ADV POOE: Warrant Officer, before you move, so you understood at that point that those who were implicated in at least this bribery would be Mphahlele as the accused who is detained, it would be the two officers who you were meeting with, and did that also include Ms Emma Phakoane?

WARRANT OFFICER MASHALA: That is correct, Commissioners. Ms Phakoane, she was going to be the second suspect.

ADV POOE: All right, thank you. Now we can move to paragraph 30 ...[intervenes].

CHAIRPERSON: Second or third?

WARRANT OFFICER MASHALA: She will be the second.

CHAIRPERSON: Second, all right.

ADV POOE: Chair, and the witness will confirm, when you say the second, you mean the second in the accomplice to the theft alongside of Mr Mphahlele, is that correct?

WARRANT OFFICER MASHALA: Correct, because she was giving the directives over the phone. She was indirectly involved.

ADV POOE: And in relation to the bribery, you were looking at Officer Mphahlele, Officer Phakoane, you are looking at Captain Mabunda and Inspector Rikhotso, that is

correct?

WARRANT OFFICER MASHALA: That is correct.

ADV POOE: All right, thank you. Now ...[intervenes].

WARRANT OFFICER MASHALA: And still on that same line of who will be the suspect, actually we are waiting for anybody who will be coming to bring the money to us, because why is it like this? They can change their mind. Now on the authority we talked about Mr Mphahlele, now comes somebody else with the very same bribery money. We cannot say we do not take it because we are not on the 252A. We will be executing the arrest. That will follow later to explain of why did we arrest that person.

ADV POOE: All right, thank you. Now we can move to paragraph 39, my apologies, 38.

WARRANT OFFICER MASHALA:

> "I must state that Captain Tauatswala and I confronted Mr Raja with Inspector Rikhotso's allegation of money laundering and alleged understatement of amount that was allegedly stolen, and he denied the allegation."

Now here, when we opted to interview Mr Raja is because of the alibi that they posing to say the exact money was not 1.5, it was more than that. Now we needed to get the clarity of what it is he know according to his statement.

Then he denied the allegation that they were posing.

ADV POOE: All right, thank you. Now, if you can deal with paragraph 39?

WARRANT OFFICER MASHALA:

> "During our investigation, we discovered that JMPD Golf identified by Mr and Ms Raja was in fact assigned to JMPD to Inspector Immaculate Emma Florence Phakoane. We tried to obtain the warning statement from Inspector Phakoane to explain why her vehicle was being used by Mphahlele while he was off duty. She indicated that she needed to consult with her attorney before she could agree to warning statement. Thereafter, we never heard from Inspector Phakoane again regarding her warning statement. The next time I heard about Inspector Phakoane was then I was confronted with the allegation by her and Inspector Rikhotso that Tauatswala and I took money from them. I deal with this later."

ADV POOE: Thank you, Warrant Officer. Before you move on now, Superintendent De Beer testified that the car in

question, the vehicle in question, was being repaired and at the time had not been signed off for release for use when Inspector Emma took it and gave it to Officer Mphahlele. Did that ever come to your attention as part of the investigation?

WARRANT OFFICER MASHALA: Yes, Commissioners. That is the reason I said, according to me and my analysis during the investigation, Emma, she was my second suspect.

ADV POOE: Now, in this paragraph, when you are describing your interactions with Inspector Phakoane, it seems as though you tried to obtain a warning statement. She said she wanted to consult her attorney, and then she never got back to you. What you do not say here is what further investigation did you do into her, why she was not arrested? Because throughout your testimony, you have indicated that you had established that she was making the calls or giving instructions to Officer Mphahlele.

You indicated that she was the one who released the car to Officer Mphahlele, and at least with the conversations with Inspector Rikhotso and Captain Mabunda, it was clear that she was giving them information about the complainant, and they were doing this from what it looks like because they were helping out Emma in this regard. This is what you said at paragraph 35. What

further steps happened between the time of taking the witness statement and when you learn about this inquiry that is opened by Emma and Rikhotso?

WARRANT OFFICER MASHALA: Before I can reach to that, let me explain the differency [sic] of the statements.

ADV POOE: Okay.

WARRANT OFFICER MASHALA: Here I am talking about the warning statements that need to be completed by the investigating officer interviewing the suspect. That is what I needed to take from Emma, hence I realised that she was involved, not the statement under oath.

ADV POOE: Just to understand, under what circumstances do you take a warning statement from someone?

WARRANT OFFICER MASHALA: The purpose of the warning statement is to give the arrested person to explain, as to confirm whether he is involved into the commission of a crime or not. And still, he still has his or her right to consult with a legal practitioner of his choice. He still has the right to remain silent. So now, at that point in time, I understood that when she said she is going to consult with a legal practitioner, I afforded her that opportunity to do so because it is within her rights.

ADV POOE: Thank you ...[intervenes].

ADV BALOYI SC: You said you take a statement from the arrested person. I think you meant from a suspect.

WARRANT OFFICER MASHALA: The suspect.

ADV BALOYI SC: Yes.

WARRANT OFFICER MASHALA: Yes, that is correct, Commissioner.

ADV BALOYI SC: They do not necessarily have to be arrested at that point.

WARRANT OFFICER MASHALA: At that point, we need to hear their version so that the person who will be deciding whether to prosecute or not will have enough time to do so by reading the contents of the warning statements.

ADV BALOYI SC: Thank you.

ADV POOE: Thank you. Warrant Officer, if we can then proceed to paragraph 40?

WARRANT OFFICER MASHALA:

> "On the 15 August 2023, Captain Tauatswala received another call from Captain Mabunda requesting the meeting with us again. We met her at the Sophiatown Triumph Police Barracks later that day. This was our second meeting with Captain Mabunda, but this time it was without Inspector Rikhotso. During this meeting, Captain Tauatswala told Captain Mabunda about the section 205 operation. Captain Mabunda..."

...[intervenes].

CHAIRPERSON: Sorry, sorry, sorry. When I asked you my last questions, you confirmed that you realised that Inspector Rikhotso and Captain Mabunda were actually helping Officer Mphahlele. They wanted to get a bribe from you. They wanted to get a bribe from Officer Mphahlele, part of which, according to them, would then be paid to you. You confirmed that, and the purpose of all this was to make Officer Mphahlele's docket disappear. You confirmed all that. Now, here is my question: if you were aware of all this, why is it that Captain Mabunda was told about the entrapment?

WARRANT OFFICER MASHALA: The reason of that, Commissioner, Captain Mabunda, she is working at Vaal Rand. We are working in the same office. She knows what we are capable of doing, and she knows herself that should she drop off that money, she will be arrested, to us. Now, at that time, it was the time whereby she received the money. She stick with the money, knowing very well if ever she can give us the money, we will be arresting her.

CHAIRPERSON: I do not follow that reasoning at all, because once you tell her about the entrapment, then she will foil everything that you were attempting to do. They will either no longer get the bribe at all, or if they get it, they will not let you in on the success they had made. They will

just take all the money for themselves. Surely, if she was now aware that you were involved in an entrapment process, she was not going to go ahead and cooperate with you. Am I missing something?

WARRANT OFFICER MASHALA: No, your ...[intervenes].

CHAIRPERSON: It just seems to have been ill-advised of the two of you to have told her about the entrapment.

WARRANT OFFICER MASHALA: We, at that time, we thought she is on the very same par as we were working.

CHAIRPERSON: No, you cannot say that. Not when at the earlier meeting where she introduced Inspector Rikhotso to you, you already said that you were aware what they were about or what they wanted to do. You cannot say that. You remember when I asked you, so at this point you realised that they wanted to get a bribe for the purpose of making the docket disappear. That was at the earlier meeting. So you already knew that. You already realised that. So you cannot say what you have just said now. You were aware right from the start that they were acting improperly, and she was as much a part of this as Inspector Rikhotso. So why do you tell her about the entrapment?

WARRANT OFFICER MASHALA: As I am saying, Commissioners, it might be where we lost it or we get it wrong there.

CHAIRPERSON: Repeat it.

WARRANT OFFICER MASHALA: It might be where we made a mistake of telling her, because of now we were under impression of she is having the very same understanding as we.

CHAIRPERSON: That is a very glaring mistake by Hawks detectives. You are supposed to be a specialised branch of the police, are you not? I would even say you are supposed to be super detectives, are you not?

WARRANT OFFICER MASHALA: Yes, we are.

CHAIRPERSON: You are defeating the very purpose of what you sought to achieve. It just does not make sense at all to me. Does it make sense to you?

WARRANT OFFICER MASHALA: No, Your Worship.

CHAIRPERSON: Not Your Worship, please.

WARRANT OFFICER MASHALA: Commissioners.

CHAIRPERSON: Thank you. Yes, Ms Pooe.

ADV POOE: Thank you, Chair. I had the same difficulties, but one of the possibilities that I thought maybe to ask ...[intervenes].

CHAIRPERSON: I hope you will not be testifying from the bar, otherwise you will give us an opportunity to cross-examine you as well, Ms Pooe.

ADV POOE: Yes, certainly. I am just going to ask of the witness.

CHAIRPERSON: Thank you.

ADV POOE: Whether perhaps it was that you needed an agent because you would have no chain of evidence that the money indeed came from Officer Rikhotso. And I ask this because, again, even earlier when you responded to Chair and myself, you identified all four as suspects, at least in relation to the bribery. Or was there something said at this meeting that made you believe that Captain Mabunda ought to be brought into the operation?

WARRANT OFFICER MASHALA: Can you repeat your question again?

ADV POOE: Maybe let me start with the first one, the first scenario in relation to the meeting. Was there something that happens at the meeting, the second meeting where Inspector Rikhotso is not there, that made you and Officer Tauatswala believe that Captain Mabunda should be brought into the 252A operation?

WARRANT OFFICER MASHALA: Yes, because based on the chain of evidence, we learned that the money will be coming from Rikhotso. Rikhotso, who is a female, now is at Mabunda to deliver it. So, we thought Mabunda would be saying this is the money that I got from Rikhotso. Then we will be putting that money into the SAP13 if we added her on the 252A. At that time, we did not put her on the 252A because she disagreed with us to say she cannot be part of the 252A.

ADV POOE: So that was her response to you saying form part of the 252A. She says she disagrees?

WARRANT OFFICER MASHALA: That is correct. And to add there is, at that time when we met with her, she did not have money on her, because I still believe that if ever she has money, she showed us that money, she was going to be arrested here and then.

CHAIRPERSON: All of this, at least from your statement, you said at some point you were no longer involved in the investigation. I do not know whether that suggests that some other people continued with the investigation. But for present purposes, I will not follow up on that. What I will focus on is what is in your statement all the way to the end. All of this ends up being totally inconclusive, and in my book, I would say you were responsible for that. That is the fact that this seems to have come to naught. You were responsible for that partly, if not particularly, by letting one of the people who were involved with Officer Mphahlele in seeking to have a bribe paid for the docket to disappear. You were seriously responsible for that, or substantially responsible for that. What is your comment?

WARRANT OFFICER MASHALA: My comment there, I do not deny that, Commissioners. The reason for that is, remember at that time I had the docket, I was the investigator. Then, if ever, now I am with Captain Matimu,

then I am fully aware that she is involved, but she is not bringing the money that is promised to give. I will be doing my investigation towards Matimu and them because of the 252A did not go the way it was planned.

CHAIRPERSON: Because of you, because of you and Officer Tauatswala did not go the way it was planned because of the blatant error that the two of you made. Correct?

WARRANT OFFICER MASHALA: No, Commissioner.

ADV KHUMALO SC: Warrant Officer Mashala, here is the problem. According to you, the money was going to be given to you by Captain Mabunda because Inspector Rikhotso did not trust you, but the person you wanted to entrap is Inspector Rikhotso. Now, if you tell Inspector Rikhotso's home girl or home boy, Captain Mabunda, about the 252, then he is going to tell Rikhotso and the other suspects, and the whole thing will fall apart. That is the problem.

So if you were going to get the money through Captain Mabunda, and you tell that very same person that there is a section 252 entrapment in place, then he is going to tell the people he was going to get the money from, or she was going to tell the people she was going to get the money from, that the investigators are trying to entrap you. So let us not go ahead with the bribe.

WARRANT OFFICER MASHALA: Commissioners, I do understand the side of the story, the way you are putting your points. But even on our side, we thought if ever we miss her here, because of now all of them, they are sceptical, we will be getting them on the investigation.

CHAIRPERSON: Let me ask my question again on the back of the clarification by Commissioner Khumalo. You said the entrapment did not go according to plan, and what I suggested to you is that it did not go according to plan because of your blatant error of telling Captain Mabunda what you were doing or the process you were engaged in. Do you accept that? Surely you must. It did not go according to plan because of you blating out the fact that you were involved in an entrapment process. Do you accept that?

WARRANT OFFICER MASHALA: I do not accept it, Commissioner.

CHAIRPERSON: I will not ask you why, because you waste our time. Yes, Ms Pooe.

ADV POOE: Warrant Officer, if we can then go back to your statement?

WARRANT OFFICER MASHALA: Yes, yes, Commissioners.

ADV POOE: We were still dealing with paragraph 40.

WARRANT OFFICER MASHALA:

"On the 15 August 2023..." ...[intervenes].

ADV POOE: My apologies, sorry, you had dealt with the first part of that paragraph. You had dealt with, you know where you say during this meeting, Captain Tauatswala told Captain Mabunda about the Section 252A operation. You can take it from that next sentence.

WARRANT OFFICER MASHALA: Captain Manda – sorry, sorry, Commissioners:

> "Captain Mabunda was not aware of the operation. Captain Tauatswala stressed the need to follow the proper procedure, including the chain of evidence with money marked for the bribery."

CHAIRPERSON: Earmarked.

WARRANT OFFICER MASHALA:

> "...earmarked for the bribery. Since Inspector also wanted Captain Mabunda to give the bribe to us, we asked Captain Mabunda to agree to be added to the operation as an agent so that we would have an agent on the section 252A who could confirm the chain of evidence. Captain Mabunda refused to be part of the operation. She said the target, Inspector Rikhotso, is her home girl and

that she feared for her life as a single parent. We could not continue. We could not convince her to be part of the operation, so we parted ways on the basis that we would be proceeding without her."

ADV POOE: Thank you. Warrant Officer, let us deal with your response to the Germiston inquiry.

WARRANT OFFICER MASHALA:

"Sometime around the end of August 2023, or beginning of September 2023, Captain Khalo, a DPCI member at Provincial Office Germiston Serious Corruption Investigation, asked to see me in Germiston. Captain Khalo informed me that Inspectors Phakoane and Rikhotso had accused Captain Tauatswala and I of taking money. I denied the allegation. I explained to Captain Khalo that Inspectors Phakoane and Rikhotso were suspect in an attempted bribe. Captain Tauatswala and me, in exchange for compromising theft of investigation against Mphahlele. Captain Khalo informed me that

Inspectors Phakoane and Rikhotso intended submitting the statement alleging that Captain Tauatswala and I took money from them. According to Captain Khalo, Inspector Phakoane and Rikhotso were alleging that Captain Tauatswala and I taken money from Captain Mabunda, that the money that we had taken was their money. I did not tell Captain Khalo that there was a section 252A operation underway regarding to the handing over of money of the bribe, Captain Tauatswala..."

Sorry:

"I did not tell Captain Khalo that there was a section 252A operation underway regarding the handing over of the money to bribe Captain Tauatswala and me. It did not make sense to me that the inspectors would approach Captain Tauatswala alleging that we stole their bribery money. They would be admitting to being involved in a crime. I heard nothing further about this allegation after I left the meeting with Captain Khalo. I

do not know if there was an official investigation into this allegation."

ADV POOE: Before you move to the next section, just to understand, what did you understand the purpose of this inquiry to be? I know that, of course, they are saying that they wanted to report the investigators for having taken their money, but did you assume that there was a purpose to this step by the two inspectors?

WARRANT OFFICER MASHALA: No, Commissioners, there was no need to go open up another inquiry. The reason is I myself as an investigator, I am still waiting for Emma to give me the statement. Now instead of coming back, he went to Germiston to go and complain to say we took their money, and she knew very well that the person who they gave the money to is Captain Mabunda. So to me, there was no reason to separate the money from the main docket. The money that we are talking about is the evidential material to the initial docket.

ADV KHUMALO SC: What do you mean they gave the money to Captain Mabunda? How do you know that?

WARRANT OFFICER MASHALA: It is after I met with Captain Khalo. He indicated that they are explaining to say the money they gave it to Mabunda, but now why now the complaint is against us, whereas they know very well that the person they gave the money to is Mabunda?

ADV POOE: Maybe to help the Commissioners, because I think there is a jump in the facts. Commissioners, if we can go to item 7, you will see that item seven is an inquiry docket, and the investigating officer there is Captain Khalo. And Captain Khalo, the witness identified as the person who called them to interview them regarding the alleged bribery. The person who gives the fullest account is the statement at page 76.

You will see there, there is a statement by Inspector Rikhotso. Now she details the meetings that were held with the two investigators, and in particular, just Commissioner Khumalo, to deal with your question. You will see at page 80, at paragraph 19, 1-9, at paragraph 80, she is recounting the day they went and got the money with the purpose of delivering it to the investigators. So you will see there she says:

> "We drove to Matimu's address. When we arrived, she came with a white Ford. Inspector Phakoane gave her the money."

Just for clarity in this context, Matimu is Captain Mabunda:

> "...gave her the money. She told her to put the money inside the car at the front passenger seat, and she must cover it with the laptop bag. We then drove home."

You will also see there she says that later she received a call from Matimu:

> "She told me that Tau and Mashala, they are refusing to take the money. We must come and take it. I then called Inspector Phakoane to come so we can go take the money. Matimu called me again, stating that if I come, they will arrest me and Inspector Phakoane. I asked her where we can meet. She said she is also scared because they promised to arrest her, and she is going to her brother."

Paragraph 22, she then says:

> "On Friday, 2023-08-18 at about 08:00 hours, I called Matimu to ask her about the money. She told me to forget about the money. I told her that the family of Mphahlele, they will kill me. She told me to forget about the money and I must not call her because our calls are being recorded."

That is where, at least, Inspector Rikhotso notes that they did take the money and deliver it to Captain Mabunda. Chair, I see that it is tea time.

CHAIRPERSON: Let us finish the statement, please.

Thank you.

ADV POOE: Warrant Officer, if we can then return to your statement? We were at paragraph 80. We were at paragraph 43.

WARRANT OFFICER MASHALA:

> "Captain Khalo informed me that the inspectors and Rikhotso intended to submit..." ...[intervenes].

ADV POOE: No, my apologies, we have actually dealt with it. That is where Commissioner Khumalo's question came in. So if we can deal with the next section, which is what became of the 252A application.

WARRANT OFFICER MASHALA:

> "After the 15 August 2023 (and in particular after our meeting with Captain Mabunda) we received no further communication from Mphahlele, Inspector Rikhotso or Captain Mabunda regarding the bribe that was to be paid to us. I suspect that Captain Mabunda informed Inspector Rikhotso of the section 252A operation alternative. She did not inform them and took the money from Inspector Rikhotso as though she would give the money to us as part of the bribery, but

then did not give the money to us. This second scenario would explain why Inspector Rikhotso and ...[indistinct] told Captain Khalo that Captain Tauatswala and I stole their money, because they were likely made to believe that it had been given to us. At that point, towards the end of September, I fell sick and I was taken off investigation. Captain Manda was taken then appointed as the investigating officer. I was no longer, and I have no idea what happened to the investigation after I was replaced as the investigating officer. Dated at Johannesburg on this the 11th day of November 2026."

ADV POOE: Thank you, Warrant Officer. Commissioners, just to put a couple of things on record, because you will appreciate, because of the tight timeframes we have remaining, we did not call all of the witnesses. So what we tried to do was to obtain confirmatory affidavits from some of the people who were involved. If we can take note of item 5.

Item 5, you will see there is a statement from Officer Tauatswala, and it corroborates the version that was

provided by the witness. The second statement at page 59, you will see there it is a statement by Officer Manda, who then took over the investigation. Of importance from Officer Manda's statement, you will see there he notes that there was another attempt to rob Mr Raja that happened on the 18th of December 2023, and in this instance it was Inspector Phakoane who was involved in this incident.

Mr Raja then called the investigators, which would include Officer Manda, and at the scene he found Officer Khalo and asked Officer Khalo why he was there, and he indicated that he was there to oversee that JMPD was doing their job. It will become relevant later. Another thing worth noting is that Officer Manda tried to continue the investigation into the bribery, but he was told to leave that investigation, and you will see that is at ...[intervenes].

ADV KHUMALO SC: Into that theft. Why into the bribery? I thought Officer Manda was replacing Warrant Officer Mashala.

ADV POOE: Yes, he was instructed to continue with the investigation into the theft, but to stop looking at the bribery, and was told that Officer Khalo would continue with that aspect, and he was told that by the Provincial Commander at the time, Brigadier Lewela. Then, Commissioners, we also received a statement. We requested a statement from Captain Mabunda to explain her

role. You will see her statement is at page 85 of your bundle. And curious about the statement, you will see that although she acknowledges the meetings, there is no reference to the bribery and the money that was received.

We have requested further statements from Officer Rikhotso, but she has indicated that she will provide that by Monday, but that will also be included in the bundle, Commissioners. And then, Warrant Officer, just to conclude, just to put to you the version of Officer Rikhotso that emanates from that inquiry, just two aspects that I wanted you to comment on. Officer Rikhotso, in her account, indicates that it was you too that actually requested the bribe. Initially it was one million, and she indicated that she did not know how much of the money Officer Mphahlele had left. So her version is that the money was actually sought by you guys, as opposed to them coming to offer the bribe. What is your comment to that?

WARRANT OFFICER MASHALA: I will say the purpose of that is to test whether the money that they are saying they are going to bring is the bribe money, is the very same stolen money that they were talking about.

ADV POOE: I am sorry, I am confused. Are you accepting that you asked for the money, or?

WARRANT OFFICER MASHALA: What happened there

during the meeting, they came up with offer to say, out of the money that was taken, we must have our own share. That is Rikhotso saying he must have his own cut of his involvement of running around, going to the family, trying to get the money. The issue of one million, it came up with her to say, according to her knowledge, there was money that was hidden by Mphahlele. *Yena*, she knows where to get the money.

ADV POOE: All right. So, in sum, you did not solicit the money; they offered the money, and in terms of the one million, it was her who put that one million forward because she knew where the money was hidden.

WARRANT OFFICER MASHALA: Yes, they offered to us. We did not demand from them.

ADV POOE: Thank you. And then you will see the second thing that she says, and this is in relation to after they delivered the money to Captain Mabunda. She indicates that Captain Mabunda told them that the investigators refused to take the money. What is your comment to that?

WARRANT OFFICER MASHALA: We refused to take the money, as they said, but we did not see the actual money. At that meeting of us, Mabunda was talking about that they gave me the money, but now she is not bringing the money on the table. She is talking about the money.

ADV POOE: My apologies. So, in the meeting that you

were having with Captain Mabunda, are you saying she indicated that they gave her the money?

WARRANT OFFICER MASHALA: Yes. Then we asked, where is the money? Then she said she does not have it with her now. Then we said, Captain, rather we leave her because she is not cooperative to us. To us, she confirmed that they gave her the money.

ADV POOE: So it is not that you refused the money, it is that when she said she had the money, you said, where is it? And she said she did not have it.

WARRANT OFFICER MASHALA: Yes. It is like ...[intervenes].

ADV POOE: Sorry, Warrant Officer, is this the same meeting where you wanted her to join the operation?

WARRANT OFFICER MASHALA: Yes.

ADV POOE: Now, if she in that meeting says they have already given her the money, and I suppose the purpose would be to give that money to you, why would you want her to form part of the operation? In that instance, she is admitting that she is complicit in the scheme.

WARRANT OFFICER MASHALA: On that one, Commissioners, at that time we wanted her to say this is the money, then we will be arresting her, now because she refused to be our agent.

ADV POOE: Okay. Warrant Officer, I am not sure I am

clear, but so she did ...[intervenes].

ADV BALOYI SC: Can I just try? I think the difficulty that is being raised with you, Warrant Officer, is that you have a suspect. You are talking to someone who is involved clearly on her own account. This is Mabunda. She is clearly involved in the passing of money from Rikhotso to you, and she tells you, I do have the money. The difficulty that is being raised with you is why do you, at that point, still discuss with her that she should turn and be part of your operation when, on what she is telling you, she is involved in passing money or the bribe from Rikhotso to you? And I think this is the earlier discussion that the Chairperson and Commissioner Khumalo were trying to clarify with you. You have a confessed suspect, and he says I have the money. Yes, he is not showing it to you. He says I have the money. Why are you saying, telling her about this operation and you want her to be part of it when she is confessing to be an accomplice?

WARRANT OFFICER MASHALA: It is like, Commissioner, according to my understanding at the time, the purpose of that meeting, it was to say, to confirm to us whether she has the money or not, or we were supposed to let her bring the money and then we arrest her. Prior to asking her about the money, the way it is, is like it is where we made a mistake there.

ADV KHUMALO SC: It looks like you and your colleagues sabotaged the whole 252 operation because the money was there, the person had the money. All she had to do was give it to you and you arrest her. But when you said to her she must join the 252, then she backed out and the whole thing collapsed.

CHAIRPERSON: Please comment.

WARRANT OFFICER MASHALA: Yes, Commissioners.

CHAIRPERSON: What I also do not understand is if the purpose of your engagement with Captain Mabunda was what you have just told us now in response to Commissioner Baloyi, why does that not come out of your statement? You do not say clearly Captain Mabunda already had the money, and the purpose of our engagement with her was to get the money. You do not say that in the statement.

So much that going through your statement, the distinct impression I have is that through the entrapment process, you wanted to get to the money through Officer Mphahlele, with the involvement of Captain Mabunda, about whom I have questions as to why you would have told her about the entrapment.

That is the distinct impression that comes out of your statement. You do not say we were already aware that she had the money and what we were about was to get the

money from her. You do not say that in your statement. Why is it that you only say this when you are responding to a question by Commissioner Baloyi? It seems to me there is a lot you are not telling us.

WARRANT OFFICER MASHALA: No, Commissioners.

CHAIRPERSON: But can you respond to the point I am making? Why is it that what comes out of your statement, the distinct impression one gets from your statement is that you were not seeking to lay your hands on the money, which was already in the position of Captain Mabunda, why is that so?

WARRANT OFFICER MASHALA: According to my understanding, Commissioners, we were waiting for her to bring out the money, as she indicated that ...[intervenes].

CHAIRPERSON: I am asking something else. I am asking some – why is it that your statement does not tell us that? I am not asking you why did you not get the money there and then. I am asking you why is it that your statement does not tell us that version. Any response?

WARRANT OFFICER MASHALA: I do not have any response to that.

CHAIRPERSON: Ms Pooe?

ADV POOE: Chair, we do not have any further questions for this witness.

CHAIRPERSON: Thank you, Ms Pooe.

ADV KHUMALO SC: Ms Pooe, it is probably appropriate to place it on record that Emma Phakoane has also deposed to an affidavit. I do not know whether it was an affidavit relating to the bribery complaint. It is on page 71, and on page 75 she does confirm that an amount of approximately R500 000 was given to Captain Mabunda.

ADV POOE: Yes, Commissioner Khumalo, the reason why the two statements by Officer Rikhotso and Emma Phakoane were not placed on record is because those were provided to Officer Khalo as part of the inquiry. The three that are placed on record are those that were provided to us, to the Commission.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: Warrant Officer Mashala, thank you very much. Most appreciated. You are excused. Let us adjourn and resume at 11:55. Let us adjourn.

NO FURTHER QUESTIONS

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: What do we do now?

ADV POOE: Chair, apologies.

CHAIRPERSON: You seem to be witness-less.

ADV POOE: The witness is on the way. There was just an issue with the order. But the witness is on the way.

CHAIRPERSON: Thank you. We will wait.

ADV POOE: Chair, if Ms Segeels-Ncube can address something quickly.

CHAIRPERSON: Yes, yes.

ADV SEGEELS-NCUBE: Chair, perhaps then I should just cover the time by addressing the appearance of the witness that will come after the witness that is supposed to start now. That witness, Chair, we would require the witness's evidence to be led such that his face cannot be seen. His name will be disclosed as it has already been disclosed and he will give evidence and the public will hear his evidence. But due to the nature of the work that he undertakes at JMPD, he cannot have his face disclosed to the public. It will compromise ongoing operations that he is involved in and future operations, Chair.

CHAIRPERSON: All right. That is perfectly understandable. But just one question. When did you become aware that the evidence would have to be led in this manner?

ADV SEGEELS-NCUBE: Chair, the witness informed me this morning. He says he did inform the investigators last night and he does appreciate that he did so quite late. He was always under the impression that it would be done that way. He did not need to ask us.

CHAIRPERSON: Thank you. I direct or rule that it be so. If there be any prejudice, it is quite minimal in my view. It

is prejudice purely in the sense that the public will not get to see the person's face. But otherwise, they will hear everything the witness has to say.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Thank you. Now that you have changed the order of the witnesses around, who do we have now?

ADV POOE: Chair, if we go to tab 2. Chair, in relation to the witness's surname, my confidence is quite low about whether or not I can pronounce it properly.

CHAIRPERSON: I will tell you. I will not try, Ms Pooe.

ADV POOE: Thank you, Chair.

CHAIRPERSON: Yes. Good afternoon. Is it morning still? Oh, two minutes to go. You see, this thing, in our languages, we do not have this problem. Or at least some of them. I think Tshivenda, they do have, according to the time of the day. Anyway. Good, let me say good day. Can you please state your names for the record?

WITNESS: Good day, good day, Commissioners. My name is Malibongwe Michael Cutalele.

CHAIRPERSON: Cutalele?

WITNESS: Cutalele, yes.

CHAIRPERSON: Cutalele. Thank you very much. Will you be swearing or affirming?

WITNESS: I will be swearing.

CHAIRPERSON: Do you swear that the evidence you are

going to give is the truth, the whole truth, nothing but the truth? If so, please raise your right hand and say, so help me God.

WITNESS: So help me God.

MALIBONGWE MICHAEL CUTALELE duly sworn states

CHAIRPERSON: Thank you.

ADV POOE: Thank you. Constable, in front of you there should be one file. And if you go to tab 2, you will find your statement. Are you there?

CONSTABLE CUTALELE: Yes, Commissioners.

ADV POOE: Now, do you confirm that this is a statement you have prepared for purposes of giving your testimony before the Commission?

CONSTABLE CUTALELE: Yes, Commissioner.

ADV POOE: And if you go to page 5, do you confirm that that is your signature?

CONSTABLE CUTALELE: Yes, Commissioners.

ADV POOE: And do you confirm that the contents of the statement are true and correct?

CONSTABLE CUTALELE: Yes, Commissioners.

ADV POOE: Thank you, Constable. Commissioners, you will recall when Superintendent De Beer testified, and just to say we are moving from the bribery allegations to the next aspect, which involved Mr Manyama. And this is in relation to a suspect pursuit that was halted by him.

CHAIRPERSON: Can you please just pronounce for us the surname of the superintendent?

CONSTABLE CUTALELE: The surname is Superintendent Manyama.

CHAIRPERSON: Manyama.

CONSTABLE CUTALELE: That is affirmative.

CHAIRPERSON: Thank you, thank you. Yes, Ms Pooe.

ADV POOE: Thank you, Chair. Constable, just to confirm, which unit of the JMPD are you situated in?

CONSTABLE CUTALELE: I am currently working for JMPD Tactical Response Unit, which is TRU in short.

ADV POOE: Thank you. And how long have you been with the JMPD?

CONSTABLE CUTALELE: I think it is nine years. Ja, it has been nine years now with the JMPD.

ADV POOE: All right. Thank you. And was that the first law enforcement agency you worked for?

CONSTABLE CUTALELE: No, no, not really. I started at F1, whereby we were conducting operations around the Johannesburg CBD. We were actually trained to attend to complaints, different complaints around the Johannesburg CBD. And then from there, I was moved to warrants, whereby they are actually dealing with assisting motorists to pay their fines. They actually promote motorists, assist motorists to pay their fines, because most of the time they

would bring a caravan next to the road and then stop vehicles, and then maybe there would be someone who is behind in terms of paying their fines. That was my second unit.

CHAIRPERSON: Should this one not be flighted?

ADV POOE: Chair, yes, it should be. This aspect is just not included.

CHAIRPERSON: But I just made the statement because it is blank on our screens.

ADV POOE: Oh, yes.

ADV BALOYI SC: When you say F1, that is still in the City of Johannesburg, the JMPD?

CONSTABLE CUTALELE: City of Johannesburg, yes.

ADV BALOYI SC: But not JMPD? Or is it JMPD?

CONSTABLE CUTALELE: Commissioners, it is JMPD, but F1 is a unit that is not specialised.

ADV BALOYI SC: Okay.

CONSTABLE CUTALELE: Yes, Commissioners.

ADV POOE: All right. Thank you, Constable. Now, can we then move to the pursuit of a suspicious vehicle, so that you can then take us through the events of the 3rd of July 2025? If we can go to paragraph 3 of your statement.

CONSTABLE CUTALELE: Okay, thank you, Commissioners.

ADV POOE: And my apologies, Constable. Please do not

read any registration numbers.

CONSTABLE CUTALELE: Okay, Commissioners, thank you.

> "On the 3rd of July 2025, I was on duty travelling with Constable TP Mehala and TT Moluku, and we were patrolling on M1 South towards Gold Reef City, Ormonde, in an unmarked JMPD Toyota GD6. At approximately 11.06, just 6 minutes past 11, while we were travelling along the M1 towards Xavier Road, I observed a Ford Ranger with red, with dark tinted windows, which suddenly took, abruptly took an off-ramp in the front of our vehicle as we were patrolling. The Ford Ranger turned right. It actually turned right across the bridge towards Shell petrol station."

I wish to clarify something.

ADV POOE: Yes, please.

CONSTABLE CUTALELE: I think the one thing that is confusing me is that this Ford Ranger, it took the left turn towards Xavier off-ramp, and then immediately turned right over the bridge, and then once you cross the bridge, immediately it becomes Crownwood Road. So the Xavier

off-ramp only goes to the east side, and then towards west it becomes Crownwood Road. Let me continue.

> "The Ford Ranger passed Shell petrol station and parked at McDonald's, Ormonde, on Crownwood Road. After the vehicle parked at McDonald's, we noticed that no one got out of the vehicle. We continued to observe the Ford Ranger because the abrupt taking of the off-ramp was suspicious. We continued to observe the Ford Ranger while it was parked at McDonald's parking lot, and a few minutes later the Ford Ranger left McDonald's parking lot and drove to the car dealership."

The car dealership is Freeway Toyota.

ADV POOE: Thank you.

CONSTABLE CUTALELE: It is situated at Northern Parkway Road.

> "We pretended to leave the area by concealing our unmarked patrol car. A few minutes later, we observed the Ford Ranger leave the car dealership and drove towards Southgate Mall on Shakespeare Avenue and Rifle Range

Road. We followed the Ford Ranger, maintaining enough distance so as to not draw attention. At some point, we switched on the vehicle blue lights and siren as a signal for the Ford Ranger to pull over on the side of the road.

The Ford Ranger slowed down as if it was about to stop. I got out of the JMPD vehicle and approached the Ford Ranger. As I got closer, the Ford Ranger slowly moved forward. Initially, I thought that the driver was moving the vehicle further off the road so as not to obstruct oncoming vehicles. However, as I was getting closer, the Ford Ranger continued moving forward but at a very slow pace. I then realised that the driver had no intentions of stopping the vehicle. I could not see inside the Ford Ranger because the tint on the windows was very dark and it had a tarpaulin cover which further prevented me from being able to see inside the vehicle.

When I realised that the vehicle would not stop, I ran back to the JMPD vehicle.

Constable TP Mehala was the driver and Constable TT Moluku was in the front passenger seat. As soon as I was in the JMPD vehicle, we began to chase the Ford Ranger, but there was some instance between us ...[intervenes]"

CHAIRPERSON: Distance, distance.

CONSTABLE CUTALELE: Okay, there was distance, a, Commissioners;

"...there was distance between us because I was running back into the JMPD vehicle. The Ford Ranger sped away. The Ford Ranger passed Southgate Mall and turned left into Columbine Road and then turned right towards R82 Road. The Ford Ranger was driving recklessly. It drove through red traffic light which made it difficult to catch up even with the assistance of our siren and blue lights. The Ford Ranger travelled towards Kibler Park on R82.

At this point, I realised that we could not match its pace and needed assistance. I notified the SAPS reaction channel using a portable radio and requested a backup.

The SAPS Control Room responded by deploying a helicopter to assist. At this stage, we were convinced that the Ford Ranger is either stolen vehicle or the occupants are involved in criminal activity. We continued to chase the Ford Ranger as it travelled towards Shell petrol station on R82. We observed a roadside check operation underway by uniformed JMPD officers just after the Shell petrol station.

Constable Moluku leaned out of the window and alerted the JMPD officers to stop the Ford Ranger that was in front of us. One of the uniformed JMPD officers tried to stop the Ford Ranger but it went off the road and drove on the verge of the road heading towards the intersection. We noticed that the helicopter hovering above but it seemed that the helicopter operator was not certain of which vehicle we were chasing. The chopper kept on calling my call sign for my attention to establish which vehicle was being chased. At this point, I wanted to contact SAPS on

the radio to clarify that we were chasing the Ford Ranger.

As I was about to do that, I received a call from Superintendent T Manyama. I answered the call and he asked me what I was doing. I dropped his call because we were in the middle of a chase and I needed to make contact with SAPS. Superintendent T Manyama called me again in a few seconds and shouted at me. He asked me why were you chasing that car. I asked if he had called me by mistake but he said it was not a mistake. He repeated his question. He asked me what we wanted from the occupants of the vehicle that we were chasing.

He instructed us to abandon the chase and meet him at Total petrol station on R82 near Lido Hotel. We abandoned the chase as instructed. I thought that perhaps Superintendent T Manyama had insight regarding this incident that we were not aware of. The screenshots of the call log from my phone are attached herein, Annexure MC1."

ADV POOE: Constable, if you could just pause there for a moment. Commissioners, MC1 is at page 6 of the bundle. Constable, can you confirm that those are the calls that you are referring to that happened from 11.56?

CONSTABLE CUTALELE: Yes, that is affirmative, Commissioners.

ADV POOE: Thank you. So the first one, is that when you dropped?

CONSTABLE CUTALELE: That is affirmative, Commissioners.

ADV POOE: And the second one, is that when the instruction was given? Because there are three calls. Or maybe just take us through the three calls.

CONSTABLE CUTALELE: Commissioners, at first, thank you so much. At first he called, then I cancelled the call. Because already at that time I was busy, we were busy contacting each other. Because at that moment anything could have happened, because the chase, actually, it was just one of those experiences in the police department. And then, yes, I cancelled the call because we had to concentrate.

And then after that he called again. That is when now I decided, let me just take this call. Maybe there is emergency. That is when now he started explaining that he was indeed talking to me. Because at first I thought maybe

he is just an old person. Maybe he could have called someone wrong, because obviously he is managing a huge number of people at JMPD TRU. So at times he would call the wrong person and say, hey, I did not want to call you.

So I made it clear that I actually tried by all means to ensure that he is explaining himself. And then he said, yes, I am talking to you. I know you are chasing this vehicle on this road.

ADV POOE: Right, thank you.

CHAIRPERSON: And also the call, I do not know, maybe you have emphasised it. The call was disturbing you because you were busy interacting with a helicopter to describe the car that you were chasing. That was on the helicopter or in the helicopter.

CONSTABLE CUTALELE: That is true, Commissioner.

ADV POOE: Constable, we can then go back to your statement you were about to go into, paragraph 8.

CONSTABLE CUTALELE: Thank you, Commissioners.

> "The SAPS radio was still active and the officers who provided backup were requesting further information from us. The helicopter also called me, but after receiving Superintendent Manyama's instruction to abandon the chase, I did not communicate any further with SAPS

reaction channel and get back to the chopper."

ADV BALOYI SC: In the call, did he not say why you should abandon it?

CONSTABLE CUTALELE: He never mentioned why.

ADV BALOYI SC: In that call?

CONSTABLE CUTALELE: Ja, he never mentioned it.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: Constable, how did he know that you were chasing this vehicle? How would Superintendent Manyama have known that?

CONSTABLE CUTALELE: Thank you, Commissioners. Commissioner, at that point I was also surprised, I did not know. I will not tell lies, I did not know at all.

CHAIRPERSON: And why is it that you would abandon the chase that easily or that readily?

CONSTABLE CUTALELE: Commissioners, hey, this industry is not an easy one, especially if the instruction comes from someone who is above. This department, if ever you are instructed to do something, you just do it and then you complain later.

CHAIRPERSON: And you did not in the least suspect that this was an improper or even an unlawful instruction? No suspicion whatsoever?

CONSTABLE CUTALELE: At that point, I did not suspect

anything until when we met him. He only mentioned that we were not supposed to chase that vehicle. Then that is when I realised that there was something improper.

CHAIRPERSON: Why did you not at the very least ask, but why not, Superintendent? Why should we not continue with the chase at the very least?

CONSTABLE CUTALELE: Commissioners, thank you, thank you, Commissioner. I still remember the other time here as I was working for TRU. There was this incident whereby some officers, they stopped a vehicle which was a driving MMC. It was a big issue because politicians most of the time, they do not like being stopped. And those cars, they have got blue lights. So we sometimes have to confirm whether is it a legitimate car or anything. But now the problem is that after they complained to Superintendent Manyama, he called us and then started shouting at us that why did you stop MMC what-what? Of which it was indeed the MMC, but we did not know. So at that point, I thought maybe it could be one of those days.

CHAIRPERSON: Did you not think that the decent thing to do was to call those in the helicopter and say to them, let us abandon the chase? After all, you were the one that had called them for support or backup. There they are, they are chasing, but they do not even know which car. And you just abandoned the chase. From what you have said, I am not

aware that you ever communicated with them again and say the chase is now abandoned.

CONSTABLE CUTALELE: Thank you, Commissioners. I did not communicate any further. I only took the instruction.

CHAIRPERSON: Why not? Why did you? Yes, I understand you abandoning because this industry is risky. Risky in the sense that you must obey instructions and ask questions later. So you have said, let us, for purposes of this debate, say that I understand that. But I am talking about you now, talking to the people that you had called and said, please, please assist us, let us chase a car here. Now they are up there. They do not know what car they are chasing. And they were trying to establish that just before you abandoned the chase. Did you not at the very least think that, ah, let me tell those people that the chase is now abandoned?

CONSTABLE CUTALELE: Thank you, Commissioners. At that point, Commissioner, I thought to myself maybe I might have done something wrong or anything. That is why I decided, okay, guys, let us abandon the chase and go meet him up, maybe he will explain himself.

CHAIRPERSON: That is not answering my question. That is about your decision to abandon and why you took that decision. That is not what I am asking now. I am saying,

did you not at the very least think or say or think, let me call those that are assisting us with the chase and say the chase is now abandoned? That is my question.

CONSTABLE CUTALELE: Thank you, Commissioners. I did not think about it. I only thought of obeying the instructions from my superintendent.

CHAIRPERSON: So let them go on and chase and chase and try to find which car possibly are we supposed to chase. You just leave them to their own devices.

CONSTABLE CUTALELE: Another thing is, Commissioners, the vehicle that we were chasing, by that time it had already gone outside of Walkerville and I did not even have more information because already I was disturbed by the call.

CHAIRPERSON: That, again, is not answering my question. But let us continue, Ms Pooe.

ADV POOE: Thank you, Chair. Constable, just to follow up on one of the questions the Commissioners asked, what generally was the consequence of disobeying Superintendent Manyama's instructions?

CONSTABLE CUTALELE: It would have been very difficult, Commissioners. Sometimes you can even be taken out of the unit. It is not an easy thing to do.

ADV POOE: Thank you.

ADV BALOYI SC: Was it something common or is it

something common that as you are doing operations like you are doing now, that you get instructions to abandon and you are not given an explanation?

CONSTABLE CUTALELE: Thank you, Commissioners. Commissioner, for me it was my first time to get such instruction. Although I know from colleagues that there are some members who have been moved from the unit where we are as colleagues talking to each other.

ADV BALOYI SC: From the unit because – my question is about being instructed as you are in the middle of an operation like you are doing a chase now and you get an instruction to abandon that chase. My question is, those kind of instructions in the middle of an operation, a live operation in fact, was it common? Even if it is not your experience, did you become aware that this was a common thing?

CONSTABLE CUTALELE: No, on that day it was the first time.

ADV BALOYI SC: For you?

CONSTABLE CUTALELE: For me, yes.

ADV BALOYI SC: Were you aware whether others have had those kind of experiences?

CONSTABLE CUTALELE: I am not aware.

ADV BALOYI SC: Thank you.

CONSTABLE CUTALELE: Thank you, Commissioner.

ADV POOE: Constable, if you can then move to the next paragraph. You are going to deal with paragraph 9.

CONSTABLE CUTALELE: Thank you, Commissioners.

> "We met Superintendent Manyama at Total petrol station. He told us that he was not happy with us chasing the Ford Ranger, but did not give us an explanation. He instructed us to go to Johannesburg CBD and patrol in that area, which we did. We did not immediately report this incident because we had no knowledge of Superintendent Manyama's reasons for calling off the chase. It could be that he had compromised an ongoing operation, or it could be that he was assisting the occupants of the Ford Ranger to evade law enforcement, we could not speculate. I am aware that Constable Mehala and Moluku later lodged a grievance against Superintendent Manyama regarding this incident."

ADV KHUMALO SC: Do you know what became of that grievance? What was the outcome of the grievance?

CONSTABLE CUTALELE: Thank you, Commissioners. I

only understand that they attended the grievance, of which I was not part of it, and then I was never told of the outcomes of the grievance.

ADV POOE: Constable, when Superintendent de Beer testified, she indicated that during your discussion with Superintendent Manyama, you found out how he got to know of the pursuit. Her version was that Superintendent Manyama showed you a picture, and it was from the perspective of the occupants of the Ranger. Because I remember that was one of the questions the Commissioners wanted to know. So I just wanted to understand if that was the case, or that is not something you are aware of.

CONSTABLE CUTALELE: Thank you, Commissioners. I am actually not aware of.

ADV POOE: Of that?

CONSTABLE CUTALELE: Yes.

ADV POOE: Okay. Then the other thing is that I was trying to understand, I know later you say that it could be one of two things, that either he was trying to ensure that you do not compromise an ongoing investigation, or he was assisting the occupants of the Ranger. You did not press, not that you can, but you did not question or ask Superintendent Manyama about why he was calling you off that chase.

CONSTABLE CUTALELE: Thank you, Commissioners.

Eish, he will never give you, in fact, you would not have been able to question him at all. He is one of those people who are very, very loud, especially when he is addressing you. Whether it is a laughing matter or anything, he is always shouting. So you would never get a chance to ask anything.

ADV POOE: So, okay, maybe then the other question to ask is the tone of Superintendent Manyama. Was it aggressive shouting, a display of concern?

CONSTABLE CUTALELE: Thank you, Commissioners. Superintendent Manyama is known by everyone at JMPD that he is always shouting. Everyone, even if you can just call someone who has just been appointed yesterday, they will tell you that Superintendent Manyama is always shouting. His voice is always loud. In that way, when we are reporting on duty, sometimes everyone will go past us and then they will be laughing at us and say, jôh, your father is back again. Because in that department, everyone can hear him from a distance.

ADV POOE: Okay. In a sense, accepting that he is always shouting, I guess I am trying to understand whether he was upset with you for having undertaken this operation.

CHAIRPERSON: In the statement of another witness, the allegation is that he also used expletives. No, I am just mentioning that. And I say allegations, I am not suggesting

that that is true. Sorry, sorry, Ms Pooe.

ADV POOE: No, Chair, that is absolutely fine. Constable, if we can just go to item 5. I just want you to quickly just identify the pictures. At page 15 is the first picture.

CONSTABLE CUTALELE: Item?

ADV POOE: Item 5, page 15.

CONSTABLE CUTALELE: Okay.

ADV POOE: Or you can look at the screen in front of you.

CONSTABLE CUTALELE: Oh, thank you, thank you, Commissioners. Yes, I can see.

ADV POOE: Can you identify what that is?

CONSTABLE CUTALELE: Yes, of course, Commissioners.

ADV POOE: Please tell the Commissioners.

CONSTABLE CUTALELE: It is a Ford Ranger, a black Ford Ranger.

ADV POOE: Is this the car that you were in pursuit of?

CONSTABLE CUTALELE: Yes, Commissioners.

ADV POOE: And if you go to the next page, can you describe to the Commissioners what they are seeing there?

CONSTABLE CUTALELE: Commissioners, this picture, it is where the Ford Ranger initially pretended as if it was about to stop. As you can see there, I was already outside the car because I was going to approach the car. And then as I was going to approach the car, the car started to slowly move forward. That is when I had to run back to the patrol

car. That is when the chase began. If you can see there, the white Toyota bakkie there, that is me who is outside as I was going out to approach the driver.

ADV POOE: Thank you, Constable. And the last question from me is, is there a reason why you were not part of Constable Mehala and Moluku's complaint?

CONSTABLE CUTALELE: Yes, Commissioners. Later, we actually informed our line supervisor to take the matter forward. And then, according to our line supervisor, he said that they reported the matter to someone relevant. But I do not know from there what happened. So it is one of the reasons why I did not see any need to report it. Because even today, we know very well that Superintendent Manyama, after the grievance was lodged against him, he was still back and working. So probably one of those reasons that I did not even see any need to report it.

ADV POOE: Thank you. And who is your line supervisor?

CONSTABLE CUTALELE: It is Portia Lembede [?].

ADV POOE: My apologies?

CONSTABLE CUTALELE: My line supervisor is Portia Lembede.

ADV POOE: Portia Lembede. Thank you, Constable. Commissioners, just to place on record...

CHAIRPERSON: Was the last sentence read? Maybe it was. I understand from my colleagues.

ADV POOE: Chair, it may not have been read. I think the last thing Constable dealt with was that he is aware of the complaint by his two colleagues. Constable, if you can deal with the last sentence of your statement. It starts at page 4. It just has the word, I, and then the rest is on page 5.

CONSTABLE CUTALELE:

> "I understand from my colleagues that they reported the matter to Superintendent de Beer of Internal Affairs."

ADV POOE: And Commissioner Khumalo, to the question you asked about whatever happened to this, you will recall Superintendent de Beer indicated that all of the complaints against Superintendent Manyama were abandoned after he retired from the JMPD. Commissioners, if I can just place on record the statements of the two officers that were with the Constable on the day. The first is item 3 at page 8 of your bundle. And that is the statement of Officer Moluku. The second is item 4 at page 10 of your bundle. And that is the statement of Officer Mehala. Commissioners, I do not have any other questions for this witness.

ADV BALOYI SC: Constable, in his statement that has just been placed on record, Mr Moluku states at paragraph 8, you will find it at page 9, in paragraph 8, he says when you met with Superintendent Manyama, he explained that he

was concerned for our safety. Page 9?

CONSTABLE CUTALELE: Yes, Commissioner.

ADV BALOYI SC: Paragraph 8.

CONSTABLE CUTALELE: Paragraph 8. Yes, I can see.

ADV BALOYI SC: Yes. Do you recall him saying that, Manyama? Saying to you that he is concerned about your safety when you met with him?

CONSTABLE CUTALELE: He did mention that, Commissioner.

ADV BALOYI SC: Did he explain what that was all about?

CONSTABLE CUTALELE: He never explained, Commissioner.

ADV BALOYI SC: He just said, I am concerned for your safety.

CONSTABLE CUTALELE: Yes, Commissioner.

ADV BALOYI SC: And none of you asked, what are you talking about?

CONSTABLE CUTALELE: You know, Commissioners, most of the time, immediately when you want to ask a question, he would respond [indigenous language], so will not even have time to talk to him. It is not easy to talk to Mr Manyama.

ADV BALOYI SC: Okay. All right and then, Mehala, Mehala's affidavit, he says that at page 13, paragraph 11.

CONSTABLE CUTALELE: Paragraph 11.

ADV BALOYI SC: Ja. He says that:

> "Superintendent Manyama expressed his dissatisfaction with our conduct."

Do you recall him expressing unhappiness or dissatisfaction with your conduct?

CONSTABLE CUTALELE: Thank you, Commissioner. Yes, of course, Commissioner, because if ever you could consider my statement, there is somewhere where I mentioned that he was unhappy with our conduct.

ADV BALOYI SC: And what did he say was wrong with what you did? What is it about your conduct that he was complaining about?

CONSTABLE CUTALELE: Most of the time, you know, we are dealing with Mr Manyama, he would mention things like, why are you this side? Especially if ever, maybe like, for instance, if ever you come across such situations, he will ask you, why were you in this side, why are you not in Jo'burg? And then he will keep on shouting that you are endangering your lives. Why are you chasing that car? You did not even have enough backup. He would say some sort of things like that.

ADV BALOYI SC: He did not say anything that suggested that he knows who that person was in the vehicle and therefore your lives would be endangered. It was nothing like that?

CONSTABLE CUTALELE: No, no, there was nothing like that, Commissioner.

ADV BALOYI SC: Thank you. Thanks, Ms Pooe.

CHAIRPERSON: Can you please tell us why you had chased a Ford Ranger in the first place?

CONSTABLE CUTALELE: Thank you, Commissioner. Commissioners, like I said, if you are patrolling around, especially if ever you have always been working in a response unit like that, there will be suspicious issues about the cars all the time because as we are patrolling, we are always observing what is this one doing. Now, with experience that we have, Ford Rangers are always involved in criminal activities.

CHAIRPERSON: Always.

CONSTABLE CUTALELE: Most of the time they will be involved and it is easy to steal those cars. It is easy to steal. If ever you can go to 13, you will find a lot of them. So now, if ever you come across such a Ford Ranger which has got tinted windows, it becomes suspicious. At the same time, now, you do not even indicate when you are going to take the off-ramp.

For us now, it looks like, okay, since we are driving behind you, because already they know our registrations, especially people who are doing wrong things, they know our, maybe you might not know it because maybe you are

not doing wrong things, but the people who are dealing with wrong things, they will tell you that this registration that starts with LK, you must know it is police, and now to make it worse, our car has got aerials to chase hijacked vehicles.

So he took off-ramp immediately without indicating. Now we have to go and investigate why now are you going this way? And then now we decided, okay, let us just make a follow-up, let us follow-up until we see what they are going to do. It is either whether they are going to rob or anything, but now we wish to catch them on action. Let us wait and see because now they have just gone to McDonald's, and then we waited and concealed our car.

It is always nice as a police officer to find someone in action. That is when now we realise that, okay, no one is going out of McDonald's. No one has got intentions to go buy something. Then we decided, let us wait and see this car, where is it going? And then now immediately when you go to Freeway Toyota, it tells us now you are trying to avoid us because you know that we are within the area. Then we have to find out what is it.

CHAIRPERSON: Thank you. Ms Pooe, are the statements of Constables Mehala and Moluku confirming largely or by and large what this witness is saying?

ADV POOE: Chair, they do. The only thing would be, I think, what Commissioner Baloyi pointed out in relation to

expressing concern.

CHAIRPERSON: That is why I am saying largely and I am not saying one hundred percent.

ADV POOE: Yes, Chair, largely confirming.

CHAIRPERSON: Yes. I am raising that purely because these are public proceedings, just for the public to have an idea because my understanding is that you are not going to be calling those witnesses. It is just for the public to know what those witnesses say in their statements.

ADV POOE: Yes, Chair.

NO FURTHER QUESTIONS

CHAIRPERSON: Thank you. Thank you very much, Officer Cutalele.

CONSTABLE CUTALELE: Yes, Commissioner.

CHAIRPERSON: Most appreciated. You are excused.

CONSTABLE CUTALELE: Thank you, thank you, Commissioners.

CHAIRPERSON: Thank you.

ADV POOE: Chairperson, as Ms Segeels-Ncube indicated, the next witness is going to be remote. But I do not know if people are aware, but there are some issues with Microsoft that we are still trying to sort out in order to fix the connection. So we may need a little bit of time longer than anticipated. Is it possible for us to take an early lunch adjournment to deal with it?

CONSTABLE CUTALELE: Let us adjourn for lunch and resume at twenty five to two. I wanted to say half past, but Commissioner Khumalo wants his five minutes. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Good afternoon, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Good afternoon, Chair.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: Chair, the witness is available to testify virtually, and it is Constable Potsane, I think that is how you say it.

CHAIRPERSON: What is the last thing you said? I am very sorry.

ADV SEGEELS-NCUBE: Constable Potsane.

CHAIRPERSON: Oh.

ADV SEGEELS-NCUBE: The first one, it is in section 1, Chair of the file.

CHAIRPERSON: Good afternoon. I am looking for the rank.

ADV SEGEELS-NCUBE: Constable.

CHAIRPERSON: Constable.

ADV SEGEELS-NCUBE: Yes.

CHAIRPERSON: Good afternoon, Constable Potsane.

CONSTABLE POTSANE: Good afternoon, Commissioner.

CHAIRPERSON: Are you going to swear or affirm?

CONSTABLE POTSANE: I am going to affirm.

CHAIRPERSON: Please state your full names for the record.

CONSTABLE POTSANE: I am Michael Potsane.

CHAIRPERSON: Do you affirm that the evidence you are going to give, oh, did he say swear?

ADV SEGEELS-NCUBE: Affirm.

CONSTABLE POTSANE: Affirm.

CHAIRPERSON: I thought I heard so, Commissioner Baloyi. I am sorry. Do you affirm that the evidence you are going to give is the truth, the whole truth, nothing but the truth. If so, please say I do.

CONSTABLE POTSANE: I do.

MICHAEL POTSANE (duly sworn states)

CHAIRPERSON: Thank you.

EXAMINATION-IN-CHIEF: Thank you, Chair. Constable, you should have in front of you a statement from page 1 to 14. Can you confirm that you do and that the signature on page 14 is your signature?

CONSTABLE POTSANE: I confirm the Commissioner.

ADV SEGEELS-NCUBE: And do you confirm that this is your statement prepared for purposes of your testimony before the Commission today?

CONSTABLE POTSANE: Yes, Commissioner, I confirm.

ADV SEGEELS-NCUBE: Okay. And do you confirm that the contents is true and correct?

CONSTABLE POTSANE: I confirm, Commissioner.

ADV SEGEELS-NCUBE: Okay. Can I just, when we are going to go through your statement, I do not want you to read paragraph 1 into the record because it has some information which has personal information and also deals with your position. But do you confirm that you are a constable within JMPD?

CONSTABLE POTSANE: I confirm, Commissioner.

ADV SEGEELS-NCUBE: Okay, then if I could ask you to start at paragraph 3, which deals with the purpose of this statement. Can you read that into the record?

CONSTABLE POTSANE: I thank you, Commissioner.

> "This statement is prepared for the purpose of placing information before the Commission regarding the conduct of Superintendent Manyama of JMPD in respect of a drug bust that Constable Nomvula Rikhotso, Constable Mpho Komane and I conducted 20 July 2025. I set out below my personal account regarding the drug bust and Superintendent Manyama's conduct."

ADV SEGEELS-NCUBE: Then on the next page, paragraph

4.

CONSTABLE POTSANE: -:

> "In summary, Superintendent Manyama instructed us on the day of the arrest and again at the meeting on 2025, July 25 to negotiate with the arrested suspect with the person who was seeking their release to release the suspect and cease the Cocaine and to accept money or whatever else was being offered to us in exchange. When we refused, he threatened us with dismissal and warned that we could be injured, killed or arrested. He further sought to prevent us from acting against drug dealers without his prior knowledge and permission. The facts are set up below."

ADV SEGEELS-NCUBE: Okay, then I am going to ask you to skip paragraph 5, because it deals with your service history, and if I could then ask you to go to the operation preceding the drug bust at paragraph 6, and I will interject at times just to get further information from you that does not appear from the statement. So if I could ask you to start with paragraph 6.

CONSTABLE POTSANE: -:

"The drug bust of 20 July 2025 ...[indistinct]." [intervenes]

ADV SEGEELS-NCUBE: You are fading away, Constable. Could I ask you to stay close to the microphone or to the laptop? Continue.

CONSTABLE POTSANE: -:

"The drug bust of 20 July 2025 was the culmination of operation that had commenced approximately two to three weeks earlier. During the prior, we monitored the movement and activities of a group of ..." [intervenes]

CHAIRPERSON: Sorry, sorry, what is happening? Do you move away from the mic or the laptop because your voice fades. What is happening, are you, can you tell?

CONSTABLE POTSANE: I am close to the laptop Chair.

CHAIRPERSON: Please stay where you are. Your voice now is loud. Please do not move backwards. Do not move backwards.

CONSTABLE POTSANE: Okay, thank you, Commissioner.

ADV SEGEELS-NCUBE: Can you just start again at the beginning of 6?

CONSTABLE POTSANE: Ja, thank you, Commissioner.

> "The drug bust of 20 July 2025 was the culmination of an operation that had commenced approximately 2 to 3 weeks earlier. During the prior, we monitored

the movement and activities of a group of persons suspected being involved in dealing in drugs. In particular, our attention was focused on the man with dreadlocks and another man whom I understood to be of Brazilian origin."

ADV SEGEELS-NCUBE: Next paragraph.

CONSTABLE POTSANE: -:

"On 20 July 2025, we received the information from Crime Intelligence that a drug transaction involving the exchange of drugs for money was expected to take place at ..." [incomplete].

ADV SEGEELS-NCUBE: Continue.

CONSTABLE POTSANE: -:

"At the Palm Continental Hotel in Church Street, Mayfield, Johannesburg. I, together with my two partners, Constable Rikhotso and Constable Komane were off duty on that day. We accordingly requested an occurrence book (OB) number from our supervisor, Sergeant Portia Lembede, to record our activities of the day and to be placed on duty. Apart from the three of us, the only

people who knew of the operation, as far as I was aware, were Sergeant Lembede and Inspector Ramodike. I informed Inspector Ramodike as my commander. Thereafter, we proceeded to Palm Continental Hotel to investigate the information received and to monitor the alleged right transaction."

ADV SEGEELS-NCUBE: Can you just pause there. You say that you were only aware of two people other than you and your partners that were aware of this operation, but you are talking within JMPD. There was somebody within Crime Intelligence that also knew of the operation, because that is where you were getting your information from, correct? And do not mention the person's name. You can refer to that person as Warrant Officer.

CONSTABLE POTSANE: All right, Commissioner. It was a warrant officer and a captain.

ADV SEGEELS-NCUBE: Okay. And that is within Crime Intelligence?

CONSTABLE POTSANE: Yes. Yes, Commissioner.

ADV SEGEELS-NCUBE: Okay. Now you can continue with paragraph 8, the arrest of the suspect and the seizure of the five bricks of suspected Cocaine.

CONSTABLE POTSANE: Thank you, Commissioner.

"While monitoring the situation, we observed the man with dreadlocks standing with another man in the parking area of the Palm Continental Hotel. They appeared to be waiting for someone. Shortly thereafter, we observed a man driving a Toyota Corolla first entering the hotel premises and proceeding towards the parking area. Upon noticing our JMPD parked outside the hotel, he appeared startled. Immediately he drove away from the scene and turned into Church Street."

ADV SEGEELS-NCUBE: You do not have to read the registration number, so just leave out the registration number.

CONSTABLE POTSANE: Thank you, Commissioner.

"We pursued the Toyota Corolla Quest bearing ... and stopped it at the corner of Church Street and Industrial Road close to the hotel. Upon searching the vehicle, we found five bricks suspected to be Cocaine. We also found a black pistol on the driver's hip. The driver whom understood to be Indian origin was

subsequently identified as Mr Abdul Hoosen."

ADV SEGEELS-NCUBE: Okay, we will get to the photographs of the Cocaine and the vehicle later. You can continue with paragraph 10, but before you do, can you tell us more or less what time you apprehended Mr Hoosen.

CONSTABLE POTSANE: It was approximately, it was at about half past 6 ...[intervenes]

ADV SEGEELS-NCUBE: In the evening.

CONSTABLE POTSANE: In the evening. It was 18:30. It was about around those times.

ADV SEGEELS-NCUBE: Okay, so half past 6 in the evening.

CONSTABLE POTSANE: Yes, Commissioner.

ADV SEGEELS-NCUBE: Okay. Continue, paragraph 10.

CONSTABLE POTSANE: -:

"We questioned Mr Hoosen on the roadside. It was not long before he indicated that he was willing to cooperate with us and take us to the place where he obtained the Cocaine. From what he told us, he had been on his way to deliver the five bricks of ..." [incomplete].

ADV SEGEELS-NCUBE: Continue.

CONSTABLE POTSANE: -:

> "Five bricks of Cocaine to the man with dreadlocks whom we had been monitoring (who was suspected to be the buyer) and that this was not the first such delivery he had made to him. I drove the Toyota Quest to Booysens Police Station, and Constable Rikhotso drove our patrol vehicle, a JMPD double cab bakkie, with Mr Hoosen in the patrol vehicle. We left the Toyota Quest at the police station and proceeded with the place where Mr Hoosen said he got the Cocaine."

ADV SEGEELS-NCUBE: Okay, can I just ask you, so you drop off his vehicle at the Booysens Police Station. Do you know approximately what time that would have been?

CONSTABLE POTSANE: I do not have exact time because of in everything like the way we were acting. We were not even monitoring the time, but it was just after we apprehended him and then the distance, it was about 15 minutes distance from where we were.

ADV SEGEELS-NCUBE: You say it would have taken you about 15 minutes to get to the Booysens Police Station to drop off the vehicle.

CONSTABLE POTSANE: Yes, Commissioner, about 15 minutes.

ADV SEGEELS-NCUBE: And when you dropped off the vehicle at Booysens Police Station, did you inform anyone at the police station about what had transpired, that you had apprehended a suspect in a drug bust?

CONSTABLE POTSANE: No Commissioner, we did not inform anyone.

ADV SEGEELS-NCUBE: So nobody at Booysens Police Station was aware that you had Mr Hoosen with you and that you had just made a drug bust?

CONSTABLE POTSANE: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. Did anybody enquire as to why you were dropping off the vehicle at the police station?

CONSTABLE POTSANE: No, Commissioner.

ADV SEGEELS-NCUBE: Did you engage with anyone when you were at the police station other than your partners that you were leaving the vehicle?

CONSTABLE POTSANE: No, Commissioner, I did not engage with anyone.

ADV SEGEELS-NCUBE: Okay.

CONSTABLE POTSANE: So then can we get to the next topic, the search at Ormonde and the seizure of 17 bricks of Cocaine. We have taken out the address of the house, but Commissioners, you can find it on page 31 of the bundle and the, let me just disclose right now that one of the owners of the house, which you will see on page 27, has the

surname Matlala. We are not going to disclose the names of the owners, but just to mention that. We do not know if there is any relation to Mr Vusimuzi Cat Matlala, but we just thought it quite interesting that the owner of that house, one of the owners, there are two owners, is a Mr Matlala. And the reason we do not disclose the name is because we are not certain whether they were aware of the activities and it will become apparent when the witness continues with his evidence relating to the state of the house when they got there. So, can you then, Constable, just read paragraph 12.

CONSTABLE POTSANE: Thank you, Commissioner.

"Mr Hoosen let us to the house in Lakewood Estate, Lakewood Terrace Street, Ormonde. The house ..." [intervenes]

ADV SEGEELS-NCUBE: You are moving again. Sorry, Constable, you were moving again. Just stay where you are close to the laptop. Continue.

CONSTABLE POTSANE: [Indistinct]... how it is now, Commissioner?

ADV SEGEELS-NCUBE: Yes, now it is perfect.

CONSTABLE POTSANE: Thank you, Commissioner.

> "Mr Hoosen, let us to the house in Lakewood Estate, Lakewood Terrace Street, Ormonde. The house is a large mansion, but was unfurnished. Upon our

> arrival, we found a second suspect of Brazilian origin inside the house, subsequently identified as Mr Ronaldo Dias Tarores Tavarez Resende. We conducted a search of the premise and found in a storage room inside the house boxes containing a total of 17 bricks of Cocaine. The bricks were packed in medium-sized boxes lined with a white foam and of the boxes contained 2 bricks each."

ADV SEGEELS-NCUBE: Okay. Can I just ask you a bit more about the house. You say it was unfurnished. Do you mean that there was no furniture in the house at all? Can you just give us more detail on the state of the house?

CONSTABLE POTSANE: Commissioner, the house was, did not even have the fridge, but it had, from where we entered from the kitchen, it was only the wall unit. And then while we were conducting the search, I took the direction still at downstairs because we had to separate to cover. So what happened is that the direction that I took next to the kitchen, next to the kitchen it is a sitting room, is downstairs. And that the pantry is a pantry, a pantry like where we found this thing that is that what you call it ...[indistinct]. It was not even a chair there. My colleagues

...[indistinct] went upstairs to go and check, he said that house is not furnished. There is no furniture at all inside. There is no beds upstairs, it is only the wall wardrobes.

ADV SEGEELS-NCUBE: So, did it seem that there was anybody living in the house at the time?

CONSTABLE POTSANE: No, Commissioner.

ADV SEGEELS-NCUBE: And did Mr Hoosen tell you why the drugs were being stored at that house?

CONSTABLE POTSANE: Mr Hoosen, he said ...[indistinct]. He does not know anything. He has been sent by the people that is sharing location, this live location of the phone with.

ADV SEGEELS-NCUBE: Okay.

CONSTABLE POTSANE: He was instructed to go there and pick up and make a delivery.

ADV SEGEELS-NCUBE: Okay, thank you. And then at paragraph 13.

CONSTABLE POTSANE: Thank you, Commissioner.

> "While we were at the premises, Mr Hoosen showed us the video of the drugs ..." [intervenes]

ADV SEGEELS-NCUBE: You are moving again, Constable.

CONSTABLE POTSANE: Sorry, Commissioner.

ADV SEGEELS-NCUBE: You may continue.

CONSTABLE POTSANE: Okay, thank you, Commissioner.

"While we were at the premises, Mr Hoosen showed us the video, a video of the drugs on his cell phone. He pleaded with us not to tell anyone, saying, do not tell anyone because they are going to kill me. He stated that his cell phone had a tracking function and that his live location was being shared his location with at least five people. He further stated that his boss was in Dubai and that he feared that he will be killed. After we apprehended him in Church Street, he received numerous calls on his cell phone. According to him, the people tracking his location had noticed that he was no longer moving and had therefore started calling him. His cell phone remained in our possession in the patrol vehicle."

ADV SEGEELS-NCUBE: Okay. You have identified to us the video that Mr Hoosen showed you and we are going to play that video and then after that I will go through some text messages as well. So, if you can just, once the video has been played, confirm that this was the video that Mr Hoosen played for you.

VIDEO PLAYED

ADV SEGEELS-NCUBE: Please can you play it from the beginning again. There is a note that appears at the start of the video that has the date 11-07-2025 and it also says Mr Black on a Post-It or a piece of paper before the video, before they move to the drugs.

VIDEO PLAYED

ADV SEGEELS-NCUBE: Constable, do you confirm that is the video that Mr Hoosen showed you and your partners on the 20th of July?

CONSTABLE POTSANE: The first one, correct, Commissioner, the one that we saw, the first one of the items that are placed on the floor.

ADV SEGEELS-NCUBE: Yes. And when he showed you this, what was his reason for doing that?

CONSTABLE POTSANE: The reason for him to do this is because we told him he sees that he is already under arrest and the things that we found, the bricks that we found in the car, and these ones that are in the phone, we need to gather all of the evidence that we are seeing from his phones.

ADV SEGEELS-NCUBE: Okay. Then can you go to paragraph 14?

CONSTABLE POTSANE: -:

"We both arrested Mr Hoosen and Mr

Resende and seized the 17 bricks of Cocaine together with the 5 bricks of the Cocaine found in the Toyota Corolla."

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

CONSTABLE POTSANE: -:

"Toyota Corolla Quest."

ADV SEGEELS-NCUBE: Yes, continue.

CONSTABLE POTSANE: -:

"We then used the travelling bags to carry the boxes of Cocaine and we proceeded with both suspects to Booysens Police Station."

ADV SEGEELS-NCUBE: Okay. And did you establish who Mr Resende was?

CONSTABLE POTSANE: Mr Resende, we ...[intervenes]

CHAIRPERSON: Oh, sorry, just a minute.

ADV SEGEELS-NCUBE: Oh, sorry, Constable.

CHAIRPERSON: Are we having a technical problem? Will the technical people at the top there, please assist.

ADV SEGEELS-NCUBE: You do not have to then flight it, rather go to, I am going to go to the text messages, so the annexures, okay. Thank you, Chair. I think there is a delay when you show the video and then you have to go back into flight, but we, are you able to flight it now? Okay, thanks. My question was, did you establish who Mr Resende was?

CONSTABLE POTSANE: Please repeat the question, Commissioner, I did not hear it clearly.

ADV SEGEELS-NCUBE: Were you able to establish who Mr Resende was, the other suspect that was arrested?

CONSTABLE POTSANE: Okay, Commissioner, I only established who he is through the search when we found him in the house, when we found his passport at the back pocket of his trousers that he is a Brazilian national.

ADV SEGEELS-NCUBE: Okay. Then, Commissioners, I am going to repeatedly ask for some latitude when I lead this evidence, because some of these things, this witness is not aware of because he is not the investigating officer, but it is important to lay the foundation so that you can understand what happens when there is interference or alleged interference later. If I could ask you to please go to page 46 of the bundle, and if somebody could assist you and just to identify what we are looking at. These are the cell phone records, some of them which have been extracted from Mr Hoosen's phone and it has been put into an Excel spreadsheet. And what we see on page 46 is some communication. Now this is almost a year before the drug bust but it is just to give the Commissioners a sense of Mr Hoosen, what he was potentially involved in and also reference to when there was previous, you indicated that this was not the first time that he had sold drugs to the guy

in dreadlocks. So on page 46 you will see this is WhatsApp communication between a Mr Hoosen, who has Abdul, identified in the chats as Abdul, and then the contact name is Rajaai, and there is a telephone number for that person. And the message you will see, there is a column that says direction. So the message would go from Mr Hoosen to Rajaai, the first message. And the message that he asks him on the 13th of September 2024 is:

"Where else can we get Coke?"

And you will see that they continue having this conversation. He says, the contact says to, so Mr Rajaai says to Abdul:

"Phone Hannes ladies."

And then he also sends another message:

"Phone Tumelo."

And another message:

"Get from Frank."

And then another message:

"Phone Uzzi, he got guys also."

There has then a further message on that same day from Rajaai to Abdul saying:

"Tell Yousha to phone Tumelo from his phone. He will not deliver to you if he does not know you or does not have your number saved."

Now, at this stage, Commissioners, may I just say that we have not established definitively that Tumelo is the Tumelo that had previously given evidence before this Commission regarding a drug bust, the Aeroton drug bust, as the Commissioners will recall. But we are just highlighting the references to the names in here, and also bearing in mind that this is 3 years after the Aeroton drug bust, but it will all become clearer later, we hope. And then if I could ask you to go to the next page, it is on page 47. You will see that there is a reference, the second last message from Mr Rajaai to Abdul where he says, also still in 2024:

"We can make money on the Cat."

And the Cat is either a reference to Coke, Cat or Crystal or a supplier Cat, which they are still investigating. Then if I could ask you to go to page 50. So that was in 2024 and this is also still in 2024 and it relates to a different issue. If you, the first message is on the 25th of, in fact if we can start earlier on page, ja on page 50. The first message on the 2nd of February 2024 from a person saved in his phone as ...[indistinct] [audio distortion] Let me just try that again. Can you hear me clearly, Constable?

CONSTABLE POTSANE: [Indistinct]... I can hear you clearly, Commissioner.

ADV SEGEELS-NCUBE: Can I try now?

MALE SPEAKER: [Indistinct]... check if there is not another device turned on.

ADV SEGEELS-NCUBE: Okay, can you hear me, Constable?

CONSTABLE POTSANE: I can hear you clear, Commissioner.

ADV SEGEELS-NCUBE: You are not hearing an echo on your side?

CONSTABLE POTSANE: It was earlier, but now it is better.

ADV SEGEELS-NCUBE: Okay, let us continue. I am on page 50 and you will see the first message that I referred you to was on the 2nd of February 2024. The contact name is saved as Farhad Hawks and you will see Mr Hoosen sends a message to him saying:

"Salaams Uncle Farhad, it is Abdul here,

Saleem's son."

And then you would have to go to the fourth line for the second message because it is out of sequence. The message says:

"This is for the R12 million refund job."

Then the next message is after the one that I just read now at 08/03/2024, so the 8th of March. It is from Farhad, the person saved as Farhad, and it is to Abdul. It says:

"I was told the case is referred to investigating audit."

Then the fourth message is the third one in that line at the 13th of March 2024. You will see that Farhad sends Abdul e-mail addresses of SARS officials. And the fifth message is on the 18th of March 2024 where Abdul sends a message to Farhad saying:

"Uncle Farhad, call me later when you are free about the court case."

Then the next message is the one just below that and he says:

"Leave the case out. He wants to meet the prosecutor."

The next one is on the second message there. That is the last message. So it is actually the second message, 26 March 2024. This is what Farhad Hawk says to Abdul:

"Hi brother, it is hectic these days at SARS. It is towards financial year end. Reports are demanded to consolidate performance and collection in general, hence the delay of the update. And the person I am talking to was on leave. The other thing this matter, it is a secret from our partners. It becomes a bit awkward

to talk in their presence. I am thinking the person is currently tied up but he will update me today. Please be patient, just that the timing is a bit unconventional."

Now, you are not the investigating officer in this matter, but did Mr Hoosen give you any information regarding the type of work that he was involved in that related to SARS officials and refunds?

CONSTABLE POTSANE: Thank you, Commissioner. Nothing at all. He has never given us that information because the focus was the five bricks that we got and again in related to where he will take us for the other, for the other things where he got those five. Anything other than that we never engaged with him.

ADV SEGEELS-NCUBE: Okay, the next one just to give some context is still on that page, but it is the 20th of November 2024 at 9:03. Do you see that message?

CONSTABLE POTSANE: Yes, Commissioners. Yes, Commissioner, I can see that message.

ADV SEGEELS-NCUBE: Okay. It is the 20th of November 2024. The contact is Raeesa New and the contact is sending a message to Abdul saying:

"There was cops here outside your house looking for you."

And then on the 20th still, the contact says to Abdul

saying:

"There is a case opened against you for fraud."

Then there is another message from somebody saved as Mother Faaiza and she also, we assume that is in fact his mother but we do not know at this stage, sends a message to Abdul saying:

"A case of fraud open against you."

The next message is from somebody saved as Father to Abdul saying Sergeant Tsotsetsi, there is a cell phone number, Brixton SAPS, and there is a case number that is reflected there. And the next message on the 24th comes from the same Rajaai that we saw earlier on. And Rajaai says to, Abdul says to Rajaai:

"Must we just give her 20 and ask her to get her to sign it and drop the case in the morning and we will give the 30 tomorrow or Tuesday."

Then if I could ask you to go to the next page on page 51. There is a message from Yousha Ypay on the 25th of November 2024. Abdul sends a message to them saying:

"The IO will not be there till late. What time will we be able to sort out?"

Then there is another message from Father to Abdul:

"Only once she sorts out with the IO and we pay, we agreed before coming here."

The next message again from Father to Abdul:

"Mashooda called now, said Ricky knows the IO so he will try his best to be there at 9:30. She spoke to Farhana also to make up an affidavit for Raeesa to say her mother is acting on her behalf because she is out of the country."

In the next message on the 26th of November 2024 is from Queen with a heart. Abdul sends a message to Queen, it is a WhatsApp chat and he says:

"The IO wants 10K."

Then still on the 26th from Mother Faaiza to Abdul:

'He is telling me not to stress, he will sort out tomorrow. They told the cop 10,000."

On the 27th at 8:59 from Abdul to Queen:

"Ja, 10K."

And then on the 27th, from Queen to Abdul:

"Okay, but at least it is sorted."

Still on the 27th, there is a message from Abdul to Hassan Sandlewood saying:

"Just left police station like an hour ago."

I want to stop there and just find out from you, at

the time that you apprehended him, did he mention that he had a case relating to a fraud charge?

CONSTABLE POTSANE: No Commissioner.

ADV SEGEELS-NCUBE: Okay. Commissioners, now there is a document that was provided to us from SAPS when we enquired about the CAS number that you see there, just to verify that the information from this chat is actually an actual case. And if I could ask them to just flight it, the first message you will see that it has, it is the one that reflects the details of the complainant and it is just to show you that the complainant is Reesah, which is then a reference to what we see in the, that is the second one if you can, ja, that is the message. So the complainant is Reesah. We have just taken out some information above there. And you can read that the complaint relates to something that happened in 2022 when she says that she gave Mr Hoosen money for work at her place and he disappeared with R66,000.00 and she now wants Mr Hoosen to be arrested or investigated. Then the next message you will see ...[intervenes]

ADV BALOYI SC: Sorry, Ms Ncube, where do we see that it is Raeesa? I see initials and a surname.

ADV SEGEELS-NCUBE: Yes, there is another one that we, because we have just received it from SAPS, we have not been able to redact it, but we will show the Commissioners

the name of Reesah, spelled R-E-E-S-A-H. It has her identity number and everything else on there, so we do not want to display that. These were screenshots that were sent to us, not PDF documents.

ADV BALOYI SC: So it is from the initials RM and the surname that you say, that is Reesah?

ADV SEGEELS-NCUBE: Yes, but the other screenshot that they gave us, it shows her full name, RM and the surname. Then if you can go to the next one, which has the next screenshot related to that. So, Commissioners, the important thing here is to look at the dates. You will see status, it is, that was 2024, 18/2024, receipt, acknowledged for assignment. And you will see that the sergeant is Tsotetsi, which corresponds with the Tsotetsi, Sergeant Tsotetsi in the WhatsApp messages. And then the status on the 27th of November 2024 at 9:33, which corresponds what we, at the police station just left an hour ago, that, those messages. It says:

> "Booked out to the senior public prosecutor at Johannesburg."

And then it gives the name and then it says date to court, the 27th of November 2024 and then a date back from court, the 3rd of December 2024. Under status on the 3rd of December 2024, docket closed and then it says manner of closure, withdrawn and those dates correspond with the

WhatsApp conversation that was underway there regarding the IO wanting 10K and that there would be negotiations with the complainant. Now, if we can then go back to your statement. I think I was by, on page 5, the interception by security officers. You can read paragraph 15.

CONSTABLE POTSANE: Thank you, Commissioner.

> "While we were on our way to Booysens Police Station, approximately 2 traffic lights from the police station, we were stopped by an unmarked Toyota Hilux GT6. The vehicle had two occupants and belonged to a private security company, whose name I do not know at this stage. They alleged that their client's worker had been kidnapped and suggested that we had taken him. In light on what Mr Hoosen had told us about his cell phone being checked, I suspected that the owner of the Cocaine was checking Mr Hoosen that was still in the patrol vehicle. We instructed the security officers to follow us to Booysens Station to address the matter."

ADV SEGEELS-NCUBE: Now, can I just pause there. You say a private security company whose name you do not

know at this stage. Is it because you say the vehicle was unmarked?

CONSTABLE POTSANE: Correct, Commissioner, the vehicle did not have any branding, but it had, they had this, the two-way radio and they were armed with, both of them. The other one was just wearing a civilian clothes, the other one was wearing a black uniform, they were armed with rifles and pistols.

ADV SEGEELS-NCUBE: And how do you know that they were from a private security company?

CONSTABLE POTSANE: It is when they were telling us, when they were telling us there is a person who has been kidnapped as their client and then they explained themselves that they are the security, because of I did ask them, who are you, and then they said, no, we are the securities. Then we are following up on this client, that is a client's worker that is being kidnapped. And then I said, no, follow us to the station so that we can clear this matter.

ADV SEGEELS-NCUBE: Now, Commissioners, we do have an affidavit by Constable Rikhotso, who was one of the officers that were on duty with the Constable. On page 22, and this is not the finalised version of her statement, we noticed that there were still some notes in this version, but this paragraph on page 22, paragraph 11, is correct and she has confirmed it. And Constable, what Constable Rikhotso

says is that the vehicle and the people that were in that vehicle, the private security company, she identified as Vision Tactical. It is incorrect in her statement as Tactical Vision, but she says it was Vision Tactical. Do you know where she would have gotten that name from?

CONSTABLE POTSANE: Commissioner, I do not know. Maybe with the information that he got, because ...[indistinct] it was traffic, it was like we could not even focus because there was a lot of interference that is going through. So maybe he might ...[indistinct] one of that, those guys because of I did interviewed him and then I told him, you what, these people that they are saying they are kidnapped, they are not kidnapped, they are arrested. And then he wanted to talk and then I cut him short. So with the way on how I did it, I was not aware if maybe he communicated with them and gathering that information.

ADV SEGEELS-NCUBE: Okay. Then can we then go back to your statement, paragraph 16.

CONSTABLE POTSANE: Thank you, Commissioner.

> "When we arrived at the Booysens Police Station, the private security officers explained that their client's worker, whom they also referred to as their ..." [intervenes]

ADV SEGEELS-NCUBE: You disappearing again,

Constable, please. Okay, continue.

CONSTABLE POTSANE: Commissioner, thank you.

"When we arrived at the Booysens Police Station, the private security officers explained that their client's worker (whom they also referred to as the client's boy) has been kidnapped. I asked them what the vehicle he had been driving and they said it was a Toyota Corolla but they could not give the registration number when requested to do so. Mr Hoosen was driving a Toyota Corolla when we apprehended him in Church Street. I then took them to our patrol vehicle when Mr Hoosen was seated in the back of the double cab bakkie so that they could identify him. They positively identified Mr Hoosen as their client's worker. I informed them that their client's worker and Mr Resende had not been kidnapped, but had been arrested. They asked for the reason for the arrest, but we refused any further details. We refused to give them the reason for the arrest when they asked."

CHAIRPERSON: What was the race of these private security officers? I am asking because of the reference to an employee as a boy.

CONSTABLE POTSANE: Can you please repeat it, Commissioner?

CHAIRPERSON: What was the race of these private security officers? I am asking because of their reference to the employee as a boy.

CONSTABLE POTSANE: Commissioner, it was 2 Indians.

ADV SEGEELS-NCUBE: Okay. Before you continue to paragraph 17, can I just ask you, so the security officers, you say stopped you, but you are in a marked vehicle and you are JMPD. It seems to me odd that an unmarked private vehicle could stop a JMPD vehicle. Why did you stop?

CONSTABLE POTSANE: Commissioner, for the point of correction, I am not, we are not using the marked vehicle under that Tactical Response Unit. We are using unmarked.

ADV SEGEELS-NCUBE: You are using an unmarked vehicle?

CONSTABLE POTSANE: Correct, Commissioner.

ADV SEGEELS-NCUBE: So earlier in your evidence when you said when you were at the Palm Hotel, you thought that Mr Hoosen became nervous and drove away because he had identified your vehicle, why would he be uncomfortable

about an unmarked vehicle?

CONSTABLE POTSANE: It is because Commissioner ...[intervenes]

ADV SEGEELS-NCUBE: I thought it was a marked ...[intervenes]

CONSTABLE POTSANE: Okay, Commissioner, sorry.

ADV SEGEELS-NCUBE: Go ahead.

CONSTABLE POTSANE: Commissioner, ja, it is because of the people. Actually, majority of the criminals, they know those vehicles and they even know, starting with the registration, when they say the LK, it is the BMW 1 series is unmarked, it is a Toyota Hilux GV6 it is unmarked. So the one that we were using, it had the number plate on top. It does have the number plates on top.

ADV SEGEELS-NCUBE: When you say it has the number plates on top, do you mean that would be a way that they could identify that it is not a private vehicle?

CONSTABLE POTSANE: Correct, Commissioner.

ADV SEGEELS-NCUBE: And from the time that you left the house to take the suspects to the Booysens Police Station, do you know more or less how much time had passed before they asked you to stop, the private company asked you to stop?

CONSTABLE POTSANE: It was for me, for me to leave the house, to leave the house and go towards the police

station, if I ...[indistinct].

ADV SEGEELS-NCUBE: Yes, how long would it have, so you are on your way to the Booysens Police Station and they stop you. How long after you left the house did they stop you?

CONSTABLE POTSANE: Commissioner, I cannot actually estimate, but roughly it can be between 10 to 15 minutes when we left ...[intervenes]

ADV SEGEELS-NCUBE: Okay.

CONSTABLE POTSANE: When we left the house. The reason Mr Hoosen, he had promised that he is going to take us to where the other Cocaine is and then along the way, he changed to say, since these people they are going to kill me, I am not taking you there. You can also kill me, because they are also going to kill me. That is now when we decided, no, let us go straight to the station since he is talking like this. It means he is not willing to cooperate.

ADV SEGEELS-NCUBE: Oh, was he going to take you to another destination after the Lakeview, after, is it Lake, Lakeview?

CONSTABLE POTSANE: Lakeview. Lakeview is correct, Commissioner.

ADV SEGEELS-NCUBE: Lakeview.

CONSTABLE POTSANE: Yes, it is correct, Commissioners.

ADV SEGEELS-NCUBE: Okay, but now you are on your way to the police station with the two of them. I am trying to establish how these private security guys would know that you have these suspects with you other than what you suggest is that they must have been tracking him? Would there be any other way that they would know that you have Mr Hoosen and Mr Resende in your vehicle?

CONSTABLE POTSANE: What I picked up, Commissioner, by the time when we were apprehending Mr Hoosen, we were not aware that he is sharing the location with that people. When securities approached us, they approached us when we are second or third, two robots away from the police station. We are about to arrive there. So for them to know, I do not know, Commissioner, how did they know that we have them in the vehicle.

ADV SEGEELS-NCUBE: Ja. Okay, then let us go back to your statement, paragraph 17.

CONSTABLE POTSANE: Thank you, Commissioner.

> "The private security officers then attempted to negotiate the release of the suspect and the Cocaine in the exchange of a bribe. At the same time, the other police officers had arrived at the police station and made the same request for the release of the suspect."

ADV SEGEELS-NCUBE: Continue.

CONSTABLE POTSANE: [Indistinct]...

ADV KHUMALO SC: This is ...[intervenes]

CONSTABLE POTSANE: Thereafter ...[intervenes]

CHAIRPERSON: Sorry, sorry, the first sentence of the paragraph, this is stated too broadly. What exactly was said?

ADV SEGEELS-NCUBE: Did you hear the question, Constable? It is, Chair is asking the attempts to negotiate the release, what, how did, what was, what were they saying, what were they doing that gave you the impression or did they outright say they want to negotiate?

CONSTABLE POTSANE: Immediately after showing them, those people, they are arrested, they are not kidnapped, and then they wanted to know the reason. I cut them. I did not, we did not give them the reason. And then the next, the next thing that they said, they said, can we not talk, can we not talk and see how on how we can work it.

ADV SEGEELS-NCUBE: They said, can we not talk and?

CONSTABLE POTSANE: See on how we can work it out.

ADV SEGEELS-NCUBE: And you understood that to mean that they wanted to bribe you to let the suspects and the Cocaine go?

CONSTABLE POTSANE: That was my understanding, Commissioner, correct.

ADV SEGEELS-NCUBE: Okay, and what was your response to them?

CONSTABLE POTSANE: I said, no, there is nothing that we can talk about. That was my response.

ADV SEGEELS-NCUBE: Okay. So we are still on page 6. So the last sentence of that paragraph, "thereafter".

CONSTABLE POTSANE: -:

> "Thereafter, the private security officers left the charge office, but they remained in the vicinity of the police station."

ADV SEGEELS-NCUBE: Okay, then the next topic, the arrival of other persons at Booysens Police Station.

CONSTABLE POTSANE: -:

> "While we were engaged in opening the docket and processing the suspect and booking the seized Cocaine into the charge office, I received a call from Mr Philip Masetlha, who has since passed away. He asked whether I was at Booysens Police Station. I jokingly told him that I was at Langlaagte Police Station and then asked why he wanted to know my whereabouts. Mr Masetlha informed me that he had been given the description of a police vehicle

transporting a person of interest, referring to Mr Hoosen, and that the description of the JMPD vehicle sounded like mine, like the patrol car that I am using. He did not say who had given him the description of the police vehicle. Thereafter, I informed him that I was in fact at Booysens Police Station. Mr Masetlha then indicated that he was on his way to the police station. Mr Masetlha was a former taxi owner and had many friends in the SAPS."

ADV SEGEELS-NCUBE: Do not read the next sentence because that will indicate how you know him, which may ...[intervenes]

CONSTABLE POTSANE: Correct, Commissioner.

ADV SEGEELS-NCUBE: Ja, but suffice to say that you do know him and you have known, you knew him for a while ...[intervenes]

CONSTABLE POTSANE: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. Then the next paragraph, 19.

CONSTABLE POTSANE: -:

"A few minutes after Mr Masetlha arrived at the police station, I was standing in

> the police station yard together with warrant officer from Crime Intelligence who formed part of our team. I observed the marked Polo GTI in the vicinity, Mr Masetlha and the other individuals such as Captain Ramatsi and some unknown guys from Anti-Kidnapping Unit appeared to confer among themselves regarding on how they would approach us."

CHAIRPERSON: When you say appeared to confer, what do you mean? Did they or did you actually hear them say anything about approaching you?

CONSTABLE POTSANE: No, Commissioner, because the reason why I am saying that they will confer on how they will approach us, it was because of the earlier call that I got from Mr Masetlha and him also arriving at the station with them.

ADV SEGEELS-NCUBE: Because Mr Masetlha had the conversation with you and now when he is at the police station, he is with other gentlemen, you thought, or other officers, you thought that they might be talking about how they are going to deal with you, approach you on resolving this matter.

CONSTABLE POTSANE: Correct, Commissioner.

ADV SEGEELS-NCUBE: But they did not specifically say

anything at that stage?

CONSTABLE POTSANE: Correct, Commissioner, they never said anything. It was just my assumption based on the calls that I get from Mr Masetlha and how did he know that we are there and him also arriving there, he is with ...[indistinct] that side.

ADV SEGEELS-NCUBE: Okay, paragraph 20.

CONSTABLE POTSANE: -:

> "Around the same time, another JMPD officer, Constable Vidash, called Constable Komane to ask whether we were the officers who had arrested a drug suspect and taken him to Booysens Police Station. Constable Komane confirmed that we were at the Booysens Police Station and that it was indeed us who had arrested a suspect in a drug bust. A few minutes later, Constable Vidash arrived at the station with his crew member, Constable Andile Dlamini. By this stage, there were numerous private securities, JMPD officers, SAPS members in and around the police station, including those we had seen earlier. We have not called any of these

persons to the police station and did not know who had done so. The situation at the police station was chaotic. Despite these interruptions, we continued with our duties. At one point, Constable Rikhotso or Constable Komane handed me a phone to answer. I cannot recall whose phone it was and I accidentally ended the call before hearing who was speaking."

ADV SEGEELS-NCUBE: Just before you go to 21, approximately how many people would you say were there that you were of the opinion should not have been there? So the private security officers, do you recall how many of them?

CONSTABLE POTSANE: Commissioner, I do not know. The station, it was chaotic. I do not know. I could not even count.

ADV SEGEELS-NCUBE: Yes, but it just helps ...[intervenes]

CONSTABLE POTSANE: It was chaotic in that station.

ADV SEGEELS-NCUBE: Just set the scene for us. Was it 10 people?

CONSTABLE POTSANE: Yes, Commissioner, you know I cannot even, I cannot even estimate it because when you

remove these ones, these ones they enter, like we keep on seeing it, the new faces.

ADV SEGEELS-NCUBE: Okay, but at any point in time, would you say that there was more than five people that you thought should not be there?

CONSTABLE POTSANE: The ones that I have seen, it was plus minus six to seven people that they were not supposed to be there.

ADV SEGEELS-NCUBE: Okay, six to seven people.

CONSTABLE POTSANE: Yes ...[indistinct] [intervenes]

ADV SEGEELS-NCUBE: And does that include Mr Masetlha?

CONSTABLE POTSANE: No. With him he was standing at the other side of the block with those ones that he arrived in. Charge office, charge office it is, there is a space, there is another building and then it is a parking at the back.

ADV SEGEELS-NCUBE: Oh, so are you saying that there were about six people near the charge office that you thought should not be there and in addition to that there were other people outside as well?

CONSTABLE POTSANE: Outside as well yes, Commissioner.

ADV SEGEELS-NCUBE: Okay. Paragraph 21.

CONSTABLE POTSANE: -:

"I was then approached by SAPS official

whom I understood to be the member of Anti-Kidnapping Unit. He was dressed in jeans and asked to speak with me."

ADV SEGEELS-NCUBE: It should be, yes, sorry, sorry, Constable, we just need to make that correction. Chair, it is Anti-Kidnapping, Corruption is incorrect in there. Okay, continue.

CHAIRPERSON: Sorry, sorry, what is your, you seem to have mentioned both.

ADV SEGEELS-NCUBE: Oh, it should be Anti-Kidnapping, not Anti-Corruption.

CHAIRPERSON: Oh, all right. We are looking at what we see in front of us. Thank you.

ADV SEGEELS-NCUBE: Yes ...[indistinct]. That is why the witness read what he has corrected already.

CHAIRPERSON: What he knows.

ADV SEGEELS-NCUBE: Ja.

CHAIRPERSON: All right, thank you.

ADV SEGEELS-NCUBE: Okay, so you say you were approached by a SAPS official who you understood to be a member of the Anti-Corruption Unit. Why do you say that you understood him to be a member of the Anti-Kidnapping Unit? Did he tell you that or did somebody tell you?

CONSTABLE POTSANE: It is, he was wearing the SAPS sweater that is written at the back, Anti-Kidnapping Unit.

ADV SEGEELS-NCUBE: Oh, okay, so on his clothes. Okay, continue.

CONSTABLE POTSANE: Yes, yes.

"He was dressed in jeans and asked to speak with me. I asked him who is he and initially responded rudely because I wanted him to leave me alone. A few minutes later, I decided to engage with him calmly. He asked whether we had arrested a drug suspect and whether he could speak to us regarding the arrest. I interrupted him because I wanted to complete the processing of the suspect while Constable Komane and Constable Rikhotso were opening the dockets. I do not recall the official's name, but I believe that I will be able to identify him from a photograph or if I were to see him in person."

ADV SEGEELS-NCUBE: Okay, then the next topic, the telephone call from Superintendent Manyama on 20 July 2025.

CONSTABLE POTSANE: Thank you, Commissioner.

"By that stage, there were many interruptions. We asked the other

officers to leave the charge office so that we could continue our work without interference. Another call then came through on Constable Komane's phone. He handed it to me and said that Superintendent Manyama wanted to speak to me. Constable Rikhotso was standing close to me during the call and could hear what Superintendent Manyama was saying. When I answered, Superintendent Manyama reprimanded me for ending his call while he was speaking ..." [intervenes]

ADV SEGEELS-NCUBE: His earlier call.

CONSTABLE POTSANE: -:

"I apologized ..."

Earlier call, yes, you are correct, Commissioner.

"I apologized and listened to him."

ADV SEGEELS-NCUBE: Continue.

CONSTABLE POTSANE: -:

"Superintendent Manyama asked why we were chasing other officers away from the scene and why we were unwilling to work with them and instructed me to work with them.

When I asked which officers was he referring to, he began shouting at me and told me not to undermine him. He said that I was talking nonsense and asked whether I was even on duty. I responded that my immediate supervisor, Inspector Ramodike, knew that I was on duty. In other words, I was informing Superintendent Manyama that I had followed the chain of command. He did not like my response and told me not to tell him about the chain of command. He said that we had not informed him about the operation and that we did as we please. He stated that he was receiving numerous telephone calls from high-ranking officers informing him that we were at Booysens Police Station arresting people. I did not know who Superintendent Manyama was referring to when he spoke of high-ranking officers."

ADV SEGEELS-NCUBE: 24.

CONSTABLE POTSANE: -:

"Superintendent Manyama said that we could discuss the matter as officers, as that we should engage with the other officers and accept whatever they were offering us. I understood Superintendent Manyama to mean that we should accept the bribes we were being offered not to open the docket against Mr Hoosen and Mr Resende and not to seize the Cocaine. He then instructed me to speak to Captain Ramatsi at Booysens Police Station at the time. I knew Captain Ramatsi to be a friend of Mr Masetlha. I did not comply with this instruction because I considered it inappropriate and regarded it as interference with the performance of my duties."

ADV SEGEELS-NCUBE: 25.

CONSTABLE POTSANE: -:

"Superintendent Manyama thereafter instructed me to negotiate with officers or suspect, to release the suspect and leave them alone. He asked me, are you listening officer? I responded, no finish

up with what you are saying, I want to work. He became extremely angry and told me that I am full of shit and that I must not disrespect him. I explained to Superintendent Manyama that we had not called the officers to the police station. He then abruptly terminated the call."

ADV SEGEELS-NCUBE: Okay, next page, paragraph 26.

CONSTABLE POTSANE: -:

"I understood Superintendent Manyama's instruction to mean that we should release the two suspects and the Cocaine who had seized in exchange for a bribe. I regarded this instruction as unlawful and did not comply with them. I immediately called Inspector Ramodike about the call from Superintendent Manyama and he informed me that he was coming to the police station, we should continue with the arrest. After the call with Superintendent Manyama, we continued with our duties. The two suspects were detained and all the evidence was booked in SAP13 register ..." [intervenes]

ADV SEGEELS-NCUBE: You do not have to read it into the record. You do not have to read that into the record, but it does become relevant later. And then if you can go to paragraph 27.

CONSTABLE POTSANE: -:

> "I must also state that on that day of the arrest, we also struggled to obtain the forensic evidence bag from Booysens Police Station as the sergeant claimed that he did not have any."

ADV SEGEELS-NCUBE: I think here you have correction to make that you said it is Inspector Ramodike only that went to get the evidence bags.

CONSTABLE POTSANE: Correct, Commissioner.

ADV SEGEELS-NCUBE: So you did not go with and the warrant office also did not go?

CONSTABLE POTSANE: No Commissioner, only Inspector went and fetched them.

ADV SEGEELS-NCUBE: Okay, then the next topic, the attempt to image the suspect's cellular phones.

CONSTABLE POTSANE: -:

> "At some point then called ..."
>
> [intervenes]

ADV SEGEELS-NCUBE: Yes, the warrant officer called us, ja.

CONSTABLE POTSANE: -:

> "At some point, warrant officer then called us and said loudly that we should record the registration numbers of the vehicles parked in the police yard. Immediately thereafter the police official who had arrived began leaving in the police station premises in their respective vehicles. I think this was because of they did not want a record of their presence at the police station."

ADV SEGEELS-NCUBE: So you say that the warrant officer said loudly to you and the other officers that you must record the vehicles that are there and he did that so that those officers would know that you are about to record them and then they would disperse.

CONSTABLE POTSANE: Immediately after his loud shouting to say it and then they immediately jumped into their vehicles and then vehicles moved outside of the yard of the police station.

ADV SEGEELS-NCUBE: Okay. Then paragraph 29.

CONSTABLE POTSANE: -:

> "While we were sitting attending to our duties, including booking in the suspect, and securing the seized drugs, at least

two police officers, whom I understood to be the members of Anti-Kidnapping Unit, arrived at the police station. We continued with our duties."

Even this, sorry, Commissioner, even this part we fixed it.

ADV SEGEELS-NCUBE: Yes, there is a, Chair, there is a correction there. It should say the police officers, not the security officers.

CONSTABLE POTSANE: The police officers.

ADV SEGEELS-NCUBE: Continue.

CONSTABLE POTSANE: -:

"The police officers wanted to speak to us. One of the police officers, he informed us that he was with an official from American Embassy and that they were at the police station to image the suspects' cell phone."

ADV SEGEELS-NCUBE: Continue on 30.

CONSTABLE POTSANE: -:

"The man who introduced himself as American Embassy official stated that he was a diplomat representing the United States of America and that he was there to download the information from the

> suspects' cell phones to assist with the investigation. I do not recall his name. Warrant officer stated that he had seen the vehicle driven by one of the security officers and identified as an X3, which had described a Vision Tactical vehicle. He further stated that the so-called diplomat was driving a Ford Everest with a diplomatic registration."

ADV SEGEELS-NCUBE: Do not read the registration number. We do have a photograph of it and of the vehicle. We will get to that later. Commissioners, just to confirm that the registration number that you see there has been confirmed as being registered to the Embassy of America and we have spoken to the person that was identified on that day as being from the Embassy of America and that person has given us his name, we have got his name. We are not going to disclose it. He indicates that he is a criminal investigator specializing in forensic cybercrimes, and he was requested to go and image the cell phones of these suspects by Mr Ahmed Chaya of Vision Tactical. That is what he told us today during a consultation with him during the tea adjournment.

ADV KHUMALO SC: Is he prepared to give a statement?

ADV SEGEELS-NCUBE: He would need to follow the

proper channels with the Embassy in order to do so, but we have engaged him on it, but, and the witness also confirms that the person that he was speaking to, he identifies him as an Indian male and the person we spoke to, who confirms that he was there on instructions of Vision Tactical, is also an Indian male. You may proceed to paragraph 31. Just before you do that, there is this reference to Diplomat. There is a video that we saw on Mr Hoosen's phone which we want to play because it has a reference to the Diplomat. We do not know who that person is and the date is important because it is the 18th of July 2025, which is just two days before this drug bust. And Chair, you will recall the witness' evidence is that this was an operation that was ongoing for over two weeks. So we are going to play that video now.

ADV BALOYI SC: Sorry, Ms Segeels, before you do that, the name Vision Tactical has come up before, before us.

ADV SEGEELS-NCUBE: Correct.

ADV BALOYI SC: For purposes of this testimony, have you made any enquiries, do you have any further information?

ADV SEGEELS-NCUBE: Only news articles related to an arrangement with Crime Intelligence and General Feroz Khan and the Anti-Kidnapping Unit, which we will display later on. But we do intend calling another witness to speak

more on this investigation after the officers, the JMPD, ended their duties. It was transferred to SAPS for an investigation, and so we will be calling that witness.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: You can play.

VIDEO PLAYED

ADV SEGEELS-NCUBE: On that, just pause if you can on the sheet, you will see the name, you will see there is a reference to Diplomat. It says time and then it says date is the 18th of July. Just go forward from the start and then try to pause it as you go.

VIDEO PLAYED

ADV SEGEELS-NCUBE: There you go. There it says Diplomat, time 5 a.m., date 18/7/2025, and then we are not sure what the last reference is, but we are engaging with the other witnesses regarding that. But this is one of the videos that was on Mr Hoosen's phone. You can continue.

VIDEO PLAYED

ADV SEGEELS-NCUBE: Thank you. And then, Constable, if you can go to paragraph 31 of your statement.

ADV KHUMALO SC: Sorry, before you do that, what is that we have just seen?

ADV SEGEELS-NCUBE: It was a video that was found on Mr Hoosen's phone when he was apprehended, which showed the details of, well, which had the name Diplomat,

the date of 18 July 2025. And the reason why it was shown is because that we, according to the witness, there was somebody that identified themselves at the scene as being a diplomat. And even though the person that we subsequently spoke to said that he is not a diplomat, but he does work for the Embassy of the United States, but he is a cyber specialist, we have not engaged him fully yet on whether he was accompanied by anyone. He was not willing to disclose that information at this stage.

ADV BALOYI SC: There are two clips there and one has got financial figures. Do we know what that is or is it suggested through the witness or your other investigation what that is?

ADV SEGEELS-NCUBE: Yes, through another witness, Commissioner Baloyi.

ADV BALOYI SC: Will be an explanation.

CONSTABLE POTSANE: Yes, this witness only saw the one video which we showed, which was the one with the drugs on the floor packed in stacks of four. He did not see this video. This was a video that after the phone was, imaging of the phone was submitted to the Commission and we saw the reference to the Diplomat and the close proximity between the drug bust and the video and you can see in the video itself the banking details or the banking screen shows that it was the 18th of July 2025 when the

person is looking at those figures.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: You may continue to 31.

CONSTABLE POTSANE: Thank you, Commissioner.

> "I do not know if the imaging in fact took place, but no imaging took place in our presence. The security officer and the diplomat did access the phones and told us that the phones were still loading."

CHAIRPERSON: Had you verified the identity of this person who was claiming to be an American diplomat?

CONSTABLE POTSANE: Commissioner, I remember we did ask him, he, I cannot remember what, he has shown us something, but I cannot remember what was that, because he showed us that thing and then he had something like a laptop, but it was not laptop. It was something in a briefcase that we did not even know what was that thing.

CHAIRPERSON: In any event, even if you had verified the identity, for all you knew, that person could well have intended to wipe out anything that was on those phones. How could you just hand over the phones to this person whom you did not even know?

CONSTABLE POTSANE: Commissioner, the way our station was chaotic and for me, it was the first time to me to do such a success ...[intervenes]

CHAIRPERSON: No, no ...[intervenes]

CONSTABLE POTSANE: So some procedures ...[incomplete].

CHAIRPERSON: No, that cannot be an answer. Even if it was chaotic, at this moment you paid attention and fully so to this person, you listened to what they had to say, how they attempted to identify themselves, what their purpose of being there was. And you just hand over the phones for them to do whatever it is they said they wanted to do. How could you do that? I do not understand that. I just do not. You are police officers. You have just arrested people, you have found 22, was it, 22 bricks of Cocaine from them and you just hand over their phones in circumstances where quite easily there could have been very important information on those phones. And surely you could not discount the possibility that those people were there to wipe out anything that was on those phones. Just how could you hand over those phones? I want to understand.

CONSTABLE POTSANE: Commissioner, it is because the person who said, who introduced himself from American Embassy, he was introduced by the SAPS member from the station.

ADV SEGEELS-NCUBE: Chair, just to clarify ...[intervenes]

CONSTABLE POTSANE: That ...[indistinct] us.

ADV SEGEELS-NCUBE: Sorry, Constable. The Constable only handed over the suspects and what they had confiscated and you will see later in his paragraph he says that SAPS took over from there. And this diplomat was there with people from Vision Tactical who indicated that they have an arrangement with Crime Intelligence and SAPS to investigate these kinds of crimes. So it does appear later on where he says ...[intervenes]

CHAIRPERSON: Who handed over the phones to this American?

ADV SEGEELS-NCUBE: It was not this constable. They just handed it over to SAPS because they had made the arrests or they had apprehended, they could not even arrest, they had apprehended and seized and gave everything over. And he does say later, I was not the investigating officer on the matter and I could not have given permission for imaging of the phones. Me and my team were responsible for the arrest and the confiscation of the drugs and same was handed to the SAPS. It was thereafter when the phones were taken. And he says, I do not know if the imaging in fact took place, but no imaging took place in our presence. The officer just told him later that the phones were still loading. So I think he must just clarify where he was at the time when this imaging, alleged imaging took place. Constable, can you just clarify for us?

CHAIRPERSON: Please show me on the statement where it says it was SAPS that gave the phones to the American, just show me that. I am not saying it is not there, Ms Segeels-Ncube. Just show me where exactly it says so.

ADV SEGEELS-NCUBE: Oh, Chair, if you, it is, what he says is:

> "I am not certain whether imaging was successfully completed. When I last spoke to the investigating officer sometime in October he mentioned that he could not open the phone image that was ...[indistinct]. I do not know who gave the American diplomat permission to image the phones. I was not the investigating officer on the matter and I could not have given permission for imaging of the cell phones. I and my team were responsible for arrest and the confiscation of the drugs and same was handed to the SAPS."

So that is what I want him to clarify, yes.

CHAIRPERSON: Thank you. All right, thank you.

ADV SEGEELS-NCUBE: Because it is somewhat ambiguous as to whether you allowed him to take the phones, even if you did not give permission for him to do

the imaging. At the time that they requested to do the imaging, were the phones already with SAPS? Constable?

CONSTABLE POTSANE: Commissioner?

ADV SEGEELS-NCUBE: Can you just tell us at the time when the diplomat wanted to access the phones for imaging, who gave him the phones?

CONSTABLE POTSANE: The person who, from the SAP, from the station, I cannot remember the name of the police officer. The police officer, he said, here are the people from American Embassy, they want to download the phones to check, to assist in investigating. We listened to him.

CHAIRPERSON: Who handed over the phones, Constable?

CONSTABLE POTSANE: He did ask us where are the phones. The phones, they were on the table. They were on the table where we were writing.

ADV SEGEELS-NCUBE: You say they were on the table.

CONSTABLE POTSANE: On the table, there is a table. They were lying on the table.

CHAIRPERSON: Did someone give the phones to the American or did the American take the phones from the table, Constable?

CONSTABLE POTSANE: Commissioner, what the officer from the station told us, he explained to us, to us, we said, we thought, this is the procedure. We only showed them here are the phones, because they did come and ask where

are the phones for the suspect. We said here are the phones ...[intervenes]

CHAIRPERSON: You keep repeating that. I am asking a simple question. You are saying after the request from the American had been made, the phones were on the table. My question is a simple one. Did somebody give the phones to this person, to the American, or did the American grab the phones themselves from the table?

CONSTABLE POTSANE: No, Commissioner. I said, here are the phones. I pointed the phones on the table.

ADV SEGEELS-NCUBE: And they, yes, but the Chair is asking, you pointed it and when you pointed it was on the table.

CONSTABLE POTSANE: It was on the table.

ADV SEGEELS-NCUBE: So did the person who identified himself as a diplomat, did he take the phones from the table or did somebody give him the phones?

CONSTABLE POTSANE: After pointing the phones, he went closer to them and then he opened that thing that he was carrying.

ADV SEGEELS-NCUBE: Oh, so he left it on the, did he do the imaging from the table?

CONSTABLE POTSANE: He opened that thing. I am not sure if it was the imaging or what, because he opened that thing and then he connected the wires, connected the

phones.

ADV SEGEELS-NCUBE: Okay, so what you are saying is he was doing all of this while the phones were on the table?

CONSTABLE POTSANE: Correct, Commissioner.

ADV SEGEELS-NCUBE: He connected his device onto the phones that stayed on the tables. You pointed to where the phones were.

CONSTABLE POTSANE: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: Can we just understand this. We have come to learn that when items are taken, they get booked in at the police station, SAP13. Now when these phones are on the desk, have you booked them in already? And we have come to understand that there is a process, there is a book that gets completed and that will also indicate who handed these phones in, who received them. Had that process happened as they are lying on the desk before this person who is a diplomat, who you say is a diplomat, connected his device to the phones?

CONSTABLE POTSANE: No Commissioner, they were not yet booked since we were waiting for forensics bags, since they were going to fetch, to be fetched to the next police station, because the Booysens SAPS told us that they do not have forensic bags. So those things, we did book them. I cannot remember who booked them between three of us.

After when American Embassy diplomat was done, those things, they were booked in SAP13, at Booysens SAPS.

ADV BALOYI SC: Okay, maybe a different question still on this topic. Did you ever come to, did you ask, did you come to understand how this American diplomat, as described, became aware that you have arrested these two people and that you are Booysens? Did you ever find out?

CONSTABLE POTSANE: Commissioner, even today, even today, I do not know how come they did know that we were arresting there at Booysens., because we did not even have contacts or relationship with the American Embassy.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you. Chair, perhaps this is a convenient time for us to then go to the article regarding Vision Tactical. We will display it, the article and I will just highlight the points that makes reference to Vision Tactical and reference to anti-kidnapping. It is an article dated, Mail & Guardian, 10 December 2021 and it speaks about, at the second paragraph after it says:

> "A Mail & Guardian investigation has established that Yusoof, a Somali, was shot on 22 September 2020 during an operation to rescue businessman Hamza Khan, who was being held captive in Mayfair, Johannesburg. The

investigation has begun to reveal the murky world of kidnapping, private security, retainers, ransoms and turf wars of who saves whom. Although there are records of the multi-million rand kidnapping rescue operation that involved a private security firm, law enforcement agents, and the family of self-proclaimed anti-crime activist Yusuf Abramjee, there are no records of Yusoof or the shooting."

And then the next heading:

"The kidnap rescue that went wrong. The Mail and Guardian has seen an internal Crime Intelligence preliminary progress report of the rescue operation which stated that Khan was kidnapped at his Mayfair family business on 18 September 2020 and a R5 million ransom demanded for his release. The report added that Khan's family after negotiations decided to pay a ransom of R200,000.00 three days later, but the hostage was not released. A day later, a mission involving private security firm Vision

Tactical, the Johannesburg Metropolitan Police Department and Crime Intelligence office, among other policing units, rescued Khan who was held in a small lodge on Clifton Street. The joint operations centre or mission base was convened by Major General Feroz Khan, not related to the victim, the Head of Crime Intelligence's Kidnapping Task Team at Vision Tactical's Houghton head office. The police have not responded to questions about why their communications were held at a private security company. However, Yaseen Theba, the head of Vision Tactical, said that the police did not work from its offices, but used them only to speak to the Khan family, the victim's family. Admitting that there was no authorization for the operation centre to move to its head office in Houghton, Theba said its access to cameras in the community was of great assistance to the police who are under-resourced."

And then the next:

> "The truth of the matter is that the police, even the current kidnapping unit, do not have the time to look at footage and analyse footage right through. There are not enough resources. Our role is to support the family. It is our civic duty to reach out to assist the family and guide the family through the police processes, he said."

And then finally:

> "Theba told the Mail & Guardian that on the night of rescuing Khan, he was the only person from Vision Tactical at the scene. He added that Major General Khan, the current Head of the Kidnapping Unit, was the most senior officer there, albeit in a supporting role."

And there are other references, but it is not something this witness can deal with, Chair, which would explain why he says there was an Anti-Kidnapping Unit present, Vision Tactical present as well. And then, Chair, just to place on record that there is also a news article regarding when General Khan was himself a victim of a shooting recently, and if I can just read that portion, it is not displayed. My learned friend just gave it to me now to

read into the record.

> "The victim identified himself as Feroz Khan and informed him that he had been shot in the abdomen. The eyewitness then contacted Vision Tactical Security, a company that worked closely with Khan's Anti-Kidnapping Unit in Crime Intelligence. Yaseen Theba, the director of Vision Tactical, told News24 on Monday that security companies and emergency providers received a number of calls following the shooting. However, Theba said that the passerby did not directly contact Vision Tactical as mentioned in the report."

So that is just again to show their presence in another instance, but further evidence will be led on this aspect in detail, Chair. Chair, this is also the reason why I asked for some latitude on this because it is not something that this witness can speak to, but we do need to lay the basis so that we do not waste time with other witnesses that come. Then can we then go, Constable, sorry about that detour, can we go to paragraph 32 on page 10, which is the meeting with Superintendent Manyama on the 25th of July 2025. I will stop you at some point before you summarize

what the call was about and instead we will play the recording and then you can just confirm that the recording accords with your recollection, okay. Can you read paragraph 32?

CONSTABLE POTSANE: Thank you, Commissioner.

> "On 25 July 2025, Constable Komane, Constable Rikhotso and I were on duty when I received the telephone call ..." [intervenes]

ADV SEGEELS-NCUBE: Just move closer again, Constable. Sorry to interrupt you. Just come closer to the laptop again.

CONSTABLE POTSANE: Sorry, Commissioner.

> "On the 25th July 2025, Constable Komane, Constable Rikhotso and I were on duty when I received the telephone call from Inspector Ramodike who informed me that Superintendent Manyama wanted to meet with us (namely Constable Komane, Constable Rikhotso, Inspector Ramodike, and me) at Shell Garage Petrol Station at Eastgate Mall. We proceeded to Shell Petrol Station and met with Superintendent Mayam approximately 12:43."

ADV SEGEELS-NCUBE: Continue.

CONSTABLE POTSANE: Commissioner, should I read this, the following sentence?

ADV SEGEELS-NCUBE: [Indistinct]... [cross-talking]

CONSTABLE POTSANE: [Indistinct]...

ADV SEGEELS-NCUBE: No, you do not have to read it. We will just play the recording.

AUDIO RECORDING PLAYED - INDISTINCT

CHAIRPERSON: Sorry, sorry, my experience is that those headphones enhance the quality of the sound. I guess we should have been provided with those.

ADV SEGEELS-NCUBE: Chair, we will arrange for that. Can I move on to another topic while they arrange that in the meantime?

CHAIRPERSON: Perhaps, yes.

ADV SEGEELS-NCUBE: It really is, Chair, just to go back to the issue of the drugs itself and this witness will not be able to speak directly to it, but as I had requested, if I could just be given some latitude on this aspect, is that if we go to page 9 of the witness statement, paragraph 26, he mentioned the Booysens CAS number and the SAP register under which the exhibits were booked under and the CAS number for the case. Now, if I could ask you then, Commissioners, to go to page 69 of the bundle just so that I can show you how Mr Hoosen communicates regarding the

drug bust and then to come back to this case number. The first message on page 69, and you will bear with me, another witness will give evidence to this, but just to orientate you on what happens here, this is a message on the 19th of July 2025. It is towards the middle of the page at 13:17:56 and it is from Rajaai to Abdul. It is a text where he says:

> "Hello, can you go to the house to take a video?"

And this is a day before the bust. Then if I could ask you to go to page 75. You will see there is another message, the fourth message on the 19th of July 2025 at 15:54 from Rajaai to Abdul where he says:

> "Can we take a video of 34 pieces?"

And then he gives a name and a date, 19/07/2025. The next message he asks Abdul:

> "Can you deliver five pieces at 5 o'clock at Palm?"

His next message is at Palm. And we know that the delivery took place at the Palm Continental Hotel, and it was five pieces the next day. He then sends, Rajaai then, Abdul sends a message saying:

> "I can only after 6. Naresh is here by Hassan's house waiting for me."

And then he says:

"What time can I tell them?"

That is Rajaai saying, what time can I tell them? And Abdul says:

"Ask them to meet now. Abdul is taking the car at 4:30."

And the next message is:

"I will only have it again at 8 or 9 from Abdul."

That is that he will only have the car at 8 or 9'ish. And then they say, Rajaai says to Abdul:

"They are coming from far, so they need an hour to get there."

And then Abdul says:

"Okay, let me phone you when I am done with everything, then tell them."

And then you will see there is another message, about three messages down, four messages down at 16:04, where Abdul asks Rajaai:

"How long for the video?

Because he had requested, can you take a video, can you go to the house and take a video, so now he is asking how long for the video. Then if you can go to page 79, just above the middle of the page at 18:17:35 on the 19th, there is a message from Rajaai to Abdul, actually just the one just above that at 18:17:30 from Rajaai to Abdul

saying:

"This guys never understand when I told them only after 6:30, they there already at Palm. Okay, tell them wait 10 minutes."

This is what Abdul says to Rajaai. And then he says:

"I will tell Abdul to wait here for her."

And then the next message is at 18:18:21, from Rajaai to Abdul saying:

"You need to go fetch the stock and drop to Palm."

The next message that I want to take you to is on page 90, and it is the fifth message which is at 15:34 on the day of the bust from Rajaai to Abdul saying:

"Hello, can you deliver the 5?"

And there is a telephone call between the two of them. Then the next message is at 15:51:23 which is from Rajaai to Abdul saying:

"It is confirmed for 6:30."

Then towards the bottom of the page at 18:05:25, there is Rajaai to Abdul saying:

"5 pieces, né?"

And then there is a call. And at 18:12:12 on the 20th, from Rajaai to Abdul, that is the third message from

the bottom, he says:

"He is there."

And then if we go to the next page, you will see at 18:27, towards the middle of the page, 18:27:12, from Abdul to Rajaai, they have a call and after that, Rajaai keeps attempting to get hold of Abdul and you will recall the witnesses' evidence that the bust took place at approximately half past 6 that evening. So the last time that Abdul is actually speaking to Rajaai or anyone is that answered call at 18:27:12. Thereafter you see, consistent with what the witness said, Hoosen told him that there was many calls that were coming through and it was because the people that were looking for him now saw that he is not moving.

You will then see there is a message at 18:32 towards the bottom of the page coming from Mother Faaiza to Abdul saying:

"I need to ask you something urgent at the pharmacy."

And he does not respond because he has been apprehended by JMPD officers. And then there is also at 18:44 a message from Yousha Ypay saying:

"Where you?"

And another message from Rajaai, a call from Rajaai, the next one, unanswered. And Queen also sends a

message at 19:28:

"Where you?"

And Yousha Ypay, again:

"Hello."

The next page you will see Yousha Ypay says in the third message at 19:30, Yousha to Abdul:

"You clever enough to turn off his location. I think you can answer the phone."

And then the next message we see is at, and this is where we are uncertain whether there was access to the phone, because you will see at 23:51 towards the bottom of the page on the 20th, there is a WhatsApp call from Abdul's phone to Father answered, and it shows that it was answered, and yet we know the phones were confiscated and booked in according to the constable. So it is unclear how at 11 that evening or just before midnight, Abdul could have made a call to contact Father and it shows that the call was answered. But again, we do not know whether there was in fact an answered call, but that is what the records reflect.

So that relates to the bust itself. Now, in reference to the Booysens CAS367, Chair, you will recall the evidence about a video that Mr Matlala sent to Mr Mike Van Wyk with the emblem that said Prestige. We just want to play that

video again for the public to remember, but it was recently referred to again, and we then want to show you the link between that video and this drug bust on the 20th of July 2025.

VIDEO PLAYED

ADV SEGEELS-NCUBE: You can stop it now. Thank you. Now, Chair, what happened, that video is, the date of that video when Mr Matlala sent that video was on the 11th of April 2025. This bust happens on the 20th of July 2025. After the Commission became aware of that video which Mr Matlala sent on the 11th of April 2025, it made an enquiry with the forensic lab services, laboratory, to find out whether they had ever found or confiscated or had in their custody bricks that are similar to that or bricks that have Prestige, so whether they have ever come across this Prestige emblem on Cocaine. And we received an information note which is addressed to the Acting Deputy National Commissioner for Crime Detection, General Senthumule, which you can find on page 93 of the bundle.

So on page 93 is an information note and you will see as I said it is to the Acting Deputy National Commissioner for Crime Detection and the subject is:

> "Feedback to the Madlanga Commission, suspected Cocaine blocks with Prestige imprint. Division Detective and Forensic

Services Component, Forensic Science Laboratory."

I am not going to read the whole thing, just to highlight certain things. The first one:

"The purpose of this information note is to provide feedback to the Acting Deputy National Commissioner's Crime Detection on an enquiry received from the Madlanga Commission of Inquiry."

At paragraph 2, 2.2, it says:

"The content of the trailing emails contains a request from the Madlanga Commission, Chief Evidence Leader, requesting assistance from SAPS detectives or forensic analysts on a provided video footage. The request is for the SAPS to assist with brand identification of the goods and/or confirmation of seizure of previous consignments or investigations."

At paragraph 3.1:

"FSL was requested to interrogate the video to provide feedback on whether the packaged items as observed on the video could be Cocaine and whether the FSL

has received such exhibit material previously."

And then on page 94 they just show clips from that video, still photos from the video. And on page 95 at 3.2.3:

"During the FSL analysis process such similar looking blocks are often found to contain Cocaine and normally weigh approximately 1 kilogram each or as also visible in the video footage and included image. Based on the brand name of the balance or scale visible in the video malware, it is confirmed that FSL does not procure any balances of the specific brand."

Then 3.2.5 is the important one:

"Following the circulation of the images in the video to all the SAPS forensic science laboratories that perform drug analysis, feedback was received that such blocks with the indicated logo or imprint as depicted in the above included image from the video have indeed been received by FSL."

3.3:

"The following drug-related case ..."

There is the lab number, which is the same lab number, sorry, the, and Booysen's CAS number, which is the same CAS number as the CAS number of the drug bust that we are dealing with in this constable's evidence which is page 9, paragraph 26 of his statement. So in other words, the drugs that were seized in that drug bust has the same emblem, Prestige, as the one that is in the video that Mr Matlala sent. And what they then say at 3.3.1:

> "Exhibit material in the case has been received for analysis by the FSL on the 21st of July 2025 and the analysis process has been concluded."

On the next page they have the photo of what was bagged by, under this case number, the Booysens case number, and at the description of the photo too it says:

> "The relevant markings on the case, the archiving bag for contents of the original bag with seal number."

At 3.3.2 it says:

> "In the specific case two evidence sealing bags with seal numbers were received together containing six blocks with a total weight of about 6kg's, each block weighing approximately 1kg. The blocks were tested by FSL and have

tested positive for Cocaine. Of the six blocks, three blocks had the Prestige imprint as in the video and the other three blocks did not have the same imprint."

At 3.3.3:

"The following are relevant images of the blocks that were received in the specific case with the imprint clearly similar to the imprint on the blocks in the video material."

And there you will see on page 97 the blocks that were confiscated during the 20 July 2025 drug bust, it has the Prestige emblem and they give an explanation for why the blocks are cracked on page 99. It says:

"As the block consists of compressed powder, the blocks tend to crumble and break up into powder during the unwrapping and sampling process as seen from previous relevant pictures."

And then it says:

"Further exhibit material received for analysis in the case consisted of a large amount of whitish powder, about 15.5kg's, which did not contain any drugs

of abuse."

So Chair, we are not suggesting of course that those drugs that were seized on the 20th of July 2025 are in fact the drugs that are in Mr Matlala's video, but when one considers the timeframe, that was in April 2025, the drug bust happens in July 2025, and FSL has identified that the drugs that were obtained, that was seized on the 20th of July, had that emblem. That is all that we want to place before the Commission and what FSL has identified.

ADV BALOYI SC: Ms Segeels, can I check this at page 96, 3.3.2. It states that two bags together containing 6 blocks.

ADV SEGEELS-NCUBE: Yes.

ADV BALOYI SC: My understanding is that in this bust that we are talking about, it was more than six blocks ...[intervenes]

ADV SEGEELS-NCUBE: It seemed ...[intervenes]

ADV BALOYI SC: [Indistinct]... [cross-talking]

ADV SEGEELS-NCUBE: Yes, it was 6, it was 5 and 17.

ADV BALOYI SC: Yes.

ADV SEGEELS-NCUBE: And they say there were 6 here. And then the last paragraph, the 15.5kg they suggest is not a drug of abuse. I do not know what that necessarily means, but they do not positively identify it as Cocaine. So we would engage another witness as to that aspect, but 6 of the blocks, they say, was identified as Cocaine.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Chair, then the last aspect is then the recording of the meeting with Superintendent Manyama. I have been informed that the technical team needs 5 minutes to set up the headphones, so if we could take a short adjournment, Chair, and then that would be the last aspect of this witness.

CHAIRPERSON: We will come back when we are told to. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, what we propose to do is we will play the video. It is a lengthy video, so we are not proposing to play the entire 16 minutes. We just want to play the start. And then what I propose is that the witness actually reads his account of the call and then the Commissioners can listen to the entire call on their own at a later stage, because to sit for 16 minutes, it is not something that is a short snippet, you know, so I will be guided by the Commissioners as to how to do it, whether we listen to the full 16 minutes and then the witness just confirms his account or whether the witness reads the summary of what he says happened during the call and then we will play some of it so that you can see that it actually was a call with Superintendent Manyama.

CHAIRPERSON: Why do not we start with the summary, perhaps?

ADV SEGEELS-NCUBE: Thank you, Chair. Constable.

CONSTABLE POTSANE: Commissioner.

ADV SEGEELS-NCUBE: Yes, we had started with the next topic on page 10, the bottom of page 10, the meeting with Superintendent Manyama on 25 July 2025. You read paragraph 32 into the record. Can I ask you to read 33 and then we will play the recording when you are done?

CONSTABLE POTSANE: Okay, Commissioner. Thanks, Commissioner.

> "During the meeting, Superintendent Manyama accused us of being disrespectful towards him ...[indistinct] and of having formed our own unit that was stealing other people's drugs. He told us that we should have sat down with the other officers and the suspect, negotiate the release of the suspect and the drugs, and accepted whatever they were offering us. He repeatedly described us as a criminal, told us that we needed to listen to him. Superintendent Manyama spoke in English and Sepedi. My account of

substance of his remarks, including my translation of Sepedi portions, is set out below. I consider the following remarks by Superintendent Manyama to be noteworthy."

ADV SEGEELS-NCUBE: You may continue.

CONSTABLE POTSANE: 33.1. Thank you, Commissioner.

"He stated that we should not tell him about National, as it posed no threat to him. He said that he, rather than National, would fight for us and that we should listen to him and refrain from acting without his knowledge. He further stated that we should allow him to tell us when we are jumping the fence. I understood this to mean that he wanted to determine the movement and the parameters within which we were to perform our duties and expected us to comply with his instructions. He further stated that if we intended to go beyond those parameters, we should inform him beforehand, seek his permission and explain what we intended to do so that he would know what was happening. He

stated that two days before the meeting, he had received a telephone call during which he was informed about and questioned concerning what I understood to be our drug bust. He also stated that he had been at the Tradewood."

There is a spelling error here, Commissioner, so he said:

"Tradewood Engen Garage at approximately 18:45 and instructed us to check the video footage to establish whom he had been standing with."

ADV SEGEELS-NCUBE: Thank you, Constable. Chair, what I propose then is that we play minute 3 to 4:25 where that part of the conversation takes place.

AUDIO RECORDING PLAYED

"Sup Manyama: As your Commander. Listen to me what I am saying to you. Allow me ...[indistinct] jumping the fence, or there is a possibility for us to jump the fence and go and do one, two, three. You understand my point? So that now myself has ...[indistinct] that life. [Vernacular]... all of you to remove you. [Indistinct]... you there. [Vernacular]...

Speaker: Yes, Commander.

Sup Manyama: [Vernacular]... I can raise this ...[indistinct] because of I like you. [Vernacular]... day before yesterday, the same day ...[indistinct] 123 ...[vernacular] I was sleeping. Yesterday I was in Tradewood. Go to Tradewood Engen Garage, quarter to 7 ...[vernacular]. They are questioning me. All those processes is coming to me. And now I want to tell you guys, before I can ...[indistinct] when you do something like this one, you must know ...[indistinct] you must know that you are not alone. And ...[indistinct] cannot say ...[indistinct] [vernacular] I will do one, two, three. Do you understand my point? When they say one, two, three, you are all, you are like criminals, all these ...[indistinct] [vernacular]. Sit down on your own. Now I do not want ...[indistinct] I do not want that nonsense ...[vernacular]. Try to sit down with those people ...[vernacular]."

ADV SEGEELS-NCUBE: Thank you. Constable, can you

just confirm who we were listening to now? Who has that, whose voice is that?

CONSTABLE POTSANE: Superintendent Phineas Manyama.

ADV SEGEELS-NCUBE: Okay. Then if I could ask you, should I, just to go then to 33.4, read 33.4.

CONSTABLE POTSANE: Thank you, Commissioner.

> "He instructed us to sit down with those people and show each other the way. I understood those people to refer to the drug traffickers. He warned us against adopting the attitude of we will show them. He stated that he was being told that we had taken 22 bags to the police station and had sold further 119 bags. I understood the bags to refer to as bricks of Cocaine. He distanced himself from those alleged activities. Superintendent Manyama stated that he had a long-standing relationship with Captain Malan of Crime Intelligence, who was the commander of Warrant and the supervisor of the drug operation that led to our drug bust, whom he alleged that he had met at Viking the previous day

and that he had explained the situation to him. He added that if we did not want to work with him, we should leave his vehicles alone and part ways with him, as he could not work with us if we disrespect him."

ADV SEGEELS-NCUBE: Thank you, Constable. Commissioners, we will now play from minute 5 to 6 of the recording.

AUDIO RECORDING PLAYED

"Sup Manyama: Do not ...[indistinct] [vernacular] all I know they are telling me about 22 bags ...[indistinct] 119 ...[indistinct]. I am not part of that. [Indistinct]... yesterday you can phone me, maybe ...[indistinct] already called you. Yesterday when they put me in the what you call, we even meet ...[indistinct] one, two, three. For me ...[indistinct] I do not want ...[vernacular] I do not want ...[indistinct] disrespect. I do not want even nothing to you guys so ...[vernacular] leave the cars ...[vernacular] disrespect. And what I want to tell you now ...[indistinct] as your

commander, I will ...[indistinct] for you guys. [Vernacular]... everything. I saw it. [Vernacular]... I saw it. Now they are talking about one, two, three as ...[indistinct] together there. If this one ...[vernacular] one, two three, we are killing ourselves."

ADV SEGEELS-NCUBE: Thank you. Constable, then if you can read 33.5.

CONSTABLE POTSANE: Thank you, Commissioner.

CHAIRPERSON: Sorry, sorry, just a minute.

ADV SEGEELS-NCUBE: Sorry, Constable.

CHAIRPERSON: Ms Segeels-Ncube ...[intervenes]

ADV SEGEELS-NCUBE: Yes, Chair.

CHAIRPERSON: Maybe, I do not know, maybe I should direct it to the witness. I had to confer with my colleagues because even though I understand Sepedi to some degree, I cannot claim to be proficient in it, but I thought, I did not hear the part where he is saying, he instructed, ja, he instructed us to sit down with those people and show each other the way, and then I understood those people to refer to the drug traffickers. I hear him to start roughly around the part where he says, do not adopt the attitude of saying we will show them. But the first part I did not hear and conferring with my colleagues, they seem to understand that

my understanding of the Sepedi there is correct.

ADV SEGEELS-NCUBE: Thank you, Chair. Constable, do you just want to deal with that aspect? I do not, Chair, if we should, we will hear what he says, if we should start that part maybe earlier. I do not know if he, but let us just hear what he says.

CHAIRPERSON: Or maybe that perhaps, ja, just maybe earlier.

CONSTABLE POTSANE: Paragraph 33.4, Commissioner?

ADV SEGEELS-NCUBE: Yes, at 33.4, where you start out by saying that he instructed us to sit down with those people and show each other the way, we did not hear that in the clip that we played now from 5 minutes onwards and we have been listening from 3 to 6, so what did it, do you think it happened earlier? Maybe we should listen from 1 to 3.

CONSTABLE POTSANE: I think it should be, we should ...[intervenes]

ADV SEGEELS-NCUBE: I think we can start at 2 ...[intervenes]

CONSTABLE POTSANE: [Indistinct]... [cross-talking] the other part, yes.

AUDIO RECORDING PLAYED

"Sup Manyana: [Vernacular]... I spoke to you, young boy, to say ...[vernacular] where are you ...[indistinct]. You started to tell me about National or

whatever. Do not tell me about National. Well, now as your commander ...[indistinct] one, two, three, because even those people ...[vernacular] you do not know or since when ...[vernacular] before you guys were born. I can open my phone here, you check on my phone. [Indistinct]... complaining ...[indistinct] [vernacular]. You started to tell me about National or whatever. To me it is not a threat because we are ...[indistinct] National ...[indistinct] as your commander ...[indistinct] as your commander. Listen to me what I am saying to you ...[vernacular]. Allow me to know ...[vernacular] we are jumping the fence, or there is a possibility for us to jump the fence and go and do one, two, three. You understand my point? So that now I must have ...[indistinct] light ...[vernacular]... remove you. Department will remove and flash you there. [Vernacular]... [indistinct]."

ADV SEGEELS-NCUBE: Should we continue? I think we have heard that part already, but we will continue.

CHAIRPERSON: Ja, perhaps continue because, ja, we heard that part.

ADV SEGEELS-NCUBE: Okay, we will go till ...[incomplete].

AUDIO RECORDING PLAYED

"[Indistinct]... day before yesterday, the same day ...[indistinct] one, two, three ...[indistinct]. I was sleeping. Yesterday I was in Tradewood. Go to Tradewood Engen

Garage, quarter to 7 ...[vernacular]. They are questioning me, all those processes is coming to me. And now I want to tell you guys, before I can ...[indistinct] when you do something like this one, you must know ...[indistinct] go to this ...[indistinct] you must know that you are not alone. And ...[indistinct] you cannot say ...[vernacular] I will do one, two, three. You understand my point? When they say one, two, three, you are all, you are like criminals, all this ...[vernacular]. Sit down on your own. No, I do not want ...[indistinct] [vernacular] I do not want that nonsense ...[vernacular] to order as your father and ...[vernacular]. Try to sit down with those people ...[vernacular]."

CHAIRPERSON: Now I have heard it.

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

CHAIRPERSON: It connects ...[intervenes]

ADV SEGEELS-NCUBE: [Indistinct]... [cross-talking].

CHAIRPERSON: It connects with the beginning of 33.4.

ADV SEGEELS-NCUBE: Yes.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. What minute are we on now? 5, okay. So ...[intervenes]

CHAIRPERSON: You see, my Sepedi is not that bad.

ADV SEGEELS-NCUBE: Okay, so then we can then do 33 ...[intervenes]

ADV BALOYI SC: Can I just ask a question on this.

Constable, where he says you sit down with those people and show each other the way, he then also says ...[vernacular] you share the same lady. Do you have an idea who he was talking about, the lady that he says you share, and those people that you share the lady with?

ADV SEGEELS-NCUBE: Commissioner, it was just an example that he was making. He was making in terms of, according to my understanding, he said, we are proposing the same lady. All the officers that were there that we did not, that he said we did not, we are not willing to work with, that they came on behalf of drug traffickers, we were all, according to my understanding, he was saying that since we were all at the police office, we should have listened to them and sat down because of we are proposing the same lady. That was my understanding, not, what you call, sharing. He says sharing.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner. 33.5 then, Constable.

CONSTABLE POTSANE: Thank you, Commissioner.

> "He stated that if we competed, we will be killing ourselves. He further stated that he could meet with General Mkhwanazi without our knowing why he was seeking to meet him. He accused

us, and me in particular, of making him look stupid because I had referred him to National (by which I meant the National Crime Intelligence). He stated that should we die or be arrested, he will be the one to come to our assistance or to arrange the bail. As the two groups (referring to us and those who were interfering in the drug bust) we were fighting. He also stated that he had been woken from his sleep at home over drug bust."

ADV SEGEELS-NCUBE: Thank you, Constable. We will play the audio now from 6 to 7.30.

AUDIO RECORDING PLAYED

"Sup Manyama: And what I want to tell you now ...[indistinct] as your commander ...[indistinct] for you guys. [Vernacular]... everything, I saw it. [Vernacular]... I saw it. Now they are talking about one, two, three ...[indistinct] together there. If this one said ...[vernacular] one, two, three, we are killing ourselves. [Vernacular]... because what is happening ...[indistinct] Mkhwanazi, next week ...[indistinct] and go and see Mkhwanazi. You do not know ...[vernacular]. But you guys, you make me stupid. [Vernacular]... when I talk ...[indistinct] National, I do not

keep quiet. I am talking alone. [Indistinct]... do like this, that is ...[indistinct]. [Vernacular]... Even now we are stubborn. I was that commander, I should not even call you and tell you ...[vernacular]."

ADV SEGEELS-NCUBE: Thank you. Constable, 33.6.

CONSTABLE POTSANE: Thank you Commissioner.

> "He stated that when we go to criminals' premises or homes, we should communicate with others, referring to corrupt officers or criminals, and negotiate for them to give us money. Once we have received the money, we should let them go and move on. He emphasized that a policeman is not supposed to give money, but the money must be given to a policeman. He further stated that if we were arrogant and unruly and insisted on having our own way, we would die like many other police officers who had died, adding that police officers killed one another. He threatened to dismiss us and warn us not to undermine him."

ADV SEGEELS-NCUBE: Thank you, Constable. I know it says that this starts at 8:55, but I am going to ask that we

just continue from 7:25, 7:30, sorry.

AUDIO RECORDING PLAYED

"Sup Manyama: [Vernacular]... I am connected with that particular person. How did he get my number? I do not know ...[indistinct] nothing. [Vernacular]... one, two, three four ...[indistinct] I need something, now I am disturbing you. And do not tell me about ...[indistinct] and then you fall under me. Go and join them, but now I must know, if I do not ...[indistinct] go there. [Vernacular]... I think about their lives. [Vernacular]... one, two, three, four ...[indistinct] I am not joking. I am ready for you to hate me ...[indistinct] this case, I am ready for you to hit me now ...[vernacular] I did not know ...[vernacular] or whatever ...[vernacular] you go at the place. If you go at my place ...[vernacular] guys, no, man ...[vernacular]. You are putting your lives in danger. There is a lot of cops ...[indistinct] né. [Vernacular]... my wife she is so beautiful. [Vernacular]..."

ADV SEGEELS-NCUBE: Thank you. Constable, can I then ask you to read 33.7?

CONSTABLE POTSANE: Thank you, Commissioner.

> "He stated that person with an interest in the drugs were looking for us and that we could be injured, killed or arrested. He said that the owner of the drugs was overseas and accused us of concealing some of his drugs and taking others to sell. He further accused us of having formed our own team of crooks."

ADV SEGEELS-NCUBE: Thank you, Constable. We will play the recording now until 12:40.

AUDIO RECORDING PLAYED

"Sup Manyama: [Vernacular]... you can get injured. You can die. You can be arrested. What are you going to do? [Vernacular]... you undermine me."

ADV SEGEELS-NCUBE: Thank you. Constable 33.8.

CONSTABLE POTSANE: Thank you, Commissioner.

> "He used the analogy of children respecting their parents, which I understood to refer to us as a junior of ...[indistinct] and to him as our commander. He stated that before engaging in what he described as our

nonsense, which I understood to mean legitimate drug bust operation, we should firstly say, Daddy or Mummy, I am going to do one, two, three. He insisted that he needed to know what was happening so that when his guys called him, he could say ...[indistinct] talk to these people, agree and solve the problem, and thereafter leave the people's drugs alone. And I understood his guys to refer to as corrupt officers and people involved in illicit drug trafficking."

ADV SEGEELS-NCUBE: You can continue.

CONSTABLE POTSANE: -:

"He stated that the problem was our refusal to listen to him and that he was not begging to work with us. He insisted that we should respect him even in death and should not treat him as though he were useless. He again warned us not to tell him about National and claimed that he had secured promotion for the entire Booysens Police Station while working with its members, specifically mentioning Brigadier Joseph. He added that we

should therefore not tell him about Captain Malan."

ADV SEGEELS-NCUBE: Continue.

CONSTABLE POTSANE: -:

"He further stated that people were looking left and right for my friend Dlamini, referring to Warrant Officer Samuel Dlamini of Directorate for Priority Crime Investigation, DPCI, Tactical Operations Management Section. I understood this to mean that they were searching for Dlamini with the intention of killing him."

ADV SEGEELS-NCUBE: Thank you, Constable. We will play the recording then.

AUDIO RECORDING PLAYED

"Sup Manyama: Why are you undermining me? [Vernacular]... I have got hands, but respect me ...[indistinct] nonsense ...[indistinct] one, two, three ...[vernacular]. For me to stand before you because of you, I am not here to punish you. I must protect you. Today I was speaking to ...[indistinct]. You guys, you said now I am protecting officer. I am the first commander to go to court for officer ...[vernacular] I was telling him you can ask even ...[indistinct] [vernacular]... from the scratch

...[vernacular]... I do not take that nonsense, guys, and I do not want to ...[indistinct] performing our duty. [Vernacular]... success. What success can you give me now? But I keep quiet. Why do you not respect me once? [Vernacular]... I do not want that nonsense and if I can ...[indistinct] [vernacular] even today they are trying to push me to tell them the truth whatever what they are telling me to support them and I say no, the only thing that I can give you is ...[indistinct] to say my guys, they were on duty ...[vernacular] you guys can be arrested, can be whatever ...[vernacular] sit inside that car or whatever, at home and think about what I am ...[indistinct] and you must record me, think about what I am telling you, is it right or wrong ...[vernacular]."

ADV SEGEELS-NCUBE: Thank you. Thank you, Chair. Constable, then just if you can read into the record your paragraph 34 and 35.

CONSTABLE POTSANE: Thank you, Commissioner.

> "I consider Superintendent Manyama's conduct to amount to an abuse of his position as our commander and was directed at protecting the suspect, the owner of the drugs, and those acting on their behalf, rather than at upholding the law. As our commander, I expected

Superintendent Manyama to protect us from officers and civilians who were attempting to interfere in the execution of our lawful duties, but he did the opposite. He reprimanded us for doing our job and expected us to comply with his unlawful instruction. We did not."

ADV SEGEELS-NCUBE: Thank you. Chair, that is the evidence of this witness.

ADV BALOYI SC: Constable, in these clips, the Superintendent Manyama accuses you, and I say you in the plural, but he also mentions you by name, of unlawful conduct, of being involved in operations where you have taken things, you have taken money. I am paraphrasing, but he basically is alleging that you and the team that you are with at the time have been involved in illegal activities in the name of operations. Did he ever lay a complaint or a charge against anyone of you that was in this team for this operation or other operations for acting unlawfully?

CONSTABLE POTSANE: No, Commissioner, he has never opened any charges against us, any of us.

ADV BALOYI SC: On any other, on any operation at all?

CONSTABLE POTSANE: No. No, Commissioner.

ADV BALOYI SC: Okay. And where he says that it is hot outside for you or something like that, what did you

understand him to mean?

CONSTABLE POTSANE: According to my understanding, as he was saying on the video to say that the owners of the drugs, they were looking for us. According to my understanding, it means the owners of the drugs, they were looking for us to come and attack us or kill us. That was my understanding.

ADV BALOYI SC: And then lastly, where he says you can go to this Engen, Tradewood Garage, and you can look for the video, he says you will see who he was with. Who did you understand, at least in the clips we listened to, he does not say who he was with, who did you understand him to be saying he was meeting with?

CONSTABLE POTSANE: Commissioner, honestly, that one I do not know who was he referring to, who was he with.

ADV BALOYI SC: Okay, thank you.

CONSTABLE POTSANE: Because he has never disclosed it to us.

ADV BALOYI SC: Yes, thank you.

CONSTABLE POTSANE: Thank you, Commissioner.

ADV KHUMALO SC: Constable, just one question from me. There is a suggestion from your superior that you and your team did not book all the items that were stolen, in other words, some bags were booked, but others you took for yourselves to sell and he seems to be reprimanding you for

what he says is illegal activities on your part. Do you want to deal with that aspect?

CONSTABLE POTSANE: On that aspect, yes, Commissioner, let me deal with it. On that aspect, on the suspect's phone, there was multiple numbers of the video of the drugs that were on the floor. After we are done with the Lakewood estate, whereby now suspect was leading us to the second location, where he decided along the way, no, you rather kill me because of even the owners of these things, of these drugs, they are going to kill me, that is where he saw that video. That is how now they are coming with such allegations to say now according to his understanding, it means even the second location we went as per that video.

ADV KHUMALO SC: All right. And then lastly, do you accept that you have given us your interpretation or your understanding of what he said to you? He may come here and interpret what he said differently, or he may say how you understood him is not what he said or what he meant to convey.

CONSTABLE POTSANE: On that one, Commissioner, I do not know. I do not know, but the only thing that I understand is this thing that is within the voice recording that he was saying to us. Any other than that one, according to his understanding and changing of the things,

that one I do not know. I do not know, Commissioners.

ADV KHUMALO SC: All right, thank you.

CONSTABLE POTSANE: Thank you.

ADV SEGEELS-NCUBE: Thank you, Constable. Thank you, Chair and Commissioners. That is the evidence of this witness.

CHAIRPERSON: Thank you very much, Constable, most appreciated. You are excused.

ADV KHUMALO SC: Ms Segeels-Ncube, is it possible that we can have this recording transcribed?

ADV SEGEELS-NCUBE: We will do so.

ADV KHUMALO SC: I anticipate that other witnesses might come and have to deal with the same issue.

ADV SEGEELS-NCUBE: We will do so.

ADV KHUMALO SC: It is much easier if we have a transcribed version of the audio recording.

ADV SEGEELS-NCUBE: We will do so, Commissioner.

ADV BALOYI SC: Ms Ncube, I think there is another statement. Am I mistaken? You have not put it on record.

ADV SEGEELS-NCUBE: It is Constable Rikhotso. I did indicate that is the incorrect version of the statement, Commissioner Baloyi. We will insert the correct one and then we will place on record where she corroborates the witness.

ADV BALOYI SC: Okay, thank you.

CHAIRPERSON: Thank you. We resume at 9:30 on Monday.

ADV SEGEELS-NCUBE: Yes, Chair.

CHAIRPERSON: Let us adjourn and resume at 9:30 on Monday.

HEARING POSTPONED TO 16 NOVEMBER 2026

HEARING ADJOURNS

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