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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

16 NOVEMBER 2026

DAY 195

PROCEEDINGS ON 16 NOVEMBER 2026

CHAIRPERSON: I am looking at the mic, so I assume it is Mr Sikhakhane. Good morning, Mr Sikhakhane.

ADV SIKHAKHANE: Morning, morning, Chair.

CHAIRPERSON: Good morning.

ADV SIKHAKHANE: Good morning, Commissioners.

CHAIRPERSON: And who, you are leading, I will assume from the mic? Oh, I was looking at the mic and I thought you are leading. No, please be seated. Please be seated. Please pull it closer and please switch off the second mic. Yes, please place yourself on record.

ADV VAN SCHALKWYK SC: May it pleases.

CHAIRPERSON: No, please, please be seated.

ADV VAN SCHALKWYK SC: Okay.

CHAIRPERSON: Please, please, please.

ADV VAN SCHALKWYK SC: I am ...[indistinct] of the old school.

CHAIRPERSON: You are thinking about court.

ADV VAN SCHALKWYK SC: My name is Van Schalkwyk, initials CJ. I am a member of the Pietermaritzburg and Durban Bar, and I act on behalf of Mr Naicker on the instructions of Arvina Harrichavan Attorneys.

CHAIRPERSON: Thank you very much, Mr Van Schalkwyk. Good morning, Mr Naicker.

MR NAICKER: Good morning, Chair.

CHAIRPERSON: Will you be swearing or affirming?

MR NAICKER: Swearing.

CHAIRPERSON: And please place your full names on record.

MR NAICKER: Clive Naicker.

CHAIRPERSON: Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth.

MR NAICKER: I do.

CHAIRPERSON: If so, please raise your right hand and say, "So help me God".

MR NAICKER: So help me God.

CLIVE NAICKER (duly sworn states)

CHAIRPERSON: Thank you, Mr Naicker. Mr Sikhakhane?

ADV SIKHAKHANE: Thank you, Chair. Today, we continue with the ...[intervenes]

CHAIRPERSON: Ja, perhaps let me briefly say this, because I saw something circulated by our spokesperson a few minutes back, circulated for public consumption, but because that has probably not filtered through yet, I should just briefly say that there was an application for Mr Naicker's testimony to be in-camera, and I made a ruling last night that it should be partly in-camera and partly in open session. So we are going to start with that part, which will be in open session, and as soon as we are done, we

will then break to resume in-camera. Thank you, you may start, Mr Sikhakhane. Yes, Mr Sikhakhane?

EXAMINATION-IN-CHIEF BY MR SIKHAKHANE: Thank you, Chair. As I had indicated, we are continuing with the KZN stream, and Mr Naicker is here to give evidence in relation to that stream. He has prepared a statement in response to the Regulation 10.6 notice, and with you, you should have a lot of files, but I would request that you take out file 1, which in the spine has "statement and correspondence". Mr Naicker, do you have that as well?

MR NAICKER: What file?

ADV SIKHAKHANE: File 1.

CHAIRPERSON: On the spine, it has "statement and correspondence", Mr Naicker.

ADV SIKHAKHANE: Thank you, Chair.

CHAIRPERSON: I was just thinking, we may have to do the cumbersome thing of having to, you having to read the question, and then we go to the relevant part of the statement, because Mr Naicker's statement has not been prepared in the form of a continuous narrative. It is responding to each paragraph in the notice, so the response without the question to which he is responding will not make much sense without the question being read, cumbersome, but necessary, I think.

ADV SIKHAKHANE: With your indulgence, Chair, would it

be possible perhaps, I suppose, we can flag the notice or I do not mind reading it or asking the witness to read it.

CHAIRPERSON: Let me just briefly confer. We think for purposes of continuity in the transcript itself, you may have to read it, Mr Sikhakhane. I understand why you would want to avoid it, but, ja, for flow, I think it is best that way.

ADV SIKHAKHANE: Certainly, Chair.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: I will do so. Mr Naicker, are you there, are you at file 1? Please open it.

MR NAICKER: Thank you.

ADV SIKHAKHANE: At page 1 of that is your statement.

MR NAICKER: Yes, that is correct.

ADV SIKHAKHANE: In response. If you go towards the end do you confirm that is your statement?

MR NAICKER: Yes, I do.

ADV SIKHAKHANE: At the end of that statement, which is at 21, page 21, correct, that is your signature, is it?

MR NAICKER: That is correct.

ADV SIKHAKHANE: And then it is a sworn statement, so to speak, before a Commissioner of Oaths.

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. And would you stand by the statement or you would want to expand on certain issues?

MR NAICKER: I will stand on the statement.

ADV SIKHAKHANE: You stand by the statement?

MR NAICKER: Ja.

ADV SIKHAKHANE: There is nothing to correct, okay. Thank you. At page, Commissioners, this is certainly just for your purposes. The first part deals with, which is 2.1.1, but the request is at page 23 ...[intervenes]

CHAIRPERSON: 23.

ADV SIKHAKHANE: Just so that you may just put a pen or a marker there.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: That is the regulation 10 ...[intervenes]

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: Notice and questions. Thank you. How we are going to deal with this statement is, obviously, we are going to let you read your statement. I will then, where it says ad paragraph, I will read the question to you, and you will then read accordingly the answers that you have provided, and where you need to expand, please do so, otherwise, we will then continue and we will have less interruptions until you finish with your statement.

CHAIRPERSON: And I am sure you have done the exercise of separating what happens here and what happens in-camera, so that you do not let slip inadvertently what should be in-camera. Thank you. Thank you.

ADV SIKHAKHANE: Thank you, Chair. Can we then start with your statement at page 1, where you say I, the undersigned.

MR NAICKER: -:

> "I, the undersigned, Clive Naicker, with ID number, have read the Regulation 10.6 notice and shall respond to the same."

Paragraph 2.1:

"I am self ..." [intervenes]

ADV SIKHAKHANE: Sorry. Let me just, 2.1.1, the question, let me read it. I think it is going to be that problem where I have to read it, what it says. 2.1 in the regulation states, well, maybe let me read paragraph 2. It says:

> "In accordance with the said regulation, you are directed to provide the Commission with a sworn statement accompanied by relevant documents in your possession on or before 21 October 2026, comprehensively addressing the following issues."

Right, then 2.1 states:

> "Details and nature of your business, interests or activities (including those

that are registered, formal or informal) including ..."

And then 2.1.1 says:

"The types of business activities you are engaged in."

MR NAICKER: Yes.

ADV SIKHAKHANE: Please answer that.

MR NAICKER: 2.1?

ADV SIKHAKHANE: Yes, 2.1.1.

MR NAICKER: -:

"I hold the following interest in the above-mentioned companies:

C Naicker's Tours, I am a sole member of the company.

Roadstar Panel and Paint, I am a director of this business together with one D Pather. I also have 20% shareholding in this business.

Roadstar Auto Recoveries. I am ..."

[intervenes]

ADV SIKHAKHANE: Sorry, I think you may have ...[intervenes]

CHAIRPERSON: Sorry, sorry, look at page 1, Mr Naicker, page 1.

MR NAICKER: Yes, sir.

CHAIRPERSON: Mr Sikhakhane read up to 2.1.1, so you will see the heading there that indicates where you are responding to 2.1.1. So you start by saying I am self employed and then you itemize a whole lot of entities. That is where you should read, ja, up to, all the way up to the top of, the first line at the top of page 2.

MR NAICKER: -:

> "I am a self-employed businessman currently residing ..."

That is my address.

> "I am involved in the following business entities:
>
> 1.1 C Naicker's Tours;
>
> 1.2 Roadstar Panel and Paint;
>
> 1.3 Roadstar Auto Recoveries;
>
> 1.4 Naicker's Freelancing;
>
> 1.5 Naicker's Taxis."

ADV KHUMALO SC: What is Naicker's Freelancing? Good morning, Mr Naicker.

MR NAICKER: Good morning. Naicker's Freelancing is a business that I opened when I was 17 years old. It is, basically I used to buy any kind of items and sell door-to-door and put stalls at flea markets. The business was created from them. It just holds value memories to me. I have had this account open for over 33 years, so it has a personal interest to me. If I have to buy and sell a car, I

would use that business.

CHAIRPERSON: I, too, like Commissioner Khumalo, was interested in what this is. You do describe it in paragraph 3.4 of your statement and all you say there is that you sell clothing, and I found it strange that you would call it freelancing if all that you refer to is selling clothing. But now, in response to Commissioner Khumalo, you say more than just selling clothing.

MR NAICKER: I opened it when I was very young. I used to sell clothing in the flea markets and at the night markets.

CHAIRPERSON: Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. Then the next answer is in relation to 2.1.2, which then reads from context 2.1. It says:

> "List of business entities or companies in which you hold interest and/or own, and which you beneficially own, especially in the tow truck industry, taxi industry, and/or any other businesses."

Please answer from paragraph 2 of your statement.

MR NAICKER: -:

> "I hold the following interests in the above-mentioned companies:
>
> "C Naicker's Tours, I am a sole member of this close corporation.

2.2 Roadstar Panel and Paint, I am a director in this business, together with one D Pather. I also have 20% shareholding in this business.

2.3 Roadstar Auto Recoveries. I am a director of tis company with one S Naicker and I am a 20% shareholder in this business.

Naicker's Freelancing. It is a sole proprietor.

Naicker's Taxis, sole proprietor."

ADV SIKHAKHANE: Please read the next line ...[indistinct].

CHAIRPERSON: Are you taking us there, Mr Sikhakhane? I did not hear.

ADV SIKHAKHANE: [Indistinct]...

CHAIRPERSON: Sorry?

ADV SIKHAKHANE: I am just ...[intervenes]

CHAIRPERSON: No, and I was not pushing you to. I did not hear the last thing you said just now.

ADV SIKHAKHANE: Thank you, Chair. I think ...[indistinct]. I was just requesting the witness to complete and say "See annexure".

CHAIRPERSON: Oh, oh.

MR NAICKER: -:

"Sea annexures at CN1, CIPC, and shareholding certificates."

ADV SIKHAKHANE: Thank you, Chair. I see Commissioner Khumalo is turning back to C, but for present purposes, for this first part, there is no need to go to the annexures.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: Thank you. Then the next is paragraph 3, and it answers the following question:

"The nature of your businesses, alternatively commercial purposes / objectives of the entities in which you hold interest in and or own, and which you beneficially own."

Your answer is at paragraph 2.1.3. Please read from there.

MR NAICKER: -:

"The nature of my business, of the above-mentioned companies, is as follows:

C Naicker's Tours is a taxi business, which is registered under the Southern Taxi Association, which the registered address is B96 Clayton Road, Asheville, Durban. I must point out that this

business was registered under my late uncle's, E Raju's residential address. I was fairly young and just started business. His residence was our family home. I was renting at that time, and I registered the business, hence using his address."

ADV SIKHAKHANE: Thank you. Turn over to page 3. Continue from page 3.2.

MR NAICKER: -:

"Roadstar Panel and Paint is a company that conducts panel beating, repairs and maintenance of motor vehicles with their registered business address being at Stamford Hill, Durban.

3.3 Roadster Auto Recoveries is a towing road assistance company operating in the greater Durban and the surrounding areas with registered business address as 108 Clayton Road, Asheville, Durban.

3.4 Naicker's Freelancing is a sole propriety to do freelancing work, buying and selling of clothing with registered address at 98 Clayton Road, Asheville.

3.5 Naicker's Taxis is a sole propriety with registered address as 98 Clayton Road."

ADV SIKHAKHANE: Thank you. Your next ...[intervenes]

CHAIRPERSON: And how many taxis do you own?

MR NAICKER: We ...[intervenes]

CHAIRPERSON: Unless you want to be, you feel that that is confidential information.

MR NAICKER: I will keep that to myself.

CHAIRPERSON: We have, other witnesses have told us that there was one who owned in excess of 200 taxis, another one in excess of 80 taxis and, ja, I thought those are ...[intervenes]

MR NAICKER: I am not ...[intervenes]

CHAIRPERSON: Big players in the ...[intervenes]

MR NAICKER: Not in that level.

ADV SIKHAKHANE: Thank you. Your next answer is to question 2.1.4, and I will read it out. It asks:

"Your list of business associates."

So 2.1.4 asks a list of business associates.

MR NAICKER: -:

"My business associates in respect of the above-mentioned businesses are:

Roadstar Panel and Paint, Ms D Pather.

Roadstar Auto Recoveries, Ms S

Naicker."

ADV SIKHAKHANE: Can I just ask before I move on here, when you, what you understand with business associates is people that have, that are your co-directors or also hold shares in the companies.

MR NAICKER: Both.

ADV SIKHAKHANE: Both.

MR NAICKER: Both.

ADV SIKHAKHANE: So beyond these two people, there is no one else who either have shares in your company.

MR NAICKER: According to the CIPC, no.

ADV SIKHAKHANE: According to the CIPC.

ADV KHUMALO SC: So, Mr Naicker, Roadstar Auto Recoveries, you are a 20% shareholder. Who owns the other 80?

MR NAICKER: Mrs S Naicker.

ADV KHUMALO SC: And then Panel and Paint?

MR NAICKER: D Pather.

ADV KHUMALO SC: So the other person owns the 80%?

MR NAICKER: Yes.

ADV SIKHAKHANE: I did not, oh, D Pather, okay. Thank you. The next is an answer to paragraph 2.1.5, and that is a question that:

"States names of persons managing your businesses, including any bankers or financial managers."

MR NAICKER: Apart from the statutory required auditors, neither I nor other business employees specialize in financial advisors.

ADV SIKHAKHANE: Thank you. Your paragraph 6 answers the question 2.2.1, which reads as follows, and I will start from 2.2 ...[intervenes]

MR NAICKER: -:

"C Naicker's Tours is ..." [intervenes]

ADV SIKHAKHANE: Sorry, let me just read the question.

MR NAICKER: Sorry, sorry.

ADV SIKHAKHANE: 2.2 reads as follows:

"Please provide relevant financial sources and information (for the period 2017 to date)."

And then 2.2.1, which you are answering, is:

"List of your businesses, whether wholly owned or jointly owned with others, which operate on a cash basis, alternatively receive cash income, whether wholly or partially."

Please read your answer.

MR NAICKER: Would that be 6.1?

"C Naicker's Tours is a cash business. Roadstar Panel and Paint does receive cash, however, very seldom. If cash is received, it is most likely to be used as

petty cash for the company, of the company, or for the company. Roadstar Auto Recoveries does receive cash. Roadstar Freelancing does receive cash. Naicker's Taxis does receive cash."

ADV SIKHAKHANE: If I may just ask before we move on, with your permission, Chair, maybe when you say, for example, they receive cash, would you mean that 6.3, 6.4, and 6.5, that means either they are, is it most of their business is cash operated, or it is just now and then or part of it?

MR NAICKER: 6.3 would be a 60/40 in cash. 60 would be directed by invoices to relevant businesses or sectors. 6.4 is a cash business, very seldomly a EFT. Naicker's Taxis is a 100% cash business.

ADV SIKHAKHANE: And who administers, let us say, 6.5, the cash business for Naicker's Taxis? Is it, who is the one that deals with the cash?

MR NAICKER: It would be Mrs S Naicker.

ADV SIKHAKHANE: Okay. All right, let us move to ...[intervenes]

MR NAICKER: And, sorry, you say 6.5?

ADV SIKHAKHANE: Yes.

MR NAICKER: 6.5 would be me. 6.3 would be S Naicker.

ADV SIKHAKHANE: Okay. Do you not oversee 6.3, Sara

Naicker?

MR NAICKER: No, no. She has no ...[indistinct] [intervenes]

ADV SIKHAKHANE: [Indistinct]... [cross-talking] what she does there with the cash.

MR NAICKER: Well, if cash is brought into the business, they obviously keep the cash for an accessible amount to deposit into the accounts.

ADV SIKHAKHANE: Okay.

MR NAICKER: If we need to use cash out for whatever reasons in terms of repairs and so on, they use some of the cash from there as well.

ADV SIKHAKHANE: Now, we are going to come back to that, how it operates. Then let us go to your answer of 2.2, and it reads as follows:

> "The average cash income from the businesses."

That is the question, 2.2. Please read it.

MR NAICKER: -:

> "C Naicker's Tours, see attached financial ..." [intervenes]

CHAIRPERSON: Sorry, sorry, Mr Naicker. Have you read the question, Mr Sikhakhane?

ADV SIKHAKHANE: Sorry, Chair?

CHAIRPERSON: Have you read the question to which Mr

Naicker is responding now?

ADV SIKHAKHANE: Yes, it is the average cash income from the businesses.

CHAIRPERSON: Oh, that is number what?

ADV SIKHAKHANE: 2.2.2.

CHAIRPERSON: Oh, all right, all right. Sorry, thank you.

ADV SIKHAKHANE: Thank you.

MR NAICKER: 2.2.2 ...[indistinct] C Naicker's Tours, I would like the Evidence Leader to revert to the attachments, yearly financials. So these are all the other points.

ADV SIKHAKHANE: Yes, so I think for present purposes, I think it is fine just to read in what it says.

MR NAICKER: -:

> "Roadstar Panel and Paint, see attachment of yearly financials.
>
> 7.3 Roadstar Auto Recoveries, see attachments of yearly financials.
>
> 7.4 Naicker's Freelancing, see attachments of income statements.
>
> 7.5 Naicker's Taxis, see attachments of income statements.
>
> See attachments, Annexure CN2, financial and income statements."

ADV SIKHAKHANE: Thank you. Commissioners, those files, I think it is file 2 and 3, but we do not need to go

through them for now. Please turn over to page 5. That is your answer to question 2.2.3, and question 2.2.3 of the notice reads as follows.

MR NAICKER: -:

"C Naicker's Tours ..." [intervenes]

ADV SIKHAKHANE: Just hold on, let me read it.

MR NAICKER: Okay, sorry.

ADV SIKHAKHANE: It is part of ...[indistinct] it says:

"Relevant financial sources and information."

And then it says:

"Persons who are responsible for depositing on your behalf cash received from the aforesaid businesses."

Then please read your answer, starting from paragraph 8.

MR NAICKER: -:

"C Naicker's Tours, I or my ex-wife, Sara Naicker would attend to depositing of the monies into the accounts or the responsible manager who was employed by us during that time.

8.2 Roadstar Panel and Paint. Authorized manager/employees, however very little cash is received in the

business, so more often than not, cash received would be used for petty cash.

8.3 Roadstar Auto Recoveries. The director, Sara Naicker, or a person in the management authorized by her. I am merely a 20% shareholder in this company and have no dealings with the management of this business or the income.

Naicker's Freelancing. I would attend depositing the monies into the accounts.

8.5 Naicker's Taxis. I would attend depositing monies into this account."

ADV SIKHAKHANE: Thank you. Just wait, I think this is where the part that gets, that has to be ...[indistinct]. I think ad paragraph 2.3, Chair, I am not certain whether we do not have to read out even the question totally.

CHAIRPERSON: Let me just have a quick look.

ADV SIKHAKHANE: Please.

CHAIRPERSON: No, please skip that one.

ADV SIKHAKHANE: Chair, just for guidance, it would include 2.3.1, 2.3.2 up to 2.3.13, all of them.

CHAIRPERSON: All of it.

ADV SIKHAKHANE: Okay, thank you, Chair.

ADV VAN SCHALKWYK SC: Mr Chair, I will not jump up.

CHAIRPERSON: I will listen to you just now, please.

ADV VAN SCHALKWYK SC: As it pleases. Thank you.

CHAIRPERSON: Ja, I think let us just say provisionally skip everything, although we want to apply our minds to the last two names.

ADV SIKHAKHANE: Sorry, the last two names?

CHAIRPERSON: The last two names. We want to just discuss the whole thing, but in particular focus on the last two names. We are thinking whether those two should really be excluded, but anyway, but let me listen to Mr Van Schalkwyk.

ADV VAN SCHALKWYK SC: That was going to be my submission, that the first lot falls squarely within the ambit of your order ...[intervenes]

CHAIRPERSON: Yes.

ADV VAN SCHALKWYK SC: And we would like to submit with respect that that be dealt with in the in-camera portion.

CHAIRPERSON: Yes.

ADV VAN SCHALKWYK SC: The difficulty is the overlap.

CHAIRPERSON: Yes.

ADV VAN SCHALKWYK SC: But most certainly those last two names fall within the ambit.

CHAIRPERSON: The last two, yes, yes.

ADV VAN SCHALKWYK SC: If I may ...[indistinct].

CHAIRPERSON: But as I say, we too thought maybe not

the last two, but we will just have a quick, quick discussion about them and let us revisit the subject after the tea break, Mr Sikhakhane. So for now, skip everything.

ADV SIKHAKHANE: Chair, thank you.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: I think it takes out ...[intervenes]

CHAIRPERSON: Thank you, Mr Van Schalkwyk.

ADV SIKHAKHANE: Chair, it takes out quite a huge chunk, because firstly some of it may have a difference about some individuals that may not be covered by the ruling, for example ...[intervenes]

CHAIRPERSON: Do not give examples, then maybe you ...[intervenes]

ADV SIKHAKHANE: No, no, no, I am just saying ...[intervenes]

CHAIRPERSON: Yes.

ADV SIKHAKHANE: ... certain names that are just beyond the other two names.

CHAIRPERSON: Yes. Okay, maybe what you should do then is have a discussion with Mr Van Schalkwyk, see if you reach agreement on what other names may be discussed in open session ad if you reach agreement, we too will consider that, and maybe those may be, or rather, Mr Naicker's relationship with those people may then be discussed in open session, ja.

ADV SIKHAKHANE: Thank you, Chair. I think in that spirit, I do have to request an indulgence of an adjournment, and I discuss it with my learned friend. And perhaps also it may be an opportune moment for you to confer with co-Commissioners.

CHAIRPERSON: Okay. There is nothing else which you feel you may neatly deal with here in open session?

ADV SIKHAKHANE: Not neatly, Chair.

CHAIRPERSON: Not neatly.

ADV SIKHAKHANE: Not neatly.

CHAIRPERSON: All right. Can you not deal with 2.5? Mr Van Schalkwyk, it does not seem there is any issue there.

ADV VAN SCHALKWYK SC: I believe so, Mr Chair. I can just record, we will cooperate. We will see ...[intervenes]

CHAIRPERSON: Thank you. Thank you. If you are in a position to deal with it now, perhaps let us do that before we take an adjournment.

ADV SIKHAKHANE: Thanks, Chair, I will do so.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: Let me just go to the relevant part.

CHAIRPERSON: Okay.

ADV SIKHAKHANE: Mr Naicker, would you turn to page 17 of your statement. Commissioners, same, apologies, page 17 of the statement.

CHAIRPERSON: And page 29 of the notice.

ADV SIKHAKHANE: Yes, I am going there, Chair.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: I just want the witness to go there.

CHAIRPERSON: All right, thank you.

ADV SIKHAKHANE: Thank you. Page 17 is an answer to paragraph, to question 2.5, and I will read 2.5 in its entirety. 2.5 appears at page 29, which is the notice and I will just read it completely of the names that are there.

> "In that, you are asked to explain the nature of your relationship with the following persons:
>
> 2.5.1 The late Mr Brendan Puffs Kalicharan."

I think for the record, maybe it is best to maybe have an answer, and then we will go ...[intervenes]

CHAIRPERSON: Yes, in respect of each name.

ADV SIKHAKHANE: Your answer is at 17. Maybe keep your mark on page 29, and then at page 27, your answer to 2.5.1.

MR NAICKER: Sorry, am I going with page 17?

ADV SIKHAKHANE: Page 17.

CHAIRPERSON: 11.1.

MR NAICKER: -:

> "11.1 The late Mr Brandon Puffsfs Kalicharan. First, I would like to clarify a

miscommunication with Mr Kalicharan was never my friend or associate. I met him approximately five occasions casually. His brother, the late Malcolm Kalicharan, was known to me as we used to attend drag racing events.

ADV SIKHAKHANE: 11.2, yes, that is Mr Daine Majority.

MR NAICKER: -:

"Mr Daine Majority, this person is unknown to me, and as such, I have no relationship with this person."

ADV SIKHAKHANE: Then 2.5.3, the late Simone ...[intervenes]

MR NAICKER: The late Simone ...[intervenes]

ADV SIKHAKHANE: Sorry, let me just read the name.

MR NAICKER: Okay.

ADV SIKHAKHANE: Jasmin, also known as Queen of the South.

MR NAICKER: -:

"This person is unknown to me, and as such, I have no relationship with her."

ADV SIKHAKHANE: And then 2.5.4, Mr Lenny Vincent Pietersen.

MR NAICKER: -:

"He is a taxi operator who operates taxis

that runs in the South Beach area in Durban. We would meet at taxi meetings held by SANTACO KZN region. As such we know each other and would communicate with each other."

ADV SIKHAKHANE: 2.5.5, Mr Brent Thompson.

MR NAICKER: -:

"I know Mr Brent Thompson, as I was informed by my driver, Reagan Johnston, that he is his cousin. I have no association with him."

ADV SIKHAKHANE: 2.5 ...[intervenes].

CHAIRPERSON: You read that you know him, but the statement says you know of him. There is a difference there. Do you know him or do you know of him?

MR NAICKER: Brent Thompson, I was informed by my driver, Reagan Johnston - oh, you asked me a question. I know him through my driver.

CHAIRPERSON: All right, thank you.

ADV SIKHAKHANE: Perhaps just to clarify what the Chair, the distinction may well be is when you know you have heard about him and versus you knowing him, interacting with him.

MR NAICKER: I know him of my driver.

ADV SIKHAKHANE: Okay, but you have interacted with him?

MR NAICKER: Interacting as speaking, sorry?

ADV SIKHAKHANE: Speaking to him on other matters or attending meetings together or social gatherings.

MR NAICKER: No social gatherings, no attending meetings. I know of him sitting at a tow truck patch with the tow truckers if he is, it is my duty to find out guys that are lurking around the tow trucks.

ADV SIKHAKHANE: Thank you. Then the next person is Mr Saleem Nigger Gaffoor.

MR NAICKER: -:

> "He is in the towing industry. He operates in the similar area as I did, and as such my association with him was a relationship of common business interests we shared in the towing industry."

ADV SIKHAKHANE: And then Mr Krian, known as Rounder, Pillay.

MR NAICKER: -:

> "He was previously employed by me as a driver and a manager for Roadstar Auto Recoveries. This was during the period of 2011 to 2022. Towards the latter part of the year 2017, Mr Pillay was demoted to just a driver until he left in 2022."

ADV SIKHAKHANE: With your leave, Chairperson, can I just ask out of curiosity, why was he demoted?

MR NAICKER: I think it was not financially stable for him, so he had to leave the job and sustain his lifestyle.

ADV SIKHAKHANE: Thank you. Please turn over to page 18 and 2.5.8 is Mr Colin Naidoo.

MR NAICKER: -:

> "I have no relationship or association with this person."

ADV SIKHAKHANE: Thank you. The next one is 2.5.9 and that is Mr Yunus Essop.

MR NAICKER: -:

> "I have no relationship or association with this person."

ADV SIKHAKHANE: Thank you.

CHAIRPERSON: Do you know them, Mr Colin Naidoo and Mr Yunus Essop?

MR NAICKER: Mr Colin Naidoo is the Chairman of an association, the Chatsworth Association. It is a very big association. Mr Essop, no.

CHAIRPERSON: Thank you.

MR NAICKER: Chair, I think 2.6, with your direction, I feel that it can be asked in open session.

CHAIRPERSON: Yes, the allegations relating to him were made publicly in open session.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: I think we can deal with that.

ADV SIKHAKHANE: Thank you, Chair. Then, on that same file, please turn to page 29. At the bottom is the question 2.6. The question in the notice reads as follows:

> "Whether you conspired with anyone to murder Mr Bevan Loftus, alternatively offered a reward to other people, including police officials, to murder Mr Bevan Loftus. You are required to provide full details in this regard."

Then, go to your answer, which is at page 18 of that file, and paragraph 12 of your statement.

MR NAICKER: -:

> "Insofar as Mr Bevan Loftus is concerned, I have confirmed that I did not conspire with anyone to murder Mr Loftus, and I did not offer any reward to any persons, including police officials, to murder Mr Loftus."

12.2.1, 12.2 ...[intervenes]

ADV SIKHAKHANE: It is 12.2, yes.

MR NAICKER: -:

> "I further confirm that I did not have any direct or indirect involvement in the

assassination involving Mr Loftus or his mother."

ADV KHUMALO SC: Mr Naicker, I take it, Mr Van Wyk, you have advised Mr Naicker of his rights, so I will leave it there. Mr Van Schalkwyk, sorry. I said Van Wyk, Van Schalkwyk.

ADV VAN SCHALKWYK SC: I am very often confused for a Van Wyk. As long as it is not a Van Heerden. Be that as it may, yes, we have explained his right, we have explained the right to self-incrimination.

ADV KHUMALO SC: Yes, thank you.

ADV VAN SCHALKWYK SC: Thank you.

ADV KHUMALO SC: Mr Naicker, tell us about Mr Loftus and your relationship with him.

MR NAICKER: I have never had a relationship with Mr Loftus.

ADV KHUMALO SC: But you know who Mr Loftus is, who he was?

MR NAICKER: Who he was, yes.

ADV KHUMALO SC: And your interactions with him, what was the nature of your interactions with him?

MR NAICKER: No interactions with him.

ADV KHUMALO SC: Because there is context to this question. I do not think anybody can just ask you, did you conspire to do something to Commissioner Khumalo. The

context, you were required to provide detail in the 10.6 notices and the detail requires that maybe you tell us what was your relationship with him, did you have any falling out with him, those kinds of issues.

CHAIRPERSON: You were competitors in business, were you not?

MR NAICKER: Sorry?

CHAIRPERSON: You were competitors in business, were you not?

MR NAICKER: I would, no, we were not.

CHAIRPERSON: Was he not in the towing, car towing business?

MR NAICKER: Yes, he was.

CHAIRPERSON: Are you not also in that same business?

MR NAICKER: Yes, I am.

CHAIRPERSON: Are you not competitors therefore?

MR NAICKER: We share different areas.

CHAIRPERSON: Oh.

MR NAICKER: Ja, so we do not fall over ...[intervenes]

CHAIRPERSON: No overlaps.

MR NAICKER: The areas. So, he is in the south, I am in the central. So we are not in competition with one another in the towing industry.

CHAIRPERSON: All right.

MR NAICKER: There is no way that we can clash on an

accident scene. We have one common turning point only, and that is just about it.

CHAIRPERSON: All right. Can you please then respond to the wider question by Commissioner Khumalo. Do you want Commissioner Khumalo to repeat the question?

MR NAICKER: No, it is fine. If I may be subject to correction, I have had three calls from Mr Loftus in the time he has been an operator with us for KZN. I have never seen him directly. I have never met him directly. I have never spoken to him face-to-face. I have never knew where he resided. I have never made it my duty to find out any information about Mr Loftus, because he was not disturbing any part of the areas that I was working on, *vice versa*.

He did call me once concerning using my towing company name because when he used to stand off at accident scenes, the insurance companies would not allow him to stand off because they were illegal operators. They were not affiliated to any association or institution. So, with good faith, I did tell him, yes, you can contact my office and the ladies at my office would assist these drivers through whatever assistance they need. That was the call and it was over.

The second call he made to me, there was an accident on the N2 freeway where we were standing off. The vehicle was loaded and his tow truck then drove past

and instructed my driver to drop the vehicle. Mr Loftus phoned me and asked me. I told him, okay, no problem. We called out for the vehicle via the insurance company. If you say it is your area and your vehicle, I told him we will tow the vehicle but we would pay his driver for the vehicle. So, I am not sure what was the amount that was being paid at that time but it ended up well. We have never had a disagreement. I have never spoken to him, I think, maybe for over two years until he gave me the last phone call with the voice note that has been playing throughout, Commissioner.

CHAIRPERSON: I am lost as to how, what you have just explained now-now would arise ...[intervenes]

MR NAICKER: Yes.

CHAIRPERSON: If, as you clearly stated, your areas of operation were clearly defined, clearly demarcated to the extent that you said you were not competitors. I just do not understand how the issue ...[intervenes]

MR NAICKER: [Indistinct]... [cross-talking]

CHAIRPERSON: ... now would arise.

MR NAICKER: In saying that, I have also identified that we use one turning point in common.

CHAIRPERSON: Meaning what?

MR NAICKER: We are on the freeway. On the freeway, in order to come from the northbound to the southbound, you

have got to use Edmund Street's off-ramp to turn and come back onto the southbound. There is no other way to break in between the freeway. So, the accident was on the off-ramp of the turning point.

CHAIRPERSON: Your demarcation, his and yours, does that not determine who picks up on the freeway or at the turning point? The demarcation which you suggested was quite clear. Does it not define how that is supposed to work?

MR NAICKER: If I am subject to correction, it was some time back, I think at that given point of time, Mr Loftus was not working in that space. It was just over that week or two that there was altercations of invading that area and causing a little bit of chaos, and that is when this incident occurred. Before that, there was no issues. So, I am subject ...[intervenes]

CHAIRPERSON: Were there are no issues because the demarcation was clear with regard to the turning point?

MR NAICKER: At that ...[intervenes]

CHAIRPERSON: Because, you see my question, not this last one, the one just before ...[intervenes]

MR NAICKER: Yes.

CHAIRPERSON: I wanted to establish whether there was clarity as to who picks up where you turn at the turning point.

MR NAICKER: Yes, yes.

CHAIRPERSON: Who was, was it him that was supposed to pick up there? Was it you who was supposed to pick up there? Or was it an area where you could jointly pick up?

MR NAICKER: I could jointly pick up.

CHAIRPERSON: He too could pick up there?

MR NAICKER: He too and other, and many other towing companies could pick up there.

CHAIRPERSON: Okay.

MR NAICKER: But at the time of the ...[intervenes]

CHAIRPERSON: That makes you competitors. I do not see why you would want to refuse or deny or not accept that you were competitors. You were competitors, even if only in relation to the turning point.

MR NAICKER: Mr Chair, at the point of time of that incident, Mr Loftus was not working in that area. He just invaded that area in that space of time and it was to our lack of knowledge that we did not want to be involved in anyone's conflict.

CHAIRPERSON: But at some point he was working that area and that was his turning point too, not so?

MR NAICKER: Ja, ja, if you say so.

CHAIRPERSON: So back to my question, do you accept then that at the stage where he was also working that area and you too were working that area, you were competitors

to that extent?

MR NAICKER: I will accept that.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: Just a follow-up on this one, again for clarity. Mr Loftus Senior, did you know him or do you know him?

MR NAICKER: I know of him. I do not know him.

ADV KHUMALO SC: You have never had any relationship with him?

MR NAICKER: I have never met him. I have never had any relationship with him.

ADV KHUMALO SC: And you mentioned in one of the answers to my questions that you have had three calls with Mr Bevan Loftus. The last call that you mentioned, according to you, how did that call come about and what was the reason for that call? How did it come about and what was the reason for that call?

MR NAICKER: I would not know what was, I would not know how the call came about but I would answer that Mr Bevan Loftus called me and he asked me about some 2,5 put on his head, that Puff and I are paying polices to get him killed and so on and so on. I denied the allegation because it is not true. Someone just phones me of a sudden phone call to tell me something about 2,5. I am unaware of it. I have never spoken about, anything about

2,5 for anyone. There was no purpose of me to be involved with no 2,5. I am not using the word million because why? The call was made to me as 2,5, so at that time it was confusing whether it was 2,5 because in the tow truck industry if you indicate 2,5, you tell me you want your vehicle towed from point A to point B. I will tell you 2,5 which relates to me as 2,500. So, at that time when he mentioned 2,5 on my head, it was a bit confusing. I was trying to understand the conversation and then I realized who I am talking to and I asked him okay, you want to have a conversation, let us have a conversation, not in those words, and he obviously did not give me an opportunity to speak. He said what he had to say and he cut the call.

ADV SIKHAKHANE: Thank you Chair, I think we will engage on this later on. I think what we can do perhaps is jump to paragraph 16.

CHAIRPERSON: Paragraph?

ADV SIKHAKHANE: 16, that is page 20.

CHAIRPERSON: Oh, one six.

ADV SIKHAKHANE: Page 20 of the statement. Apologies Chair, paragraph 14 at page 18. Apologies. Sorry, Mr Naicker, I beg your indulgence. At page 18 of your statement, we are just going to go to your paragraph 14 and it answers the following questions.

MR NAICKER: Just bear with me.

ADV BALOYI SC: Sorry, Mr Sikhakhane, why are you skipping the 2.7 question and the answer at paragraph 13?

CHAIRPERSON: Mr Van Schalkwijk, is there any issue around 2.7?

ADV VAN SCHALKWYK SC: Chairperson, we believe that falls within the ambit of the relationship ...[intervenes]

CHAIRPERSON: Maybe because we said we would have a stand down with regard to some issues.

ADV VAN SCHALKWYK SC: Yes.

CHAIRPERSON: Maybe we can, you will have your discussion, but maybe before we come back we too may have a discussion with you and Mr Sikhakhane about certainly 2.7. If there are other issues that come to our minds we may have discussions about those as well.

ADV VAN SCHALKWYK SC: Chairperson, we will do so.

CHAIRPERSON: Mr Sikhakhane please take us to where you were taking us.

ADV SIKHAKHANE: Thank you Chair. The question in the notice of 2.8 reads as follows. A list, well, it provides a list and details of criminal cases opened against you.

> "You are also required to indicate which cases resulted in convictions, which are pending and which have been withdrawn. In instances where cases were withdrawn you are to provide reasons for such

withdrawals."

Your answer appears at page 18 of the file and paragraph 14 of your statement. Please read that.

MR NAICKER: -:

> "Insofar my previous convictions are concerned, I declare that I do not have any previous convictions. There are currently no pending cases against me. I state to wish in 2012, I together with three other persons, were charged for assault with intent to do grievous bodily harm which was ...[indistinct] of a drag racing event. This matter was resolved by ADL and charges were subsequently withdrawn against me."

ADV SIKHAKHANE: And who are these other individuals you were charged with?

MR NAICKER: The individuals that were charged is a guy named Shaun, aka Pugla Shaun, since he is one of the most craziest drag racers. There was a Kifayat[?] and a Jezreel Gangan[?] and myself.

ADV SIKHAKHANE: You said the last name is?

MR NAICKER: Jezreel.

ADV SIKHAKHANE: Jezreel. Thank you. So when you say it was resolved via alternative resolution, there was a

discussion with the complainant.

MR NAICKER: Yes, sir.

ADV SIKHAKHANE: Okay, thank you. Can you then go to page 20, paragraph 16. Can you read paragraph 16. It does not answer any specific questions. It is just your general statement.

MR NAICKER: -:

> "I advise that I have answered the above questions to the best of my ability and therefore answered it to the best of my ability."

ADV SIKHAKHANE: Paragraph 17.

MR NAICKER: -:

> "I have not kept note of my instructions with the person mentioned above, my business transactions and documents required by the bank and auditors. I was never informed, nor did I deem it necessary to keep note of the records of my interactions mentioned above. I therefore apologize for the above. I must at this junction point out that my information and my assistance is privileged and as such is governed by the rules that deals with state privilege. I

would thereby request that the Commission take the factor above into account as well as association and personal and family safety into account."

ADV SIKHAKHANE: Please turn over to paragraph 18.

MR NAICKER: -:

"I further advise that I am prepared to assist with any further information to the Judicial Commission of Inquiry."

Dated 29th of October 2026.

ADV SIKHAKHANE: It is 21st of October. Yes, 21st, and then that is your signature.

MR NAICKER: Yes, that is correct.

ADV SIKHAKHANE: Thank you.

CHAIRPERSON: Are we at that point, Mr Sikhakhane, where you and Mr Van Schalkwyk are going to have a discussion and see what additional names to discuss and as I said in respect of at least one, we too will engage Counsel. Have we reached that stage now?

ADV SIKHAKHANE: Indeed, Chairperson. I request that opportunity to confer with my learned friend, and then perhaps at a later point discuss the issues with yourself.

CHAIRPERSON: Yes, yes, yes. We definitely will have to come back, but let me not indicate when. We will be told when Counsel are ready for us to start. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I understand from both counsel that agreement has been reached. I do not think you need to place that on record. Just go ahead and deal with whoever you have agreed you may deal with. Let us go ahead and do that. After which, as I understand, there will then be probing questions on what can be heard in open session.

ADV SIKHAKHANE: Thank you, Chair, and I confirm indeed that that was the arrangement.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: Or argument.

CHAIRPERSON: Thank you.

ADV VAN SCHALKWYK SC: For the record, I confirm.

CHAIRPERSON: Thank you, Mr van Schalkwyk.

ADV SIKHAKHANE: Mr Naicker, apologies for the long adjournment. Can you then take again file 1 of, being your statement, and then open at page 6, and also put a marker on page 25. So you recall that when we adjourned, there were certain issues or questions that we were to consider whether we are going to answer them in open session or not. Do you recall that?

MR NAICKER: I confirm.

ADV SIKHAKHANE: So I am just going to ask specific questions, and be mindful where you are not clear, or where

you want to say you want to deal with it in open, in closed session.

MR NAICKER: Okay.

ADV SIKHAKHANE: Feel free, yes. Then in your statement, one of the answers that we, the questions that we left is at page 25, and that is question 2.3.2, but it talks about who you know. These are the persons that you know, and I will just read out the name, and if you know them, and then I will take back your answer.

MR NAICKER: Okay.

ADV SIKHAKHANE: 2.3.2 is Colonel Swastika Govender, and your answer appears at page 6, paragraph 9.2.

MR NAICKER:

> "I have no relationship or association with this person. I am, however, aware that she is a police officer, and is a spouse of Lieutenant Colonel Govender."

ADV SIKHAKHANE: Thank you. Then the next ...[intervenes]

CHAIRPERSON: Let me suggest that, because the answers are going to be read in full, let me suggest that this should not be, the statement or the responses should not be flighted. The reason is, just below what we flight may be a description of the relationship about somebody that he should not testify about in open session, and it may

be difficult to carve out what may be shown here, and what may not be shown. There will be no prejudice, because the responses are going to be read in full.

ADV SIKHAKHANE: Thank you, Chair. Then the next person is Constable Kevin Sithal. Your answer is 9.3. Is that 9.3?

MR NAICKER: Yes, correct.

> "Constable Kevin Sithal. As far as I am aware, he is a police officer stationed in the Mayville SAPS. I knew him from working in the environment as a patrol officer. He would often attend accident scenes where the towing companies would attend, and as such, I got to know who he was. Both the towing company and taxi business cover the Sydenham, Mayville and the Durban Central SAPS. I have no relationship and/or association."

ADV SIKHAKHANE: Thank you. The next person, the question is 2.3.4, Captain Deeno.

MR NAICKER:

> "I have no relationship with this person."

ADV SIKHAKHANE: Thank you.

ADV BALOYI SC: Do you know him, though?

MR NAICKER: Commissioner, given as I have updated 3.5

notice, and has identified him correctly in that notice, so I can revert the answer accordingly, if it is okay.

ADV SIKHAKHANE: Yes, it is the same individual.

MR NAICKER: Yes, the same individual.

ADV SIKHAKHANE: Yes, please answer Commissioner Baloyi.

CHAIRPERSON: Does this mean changes have been effected to the name reflected on here? If so, should that not be placed on record?

ADV SIKHAKHANE: Not as far as I know, my learned friend can correct me.

CHAIRPERSON: Okay, let us hear you then, Mr Naicker.

MR NAICKER: Captain Deeno was a member of Sydenham SAPS. He has been a member of Sydenham SAPS for as long as I can remember. He as well used to attend accident scenes, and we got to know one another, just as indicated for the member above.

ADV SIKHAKHANE: Thank you. Turn over to page 7. The question of the person is 3.6, Captain Pedro Rodrigues.

MR NAICKER:

> "I have no relationship or association with this person."

ADV SIKHAKHANE: Thank you. Then we go down to the person mentioned at 2.3.10, Major General Senona.

MR NAICKER:

"I have no relationship or association with this person."

ADV SIKHAKHANE: Thank you. And then 2.3.11, it is Major General Kana.

MR NAICKER:

"I have no relationship or association with this person."

ADV SIKHAKHANE: Then it is 2.3.13, Former Minister Bheki Cele.

MR NAICKER:

"I have no relationship or association with the former Minister, I am however aware of who he is due to the position of being the Minister via media."

ADV SIKHAKHANE: Thank you. And then 2.3.13, Mr Panganathan "Timmy" Marimuthu.

MR NAICKER:

"In the year 2013, I was introduced to Mr Marimuthu by a friend, P Naidoo, who informed me that Mr Marimuthu was selling a property. It is common knowledge that Mr Marimuthu is a prominent businessman in KwaZulu-Natal."

ADV SIKHAKHANE: Okay. Then, if you take over

...[intervenes]

CHAIRPERSON: The response in your statement is much, much longer. Do we not want the rest of what it says in the statement?

ADV SIKHAKHANE: Chair, the next questions or list of questions then deal with the extent of the relationship. They go into detail and that is where I am taking the witness.

CHAIRPERSON: Oh. Okay, let us see.

ADV SIKHAKHANE: So it goes on. It is just how it is structured.

CHAIRPERSON: Given the sentence, you also skipped the second sentence.

> "After being introduced by Mr Previn Naidoo..."

Mr Naicker skipped the sentence that follows. Is there a particular reason for that?

ADV SIKHAKHANE: No, no, no. Please repeat 9.13.1.

MR NAICKER:

> "In 2013, I was introduced to Mr Marimuthu by a friend, P Naidoo, who informed me that Mr Marimuthu was selling a property. It is common knowledge that Mr Marimuthu is a prominent businessman in KwaZulu-

Natal."

ADV SIKHAKHANE: Then we move to, if you go to page 26 of the notice, which you address subsequently, that relates to elaborating on the nature of your relationship and there are specific questions there. And you will leave out the individuals.

CHAIRPERSON: I have just noticed that I am way ahead. U an at 15, like I was at 10.13.1 and so you will see the sentence that I say is missing. 10.13.1.

ADV SIKHAKHANE: Oh, I see.

CHAIRPERSON: Ja. There is a bit of repetition, but the two are not identical. Anyway, okay, I am where you are now.

ADV SIKHAKHANE: Chair, 2.4 of the notice requires the witness to elaborate on the relationships on the various people that have been listed. It may be time-consuming to read each question in respect of each person. What I would suggest is to read the questions, and then he can then address them in respect of each person. And it also assists us not to make any mistake about mentioning the wrong people.

CHAIRPERSON: Ja. No, no, no. Please do it that way.

ADV SIKHAKHANE: I will do it. Thank you. Firstly, Mr Naicker, I will just read these questions, and I will indicate when you can answer. 2.4:

"In respect of paragraphs 2.3.1 to 2.3.13, which are the people listed, we are required to elaborate on the following:

[2.4.1] The nature of the relationship with each of the identified individuals and when it commenced.

[2.4.2] How the relationship commenced and for how long it endured.

[2.4.3] In each instance, whether the relationship still exists.

[[2.4.4] Dates of communication and meetings with any of the people referred to in paragraphs 2.3.1 to 2.3.13. You are also required to indicate the purposes of such communications and meetings. You are further required to state where and when such communications and meetings took place.

[2.4.5] Whether any of the people identified in paragraphs 2.3.1 to 2.3.12 above have utilised any of your personal or business assets or resources. If so, you are required to provide details including the purpose of such use.

[2.4.6] Whether you (including any of

your businesses or those in which you have an interest or have beneficial ownership), directly or indirectly have made or offered to make any payment (electronic, cash or in any manner) to any of the aforesaid individuals, alternatively afforded them any benefit, particularly, and Captain Deeno.

[2.4.7] Whether you have received any payment..."

Chair, should I skip this paragraph 2.4.7?

CHAIRPERSON: 2.4 point what?

ADV SIKHAKHANE: 7.

CHAIRPERSON: 7, let me look. Ja.

ADV SIKHAKHANE: I think in a good order I should skip it.

CHAIRPERSON: Ja.

ADV SIKHAKHANE:

"[2.4.8] Whether you, including any of your businesses or those in which you have an interest or have beneficial ownership, directly or indirectly have made any payment (electronic, cash or in any manner) to spouses or relatives of the person referred to at paragraphs 2.3.1 to

2.3.13.

[2.4.9] Whether any of the people referred to at paragraphs 2.3.1 to 2.3.13 have visited your home or any of your residences or properties or business properties, particularly the following addresses:

[2.4.9.1] 1 Aubrey Drive, Glen Ashley, Durban North ...[intervenes]"

CHAIRPERSON: Perhaps, because we have always been avoiding publicising people's addresses, phone numbers, et cetera, let us skip the addresses. But...

ADV SIKHAKHANE: Chair, some of them may well be...

CHAIRPERSON: Yes, yes.

ADV SIKHAKHANE: Because it is business addresses where they rent businesses.

CHAIRPERSON: Which he himself has probably advertised.

ADV SIKHAKHANE: It is in the public domain otherwise, but I can take guidance from the Chair.

CHAIRPERSON: Ja. Mr van Schalkwyk, any issues?

ADV VAN SCHALKWYK SC: We would obviously appreciate if it is not mentioned for safety reasons. May I suggest my learned colleague and perhaps deal with that fully tomorrow morning when we are in the closed session.

If that ...[intervenes]

CHAIRPERSON: Let us just look at the responses. Where are the responses just to see how this is dealt with?

ADV SIKHAKHANE: Page 10.

CHAIRPERSON: The part about addresses because there is a long list which we have been reading. The part about the addresses, specifically if you can just have a look at one example.

ADV SIKHAKHANE: Yes. 10.3.9.

CHAIRPERSON: 10.3.9. I noticed there he just says so-and-so did not visit any of the properties. So there would have been no issue with that response, with the exception that he says there is one that he does not own anymore. So there still there is no issue. If all of the properties are dealt with in that manner then it should not be difficult to deal with those in open session. In so far as they relate to people that we are going to deal with in open session.

ADV SIKHAKHANE: Yes. But for good measure ...[intervenes]

CHAIRPERSON: But still, I think the point stands that we do not need to specify the addresses themselves.

ADV SIKHAKHANE: I think, Chair, I am happy with not revealing.

CHAIRPERSON: Yes, yes.

ADV SIKHAKHANE: I have no issue at all.

CHAIRPERSON: Thank you, Mr Sikhakhane.

ADV SIKHAKHANE: At 2.4.10, Chair, we are going back at page 28 in the regulation, in the Regulation 10 notice. In respect of paragraph 2.4.9, they are required to state the purpose of the visits. I will skip 2.4.11. I will also skip 2.4.12, 2.4.13 equally, and we have already dealt with paragraph 2.5. So then we have to go back to the answers in respect of each of the individuals. Can you go to your statement at page 10?

So the answer that we are going to start with is at paragraph 10.2. Might I just remind you out of the discussion or the discomfort that we may have, in terms of addresses you do not have to read them out. In fact, do not read them out. So start with your answer at 10.2.1.

MR NAICKER: 10.2.1:

> "I have no relationship or association with this person. As such, the questions from 2.4.1 to 2.4.10 are not applicable."

ADV SIKHAKHANE: Thank you. And then in relation to Constable Kevin Sithal.

MR NAICKER:

> "As detailed above, I have known Constable Sithal from his employment as a police official that was at Mayville SAPS. I mainly knew him as a police

official stationed at Mayville SAPS. We did not share any relationship. There was no relationship with Constable Sithal. I have not had a reason to meet him. Constable Sithal did not use any of my personal or business assets.

10.4.6 – I did not make any payments ...[intervenes]"

ADV SIKHAKHANE: Sorry, it is 10.3.6 responding to 2.4.6.

MR NAICKER: Okay.

"I did not make any payments to Constable Sithal, cash, electronic or any other manner. I confirm that I am not ...[intervenes]"

ADV SIKHAKHANE: Sorry, I think you jumped the number. It is 10.3.7.

MR NAICKER:

"[10.3.7] To 2.4.7 – I confirm I did not receive payments from the South African Police Services Crime Intelligence or any state.

[10.3.8] To 2.4.8 – I confirm neither I or my businesses paid money, cash, electronic or any other manner to Constable Sithal, his spouse, children or

relatives.

[10.3.9] To 2.4.9 – Constable Sithal did not visit me at any of my properties listed on this paragraph. I do not own an address and I precisely have no association with the properties since I moved out in the year 1995, some 31 years ago.

[10.3.10] There was no visit by Constable Sithal.

[10.4] ...[intervenes]"

ADV SIKHAKHANE: Yes, that is the individual you said you must pen.

MR NAICKER: Captain Nino.

ADV SIKHAKHANE: Yes. Do you want to go on with him or...

MR NAICKER: No.

ADV SIKHAKHANE: ...with the answer that you provided earlier?

MR NAICKER: I have not submitted this answer.

ADV SIKHAKHANE: Okay. So you are not comfortable with reading that answer, 10.4.1?

MR NAICKER: Yes.

ADV SIKHAKHANE: Thank you. Okay. I will then tell you, then if you go to page 12, at the top it is Captain Pedro

Rodrigues.

MR NAICKER:

"[10.6.1] I have no relationship or association with this person and as such the questions from 2.4.1 to 2.4.10 are not applicable."

ADV SIKHAKHANE: Thank you. Go to page 15, 10.10 Major General Senona.

MR NAICKER:

"[10.10.1] I have no relationship or association with this person and as such the questions from 2.4.1 to 2.4.10 are not applicable."

ADV SIKHAKHANE: Thank you. Then move on to Major General Kana.

MR NAICKER:

"[10.11.1] I have no relationship or association with this person and as such the questions from 2.4.1 to 2.4.10 are not applicable."

ADV SIKHAKHANE: Then 10.12. Former Minister Bheki Cele.

MR NAICKER:

"[10.12.1] I have no relationship or association with this person and as such

the questions from 2.4.1 to 2.4.10 are not applicable."

ADV SIKHAKHANE: Then move on to 10.13.

MR NAICKER:

"[10.13.1] To 2.4.1. As I stated above, in the year 2013 I was introduced to Mr Marimuthu by a friend, P Naidoo, who informed me that Mr Marimuthu was selling a property. I made contact with him from the purchase of the said property. It is common knowledge that Mr Marimuthu is a prominent businessman in KwaZulu-Natal.

[10.13.2] To 2.4.2. I do not have a relationship with Mr Marimuthu, however we maintain a cordial relationship after the sales of the property.

[10.13.3] Safe for telephonic conversations listed approximately twice a year for enquiries how I was and how my family.

[10.13.4] To 2.4.4. My meeting with Mr Marimuthu was concluded, the purchase and the sales of the property and I did not come into contact with Mr

Marimuthu at any religious, spiritual gathering, however was by chance and never arranged a meeting."

CHAIRPERSON: Did I miss here? I think you said I did not, whereas this says I did come into contact.

MR NAICKER:

"I did come into contact with Mr Marimuthu at religious and spiritual gatherings, however it was by chance and never arranged meetings.

[10.13.5] To 2.4.5. Mr Marimuthu did not use my personal or business assets.

[10.13.6] I did not make any payment to Mr Marimuthu in cash, electronic or any other manner, save to the matter relating to the sales of the property which was done through a conveyancer.

[10.13.7] To 2.4.7. I confirm that I did not receive any payment from the South African Police Service Crime Intelligence or State.

[10.13.8] To 2.4.8. I confirm that I neither or my businesses paid monies,

cash, electronics or any other manner to Mr Marimuthu, spouse, children or other relatives.

[10.13.9] To 2.4.9. Mr Marimuthu did not visit any of my properties listed on the paragraphs. I do not own an address in Durban and I decidedly have no association with this property since I moved out in the year 1995, some 31 years ago."

ADV KHUMALO SC: Mr Naicker, that can be correct because earlier in your statement, I think it is on page 2, you said that address is the registered address of C Naicker Towers.

MR NAICKER: Yes, Commissioner, and I have also identified in my property, in my affidavit that I never had an address to register. It was a family property, I was renting from house to house.

ADV KHUMALO SC: I get that part, but if it is a CC and any correspondence it gets goes to its registered address.

MR NAICKER: Where it is safe to be received.

ADV KHUMALO SC: Yes.

MR NAICKER: Yes.

ADV KHUMALO SC: So how would you get that correspondence then if it is delivered at that address and it

is your business?

MR NAICKER: It is my uncle's property so we will obviously go past and purchase it.

ADV KHUMALO SC: Yes, so it is not correct to say you have no association with that address and you have not had any association for some 31 years.

MR NAICKER: Okay, maybe my definition of understanding it may be incorrect in terms of association meaning I had nothing to do with the said property.

ADV KHUMALO SC: It is your uncle's house?

MR NAICKER: Yes, it is.

ADV KHUMALO SC: And you go there from time to time?

MR NAICKER: Yes, I do.

ADV KHUMALO SC: To collect documents.

MR NAICKER: Yes, I do.

ADV KHUMALO SC: Relating to Naicker Towers?

MR NAICKER: Yes, sir.

ADV KHUMALO SC: And you do visit there?

MR NAICKER: Yes, I do. I think my understanding was that I do not own the property.

ADV KHUMALO SC: Ja, but that is not what you said. You said:

> "I presently have no association with that property since I moved out in the year 1995 some 31 years ago."

So that is your response?

MR NAICKER: Yes, that is my response.

ADV KHUMALO SC: But that is not correct?

MR NAICKER: If you are putting it that way, yes, it does not make sense, yes.

CHAIRPERSON: Is this confusion a function of your understanding of association? Or what is it a function of? Or what causes the confusion?

MR NAICKER: What causes the confusion, Chairperson, is that I later on owned an address next door to that address.

CHAIRPERSON: You see, why I am asking and am somewhat bothered, is that there is a lot of reference to a lack of association to a whole lot of individuals. And now, if we see this confusion with regard to this address, and I do not know to what extent there has not been confusion with regard to your association or lack of it regarding those many individuals about whom you said no association, no association.

MR NAICKER: [No answer]

CHAIRPERSON: Do you want to say something? You understand my comment?

MR NAICKER: I understand your comment.

CHAIRPERSON: What do you want to say about it?

MR NAICKER: Well, this property in particular, I have a reason for mentioning my association not being involved in

this property.

CHAIRPERSON: Yes, Mr Sikhakhane, oh sorry.

ADV KHUMALO SC: I think, Mr Naicker, the correct answer should be that address is the registered address of my business and my uncle lives there and I own the address adjacent to it.

MR NAICKER: Next door to it, yes.

ADV KHUMALO SC: Yes.

MR NAICKER: Okay. I can refer to my legal team to correct that.

ADV KHUMALO SC: You own the property next door.

MR NAICKER: Next door, yes. Okay. Thank you for that.

ADV SIKHAKHANE: And this is the... it does create some difficulty of mentioning addresses. So, if I may just ask, who is your uncle that lived in this address?

MR NAICKER: Sorry?

ADV SIKHAKHANE: Who is your uncle, you said?

MR NAICKER: Elvis Raju.

ADV SIKHAKHANE: Elvis Raju. Thank you.

ADV KHUMALO SC: You said he is late.

MR NAICKER: He is late, yes.

ADV KHUMALO SC: Ja.

MR NAICKER: Yes.

ADV SIKHAKHANE: When did he pass away?

MR NAICKER: Was it November or December of 2022?

ADV SIKHAKHANE: Okay. November or December.

MR NAICKER: Within that space of time, ja.

ADV SIKHAKHANE: Then we go to... I think we were going to leave 2.4.11 up to 2.4.13. Then, if you go to page 30 of the notice, paragraph 2.7.

MR NAICKER: Thank you, Chair.

ADV SIKHAKHANE: This question, I think it is the one that Commissioner Baloyi had asked about. It reads as follows:

> "A full account and explanation of payments made to or received from Lieutenant-Colonel Deeno Govender, whether directly or indirectly. You are required to further set out the amount of each payment, manner of payment and payment / transactions."

Just before you read it, you answer this question at page 18, your paragraph 13. Please read it out.

MR NAICKER:

> "I deny making or receiving any payments to or from Lieutenant-Colonel Deeno Govender, directly or indirectly."

ADV SIKHAKHANE: Thank you. Chair, those are the issues recorded in the statement that we had undertaken to Mr Naicker that we will not disturb him. Then, what I do have, are several questions that arise from his statements.

One has to be careful, obviously, to carve out what would be held *in camera*, but most of them would touch to be general at first.

CHAIRPERSON: Thank you. Please go ahead, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. Just pardon me a couple of seconds. Some of these questions are general in nature, and they arise from the evidence that would obviously have been led publicly. Some allegations, I am sure you have seen those allegations against yourself, and some of them are generally there to understand or to contextualise some of the issues or the questions that you faced.

And I must set out straight that I do not wish, it is not my intention to impugn your integrity or otherwise. It is just questions that I request that you answer and all of that. Now, you have indicated earlier on about the nature of your businesses. And particularly Naicker's Tours, Roadstar Panel and Paint and taxis. What I am interested in a bit is their operations. When did you start with them from the beginning? And when, in some of them, when did you gradually leave them? And what was your involvement in them? In particular, the tours and Naicker's Taxis.

MR NAICKER: Naicker's Taxis, I am running for approximately 30 years. Sorry, it is 28 years. Before being

a member of Sydenham Association, I have never had a public permit to operate. So I used to hire out public permits from different associations because I used to literally drive the vehicle myself. I was the driver of the vehicle. Until I came into contact with a member of Sydenham Taxi Association who was selling a permit some 22 years ago.

I joined the association as a normal member, and I have worked my way into the association. I have built my business from just running small micro-buses to currently where it is. I stopped driving the taxis from the time I became an executive member of the association. There was a personal issue that I had at some stage in my life where the business had to be divided, and I took it upon myself not to take the risk of dividing the business, but take the risk of maintaining it together.

I went through a divorce 17 years ago ...[intervenes]

ADV SIKHAKHANE: No, you can leave the personal details, it is fine.

MR NAICKER: Okay, I just want to fill that space up. My ex-wife and I currently still maintain and run those businesses accordingly.

ADV SIKHAKHANE: And that is Ms Sara Naicker?

MR NAICKER: Naicker, yes.

ADV SIKHAKHANE: She still uses the surname Naicker?

MR NAICKER: Naicker, yes.

ADV SIKHAKHANE: And then in relation to Roadstar Panel and Paint...

MR NAICKER: Yes.

ADV SIKHAKHANE: ...in that one, can you also elaborate?

MR NAICKER: Roadstar Panel and Paint was a business that opened in COVID. Since the towing and the taxis were so quiet, I needed extra income. So instead of me towing the vehicles and giving it out to panel shops, I decided to open up my own panel shop. So I started off with a very small panel shop with about 400 square metre shop.

A friend of mine was moving out of the shop and created himself a better space, so he rented me out that space that he had. And the equipment that was available to panel vehicles were in the premise, including spray booths and so on. I took the risk with the knowledge I had from buying and selling and building cars and panel beating cars and my mechanical experience.

I took the risk and it was not a mistake I made. It worked out perfectly for me. Within a year, I have increased the business from a 400 square metre to a 3,500 square metre. The business is shared together with my current wife and it is only obvious due to what I have given out to my first marriage, it is fair to give out to the second

marriage. And I have given everyone the things that belong to them because I have it in my heart that I am working for my family and everything that I have is due to them in terms of security.

ADV SIKHAKHANE: Thank you. And you own 20 percent of this business?

MR NAICKER: Yes, sir.

ADV SIKHAKHANE: She owns the other 80 percent.

MR NAICKER: Yes, sir.

ADV SIKHAKHANE: And obviously it seems, and I would not take you, Commissioners, or read it out in public, it seems to have significantly grown given the financials from last year.

MR NAICKER: Very well.

ADV SIKHAKHANE: Okay, thank you. Then we move to the next business, which is the Roadstar Auto Recoveries.

MR NAICKER: Yes.

ADV SIKHAKHANE: Similarly, you own 20 percent of it?

MR NAICKER: Yes.

ADV SIKHAKHANE: And can you just tell us whether you started it together with your wife or you started it alone?

MR NAICKER: I started the business alone. I was divorced at that time. I was remarried.

ADV SIKHAKHANE: Sorry, when, which year was it?

MR NAICKER: That would have been in the year 2011.

ADV SIKHAKHANE: 2011.

MR NAICKER: 2011, yes. I started off the towing company, but not as Roadstar Towing, as SKN Towing. And there was an owner of, there was a guy that used to own Roadstar Towing who passed on. The CC that he owned belonged to a corporation. His brother had another name, Roadstar, which he handed over to me as a gift and I transferred the business, Roadstar Towing, onto my name. I am not particularly sure which year it was.

ADV SIKHAKHANE: So you transferred it to?

MR NAICKER: I transferred over the business from the previous owner to my name. I am not particularly sure which year, but it would be in the affidavits, ja.

ADV SIKHAKHANE: Okay. And similarly, it is quite a lucrative business equally.

MR NAICKER: Well, it is well spoken, it is a well lucrative business. I run a very big fleet. We started off with two. We grew from two, we are currently standing approximately 50. We have got all the towing criteria, the sleeping-backs, the roll-backs, and the heavy-duty trucks. They are tow horse and trailers, the rigs.

ADV SIKHAKHANE: Chair, just for the record, the financials are in file 2A. I do not want to burden you with having to open them. Now, particularly, I am interested in this business, the Roadstar Auto Recovery. That is the one

that is running towing.

MR NAICKER: Yes.

ADV SIKHAKHANE: And you will recall the Chair engaged you about the competition that is there. And you had said Mr Bevan Loftus was not your competitor, so to speak.

MR NAICKER: Yes.

ADV SIKHAKHANE: Is that your answer?

CHAIRPERSON: In the end, with regard to the turning point, you called it?

MR NAICKER: Yes, sir.

CHAIRPERSON: Mr Naicker accepted that they were competitors.

ADV SIKHAKHANE: They were competitors.

MR NAICKER: I have accepted it due to the respect of the Commissioner, the way it is presented. But literally, we were not competition. We were not competitors.

CHAIRPERSON: If you were not competitors, then there would not have been the issue that you referred to. Remember, we had actually gone past the question whether you were competitors. But you then narrated a story where you and Mr Loftus, I will use the verb fought. You fought over a certain pickup. And as I understood it, it was in the vicinity of the turning point. So I then engaged you on that. And I said, if you are not competitors, then there should be clearly defined demarcations and an issue like the one you

narrated should never, ever arise. And it is on the basis that something like that actually did arise, that I said, then you were competitors. If there is that not much clarity with regard to the turning point, then to that extent, and I went no further than just that extent.

MR NAICKER: Yes, I agree.

CHAIRPERSON: In saying that you were competitors. And you agreed then.

MR NAICKER: I agreed, yes.

CHAIRPERSON: But now you seem to have agreed grudgingly and in fact, you seem to want to go back on that or to withdraw that.

MR NAICKER: No, Commissioner. That is not what I want to do. You know, it is just sometimes a layman's understanding of things may sound differently to the position that you are sitting in. And I would definitely contradict myself if I say it any other way and I have just got to accept it the way you have presented it.

CHAIRPERSON: Yes. Also, I would understand if you were saying, no, no, no, we were not really competition. He is the one that encroached on my turf. You are not saying that. You seem to accept that with regard to the turning point, ja, there may be issues there. So it is just at that level. You are not saying you had encroached onto his turf. No, I was saying he had encroached onto your turf. But let

us leave it. You agreed.

MR NAICKER: Let us leave it.

CHAIRPERSON: Yes.

MR NAICKER: As it is.

CHAIRPERSON: Yes.

MR NAICKER: Yes, thank you.

ADV SIKHAKHANE: Perhaps before you leave it, I just want to understand how it would work, whether it is not more like taxis, normal taxis, where there are, and you will correct me if I am wrong, defined routes and everyone plays by them or understands that I operate on this route and this other one belongs to this other operator and that is an agreement or that is within the association rules.

MR NAICKER: The towing, the towing industry is not regulated. It has no form of evidence of route-based permits or route-based actions. It is the individuals from areas that work who define the areas that they work in. Operators, we will regard them as the owners of the towing companies, will have a mutual understanding amongst themselves, a peaceful resolution that you work in certain areas, you work in certain areas, we will treat it as north, south, east, west. People from a certain area would not cross over a certain area. People from a certain area would not cross over into a certain area.

A suburb towing company is not allowed to go into

a location. A location towing company is not allowed to run into a suburb. We generalise it with respect that if we have got a vehicle that needs to go into a location, we will bring it to a certain point, we will get hold of a person who we have working relationships with in that area, and we will hand the vehicle over to them and obviously the funds will be shared amongst the two companies. That is with an understanding.

It is a respectful understanding. It works proper. It causes, it stops the conflict. People are safe. They enjoy the business. It is an exciting business. Towing is something that is very lucrative. Besides that, it is an exciting business. It keeps everything rolling the way it needs to be, if there is no conflict.

ADV SIKHAKHANE: And you talk about the understanding that is there.

MR NAICKER: Yes.

ADV SIKHAKHANE: How, where does this understanding come from? It assumes, when you say people generally have an understanding, it assumes that there is a meeting somewhere and someone says, no, this route belongs to so-and-so. But I cannot imagine it is just, or just explain it to me in a way that I can understand it. Because an understanding would come from, inasmuch as it is not a document, but it is a discussion within the role players.

MR NAICKER: The towing industry has a history of conflicts.

ADV SIKHAKHANE: Sorry?

MR NAICKER: The towing industry has a history of conflicts.

ADV SIKHAKHANE: Conflict, okay.

MR NAICKER: The current, 90 percent of the current towers that are currently running in the KZN area are people that have overpowered the industry. The original towers of KZN, if I am subject to the correction of numbers, at one point of time would have not been more than five towing companies in one area. Over time, there have been infiltrations of the towing industry where the original towers that worked in the area were either forced out or had no option to step aside.

An association was then formed called the National Towing Institution, NTI in short form, where we gathered all the towing members together, tow truck members together, and we had meetings where we asked them to come to an understanding and work in peace and harmony, each person worked in the area they are designated to and those that are not designated to work in that area to respect one another. And it worked perfectly fine. It worked for years, even though the association had disagreements with members in it and the association collapsed.

But the system did not collapse, the system still stayed and still stands. There are, every now and again, a cowboy we call them, this is what we regard them as, as the unauthorised tow operator. A cowboy will come out. He will come into the industry and try to empower himself and force himself. And the word lucrative falls in that space very deeply because the towing business is lucrative, but not to a certain extent, in percentage.

The guys that really see the breadth of the lucrativeness of the towing is the ones that are towing vehicles illegally and unauthorised by insurance companies that are taking and parking it in their yards, in their backyards, where they are giving the public exorbitant release fees for one day, you tow your vehicle on a Friday night and by Saturday morning you need to pay R10,000, R20,000 to release your vehicle to the public.

So we got together as the legal guys that are affiliated with all the different insurance companies and all the sectors concerning towing and said, let us work together so we can control the industry in such a way that the public do not suffer the breadth of it. A normal release at my towing company, from a Friday to a Saturday would be anything from R4,500 to R7,500. These guys on a Friday to a Saturday would be R20,000 to R35,000.

So when you say lucrative, there is a definition in

it. It is lucrative to me because I am paying the numbers. I have got the numbers to play, lucrative. So the numbers play ...[intervenes]

CHAIRPERSON: By numbers you mean the number of vehicles?

MR NAICKER: Vehicles, yes. The number of vehicles.

CHAIRPERSON: Yes.

MR NAICKER: And that is the same concept with taxis as well. The number of vehicles actually make the business lucrative.

CHAIRPERSON: I think you were a bit euphemistic about how new entrants enter and some of the old entrants have exited.

MR NAICKER: Yes.

CHAIRPERSON: We heard evidence and I was shocked. We heard evidence of how people are killed left, right and centre ...[intervenes]

MR NAICKER: And you are not wrong about that, Mr Commissioner.

CHAIRPERSON: ...in this industry. I was shocked. I was surprised and shocked. Do you confirm that?

MR NAICKER: I hundred percent confirm that and that was one of the reasons why the structure was put together, to bring peace and stability in the industry. That owners of towing companies should not be getting killed. Drivers

should not be getting shot or shot at. Drivers should not be getting assaulted on accident scenes. Gangsters and drug dealers should not be coming out and empowering themselves and using that strategy of coming and overpowering business people that have created the industry for those guys that are living off it today.

The business was created by the guys that are suffering by the new guys that are assaulting and shooting and killing. If these old men did not spend time sacrificing what they sacrificed in their past, the towing business would have not been possible for these guys today. But for some reason these guys have taken it to a different level of muscling and gangstering.

I am going to say yes, people speak about me that I muscle and gangster but there is not a single case open against me or my company, not even an assault case except the one for drag racing. None of my staff have been charged for those crimes. None of my company staff have ever shot at anyone or neither have the other companies that are old in the industry had had that part of it. It is only the new guys that come in. The ones with the cowboys that sit four or five people in one tow truck and come out to an accident scene and overpower and muscle their way through.

It is volatile, it is sad. The industry used to be

beautiful the most beautiful thing you could have ever enjoyed on a weekend, take your braai stand, your cooler box sit on a tow truck, patch under a tree, run the accident, laugh, guys have a few drinks, put some meat on the braai stand, it used to be an amazing, amazing, amazing towing business until the cowboys came out and the shootings and killings started.

CHAIRPERSON: Surely it cannot be the cowboys only that are involved in the shooting cowboys in quotation marks, surely not.

MR NAICKER: Well, sorry, can you make me understand?

CHAIRPERSON: I am saying it cannot be the cowboys only that are involved in the shootings. As I understood you, they are in the minority the majority are the, let me loosely call them are the organised group, the majority in the industry, so it must be those people who are killing each other left, right and centre.

MR NAICKER: As I indicated, it is a phrase that we use in the towing industry, cowboys. I am sorry Commissioner, when it comes to the towing I just get a little bit emotional and I am a bit too over passionate about it.

CHAIRPERSON: I can see that.

MR NAICKER: Ja, so my apologies for that.

CHAIRPERSON: No, no, no, no need to apologise, no need at all. But what do you say about my point of

substance, which is that surely it cannot be that it is just the so-called cowboys who kill other role players in the industry. I am suggesting this to you because my understanding is that the so-called cowboys are few in number and that the vast majority are the people who are organised. And so I am suggesting to you that it must be the people who are within the organised body who must be killing each other left, right and centre. Your comment?

MR NAICKER: I would disagree on that, ja. I know we said we were not going to mention people's names because the last time my name was mentioned in this Commission I think I have lost some major funds to insurance companies having disagreements with the Commission's status or allegations made against me. The areas that we cover is controlled in terms of the legal entities about five, if I may name them.

I could be wrong about every single one of them, but no, I do not think I should name them. If I name them, it will be in disrespect to them. But if the Commission wants to ask me this information in private, or my attorney can put a supplementary affidavit to that, I am willing to support that.

CHAIRPERSON: I am sorry, Mr Sikhakhane. In response to another question by Mr Sikhakhane, as part of your response, you touched on the drug trade or drug trafficking.

MR NAICKER: Yes.

CHAIRPERSON: I actually did intend touching that.

MR NAICKER: Yes.

CHAIRPERSON: One witness, it may have been Colonel Govender, I may be mistaken, or was it Mr Loftus Senior.? Probably Mr Loftus Senior.

ADV SIKHAKHANE: I think it is the first one. It is Mr Len John.

CHAIRPERSON: Oh, Mr John. Anyway, let me just ask the question. A witness, a previous witness said that the towing business is used for drug trafficking. And my sense was that this is done as a matter of course. As I say, you too seemed to touch on that, even though you did so in passing. Do you accept that the car towing business is used for drug trafficking?

ADV SIKHAKHANE: Sorry, before you answer, I think it is file 4 of the bundle.

CHAIRPERSON: There is something that Commissioner Khumalo was also showing me, but I did not want to delay the process by reading and not posing my question. If you are able to respond without me referring you to specifics, please respond to my question.

MR NAICKER: It is a fair question. I will give an honest answer. I would disagree. I would disagree. The reason I would disagree is because we have not seen on any social

media platforms that any tow truck in the areas or surrounding areas that we work in that were involved in drug trafficking where they were stopped and there was an arrest made. What I cannot tell you is what I do not know. If Mr John has the evidence to prove otherwise, then he has to prove it.

But I think it is an unfair assumption to make because we have not seen. What I can state publicly is that most of the, not all, some of the tow truck drivers do intend moving around with a bank packet of *Dagga,* because they smoke it, they consume it. So there is a bank packet of, they are always sitting under one tree and making something to smoke. That is guaranteed. There is no doubt about that.

CHAIRPERSON: What then were you saying about drug trafficking in the context of car towing? As I say in response to an earlier question by Mr Sikhakhane, you did in passing say something about drug trafficking. What were you saying?

MR NAICKER: In terms of the cowboys.

CHAIRPERSON: Just articulate that for me again, please?

MR NAICKER: Certain towing companies are offspring of drug traffickers. So when they come into the industry, because of who they are, everyone has got to be submissive. Step back. Allow them to do what they want to

do. Let them chase you out the areas. Let them overpower you. Let them tell you what they want to tell you. And everyone just keeps quiet and let it be. That goes back to the reason why we opened up an association and we began to join forces as members to say that together we are strong.

We secure our areas and we will not allow drug dealers and gangsters to come in and overpower us and take over what has been built over generations. We are trying to keep this business to be a business of inheritance. That our children's children should live off of it. We were in processes of getting the industry regulated and there was disputes within the association and the association was disbanded and a strong process fell apart. But it is nothing that we are not going to get right in the near future.

ADV BALOYI SC: Can I just ask your comment on Mr John's testimony, the association that he made between tow trucks and drug trafficking?

MR NAICKER: Yes.

ADV BALOYI SC: Your response, does it go so far as to also say you have never heard of that kind of allegation, that tow trucks are used to transport drugs in some instances? Does it go that far? You have never heard anything like that?

MR NAICKER: As I answered, the areas that we are

surrounded by, no. Out of our areas, I cannot speak. If I have not seen it on social media, which means to me it has not happened. Tow truckers are living and responding off social media. We are first respondents at every incident that occurs because of social media.

ADV BALOYI SC: And amongst your drivers and your competitors in the geographic area where you operate, you have never heard talk of or even suspicion that some tow trucks ...[intervenes]

MR NAICKER: No, I have not.

ADV BALOYI SC: ...are used to engage in drug trafficking?

MR NAICKER: No, I have not.

ADV BALOYI SC: Thank you.

CHAIRPERSON: I see it is one o'clock here, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. May I request just five minutes and close this off?

CHAIRPERSON: All right. Please go ahead.

ADV SIKHAKHANE: Thank you, I am indebted to the Chair. Now, there are two things that I pick up from your answer. One is that from where you are, from the association that you are part of, and certainly your business, you will correct me if I am wrong, there is no association between drugs and the towing industry. Am I

correct?

MR NAICKER: A hundred percent correct.

ADV SIKHAKHANE: But you say you cannot dispel any other allegations, for example, generally, may not be from your association, but that there may be this association between drugs, drug trade, and the towing industry, generally, because as you said, you cannot talk about what you do not know.

MR NAICKER: I cannot talk about what I do not know.

ADV SIKHAKHANE: Yes, meaning that it can happen as such that you do not know.

MR NAICKER: If I answer you, I have got to give my answers. I cannot answer what I do not know.

ADV SIKHAKHANE: Correct. No, no, no and that is perfectly fine. And before I refer you to something, there is also an answer that you gave about the violence.

MR NAICKER: Yes.

ADV SIKHAKHANE: And you said it is a volatile industry, meaning there has been killings and all of this in the industry, and it is well reported.

MR NAICKER: Well reported.

ADV SIKHAKHANE: I do not have to take you to those, and there is quite a number of deaths. But this is one of the points that I want to just check with you. Because of, I will use the term being lucrative, and also the violence, it

would mean, much like the taxi industry, that security measures have to be heightened up.

MR NAICKER: Yes.

ADV SIKHAKHANE: So anyone who operates in that industry, in one way or the other, and it depends on the level, depend on the level you are in, whether you have to have some sort of security measures around you, be it self-defence, firearms, be it security detail, and things like that. Is that fair?

MR NAICKER: I think it is fair, but... I have a security detail.

ADV SIKHAKHANE: You do not have to mention about yourself. I am talking generally.

MR NAICKER: Generally.

ADV SIKHAKHANE: Ja, I do not know how to put you ...[intervenes]

MR NAICKER: No, not necessary.

ADV SIKHAKHANE: So people can just go around without those security measures.

MR NAICKER: Everyone goes around without that. Everyone goes around without security.

ADV SIKHAKHANE: Okay. But some do have their security measures.

MR NAICKER: Maybe just an armoured vehicle for travelling.

ADV SIKHAKHANE: Mmm.

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. And then in terms of just being easily located, it is not something that people do. For example, how do they – I know, for example, with taxis, they do not mention to everyone where they are going, things like that. I do not own a taxi, but they do not mention where they are going until a specific time, and they can only talk to so-and-so, or they use this other phone and all of this.

MR NAICKER: Tow truck operators are available. They meet at restaurants. They meet at coffee shops. They have meetings at restaurants, at coffee shops. They meet under a tree. They have a meeting under a tree. It is not as bad as...

ADV SIKHAKHANE: The taxis.

MR NAICKER: As that side of the fence.

ADV SIKHAKHANE: Okay. That is fine. Lastly, and it is truly your second last, I think if you go to file 4, I will ask you to be taken to file 4, and I will take you specifically to page 71.

ADV KHUMALO SC: Mr Sikhakhane, we have three file 4s. Which one?

ADV SIKHAKHANE: I do apologise, Chair.

ADV KHUMALO SC: Commission Statements, file 4.

ADV SIKHAKHANE: It is written multiple statements. The one I have.

ADV KHUMALO SC: And whose statements are we talking about?

ADV SIKHAKHANE: Commission Statements. It has got statements of the various witnesses that have testified on this theme.

ADV KHUMALO SC: Are we looking at Mr Govender's statement?

ADV SIKHAKHANE: No, no, no. It is John. The first page is John.

ADV KHUMALO SC: Oh, yes. Yes.

ADV SIKHAKHANE: So I am requesting that we go to page 72. 71. Oh, there is double numbering. That is a statement that was submitted by Captain Houston, who has since retired, spent about 38 years in the police, and operated, is around Durban. And he, at page 71, he talks about this subject. At paragraph 35, and I will just read it out, he says:

"Generally..."

He talks about truck towing, taxi, and drugs.

> "Generally, it is an open secret in Durban that the truck towing industry is associated with the transporting / dealing with drugs. This extends to ambulance

> industry, where same are used to transport drugs."

36:

> "I also understand that Bevan Loftus was also into truck towing, first for KZN (Pty) Ltd, taxis and similarly, he was associated with the trucks industry."

Based on that, on what is being stated or alleged here, would you maintain that this statement would be false, as far as you are concerned?

MR NAICKER: If this statement ...[intervenes]

ADV BALOYI SC: There is two statements there. Which one are you asking about?

ADV SIKHAKHANE: Well, it is about, I do apologise, I am talking about the association of drugs and the towing industry.

MR NAICKER: I think it is unfair that the industry is painted with a brush of that sort. We are not saying that one or two... there is no few bad apples in a basket, but it is not the industry. It is not the industry. The industry should not be painted with a brush over one or two people. It is unfair. And in relation with Mr Houston's affidavit or statement that he made, he has never, in his 38 years, ever arrested a tow truck operator. If he has, he would have had it in his affidavit. We know Houston as a police officer in a

certain sector. He was not called Robocop. He was just Houston.

Robocop used to be called another policeman, whose name I would not mention. But he was called Robocop. And the reason why he was called Robocop, because he locked his brother, his mother, just everyone. So they gave him that name, Robocop. So everyone was scared of this cop, and Houston became a partner of him. So I think Houston inherited the name Robocop from that police officer.

He worked in the Sydenham area for many years. He worked in the Wentworth area for many years. He worked in the Durban Central area for many years. There has never been a day that Houston has or we have not been known that a certain driver or a certain towing company that got busted at the scene or crime scene where drugs were found in the vehicles. If it was so, it would have been knowledgeable to us. We would have remembered it.

I would not say about taxis. Taxis, people that use taxis, taxis get stopped and there is drugs found in taxis by passengers. That is known to the public.

ADV SIKHAKHANE: Okay, my last question, and it goes to the general logic of your answers.

MR NAICKER: Yes.

ADV SIKHAKHANE: And is it that if, for example, there

has been no charge, or someone has not been charged, does it mean something does not exist?

MR NAICKER: Well, according to the law, it has to be proven, and then only it can be found.

ADV SIKHAKHANE: Okay. Thank you.

CHAIRPERSON: Because we have, we the Commissioners have a meeting over lunch, I had thought we could come back exactly at 2.00 p.m., but because of that meeting, I think we do need the hour. So let us adjourn and resume at ten past two.

MR NAICKER: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. Afternoon, Mr Naicker, once more. Are you ready? Okay. Mr Naicker, when we adjourned, we were still engaging about the towing industry and the allegations that it is associated with drug dealing and drug transportation and the like, and we have shown you allegations or statements from one of the witnesses. And certainly there have been another witness that has come before the Commission, and there has been media reports around that. Now, you are saying that you were not aware of these allegations.

MR NAICKER: Yes, that is correct.

ADV SIKHAKHANE: You were not?

MR NAICKER: No, I was not.

ADV SIKHAKHANE: But you did say there were one or two incidents that you were aware of, perhaps.

MR NAICKER: In reference of?

ADV SIKHAKHANE: Drug trade or drug trafficking.

MR NAICKER: Drug trafficking.

ADV SIKHAKHANE: Trafficking.

MR NAICKER: Within the towing industry.

ADV SIKHAKHANE: Within the towing industry.

MR NAICKER: As the tow trucks being used to traffic drugs?

ADV SIKHAKHANE: Well, whatever the situation may be, just any association.

MR NAICKER: Association, yes ...[intervenes].

ADV SIKHAKHANE: So it could well be that some tow truck drivers are involved in drug trade, or they transport drugs.

MR NAICKER: No, I have never heard of such.

ADV SIKHAKHANE: And you have been ...[intervenes].

CHAIRPERSON: I am sorry, were you specific about which ones, Mr Sikhakhane? I did not hear. But what I want to raise is, but you did say the lot that you referred to as cowboys, you did say those are also involved in drug trafficking, I thought you said, or not?

MR NAICKER: The ...[intervenes].

ADV SIKHAKHANE: Yes, that is what I was asking ...[intervenes].

MR NAICKER: The question I understood was whether the tow trucks were used in trafficking those drugs.

ADV SIKHAKHANE: No, it was the involvement of people within ...[intervenes].

MR NAICKER: People within the tow truck industry involved in drugs.

ADV SIKHAKHANE: Correct.

MR NAICKER: Yes, yes. My answer would be yes.

ADV SIKHAKHANE: All right.

CHAIRPERSON: But throughout, I thought the thrust of the evidence was about the tow trucks themselves being used in drug trafficking. Throughout, I thought that was the thrust of the evidence, but a point you made was that it was not what I loosely referred to as the organised group, according to you. It was not the organised group, but it was the cowboys who did this, that is were involved in drug trafficking using tow trucks in drug trafficking. Was I wrong in my understanding of your testimony?

MR NAICKER: I could have admitted to the owner of the operation being involved in drugs, and I identified that I have no circumstances as being aware of any tow trucks, even whether it belongs to cowboys or whoever, that have

been publicly known to have been stopped and have been searched and seized with drug trading.

CHAIRPERSON: Yes, Mr Sikhakhane.

ADV SIKHAKHANE: We may be coming technical about things, and I think I am moving from the Chair's answer and what the answer you gave. I was merely picking up from it. It certainly is not the answer we are giving now, but it was more of acknowledging that maybe there were ones or twos, or especially the cowboys that were involved in drugs. It is not necessarily your own people.

MR NAICKER: Yes.

ADV SIKHAKHANE: Which one is it?

MR NAICKER: Yes, there were.

ADV SIKHAKHANE: There were. And the media reports, we have gone through them, and all of this that have been alleged. And when we parted, I said existing in fact, you were saying that the fact that someone has not been charged.

MR NAICKER: Ja.

ADV SIKHAKHANE: That means that it does not exist, because legally that is the understanding. So I want to say, but it can be that it exists, just that maybe the authorities have not ...[intervenes].

MR NAICKER: Exposed it publicly, yes.

ADV SIKHAKHANE: Do you agree?

MR NAICKER: Yes, I agree.

ADV SIKHAKHANE: So there could be instances where there have been drug trade, or people have been caught by drug with drugs, right? But as it happens, or as it has always being the case, police are paid or bribed to look the other way.

MR NAICKER: I ...[intervenes].

ADV SIKHAKHANE: I am not saying you know for sure, but I am saying it is something that could exist in that ...[intervenes].

MR NAICKER: I would not want to comment on something that I have no facts on.

ADV SIKHAKHANE: Okay. How long have you been the chairman of the towing industry? What is the – ja, that association?

MR NAICKER: The association, we are five years.

ADV SIKHAKHANE: Five years?

MR NAICKER: Yes.

ADV SIKHAKHANE: And you have never had to deal with those instances?

MR NAICKER: No, we have never had to deal with those instances.

ADV SIKHAKHANE: So what do you ordinarily deal with in that?

MR NAICKER: Negotiations with the relevant sectors in

terms of insurance company for increase of tow rates, making sure that the increases are done correctly, negotiating with insurance companies for various different aspects concerning towing and panel beating. The association actually have two caps, one for towing and one for panel beating. So when the executive does negotiations, we speak on both entities.

ADV SIKHAKHANE: [Indistinct – mic switched off].

MR NAICKER: Yes.

ADV SIKHAKHANE: [Indistinct] – mic switched off]... apologies, Chair. I want to bring one of the articles just to complete the point. Commissioners, it is a news article. It should be File 3 of the exhibit bundle. It is page 1135.

CHAIRPERSON: Is there only one File 3?

ADV SIKHAKHANE: I hope so. The KZN exhibit bundle, but maybe it is safer to refer to page 1135. 1135.

CHAIRPERSON: Quick glance, I already see four File 3s. I hope I have the correct one on the spine. It has KZN gangs exhibit bundle ...[intervenes].

ADV SIKHAKHANE: Can I just ...[intervenes].

CHAIRPERSON: Starting with CJC402.

ADV SIKHAKHANE: I am looking for 403.1, page 1131. That is what it should - is it what they have?

CHAIRPERSON: 11 what?

ADV SIKHAKHANE: I am looking for page 1135.

CHAIRPERSON: 1135.

ADV SIKHAKHANE: Are you there, Mr Naicker?

ADV BALOYI SC: [Indistinct – mic switched off].

ADV SIKHAKHANE: Sorry?

ADV BALOYI SC: [Indistinct – mic switched off].

ADV SIKHAKHANE: Yes, it is an article. It is an article. Are you there? Now, this is an article, for example, that was published seven years ago from November. It suggests, if you turn over, I will just read the first two paragraphs, because I would imagine you would be aware of these things. It says:

> "Two alleged Durban drug bosses..."
>
> ...[intervenes].

ADV KHUMALO SC: Mr Sikhakhane ...[intervenes].

ADV SIKHAKHANE: [Indistinct] ...[intervenes].

ADV KHUMALO SC: Because you are reading from the laptop, yours would be 1135, but from the file it is 1134.

ADV SIKHAKHANE: Yes, yes, yes. Okay. The title of that article is as follows. It says:

> "Exclusive: Top Hawks official spills beans on cops working with Durban drug lords."

You see that. And the article, if you go down, is dated - there is a line there, 21 November 2018. You see that?

MR NAICKER: Yes.

ADV SIKHAKHANE: All right. Now, if you turn over to page 1135, and I will just read what this article says, just briefly. It says:

> "Durban, two alleged Durban drug bosses with ties to the taxi and tow truck industries in Phoenix were able to infiltrate the Hawks Narcotics Unit, use corrupt officers to bring down their rivals and pit officers in the unit against one another. In addition, they were able to gather sensitive information from the officers, such as planned drug operations and intelligence gathered from wiretaps."

And then it follows:

> "These allegations are contained in an explosive affidavit that was signed under oath by a former commander at the South African Narcotics Enforcement Bureau of the Hawks in Durban."

And then lastly he says, he alleges that this is this official:

> "...that several fellow police officers, including those from the Organised Crime Unit, National Intervention Unit, and the Dog Unit, were in the books of a prominent Phoenix drug lord."

Can I ask, have you been aware of this article before, or allegations?

MR NAICKER: Yes, I have seen this before.

ADV SIKHAKHANE: You have seen this before, and what was – have you discussed it with your association within the towing industry?

MR NAICKER: Well, this is a conversation that I would not have here.

ADV SIKHAKHANE: Sorry?

MR NAICKER: This is part of our in camera.

ADV SIKHAKHANE: How so?

MR NAICKER: Also.

ADV SIKHAKHANE: No, I am talking about the association, the towing association. Here are allegations of a serious nature you say you were aware of. I am saying, had you discussed it within the association and various tow truck drivers or owners?

MR NAICKER: Well, this was something we could not control.

ADV SIKHAKHANE: Sorry?

MR NAICKER: This was something we could not control.

ADV SIKHAKHANE: But you were aware of it?

MR NAICKER: We were aware of it, ja.

ADV SIKHAKHANE: But you now see the association of drugs and the tow truck industry.

MR NAICKER: Ja, and this does not fall under the areas that we work in.

ADV SIKHAKHANE: That is good, but I am saying you see the association of the drug industry.

MR NAICKER: Yes, okay. I see your point. Thank you.

ADV SIKHAKHANE: You see that?

MR NAICKER: Yes, yes.

ADV SIKHAKHANE: All right, and it may well happen that within your association or the areas or your routes – Commissioners, you can put that far away, just not to clutter your table – you would have been aware within your industry, even if someone was not convicted, you would probably look into making sure that these things do not happen.

MR NAICKER: As far as we can.

ADV SIKHAKHANE: As far as you can?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. And on your side, had you had – so we have dealt with the fact that there are these associations, and you are saying, secondly, it was not within your area of operation.

MR NAICKER: Yes.

ADV SIKHAKHANE: But there are allegations that you also, I may have asked this, but there are allegations that you are one of the people who run, let us call it, who run

narcotics or drugs.

MR NAICKER: But the allegation is not true.

ADV SIKHAKHANE: It is not true.

MR NAICKER: That allegation is not true.

ADV SIKHAKHANE: Okay.

ADV KHUMALO SC: Can we do this on that topic? Mr Naicker, you have the transcript of the evidence of Deputy Director Len John. I think it was given to you just before lunch, yes. Please go to page 8.

MR NAICKER: Page?

ADV KHUMALO SC: 8.

MR NAICKER: 8.

ADV KHUMALO SC: At the foot of that page it will say 8 of 129. Are you there?

MR NAICKER: I am at page 8.

ADV KHUMALO SC: Page 8 of 129, at the foot of the page.

MR NAICKER: 8 of 129, yes.

ADV KHUMALO SC: Do you see that?

MR NAICKER: Yes.

ADV KHUMALO SC: And then I am reading from line 15. Mr John says:

> "As I show below, there is at least a *prima facie* case that at the instance of Mr Clive Naicker, the alleged leader of a

drug and tow trafficking gang, Lieutenant Colonel Deena Govender deployed task teams to kill Mr Bevan Loftus, who was the alleged leader of a rival drug and tow truck gang."

Do you see that?

MR NAICKER: Yes.

ADV KHUMALO SC: So that was his evidence before this Commission. The focus of my question is on the drug link, where he says you are an alleged leader of a drug and tow trucking gang. It is only fair that you be given the opportunity to comment on what he said to the Commission.

MR NAICKER: Mr Commissioner, the first thing I would like to know, we hear about gangs. Every gang has a name. I have not been identified. I have been identified as a gang leader, but I have never been identified as the name of the gang. So I would not accept the allegations made against me because, firstly, I am not a gang leader for me to have a gang.

ADV KHUMALO SC: Are you a member of a gang?

MR NAICKER: I am not a member of no gang. The only gang I am a member of is the one in my house.

ADV KHUMALO SC: Are you involved in drug trafficking?

MR NAICKER: No, I am not.

ADV KHUMALO SC: And then go to page 9, same page,

that is the other side of the page.

MR NAICKER: Sorry?

ADV KHUMALO SC: From line 15.

MR NAICKER: Page 9.

ADV KHUMALO SC: This is the question Chair asked you earlier, but there is more detail from Mr John. He says:

> "I am not saying that all the tow trucks, but in many cases the tow truck industry and the drug industry go together hand in hand. We see tow trucks are being used to transport drugs and to supply drugs."

Are your tow trucks being used to transport and supply drugs?

MR NAICKER: Confidently, I can tell you no.

ADV KHUMALO SC: And he says:

> "And the reason they do that is because they are police friends, and so police do not stop and search them. Even at roadblocks, they have a free passage to go through. So that is the conclusion that we come to, is that the tow truck industry and the drug industry are actually related to each other."

MR NAICKER: No, it is not.

ADV KHUMALO SC: So what he is saying here is not true?

MR NAICKER: If he has evidence to prove otherwise, I would not disrespect his allegation. But as far as I know, and according to what I know, that the tow truck business is not there for drug-related issues. As the Evidence Leaders questioned and identified to me in detail specific persons or organisations that are involved in drugs and do own tow trucks, whether their tow trucks do those movements, I cannot be answerable to that because I have no facts to that. In terms of talking on behalf of my business, I can say confidently no.

ADV KHUMALO SC: And in page 8, you did not answer the last part of that quotation there where he says you got Bevan Loftus killed because he was an alleged leader of a rival drug and tow truck gang.

MR NAICKER: Well, the Meth allegation, he needs to be more clear on. Firstly, I am not a leader of no gang. I am not involved in drugs. So what would be the purpose of me being involved in something of that sort? I deny that allegation against me.

ADV BALOYI SC: You have more than one tow truck in your business.

MR NAICKER: Yes, ma'am, Commissioner.

ADV BALOYI SC: And you are not a driver of any one of them.

MR NAICKER: Yes.

ADV BALOYI SC: Would you know if your drivers were using your trucks to do what Mr John alleges, to move drugs around?

MR NAICKER: We have got managers in place that manage each area. We have got a map of the trucks with their tracking devices that is monitored in our offices, so we can have control of them at all times and know their whereabouts. Sometimes we do find our drivers at cannabis shops and so on and so on, where the company will phone them and ask them, what are you doing in this place here? Keep on moving. Something of that sort. I have got 90% confidence that my drivers are not involved.

ADV BALOYI SC: Okay, but you cannot discount. I know I have heard your answer that there is no evidence, you do not know. That is fine, but I am simply testing that you cannot absolutely say you know that your trucks are not used for this kind of activity precisely because they are driven by other people. You tell us that sometimes they would have stopped at a place and you check on them, why are you there, keep it moving. Exactly that suggests to me that there is room, not necessarily with your approval or your knowledge, but there is room that your trucks may well be among the, or some of your trucks may well be among the implicated trucks. I am not putting it higher than that.

MR NAICKER: Commissioner, I would confidently say my

management skills are on high platform. If it was such a thing happening, we would have found out about it. The driver would have not been working for us anymore. The drivers have got, they have strict instructions. We give them good vehicles to work on. All my vehicles are branded. There is no vehicle of mine that is not branded Roadstar. Every single vehicle of mine is branded. It cannot be unseen. So, and the drivers that we have are vetted. They may not be the best of the best, but they are definitely not one of those guys.

ADV BALOYI SC: Your confidence is noted.

MR NAICKER: Thank you.

ADV KHUMALO SC: Mr Sikhakhane, I want to finish with this transcript so that you can continue with your line of questioning, but I will move ahead and then we can come back. Mr Naicker, please go to page 106.

MR NAICKER: 106.

ADV KHUMALO SC: Are you there?

MR NAICKER: No, I am not sure.

ADV KHUMALO SC: That is page 106, sorry, 106 of 129.

MR NAICKER: I have got 4 of 129.

ADV KHUMALO SC: No, it cannot be. What is the last page on that document?

MR NAICKER: The last page? Okay, okay, okay.

ADV KHUMALO SC: The last page should be 128.

MR NAICKER: 106 of 129.

ADV KHUMALO SC: Yes, you found it?

MR NAICKER: Yes.

ADV KHUMALO SC: Yes. Just before I ask you my question, this address where your uncle, Mr Elvis Raju, stayed.

MR NAICKER: Yes.

ADV KHUMALO SC: Did you run or conduct any businesses from that address?

MR NAICKER: No, I did not run or conduct any businesses beside the address of my registration document for my taxi business.

ADV KHUMALO SC: And did you employ your uncle in any capacity?

MR NAICKER: No.

ADV KHUMALO SC: So he was not your employee?

MR NAICKER: No.

ADV KHUMALO SC: All right. Now, page 106, this is the transcript of that phone call that we spoke about earlier. And if you look at line 20 on that page, it is you speaking. So let us take it from line 17. You say:

> "Who is this here? Who is this here?
>
> Bevan, you, you killed my uncle, you."

What are you referring to there?

MR NAICKER: It was, I said, in November or December of

2022, my uncle was shot and killed outside his house.

ADV KHUMALO SC: This is Mr Raju?

MR NAICKER: Mr Raju, yes.

ADV KHUMALO SC: Yes.

MR NAICKER: And it was quite surprising. I mean, he had no enemies, even though he did a little bit of things that he should not be doing. Well, he was a drug dealer.

ADV KHUMALO SC: Yes.

MR NAICKER: He was a drug dealer.

ADV KHUMALO SC: But that is the point I was making ...[intervenes].

MR NAICKER: He was a known drug dealer.

ADV KHUMALO SC: And he was conducting this business from that address?

MR NAICKER: From his house, where he lived, where he has been shot.

ADV KHUMALO SC: And that is the registered address of one of your businesses?

MR NAICKER: Of one of my businesses, yes. There were rumours all over that it came from the coloured community. So when the call came, I addressed the call after identifying that is Bevan. And the reason for me identifying Bevan is because I did speak to him on two occasions before this, and there were always voice notes going around of him cursing and threatening people. Sorry?

ADV KHUMALO SC: [Indistinct]... you?

MR NAICKER: No, no, no, no, no, no, no, excluding me. I have never had any interaction with him. I have never had no disputes with him. I have never had no outfalls with him where he had to phone me and threaten me or that sort. This was the first time that I got a call that ended up in that concept. There was a voice note that we listened to over and over again where he ...[intervenes].

ADV KHUMALO SC: Mr Naicker, I do not want you to go into detail about what happened before that. The point of me asking you a question is, when we asked you about your relationship with Mr Loftus Junior earlier, you said you had three conversations with him, but you never had any gripe with him. But looking at this transcript, it suggests to me that you actually did have a gripe with him.

MR NAICKER: That is not a gripe to me. He killed my uncle, not me.

ADV KHUMALO SC: But you still raised it with him, which means it was an issue for you.

MR NAICKER: I asked him a question. He answered yes.

ADV KHUMALO SC: And he answered, and you were happy.

MR NAICKER: He did not give me an opportunity to speak before I can go further with the conversation. He said what he had to say, and he cut the call, and the call ended. I

could not take the conversation further. I could not confirm with him, asking what is the problem, whether we having an issue, whether we got an issue, what is the purpose for all this.

ADV KHUMALO SC: Thank you.

ADV SIKHAKHANE: Just to follow up, I think we are going to deal with that. It is an important thing. But why did you – there was a point, I think, from an article that was after Bevan was killed.

MR NAICKER: Yes, the Daily Maverick.

ADV SIKHAKHANE: The Daily Maverick article. If we can just go there? Remember the file that I had that you had opened with the articles, File 3.

MR NAICKER: What page? What page?

MR NAICKER: Page 1182.

CHAIRPERSON: The same File 3 we have?

ADV SIKHAKHANE: Yes, with that article. Apologies. I am just following up from Commissioner Khumalo's question. Page 1182. Are you there, Mr Naicker?

MR NAICKER: Almost.

ADV SIKHAKHANE: We are going to come to this article later on, but I just am following from what you said about Bevan. In response to this recording, telephone recording, you were asked about it, and you are quoted in the main part of the article. This is what you say, or quoted as

saying, and you can say if it is agreed:

> "I have never met Bevan. I am the biggest player in the tow trucking industry in KZN. I own 40 vehicles. My drivers are not violent. I am trying to make the industry peaceful."

MR NAICKER: Yes.

ADV SIKHAKHANE: And then you say:

> "This young man, Loftus, was a thug, an evil young man. Word on the street is that he killed 40 people in Wentworth, Newlands and Sydenham. It is believed. It is unbelievable. He accused me of lots of things, but I never had a confrontation with him."

It goes on and says:

> "Allegations about me and the cops. The cops dealing with these matters are seasoned. They are hawks, and they do their job well. People cannot bribe them with a few R100. They will arrest you."

Right? And then you then say:

> "I do not know why people are trying to defend Bevan Loftus. He was ruthless, a gangster and a thug. He was a leader of

the Hollywood gang, and Ryan Santos was a monster."

Now, let us go to the first thing you say, that he was an evil young man. Where did you base that on? You will recall that when we had a debate, you talked about how we establish a fact.

MR NAICKER: I used – it was my opinion due to everything we hear out on the streets of what is going on, the amount of people are dying, the children that are getting shot and killed every other week, women, children, teenagers, parents. The last incident was the one with the ...[indistinct] family. If somebody kills women and children ...[intervenes].

ADV SIKHAKHANE: Was Bevan arrested for that?

MR NAICKER: No.

ADV SIKHAKHANE: So why do you say he was responsible?

MR NAICKER: Because he told in the video that Ryan Santos was a shooter.

ADV SIKHAKHANE: Bevan Loftus, how does he come in?

MR NAICKER: Because him and Ryan Santos is one of two.

ADV SIKHAKHANE: How? Explain that.

MR NAICKER: They are a team. They move together. They are friends. They live together. They move together.

It is ...[intervenes].

ADV SIKHAKHANE: So by association?

MR NAICKER: Yes, by association. It is common knowledge out on the street that Bevan and Ryan Santos are two of the same people.

ADV SIKHAKHANE: So, but you are saying that anything that accuses you based on association or allegations or word in the street is untrue. Would that be – yes, yes, yes.

MR NAICKER: [Indistinct] ...[intervenes].

ADV SIKHAKHANE: [Indistinct – cross-talking]... I mean, what is good for the one must be good for the other ...[intervenes].

MR NAICKER: Yes, I totally agree. I totally agree.

ADV SIKHAKHANE: So which is which?

MR NAICKER: It was my opinion.

ADV SIKHAKHANE: It was your opinion.

MR NAICKER: My opinion, yes.

ADV SIKHAKHANE: And you believe that to be correct? That is what you gave to the media and the whole country.

MR NAICKER: I vented my opinion.

ADV SIKHAKHANE: While sitting here now, what is your opinion?

MR NAICKER: I will maintain my opinion.

ADV SIKHAKHANE: Sorry?

MR NAICKER: I will maintain my opinion.

ADV SIKHAKHANE: It remains your opinion?

MR NAICKER: Yes, it remains my opinion.

ADV SIKHAKHANE: So people that have a particular opinion about you, they are equally entitled to that opinion?

MR NAICKER: I have the right to defend it, and I speak, and I speak out the truth.

ADV SIKHAKHANE: Sorry?

MR NAICKER: I speak out the truth.

ADV SIKHAKHANE: You speak the truth?

MR NAICKER: Yes, I speak out the truth. I have the opportunity to speak. I speak out the truth. If someone makes an allegation against me, I do not cut up a force together and attack them. I pick up a phone and have a conversation with them. You had something to say about me. Is it true? What is the purpose of this here? I am ...[intervenes].

ADV SIKHAKHANE: So you confront them.

MR NAICKER: Sorry?

ADV SIKHAKHANE: You confront them?

MR NAICKER: Yes, I confront them.

ADV SIKHAKHANE: Okay. And you say that he was ruthless, a gangster. A gangster, are you also basing it on the word on the street?

MR NAICKER: A gangster is ...[intervenes].

ADV SIKHAKHANE: You said Bevan was a gangster.

MR NAICKER: Yes, through his association.

ADV SIKHAKHANE: Not that you know for a fact.

MR NAICKER: No. As I said, I have never met Bevan. I have never seen him. I have never physically seen him, so I would not tell you that I have seen him sitting at, like, a police officer identified at a Hollywood drug den.

ADV SIKHAKHANE: So how are you this certain about him?

MR NAICKER: Word on the street.

ADV SIKHAKHANE: Word on the street. Then on top, you say:

"I said I heard he killed my uncle."

MR NAICKER: Yes.

ADV SIKHAKHANE: Out of interest, is Elvis Raju your blood uncle?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. And again, would you have liked to revenge someone who killed him?

MR NAICKER: No.

ADV SIKHAKHANE: You would not?

MR NAICKER: No.

ADV SIKHAKHANE: But you would confront them?

MR NAICKER: I would confront them.

ADV SIKHAKHANE: And what would be the end of that confrontation?

MR NAICKER: I would only know what would be the end of the confrontation if I had the confrontation.

ADV SIKHAKHANE: So anything could happen?

MR NAICKER: Anything could have happened.

ADV SIKHAKHANE: Anyone can get killed?

MR NAICKER: Well, it would have been me, definitely.

ADV SIKHAKHANE: It would be you?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. All right. Can I take you to file – please put that file away, Commissioners.

MR NAICKER: Are we on the same file?

ADV SIKHAKHANE: Yes. Earlier on, we – just bear with me. Earlier on you testified, or you answered in relation to the notice that in 2012 you were once charged with assault with intent to do grievous bodily harm.

MR NAICKER: Yes.

ADV SIKHAKHANE: All right. Now, that means that you confronted someone and you beat them up.

MR NAICKER: No, that is not the situation.

ADV SIKHAKHANE: So what is that charge about?

MR NAICKER: That was a major argument. There was baseball bats being swung around and we all defended one another and...

ADV SIKHAKHANE: Sorry, it says you are saying there were baseball bats flying.

MR NAICKER: Ja.

ADV SIKHAKHANE: Explain that.

MR NAICKER: There was ...[intervenes].

ADV BALOYI SC: Explain to us what is that incident about.

MR NAICKER: It was about a drag racing incident. Somebody jumped the line, and it took a few seconds, and an argument broke out over that.

ADV SIKHAKHANE: So, please ...[intervenes].

ADV BALOYI SC: You attacked somebody physically. Assault with GBH suggests that you would have been involved in physical altercation.

MR NAICKER: I gave the guy a clout.

ADV SIKHAKHANE: Sorry, a what?

MR NAICKER: I gave him a clout.

ADV SIKHAKHANE: A clout?

MR NAICKER: Yes.

ADV SIKHAKHANE: And then it is an assault GBH?

MR NAICKER: Well, he ran.

ADV SIKHAKHANE: He ran, okay.

MR NAICKER: And he tripped, he fell.

ADV SIKHAKHANE: He fell.

MR NAICKER: Yes, and he hurt himself even more. And then the charge was brought up at Sydenham SAPS. Sydenham SAPS called us up. They detailed us

...[intervenes].

ADV SIKHAKHANE: What was the nature of the injuries?

MR NAICKER: I think he fractured his ankle.

ADV SIKHAKHANE: Ankle?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay, but you talked to him?

MR NAICKER: Sorry?

ADV SIKHAKHANE: You talked to him so that he ...[intervenes].

MR NAICKER: Yes, yes ...[intervenes].

ADV SIKHAKHANE: He withdrew the charges.

MR NAICKER: You mean currently now?

ADV SIKHAKHANE: Yes. Your answer was that through ADR the charges were withdrawn.

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. Where do the baseball bats ...[intervenes].

MR NAICKER: Sorry?

ADV SIKHAKHANE: Where do the baseball bats feature in that confrontation?

MR NAICKER: One of them swung a baseball bat and broke a window of a car. One of the guys that were arrested.

ADV SIKHAKHANE: I see.

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. And then you hit him and then he ran and fell.

MR NAICKER: Fell, yes.

ADV SIKHAKHANE: Okay, right. Now, can I request that you go to File 3? File 3, not of the exhibit bundle, not that same file. It is after the statements. It is written profile. Can I take you to page 61 of this file?

ADV BALOYI SC: It is written Part A. Is that what we are talking about, 3 Part A?

ADV SIKHAKHANE: No, no, it is File 3, ...[indistinct] profile at the spine. It is a small file.

CHAIRPERSON: Which page?

ADV SIKHAKHANE: Can you go to page 66?

CHAIRPERSON: 66?

ADV SIKHAKHANE: Ja, that is where I am going. Can we now finally put away the other File 3, or not?

ADV SIKHAKHANE: Not yet.

CHAIRPERSON: Not?

ADV SIKHAKHANE: Not yet. So, sorry, at page 61, this is a court application.

MR NAICKER: Yes.

ADV SIKHAKHANE: You see that. That was by Visham Panday.

MR NAICKER: Yes.

ADV SIKHAKHANE: Against yourself and one Avista

Ramkissoon.

MR NAICKER: Yes.

ADV SIKHAKHANE: And this was dated, if one has to follow it, May 2025.

MR NAICKER: Yes.

ADV SIKHAKHANE: 23 May 2025. That is last year. But perhaps, Chairperson, let me rather, ja, page 66. This is what this applicant seeks, and I will read it for you. 4.1, paragraph 4, relief sought:

> "I seek orders interdicting the first and second respondents, from..."

The first is yourself:

> "a. Assaulting, attempting to assault, or threatening to assault me.
>
> b. Causing harm to members of my family and/or me, or inspiring the reasonable belief that harm may be caused to members of my family and/or me by either engaging in verbal, electronic, or any other communication with me, whether or not conversation ensues.
>
> c. Engaging in any conduct which amounts to harassment of me, including any intimidation of or offensive conduct

towards members of my family."

And then 4.2, which is interesting, says:

"I also seek an order interdicting the first and second respondents from enlisting the assistance of any third party to engage in any conduct referred to in a, b, c above."

But what gives rise or cause of concern to this is an engagement that you had with the applicant, which is that you had threatened to kill him. Can you just engage us on how that came about?

MR NAICKER: It is untrue.

ADV SIKHAKHANE: Yes?

MR NAICKER: The allegations brought against me is untrue. We defended these allegations.

ADV SIKHAKHANE: Sorry, please speak up.

MR NAICKER: The allegations brought against me is untrue by him. It was mainly a telephone conversation I had with Visham Panday, who is somebody I would have spoken to every now and again, who would have sent me a daily message every single morning, a morning message every single day. So I assumed when this lady came to me for assistance to please speak to Mr Visham Panday, who has robbed her for over R20 000 000, I made a call to him to ask him what the status of this here, and he went

ballistic. If I may speak, there is evidence to prove that this Panday guy, this is modus operandi.

ADV SIKHAKHANE: Sorry, it is what?

MR NAICKER: This is what he does.

ADV SIKHAKHANE: Which is what?

MR NAICKER: Open up High Court applications against anyone that he does not want to speak to. If he has to have a dealing with you, for me even speaking this on the public air, I will receive an application tomorrow as well. So I got to watch my words carefully concerning how I respond to this.

ADV SIKHAKHANE: Can you please turn to page 69, and I want to read you what he says you said. In fact, go back, sorry, page 68. 6.14 says:

> "Regrettably, my email to the first respondent did not have the desired effect, and at approximately 17:30 on 20 May 2025, the first respondent telephoned me and repeated his threat that he would kill me unless I paid the second respondent the full amount claimed.
>
> 6.14.2. It was also during this call that the first respondent stated that the second respondent had informed him,

that is the first respondent, that I had claimed to have contacts at the Hawks.

6.14.3. Whilst I denied having made any such claim, the first respondent advised me that because of the people that he knew at the Hawks, if he..."

That is the first respondent being yourself:

"...got involved in my matter, the people whom I knew at the Hawks would not be able to assist him."

What it means is that, according to this, you have got people in higher places than he has within the Hawks.

MR NAICKER: Definitely not higher ...[intervenes].

ADV SIKHAKHANE: No, no, I am saying that is what he is saying. Yes. Then if you turn over to page 69, that is where at paragraph 6.11, that he says:

"On 21 May 2025 at approximately 09:30, the first respondent..."

That is being you:

"...once again telephoned me and once again threatened to kill me unless I paid the second respondent the full amount claimed by the second respondent."

Do you see that? And then it goes on, I cannot read entirely, and there is a confirmatory affidavit that appears at

page 74 from one Shahida Hendricks, right? So what is your comment on these allegations?

MR NAICKER: Not true.

ADV SIKHAKHANE: And do we have the contacts within Hawks whose nature is that you can use for unlawful purposes?

MR NAICKER: I have never mentioned that to him.

ADV SIKHAKHANE: Never?

MR NAICKER: I have never mentioned that to him.

ADV SIKHAKHANE: Okay. And, but if I have to ask this question, is do you have contacts within the police that you could enlist to do something unlawful?

MR NAICKER: No.

ADV SIKHAKHANE: Nothing? Okay, all right. Then, just to tie up on this point, you will recall that after this call with Bevan in January.

MR NAICKER: Yes.

ADV SIKHAKHANE: They made, his father, Gregory Loftus.

MR NAICKER: Ja?

ADV SIKHAKHANE: This is now before this, makes an application to the High Court, right, where they are, of course you are not cited, but the allegation is that you have gotten some police officers to cause harm to him, to Bevan Loftus.

MR NAICKER: To Bevan Loftus?

ADV SIKHAKHANE: Yes.

MR NAICKER: The allegation is not true.

ADV SIKHAKHANE: Okay, but the pattern that we see, which is word on the street, as it would seem, is that there are these allegations that you use violence.

MR NAICKER: I use violence?

ADV SIKHAKHANE: Ja.

MR NAICKER: One incident ...[intervenes].

ADV SIKHAKHANE: Well ...[intervenes].

MR NAICKER: In 2012.

ADV SIKHAKHANE: This other one where you were charged.

MR NAICKER: By someone that ...[intervenes].

ADV SIKHAKHANE: It is fine ...[intervenes].

MR NAICKER: For ...[intervenes].

ADV SIKHAKHANE: It does not matter. I am just saying that is what the allegation is.

MR NAICKER: So, so if people say something about you, which means it is true?

ADV SIKHAKHANE: You said that about Bevan.

MR NAICKER: I said it was my opinion.

ADV SIKHAKHANE: Well, I am saying if someone were to have this opinion about you, that you have got propensity to use violence to confront people.

MR NAICKER: I will say that is not true.

ADV SIKHAKHANE: That is not true?

MR NAICKER: No.

ADV SIKHAKHANE: And why must people trust you, not others, and not Bevan? Why must we trust you rather?

MR NAICKER: Because my actions speak for itself.

ADV SIKHAKHANE: Your actions? Okay, thank you. You can put that file away. You can also put that file away too, right? Now, we will go back to the incident involving Bevan at a later stage. I just want us to go to there. Now, you said earlier in response to Commissioner Khumalo that your uncle was involved in drug trade, is it?

MR NAICKER: Yes.

ADV SIKHAKHANE: And did you know that?

MR NAICKER: Yes.

ADV SIKHAKHANE: For how long did you know?

MR NAICKER: For his whole life.

ADV SIKHAKHANE: Ever since his whole life?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. And did he ever try to introduce you to that?

MR NAICKER: No, he could not.

ADV SIKHAKHANE: He could not?

MR NAICKER: Could not.

ADV SIKHAKHANE: Why?

MR NAICKER: I was too smart for that.

ADV SIKHAKHANE: You are too smart? Okay. All right. And was it the only business that he engaged in?

MR NAICKER: That is the only business he had, yes.

ADV SIKHAKHANE: Okay. And you ...[intervenes].

MR NAICKER: I managed to at one stage to get him a taxi, but he failed there too.

ADV SIKHAKHANE: Sorry, I did not hear.

MR NAICKER: He failed with it.

ADV SIKHAKHANE: It failed?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. Now, if he was operating at the address that we spoke about, that is registered in your business, but he is conducting these operations or activities, you would see that it would be a problem.

MR NAICKER: It would be a?

ADV SIKHAKHANE: A problem.

MR NAICKER: A problem?

ADV SIKHAKHANE: So if someone is involved in criminality or drugs but uses my address or the address I am associated with, that would be a problem.

MR NAICKER: I think ...[intervenes].

ADV BALOYI SC: Maybe clarify, Mr Sikhakhane, so that we understand and keep a pace with the purpose of the evidence, otherwise it gets lost to us. When you say it

would be a problem, be specific. Is it to Mr Raju? Is it to Mr Naicker? In what way, so that we understand where you are going with it.

ADV SIKHAKHANE: Sure. Thank you. Thank you, Commissioner. Perhaps to clarify is, one is that the allegations that are there against Mr Naicker, and in a property that is linked to are those questions about drug trade. That is where, and I am saying if what he knew of them, but what did he do about it? If it is a problem, and if he is saying he did nothing, that is fair enough.

ADV BALOYI SC: You say the allegations against Mr Naicker, are you saying there are allegations that he used that property?

ADV SIKHAKHANE: No. It is the allegation that we have gone about, about him being alleged to be involved in drugs.

ADV BALOYI SC: Okay. Ja, maybe let me leave you to develop it.

ADV SIKHAKHANE: Yes.

ADV BALOYI SC: Let us see where it goes.

ADV SIKHAKHANE: Sorry, the Commissioner is taking...

ADV BALOYI SC: I do apologise if I ...[indistinct] off your track.

ADV SIKHAKHANE: Ja, apologies. Ja, my train of thought really escaped me. Let me just move to the next question I

had. Now, you talked about this Roadstar Auto Recoveries, right?

MR NAICKER: Yes.

ADV SIKHAKHANE: And you spoke about your involvement in that business, tow truck business, and that you are a big player.

MR NAICKER: Yes.

ADV SIKHAKHANE: But if you look at your statement earlier, you testified that in Roadstar Auto Recoveries, is it this one that runs tow trucks?

MR NAICKER: Yes.

ADV SIKHAKHANE: You say that you are merely a 20% shareholder.

MR NAICKER: Yes.

ADV SIKHAKHANE: In this company.

MR NAICKER: Yes.

ADV SIKHAKHANE: You also say, I have no dealings in the management of this business or its income.

MR NAICKER: Yes.

ADV SIKHAKHANE: Do you still maintain that?

MR NAICKER: I still maintain that, and I have a reason to maintain it.

ADV SIKHAKHANE: Please do explain.

MR NAICKER: I am one person. I ventured out into the panel industry. It needs a lot of work, dedication. It needs

a lot of supervision. It needs you from eight to six on a daily basis. I had to be part and parcel of it totally, and the growth of the business depended on what I put in. So I could not run around like I was used to, taking care of all the businesses at the same time. So we hired people, designated them to maintain and manage portions of each business, so all business could run correctly.

ADV SIKHAKHANE: So when you say you are involved in the towing industry...

MR NAICKER: Yes.

ADV SIKHAKHANE: What do you mean? Because it seems, or the suggestion here is that you are scaling down or you are not involved, because you say I have no dealings in the management of this business. What is your involvement then in the towing industry? Would it only be the chairperson of the association? And you recall that we had a bit of an engagement about the associations, and you referred to our trucks and all of those things.

MR NAICKER: Yes.

ADV SIKHAKHANE: Ja, and let us assume that as a 20% shareholder, but in the management you are not involved.

MR NAICKER: I have got to be very careful how I answer in terms of legal terms. In layman's terms, it is my business. I created it. It is my babies. I built them. It is my ex-spouse and my current spouse that are the partners

of these businesses. It is for their benefits. So, I choose to give to my family what I choose to give and share it how I choose to share it. It does not necessarily mean that if I have given it to them, I must not oversee what goes on within the business. I understand your question about the management of the business. We have managers employed outside my family that run the business and earn a salary, but I oversee everything.

ADV SIKHAKHANE: In your statement, you say this: I have no dealings in the management of the business.

MR NAICKER: That, as I explained to you, Commissioner, in layman's terms, you cannot not oversee your business. It is yours. You have to oversee. There is a new vehicle that needs to be bought. They just cannot go and buy a new vehicle. They have got to come to me and say, you know what, we are selling two vehicles, we have got a deposit of R250 000, we want to go deposit a new vehicle. I will tell them, go ahead.

There is nothing wrong with that. It is respect. I mean, it is respect. It is not corporate where I understand you are dealing with a different level of business and business allegations compared to the businesses that I am running. I am running something that does not fit the profile of even explaining.

ADV BALOYI SC: Can I just check that I understand you?

With the example that you have given about purchasing a vehicle, are you saying you are not hands-off? You are not at arm's length with your business waiting to be given your dividend. That is not the kind of relationship you have. Even though you are not a manager, you still have involvement in some of the decisions.

MR NAICKER: Because every decision that is made has to be made correctly.

ADV BALOYI SC: Yes.

MR NAICKER: It has to be calculated, so I have to make sure that the decisions that are made by the ladies are made correctly.

ADV BALOYI SC: Okay, so you are involved even though you are not manager. You are involved in some of the decision-making.

MR NAICKER: Yes, yes, I am.

ADV BALOYI SC: Okay, thank you.

ADV SIKHAKHANE: Can I just follow up on that? I think where I am sitting, that last line at least would not be as accurate, and I am not ...[indistinct] anything, it would not be as accurate. You still have some management, or at least supervision of the business.

MR NAICKER: Supervision.

ADV SIKHAKHANE: Ja. Then does that go to all other businesses? Obviously 8.4 and 8.5, we are clear there, but

in terms of 8.2, you are still involved as well.

MR NAICKER: Which ...[intervenes].

ADV SIKHAKHANE: Roadstar Panel and Paint.

MR NAICKER: Roadstar Panel and Paint?

ADV SIKHAKHANE: Yes.

MR NAICKER: Yes, yes, yes. I am every single day on the floor. Every single day.

ADV SIKHAKHANE: Okay.

MR NAICKER: Monday to Saturday.

ADV SIKHAKHANE: All right.

MR NAICKER: First one in, last one out.

ADV SIKHAKHANE: Sure. Then the next question that I would like us to talk about is the cash issue.

MR NAICKER: Yes.

ADV SIKHAKHANE: And I am not going to spend – it is just a few questions. Now, at least two of your businesses, and you have confirmed that they operate on a cash basis.

MR NAICKER: Yes, that is true.

ADV SIKHAKHANE: Meaning you would, whatever is paid by cash, is that against an invoice?

MR NAICKER: Sorry?

ADV SIKHAKHANE: I am saying the payment in cash is against an invoice.

MR NAICKER: In Roadstar Towing.

ADV SIKHAKHANE: Yes, in taxis and – well, not taxis

...[intervenes].

MR NAICKER: No, taxis ...[intervenes].

ADV SIKHAKHANE: Not taxis, the other one, freelancing. Sorry, let me just get to my notes. So the freelancing operates on cash.

MR NAICKER: Cash, ja.

ADV SIKHAKHANE: And Roadstar Auto Recoveries operates in cash?

MR NAICKER: Yes.

ADV SIKHAKHANE: Does it operate fully in cash or receives cash?

MR NAICKER: As I said, it is either 60/40.

ADV SIKHAKHANE: It is 60/40?

MR NAICKER: Ja.

ADV SIKHAKHANE: Okay, but there are invoices.

MR NAICKER: Ja, there is a team of staff that work in that department ...[intervenes].

ADV SIKHAKHANE: That can account?

MR NAICKER: Yes, everything can be accounted for.

ADV SIKHAKHANE: For money that goes out as well?

MR NAICKER: No, they do not say the money that goes out.

ADV SIKHAKHANE: Sorry?

MR NAICKER: When they are spending the money, they are not writing it down.

ADV SIKHAKHANE: Okay. Okay, so there is that gap?

MR NAICKER: Ja.

ADV SIKHAKHANE: When money is going out.

MR NAICKER: Possible.

ADV SIKHAKHANE: Sure. Then in Naicker's Freelancing, you say it operates in cash.

MR NAICKER: In cash, yes.

ADV SIKHAKHANE: Right. And you ...[intervenes].

MR NAICKER: Or...

ADV SIKHAKHANE: Sorry, continue.

MR NAICKER: Or if there is sales of a motor vehicle or anything of that sort and it has to be an EFT, I will put it into that account, but that is very seldomly.

ADV SIKHAKHANE: Okay, but generally it is cash.

MR NAICKER: Cash, yes.

ADV SIKHAKHANE: And I think the question was asked around what exactly is the nature of the business. It is sort of, it is a general trader.

MR NAICKER: It is a general trader. I started the business when I was 17 years old. I was ...[intervenes].

ADV SIKHAKHANE: Generally, what do you trade under this business?

MR NAICKER: Sorry?

ADV SIKHAKHANE: Generally, what do you trade?

MR NAICKER: At that time?

ADV SIKHAKHANE: No, no, currently.

MR NAICKER: Currently now?

ADV SIKHAKHANE: Yes.

MR NAICKER: If I get motor vehicles, motor parts, I will sell out some parts, cars. So that is why we officially opened up a parts division so that can fall away, and the parts division will be a 100% legal entity, not selling parts with no invoice.

ADV SIKHAKHANE: Okay. And then, in relation to that business and the taxis, and understandably the taxis are your cash business.

MR NAICKER: Yes.

ADV SIKHAKHANE: You are the one that deposits the money.

MR NAICKER: I deposit sometimes. Sometimes they will get a manager, someone, whoever is available to deposit.

ADV SIKHAKHANE: You say, I would attend to depositing the monies.

MR NAICKER: Sorry?

ADV SIKHAKHANE: In your answer you said, I would attend to depositing of the monies into this account.

MR NAICKER: Yes, but I would not go into the bank.

ADV SIKHAKHANE: Sorry?

MR NAICKER: I would not walk into the bank.

ADV SIKHAKHANE: So how does it ...[intervenes].

MR NAICKER: I would go with my guy that would jump out and go and deposit it for me.

ADV SIKHAKHANE: You would go with your guy?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. Then, and was it a matter of daily or how regular was it?

MR NAICKER: If and when the account needed money.

ADV SIKHAKHANE: You then go deposit?

MR NAICKER: For Naicker's Freelancing, yes.

ADV SIKHAKHANE: Otherwise, where is the money?

MR NAICKER: We keep it.

MR NAICKER: And let us say the taxis, is there a way to account for the cash that goes out?

MR NAICKER: Go out?

ADV SIKHAKHANE: Yes, for whatever expenses.

MR NAICKER: Yes, yes, we have got books for that.

ADV SIKHAKHANE: You have got books?

MR NAICKER: Yes, we have got books for that.

ADV SIKHAKHANE: Just pardon me quickly. Chairperson, there is a bit of a – I do not know, and can I then request that we adjourn for today, and then tomorrow we resume?

CHAIRPERSON: If all that we are left with is the in camera session, if not, I would rather we do everything that is supposed to be in open session now.

ADV SIKHAKHANE: Now?

CHAIRPERSON: Ja. Is there more that is still to be part of the open session?

ADV SIKHAKHANE: It is just one aspect which is ...[intervenes].

CHAIRPERSON: I would rather, if you need time, I would rather we adjourn and you do whatever it is you want to do, and we come back and continue. I want us to be left only with what is to be done in camera.

ADV SIKHAKHANE: Thank you, Chair. Can I just ...[intervenes].

CHAIRPERSON: Should we take ...[intervenes].

ADV SIKHAKHANE: [Indistinct – cross-talking] ...[intervenes].

CHAIRPERSON: You want to confer?

ADV SIKHAKHANE: With my learned friend, because I was going to take that small part of it.

CHAIRPERSON: Okay.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: Okay, and you want us here?

ADV SIKHAKHANE: No, let us adjourn, Chair. I will confer.

CHAIRPERSON: Okay. All right.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: I will not indicate a time, but when we come back, we should come back on the basis that we are

continuing with everything that is to be in open session. Let us adjourn then.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair, and thank you for the indulgence. I just have one question in the session, and then my learned friend, as I indicated, is going to take one aspect over. Thank you. Mr Naicker, we had asked questions about certain individuals. I just want us to go there. If you go to your statement, page 17, File 1, your statement. You do not – are you there?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. I am just going to ask you, you can answer briefly. The people that I am going to ask about are not necessarily in that list. They are not in that list. The first one is, do you know a person named Joseph Chigbo, and how do you know him?

MR NAICKER: You said page 17?

ADV SIKHAKHANE: No, no, no. I will just keep that open, but I am just asking a general question that you can answer openly.

MR NAICKER: Joseph?

ADV SIKHAKHANE: Chigbo.

MR NAICKER: No.

ADV SIKHAKHANE: Do you know them?

MR NAICKER: No.

ADV SIKHAKHANE: You do not know them. And then, do you know ...[intervenes].

ADV BALOYI SC: How do you spell that?

ADV SIKHAKHANE: C-h-i-g-b-o. Chigbo.

ADV BALOYI SC: Thank you.

ADV SIKHAKHANE: And do you know someone called Brendon Devaraj?

MR NAICKER: Yes.

ADV SIKHAKHANE: And who is he, and how do you know him?

MR NAICKER: He works for me.

MR NAICKER: He works for you?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay.

CHAIRPERSON: Devraj?

ADV SIKHAKHANE: Devraj. D. D-e-v-r-a-j.

MR NAICKER: Yes.

ADV SIKHAKHANE: How long has he worked for you?

MR NAICKER: He has been working for me since 2020.

ADV SIKHAKHANE: Okay. As what?

MR NAICKER: 2020, ja.

ADV SIKHAKHANE: As what?

MR NAICKER: As a manager.

ADV SIKHAKHANE: Manager for which business?

MR NAICKER: The towing.

ADV SIKHAKHANE: Towing?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. It is the Roadstar Auto Recoveries?

MR NAICKER: Roadstar Auto Recoveries, yes.

ADV SIKHAKHANE: Okay. And then Floyd Daniel Doorsamy, D-o-o-r-s-a-m-y.

MR NAICKER: Yes, he works for me.

ADV SIKHAKHANE: He also works for you?

MR NAICKER: Yes.

ADV SIKHAKHANE: For which company?

MR NAICKER: Roadstar.

ADV SIKHAKHANE: Roadstar, which one?

MR NAICKER: Towing.

ADV SIKHAKHANE: Towing, the Auto Recoveries?

MR NAICKER: Yes.

ADV SIKHAKHANE: I think if you can just say the full ...[intervenes].

MR NAICKER: Sorry ...[intervenes].

ADV SIKHAKHANE: For the record.

MR NAICKER: My apologies.

ADV SIKHAKHANE: Thank you. And then I think we have gone with Prevan Naidoo.

MR NAICKER: He is a friend of mine.

ADV SIKHAKHANE: He is a friend?

MR NAICKER: Yes. He is a businessman.

ADV SIKHAKHANE: What does he do?

MR NAICKER: He is in the food industry.

ADV SIKHAKHANE: Food?

MR NAICKER: Yes.

ADV SIKHAKHANE: What does he do? Restaurant or ...[intervenes].

MR NAICKER: Restaurant, bakery.

ADV SIKHAKHANE: Bakery?

MR NAICKER: Yes.

ADV SIKHAKHANE: What is the name? What is the bakery? Is it a restaurant?

MR NAICKER: It is a food outlet.

ADV SIKHAKHANE: What is it called?

MR NAICKER: Is it okay if I do not identify the name of his business?

ADV SIKHAKHANE: Yes, it is a business, I presume.

MR NAICKER: Am I obligated to identify his business?

ADV SIKHAKHANE: It is not an obligation, but do you prefer ...[intervenes].

CHAIRPERSON: Ja, if unless it is of particular relevance or significance. If not ...[intervenes].

ADV SIKHAKHANE: It would be, Chair. It would be, but

perhaps I will leave it for the in camera session, but it is important.

CHAIRPERSON: All right.

ADV SIKHAKHANE: Thank you. Then Kevin Moodley?

MR NAICKER: Kevin?

ADV SIKHAKHANE: Moodley.

MR NAICKER: Kevin Moodley. Kevin Moodley ...[intervenes].

ADV SIKHAKHANE: Do you know him?

MR NAICKER: No, I am not too sure.

ADV SIKHAKHANE: George Kock? George is George, and then K-o-c-k.

MR NAICKER: Georgie Kock?

ADV SIKHAKHANE: Yes.

MR NAICKER: Georgie Kock is a member of my – was a member of my association. He is deceased.

ADV SIKHAKHANE: He is deceased. Okay. And then Alistair Skeef, S-k-e-e-f.

MR NAICKER: Alistair?

ADV SIKHAKHANE: Skeef.

MR NAICKER: No, no.

ADV SIKHAKHANE: Okay. And Zeyn Moideen?

MR NAICKER: He was a friend of my uncle.

ADV SIKHAKHANE: Okay.

MR NAICKER: Elvis Raju.

ADV SIKHAKHANE: Okay, but you have no links to him?

MR NAICKER: Well, he was a well-known figure in the Overport and surrounding areas.

ADV BALOYI SC: So speak of him in the past.

MR NAICKER: Yes, ma'am, he is of the past.

ADV BALOYI SC: He is deceased?

MR NAICKER: Yes.

ADV SIKHAKHANE: And do you know Craig Thandroyen?

MR NAICKER: Yes, he was a friend of mine. He is deceased as well.

ADV SIKHAKHANE: Okay. When did he pass away?

MR NAICKER: I think it was before Covid, yes, yes.

ADV SIKHAKHANE: Before Covid?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. Do you know Brendan Stevens?

MR NAICKER: Brendan Stevens?

ADV SIKHAKHANE: Yes.

MR NAICKER: No.

ADV SIKHAKHANE: You do not know him? Okay.

MR NAICKER: If he is not – no, he would not have been. It is not a standby.

ADV SIKHAKHANE: Okay. And Lenny Pietersen?

MR NAICKER: Yes, I do.

ADV SIKHAKHANE: And you said in your answer that he is

just a taxi operator.

MR NAICKER: He is a taxi – my association with him is through the ...[indistinct] ...[intervenes].

ADV SIKHAKHANE: And that as far as you know him?

MR NAICKER: Well, no, I know of him. I know his business, what he does.

ADV SIKHAKHANE: What does he do?

MR NAICKER: He has got a security company. He is a street pharmacist.

ADV SIKHAKHANE: Sorry, a what? I did not get that. I did get it, but I did not.

MR NAICKER: You got it. He is a street pharmacist. Yes.

CHAIRPERSON: What on earth is that? Mr Naicker ...[intervenes].

ADV SIKHAKHANE: I am not going to ask you. I think I leave it to the Chairperson to ask.

CHAIRPERSON: What is that? What is a street pharmacist? I am not streetwise.

MR NAICKER: You know, me answering a question on live television, it is not advisable for me to incriminate people that I cannot ...[intervenes].

CHAIRPERSON: Okay, all right. No, leave it, leave it.

MR NAICKER: You are putting me in a spot.

ADV SIKHAKHANE: No, it is not. It is about what you know, and that is the whole point. But if you prefer not to

answer and the Chairperson allows it, I cannot take it any further.

CHAIRPERSON: Maybe to protect yourself, you should have said he is alleged to be. You stated it as a fact that he is. Now you are ...[indistinct].

MR NAICKER: It is a little bit professional for him.

CHAIRPERSON: No, no, no. As I said, no, leave it. You may leave it, Mr Naicker.

ADV SIKHAKHANE: Well, ja, it is factual, but I am joking. It is in an affidavit where you state it. And if you go, then what I would like, I think an explanation, what is SS Towing and One Stop Towing, if you can just explain those?

MR NAICKER: Sorry?

ADV SIKHAKHANE: SS Towing.

MR NAICKER: SS Towing should be Southside Towing.

ADV SIKHAKHANE: Southside Towing.

MR NAICKER: That would be in the Phoenix area.

ADV SIKHAKHANE: Okay. Who operates those?

MR NAICKER: That would be the Gaffoor family.

ADV SIKHAKHANE: Gaffoor family?

MR NAICKER: Yes.

ADV SIKHAKHANE: Okay. And then One Stop Towing?

MR NAICKER: One Stop Towing used to be – One Stop Towing was a towing company that bought my business off at one stage, and they bought me back into the business.

And then the business, there was an incident that occurred. It was ugly, and ...[intervenes].

ADV SIKHAKHANE: What do you mean it grew ugly?

MR NAICKER: No, there was a massive shooting that happened, and a lot of people were injured in that shooting and some deceased.

ADV SIKHAKHANE: You were not involved?

MR NAICKER: I was at home sleeping.

ADV SIKHAKHANE: You were home sleeping, okay. And then do you know Ugeshan Naicker?

MR NAICKER: Sorry?

ADV SIKHAKHANE: Ugeshan Naicker, U-g-e-s-h-a-n Naicker.

MR NAICKER: Ugeshan Naicker? No, not of him.

ADV SIKHAKHANE: Not, okay.

MR NAICKER: [Indistinct]... Naicker.

ADV SIKHAKHANE: Okay.

MR NAICKER: [Indistinct]... Naicker.

ADV SIKHAKHANE: Yes, you know that person?

MR NAICKER: Yes, he is late. He is of Covid, yes.

ADV SIKHAKHANE: Of Covid. Thank you. No, thanks, that is all.

MR NAICKER: He is also a tow operator.

ADV SIKHAKHANE: Sorry?

MR NAICKER: He is also a towing operator.

ADV SIKHAKHANE: Also a tow operator. Okay. Thank you, Chair. I will hand over to Mr Mosikili to take over one of the issues or part that can be dealt with in open session, and that relates to the killing of Mr Bevan Loftus. The rest of my questions are in camera.

CHAIRPERSON: Thank you, Mr Sikhakhane.

ADV KHUMALO SC: Mr Mosikili, before you do that, just two things from me, Mr Naicker. What is your association with AFK Trust?

MR NAICKER: Sorry?

ADV KHUMALO SC: AFK Trust, what is your association ...[intervenes].

MR NAICKER: I have never heard of it.

ADV KHUMALO SC: You have never heard of NK Trust?

MR NAICKER: No.

ADV KHUMALO SC: Okay. And then Roadstar Panel and Paint, its registered address is 96 Clayton Road, is that not so?

MR NAICKER: No, 9 Ivy Road.

ADV KHUMALO SC: It says here 96 Clayton Road, so the information we have is incorrect.

MR NAICKER: I am not sure why. We have updated all those documents. For some reason, I do not seem to understand why it is still registering under that address.

ADV KHUMALO SC: Yes, but that property is registered in

the name of the trust, is that not so?

MR NAICKER: Roadstar?

ADV KHUMALO SC: 96 Clayton Road. That property is registered in the name of the trust. You said it was a family property, it did not belong ...[intervenes].

MR NAICKER: No, that property is not in the trust. That property, if I am subject to correction, I have just picked up that information one of these days. There is a transfer process going from my late uncle to his wife, and from his wife to her children. So I am not sure whether the information that is given to the Commission is correct.

ADV KHUMALO SC: If you are not sure, you can just say I am not sure. I just wanted to clarify.

MR NAICKER: Ja, no, I am not sure of that.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: Mr Mosikili?

ADV MOSIKILI: Thank you, Chair, and good afternoon, Chair, good afternoon, Commissioners, and good afternoon, Mr Naicker.

MR NAICKER: Good afternoon, sir.

ADV MOSIKILI: Mr Naicker, with you, can you please pull out file, it will be CJC402 to 404, and go to page 3 of that file?

CHAIRPERSON: To which page?

ADV MOSIKILI: Page 3. That should be a transcript. So

on the exhibit file, Chair, File 1. Thank you. Chair, ordinarily I would not ask for the replay of this audio because we have played it, but because Mr Naicker remains the only participant who is perhaps alive who can share some light and corrections if there is any, I would ask that we play that clip. It is less than two minutes, Chairperson, then we can deal with the transcript as it were, Chair. Thank you.

ADV BALOYI SC: First place on record what is the transcript and what is the audio we are listening to.

ADV MOSIKILI: Thank you, Chair. Chair, we are going to play a transcript of a voice recording between Mr Clive Naicker and Mr Bevan Loftus Junior. The recording was on the 25th of January 2023. It was a call between 17:30 and 18:30 p.m., Chair.

[AUDIO PLAYED BACK]

> "Roadstar, Mr Clive himself, how are you? Ja, who is this here? *Lekker*, lots of money, 2.5 on my head now, hey? Who is this? Who is this here? Bevan, you? Ja, you can phone. How you can phone Daine to tell Daine to set me up? Ja, me, I ...[indistinct] me, I never ever fought with you. I got no problem with you, but look like you are after me. You

paying Deena Govender, paying all the ...[indistinct] to do all these things to me. I never had nothing to do with you. I never minded your business. I got no flock with you. But ...[indistinct] you went out of your way to do all these things to me."

ADV MOSIKILI: Chair, it looks like, sounds like it ended abruptly. Can we just replay it properly?

[AUDIO PLAYED BACK]

"Roadstar, Mr Clive himself, how are you? Ja, who is this here? *Lekker*, lots of money, 2.5 on my head now, hey? Who is this? Who is this here? Bevan, you? Ja, you can phone. How you can phone Daine to tell Daine to set me up? Ja, me, I ...[indistinct] me, I never ever fought with you. I got no problem with you, but look like you are after me. You paying Deena Govender, paying all the ...[indistinct] to do all these things to me. I never had nothing to do with you. I never minded your business. I got no flock with you. But ...[indistinct] you went out of your way to do all these

things to me. You want to kill me and all that kind. [Indistinct]... where is the numbers? Are you going to ...[indistinct] against me or are you telling me ...[indistinct]? I am asking you, where is the numbers? I never do fuck all for you. Check your ...[indistinct] to you ...[indistinct]. See ...[indistinct] see our Twitter. No flop. You want to kill me right? No flop. The fastest lives the longest, right? Naka [?]."

ADV MOSIKILI: Mr Naicker, you recognise that telephone recording. Correct?

MR NAICKER: Yes, I do.

ADV MOSIKILI: Yes. And you initially asked Mr Bevan to identify himself when that call came in.

MR NAICKER: Yes.

ADV MOSIKILI: You remember that, ja. And when you realised that it was Mr Loftus, you accused him immediately of killing your uncle.

MR NAICKER: Yes.

ADV MOSIKILI: And in fact, the question I want to ask you, this is what he says: Bevan, you, you killed my uncle, and those were your words. Now, the question is, you recognised him not by his voice, but the mention of the 2.5,

and you accept that the 2.5, we mean money and 2.5 million. You accept that?

MR NAICKER: No.

ADV MOSIKILI: You do not accept that?

MR NAICKER: No.

ADV MOSIKILI: But by the mention of 2.5, then you realised that it is Bevan.

MR NAICKER: No.

ADV MOSIKILI: How did you recognise that it is Bevan?

MR NAICKER: I recognised him by his voice.

ADV MOSIKILI: But when he asked, when he called, you did not recognise it. When he first started engaging, up until he mentioned 2.5, from what we have here.

MR NAICKER: The call lasted a couple, maybe a minute or so. I do not talk, as I indicated in my testimony, I spoke to Bevan approximately three times, which means I would not be so familiar with his voice. It is not like I am speaking to someone every day. When they call me, I will know exactly who it is. I was not sure of who it was at first, and then whilst he was talking, I recognised his voice.

ADV MOSIKILI: Fair enough.

MR NAICKER: Yes.

ADV MOSIKILI: And the 2.5, are you saying before the Commission that in your mind it could well be that it is R2 500, or?

MR NAICKER: I cannot answer for what he said, but I can answer for myself. I had no interference or any thought of doing anything to be able or putting any kinds of monies, whether it is R2 500 or whether it is R2 500 000 or whatever it may have been, I had no intentions. I never had a thought in my mind. So my answer to that, Commissioner, is no.

ADV MOSIKILI: And then you made very serious accusations of murder against Loftus. You accept that. You made a serious accusation that he committed murder. He killed your uncle.

MR NAICKER: Yes.

ADV MOSIKILI: Yes. What evidence did you have that Loftus have killed your uncle?

MR NAICKER: Besides the word out on the street, no evidence.

ADV MOSIKILI: So you have no legal factual basis to make that?

MR NAICKER: No.

ADV MOSIKILI: So you will not have reported your suspicions or your accusations to the police or anyone?

MR NAICKER: No.

ADV MOSIKILI: So basically, there was no basis for you to say that, factual basis to say that, that you can rely on?

MR NAICKER: As I indicated, it was my opinion, and I said

what I felt.

ADV MOSIKILI: Okay. And then let us go then to the opening remarks where he says, *lekker*, a lot of money, 2.5 on my head now, hey? And you agree with me that at least you accept that he was referring to money, whatever amount being offered for his killing. You accept that?

MR NAICKER: No, I do not accept that.

ADV MOSIKILI: What other interpretation is there on that score only?

MR NAICKER: My interpretation for explaining to responding to him was when he mentioned you are putting Deena Govender and all the ...[indistinct] to do whatever something to that effect.

ADV MOSIKILI: Yes, well, we will come to that. We are just trying to break it down so that we understand and we follow each other. So the question is that when he was referring to 2.5 that was put on his head, you understood that he said there is a bounty on his head offered for his killing. Is that a fair understanding of that conversation?

MR NAICKER: No, I responded to Bevan when he said, how can you phone Daine and tell Daine to set me up?

ADV MOSIKILI: We will get to Daine. We will get there. Are you disputing that when he said, *lekker*, a lot of money, 2.5 on my head, that was not him telling you that, referring to a bounty put on his head? Are you denying that?

MR NAICKER: Well, that is what he said.

ADV MOSIKILI: Yes.

MR NAICKER: Yes.

ADV MOSIKILI: Is that how you understood it as well?

MR NAICKER: Sorry?

ADV MOSIKILI: Did you understand it any differently?

MR NAICKER: At that time, no, I did not understand it.

ADV MOSIKILI: Yes.

MR NAICKER: At that time, I did not understand it. But over hearing the Commissioner and all the recordings and whatever allegations people are trying to make, that is what was transformed by some persons.

ADV MOSIKILI: And now sitting here today, do you accept that?

MR NAICKER: I do not accept that.

ADV MOSIKILI: You do not accept that?

MR NAICKER: No.

ADV MOSIKILI: You do not accept that Bevan called you to tell you that, or to complain to you that there is a bounty put on his head of 2.5?

MR NAICKER: No, he did not. I do not accept that he phoned to tell me there is a bounty put on his head. He mentioned 2.5. I did not understand what 2.5 meant.

ADV MOSIKILI: But ...[intervenes].

CHAIRPERSON: What did you understand this to mean, if,

or what do you understand it to mean now as you sit here?

MR NAICKER: Now, now I understand it, Commissioner, but then ...[intervenes].

CHAIRPERSON: What do you understand it to mean?

MR NAICKER: According to what the transcripts are saying, that Bevan Loftus called me and said you put 2.5 on my head.

CHAIRPERSON: What?

MR NAICKER: 2.5 million.

CHAIRPERSON: And what do you understand that to mean? That entire sentence, what do you understand it to mean?

MR NAICKER: That is what he phoned to ask me, and my answer was no.

ADV MOSIKILI: Please do not be evasive. I have not asked you as yet ...[intervenes].

CHAIRPERSON: At the time, what did you understand it to mean?

MR NAICKER: I do not think I thought that far. It was a quick call. I did not expect the call. The guy phoned me. The end of the call actually disturbed me, so I did not even think about the meaning of the call.

ADV MOSIKILI: I put it to you that you are misleading the commission because immediately after that was mentioned, you also then mentioned of the killing of your uncle.

MR NAICKER: Yes.

ADV MOSIKILI: In response to that allegation by him.

MR NAICKER: Yes.

ADV MOSIKILI: So it cannot be that you had no understanding whatsoever. And remember, he has not said you put a bounty. He says there is a bounty on his head. I have not asked you if you have put a bounty on his head, but if you say you do not understand that, then it does not explain why then, out of nowhere, unprovoked ...[intervenes].

MR NAICKER: He said lots of money, 2.5 on my head, huh. He did not say I put 2.5 on his head.

ADV MOSIKILI: Precisely.

MR NAICKER: Yes.

ADV MOSIKILI: I have not gotten that yet. So please answer what I am asking. The question which I am asking is very simple, is that you understood that he is saying that there is a bounty on his head for 2.5.

MR NAICKER: Yes.

ADV MOSIKILI: And just for good measure, have you heard of any allegations that a bounty has been put on his head by anyone?

MR NAICKER: No.

ADV MOSIKILI: Did you yourself offer anyone to harm or kill Mr Loftus?

MR NAICKER: No.

ADV MOSIKILI: Did you authorise anyone to make that offer on your behalf?

MR NAICKER: Sorry?

ADV MOSIKILI: Did you authorise someone to make that offer of the bounty of Mr Loftus' head?

MR NAICKER: No, I did not.

ADV MOSIKILI: Okay. Did you ever discuss the killing of Mr Loftus with any person prior to that call?

MR NAICKER: No, I did not.

ADV MOSIKILI: But at least you accept that from that conversation, Mr Loftus believed that his life was somehow in danger.

MR NAICKER: It would have seemed so.

ADV MOSIKILI: Yes. Did you report this allegation that a consignment 2.5 bounty to the police or anyone?

MR NAICKER: No, I did not.

ADV MOSIKILI: Did you discuss it with Mr Deena Govender at any stage?

MR NAICKER: No, I did not.

ADV MOSIKILI: Now, I put it to you that the bounty that he was referring to when he says 2.5, he meant 2.5 million. Do you agree with me?

MR NAICKER: I would ...[intervenes].

ADV MOSIKILI: You accept that.

MR NAICKER: Have to accept and agree with you.

ADV MOSIKILI: And that is a lot of money. Would you agree?

MR NAICKER: A lot of money.

ADV MOSIKILI: Ja.

MR NAICKER: A lot of money.

ADV MOSIKILI: Now, during your conversation you did not ask Mr Loftus who had told him about the alleged boundary, did you?

MR NAICKER: The man did not give me an opportunity to speak. I ...[intervenes].

ADV MOSIKILI: You did not ask him.

MR NAICKER: I did not ask him.

ADV MOSIKILI: Yes. You did not also ask him to tell you the person who had allegedly been offered that money.

MR NAICKER: Sorry, I did not get that.

ADV MOSIKILI: You did not ask him who has been offered this money.

MR NAICKER: He did not give me the opportunity to ask.

ADV MOSIKILI: So you did not as well?

MR NAICKER: No, I did not.

ADV MOSIKILI: Okay. And your answer, I suppose, is that the reason why you did not ask that is because he did not give you a chance to speak.

MR NAICKER: To speak, yes.

ADV MOSIKILI: Yes. But after the call, did you address that anyhow?

MR NAICKER: With whom?

ADV MOSIKILI: With him, with anyone. You could have texted him and said you called me, you said this, you did not give me a chance to speak, what are you talking about? Did you take any action?

MR NAICKER: No, I did not.

ADV MOSIKILI: Okay. And then on the same call, he accuses you of paying Deena Govender and others to target you. I think that is where he says, it looks like you are after me. You are paying Deena Govender. You are paying all the ...[indistinct] to do all things to me. You heard him specifically mention Deena Govender, right?

MR NAICKER: Yes, I did.

ADV MOSIKILI: Yes, and you understood there at least he was accusing you of paying Deena Govender.

MR NAICKER: Yes.

ADV MOSIKILI: Yes. What was your understanding? What would be the reason for these allegations? Why would he make these allegations and believe that you specifically would offer?

MR NAICKER: I would not be able to answer why he would make those allegations against me.

ADV MOSIKILI: And I think, to just to follow up from your

evidence earlier on, you had testified that prior to this, you and him never had any...

MR NAICKER: Conflict.

ADV MOSIKILI: Conflicts or, yes. You still insist that you never had any conflicts or any confrontations, I think that was the word used.

MR NAICKER: Except what the Chairperson made me identify as yes, so I would have to go with what the Chairperson made me identify.

ADV MOSIKILI: It is your evidence, not the Chairperson's evidence, so stick to your own evidence.

MR NAICKER: No, I said my understanding to what the Chairperson made me understand, I will have to go with the Chairperson and say yes.

ADV MOSIKILI: So yes, answering yes, we had confrontation, or?

MR NAICKER: We had one confrontation two years prior to the incident.

ADV MOSIKILI: Did Colonel Deena Govender at any stage tell you that Mr Bevan Loftus was being investigated or targeted by the police?

MR NAICKER: No, not. He did not identify that to me.

ADV MOSIKILI: Did you ever request Mr Govender to make any action or to take any action on your behalf against Mr Loftus?

MR NAICKER: No.

ADV MOSIKILI: And have you at any stage discussed Mr Bevan Loftus with Colonel Deena Govender?

MR NAICKER: No.

ADV MOSIKILI: So during the confrontation or the telephone confrontation, Mr Loftus was quite clear that he accuses you of paying Mr Govender, and you said that you have never asked him what evidence he had of those alleged payments or alleged offerings.

MR NAICKER: No, I did not ask him.

ADV MOSIKILI: Okay.

ADV BALOYI SC: Just ask the question. Apart from this conversation with Mr Loftus.

MR NAICKER: Yes.

ADV BALOYI SC: Before his death, had you heard before anyone say or allege that you are said to have put a hit on him? Had you heard anything about it at all?

MR NAICKER: No, I have not. That was the first time I heard of something of that sort when the call was made to me.

ADV BALOYI SC: Okay, thank you.

ADV MOSIKILI: And then, Mr Naicker, then Mr Loftus was killed on the 1st of April, and you became aware of his death?

MR NAICKER: Yes.

ADV MOSIKILI: Do you know exactly when you first learned that he has been killed?

MR NAICKER: It must have been about half past three, 4 o'clock, when the pictures were going out. There was a shooting incident that occurred in Morningside. No one knew what it was until pictures were going out on social media, and we were aware of it.

ADV MOSIKILI: So you learned on the same day?

MR NAICKER: Yes, yes, yes.

ADV MOSIKILI: Do you remember who informed you in particular?

MR NAICKER: Sorry?

ADV MOSIKILI: Do you remember who informed you?

MR NAICKER: The group chats on social media. So we have all the CPF groups on our chats to read out accidents, because every accident, the person, the first contact is the CPF members or surrounding members who put messages on groups. So it came up on the group.

ADV BALOYI SC: CPF in this case is Community Policing Forum?

MR NAICKER: Yes, yes, yes, Commissioner.

ADV MOSIKILI: And what did you learn around about the circumstance of his death or how he died?

MR NAICKER: There was a shootout between him and police.

ADV MOSIKILI: And then you learned this information, it is on the 1st of April, of which few weeks earlier you had this uncomfortable confrontation. Did you at any stage decide to report this matter and say, in fact, Mr Loftus, before he died, he had accused me of having put a bounty on his head?

MR NAICKER: No, I did not.

ADV MOSIKILI: Is there a reason why you did not go and inform the police that there is this information?

MR NAICKER: I did not find relevance to it.

ADV MOSIKILI: Given the circumstances that he accused you of wanting him dead, and you having to hire people, especially Deena Govender, in this situation, did you not see it prudent for you to mention this information upfront to the police so that you are not seen as a prime suspect?

MR NAICKER: I have never considered myself a suspect because there was no reason for me to consider myself a suspect. I was not involved in any of the allegations brought before me, so yes, I did not find it necessary.

ADV MOSIKILI: All right.

ADV BALOYI SC: Mr Naicker, have you been questioned by the police relating to the death of Mr Bevan Loftus?

MR NAICKER: This is the first time I am ever speaking of this incident. I have never spoken to no police, no investigator, no one. This is the first time, beside the Daily

Maverick, this is the first time concerning a detailed description of everything.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Let us then go to the Daily Maverick interview that you did a few days later.

MR NAICKER: Yes.

ADV MOSIKILI: Let us go to file, it will be File 3, Chair, Exhibit Bundle 402 to 404, and we go to page 1181.

MR NAICKER: 11? 11?

ADV MOSIKILI: 1181. You have discussed this article earlier on today with my colleague. Do you remember that?

MR NAICKER: Yes.

ADV MOSIKILI: Yes. So it has been placed on record. So you will see at the bottom of 1181, it says that at the bottom of the page, it says:

"Clive Naicker speaks."

Can you see that?

MR NAICKER: No, I think I am on the wrong file.

ADV MOSIKILI: Are you there, Mr Naicker?

MR NAICKER: 1181, yes.

ADV MOSIKILI: Okay, I am told that on the record you might have to go to 1185, but on my file it is 1181.

CHAIRPERSON: Is it what is shown on the screen?

ADV MOSIKILI: What is shown on the screen says 1185, but it should say 1181.

MR NAICKER: Okay, I got it, 1185.

ADV MOSIKILI: Yes. And only take from 1181 is just at the foot of the page where it says Naicker speaks, and then we go to 1182.

MR NAICKER: Yes.

ADV MOSIKILI: Are you there? And this is what the – you confirm that you did do this interview with Daily Maverick. Correct?

MR NAICKER: Yes.

ADV MOSIKILI: And this interview was a few weeks after the passing of Bevan. Correct?

MR NAICKER: Yes.

ADV MOSIKILI: And I suppose you will accept that the statements that are contained here, they are attributed to you because you were the interviewee in this interview. You accept that?

MR NAICKER: Yes.

ADV MOSIKILI: And you have never issued any or requested any correction, retraction of those statements. Correct?

MR NAICKER: In terms of?

ADV MOSIKILI: In terms of what is written in there. You have never requested Daily Maverick to correct anything or retract anything that they put there.

MR NAICKER: No, I was too busy at work that day. I just

took a call and said what I had to say, went back to my life, continued my day's work.

ADV BALOYI SC: I think another way of asking the question is, at least my way, is you have seen this article afresh now, these comments that are attributed to you.

MR NAICKER: Yes.

ADV BALOYI SC: You confirm that this is what you said to the newspaper?

MR NAICKER: Yes.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Thank you. And then, you will see, I will just try to read the relevant portions of this interview:

> "Daily Maverick approached businessman Naicker, who described Bevan Loftus as evil young man."

And then it quotes that:

> "I have only had two or three conversations with this evil young man. I do not know him. I have been in the towing industry for 14 years. I am the chairman of our towing industry association. I have never had a confrontation with Bevan. Earlier this year, Bevan called me saying I wanted to kill him."

And then, in quotation:

> "I said I heard he killed my uncle, tow truck Elvis Raju in Asherville earlier this year. I heard on the street that it was a case of mistaken identity, that I was meant to be the target of that shooting. Bevan ended the conversation with, let us see who dies first. I have never met Bevan. I am the biggest player in the tow trucking industry in KZN. I own 40 vehicles. My drivers are not violent. I am trying to make the industry peaceful. This young man Loftus was a thug, an evil young man. Word on the street is that he killed 40 people in Wentworth, Newlands and Sydenham. It is unbelievable. He accused me of lots of things, but I never had a confrontation with him. Allegations about me and cops, the cops dealing with these matters are seasoned. They are Hawks. They do their job well. People cannot bribe them with a few hundred rand. They will arrest you, said Naicker. I do not know why people are trying to defend Bevan Loftus.

> He was ruthless, a gangster and a thug. He was the leader of the Hollywood gang and Ryan Santos was a monster. In the news, it says they were found with high-calibre weapons. Those are not decent people. I ran a proper business involving paint and panel show, tow trucks and taxis."

Now, Mr Naicker, in that interview you say in no uncertain terms that you have never had any confrontation with Mr Loftus.

MR NAICKER: Yes.

ADV MOSIKILI: How do you reconcile that statement with the telephone conversation that you guys had a couple of weeks before?

MR NAICKER: Yet again, I am going to say it. I use layman's terms. I never expected every action to have a reaction. We are speaking just simple layman's terms, not expecting something to come back, or not expecting incidents or issues to occur to question a layman's conversation. It would be difficult for me to give you an answer you are looking for.

ADV MOSIKILI: Let me break it down to you, Mr Naicker. During that conversation, Mr Loftus accused you of arranging his killing. He accused you of paying people to

target him. You accused him instead of killing your uncle. You also accused him of spreading allegations that you had, is it Reagan, killed. And those are serious exchanges between two people, and you would have to agree with me that that is a confrontation. That is very confrontational. It is not your normal everyday ...[intervenes].

MR NAICKER: That was a confrontation. I would have to agree with you, yes.

ADV MOSIKILI: Indeed. Then why did you tell the journalists that you had never had any confrontation with Mr Loftus?

MR NAICKER: Before that date, before that call, I have never had a confrontation with him.

ADV MOSIKILI: Yes, no, no, you did mention that you had a call, or at least you spoke to him two to three times before. Obviously, when you had this interview, you have had this conversation. So the question is that why did you not mention it? You mentioned the prior interactions with him, some which you say was two years ago, but the recent one where you had a confrontation, and we agree that it was a confrontation, the question is, why did you not tell the journalists that?

MR NAICKER: I will be honest, I was not thinking that it was relevant at that time.

ADV MOSIKILI: Okay. Let us see who dies first. You

claimed that Mr Loftus ended the conversation by saying let us see who dies first.

MR NAICKER: No.

ADV MOSIKILI: No, no, that is what you say in the article, and when you say no, are you anticipating my next question?

MR NAICKER: I will answer your question.

ADV MOSIKILI: Okay, do not anticipate my next question ...[intervenes].

MR NAICKER: Because I thought ...[indistinct] ...[intervenes].

ADV MOSIKILI: Let me finish. And the question, I think, is quite simple, to say that in that conversation, from the listening and the transcript, you would agree with me that there is nowhere he says that let us see who dies first.

MR NAICKER: No, he did not.

ADV MOSIKILI: Yes. Then the question is, why did you say that to the journalists, that he says let us see who dies first, when he never said those words?

MR NAICKER: It has been some three years. I am not saying the exact words I used. I could have used the fastest lived, the longest. He could have asked me, what do you interpret the fastest lived, the longest, and I could have told him this, what – I am not saying I did. I said I could. It has been some three years. I cannot remember

the detail of the telephone conversation I had with the journalists, but I am sure the journalist has it recorded and can play it back.

ADV MOSIKILI: That is fair enough. Just to be clear, when you say three years, this interview, was it three years after the incident?

MR NAICKER: I said this conversation I had was three years ago.

ADV MOSIKILI: No, no, I am talking about the interview.

MR NAICKER: Yes, yes, yes.

ADV MOSIKILI: It happened the same month that Mr Bevan died.

MR NAICKER: Yes, that would have been of the month April.

ADV MOSIKILI: Yes.

MR NAICKER: Ja, we are in 2016. This is ...[intervenes].

ADV MOSIKILI: Yes. What is recorded was back then, and we are recording the words that we attribute to you. That is the point. I am not testing your memory. I am just testing what you said in the article.

MR NAICKER: Yes, Commissioner. Okay.

ADV MOSIKILI: Then let us look at the portion of the transcript where he says:

> "No flop. You want to kill me, right? No flop. The fastest lives the longest, right,

lekker."

You will accept that those words are quite different to the words you attributed to him during your media interview.

MR NAICKER: Yes, it is.

ADV MOSIKILI: And you will also accept that during that conversation between the two of you, he accused you of wanting him dead or you wanting him to be taken out.

MR NAICKER: He accuses me, yes.

ADV MOSIKILI: And unfortunately, in the same interview, you do not mention that he repeatedly accused you of wanting to kill him. Is there a reason why you did not mention that?

MR NAICKER: No, there is no reason why.

ADV MOSIKILI: You also do not mention that he alleged that there was a 2.5 bounty on his head. Is there a reason why you do not mention that?

MR NAICKER: No, there is no reason why.

ADV MOSIKILI: Is there a reason why you do not mention to the journalist that Mr Loftus had specifically accused you of paying Deena Govender to have him killed?

MR NAICKER: No, I did not mention it because it was not true.

ADV MOSIKILI: Then, Mr Naicker, I have to put it to you that the account attributed to you in the articles, it differs materially from the portions of the conversations we have

examined today. Would you agree with me?

MR NAICKER: Sorry, can you repeat that?

ADV MOSIKILI: No, I am saying your account of events, it differs, or it is not complete when you compare what you told the media and what actually transpired in the actual conversation. You agree with me that there are differences and some things are not mentioned?

MR NAICKER: I would have to agree according to what I see.

ADV MOSIKILI: Is there any way you can explain the difference?

MR NAICKER: As I said, I cannot remember the interview, the telephonic interview with the journalist on the other side of the phone. I could have said something. He could have asked a question. I could have translated it into my own words, and he used the words that he felt fit. I am not saying that is exactly what happened. I am saying it could have been.

ADV MOSIKILI: The difficulty, Mr Naicker, is that because of your account of what happened influences how a normal reader would understand the circumstances around the death of Mr Loftus. You accept that?

MR NAICKER: It seems that way.

ADV MOSIKILI: And unfortunately, obviously, Mr Loftus will not be there to counter that version because he is no

more. You will accept that as well.

MR NAICKER: I accept that.

ADV MOSIKILI: And then concerning, Mr Naicker, is that you described Mr Loftus as young, an evil young man, a gangster, and also you accuse him that he had killed a number of people. Did you have any evidence to support those allegations?

MR NAICKER: No evidence, as I said, it was the word in the street.

ADV MOSIKILI: If it was your view, or at least you believed, you held the belief that Mr Loftus was responsible for all these numerous murders, why did you not report this information to the authorities?

ADV BALOYI SC: Mr Sikhakhane, can I just – sorry, let me ask for clarity from you because I am always worried that there is engagement and the significance of it gets lost to us, and ultimately we would have missed something very important. Maybe do clarify, because you are spending quite a time on this Daily Maverick article. If you would just give some guidance to us as to why is this significant, this line that you are inquiring, so that we know to make the right follow-ups as well, if need be.

ADV MOSIKILI: I am at the tail end of the questions, then I am going to put propositions to him because I am at least giving him a chance to juxtapose what actually transpired in

terms of the transcript and what he reported when he was being interviewed, and I am going to put at least about four propositions and have his views on that and then we can leave it there. At least he had his chance to, before we can make any recommendations or any suggestions, would have given a chance to deal with those propositions. And I can only had to do this because I had to compare both documents for him to opine.

ADV BALOYI SC: Okay.

ADV MOSIKILI: Thank you. Mr Naicker, during the interview, you seem to be defending the police officers investigating these matters, describing them as seasoned officers who could not easily be bribed. Which officers were you referring to here?

MR NAICKER: The police officers on hold. These are Hawks members. They are not police officers you just go and bribe and think it is okay.

ADV MOSIKILI: And you are not in a position to mention those specific officers, or you are mentioning the Hawks in general?

MR NAICKER: Hawks in general, yes.

ADV MOSIKILI: And what do you mean they cannot be bribed? I think your words, you say people cannot bribe them with a few hundred rand; they will arrest you.

MR NAICKER: I think it was just a figure of speech. I said

it out the way I felt it at that given time. I never thought that it would become a weapon against me.

ADV MOSIKILI: And it is no suggestion that you will say they can be bribed, but with more than just a few hundred rand?

MR NAICKER: It was a figure of speech.

ADV MOSIKILI: I am going to put a few propositions to you, Mr Naicker, and I would like you to make comments, if any, and then we will leave it there. So the first proposition is that you knew, well before Mr Loftus was killed, that he believed that there was a substantial financial reward being offered for his killing, that there was a bounty on his head. You knew that he believed that there is an offer for him to be killed because of the call.

MR NAICKER: Because of the call?

ADV MOSIKILI: Yes.

MR NAICKER: Whether he made the call as a conspiracy, or whether he had evidence to prove that he heard it from someone, I am not too sure, but the call was made.

ADV MOSIKILI: It was his belief.

MR NAICKER: It would have been his belief, yes.

ADV MOSIKILI: Yes, and in that belief, he then was quite clear to suspect you, that you are being responsible for that arrangement. That is what he basically accused you of.

MR NAICKER: According to the recordings, maybe if I am

subject to correction, the recording identifies two people, you and Puff.

ADV MOSIKILI: At least one of them being you, yes.

MR NAICKER: Sorry?

ADV MOSIKILI: I am saying you will accept that one of them being you.

MR NAICKER: One ...[intervenes].

ADV MOSIKILI: One person that he accuses.

MR NAICKER: Ja, but Bevan had a relationship with Puff.

ADV MOSIKILI: Yes.

MR NAICKER: Him and Puff were acquaintances at one stage in their life, so I cannot really – I can just speak for myself.

ADV MOSIKILI: And you will agree that, I think we discussed this, that your account to the media as to exactly what transpired is incomplete because you do not mention certain things and it does not disclose the mentioning of the bounty and specifically that he suspected that you would have engaged the services of Mr Deena Govender.

MR NAICKER: I will agree according to what is flighted, but I would make it my legal team's – advise my legal team to get hold of this media person and find out the recorded conversation between him and I and see the difference and submit a supplementary affidavit on that.

ADV MOSIKILI: And the reason why I am asking you this,

Mr Naicker, is that we know for a fact, at least, that this call happened between you and him.

MR NAICKER: Yes, yes.

ADV MOSIKILI: We have heard the accusations.

MR NAICKER: We are not denying that.

ADV MOSIKILI: Yes, and he has accused, at least suggested that Mr, well, Colonel Deena was also involved. And as you are aware, this Commission is also trying to question Colonel Deena Govender as to exactly if he was involved. You are aware of that.

MR NAICKER: I am aware of that, yes.

ADV MOSIKILI: Yes, and one of the things that we are looking into now as a fact is the fact that we are also questioning his financials because there is an allegation that monies will be offered, and we are looking into his finances to check if there were any monies received by him that he can explain post this killing. You accept that, or at least you have seen part of that.

MR NAICKER: I have seen it.

ADV MOSIKILI: Yes.

MR NAICKER: I know what is going on about Deena Govender. It is public knowledge.

ADV MOSIKILI: Yes.

MR NAICKER: But from my side, I have got nothing to do with that. I have not given Deena Govender no monies. I

have not offer to pay anyone any monies for anything concerning Bevan Loftus.

ADV MOSIKILI: Yes, no, no. We are dealing with Mr Govender to explain some of those transactions, and only he can explain that.

MR NAICKER: He can, yes.

ADV MOSIKILI: Especially the cash, the cash transactions, but we understand why we will bring you in and ask you those questions because of these allegations and what actually happened as a matter of fact, because we know what actually happened in terms of people did die, ultimately.

MR NAICKER: Yes, yes.

ADV MOSIKILI: And this Commission is also about inquiring into the influence that people might have, or at least undue influence that they might have with the police, and that is why we are asking you these questions. And then lastly, this is unrelated to Mr Loftus. There is a witness who came to testify here, I think it is Captain Houston, about a restaurant that you own. I think it is called Curfew.

MR NAICKER: Yes.

ADV MOSIKILI: Is it correct that policemen are offered some sort of services for free, service I mean food or drinks?

MR NAICKER: I would not know.

ADV MOSIKILI: You would not know?

MR NAICKER: I do not own it.

ADV MOSIKILI: You do not own it?

MR NAICKER: No, I do not.

ADV MOSIKILI: Do you have any shares?

MR NAICKER: No, I do not.

ADV MOSIKILI: Do you have any association?

MR NAICKER: Yes, I have an association.

ADV MOSIKILI: What is your association?

MR NAICKER: He is a friend of mine.

ADV MOSIKILI: The owner of the?

MR NAICKER: The owner's husband is a friend of mine.

ADV MOSIKILI: Okay.

MR NAICKER: Yes.

ADV MOSIKILI: All right. Thank you, Chair.

ADV KHUMALO SC: Mr Naicker, please clarify, in the interview on page 1182, you say there:

> "I heard on the street that your uncle's shooting was a case of mistaken identity. And that I..."

Meaning you:

> "I was meant to be the target of the shooting."

MR NAICKER: That is the rumour that was in the towing,

in the towing.

ADV KHUMALO SC: And did you believe that?

MR NAICKER: No, I did not believe. I did not believe that it is mistaken identity because I look very far away from my uncle. My uncle was a healthy-looking elderly person. He was in his early 60s. So I do not think anyone would have mistaken him for me.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: Let us resume in camera at 09:30 tomorrow. Let us adjourn.

HEARING POSTPONED TO 17 NOVEMBER 2026

HEARING ADJOURNS

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