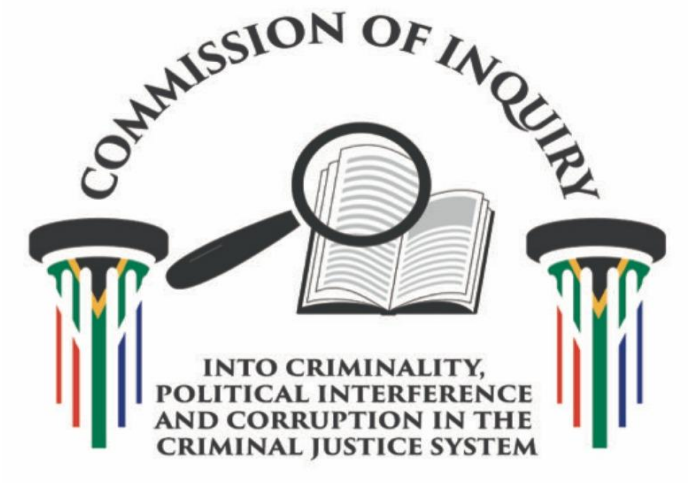
JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

19 NOVEMBER 2026

DAY 197



PROCEEDINGS HELD ON 19 NOVEMBER 2026

MR SEHAS: Who is lead?

ADV MOTLHASEDI: Good morning, good morning, Chairperson.

CHAIRPERSON: Good morning and welcome back. We have not seen you in quite a while.

ADV MOTLHASEDI: Thank you.

CHAIRPERSON: Good morning, Ms Motlhasedi.

ADV MOTLHASEDI: Good morning, Chairperson.

CHAIRPERSON: Good morning.

ADV MOTLHASEDI: Chairperson, our next witness has indicated that he will take the oath. Yes, and just a matter of housekeeping, Ms Akhona Maya from the NPA is also in attendance. She is counsel.

CHAIRPERSON: She is also?

ADV MOTLHASEDI: Counsel.

CHAIRPERSON: Oh.

ADV MOTLHASEDI: Yes.

CHAIRPERSON: Good morning. I did not get the name, I am sorry.

ADV MAYA: It is Akhona Maya, Commissioner.

CHAIRPERSON: I am embarrassed because we have had you before, Ms Maya. My most sincere apologies.

ADV MAYA: No problem, Commissioner.

CHAIRPERSON: Thank you, thank you. Can you please

state your names for the record?

MR SEHAS: Good morning, Commissioners. Anthony Winston Sehas.

CHAIRPERSON: Good morning. Good morning, Mr Sehas. Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth? If so, please raise your right hand and say, so help me God.

MR SEHAS: So help me God.

CHAIRPERSON: Thank you, thank you.

ANTHONY WINSTON SEHAS: (duly sworn states)

EXAMINATION BY ADV MOTLHASEDI: Thank you. Mr Sehas, you should have two files in front of you. One should be labelled witness statement and annexure on the spine. Can you confirm that?

MR SEHAS: Yes, there is.

ADV MOTLHASEDI: And with reference to the file that has your witness statement inside, can you confirm that that is your statement for purposes of giving evidence before the Commission?

MR SEHAS: That is correct.

ADV MOTLHASEDI: And you confirm the contents of that statement to be true and correct, and you stand by them?

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: And if you go to page 8 of your statement, do you confirm that the signature appearing

there is yours?

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: Thank you. Chairperson, just to give some context, this next witness continues under the stream of IDAC, and he will provide some context around the interaction between IDAC and the evidence recently given by Mr Matlala. Thank you. Mr Sehas, if we can start at paragraph 1 of your witness statement, just under the heading introduction, can I ask you to read the contents of paragraph 1 into the record, please?

MR SEHAS:

> "I am an adult male, criminal investigator employed in the Investigating Directorate against Corruption, the abbreviation IDAC, of the National Prosecuting Authority."

ADV MOTLHASEDI: Please also read the contents of paragraph 4 into the record.

MR SEHAS:

> "This statement details my involvement in the transfer of Mr Vusimuzi Cat Matlala, hereinafter referred to as Mr Matlala, from eBongweni Correctional Centre in Kokstad, KwaZulu-Natal, to Kgosi Mampuru Correctional Centre in Pretoria

in April 2026."

ADV MOTLHASEDI: And immediately after that paragraph, you will see a heading there titled events of 7 April 2026, and please take the Commission through the contents of paragraph 5.

MR SEHAS: Okay, thank you, Commissioners:

> "My involvement in the Matlala matter began when I was asked to assist with arrangements for the transfer of Mr Matlala from eBongweni to Kgosi Mampuru. I at all times acted on the instructions of Senior Criminal Investigator Brian Padayachee."

ADV MOTLHASEDI: Please continue.

MR SEHAS:

> "On the evening of 6 April, Mr Padayachee telephoned me and requested that I pick him up from OR Tambo International Airport the following morning. Mr Padayachee explained that Mr Matlala was required to appear in court on the 7th of April 2026 and that he, Mr Padayachee, would be attending."

ADV MOTLHASEDI: Please proceed to paragraph 7.

MR SEHAS:

"I picked Mr Padayachee up from the airport at around 08:00 on that morning and drove him to Kgosi Mampuru as he had requested. On the way, Mr Padayachee was speaking on the phone to Chief Criminal Investigator Dylan Perumal, hereinafter referred to as Mr Perumal. When we arrived at Kgosi Mampuru at around 9 o'clock, we were then informed by prison officials that Mr Matlala was not there."

ADV MOTLHASEDI: Mr Sehas, how did you know that the person Mr Padayachee was speaking to on the phone was Mr Perumal?

MR SEHAS: He referred – all of us referred to Perumal as Chief, so he was speaking and calling him Chief. That was my understanding.

ADV MOTLHASEDI: And could you get a sense of what they were discussing on the phone?

MR SEHAS: It had something to do with the case and the transfer from Kgosi Mampuru prison to the court.

ADV MOTLHASEDI: And then please proceed to paragraph 9.

M

"Mr Padayachee then called Mr Perumal

> to update him about Mr Matlala's absence from the prison facility. At some time, or after some time, we were informed by the prison officials at Kgosi Mampuru that the South African Police Service's Tactical Response Team and the Emergency Support Team, as an EST unit, a unit of the Department of Correctional Services, had transferred Mr Matlala to eBongweni the previous weekend."

ADV MOTLHASEDI: And, Mr Sehas, what specifically does EST do? What type of unit is it?

MR SEHAS: From my knowledge, they normally do protection of high-profile prisoners, transfers of high-profile prisoners, as well as operations within the Correctional Services facilities and environment, Commissioners.

ADV MOTLHASEDI: Please proceed.

MR SEHAS: Okay:

> "Mr Padayachee then said that we should go to court from the prison. I then drove him to the Pretoria Specialised Commercials Crime court on Visagie Street, where Mr Matlala was to appear. Mr Matlala's matter was on the roll that morning. I do not know whether a

warrant of arrest was authorised and/or issued for Mr Matlala in light of his failure to appear in court. I am aware that a requisition and a warrant for detention, a J7 warrant for his transfer, was issued by the court."

ADV MOTLHASEDI: Proceed.

MR SEHAS:

"After we were done at court, myself and Mr Padayachee then went back to Kgosi Mampuru to speak to the head of the facility, Mr Ntsizi Qebengu [?]. We arrived there around 12:30 at the prison. Mr Qebengu was in a meeting and we spoke to Mr Kutumela, I think he was an assistant director, the official assisting us. He was then assisting us, and he informed us that Mr Qebengu had categorically said that no documents would be accepted in respect of Mr Matlala. I understood this to be because Mr Matlala was no longer at Kgosi Mampuru Prison."

ADV MOTLHASEDI: And the reference to the term documents in your paragraph 12, is that a reference to the

J7 in the paragraph above?

MR SEHAS: That is correct, Commissioners, the requisition and the warrant for detention, the J7 warrant.

ADV MOTLHASEDI: Please proceed to the next paragraph, paragraph 13.

MR SEHAS: Okay:

> "There were, at that stage, constant calls between Mr Padayachee and Chief Perumal while we were at the prison. At around 15:00 hours, we then left after a long time, we then left the prison, and around 15:00 hours, Mr Padayachee and I returned to the IDAC office in Brummeria. Mr Perumal was not in the office, and he had requested Mr Padayachee to call a meeting."

At that stage, I was understanding that it was to discuss the reason why Mr Matlala was not at court or at Kgosi Mampuru prison:

> "The IDAC members in attendance were Chief Financial Investigator Sibusiso Tshikovi, Senior Investigator Brian Padayachee, Senior Investigator Patrick Mlambo, Senior Investigator Deon Mbhalati, and Investigators Charles

> Eales, Senior Financial Investigator Ernest Simelani, Financial Investigator Phaleni Ngobeni, and myself. At the meeting, Mr Padayachee told us that Mr Matlala needed to be brought back from eBongweni to Kgosi Mampuru. It was also agreed that the team would leave on the evening of the 7th or either the morning of the 8th to fetch him."

ADV MOTLHASEDI: And during that meeting you describe in paragraph 15, did Mr Padayachee explain to you why Mr Matlala needed to be brought back to Pretoria?

MR SEHAS: My understanding was that he was supposed to appear in court. He was supposed to be in court on the 7th, and he failed to appear due to being transferred to eBongweni. So my understanding was that he was supposed to come back to appear in court again.

ADV MOTLHASEDI: Please proceed to paragraph 16.

MR SEHAS:

> "As part of the instruction, Mr Perumal asked me to prepare the travelling memorandum for the collection and the transfer of Mr Matlala from eBongweni to Kgosi Mampuru. This was obviously done via Mr Padayachee because Mr

Perumal was not at the office. I prepared the said memorandum and I sent it to Mr Perumal on email. I have attached a copy of the draft memorandum marked as AS1 to my affidavit."

ADV MOTLHASEDI: Please proceed to 17.

MR SEHAS:

"That evening around 19:00 or 20:00, Mr Perumal informed me via WhatsApp that the memorandum had been approved and that we would be leaving the next day or morning to collect Mr Matlala. I have also attached the signed approval marked as AS2 to my affidavit."

ADV MOTLHASEDI: Before we go through the annexures that are attached there, can I ask you to just take the Commission through the contents of paragraph 17.1 and 17.2?

MR SEHAS:

"The approved travel memo was for the following IDAC officials. It was the members, as mentioned earlier, Chief Financial Investigator Sibusiso Tshikovi. Senior Investigators Brian Padayachee, Patrick Mlambo and Deon Mbhalati,

> Investigators Charles Eales, Senior Financial Investigator Ernest Simelani, Financial Investigator Phaleni Ngobeni and myself. We were to travel in three vehicles, NPA-issued vehicles with registration numbers…" …[intervenes].

ADV MOTLHASEDI: You do not need to mention the registration numbers.

MR SEHAS: Okay.

ADV MOTLHASEDI: Can we then please turn to Annexure AS1, that is on page 9 of the same file, page 9? Are you there, Mr Sehas? That is the document you refer to as the draft memorandum that you prepared?

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: If you go to the top of that page, the subject line says request for approval to travel for investigation to KwaZulu-Natal on 7 to 8 April 2024. That reference 2024 is an error?

MR SEHAS: That, ja, it must be an error. That is an error, Commissioners. It should be 2026.

ADV MOTLHASEDI: 2026. So that is the subject for the memo. You have confirmed that you prepared it. If you go right to the top of the page under the heading of IDAC, the line underneath says to. Can you please confirm who you had addressed the memorandum to?

MR SEHAS: It was addressed to the Adelle De Swardt, the Director of Administrations.

ADV MOTLHASEDI: Correct. And the purpose of the memorandum, that would be the first paragraph?

MR SEHAS: The purpose of the memorandum is to seek approval for Sibusiso Tshikovi, Brian Padayachee, Patrick Mlambo, Deon Mbhalati, Anthony Sehas, myself, Charles Eales, Ernest Simelane and Phaleni Ngobeni to travel to KZN for investigations on Silverton CAS 285/3/2026, which is an IDAC authorised investigation.

ADV MOTLHASEDI: All right, and ...[intervenes].

CHAIRPERSON: And why would this be called an investigation if the purpose was to fetch Mr Matlala?

MR SEHAS: Anything being done on whether it is transfer, court duties, whatever, Commissioner, is called investigation in a memorandum.

CHAIRPERSON: Why?

MR SEHAS: There is no specific reason.

ADV MOTLHASEDI: Mr Sehas, I will not take you through the balance of that page. You addressed it somewhat in your statement. Could I ask you to turn to page 10, still of your draft memorandum?

MR SEHAS: Yes, Commissioner.

ADV MOTLHASEDI: And at paragraph 5.1, the document reads there that it is recommended that approval for the

requested travel in those respective paragraphs be granted. Do you see that?

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: And just immediately underneath that, there is provision for signature for yourself there as the author of the document. Is that right?

MR SEHAS: That is correct, Commissioner.

ADV MOTLHASEDI: And then could you explain to the Commission the provision for the two signatures immediately beneath yours? Why those names were included in your draft memorandum?

MR SEHAS: Okay. Mr Sesoko is the head for investigations and operations, so he needs to be informed about any travel for investigations or court duties or whatever. And then also the Director Administration need to approve. In terms of administration, finances and logistics, the request for the travel memo.

ADV MOTLHASEDI: And the reference there to Director Administration is Ms Adelle De Swardt.

MR SEHAS: Adelle De Swardt, that is correct, Commissioners.

ADV MOTLHASEDI: Thank you. Could we ...[intervenes].

ADV BALOYI SC: Can I just ask, this list of people that you have here, are all of you in this list routinely involved in the transportation of high-profile witnesses? Is that

something that commonly happens within IDAC?

MR SEHAS: No, Commissioner, we rotate. The members are always rotating. It depends on which members are available to assist in an operation of this nature.

ADV BALOYI SC: So it is common practice that IDAC transports suspects between facilities? My question is that pointed.

MR SEHAS: It was my first time to do it in this instance, Commissioner.

ADV BALOYI SC: Yes.

MR SEHAS: It is not a routine transfer of prisoners, because most of our suspects or accused are normally out on bail or something.

ADV BALOYI SC: Yes.

MR SEHAS: But in this instance, Mr Matlala was to be fetched from eBongweni back to Kgosi Mampuru in order to attend court in Pretoria, Commissioner.

ADV BALOYI SC: Yes, and you did this transportation without the support, as support in the sense of there was no one from Correctional Services that travelled with you from eBongweni to Pretoria?

MR SEHAS: No, Commissioner.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: You were transporting Mr Matlala in white VW Polos?

MR SEHAS: Yes, Commissioner.

ADV KHUMALO SC: Without backup, without Task Force backup, without security?

MR SEHAS: Yes, Commissioner.

ADV KHUMALO SC: Was he cuffed?

MR SEHAS: Yes, Commissioner, with leg irons and handcuffs.

ADV KHUMALO SC: Okay, and he was in the back of a white VW Polo?

MR SEHAS: That is correct, Commissioner.

ADV KHUMALO SC: Six hours from KZN to Pretoria?

MR SEHAS: It was a little bit less, Commissioner.

ADV KHUMALO SC: That is a high risk. I mean, IDAC people could have been ambushed. There could have been an attempt to escape. I mean, it is a serious mission to undertake on your own in VW Polos. I mean, I know a VW Polo, it is not the sort of vehicle you use to transport high-profile awaiting trial prisoners.

MR SEHAS: Yes, Commissioner, I agree.

ADV KHUMALO SC: And you say it was your first time, so I can ask a follow-up question whether that is how IDAC usually transports suspects, either from wherever they are to court or to IDAC's offices. Do you know how it usually works?

MR SEHAS: Like I explained previously, Commissioner,

most of our suspects or accused are normally at the station, either detained, so they will be taken by the station itself to the court.

ADV KHUMALO SC: So by SAPS?

MR SEHAS: Yes.

ADV KHUMALO SC: Ja.

ADV KHUMALO SC: Yes, Commissioner. Alternatively, they will normally receive bail on their first appearance, which means that the onus goes away from us to transport them back to court again.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: Do you know why Mr Matlala had been taken to eBongweni, the most secure prison facility in South Africa?

MR SEHAS: No, Commissioner, I did not ...[intervenes].

CHAIRPERSON: To your knowledge, was there anybody within IDAC who knew?

MR SEHAS: I cannot answer to that, Commissioner, but that is the information we got when we got to the prison the morning.

CHAIRPERSON: I am asking because I am trying to think in my mind what reasons there could possibly have been for him to be taken to the most secure prison in the country, and if there were reasons, did it make sense for IDAC to fetch him in the manner in which they did? No backup by

SAPS, or no backup even by Correctional Services?

MR SEHAS: Well, we are also military-trained members, and we are armed, so if that changes the ball game, I would say, Commissioner.

CHAIRPERSON: But that is not really your function. You are not specialist in the field, unless you are to tell me that there was no reason in the first place for Mr Matlala to have been taken to the most secure prison facility in the country.

MR SEHAS: I cannot answer on that, Commissioners.

CHAIRPERSON: Which would raise its own questions then.

MR SEHAS: Yes, yes, Commissioner, I agree.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: Because, Mr Sehas, look at paragraph 9 of your statement. Mr Matlala was taken from Mampuru by a Tactical Response Team and an Emergency Support Team. But when he comes back, it is just VW Polos.

MR SEHAS: Yes, Commissioner.

ADV KHUMALO SC: That is concerning.

MR SEHAS: It is, Commissioner.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: Surely in your team, there must have been an explanation why you are not going to involve the Tactical Response Team and maybe especially the

Emergency Support Team, because you tell us that the Emergency Support Team is a DCS Team that is involved with the movement of high-profile accused.

MR SEHAS: Yes.

ADV BALOYI SC: There must have been a discussion in your team why we are not involving the EST.

MR SEHAS: According to my knowledge, Commissioner, there was, I think it was the commander of the EST team at Kgosi Mampuru when we were there, but Mr Padayachee was in contact with him and speaking to him. So I would have undertaken that they came to an agreement, or there was a reluctance from the EST to assist in bringing Mr Matlala back from eBongweni.

ADV BALOYI SC: To your knowledge, no such request was made, that EST should provide support to you?

MR SEHAS: I cannot confirm that ...[intervenes].

ADV BALOYI SC: To your knowledge?

MR SEHAS: No, to my knowledge, no. No, Commissioner.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you, Commissioner. Mr Sehas, still on page 9 of your draft memorandum, and perhaps just to conclude the point, the vehicles mentioned there in paragraph 3 of that memo, were those bulletproof vehicles or just standard normal issue ...[intervenes].

MR SEHAS: Standard vehicles.

ADV KHUMALO SC: And so apart from the measures you described about being armed and the number of officials who were part of the convoy going to collect Mr Matlala, there was no other backup or no other law enforcement was informed about the proceeded travel?

MR SEHAS: No, no, Commissioners.

ADV BALOYI SC: Were you informed, or at least in your team, was there discussion about why whatever consultation you wanted to have with him, why that could not be done in eBongweni where he was, why he had to be brought up in this way and drive through the night?

MR SEHAS: No, Commissioner, we did not discuss any consultations or interviews or nothing about that nature ...[intervenes].

ADV BALOYI SC: You were just told ...[intervenes].

MR SEHAS: The instruction was to bring him back from eBongweni to Kgosi Mampuru in order for him to appear on the mentioned case, Commissioner.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you, Commissioner ...[intervenes].

CHAIRPERSON: Sorry, what did the financial people have to do with fetching Mr Matlala? In fact, just explain the participation of all of these people in fetching Mr Matlala.

MR SEHAS: There is ...[intervenes].

CHAIRPERSON: Yes, just thinking in my mind, I do not see what a financial investigator would be doing going to fetch someone who is held in custody at a correctional facility.

MR SEHAS: As I earlier indicated, Commissioner, is that it is all investigators. It is just that the designations differ. Some will do financial investigations and others will do criminal investigations, but all has the same policing powers, the investigative powers, and all are trained, military trained. So it is just to post to the numbers, if I can put it like that, Commissioner.

CHAIRPERSON: All right, all right.

ADV MOTLHASEDI: Thank you, Chairperson. Mr Sehas, if we could just turn to the next annexure, your Annexure AS2 on page 11?

MR SEHAS: Yes, Commissioner.

ADV MOTLHASEDI: You indicated in your witness statement that this was the finalised or approved memorandum. Is that correct?

MR SEHAS: That is correct, Commissioner.

ADV MOTLHASEDI: And if we go again to the top of that page, just under the heading of IDAC, who is the memorandum addressed to?

MR SEHAS: It is addressed to the same person, Adelle De Swardt, who is the Director of Administration,

Commissioner.

ADV MOTLHASEDI: And it is now from?

MR SEHAS: It is now from Mr D Perumal, who is the Chief Criminal Investigator.

ADV MOTLHASEDI: Okay, so that is a variation from the draft you prepared.

MR SEHAS: Yes.

ADV MOTLHASEDI: And the date is still the same?

MR SEHAS: It is the same.

ADV MOTLHASEDI: And the subject line, on my reading, is the same as the initial one. It is just that the word urgent appears there.

MR SEHAS: Yes.

ADV MOTLHASEDI: Correct.

MR SEHAS: Yes, Commissioner. And I see also, I just see now that the year is also still wrong there. It is not corrected.

ADV MOTLHASEDI: All right. Well, at least then we know it is the same document.

MR SEHAS: Yes.

ADV MOTLHASEDI: If I ask you to just turn the page so we can go through the recommendations under paragraph 5? There is a provision there in paragraph 5 for officials to sign. What is the name of the individual whose signature first appears there?

MR SEHAS: It is Chief Investigator Dylan Perumal.

ADV MOTLHASEDI: And it is followed by?

MR SEHAS: Advocate Annemarie Friedman.

ADV MOTLHASEDI: And that name is different. It does not appear in your draft, that provision for that name.

MR SEHAS: Yes, and ...[intervenes].

ADV MOTLHASEDI: Could you explain that inclusion?

MR SEHAS: I only became aware, upon receiving this document, that Chief Perumal was actually the acting head for investigations and operations at the time, Commissioners, and Advocate Friedman was the acting investigating director at the time, hence being the reason why it was changed on the other memo.

ADV MOTLHASEDI: And that Advocate Friedman was acting is confirmed on page 13. Is that right? There is a document on page 13.

MR SEHAS: That is correct, Commissioners. It is the acting letter.

ADV MOTLHASEDI: And then if we just flip back quickly to page 12, the final signature prepared there is the same as previously referenced.

MR SEHAS: That is correct, Commissioner.

ADV BALOYI SC: Can I just ask whether it is Director De Swardt or Friedman, on these two memoranda, one from you and the other from Perumal, Mr Perumal, she would not

have known that your delegation is actually going to be transporting a prisoner, because this memorandum does not say that and you have told us that ordinarily IDAC is not in the business of transporting prisoners. So you tell her that she must authorise for purposes of investigation. That is what you say, we are traveling for purposes of investigation. So when she approves, she would not have known that, in fact, she – and it does not say who the prisoner that you are going to be transporting is, or that you are going to be investigating, in fact, because you say investigation. So there is no mention of who you are referring to. So the person that approves De Swardt would not have known that she is, in fact, approving the transportation of a Correctional Services person, or a person who is in the custody, in fact, of Correctional Services. She would not have known that is what she is approving.

MR SEHAS: No, Commissioner.

ADV BALOYI SC: Okay.

ADV MOTLHASEDI: Thank you. Thank you, Commissioner Baloyi. Mr Sehas, could we then – let us park the annexures for now. Could we then go back to page 5 of your statement? You will see there at the top of the page is a heading titled, transfer of Mr Matlala from eBongweni.

MR SEHAS: That is correct, Commissioner.

ADV MOTLHASEDI: You can proceed from paragraph 18.

MR SEHAS: So on the morning of the 8th of April 2026, we met at the IDAC offices in Brummeria, Pretoria, and travelled to eBongweni. The drivers assigned to each car was Mr Padayachee, Mr Charles Eales, and I drove the third vehicle. The team drove to eBongweni. We arrived at approximately 14:30. Arrangements were then made, and Mr Matlala was signed out of the facility.

ADV MOTLHASEDI: Mr Sehas, if we consider the contents of your paragraph 18, the reference there in the paragraph to we, can we accept that that is a reference to the individuals cited in the memorandum?

MR SEHAS: In the travel memorandum. That is correct, Commissioners.

ADV MOTLHASEDI: And as the team then embarked on this journey to eBongweni, what in your mind did you understand was going to happen when you got there, particularly in light of the information relayed to you by Mr Kutumela that no documents were being accepted in respect to the transfer of Mr Matlala at C-Max? So what did you understand was going to happen where C-Max had indicated it was not willing to accept the J7 as it relates to Mr Matlala?

MR SEHAS: My understanding, Commissioner, at that stage was that the documents from court, the requisition as well as the warrant for detention, the J7, was to be served

at eBongweni Prison in Kokstad, and that those documents would be the documents that will be used for the transfer of Mr Matlala.

ADV MOTLHASEDI: And that based on the documents you believed you would receive at eBongweni, you would then use those at C-Max in order for him to be accepted there?

MR SEHAS: Yes, and ...[intervenes].

ADV MOTLHASEDI: Yes, so you understood that to be.

MR SEHAS: Yes, Commissioners.

ADV MOTLHASEDI: Okay. And then if we look at your paragraph 19, at the end you indicate that arrangements were made and Mr Matlala was signed out of the facility.

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: And maybe explain for context what happened when you arrived. There is three vehicles with numerous officials from IDAC. Did all of you disembark and enter the facility, or did a certain amount of officials enter? What was the process to get Mr Matlala out and into the vehicles?

MR SEHAS: The vehicles was all parked in the parking area, the staff parking area, just inside the general area, and only the one vehicle driven by Senior Investigator Padayachee was allowed into the facility, into the centre to collect Mr Matlala. So what had happened is that the other members were waiting at the other two vehicles in the

parking area. I then got in with Mr Padayachee and we went into the centre.

ADV MOTLHASEDI: And the two of you then facilitated, or – yes.

MR SEHAS: Ja, took acceptance of Mr Matlala.

ADV MOTLHASEDI: Please proceed from paragraph 20. We are still on page 5.

ADV BALOYI SC: Before you proceed, what was the case that you were bringing him up for? I mean, we know now that he has got a number of cases in which he is appearing before court. What case were you bringing him up for?

MR SEHAS: According to my knowledge, Commissioner, it was the Medicare contract case.

ADV BALOYI SC: Was he an accused already in that case?

MR SEHAS: Yes, yes, Commissioner.

ADV BALOYI SC: He was already an accused?

MR SEHAS: Yes, Commissioner.

ADV MOTLHASEDI: And just to confirm, Mr Sehas, when you make reference to the Medicare case, that is Silverton CAS 285? If you look at page 11, that is your Annexure AS2. Page 11, paragraph 1.1.

MR SEHAS: That is correct, the Silverton CAS 285/3/2026, Commissioners.

ADV MOTLHASEDI: Thank you.

ADV BALOYI SC: When you say earlier on in your statement, you say you went to Kgosi Mampuru, you were informed he is not there anymore, and you went to court. His matter was on the roll. Can you just explain, does that mean that there are other accused? Because we know there are multiple accused in that case. When you attended court that morning and you say he was not there, which resulted in you going to eBongweni, does that mean that the other accused were appearing that morning and it is just him that was not present?

MR SEHAS: Commissioner, I cannot answer whether there was other accused in court because I never went into court itself. I was staying on the outside with the vehicles and stuff. So I am not sure if there was other accused in that case.

ADV BALOYI SC: Okay. Who would know whether the other accused appeared on the day?

MR SEHAS: Mr Padayachee and some of the other members that were there.

ADV BALOYI SC: That went into court?

MR SEHAS: Yes, yes.

ADV MOTLHASEDI: Thank you, Commissioner. Mr Sehas, you are at paragraph 20.

MR SEHAS: So we were back in the vehicle with him at around 15:40, which is 20 to four in the afternoon, and we

departed to Pretoria from the correctional facility in eBongweni. Initially, I myself and Mr Padayachee travelled with Mr Matlala. Mr Padayachee was the driver and I was sitting behind Mr Padayachee and Mr Matlala at the back to the left. We would routinely stop and change around members. So when we went to, I think the change was made when we got to the BP garage at Nottingham Road in KwaZulu-Natal. That is where we filled up the vehicles. So Mr Ngobeni then changed vehicles and joined Mr Padayachee and Mr Matlala in his vehicle. I alighted from that vehicle and got into my vehicle, which I then drove again from there onwards, Commissioners.

ADV KHUMALO SC: So as you are travelling from KZN to Pretoria, it is about five, six hours, what is happening in the back of the vehicle? Is Mr Matlala being interviewed? Are any affidavits being signed? What is going on?

MR SEHAS: No, Commissioner, there was no – he was reluctant to speak. There was the general questions that Mr Padayachee would ask him of how was the treatment in prison and at Kokstad and at eBongweni, and then he will answer and he will look out the window.

ADV KHUMALO SC: Nothing relating to the case?

MR SEHAS: Nothing.

ADV KHUMALO SC: He was not being investigated?

MR SEHAS: Nothing relating to the case that was

discussed on the way, Commissioner.

ADV MOTLHASEDI: Thank you, Commissioner.

ADV BALOYI SC: You guys know that your team, did you know that he has legal representation as an accused?

MR SEHAS: I would have assumed so.

ADV BALOYI SC: And you did not think to alert, or did you alert his legal representatives that you are going to be investigating, you call it investigation, that you were going to be collecting him and you are going to be transporting him and there will be discussions with him? Because we know subsequently there is discussion, as you tell us in your statement. Were his legal representatives informed of this escapade?

MR SEHAS: I cannot answer to that, Commissioner, but I would have assumed that the lead investigating officer, together with Chief Perumal, who were supposed to do that.

ADV BALOYI SC: Would have done that ...[intervenes].

MR SEHAS: Ja, would have done that or was supposed to do – if it was not done, was supposed to do that.

ADV BALOYI SC: Okay.

ADV MOTLHASEDI: Thank you, Commissioner Baloyi. Mr Sehas, perhaps before we start with the next theme of your evidence, can I ask you to turn to the second file you should have there? That is your exhibit bundle.

MR SEHAS: Yes, Commissioners.

ADV MOTLHASEDI: Thank you. There is a – Commissioners, these images were sourced in the preparation of this matter and we will replace them with better quality images. But, Mr Sehas, for purposes of this morning, I am just going to ask you to take us through the first three documents there. If we could start at page 1, which would be CJC527. So, are you there?

MR SEHAS: Yes, Commissioner.

ADV MOTLHASEDI: Thank you. And the Commission obtained these documents from the Department of Correctional Services. With reference to paragraph 1, do you recognise this document? Have you come across a document of this nature?

MR SEHAS: I have never seen this document, Commissioners.

ADV MOTLHASEDI: Okay. Maybe then let us go through it. You see at the top there it says, top of the page it says, Head Correctional Centre, Pretoria Max, correct, transfer of admission voucher, semicolon offenders. Do you see that?

MR SEHAS: That is correct, Commissioner.

ADV MOTLHASEDI: Right. There is a table immediately thereunder.

MR SEHAS: Yes, Commissioners.

ADV MOTLHASEDI: Right. If I look at the content of that table, if I start from the left, there is a column there labelled

registration number.

MR SEHAS: That is correct, Commissioner.

ADV MOTLHASEDI: And what is the detail appearing under the heading surname and first name?

MR SEHAS: It is Matlala Vusimuzi Cat, 40 years.

ADV MOTLHASEDI: And there is some further details there to the right, but I would draw your attention to the information under the name of Vusimuzi Cat Matlala. Do you see that there is a provision that says reason for transfer?

MR SEHAS: Yes, Commissioner.

ADV MOTLHASEDI: And what does it say immediately to the right of that?

MR SEHAS: Further charge.

ADV MOTLHASEDI: All right. Can I ask you to have regard to the stamp that appears immediately under that table?

MR SEHAS: Yes, Commissioners.

ADV MOTLHASEDI: And that is a stamp from which facility or institution?

MR SEHAS: It is from eBongweni Max.

ADV MOTLHASEDI: And you confirm that the date appearing there is the date where you and the IDAC officials attended at eBongweni?

MR SEHAS: That is correct. Correct, Commissioners.

ADV MOTLHASEDI: Okay. Could I then ask you to turn to page 2, CJC528, page 2? I will ask you again if you recognise this document.

MR SEHAS: I must have seen this document because I have signed on it.

ADV MOTLHASEDI: All right. And you see there at the top of the page the title says remand detainee released to SAPS/correctional facility.

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: Again, there is a table that reflects a prison number.

MR SEHAS: Yes.

ADV MOTLHASEDI: I can confirm for you that I have checked and the number appearing there is identical to the number appearing on the page before. What information appears under name and surname over there?

MR SEHAS: Matala Vusimuzi Cat.

ADV MOTLHASEDI: And under the heading of reason?

MR SEHAS: For court.

ADV MOTLHASEDI: Thank you. And the last heading appearing there says the name of the SAPS or correctional facility.

MR SEHAS: It is Kgosi Mampuru II C-Max.

ADV MOTLHASEDI: Thank you. And if we look at the table appearing immediately underneath that, it says

surname and initials of escort. Do you see that? T

MR SEHAS: hat is correct, Commissioner.

ADV MOTLHASEDI: And there is two sets of information appearing there. Can I ask you to read into the record the first name you see there?

MR SEHAS: Padayachee B.

ADV MOTLHASEDI: All right. It says, and the destination?

MR SEHAS: Pretoria.

ADV MOTLHASEDI: Thank you. Do you recognise the signature there?

MR SEHAS: It looks like Mr Padayachee's signature.

ADV MOTLHASEDI: Would you know his PERSAL number?

MR SEHAS: No, I do not, Commissioners.

ADV MOTLHASEDI: Okay. Could we then look at the name appearing, the second name appearing under that table?

MR SEHAS: It is Sehas A.

ADV MOTLHASEDI: That is yourself.

MR SEHAS: That is myself.

ADV MOTLHASEDI: Thank you. And the PERSAL number is?

MR SEHAS: I do confirm that is my PERSAL number, Commissioners.

ADV MOTLHASEDI: Correct. And the destination there is reflected again as ...[intervenes].

MR SEHAS: Pretoria.

ADV MOTLHASEDI: Pretoria, and the signature appearing is?

MR SEHAS: I confirm my signature.

ADV MOTLHASEDI: So you signed that document?

MR SEHAS: Yes, I did sign the document. And just immediately under that table on the left, there is provision there for a signature of the reception clerk, and immediately to its right, do you see there where it says the number of prisoners?

MR SEHAS: Yes, Commissioners.

ADV MOTLHASEDI: And it says how many?

MR SEHAS: 01.

ADV MOTLHASEDI: Thank you. There is a signature appearing at the bottom left from the signature, it says signature of head of centre. You see that?

MR SEHAS: That is correct, Commissioner.

ADV MOTLHASEDI: Thank you. And the stamp appearing immediately thereafter is from?

MR SEHAS: eBongweni C-Max Correctional Centre.

ADV MOTLHASEDI: On the date that you attended at the facility?

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: And can we then deal with page 3 on the next page? This would be CJC529. Do you recognise

this document, Mr Sehas? I can help you read it. At the top it says Head Correctional Centre, Pretoria Max, correct. Immediately thereafter it says transfer of admission voucher, semicolon, offenders.

MR SEHAS: Yes, Commissioner.

ADV MOTLHASEDI: You recognise the document?

MR SEHAS: I have never seen this document.

ADV MOTLHASEDI: You have never seen this document?

MR SEHAS: No.

ADV MOTLHASEDI: So if you look, for example, the third row from the top, where there seems to be some writing there, and it speaks about receipt of the above mentioned, and there is a figure there and it talks about an offender's valuable property or documents or clothing in a particular amount, you would not know what that is for?

MR SEHAS: It is cash that was owed to Mr Matlala that was taken from eBongweni when we transferred him.

ADV MOTLHASEDI: Correct.

MR SEHAS: So it is his cash.

ADV MOTLHASEDI: So you understand this document to be a recordal of what was in his possession at the time?

MR SEHAS: Yes, yes.

ADV MOTLHASEDI: And so if we have regard to what appears at the foot of that page, there is some writing there at the bottom. Do you see that? Can you read that?

MR SEHAS: I see. It is one times silver Rolex watch.

ADV MOTLHASEDI: Okay. So that would then, based on your understanding of this form, be a description of a watch that was in his possession ...[intervenes].

MR SEHAS: Would have been in his possession, yes.

ADV MOTLHASEDI: Thank you. And you then see the stamp, the familiar stamp appearing again on the bottom right.

MR SEHAS: That is correct, Commissioners. eBongweni C-Max.

ADV MOTLHASEDI: On the date of the ...[intervenes].

MR SEHAS: On the date of the transfer.

ADV MOTLHASEDI: Thank you.

MR SEHAS: Yes, Commissioners.

ADV MOTLHASEDI: Thank you, Mr Sehas ...[intervenes].

ADV BALOYI SC: So at that page 2, that document at page 2. When you and Mr Padayachee, your names are there and you sign, what are you signing to signify? What is the significance?

MR SEHAS: The acceptance of the detainee into our custody for transfer.

ADV BALOYI SC: So you are the people that are receiving him? That is your view.

MR SEHAS: That is correct, Commissioner.

ADV BALOYI SC: Okay, thank you.

ADV MOTLHASEDI: Thank you, Commissioner. Mr Sehas, you can put that file away for now, and please then turn back to your witness statement. We are still on page 5. You have just completed paragraph 21.

MR SEHAS: Yes, Commissioners.

ADV MOTLHASEDI: You can then proceed with paragraph 22 under the heading return to Pretoria.

MR SEHAS:

> "We travelled back to Pretoria and arrived before approximately 23:00 hours. On the way, I diverted from the convoy to drop off an IDAC member who lived in Johannesburg South."

The majority of the team is based in Pretoria, so it did not make sense for us to drive to Pretoria and then reroute back to Johannesburg, Commissioners.

ADV BALOYI SC: You did this with Mr Matlala in your vehicle?

MR SEHAS: No, Commissioner. Mr Matlala was with Mr Padayachee, and I was now driving my own vehicle, the vehicle that I was driving initially.

ADV BALOYI SC: Yes.

MR SEHAS: So I had a member that lives in Johannesburg South, Commissioner, so we did not want to drive all the way to Pretoria because it was late in the evening. We did

not want to drive all the way to Pretoria and then go back to Johannesburg South to go drop this one member off. So the other two cars proceeded towards Pretoria, and I just got off the N3, dropped the member off, and I came back onto the N3 again to catch up with them, Commissioner.

ADV BALOYI SC: So you did not always, as a recipient of Mr Matlala, who signed him out of eBongweni, you did not always have him within your sight. You do not know what happened in that period when you diverted.

MR SEHAS: No, no, Commissioner.

ADV BALOYI SC: You have no idea what happened.

MR SEHAS: No, Commissioner.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you, Commissioner. So, Mr Sehas, you indicate at paragraph 23 that you dropped the colleague off at home. Can you continue from there?

MR SEHAS:

> "And I caught up with the group on the way to Pretoria, and I just caught up with them on the N14, Ben Schoeman Freeway, just before Jean Avenue in Centurion. I then saw that Mr Padayachee indicated that we must pull over. So we pulled over on the island just before the Jean Avenue turnoff, off-

ramp from the N14. Mr Padayachee then informed us that we needed to go to the Chief quickly. I understood this to be a reference to Chief Perumal. At that stage, Mr Matlala was in the car with Mr Ngobeni and Padayachee."

ADV MOTLHASEDI: Please proceed.

MR SEHAS:

"Those of us in the other cars, other two vehicles, did not know where we were going at that stage. We simply just followed Mr Padayachee's car. The three cars, all of us then drove to the Sheraton Hotel, where Mr Perumal got into the vehicle with Mr Padayachee, Mr Matlala and Mr Ngobeni."

ADV MOTLHASEDI: Mr Sehas, just to understand the route that was taken, when you pulled the car over, you said you were on Jean Avenue around Centurion, right?

MR SEHAS: Ja, it was the island. If you know the Ben Schoeman freeway, there is a big island there, so we pulled off on the island where the split is, where Ben Schoeman goes underneath the Gautrain bridge and Jean Avenue is on the off-ramp.

ADV MOTLHASEDI: And based on your location at that

time, the C-Max prison is really just down the road.

MR SEHAS: That is about four or five kilometres down the road ...[intervenes].

ADV MOTLHASEDI: It is a short distance.

MR SEHAS: Ja.

ADV MOTLHASEDI: But according to you, a decision was made to reroute to the Sheraton Hotel.

MR SEHAS: Yes, we actually went on Ben Schoeman directly into town, and not into town. We took the ...[indistinct] turn off.

ADV MOTLHASEDI: Yes.

MR SEHAS: Which will go down to the Voortrekker Monument, and we turned right, went past Fountain Circle into town. That is where we realised that we are going to the Sheraton Hotel now, because it is a shorter route in.

ADV MOTLHASEDI: Okay, so you had to re-route and go ...[intervenes].

MR SEHAS: So we did not, ja, we did not go directly into town.

ADV MOTLHASEDI: Okay, and so you had to go around to get into the Sheraton Hotel, which is located in Arcadia.

MR SEHAS: That is correct.

ADV MOTLHASEDI: Right, so you left the N14. You would probably have to go to like Brooklyn or Muckleneuk in order to get into ...[intervenes].

MR SEHAS: Not through Brooklyn, but past the University of South Africa, just on the side there.

ADV MOTLHASEDI: Okay. And then you got to the hotel?

MR SEHAS: To the hotel, yes, Commissioners.

ADV MOTLHASEDI: Okay, and please continue at paragraph 26.

MR SEHAS:

> "We did not know at that stage what the plan was. Those of us in the two cars followed them. At that time, we were going to the prison. Instead..." ...[intervenes].

ADV MOTLHASEDI: Maybe there is a word missing there.

MR SEHAS: It is a word?

ADV MOTLHASEDI: At paragraph 26.

MR SEHAS: 26:

> "At that time, we were going to the prison..." ...[intervenes].

ADV MOTLHASEDI: Okay, please proceed.

MR SEHAS: Ja:

> "Instead, they turned and went to the McDonald's on Skinner Street in the Pretoria CBD."

ADV MOTLHASEDI: And just to make sure that we follow your evidence, once you arrived at the Sheraton Hotel, as

you set out in paragraph 25, what is your location to the car that is being driven by Mr Padayachee where Mr Matlala is a passenger in that car? You are behind it.

MR SEHAS: Ja, just behind it.

ADV MOTLHASEDI: Okay. And so what does that car do? Does the car park at the Sheraton or sort of stops in the road? Ja, what ...[intervenes].

MR SEHAS: No, we basically just stopped in front of the Sheraton, and we could all then see Chief Perumal alighting from the hotel, and he got into the vehicle.

ADV MOTLHASEDI: And nobody got out? It was just ...[intervenes].

MR SEHAS: Nobody got out ...[intervenes].

ADV MOTLHASEDI: Chief Perumal ...[intervenes].

MR SEHAS: [Indistinct]... got into the vehicle.

ADV MOTLHASEDI: Okay. And then what happened thereafter, the car ...[intervenes].

MR SEHAS: They just drove off. There is a T-junction when you get to Church. We turned left on Church back into town.

ADV MOTLHASEDI: Okay. And that is where you say in your paragraph 26 that at the time, those of you in the cars following, or yourself in the car following, you thought you were back on the route to C-Max.

MR SEHAS: That is correct.

ADV MOTLHASEDI: Correct, but instead ...[intervenes].

CHAIRPERSON: What time, I am sorry, maybe it is here, but what time was it when you got to the Sheraton?

MR SEHAS: It could have been after 11, Commissioner. Could have been after 11, maybe 10 past, quarter past 11 in the evening, Commissioner.

CHAIRPERSON: Do you have any idea why Chief Perumal was at the Sheraton?

MR SEHAS: I think he was staying there, Commissioner, because he is from out of the province.

CHAIRPERSON: All right, thank you.

ADV MOTLHASEDI: Thank you, Chairperson. Mr Sehas, we are at your paragraph 27. Actually, I think please just finish off the last sentence of paragraph 26.

MR SEHAS:

> "Instead, they turned and went to the McDonald's on Skinner Street in the Pretoria CBD."

Commissioners:

> "When we arrived at the parking lot of the McDonald's, Mr Ngobeni got out of the car and he was with us eating. We were all standing behind our vehicles. We all parked in the parking and we were all standing and eating behind our vehicles.

> So at that stage, it was only Mr Perumal, Mr Padayachee and Mr Matlala in that vehicle. Mr Perumal bought Mr Matlala food as well. We do not know what, if anything, was discussed because we were out of the vehicle. The three of them were in the stationary vehicle for approximately 40 to 45 minutes."

ADV BALOYI SC: Just at this point, you surely must have known this is wrong, what is happening. Surely. You booked out a high-profile prisoner. It is just you, IDAC people. You have no cover from Correctional Services. It is just you. You, at some point, you divert to go to the south when, in fact, according to Correctional Services, eBongweni, you are responsible for this person until he is delivered to C-Max, but you lose sight of him. You divert to go to the Sheraton Hotel.

You are now parked at McDonald's. You are standing outside. The other two are in the vehicle with him for 45 minutes. He is not at Kgosi Mampuru since you left. Surely it dawns on you at this point that this is not right, what is happening. You have a prisoner that you are driving around town in the middle of the night.

MR SEHAS: Yes, Commissioner.

ADV BALOYI SC: It dawned on you that this is not right.

MR SEHAS: Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Let me read for you Mr Matlala's account, page 6 of the second file. He says:

> "It was around 2 or 3 a.m. in the morning. They asked me, are you hungry? I said yes. They then took me to the McDonald's there next to C-Max prison. Then we also ate at McDonald's."

I mean, that account suggests to me that he was not cuffed, because how else would he be having food at McDonald's at 2 a.m. in the morning?

MR SEHAS: It was just after 11, Commissioner, but I understand your point. I do not really ...[intervenes].

ADV KHUMALO SC: He could not have been cuffed if he was allowed to eat at McDonald's.

MR SEHAS: I was not in that car, Commissioner, so it is going to be difficult for me to answer on that. I do not know if they loosened his hands or if they cuffed him in his front. Because, I mean, you can still use your hands if you are cuffed in front. You can still use your hands. But I am not sure. I cannot answer to that, Commissioner.

ADV KHUMALO SC: Do you have protocols at IDAC when you transport prisoners or offenders? Are there protocols that have to be followed that you are aware of?

MR SEHAS: Protocols is the same in all law enforcement agencies, Commissioner. I do not see that IDAC has a different protocol from SAPS or DCS or whoever, Commissioner.

ADV KHUMALO SC: So would you say what was done on that day is consistent with the protocol that you are aware of?

MR SEHAS: No, Commissioner.

ADV KHUMALO SC: Something went wrong.

MR SEHAS: Yes, Commissioner.

ADV KHUMALO SC: Terribly wrong.

MR SEHAS: Yes, yes, Commissioner.

ADV MOTLHASEDI: Thank you, Commissioner. Mr Sehas, you have then taken us through paragraph 28, where you confirm at the end of that paragraph that Mr Perumal, Padayachee and Mr Matlala remained in the stationary vehicle for approximately 45 minutes. Are you there?

MR SEHAS: That is correct, Commissioner.

ADV MOTLHASEDI: I will ask you to continue from the next paragraph.

MR SEHAS:

> "After about 45 minutes, we then left for Kgosi Mampuru to book Mr Matlala in. We arrived at the facility around midnight. My recollection is that it could

have been 10 minutes before or 10 minutes after midnight."

ADV MOTLHASEDI: And from when you were at the McDonald's, how did you know then that it was time to go to C-Max?

MR SEHAS: As we were standing, Senior Investigator Padayachee started his car, so we saw the lights go on, and we then asked him, are we moving? So he indicated, yes, we are moving now. That is when we all got into our vehicles and we followed. We got into the convoy and we followed towards the prison, Commissioners.

ADV MOTLHASEDI: Please proceed from paragraph 29, where you explain what time you arrived at C-Max facility.

MR SEHAS:

"We then left for Kgosi Mampuru to book Mr Matlala in. We arrived at the facility around midnight. Recollection is about 10 minutes before or 10 minutes after midnight. At the entrance to Kgosi Mampuru, the car being driven by Mr Padayachee was at the front, so he got to the gate first, and he stopped and we all stopped behind him. We all stopped at the gate. Mr Padayachee then got out of the car and informed us that the Chief,

> referring to Chief Perumal, thanks us for a job well done and that we were being decommissioned. We were released and we can go home. The team was then released and we then left, went home on the assumption that Mr Perumal and Mr Padayachee would formally book Mr Matlala in at the Kgosi Mampuru prison."

ADV MOTLHASEDI: So, Mr Sehas, based then on what Mr Padayachee instructed the team to do, everybody then turned and went home for the day?

MR SEHAS: Yes, the other two vehicles, that was the escort vehicles, we then all left and we went home.

ADV MOTLHASEDI: And so you do not know when he was booked in ...[intervenes].

MR SEHAS: No ...[intervenes].

ADV MOTLHASEDI: What happened beyond?

MR SEHAS: No, Commissioners.

ADV MOTLHASEDI: And just bearing in mind the answer you gave to Commissioner Baloyi about the fact that you had signed documents at eBongweni when the prisoner was released into your custody, would you care to comment on the fact that you had signed there and the prisoner was now – you were leaving the prisoner to somebody else to formally book into C-Max?

MR SEHAS: Well, Mr Padayachee was the first recipient on the acceptance sheet, so he would have also had similar responsibility to ...[intervenes].

ADV MOTLHASEDI: So you were ...[intervenes].

MR SEHAS: To protect and make sure that he gets to his destination safe, Commissioners.

ADV MOTLHASEDI: So you were comfortable to leave Mr Matlala at the gate?

MR SEHAS: At that stage, I could see that there was nothing untoward against him, or he was in good faith. He did not. He was not complaining about anything, so I thought that it is fair, or not good, good enough for us to be released.

ADV BALOYI SC: You would not have known that he is not complaining about anything because you are now in a different car altogether.

MR SEHAS: That is correct.

ADV BALOYI SC: He has been driving with Chief Perumal and Mr Padayachee, so you have completely lost sight of him, and you get told at the gate that you can now leave. So there is no opportunity for him to say anything to you and for you to observe anything.

MR SEHAS: That is correct, Commissioner.

ADV BALOYI SC: Yes. So the problem here is he is released into your joint custody from eBongweni. You get to

Kgosi Mampuru, you do not sign him in as one of the co-signatories. You actually are happy to leave the other two, one of whom was not a signatory at eBongweni. You are happy to leave the other two to just go in with him. You do not know what happens after that. That seems at best is reckless on your part. But in fact, my sense is there is something unlawful about it, that you signed out a prisoner and you are not the one that delivers him back. In fact, you do not know what happened to him.

MR SEHAS: That is correct, Commissioner.

ADV BALOYI SC: Yes, and is it because you did not appreciate the responsibility that you took on when you signed him out of eBongweni? Is that why you were so casual about, well, leaving him in the custody of the other two, including up to the point when they tell you now you can go home? Is it because you did not appreciate the seriousness of what your signature meant as a recipient?

MR SEHAS: I would not say that it was not as serious, Commissioner. My understanding was that he is still in safe hands. He is with the co-signatory, Mr Padayachee, who is also his lead investigator, and he should be fine with him, Commissioner.

ADV BALOYI SC: Well, I am asking a different question, that as a recipient of a prisoner, and I asked you the question earlier, what does it mean that you sign? You

indicate to eBongweni he will be in my custody until I deliver him on the other side. And my expectation is that whoever delivers him has to sign as well, right?

MR SEHAS: Yes.

ADV BALOYI SC: They have to sign to indicate this is how he was, but you are happy at the tail end to leave it to the other two, and my issue with you is you do not seem to have appreciated the legal consequence of you being a recipient of this offender when you sign him out of eBongweni.

MR SEHAS: I hear you, Commissioner.

ADV BALOYI SC: Yes. Thank you.

ADV MOTLHASEDI: Thank you, Commissioner Baloyi. That brings us to the close of that topic. If I might just place on record that the Commission has made, has taken steps to try and obtain information about what time Mr Matlala was received at C-Max. We have not yet received that confirmation as yet.

ADV BALOYI SC: Before you leave, let me ask the question. In the memorandum where you say it is for investigation, is there a reason that your memorandum does not state the name of Mr Matlala, the offender you are going to be – yes, yes. It is in the statement file, the memorandum at page 9.

You, and I must say, at the very best curious, it is

curious that your memorandum does not mention the case that you are going to investigate, case number, the nature of the matter, that you are going to be seeing Mr Matlala. Even if we accept that you normally write investigation even when it is to transport a prisoner, which you say does not happen, you do not mention any detail about the case that this is about and the name of the person that you are going to see. Is there a reason for that?

MR SEHAS: To answer you on that, Commissioner, the memorandum passes through a lot of hands, so it is also a way of protecting information and not putting too much out to the wrong person. That for us to just put investigation and a case number, that is good enough for administration and is accepted by them, Commissioner.

ADV BALOYI SC: So Ms De Swardt has to – she cannot avoid responsibility. If she were to be confronted, and I am not saying that will happen, if she were to be confronted with approving a trip that she knows nothing about, she does not have any detail, she does not know what cost, because there is a cost implication, but there is also the human life. You are transporting a high-profile prisoner. If she is to be confronted with failure to apply herself to this application and ask the necessary questions: who are we transporting? What case? Why are we incurring this cost? You are saying she can fairly say, well, this is how we do

things in IDAC.

MR SEHAS: Yes, Commissioner.

ADV BALOYI SC: We do not ask for that kind of detail when we approve travel expenditure, for example.

MR SEHAS: Yes, Commissioner, because that is an administrative function.

ADV BALOYI SC: That is how things are done?

MR SEHAS: Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you, Commissioner Baloyi. Mr Sehas, before we go into the final topic you address in your statement, could I ask you to turn back to the other file you have in front of you, your exhibit file? Please go to page 6 of the exhibit, page 6, CJC531.

MR SEHAS: Yes, Commissioner.

ADV MOTLHASEDI: Thank you, and just to give you context, you engaged with Commissioner Khumalo briefly on this. You will see there that it is a transcript. If you look at the top of the page, it has got a date there. Do you see 11 November 2026?

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: The index will tell you that this is an extract from the period in time when Mr Matlala gave evidence before the Commission, and that reference at the top to the 11th is the specific date there.

MR SEHAS: Okay.

ADV MOTLHASEDI: Thank you. If I just start at the top of page 6, you will see there Commissioner Khumalo asks a question to Mr Matlala. He says:

> "Mr Matlala, I want to go back to your testimony of yesterday or the day before yesterday, I cannot remember, where you testified that at some point IDAC officials took you to the Sheraton Hotel. Can you just explain how that happened and what were the circumstances of that visit to the Sheraton Hotel?"

You see that?

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: Okay. Mr Matlala then proceeds to answer the question on page 6. He says:

> "No, they went to, I was incarcerated at eBongweni, so they went to eBongweni and booked me out from eBongweni, and that is when they drove with me to Sheraton Hotel."

He continues to say:

> "And when we got there, Perumal was not, we found Perumal in Sheraton Hotel, and that is when we had these

> discussions about how they want to nail these three Generals and the others."

Can I stop there and say that the response I have read for you from Mr Matlala, where he speaks about being collected from eBongweni and being driven to the Sheraton Hotel by IDAC officials, that is consistent with your testimony of this morning.

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: And there where he continues to say, we found Mr Perumal at the Sheraton, that is also consistent with what you have testified.

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: Okay, but if you continue then? Sure. If we continue then to the sentence I have just read for you where he says:

> "And when we got there, Perumal was not, we found Perumal in Sheraton Hotel, and that is when we had discussions about how they want to nail these three Generals and the others."

Is that a conversation you would be familiar with or not?

MR SEHAS: Not the conversation itself, Commissioners.

ADV MOTLHASEDI: Okay, and then the next sentence starts:

> "And from Sheraton Hotel, that is when it

was very late, I think it was 2 or 3 a.m."

And he continues to describe that that is when he went to McDonald's, and you have answered that question in the affirmative when asked by Commissioner Khumalo.

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: Okay.

ADV KHUMALO SC: Can we just go one step back? Mr Sehas, were you were part of these discussions to nail the three Generals?

MR SEHAS: Not at all, Commissioner.

ADV KHUMALO SC: But did you hear that discussion?

MR SEHAS: No, no, Commissioner. I was not in that vehicle. So I was in my vehicle driving another vehicle, Commissioner.

ADV KHUMALO SC: And from Kokstad to Pretoria, did that discussion take place while you were in the vehicle with Mr Matlala?

MR SEHAS: Like I said, Commissioner, it was General, How are you? and he just kept on looking out the window, Commissioner. So there was no real conversations for the time that I was in the vehicle with even Mr Padayachee.

ADV MOTLHASEDI: Thank you, Commissioner ...[intervenes].

ADV BALOYI SC: Mr Sehas, you say you arrived in Pretoria at what time from Kokstad?

MR SEHAS: It was around after 23:00. I was 11 o'clock in the evening, Commissioner.

ADV BALOYI SC: And then you went to the Sheraton?

MR SEHAS: Yes, Commissioner.

ADV BALOYI SC: Well, Mr Matlala says he was there, and from the Sheraton, that is when it was very late. It was, I think, 2 or 3 a.m. from the Sheraton.

MR SEHAS: Just repeat that, Commissioner.

ADV BALOYI SC: He says you left the Sheraton around 2 or 3 a.m.

MR SEHAS: He is wrong on the time, Commissioner. We keep records of the times everywhere. That is what I normally do, because I keep a record of the time where we reach a certain point.

ADV BALOYI SC: Yes, and you have those records that will show what time you arrived at the Sheraton?

MR SEHAS: Yes, yes, Commissioner.

ADV BALOYI SC: Will those records also show what time you left the Sheraton to land at McDonald's?

MR SEHAS: No, no, Commissioner.

ADV BALOYI SC: Will that record show what time you left McDonald's to get to the prison?

MR SEHAS: No, Commissioner, but it will show the time that we got to the prison.

ADV BALOYI SC: Yes, thank you.

ADV KHUMALO SC: Mr Matlala says it was 4 a.m. when you arrived at C-Max.

MR SEHAS: No. No, it was around 12. It was 12. That is why I say I have got the times written down, so it was ...[intervenes].

ADV KHUMALO SC: But even on your account, it cannot be 12. If you say you got to Pretoria at 23:00 hours, you still had to go to Sheraton, spend some time there with Perumal, then went to McDonald's, spent 45 minutes there.

MR SEHAS: We did not spend time at the Sheraton, Commissioner. We stopped. Perumal came out, got into the vehicle, and we immediately drove. So we were maybe stationary for 45 seconds, and then we went to McDonald's. On the way, we thought that we are going to Kgosi Mampuru. On the way, they diverted and we went into the McDonald's parking, Commissioner.

ADV BALOYI SC: The record, of course, when you get to the prison, accounts for you arriving at the prison and being told to leave. You do not know what happened. You fairly said you do not know what happened to him after that.

MR SEHAS: After, no, Commissioner.

ADV BALOYI SC: So, at least conceivably, he may well have landed at Kgosi Mampuru, eventually booked in at four in the morning. You will not know.

MR SEHAS: I cannot answer on that, Commissioner.

ADV BALOYI SC: Okay. So at this point, we have his word on that. We have only his word that he was booked in at around four in the morning. You cannot help us with that.

MR SEHAS: I can fairly agree with that, Commissioner.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you, Commissioner. Mr Sehas, perhaps just to assist you in response to the question about how much time was spent at Sheraton Hotel, if you go to page 7, same transcript. So if you go to the top of the page, you will see there, there is in bold a question there from Commissioner Khumalo, and it is in the third line. It says:

> "And when you arrived at the hotel, where did you meet with the IDAC people who were there? Did they book a room for you, or you met at the office or in the foyer?"

Do you see that? Page 7.

MR SEHAS: Page 7. Yes. Yes, I do, Commissioner.

ADV MOTLHASEDI: Correct. So you see the question posed to Mr Matlala by Commissioner Khumalo, and Mr Matlala responds to say:

> "No, no, they called him, and then he came out and he jumped inside the passenger seat, the front passenger

seat, and we spoke there."

MR SEHAS: That is correct, Commissioners.

ADV MOTLHASEDI: Okay. So if you continue there, the next question posed by Commissioner Khumalo says:

"You never went into the hotel?"

And Mr Matlala response to say:

"No, not inside. I was inside the car."

MR SEHAS: That is correct, Commissioner.

ADV MOTLHASEDI: So that suggests that Mr Perumal exited the hotel soon on arrival and entered.

MR SEHAS: That is correct, Commissioner.

ADV MOTLHASEDI: Can I then ask you to go to your page 7 of your witness statement, page 7?

MR SEHAS: Yes, Commissioner.

ADV MOTLHASEDI: Thank you. We are at paragraph 33, immediately under the heading criminal investigation into Mr Matlala.

MR SEHAS: Yes, Commissioner:

"I have very limited knowledge of the criminal investigation into Mr Matlala outside of what I have relayed already. My involvement was limited to Mr Matlala's court appearances, and by that it would mean that we would transfer him from prison to court and from court back

> to prison. In relation to his appearances at court, we were told the day before, and we then took Mr Matlala to court from prison and bring him back to the prison afterwards. I have no knowledge of the Medicare investigation and/or project diversion. I am, however, aware that the IDAC prosecutors who were involved in the plea and sentencing agreement negotiations were Mr Rikus Kriel and Advocate Santhos Manilall. To my knowledge, the following IDAC officials were involved in the Matlala investigation, including the drafting of the section 204 statement, it would have been Chief Perumal, Chief Financial Investigator Dlepu, Senior Investigator Padayachee, Senior Investigator Bellochun, Senior Investigator Mbhalati, Senior Investigator Melissa Prince, Criminal Investigator Mohlala, Criminal Investigator Mbalo, and possibly Investigator Mazibokwana."

But I cannot confirm whether he was physically involved, Commissioners.

ADV MOTLHASEDI: Please proceed to your final paragraph or penultimate.

MR SEHAS:

> "I do not have any further information on this matter. This is largely because a certain quarter of IDAC generally worked amongst themselves and tightly controlled the flow of information on matters on which they were working. This group included the names as listed above. I hope this information can be of assistance to the Commission."

ADV MOTLHASEDI: Thank you, Mr Sehas. And your reference to a quarter inside IDAC at paragraph 37, what is that a reference to?

MR SEHAS: Ja, that basically speaks about the team that was allocated to the Medicare, as well as the project diversion that we heard of, the team that was investigating those cases, Commissioners.

ADV MOTLHASEDI: And in light of the fact that you say you have very limited knowledge of the criminal investigation, then how was it that you were involved in the preparation and the participation in the transfer?

MR SEHAS: That, like I said in the beginning of the affidavit, Commissioners, I was requested by Mr

Padayachee to pick him up from the airport, and that is where my involvement began. When I took him to the prison, we realised that Mr Matlala was not there. We went to court, we came back, and the processes that followed thereafter, leading up to the transfer from eBongweni to Kgosi Mampuru, Commissioners.

ADV BALOYI SC: So you were involved in transporting him to court.

MR SEHAS: Yes.

ADV BALOYI SC: So is this now when he is now in Kgosi Mampuru?

MR SEHAS: That is correct, Commissioner.

ADV BALOYI SC: You were picking him up and taking him to court?

MR SEHAS: Into court, and then after appearance back to Kgosi Mampuru.

ADV BALOYI SC: And that was the fullness of your involvement?

MR SEHAS: That is correct, Commissioner.

ADV BALOYI SC: So you were effectively a driver, and that is all it was?

MR SEHAS: Yes, Commissioner. In another vehicle as well.

ADV BALOYI SC: Not in the vehicle in which he ...[intervenes].

MR SEHAS: Not in the vehicle with him, yes, Commissioner. Escort vehicle, I would say.

ADV BALOYI SC: Seems like a very expensive use of resources, of state resources. Thank you, Ms Motlhasedi.

ADV MOTLHASEDI: Thank you, Commissioner Baloyi. Mr Sehas, I must ask, the Commission, when it listened to the evidence of Advocate Drushantha, heard her testify to something known informally as the Eastern Cape gang within IDAC, Eastern Cape team, sorry, my language is a bit on the dramatic side. But essentially she described this clique in similar language that you use in paragraph 37, that it is a certain quarter within IDAC and that they work exclusively amongst themselves and control the flow of information. Could you there be referring to the same grouping that Advocate Drushantha spoke about before the Commission?

MR SEHAS: It could be. It is the members that comes from the Eastern Cape, ja.

ADV MOTLHASEDI: There we go.

MR SEHAS: Yes, Commissioner.

ADV MOTLHASEDI: So the Eastern Cape group made up of ...[intervenes].

MR SEHAS: Ja, it is the group of members that all come from the Eastern Cape.

ADV MOTLHASEDI: And are those members

...[intervenes].

CHAIRPERSON: Sorry, sorry, I think you used the first name of the witness. It was ...[intervenes].

ADV MOTLHASEDI: I apologise.

CHAIRPERSON: The surname is Ramsamy.

ADV MOTLHASEDI: Is Ramsamy, Drushantha, Advocate Drushantha Ramsamy. Thank you. And, Mr Sehas, the group you are referring to, are their names captured in your paragraph 36 there?

MR SEHAS: Yes, Commissioners.

ADV MOTLHASEDI: All of them, some of them?

MR SEHAS: Some of them. it would be Chief Perumal, Senior Investigator Bellochun, Senior Investigator Prince, Investigator Mbalo, and Investigator Mazibokwana.

ADV MOTLHASEDI: Thank you, Mr Sehas. Chair, that is the conclusion of the questions we have for this witness.

ADV BALOYI SC: Earlier the Chairperson asked you whether you inquired about the reasons for Mr Matlala's transfer from Kgosi Mampuru to eBongweni, and you said you did not. You did not know the reasons why he was transferred.

MR SEHAS: I did not personally know the reasons, Commissioner.

ADV BALOYI SC: So when you decided to take him back to Kgosi Mampuru, were any inquiries made with Kgosi

Mampuru about the suitability of returning him, given that they had taken him to eBongweni? There must be valid reasons for that, according to them. Did any one of you seek to check with Kgosi Mampuru that whatever risks they were concerned about have been or will be mitigated now that you are bringing him back? Did that discussion ever happen?

MR SEHAS: Not with my involvement personally, Commissioner.

ADV BALOYI SC: Yes.

MR SEHAS: I would however think that the lead investigator, Senior Investigator Padayachee and Chief Perumal would have taken it up with them.

ADV BALOYI SC: You would have expected that they would have made those inquiries and satisfied themselves.

MR SEHAS: Yes, Commissioner.

ADV BALOYI SC: Okay, thank you. Thanks, Mr Sehas.

ADV MOTLHASEDI: Thank you, Chairperson. I note it is a few minutes before 11:00. Could we perhaps take – I apologise, Chair. If I may, could we perhaps take a bit of an extended adjournment to prepare for the next witness? We have to set up for, ja, headphones and audio and the like.

CHAIRPERSON: Thank you very much, Mr Sehas. Most appreciated. You are excused, but please wait for the

adjournment.

MR SEHAS: Thank you, Commissioner.

NO FURTHER QUESTIONS

CHAIRPERSON: So let us adjourn and resume at 11:30.

ADV MOTLHASEDI: 30, please, Chair. Thank you.

CHAIRPERSON: Thank you.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Who is leading? Good morning, Ms Pooe.

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

CHAIRPERSON: Good morning, Chief Superintendent.

WITNESS: Good morning, Commissioner.

CHAIRPERSON: Please place your full names on record.

WITNESS: My name is Emmasacia Tintswalo Rikhotso.

CHAIRPERSON: Will you be swearing or affirming?

WITNESS: Swearing.

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

WITNESS: So help me God.

EMOSACIA TINTSWALO RIKHOTSO duly sworn states

CHAIRPERSON: Thank you, Chief Superintendent.

ADV POOE: Commissioners, this morning's testimony involves, takes us back into JMPD. We will be dealing with the theft or robbery that was perpetrated by JMPD officers and subsequently investigated by DPCI. So this flows from Officer Mashala's testimony last week. The witness's statement can be found at page 90 of the JMPD file. Superintendent, you should have one file in front of you that, and in that file, you should find your statement from page 90. Are you there?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, Commissioner.

ADV POOE: Can you confirm that this is a statement you have prepared for purposes of giving testimony before this Commission?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I confirm.

ADV POOE: Can you please go to page 94? Can you confirm that that is your signature?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, it is my signature.

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

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Thank you. Now, Superintendent, we will go through your statement first. And if we can... If we can start with, briefly, if you can tell us your role within JMPD

and just your brief history through the service.

CHIEF SUPERINTENDENT RIKHOTSO:

"I started my college training in January 2003. It was a six-month training and I graduated in June 2003. I was then appointed as Metro Police Officer and posted at Accident Investigation Unit. I was mainly dealing with a fatal accident. I also work at Region 8, now F1, responsible for crime prevention, bylaws and traffic management.

I was later promoted to the rank of Sergeant in 2010 while acting on the same position at Speed Prosecution Unit. I continued to work at High Speed Unit and Number Plate Investigation thereafter.

I was later promoted to an Inspector position in 2015 and assigned to work at Dixie Violence Unit. It was after obtaining my UNISA degree in Policing.

I was later moved to Rea-Vaya Unit in 2017 until 2024. When I was posted at Tactical Response Unit to perform a crime prevention function, I was

thereafter promoted to the position of Chief Superintendent in October last year 2025, which is my current employment position in Operations."

ADV POOE: Thank you, Superintendent. Just to make sure, in 2023 ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: 2003.

ADV POOE: In 2023, which role were you occupying?

CHAIRPERSON: Sorry, Ms Pooe. I just want to get an idea of where exactly you are in the pecking order. How... Are you close to the top? What is the Head of JMPD called? What is the rank?

CHIEF SUPERINTENDENT RIKHOTSO: He is the Commissioner. He is the Chief of Police.

CHAIRPERSON: Oh, Chief of Police. And then how many ranks are there before you get to that level, if you are fortunate enough to be promoted all the way up?

CHIEF SUPERINTENDENT RIKHOTSO: There is a Chief of Police. There is a Director. There is a Deputy Director. There is a Chief Superintendent.

CHAIRPERSON: All right. Thank you.

ADV POOE: Thank you, Chair.

ADV BALOYI SC: Can I please ask, and in that ranking, or in those ranks, are you the only Chief Superintendent or there are others as well?

CHIEF SUPERINTENDENT RIKHOTSO: There is others.

ADV BALOYI SC: Okay. How do you distinguish them? What Chief Superintendents do you have? You are in Operations Unit.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: Does that mean you are the most senior in the Operations Unit?

CHIEF SUPERINTENDENT RIKHOTSO: No. There is a Director in Operations.

ADV BALOYI SC: And you report to the Director?

CHIEF SUPERINTENDENT RIKHOTSO: We report to the Director.

ADV BALOYI SC: You as Chief Superintendent?

CHIEF SUPERINTENDENT RIKHOTSO: As Chief Superintendent.

ADV BALOYI SC: And then other units also have their own Chief Superintendent and a Director?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Thank you.

ADV POOE: Superintendent, in 2023, were you an Inspector?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And is that one rank below the Chief Superintendent role?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Thank you. Now, if you can deal with the background to this incident, and that is from page 12 of your statement.

CHIEF SUPERINTENDENT RIKHOTSO: Page 12.

ADV POOE: Paragraph 12, my apologies. Chief, if you can read from paragraph 12.

CHIEF SUPERINTENDENT RIKHOTSO:

> "I wish to confirm that I did not know Mr Mphahlele prior to the date of incident 20 August 2023, and his subsequent arrest. I was only informed about Mr Mphahlele by my colleague, Inspector Immaculate Emma Florence Phakoane. It was after the arrest of Mr Mphahlele for the said criminal offence stated in paragraph 3 and 4 above. I was at an unveiling ceremony in Tzaneen, Limpopo, on the Sunday, 13 August 2023. While driving back to Johannesburg, I then received a call from my colleague, Inspector Phakoane, on my cell phone around 18h00. Inspector Phakoane indicated to me that she was on holiday in Cape Town and needed assistance regarding the arrest of Mr Mphahlele at Booysens

police station."

CHAIRPERSON: Sorry, sorry. I have noticed that you say Mphahlele.

CHIEF SUPERINTENDENT RIKHOTSO: Mr Mphahlele.

CHAIRPERSON: Is it Mphahlele or Mphahlele?

CHIEF SUPERINTENDENT RIKHOTSO: It is Mphahlele.

CHAIRPERSON: Mphahlele. I also noticed you said Phakoane, is it not Pooe?

CHIEF SUPERINTENDENT RIKHOTSO: Phakoane.

CHAIRPERSON: People-House-A.

CHIEF SUPERINTENDENT RIKHOTSO: It is an error.

CHAIRPERSON: So this is a...

CHIEF SUPERINTENDENT RIKHOTSO: Ja, there is an error of spelling.

CHAIRPERSON: This is misspelt then.

ADV POOE: Yes, Chief. We will see to those corrections being made.

CHAIRPERSON: Thank you.

ADV BALOYI SC: Ms Pooe, is it not appropriate perhaps to read paragraph 3, so that when we read 12 and the following, at least they make sense? Somebody watching these proceedings for the first time would wonder who Mphahlele is.

ADV POOE: Certainly, Commissioner Khumalo. Superintendent, if we can go back to paragraph 3 and 4,

that is where you deal with Mphahlele's offence. Can you just read those two paragraphs into the record?

CHIEF SUPERINTENDENT RIKHOTSO: Paragraph 3 and 4?

ADV POOE: Yes.

CHIEF SUPERINTENDENT RIKHOTSO:

> "I have noted that the subject matter regarding my statement is related to the reported criminal case against the former JMPD officer, Mr Eric Mphahlele. I was informed that it was a robbery and theft of one and a half million rand belonging to a certain Mr Nawazish Ali Raja. I was further informed that the said criminal conduct occurred on the 12th of August 2023. I will also provide details in the alleged bribery incident of the 14th of August 2023, in which my name was also mentioned."

ADV KHUMALO SC: Can I ask a quick question? I see you refer to Mr Mphahlele as former JMPD. What has happened to him? Is he no longer the JMPD?

CHIEF SUPERINTENDENT RIKHOTSO: I heard that he was convicted.

ADV KHUMALO SC: He was convicted?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: In relation to the same offence?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: All right. And was he subsequently dismissed by JMPD?

CHIEF SUPERINTENDENT RIKHOTSO: I heard that.

ADV KHUMALO SC: But you are not sure?

CHIEF SUPERINTENDENT RIKHOTSO: I am not sure about that.

ADV KHUMALO SC: We will have to ask HR or somebody else.

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I am not sure about that.

ADV POOE: Superintendent, before we go back into your statement, in these two paragraphs you say you were informed and you were informed. Who informed you in this regard?

CHIEF SUPERINTENDENT RIKHOTSO: I was informed by Inspector Emma Phakoane.

ADV POOE: All right, thank you. Now if you can go back to paragraph 14. You had already dealt with 12 and 13.

CHIEF SUPERINTENDENT RIKHOTSO:

> "Inspector Phakoane asked if I can assist in verifying and confirming the arrest of Mr Mphahlele, which I did. It was

confirmed that JMPD Officer Mr Mphahlele was arrested on 12 August 2023. I then updated Inspector Phakoane accordingly as requested. Inspector Phakoane indicated to me that she will take the first flight from Cape Town to Johannesburg on Monday 14 August 2023 to assist Mr Mphahlele with the bail arrangements."

ADV POOE: Chief, if, can I ask, when you say you were asked to assist with verifying and confirming, what do you mean by that?

CHIEF SUPERINTENDENT RIKHOTSO: Inspector Phakoane, she was not around. She is the one who called me to confirm if Officer Mphahlele indeed he was arrested.

ADV POOE: So how did you do that confirmation?

CHIEF SUPERINTENDENT RIKHOTSO: I called Sis Mamsi from Booysens police station to confirm and she confirmed.

ADV POOE: Okay, thank you. You can proceed.

CHIEF SUPERINTENDENT RIKHOTSO:

"Inspector Phakoane also requested my support in assisting Mr Mphahlele with bail arrangement and preparation. I agreed to assist in good faith in line with the law regulating bail release of

incarcerated, accused persons in the Republic."

CHAIRPERSON: Did Inspector Phakoane tell you why?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, she told me.

CHAIRPERSON: Did Inspector Phakoane tell you why she wanted to assist Mr Mphahlele with bail or rather obtaining bail?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, she told me that she is close to Mphahlele and she needs to assist him with the bail.

CHAIRPERSON: Close how?

CHIEF SUPERINTENDENT RIKHOTSO: Close friend to Mphahlele and a colleague.

ADV POOE: And, Chief, how, what kind of support and assistance was she asking of you?

CHIEF SUPERINTENDENT RIKHOTSO: With the bail preparations.

ADV POOE: What does that mean?

CHIEF SUPERINTENDENT RIKHOTSO: To check if Officer Mphahlele can get a bail by going to the investigators and find out if how far with the process of the bail application and the profiling, also the verification of the address.

CHAIRPERSON: Did you have to go there physically or did you only make phone calls? Regarding all the steps that you say you had to take?

CHIEF SUPERINTENDENT RIKHOTSO: We did a phone call. We called.

CHAIRPERSON: Why plural now? Did you, you singular, did you do this, all this?

CHIEF SUPERINTENDENT RIKHOTSO: [No answer]

CHAIRPERSON: You said there was a need to contact the investigating officer, establish where the bail process was, had the address been verified, and, and, and, and, and. I assumed that you were talking about yourself.

CHIEF SUPERINTENDENT RIKHOTSO: No, it is not about myself.

CHAIRPERSON: Who was going to do this?

CHIEF SUPERINTENDENT RIKHOTSO: Inspector Phakoane.

CHAIRPERSON: So she was going to make the calls?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: So what were you to do then?

CHIEF SUPERINTENDENT RIKHOTSO: She wanted me to assist her, to go with her.

CHAIRPERSON: Sorry?

CHIEF SUPERINTENDENT RIKHOTSO: She wanted me to go with her.

CHAIRPERSON: I just asked you whether you had to go there physically and you said not, and that a phone call was going to be made. Now I do not understand when you talk

about having to accompany her and go there. I do not follow that. Did you not just say that all this follow-up was to be done by means of a phone call?

CHIEF SUPERINTENDENT RIKHOTSO: We did a phone call. We called Captain Mabunda because Inspector Phakoane, she indicated ...[intervenes]

CHAIRPERSON: You are saying we again, and yet you said it was Inspector Phakoane who was going to make the call.

CHIEF SUPERINTENDENT RIKHOTSO: I made the call.

CHAIRPERSON: You. But you said it was Inspector Phakoane who was going to make the call.

CHIEF SUPERINTENDENT RIKHOTSO: I made the call.

CHAIRPERSON: But did you not say it was Inspector Phakoane who was going to make the call?

CHIEF SUPERINTENDENT RIKHOTSO: It is an error.

CHAIRPERSON: Who was going to make the call? I just want to be sure of what you are saying exactly.

CHIEF SUPERINTENDENT RIKHOTSO: It is me.

CHAIRPERSON: And when you said it was Inspector Phakoane, why did you say that?

CHIEF SUPERINTENDENT RIKHOTSO: I did not understand the question, Commissioner.

CHAIRPERSON: Come on, this was very simple English, Chief Superintendent.

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I understand.

CHAIRPERSON: Was I not speaking very simple English?

CHIEF SUPERINTENDENT RIKHOTSO: It is.

CHAIRPERSON: At the time I posed the question, did you not understand every word I uttered?

CHIEF SUPERINTENDENT RIKHOTSO: [No answer]

CHAIRPERSON: Did you not?

CHIEF SUPERINTENDENT RIKHOTSO: I did.

CHAIRPERSON: Now, can you tell me why you said it was Inspector Phakoane that was going to make the call, if in fact it was you that was going to make the call and that you actually made the call and not Inspector Phakoane? Why did you say the call was going to be made by Inspector Phakoane?

CHIEF SUPERINTENDENT RIKHOTSO: I made a mistake, Commissioner. Pardon me.

CHAIRPERSON: And now, just explain the bit about you accompanying each other, relative to the fact that there were going to be phone enquiries. Where did the accompanying or the physical act, how did that come into the equation? If you do not understand the question, please say so.

CHIEF SUPERINTENDENT RIKHOTSO: I do not understand the question.

CHAIRPERSON: You said you were going to accompany

Inspector Phakoane and yet you had earlier said that this process of attending to bail arrangements was going to be done through a phone call. You understand me thus far?

CHIEF SUPERINTENDENT RIKHOTSO: [No audible answer]

CHAIRPERSON: Do not nod, please vocalise your response. You understand me thus far?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I do.

CHAIRPERSON: Yes. Now, I am saying, so if there was going to be this telephonic, or rather these arrangements were going to be pursued by means of a telephone call, how did the physical act of you accompanying Inspector Phakoane arise and where were you to go?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, we, I called Captain Mabunda from DCIP to confirm if the case of Officer Mphahlele, it was handled by the Hawks. And then she suggested that we come to her office in Vaal. I informed Inspector Phakoane that Captain Matimo, she want us to meet her at Vaal. And we went with the supervisor of Mphahlele and Inspector M Phakoane.

CHAIRPERSON: So that is how the accompanying arose. All right, thank you.

CHIEF SUPERINTENDENT RIKHOTSO: Ja.

ADV POOE: Chief Superintendent, are you very familiar with bail arrangements? Is that why Officer Phakoane

asked for your assistance?

CHIEF SUPERINTENDENT RIKHOTSO: No, I am not familiar with bail applications.

ADV POOE: Okay, thank you.

ADV BALOYI SC: Before she asked you to assist, what was your relationship with her? Because you keep referring to her as a colleague, when in fact it comes across as you had more than just an ancillary colleague relationship with her. Can you just describe your relationship with Phakoane?

CHIEF SUPERINTENDENT RIKHOTSO: With Mphahlele?

ADV BALOYI SC: No, Phakoane.

CHIEF SUPERINTENDENT RIKHOTSO: Okay, she was a colleague. We worked together since 2005 at Region F1. And we also worked together at Speed Prosecution. So we were close colleague.

ADV BALOYI SC: So you had a close relationship with her?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Outside of work, were you friends?

CHIEF SUPERINTENDENT RIKHOTSO: Outside of work, we were not friends.

ADV KHUMALO SC: You did not socialise together?

CHIEF SUPERINTENDENT RIKHOTSO: We... no.

ADV POOE: Chief, in your exchange with the Chairperson, you indicated that you called Captain Mabunda. Why did you call Captain Mabunda?

CHIEF SUPERINTENDENT RIKHOTSO: Because she worked with the Hawks.

ADV POOE: So she was to assist you with obtaining the details of?

CHIEF SUPERINTENDENT RIKHOTSO: The arrest.

ADV POOE: The arrest?

CHIEF SUPERINTENDENT RIKHOTSO: The details of the investigators.

ADV POOE: And in the course of that, why did you not request numbers so that you can call them as opposed to going and meeting with her?

CHIEF SUPERINTENDENT RIKHOTSO: She asked us to come and see her at Vaal.

ADV POOE: Did you ask her for their numbers?

CHIEF SUPERINTENDENT RIKHOTSO: I did not ask.

ADV POOE: Okay, but you then agreed to go see her?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, we did, I did.

ADV POOE: And what did you understand the purpose of the visit to be?

CHIEF SUPERINTENDENT RIKHOTSO: To enquire about the bail, the application.

ADV POOE: Okay.

ADV BALOYI SC: Did you have or know Mphahlele at the time?

CHIEF SUPERINTENDENT RIKHOTSO: I did not know Mphahlele prior to his arrest.

ADV BALOYI SC: Okay.

ADV POOE: And just to understand, what is your relationship to Captain Mabunda?

CHIEF SUPERINTENDENT RIKHOTSO: I did not know Captain Mabunda. I got Captain Mabunda's number from my sister Dolly. There is sometimes in 2002, I accompanied my sister Dolly to the DPCI office in Eloff Street, where she indicated that she was going to see someone who was working with Hawks. So, after this incident, I asked my sister Dolly to give me the number of the person that she went to see, and she gave me the number of Captain Matimo. I did not know Captain Matimo.

ADV POOE: Thank you.

ADV BALOYI SC: Do you know why Mphahlele is arrested as you are taking all these steps to assist?

CHIEF SUPERINTENDENT RIKHOTSO: I did not know.

ADV BALOYI SC: You did not know what it was about?

CHIEF SUPERINTENDENT RIKHOTSO: No.

ADV POOE: Chief, if we can just go to page 10 of that same bundle in front of you, and paragraph 33 in particular, if we can just flight that for convenience. Page 10, that is

the statement of Mashala. My apologies, Commissioners. It seems that the numbering between the electronic version and the physical version is one off, but paragraph 33.

ADV KHUMALO SC: It is Potsane's statement?

ADV POOE: My apologies. Remember, your files have three sections, so we are in section 3 and page 10 of section 3.

ADV BALOYI SC: Mashala?

ADV POOE: Yes. You will see there, Chief, there Mr Mashala is talking about the meeting that was held. Of importance, I just want to point you to the last paragraph, the last sentence, where he says Captain Mabunda introduced Inspector Rikhotso to us as her home girl. Do you see that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I see.

ADV POOE: Did Captain Mabunda introduce you to them as a home girl?

CHIEF SUPERINTENDENT RIKHOTSO: No, I do not recall.

ADV POOE: You do not recall that?

CHIEF SUPERINTENDENT RIKHOTSO: Mmm.

ADV POOE: Do you recall how she introduced you?

CHIEF SUPERINTENDENT RIKHOTSO: I do not recall.

ADV POOE: All right, thank you. Now, so the only link you have to Captain Mabunda is that your sister went to the Hawks in 2002.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And then linked you up with her in 2023.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Thank you.

ADV BALOYI SC: You went to meet with Captain Mabunda, it was just you, you were not with Ms Phakoane.

CHIEF SUPERINTENDENT RIKHOTSO: I was there and other ...[intervenes]

ADV BALOYI SC: So Phakoane was there?

CHIEF SUPERINTENDENT RIKHOTSO: She was there.

ADV BALOYI SC: Okay.

CHAIRPERSON: So you say Captain Mabunda did not introduce you as his... He did not introduce you, he did not say you are his home girl. But are you his home girl?

CHIEF SUPERINTENDENT RIKHOTSO: No. I am coming from Tzaneen, she is coming from Giyani.

CHAIRPERSON: Okay, all right.

ADV POOE: Thank you. Chief, can we go back to your statement? If we can deal with paragraph 16. You can proceed.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: With paragraph 16.

CHIEF SUPERINTENDENT RIKHOTSO:

> "It is prudent to mention that Inspector Phakoane has been a good colleague to

me. As a result, I have no doubts or suspicions of being requested to assist in bad faith and/or being requested to deliberately contravene the criminal law of the Republic."

ADV POOE: Thank you. Then, if we can deal with the incident of 14 August 2023.

CHIEF SUPERINTENDENT RIKHOTSO:

"On Monday morning, 14 August 2023, I reported for duty at workplace to perform my employment responsibilities. We had some discussion with officers involved on the said criminal matter, including Inspector Mashala from the Hawks. Our aim was to follow up on the measures that can assist the Court in expending..."

ADV POOE: Expediting.

CHIEF SUPERINTENDENT RIKHOTSO:

"...bail application proceedings."

ADV POOE: If we can just stop here. So, when you say, I reported for work duty to perform my employment responsibilities, we had some discussions. Is this the meeting that was to take place between yourself and Captain Mabunda?

CHIEF SUPERINTENDENT RIKHOTSO: Captain Mabunda,

Captain Tauatswala and Inspector Phakoane.

ADV POOE: Perhaps just to take a step back, because now you are dealing with a meeting that would have been organised by Captain Mabunda with the two investigating officers.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Can you take us first through the initial meeting that you would have then had with Captain Mabunda alone? Can you explain to the Commissioners what happened in that meeting?

CHIEF SUPERINTENDENT RIKHOTSO: In the meeting in Vaal, it was me, Inspector Phakoane and Captain Mabunda. The other officers were downstairs when we went up to the office, me and Inspector Phakoane.

ADV POOE: Just for a moment there, when you say the other officers, which other officers?

CHIEF SUPERINTENDENT RIKHOTSO: We went with the supervisor of Mphahlele to Captain Mabunda's office.

ADV POOE: You said officers, so it sounded plural.

CHIEF SUPERINTENDENT RIKHOTSO: There were two.

ADV POOE: Okay, who was the other one?

CHIEF SUPERINTENDENT RIKHOTSO: It was Officer Mekgwe.

ADV POOE: Mekgwe?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And what is his role?

CHIEF SUPERINTENDENT RIKHOTSO: He was driving with Officer Mogoabona, he drives with Officer Mogoabona.

ADV POOE: So, the two officers remained outside while you and Officer Phakoane went into the building?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: All right. You can take us from there.

CHIEF SUPERINTENDENT RIKHOTSO:

> "When we arrived in the office, Captain Mabunda told us that the case is handled by Captain Tau and he is not around, he went to Pretoria to check the phone of Officer Mphahlele. And I saw Inspector Emma panicked and then she said they will find my conversation with Mphahlele. After that, Captain Mabunda told us that she will call us and then she will make a meeting with us and the investigator. Inspector Phakoane requested the contact number of Captain Mabunda and then we left."

ADV POOE: Just before you deal with other aspects, I just want to understand, when they say they will find your record or where you spoke or visited Mphahlele, what did she mean? Did you have any interactions directly with Officer

Mphahlele?

CHIEF SUPERINTENDENT RIKHOTSO: Captain Mabunda indicated that Captain Tauatswala, he took Mphahlele's cell phone and he took it to Pretoria to check who was communicating with Officer Mphahlele in the message. It is where Inspector Phakoane panicked and then she said they will find my communications with Officer Mphahlele.

ADV POOE: When you say my communications you mean ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: No my communication.

ADV POOE: Officer Phakoane's communication with Mphahlele?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And the sole purpose of that was then to obtain the contact details of the two investigators?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Which you did, in terms of what you have explained?

ADV POOE: Captain Mabunda said that she will arrange a meeting between us and the investigators.

ADV POOE: And so she did not provide you with the contact details?

CHIEF SUPERINTENDENT RIKHOTSO: She did not.

ADV POOE: And where did this meeting take place in

Vaal?

CHIEF SUPERINTENDENT RIKHOTSO: It is the office of the Hawks.

ADV POOE: Hawks' offices?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Commissioner, just so that it is not, do not confuse the other meeting that Officer Mashala is talking about. This is the pre-meeting that happens in Vaal, which is at paragraph 19 of his statement. We will now go to the second meeting with the IOs, which is at paragraph 33 of that statement. So after that meeting and you go downstairs, you meet with the other two officers. Did you explain to them what happened in your discussions upstairs?

CHIEF SUPERINTENDENT RIKHOTSO: We did not.

ADV POOE: So what happened after that meeting?

CHIEF SUPERINTENDENT RIKHOTSO: After meeting, they dropped me at work and then they left.

ADV BALOYI SC: Dropped you at work after the meeting?

CHIEF SUPERINTENDENT RIKHOTSO: After the meeting, we drove, we came back to Johannesburg.

ADV BALOYI SC: Yes.

CHIEF SUPERINTENDENT RIKHOTSO: And then they dropped me.

ADV BALOYI SC: Who are they when you say they

dropped you?

CHIEF SUPERINTENDENT RIKHOTSO: Officer Phakoane, Inspector Phakoane, Sergeant Mogoabona and Officer Mekgwe.

ADV BALOYI SC: Okay. And in your understanding, why did they need you to go with them to the Vaal? I mean, you are all JMPD officers. You were first called to check, because she is in Cape Town, to find out about an arrest in Gauteng, which you did. You phoned around and you were given the information. Now you are all back in Gauteng. Why are you still, you in particular, why are you going to meetings, dealing with the arrest of an officer that you say you did not know him before this incident? Why do you continue to be involved and going out of your way to go to meetings about this police officer, if you did not know who he was?

CHIEF SUPERINTENDENT RIKHOTSO: Officer, Inspector Phakoane asked me to accompany her because ...[intervenes]

ADV BALOYI SC: Why?

CHIEF SUPERINTENDENT RIKHOTSO: ...she did not know...

ADV BALOYI SC: Why? I am saying why. If all you are going to do is going to find out about bail and to get the contact details of the investigating officer, why are you

there? Because she can go and do it herself. She does not need you for that.

CHIEF SUPERINTENDENT RIKHOTSO: She said she did not know Matimo. I also told her that I do not know Matimo.

ADV BALOYI SC: Yes, so why are you going? You do not know Matimo. You are both the same. It is not as if you are going to someone that you know on your version. Make it make sense why you are going on a weekday. You are, there you are going to the Vaal to meet with someone that you do not know about an accused JMPD officer that you do not know. And your relationship with Officer Phakoane, Ms Phakoane is you know each other as colleagues. It does not make sense, your involvement.

CHIEF SUPERINTENDENT RIKHOTSO: She insisted that I accompany her because she did not want to go alone.

ADV BALOYI SC: But she is with another, you say she is with somebody else, there is another JMPD officer, so she is not alone.

CHIEF SUPERINTENDENT RIKHOTSO: No, she said, she told me that she do not feel comfortable going with them, let us go together. I did not, I did not voluntarily wanted to go there. She asked me to go with her.

ADV BALOYI SC: And this was a working day.

CHIEF SUPERINTENDENT RIKHOTSO: Because she did not know Matimo and she did not know how to approach

Matimo. Hence Matimo, she speak my language and she understand the language that we are speaking. So I can talk to Matimo about the bail applications.

CHAIRPERSON: And this was a working day.

CHIEF SUPERINTENDENT RIKHOTSO: It was a working day.

ADV BALOYI SC: You were on duty.

CHIEF SUPERINTENDENT RIKHOTSO: I was on duty.

ADV BALOYI SC: Thank you.

ADV POOE: Could it be that you two are home girls in the sense of coming from the same area, speaking the same language?

CHIEF SUPERINTENDENT RIKHOTSO: Pardon?

ADV POOE: Your relationship with her or this is why Emma Phakoane asked you to accompany her. That you speak the same language, you probably, maybe you are from the same place. She is your home girl.

CHIEF SUPERINTENDENT RIKHOTSO: Ja, I think she wanted me to accompany her because me and Matimo we speak the same language.

ADV POOE: And did you tell her that you have no relationship with her? In fact, you have never met her outside of the call that your sister made to introduce the two of you?

CHIEF SUPERINTENDENT RIKHOTSO: She knew because

when I phoned my sister, she was there and my phone was on speaker. Even when I phoned Matimo, she was there. She knew.

ADV POOE: So the only link is your language?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: All right, thank you. Now, if we can go to paragraph 18.

CHIEF SUPERINTENDENT RIKHOTSO:

> "I had no interest in the matter expect to assist Inspector Phakoane as per her request. The engagements we had with the involved officials and investigator took a short period of time. I personally had no motive of acting against the interest of justice or defeating the end of justice in my engagement with the investigators."

ADV POOE: Thank you, Chief. Just to say, Commissioners, this is now reference to the meeting, the second meeting of the 14th of August. And this one is the one that relates the meeting with the two investigators.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: That Officer Mashala refers to in paragraph 33 of his statement.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Okay. Now, in this instance, just to confirm, who was there outside of you and the two investigating officers?

CHIEF SUPERINTENDENT RIKHOTSO: It was me, Captain Mabunda, and Captain Tauatswala, Warrant Officer Mashala, and Inspector Phakoane.

ADV POOE: And where did you meet?

CHIEF SUPERINTENDENT RIKHOTSO: We met at Brixton, 10-111 Flying Squad.

ADV POOE: Thank you. Maybe let us go to paragraph 19.

CHIEF SUPERINTENDENT RIKHOTSO:

> "During the said discussion with officer dealing with the criminal matter, we met the investigators later at 10-111 Brixton SAPS. I did not offer any bribe to the investigators to squash or facilitate the disappearance of the case docket in the criminal case against Mr Mphahlele. I did not offer any bribe money to anyone in this regard."

ADV POOE: Thank you, Chief. Before we go deeper into that meeting, can we go back to paragraph 33 at page 10? You will see there that Warrant Officer Mashala lists the participants.

CHIEF SUPERINTENDENT RIKHOTSO: Page 10?

ADV POOE: Page 10, paragraph 33. You see there he says...

CHIEF SUPERINTENDENT RIKHOTSO: That is...

ADV POOE: 33?

CHIEF SUPERINTENDENT RIKHOTSO: 32 here. Can you assist?

ADV POOE: Can you see there?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: You see there he says:

> "We met Captain Mabunda later that afternoon, 14 August 2023, at Brixton Flying Squad offices in our state vehicle."

Then he says:

> "Present were Captain Mabunda, Inspector Rikhotso, Captain Tauatswala and me."

Being Warrant Officer Mashala. He does not mention the presence of Officer Phakoane. Can you see that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I see it.

ADV POOE: So, are you sure that Officer Phakoane was part of the meeting?

CHIEF SUPERINTENDENT RIKHOTSO: She was part of the meeting. Officer Phakoane, she is the one who came to my parade that afternoon and picked me up with her vehicle. We drove. She was the driver with her vehicle.

We went to 10-111. And that day, Officer Mashala, if you can remember, he even told us that you will call Emma Blondie because her hair was blonde. She was there.

ADV POOE: All right, thank you. Now, where does this meeting take place? Did you get an office at Brixton or where were you?

CHIEF SUPERINTENDENT RIKHOTSO: No, it was outside.

ADV POOE: So you just stood outside, the five of you?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, we were outside.

ADV POOE: Okay. Now, what happens at this meeting?

CHIEF SUPERINTENDENT RIKHOTSO: Officer, Captain Tauatswala told us that Mphahlele is arrested for theft and robbery of 1.5 million. And Mr Mphahlele, he wanted to offer them a bribe of 250,000. Are we aware that he wanted to give them something? And then Inspector Emma told them that she will find out from Mphahlele that evening.

ADV POOE: She will find out from Mphahlele that?

CHIEF SUPERINTENDENT RIKHOTSO: That evening in Booysens police station. And then Captain Tau told us that he will communicate with Captain Mabunda and Captain Mabunda will be the one who will tell us the bail applications, if he is going to get the bail the following day, Mr Mphahlele.

ADV POOE: So just to understand the sequence of what

happens, Officer Tau tells you the history of the matter and that he is arrested and that he had offered the two investigating officers a bribe.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And do you and Officer Phakoane explain what you want from them?

CHIEF SUPERINTENDENT RIKHOTSO: No, we ask if they can verify the address the following day so Mr Mphahlele can get a bail, if they did the profiling of Mr Mphahlele. And then Captain Tauatswala told us that they will maybe can get a bail the following day because there is a pointing out parade that will happen the following day.

ADV POOE: And thereafter?

CHIEF SUPERINTENDENT RIKHOTSO: Warrant Officer Mashala did not say anything in that meeting.

ADV POOE: And did you say something in that meeting?

CHIEF SUPERINTENDENT RIKHOTSO: Captain Tau promised that he would communicate with Matimo and Matimo should let us know about the bail applications and we left. It was a short meeting.

ADV POOE: And what did you say in these discussions?

CHIEF SUPERINTENDENT RIKHOTSO: I did not say anything in the discussion.

ADV POOE: So the discussions really were between who and who?

CHIEF SUPERINTENDENT RIKHOTSO: It was between Captain Mabunda and Captain Tauatswala.

ADV POOE: All right, thank you. And there was also outside of Officer Emma Phakoane saying that she will check with Officer Mphahlele. There was no other discussions about money or bribery?

CHIEF SUPERINTENDENT RIKHOTSO: Nothing.

ADV POOE: Thank you. Now, after the conclusion of the meeting, what happened?

CHIEF SUPERINTENDENT RIKHOTSO: Inspector Phakoane went and dropped me at Mafumbi [?] where I left my vehicle and I went home.

ADV POOE: Now you can go to paragraph 20.

CHIEF SUPERINTENDENT RIKHOTSO: Of my statement?

ADV POOE: Yes.

CHIEF SUPERINTENDENT RIKHOTSO:

> "I was genuinely assisting my colleague after being requested to do so. It is incorrect and misleading that I offer a bribe amount of R250,000 to the investigators to squash the criminal matter. The main reason I deposited to RT1 statement is because there was a circulation rumour that I had enriched myself with a certain amount of money

belonging to Mr Mphahlele, which was incorrect."

ADV POOE: Commissioners, will deal with this RT1 once the witness finishes her statement. If we can then go to the last two paragraphs of your statement in your conclusion.

CHIEF SUPERINTENDENT RIKHOTSO:

"I wish to emphasise that my involvement as mentioned in this statement has nothing to do with acting against the interest of justice. I am an officer of the court and understand my responsibility as a law enforcement officer. I crafted the statement based on what I was informed by the Commission's officials. I am prepared to supplement the statement if there are any omissions or if there is any further information that might be required to assist the Commission."

ADV POOE: All right. Before we leave your statement, after this meeting, did you ever communicate again with Captain Matimo about this matter?

CHIEF SUPERINTENDENT RIKHOTSO: I did not.

ADV POOE: And did you follow up on whatever would happen regarding his bail application, Officer Mphahlele's bail application?

CHIEF SUPERINTENDENT RIKHOTSO: I asked Inspector Phakoane what was going on. She said, she told me that she was communicating with Captain Matimo.

ADV POOE: And what did she say?

CHIEF SUPERINTENDENT RIKHOTSO: She said she was communicating with Captain Matimo and Captain Matimo was assisting her to get a bail for Officer Mphahlele.

ADV POOE: So the communications thereafter continued only between Officer Phakoane and Captain Matimo?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And you ceased to be involved?

CHIEF SUPERINTENDENT RIKHOTSO: I was not involved.

ADV POOE: Until you heard rumours circulating that you had enriched yourself?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Okay, now let us deal with these rumours. Once you heard these rumours, what did you do?

CHIEF SUPERINTENDENT RIKHOTSO: When I heard the rumours, I... I went to the head office of the Hawks to report the matter. When I arrived there, I found the Brigadier, he was in charge, and I told him what happened. He told me that I must call Inspector Emma to come. I called Inspector Emma Phakoane to come. When she arrived, the Brigadier called the two gentlemen from the Hawks, Captain Carlo [?], the other one, I do not remember the name.

ADV POOE: Before you go into what you said to the two investigating officers, the two officers, what were you going to report at the Hawks?

CHIEF SUPERINTENDENT RIKHOTSO: I wanted to report Matimo and Emma that they said I enriched myself with the Mphahlele's money and I was not, I did not involve myself in any money. I did not see any money.

ADV POOE: So you were going to report them for the rumour?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, the rumour that was circulating.

ADV POOE: And you were telling now the Hawks what, about the rumour?

CHIEF SUPERINTENDENT RIKHOTSO: I told them that Inspector Phakoane, she is spreading the rumour that I took money from, I took money from Matimo.

ADV POOE: Okay, and do you recall who the Brigadier is that you spoke to?

CHIEF SUPERINTENDENT RIKHOTSO: I do not remember the name.

ADV POOE: Now this Brigadier says to you, you must call Emma.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And you agreed to call Emma?

CHIEF SUPERINTENDENT RIKHOTSO: I did call her.

ADV POOE: Why would you agree to call Emma when you were there to essentially report her?

CHIEF SUPERINTENDENT RIKHOTSO: I do not know.

ADV POOE: No, no, I am asking why did you?

CHIEF SUPERINTENDENT RIKHOTSO: It was at a later stage that I found out why I had to call Emma.

ADV POOE: I am asking at the time, you were here to report Emma, that is your version.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And you explained to them that this is what Emma is saying about you and this bribery.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: He then says to you, call Emma.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Why do you agree to call Emma when you are there to report Emma?

CHIEF SUPERINTENDENT RIKHOTSO: He said that he also wants Emma's statement.

ADV POOE: Yes, but why did you have to call Emma?

CHIEF SUPERINTENDENT RIKHOTSO: It was the instruction from the Brigadier.

ADV POOE: And you were comfortable with calling the person you were essentially there to accuse?

CHIEF SUPERINTENDENT RIKHOTSO: I was instructed, ma'am, Commissioner.

ADV POOE: Thank you. Now let us go to the statement that you did in the course of this.

ADV BALOYI SC: Wait a minute, let me ask this. Why did you not report this to your Integrity Unit? I think we have had a witness here who is the head. I do not remember what it is called exactly.

ADV POOE: Commissioner Baloyi, Internal Affairs.

ADV BALOYI SC: Internal Affairs, you have Internal Affairs. An allegation is being, a rumour is circulating about you from, and to do with members of JMPD. Why did you not go to Internal Affairs?

CHIEF SUPERINTENDENT RIKHOTSO: It was to do with a member of JMPD and the Hawks. It was to do with Matimo and Emma.

ADV BALOYI SC: Matimo is Hawks?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: That is why you went to the Hawks?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Okay, but you also have a member of JMPD. Why did you not go to Internal Affairs? To get them to investigate and clear you that you did not do anything like that.

CHIEF SUPERINTENDENT RIKHOTSO: I thought the Hawks, they will come to JMPD with an inquiry.

ADV BALOYI SC: You thought the Hawks would come to?

CHIEF SUPERINTENDENT RIKHOTSO: The Internal Affairs.

ADV BALOYI SC: To do what? You have not laid a complaint with Internal Affairs. I am asking about your employer. I am not criticising you for going to the Hawks. I am asking, you have a JMPD employee who is saying something about you. So they are raising integrity issues about you. And I would have thought you would want your employer, Internal Affairs, to look at this and then clear you that there is no such evidence. Why did you not do that?

CHIEF SUPERINTENDENT RIKHOTSO: In that time, I was going through the stress. There were many things that were happening. I did not thought of that Commissioner.

ADV BALOYI SC: Thanks, Ms Pooe.

ADV POOE: Chief, now you go to the Hawks. As you said, you met with the Brigadier and he said you must call Officer Emma.

CHIEF SUPERINTENDENT RIKHOTSO: Mmm.

ADV POOE: And you also met with the two officers from DPCI, one of them being Officer Carlo, is that correct?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And then did they proceed to take a statement from you? Or what happened in your meeting with the two officers?

CHIEF SUPERINTENDENT RIKHOTSO: They were

instructed to take our statement.

ADV POOE: Maybe just to understand, did you wait for Officer Emma Phakoane to arrive before taking the statement, or did you start taking the statement?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I waited for her to arrive.

ADV POOE: And then you took the statement together? Or you made the statements together?

CHIEF SUPERINTENDENT RIKHOTSO: No.

ADV POOE: Okay, can you explain what happened?

CHIEF SUPERINTENDENT RIKHOTSO: The statement that I made at Hawks, it was dictated by Inspector Phakoane. She told me what to write in that statement.

ADV POOE: She told you what to write in that statement?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And you complied?

CHIEF SUPERINTENDENT RIKHOTSO: And I complied.

ADV BALOYI SC: Was she your boss?

CHIEF SUPERINTENDENT RIKHOTSO: No, no Commissioner.

ADV BALOYI SC: So how is she getting you to, telling you what to do? First she tells you to go with her to the Vaal, and you just complied. Now you are writing a statement, a very serious matter, I mean you are a law enforcement officer, so you know it is very important when you put stuff

in a statement that you sign off. How are you agreeing to her dictating to you what to say in the statement?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, I admit an error on my side by allowing her to dictate what I must write in the statement.

ADV BALOYI SC: It is not an error. It is not an error. It is worse than an error. You are putting down a version in a statement. It is you not your version. It is a version that is dictated to by somebody in a document that you know is official. You have laid a complaint, or you have gone to say they are saying things about you. It is an official document. How do you say it is an error that I allowed her to dictate to me?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, it was not Emma alone who dictated the statement at Hawk's office. I was told what to write then because I was intimidated.

ADV BALOYI SC: Maybe let us take it step by step. Who in the Hawk's office was part of dictating to you? We now know Emma Phakoane is one person.

CHIEF SUPERINTENDENT RIKHOTSO: And Carlo.

ADV BALOYI SC: Who is the other person?

CHIEF SUPERINTENDENT RIKHOTSO: Carlo.

ADV BALOYI SC: Carlo was also dictating?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Telling you what to put in the statement.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Was Carlo involved in this bribery rumour or story about bribery? Was he also saying that you took the money?

CHIEF SUPERINTENDENT RIKHOTSO: I did not know Carlo then. It is after I found out that he was part of it.

ADV BALOYI SC: Oh, okay. Ms Pooe?

ADV POOE: Now, Chief, you are there to report, essentially, Officer Phakoane, and now you are being told to do the statement, and you then do it. Is that correct?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, ma'am.

ADV POOE: And did you understand when you were doing it the implications of what you were doing?

CHIEF SUPERINTENDENT RIKHOTSO: I did not understand then.

ADV POOE: You did not understand then?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: So if you are putting down a version you know is you not yours, what did you hope would happen with something like that?

CHIEF SUPERINTENDENT RIKHOTSO: The problem, Commissioner, is that I trusted Inspector Emma, and I accept that I allowed Inspector Emma to use me in the whole thing. I was not aware. It is after this incident when

she went to do the second attempt to rob Mr Raj away, I understand that I was being forced.

ADV POOE: Maybe let us not go too far ahead. In this moment, she is dictating to you what to say, and you know the contents of the statement. In essence, in it, you are admitting that the two of you were attempting to bribe, and one of the officers took the money. So she was dictating to you the commission of a crime, and you agreed to do that.

CHIEF SUPERINTENDENT RIKHOTSO: We did not agree to do that. After the meeting of 10-111, I was not part of that. She was the one who was communicating with them, not me.

ADV POOE: No, Officer, I am saying that in this statement, you essentially admit to bribery. Now she is dictating that to you, you say, to this Commission.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And you agreed to that.

ADV KHUMALO SC: Please refer her to the exact paragraph.

ADV POOE: Maybe we will get there, Commissioner Khumalo. Perhaps let us just go through the statement itself, nè? If we can go to page 76 of the bundle. Let us start with paragraph 1. You can exclude the top part because those are just to identify you. Can you please read the first paragraph?

CHIEF SUPERINTENDENT RIKHOTSO: The first paragraph.

> "On Sunday, 2023-08-13, at about 20h00, I was driving along N1, coming back from Tzaneen, when I saw a message on my cell phone that Officer Mphahlele he is arrested at Booysens."

ADV POOE: Thank you. Let us stop there.

CHIEF SUPERINTENDENT RIKHOTSO: Okay.

ADV POOE: Now, you recall in your statement you indicated that you were coming, you were just going back to your statement. At paragraph 13, you indicated that you were at an unveiling ceremony in Tzaneen, and that while you were driving back, you received a call from a colleague.

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I received a call. I did not find out from a WhatsApp message. This was dictated by Inspector Phakoane that I must write that I saw the message on WhatsApp. I was called by Inspector Emma and she informed me that Officer Mphahlele was arrested.

ADV POOE: So did she dictate that you also write the first part of that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, she said I must write that it is not her who called me. I must write that I saw the message on WhatsApp.

ADV POOE: All right, thank you. If we can deal with

paragraph 2.

CHIEF SUPERINTENDENT RIKHOTSO:

> "On Monday 2023-08-14, at approximately 8h00, I went to Booysens SAPS to visit Officer Mphahlele. I spoke to Officer Mphahlele and he told me that he was arrested by the Hawks and if there is something we can do."

That is incorrect.

ADV POOE: So is there something else that was dictated by Officer Phakoane?

CHIEF SUPERINTENDENT RIKHOTSO: All the statements.

ADV POOE: Now at this point, you can hear what ...[intervenes]

ADV BALOYI SC: It cannot be all the statements, sorry. It cannot be the whole statement because the next paragraph you are talking about Dolly and calling Matimo, so she did not dictate that part to you?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Yes.

ADV POOE: Now Chief, at this point you can see that you, in your statement, before this Commission and your testimony, you indicated that you did not know who Mphahlele is, never visited Mphahlele. She is now telling you to write that you visited Mphahlele and spoke to him.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: You can see what is happening here. Why did you agree to continue?

CHIEF SUPERINTENDENT RIKHOTSO: [No answer]

ADV POOE: Because you will see, it only gets worse for you. So now you are at the first point. She is asking you to admit to going to Booysens and to speaking to Mphahlele and him asking you to go to the Hawks and see what they can do.

CHIEF SUPERINTENDENT RIKHOTSO: Going to the Booysens and police station, I did not go there alone. I was with Officer Mekgwe, Sergeant Mogoabona and Inspector Emma. It is the same day that we met Captain Matimo. So in this statement, she said I went and seen Mphahlele. I did not go inside and see Mphahlele. They did not allow us to go in. They only allow one person to go in and see Mphahlele and she is the one who went inside and saw Mphahlele.

ADV POOE: So why did you not mention that in your statement, the part about the four of you going to Booysens and to go and see Mphahlele and that only Officer Phakoane was allowed to see Officer Mphahlele?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, hence I said that I make an error by writing the statement.

ADV POOE: No, no, no, I am asking about the statement

before the Commission that you do not tell us that you went to Booysens and police station to go and see Officer Mphahlele, that they only allowed one of you to go and it was Officer Phakoane who went in to see him. You do not tell us that. Why not?

CHIEF SUPERINTENDENT RIKHOTSO: I thought the Commission wanted my involvement on the 14th of August.

ADV POOE: Yes, your involvement included going.

CHIEF SUPERINTENDENT RIKHOTSO: When we met with the investigators.

ADV POOE: You excluded because you thought it was only about the meeting with the investigators.

CHIEF SUPERINTENDENT RIKHOTSO: With Mr Mashala.

ADV POOE: Okay. Now, let us continue with the statement, paragraph 3.

CHIEF SUPERINTENDENT RIKHOTSO:

> "I then called my sister Dolly to ask if she knows someone from the Hawks. She then gave me Matimo's number ...[intervenes]"

ADV POOE: You do not have to read the number.

CHIEF SUPERINTENDENT RIKHOTSO:

> "...and told me to tell her to assist."

ADV POOE: Now, this paragraph, was this also dictated or was this something you wrote?

CHIEF SUPERINTENDENT RIKHOTSO: No, it was not dictated, this one.

ADV POOE: So at some points you could tell them that this is something you want to write and other points they tell you what to write.

CHIEF SUPERINTENDENT RIKHOTSO: They told me that I must write where I get the number for Matimo.

ADV POOE: Okay. Now, paragraph 4.

CHIEF SUPERINTENDENT RIKHOTSO:

> "I called Matimo and explained to her that one of our colleagues, Officer Mphahlele, has been arrested. Matimo told me to drop the call, she want to send something to my WhatsApp. I then dropped the call. When I opened my WhatsApp message, I saw a statement for Officer Mphahlele, it was a screenshot."

ADV POOE: And in relation to this paragraph, is this true? Is this something you wrote?

CHIEF SUPERINTENDENT RIKHOTSO: It is not true. Captain Carlo showed us the message in their WhatsApp group.

ADV POOE: So it would have been the first time you saw that message?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And then he then says to you, write down that...

CHIEF SUPERINTENDENT RIKHOTSO: Matimo.

ADV POOE: Matimo sent you that message?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And you agreed to do that. Now, let us go to paragraph 5.

CHIEF SUPERINTENDENT RIKHOTSO:

> "Matimo then called me on WhatsApp and asked if I am talking about the same incident. I then confirm with her that it is the incident. She then told me that the case has been allocated to Tau."

ADV POOE: Yes?

CHIEF SUPERINTENDENT RIKHOTSO:

> "But Matimo can help us to talk to Tau because she was working with him at..."

ADV POOE: At Eloff.

CHIEF SUPERINTENDENT RIKHOTSO:

> "...Eloff."

ADV POOE: So in relation to this paragraph, was this something that was true or something that was dictated?

CHIEF SUPERINTENDENT RIKHOTSO: [No answer]

ADV POOE: Was it true or was it something that was dictated to you?

CHIEF SUPERINTENDENT RIKHOTSO: It was true, this one.

ADV POOE: No, how can it be true? You said that, in the preceding paragraph, you indicated that you only saw that WhatsApp for the first time. Because in this paragraph, you say after Matimo sends you the WhatsApp, she then calls you and asks you if it is the same incident. But you said it was not Matimo who sent you this, that message about the incident you saw from Officer Carlo.

CHIEF SUPERINTENDENT RIKHOTSO: The message, I saw it from Officer Carlo' phone. And then I was told that I must write this.

ADV POOE: So it is not true, it was dictated?

CHIEF SUPERINTENDENT RIKHOTSO: It was dictated, the statement.

ADV POOE: Okay. Then let us go to paragraph 6.

CHIEF SUPERINTENDENT RIKHOTSO:

> "Matimo asked me if I can come to Vaal while she is working. I agreed to meet her the following day."

ADV BALOYI SC: Why were you going to meet her the following day?

CHIEF SUPERINTENDENT RIKHOTSO: This was not true.

ADV BALOYI SC: That she called you?

CHIEF SUPERINTENDENT RIKHOTSO: We called Matimo

the same day and we met Matimo the same day.

ADV BALOYI SC: In the Vaal?

CHIEF SUPERINTENDENT RIKHOTSO: In Vaal. We called Matimo and then we met Matimo the same day and we met the investigators the same day.

ADV BALOYI SC: And how did it come about that you met Matimo? Did Matimo invite you? Did you offer to go and see Matimo?

CHIEF SUPERINTENDENT RIKHOTSO: She said that we must come and see her at Vaal.

ADV BALOYI SC: Yes, but that is exactly what that paragraph 6 says.

CHIEF SUPERINTENDENT RIKHOTSO: But it was not the following day.

ADV BALOYI SC: It was still on the 14th. Because remember, at page 76 you talk about what happens on the 14th and how Matimo comes into the picture on the 14th and paragraph 6 says:

> "Matimo asked me if I can come to Vaal where she is working. I agreed."

So according to your testimony, that is exactly what happened, right? You met Matimo on the 14th?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, but...

ADV BALOYI SC: In the Vaal.

CHIEF SUPERINTENDENT RIKHOTSO: Ja, but here she

said the following day.

ADV BALOYI SC: I see. Okay, I see what you are saying.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: So you are denying that it was the 15th? You did not meet Matimo on the 15th?

CHIEF SUPERINTENDENT RIKHOTSO: We met Matimo the same day.

ADV BALOYI SC: Okay.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: All right, thank you. Now, knowing that you met on the same day, did you tell them that no, we met on the same day, the 14th, it was not the following day?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, hence I stated that I was not in the right sense of my mind. I did not tell them anything. They were telling me what to write. And the same statement that I wrote is the same statement that Inspector Emma wrote.

ADV POOE: So even when you knew it was wrong, it was fine? Like even those kind of details, where you knew it was the same day?

CHIEF SUPERINTENDENT RIKHOTSO: I was told that if I write the things that I want, that I know, it can implicate me. Do I know that that office is Hawks?

ADV BALOYI SC: Implicate you in what? You have done, on your version, you have done nothing wrong up to this

point.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: You are an experienced law enforcement person. You are signing a statement under oath. If they say to you it will implicate you, surely there must be something that you think you are implicated in or that puts you at risk. You must know something, otherwise it does not make sense that you are as innocent as you are telling us and helping a colleague and then you get dictated to tell lies under oath and you say I did it because I was afraid I would be implicated. It does not make sense.

CHIEF SUPERINTENDENT RIKHOTSO: I was not afraid of being implicated. I did nothing wrong.

ADV BALOYI SC: Then explain why you tell things that you know are, according to you, a lie under oath. If you have no fear that they would do anything to you if you insisted that I am not prepared to tell lies, then make it make sense.

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, I trusted Inspector Emma. That is why I assisted her.

ADV POOE: No, the ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: I allowed Inspector Emma to use me.

ADV KHUMALO SC: On this day, you had gone to Germiston to report her. So how can you say ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: I was reporting her and Matimo.

ADV KHUMALO SC: Yes, that is my point. So on this day that you made this statement, you had gone to Germiston to report her. So clearly you did not trust her. So you cannot say the reason why you lied under oath in this statement was because you trusted her.

CHIEF SUPERINTENDENT RIKHOTSO: I did not lie. I made an error.

ADV KHUMALO SC: No, it is not errors. If you are not telling the truth, you are lying under oath. If you say all of this did not happen or half of what is in the statement did not happen, then you are lying under oath. And the reason cannot be that you trusted Emma, because your reason for going to Germiston in the first place was to go and report her. Which means you did not trust her. That is why you were reporting her to the Hawks. Is that not so?

CHIEF SUPERINTENDENT RIKHOTSO: It is true.

ADV KHUMALO SC: Yes.

ADV POOE: Okay, let us move to the next paragraph.

CHIEF SUPERINTENDENT RIKHOTSO: Which paragraph?

ADV POOE: 7.

CHIEF SUPERINTENDENT RIKHOTSO:

> "On Tuesday 2023-08-15 at approximately 8 o'clock, I called Matimo to ask if we can

come to her workplace. Matimo told me to come at about 10 o'clock because she was attending a meeting. She then sent the location pin."

ADV POOE: And is this paragraph true?

CHIEF SUPERINTENDENT RIKHOTSO: No.

ADV POOE: Is it dictated to by Officer Phakoane?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And you did not call Officer Matimo to ask to come?

CHIEF SUPERINTENDENT RIKHOTSO: I called Captain Mabunda while we were in Booysens police station. Not on the 15th. This thing happened on the 14th.

ADV POOE: Okay. And she did not send you a location pin?

CHIEF SUPERINTENDENT RIKHOTSO: [No answer]

ADV POOE: She did not send you a location pin?

CHIEF SUPERINTENDENT RIKHOTSO: She did give me the address.

ADV POOE: She gave you the address.

CHIEF SUPERINTENDENT RIKHOTSO: Mmm.

ADV POOE: So what is wrong in this paragraph is the date of the incident and the fact that you would have called her on that day.

CHIEF SUPERINTENDENT RIKHOTSO: It is the date... ja,

it is the date and the time and the pin. She did not send me the pin. She sent me the address.

ADV POOE: Okay. Now let us move to paragraph 8.

CHIEF SUPERINTENDENT RIKHOTSO:

> "I then called Inspector Emma Phakoane and two male colleagues at about 9 o'clock, we drove to Vaal. When we arrived, I called her to give us direction to her office. Matimo told us to come inside the building and climb the stairs. Her office is on the left when we turn right. We then went to her."

ADV POOE: And this paragraph?

CHIEF SUPERINTENDENT RIKHOTSO: Office if we turn left...

ADV POOE: Excuse me?

CHIEF SUPERINTENDENT RIKHOTSO: Okay, I am reading:

> "Her office is on the left when we turn right, we then went to her."

ADV POOE: And this paragraph, is that true?

CHIEF SUPERINTENDENT RIKHOTSO: On the day that we visited Captain Matimo, we first went to Booysens police station with a colleague of Officer Mphahlele. We were four in the vehicle and...

ADV POOE: Yes, Chief.

CHIEF SUPERINTENDENT RIKHOTSO: Yes and I recall I am the one who called Officer Matimo to send us the address and she did.

ADV POOE: And when you got to the address, did you call her to ask where in the building she is?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, we did.

ADV POOE: And then she told you to come up? She gave you directions to come up?

CHIEF SUPERINTENDENT RIKHOTSO: To come up, yes. And then we left the two officers in the car.

ADV POOE: So apart from you calling the two officers in the morning, the rest of it is true?

CHIEF SUPERINTENDENT RIKHOTSO: I did not call the two officers. Inspector Emma is the one who called the supervisor of Mphahlele.

ADV POOE: Yes.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: But the rest is true. Okay, paragraph 9?

CHIEF SUPERINTENDENT RIKHOTSO:

> "Matimo told us that Tau did not make it to meet..."

ADV POOE: To meet us?

CHIEF SUPERINTENDENT RIKHOTSO:

> "...to meet us, he was in Pretoria to get

more evidence. Matimo told us that the case is very serious, but she will help us."

ADV POOE: Is that true?

CHIEF SUPERINTENDENT RIKHOTSO: It is not true.

ADV BALOYI SC: Why were you prepared to implicate Matimo in this statement? You tell us you did not know Matimo. You were given her number by your sister. Now you are making these statements about her being prepared to assist. She will talk to Tau. Why were you prepared to implicate her? If you have gone to lay a complaint about a rumour that is spreading about you.

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, I told you before that I left Emma and Matimo to deal with the bail application. I was not involved. I do not know what happened between Emma and Matimo afterwards. So, I found out later that Inspector Emma, she gave Matimo money. I found out later.

ADV BALOYI SC: You found that out before this statement? I am asking you at the time that you are signing this statement, why are you ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: No. I did not find out while I was writing this. After I wrote the statement.

ADV BALOYI SC: So, my question remains. You called Matimo for help.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: So that you can find out about the case. Now, you are saying about her that she was prepared to assist with arrangements to help Mphahlele and she was going to speak to Tau, Tauatswala, about it. My question is, but why are you implicating her? If this is someone that you called for assistance, now you are writing things about her that get her into trouble at this point. Why are you prepared to do that?

CHIEF SUPERINTENDENT RIKHOTSO: This statement was not written by me and it does not reflect what happened. I was told to write everything by Inspector Emma, Commissioner.

ADV BALOYI SC: Ja, you have said that and I am asking you a different question. Here is an innocent person, Matimo, every time that you are writing the statement. According to you, in your new statement that you have done for the Commission, all you did was to call her and ask her if she knows anything about this case. So she has really done nothing to you at this point. Why are you prepared to get her into trouble when you write this statement?

CHIEF SUPERINTENDENT RIKHOTSO: I was not thinking that I am getting her into trouble when writing this, Commissioner.

ADV BALOYI SC: What did you think would happen to her

if you are saying in the statement that she said she is going to talk to Tauatswala to help with the Mphahlele matter? What did you think you were doing?

CHIEF SUPERINTENDENT RIKHOTSO: I do not know.

ADV BALOYI SC: Ms Pooe?

ADV POOE: Commissioners, before we move on to the rest of this, if we can just turn to the statement of Captain Manda, which starts at page 59 of the bundle.

ADV BALOYI SC: The same folder?

ADV POOE: Yes, the same folder. If we can go to paragraph 22 at page 61. Page 61. Commissioners, you will recall just briefly that Captain Manda took over from Warrant Officer Mashala in the investigation. Now, at paragraph 22, he indicates that he:

> "...conducted an interview with Officer Rikhotso in his office together with Lieutenant Colonel Chwene [?] to follow up on the allegations to establish what transpired with the whole bribery incident."

Now, what we did after getting the statement is we asked for Officer Manda to give us the recording of this consultation with the hope of understanding what transpired in that consultation. And last night, late last night, we were provided with the recording. And I indicated to

Superintendent Rikhotso that we are in the process of getting the recording ready so that it can also be played alongside her testimony.

Now, I want to go to that recording to deal with this aspect that she just dealt with, to deal with the account that she gave to those officers three months after the incident, and it would have been after she reported this issue, just to see what she said in her own words about what transpired. Do you recall the interview that was conducted by Officer Manda?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I did.

ADV POOE: And do you recall who was in that meeting or consultation?

CHIEF SUPERINTENDENT RIKHOTSO: I do not recall.

ADV POOE: You do not recall?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: He indicates that there was Lieutenant Colonel Chwene. You do not recall?

CHIEF SUPERINTENDENT RIKHOTSO: I recall he called me in his office and Superintendent de Beer was there.

ADV POOE: Yes.

CHIEF SUPERINTENDENT RIKHOTSO: But I do not remember he interviewed me.

ADV POOE: You do not remember him interviewing you?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: What did you understand the purpose of that meeting to be?

CHIEF SUPERINTENDENT RIKHOTSO: It was to ask me about the case of Mr Mphahlele.

ADV POOE: So when he calls you to ask you about the case, that is not an interview?

CHIEF SUPERINTENDENT RIKHOTSO: It is an interview.

ADV POOE: Okay.

CHIEF SUPERINTENDENT RIKHOTSO: But I do not remember if he interviewed me.

ADV POOE: I am not sure I follow.

CHIEF SUPERINTENDENT RIKHOTSO: Okay.

ADV POOE: No, I am not asking you to give up on me, I am just asking you to explain what you mean. Because you say you do not remember him interviewing you, but you say he was asking you questions.

CHIEF SUPERINTENDENT RIKHOTSO: In his office.

ADV POOE: Oh, you do not remember the location?

CHIEF SUPERINTENDENT RIKHOTSO: In his office. I do not remember him asking me questions.

ADV BALOYI SC: Did you have more than one meeting with him?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: How many meetings have you had with him?

CHIEF SUPERINTENDENT RIKHOTSO: It is many.

ADV BALOYI SC: About the Mphahlele matter?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: And in any of those meetings, the many meetings that you say happened, was there not a discussion about the Mphahlele matter?

CHIEF SUPERINTENDENT RIKHOTSO: There was. But the one that the Commissioner, she is talking about, in his office in Eloff Street, I do not recall him interviewing me, asking me questions, no.

ADV BALOYI SC: What was that about? The meeting ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: He called me...

ADV BALOYI SC: Let me finish so that the transcript can have both of us. He called you to his office?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Was it just you and him?

CHIEF SUPERINTENDENT RIKHOTSO: No, when I arrived, I found Superintendent de Beer.

ADV BALOYI SC: And there was no one else? It was just Superintendent de Beer?

CHIEF SUPERINTENDENT RIKHOTSO: And another gentleman.

ADV BALOYI SC: Okay, so there was somebody else there?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Okay. And what was the purpose of that meeting? What happened in that meeting?

CHIEF SUPERINTENDENT RIKHOTSO: I do not recall.

ADV BALOYI SC: At all, at all? But the interaction with him, all of it related to Mr Mphahlele?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Okay, so you must have discussed something about Mr Mphahlele in that room. You were not talking about any other case, because that is the only thing that brought you together, right?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Right, thanks, Ms Pooe.

ADV POOE: Thank you. Superintendent, perhaps the parts of the recording will refresh your memory about what you were talking about.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: If we can start. Commissioners, you will hear there are three people in the room?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And as the witness confirmed, it was Captain Manda. The second person who was in the room is Colonel Chwene. And the third person in the room is not Brigadier, Superintendent de Beer, is that correct?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: So those are the three voices you will hear, as well as the witness's voice. If we can play from 12.58 to 15.40.

"**Male speaker 1**: When you said your case that you opened is linked with that case, how is it linked with that case?

Chief Supt Rikhotso: I went and take the money with the police, the investigating officer. Who [indistinct] Mphahlele.

Male speaker 1: So ...[intervenes]

Supt de Beer: Who gave you, who gave you the instruction? Okay.

Male speaker 1: So the link, the link, you went and took the money, so that case must be?

Chief Supt Rikhotso: No, that case he must get bail.

Male speaker 1: Okay.

Chief Supt Rikhotso: For the bail.

Male speaker 2: Oh, the money was for the bail.

Chief Supt Rikhotso: Yes.

Male speaker 1: The money was for the bail?

Chief Supt Rikhotso: Yes.

Male speaker 2: The money that you collected is for the bail.

Chief Supt Rikhotso: Yes.

Male speaker 2: Were you going to pay bail with that money or?

Chief Supt Rikhotso: Mmm-mmm, not me.

Male speaker 2: Oh.

Chief Supt Rikhotso: Yes, the officers.

Male speaker 2: So but how do you get involved?

Chief Supt Rikhotso: Okay, on, eish, I do not know the...

Male speaker 1: No involvement.

Chief Supt Rikhotso: I do not know the date, that is why I wanted that statement, so I can write it.

Male speaker 1: Ja, but your involvement ...[intervenes]

Male speaker 2: [indistinct]...

[Parties speaking simultaneously]

Male speaker 1: What is your involvement?

Chief Supt Rikhotso: No, no, I saw it on the group chat. When I saw it on the

group chat, and then the following day, [indigenous language]

Male speaker 1: You visited him at the cells.

Chief Supt Rikhotso: Yes.

Male speaker 1: Yes.

Chief Supt Rikhotso: Then Mphahlele, what happened, [indigenous language]...

Male speaker 2: Did you know Mphahlele before?

Chief Supt Rikhotso: Unknown.

Male speaker 1: No, wait, wait.

Chief Supt Rikhotso: I did not know Mphahlele before. I did not know Mphahlele, [indigenous language]... I did not know Mphahlele.

Male speaker 1: Ja.

Chief Supt Rikhotso: And then okay, [indigenous language]... that okay, let me find out [indigenous language]... and then I called Dolly, it is my sister, nè?

Male speaker 1: She is a police person?

Chief Supt Rikhotso: No, she is not a police. Dolly, because we had the wedding, nè, [indigenous language]

wedding and then the best friend of Martin was getting married, so we came to town to buy things, traditional things. So we via through here, Dolly [indigenous language] ...[intervenes]

Male speaker 1: When you say via through here, our office?

Male speaker 2: Here?

Chief Supt Rikhotso: Eloff Street.

Male speaker 1: Oh.

Chief Supt Rikhotso: Matimo, she is working here at the Hawks. So I called Dolly, [indigenous language], there is a problem, [indigenous language] one of our officer is arrested and then [indigenous language]... so who can help me. [Indigenous language], then give me Martin's number, I will find [indigenous language]..."

ADV POOE: Thank you. Chief Rikhotso?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, ma'am.

ADV POOE: Now, having heard that, do you recall that meeting with the three officers?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, and De Beer she was there.

ADV POOE: Yes. Now, you would have heard in that recording that the first thing you say, when they ask you about what your involvement, you say, [indigenous language] I went to go get the money. And they ask you, what money? And you say, the bail money. Did you hear that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I heard that.

ADV POOE: And then, if you go to that paragraph 1 of the statement, the handwritten statement we are dealing with, you then say to them, they ask you, how did you get involved? You say you saw a message in the WhatsApp group. This is what you tell them.

CHIEF SUPERINTENDENT RIKHOTSO: Mmm.

ADV POOE: Now, if you look at paragraph 1 of that statement, you indicate there that you saw a WhatsApp, that of some Mphahlele, he is arrested at Booysens SAPS. So, what you told them and what you wrote in the statement is consistent. Can you see that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Then you said to them that you visited Mphahlele in the recording. If you go to paragraph 2 of your statement, it is the same thing that you said to them there.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: You wrote in this statement.

CHIEF SUPERINTENDENT RIKHOTSO: Mmm.

ADV POOE: Then the third thing you said to them is that you called your sister Dolly to ask if she knew somebody from the Hawks, and that is consistent with paragraph three of your statement.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: You see that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: You explain, of course, about the wedding and Eloff Street and all of that, but in essence, the part about speaking to Dolly, your sister, to get the number for Matimo is consistent with what you wrote in the statement. Can you see that?

CHIEF SUPERINTENDENT RIKHOTSO: Mmm.

ADV POOE: Now, I do not want to move on to the next part where you deal with Matimo's call because I see it is 1 o'clock, but I just want you to accept at least that what you told those officers after the fact was exactly what you captured in this statement.

CHIEF SUPERINTENDENT RIKHOTSO: Yes, it is after the writing of the statement.

ADV POOE: Yes.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And then you maintained that version with those investigators three months later.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Yes.

CHIEF SUPERINTENDENT RIKHOTSO: After I wrote the TR1 statement that was dictated by Inspector Emma and Carlo, I gave them the version of what I wrote in the statement.

ADV POOE: Why?

CHIEF SUPERINTENDENT RIKHOTSO: [Pause] I was told, I was told to tell them that.

ADV POOE: Told by who?

CHIEF SUPERINTENDENT RIKHOTSO: Can I say it off camera, please?

ADV POOE: Chairperson, she is asking to say it off camera.

CHAIRPERSON: Write it down and may it be collected from the witness, please.

ADV POOE: Chair, we will attend to that during the adjournment.

CHAIRPERSON: Please, all the details there, rank, name, ja, employer and everything. Please be careful, do not show it to the cameras, please.

CHIEF SUPERINTENDENT RIKHOTSO: Sorry, can I write?

CHAIRPERSON: When we come back after lunch, we will ask you to place the bottom part of this on record.

CHIEF SUPERINTENDENT RIKHOTSO: On record.

ADV POOE: Chair, before you announce the lunch adjournment, just one more issue just on this recording, because we will move on to the next. Now, in the beginning of this recording, you said to them that you did not have the statement, this is why you could not remember the dates, is that correct?

CHIEF SUPERINTENDENT RIKHOTSO: Which dates?

ADV POOE: The statement. You said to the officers you did not have the statement, so you could not recall the dates of when things happened.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Right. Now, I guess I am trying to understand, how did you, because this one, this handwriting statement was dictated to you, how did you remember those lies word for word when you spoke to the investigators?

CHIEF SUPERINTENDENT RIKHOTSO: I only remember the money, the 500, because I was told to write it.

ADV POOE: No, but you ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: I never saw the money.

ADV POOE: I am not saying that you saw the money, I am saying that your version is that this statement was dictated to you. Now, three months later, you meet the detectives and recount exactly what was written in the statement, yet you did not have the statement in your possession, and you

recounted it word for word. How did you remember all of that?

CHIEF SUPERINTENDENT RIKHOTSO: Because while they were dictating, I was writing. When I write something, I can easily remember everything.

ADV POOE: Remember it, even if it is a lie? It is fictional.

CHIEF SUPERINTENDENT RIKHOTSO: Some I remember, some I cannot remember. That is why I did not tell them everything.

ADV POOE: I hear you. Thank you, Commissioners.

CHAIRPERSON: Let us adjourn and resume at ten past two.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV POOE: Good afternoon, Chair. You had, I was waiting because you had indicated before the break that there was something you wanted the witness to put on record.

CHAIRPERSON: Age has long caught up with me, Ms Pooe. Chief Superintendent, can you just for the record state why you do not want to mention the name that you wrote on a piece of paper for us?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, I did not want to mention the name because of my life, I fear for my life.

CHAIRPERSON: All right, thank you.

ADV POOE: Thank you. Chief Superintendent, we can, I just want us to go back to the statement, but I do not want to go through all of the paragraphs because I suspect your answer will be for the most part that it was things that was dictated to you. So instead what I propose we do is because your statement, the handwritten statement corresponds with what you said in the recording, I am just going to play the next clip in the recording and then we will look at it alongside your statement. So Commissioners, if you could also keep your eye on the handwritten statement. In the next clip that we will play, we will play from 15:40 to, is it 20? Ja, 15:40 to 20. And there the witness deals with the call with Captain Matimu, the meeting with Matimu in Vaal, and on the same day that she met with the investigating officers and what transpired there.

AUDIO RECORDING PLAYED

"Chief Superintendent Rikhotso: It is where I called Matimu. Matimu ...[indistinct] okay, I am ...[indistinct].

Male Speaker: [Indistinct]...

Chief Superintendent Rikhotso: [Indistinct]... [vernacular]

Male Speaker: [Indistinct...]

Chief Superintendent Rikhotso: No, the

report from here.

Male Speaker: Oh, the one that we say ...[indistinct] the report for the person who say one Metro ...[indistinct] arrested.

Chief Superintendent Rikhotso: Yes.

Male Speaker: Ja, okay.

Chief Superintendent Rikhotso: That report ...[vernacular].

Male Speaker: Okay, it is fine ...[indistinct].

Chief Superintendent Rikhotso: And then ...[vernacular] I cannot go there alone ...[vernacular].

Male Speaker: [Indistinct]...

Chief Superintendent Rikhotso: Ja. [Vernacular]...

Male Speaker: Ja.

Chief Superintendent Rikhotso: [Vernacular]...

Male Speaker: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Male Speaker: Ja, okay.

Chief Superintendent Rikhotso: [Vernacular]...

Male Speaker: So it is the following day?

Chief Superintendent Rikhotso: It is the same day.

Male Speaker: Okay.

Chief Superintendent Rikhotso: [Vernacular]...

Male Speaker: Ja. Same day you mean same day ...[indistinct] so you went to Vaal, from Vaal you arranged to meet at ...[indistinct] [intervenes]

Chief Superintendent Rikhotso: [Vernacular]...

Male Speaker: Okay.

Chief Superintendent Rikhotso: And then ...[intervenes]

Male Speaker: [Indistinct]...

Chief Superintendent Rikhotso: And then they came with a bakkie.

Male Speaker: The white?

Chief Superintendent Rikhotso: A white. And then ...[vernacular].

Male Speaker: You are alone now?

Chief Superintendent Rikhotso: [Vernacular]... I was alone.

Male Speaker: You were alone. What

were you driving?

Chief Superintendent Rikhotso: I was on duty.

Male Speaker: Okay.

Chief Superintendent Rikhotso: Hm. I was driving my car ...[intervenes]

Male Speaker: [Indistinct]... the Corolla?

Chief Superintendent Rikhotso: The Corolla.

Male Speaker: Oh, Corolla.

Chief Superintendent Rikhotso: I went and meet them.

Male Speaker: Yes.

Chief Superintendent Rikhotso: And then ...[intervenes]

Male Speaker: ... how many they were?

Chief Superintendent Rikhotso: They were four. Tau was driving, Mashala was the passenger front and then Matimu was sitting at the back and ...[indistinct].

Male Speaker: It was Tau ...[indistinct] ja, they were three, yes.

Chief Superintendent Rikhotso: [Vernacular]... if maybe you can arrange the bail for ...[indistinct].

Male Speaker: Okay.

Chief Superintendent Rikhotso: But hm, bail, it will be 800 ...[indistinct] yoh, it is too much.

Male Speaker: Who said 800,000? Who said that?

Chief Superintendent Rikhotso: It is Mashala.

Male Speaker: He said bail would be 800,000?

Chief Superintendent Rikhotso: [Vernacular]... yoh, yoh, it is too much.

Male Speaker: Too much.

Chief Superintendent Rikhotso: Yoh, who is going to get that money for bail.

Male Speaker: Maybe he was ...[indistinct].

Chief Superintendent Rikhotso: [Vernacular]... but okay, let me go back ...[vernacular] the same day.

Male Speaker: Same day?

Chief Superintendent Rikhotso: Yes.

Male Speaker: From ...[indistinct].

Chief Superintendent Rikhotso: After, after, after parade ...[vernacular].

Male Speaker: Okay.

Chief Superintendent Rikhotso: [Vernacular]... but I will organize with my sister and my relative ...[vernacular].

Male Speaker: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Male Speaker: [Indistinct]... looking for the money.

Chief Superintendent Rikhotso: Yes.

Male Speaker: Okay.

Chief Superintendent Rikhotso: Okay. [Vernacular]..."

ADV POOE: Thank you. Now, Superintendent, you would have heard in that recording, if we go back to your statement, that what you told the officers three months later is nearly identical to what you say in your statement. From paragraphs 9, you indicated in paragraph 9 there that Tau could not make it because he was in Pretoria. This is also something that you said to the investigators that he was in Pretoria. What is different is that he had the phones and that he would check. That is something that does not appear in your handwritten statement.

Then at paragraph 10, that is also something that you said to the investigators. That version is consistent

with what you said. And that at paragraph 11, again, that paragraph is consistent with what you told the investigators later. But I want to point one thing in this, in respect of paragraph 11. The first is if we can go to Officer Mashala's statement at paragraph 33.

CHIEF SUPERINTENDENT RIKHOTSO: Page?

ADV POOE: Page 10.

ADV BALOYI SC: Yes, folder 2 ...[indistinct].

ADV POOE: In the same ...[intervenes]

ADV KHUMALO SC: [Indistinct]... [microphone off]

ADV POOE: Yes, in the last folder, just page 10. You will see there that Officer Mashala's recollection of the people who were present is just the four of you, being him, Officer Tau and Captain Mabunda. Similarly, In your paragraph 11, you only note the four of you as being present in that conversation. In the recording as well, when they asked, you said it was four of you and you said it was Mashala and Officer Tau sitting in front. You found Captain Matimu sitting at the back and then you joined them. So in both your statement and in the recording, as well as Officer Mashala's recollection, Officer Emma Phakoane was not in the vehicle. And you remember that was something I asked you, are you sure that she was in the vehicle when you had these discussions.

CHIEF SUPERINTENDENT RIKHOTSO: Yes, Commissioner,

she was there. I went with the officer, with Inspector Emma, driving her vehicle, the official vehicle to Brixton.

ADV POOE: Now, why would, in your handwritten statement, why did she want to exclude herself from being there?

CHIEF SUPERINTENDENT RIKHOTSO: Because I found out later that she was implicated to this, that is why she wanted in.

ADV POOE: At the time, why did you think she wanted to exclude herself?

CHIEF SUPERINTENDENT RIKHOTSO: I did not think.

ADV POOE: You did not think?

CHIEF SUPERINTENDENT RIKHOTSO: Ja, I did not think of that.

ADV POOE: You did not think it was strange that she is trying to exclude herself when the very purpose of your involvement was to help her, because this is the only person on your version that you know.

CHIEF SUPERINTENDENT RIKHOTSO: I did not think of that.

ADV POOE: Now that, your paragraph 11 is again consistent with what was said in the recording and paragraph 12 is also consistent. The only part that appears in this statement but that is not in the recording is the part where you say that:

"Matimu said that their boss, Mr Kadwa, he is very angry and he wants everybody to be arrested and that they cannot arrest until they get all the money because the complainant is an Indian."

Do you see that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Now, is that something you recall?

CHIEF SUPERINTENDENT RIKHOTSO: I did not know Matimu's boss. I was told to write this, even the name of the boss.

ADV POOE: And you did not find it bizarre that they would want you to even write the name of their boss?

CHIEF SUPERINTENDENT RIKHOTSO: I did not know.

ADV POOE: And did you understand the implications of saying this?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I do.

ADV POOE: You do?

CHIEF SUPERINTENDENT RIKHOTSO: No, I do not.

ADV POOE: You do not see the implication?

CHIEF SUPERINTENDENT RIKHOTSO: No, I do not.

ADV POOE: All right. And then another thing that is consistent at paragraph 13 would be the payment of 800,000 so that, but the difference here is that you said that they told you to bring 1 million.

"I told them that I cannot promise because I do not think Officer Mphahlele has that amount. They then told me that they can help Mphahlele if he can pay 800,000. I told them I will talk to Officer Mphahlele."

You see that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And that is another thing they told you to add?

CHIEF SUPERINTENDENT RIKHOTSO: We did not discuss about the money.

ADV POOE: I am saying this is another aspect that Emma Phakoane ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And Officer Carlo told you to add.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: And this is another thing that you recounted word for word in your other interview with Officers ...[indistinct].

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Now, In the recording, you say you went back and reported to Officer Mphalele. Is that yet another lie that you recounted?

CHIEF SUPERINTENDENT RIKHOTSO: I did not see

Officer Mphalele.

ADV POOE: Is that another lie that you then told the investigating officers?

CHIEF SUPERINTENDENT RIKHOTSO: It is not lies, it is what I was told.

ADV POOE: But it is not true.

CHIEF SUPERINTENDENT RIKHOTSO: Inspector Emma went and see Mr Mphalele in the cells, not me.

ADV BALOYI SC: But Chief, why would you lie about going back to see Mphalele? I mean, even if you are told to lie about it, why would you lie about that, because there is nothing else that attaches to it. You are speaking to them on the recording. You are talking about 800 and then you say, I will go and see, and see Mphalele after this and tell him about this amount. Why would you lie about something like that?

CHIEF SUPERINTENDENT RIKHOTSO: In that time, Commissioner, I was not in the right state of my mind.

ADV BALOYI SC: What do you mean you were not in the right state of mind? You were at work. You were on duty. You were not booked off for some condition. You are an officer on duty. When you keep saying I was not in the right state of mind to the point that you lie about a pointless thing, I mean, if you say I went and saw Mphalele, I then went back to see Mphalele and I was lying when I said that,

the question is, why would you lie about something like that? Whatever state of mind you are in, why would you lie about something like that?

CHIEF SUPERINTENDENT RIKHOTSO: Everything that is written here is what Inspector Emma did and she told me to write it.

ADV BALOYI SC: You see, I can see how on your version you could lie about, you know, I told them Matimu took the money, Matimu did this and that so that we get Matimu into trouble. I can see that. But when they say to you, lie to the investigators and tell them that you went to see Mphalele at the prison, at the police station, it does not make sense that you would lie about something like that and so I am struggling to, I am struggling to get past are you not lying as you are sitting there now? Why should I think you are not lying right now, because you are telling us you lied about things, some of it is useless stuff or it does not implicate you any further, and you keep saying they told me to say that. I am struggling to know are you not lying as you are sitting there? You have told lies and you ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: I am not ...[intervenes]

ADV BALOYI SC: Let me finish. Unless they told you to come and lie today, you have lied. We have statements

here, two statements from you and we have a recording and in all of it you say I was told to lie. On what basis must I think as you sit there, you are not continuing to lie to us for whatever reason. Just explain why we should believe what you are saying today.

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, I am not lying today. I am telling the true version of what happened. There is nothing deliberately or intentional that I was doing in that case of Mr Mphalele. I cannot lie today. There is many things that happened in this case that I did not know then and it came after that I cannot disclose in cameras.

ADV BALOYI SC: You see, your statement to the Commission today, in this statement that you have given us, you do not say anything about payment of bribes, the conversations about payments of bribes. You are not telling us any of that and yet we have had witnesses who have come here and said there was conversations about bribes being paid, being offered. In your statement, you do not say anything about it. And in the other, in your statement to the Commission, you are completely silent about it.

You do not tell us you did go to see, you did go to the police station. It is a very flimsy statement and yet we have these many other statements where it suggests or it tells us that you are deeply involved in the arrangements

about getting Mr Mphalele out on bail. The other statements suggest that. Your statement is very flimsy. It suggests you were not in the room when they were talking about a bribe. That is what your statement suggests. You know nothing about that conversation.

CHIEF SUPERINTENDENT RIKHOTSO: In our meeting, we did not discuss about bribe.

ADV BALOYI SC: So you are telling us that at no point did you, Ms Phakoane, Matimu, any one of them, Matimu, the investigators, Mphalele, nobody in your presence discussed the payment of a bribe?

CHIEF SUPERINTENDENT RIKHOTSO: Nothing, Commissioner.

ADV BALOYI SC: Thank you, Ms Pooe.

ADV KHUMALO SC: You see, Chief, Mr Mashala, in paragraph 35 of his statement on page 11, says it was you who offered a bribe of 250,000. So you were not just a bystander who happened to overhear discussions about bribery. He says on page 11, paragraph 35:

> "Inspector Rikhotso then offered to arrange a payment of 250,000 as a bribe in order for the docket against Mr Mphalele to disappear."

CHIEF SUPERINTENDENT RIKHOTSO: In previous evidence, Mr Mashala, Warrant Officer Mashala stated that

Mr Mphalele offered him a 250,000 bribe. I do not remember engaging with Warrant Officer Mashala. Even in our meeting, I did not talk to him.

ADV KHUMALO SC: But do you see that the allegation here is that you are the one who offered to arrange the 250,000 as a bribe?

CHIEF SUPERINTENDENT RIKHOTSO: I did not offer him a bribe.

ADV KHUMALO SC: And then you said you wanted your share of the money, so the statement continues to say. And then they mentioned to you that they had already been offered by Mphalele 250,000 and you said you will visit Mphalele in the cells to arrange the matters. And by this they understood that you would meet with Mr Mphalele and make arrangements for the payment of the 250,000.

CHIEF SUPERINTENDENT RIKHOTSO: That is incorrect.

ADV POOE: Chief Superintendent, just stepping away from your statements for a second, do you recall that you met with the Commission's investigators this year? Do you recall that you met with the Commission's investigators this year?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I did.

ADV POOE: And which version did you tell them?

CHIEF SUPERINTENDENT RIKHOTSO: I do not recall.

ADV POOE: You do not recall?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: You genuinely do not recall?

CHIEF SUPERINTENDENT RIKHOTSO: I met with them three times, so I do not know which one you are talking about. The first ...[intervenes]

ADV POOE: In all three meetings, what version of the story did you tell them? Did you tell them the version that we have today in front of us in this statement, or did you tell them the version of the handwritten statement?

CHIEF SUPERINTENDENT RIKHOTSO: I told them the version that is in my statement.

ADV POOE: Which statement?

CHIEF SUPERINTENDENT RIKHOTSO: The one that I wrote.

ADV POOE: The handwritten statement?

CHIEF SUPERINTENDENT RIKHOTSO: Yes. No, the one that I submitted now.

ADV POOE: You told them the version of your, the typed statement you presented to the Commission?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Okay. Commissioners, the, I will just have to wait, but the investigators have deposed to a statement and in that affidavit they confirm that the version the witness gave is the handwritten version and there is a recording of your consultation with them where you told them the version

that is in the handwritten statement.

ADV KHUMALO SC: Ms Pooe, just so that the witness is not confused, the handwritten statement is the one on page 76. Please go to page 76.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: Is this the version you gave the investigators?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Now at the, you gave them this version this year. This comes after the fact. You would have now known all of this information about what Ms Phakoane was doing. Why did you continue to perpetuate the lies by telling them the version of your handwritten statement?

CHIEF SUPERINTENDENT RIKHOTSO: I did not tell them that I gave the bribe money. I told them that I was not there.

ADV POOE: No, Officer, Chief Superintendent, my apologies, your answers keep going in and out of, you, on one hand you say, let me finish, on one hand you say to us that you told them the version that is the handwritten version and this you confirmed with Commissioner Khumalo. Now you are saying that is not what you tell them, you told them something else. Which one is it?

CHIEF SUPERINTENDENT RIKHOTSO: I did not tell them that I gave the bribe money.

ADV POOE: You did not tell them that you drove from Springs and gave them, and gave Officer Matimu money?

CHIEF SUPERINTENDENT RIKHOTSO: No, I did not tell them that.

ADV POOE: And if there is a recording of you saying that, what must this Commission do with that information?

CHIEF SUPERINTENDENT RIKHOTSO: I do not recall, Commissioner, telling them that I drove to Springs. I did not drive to Springs. If maybe you can take even the tracker of my vehicle, I did not go to Springs.

ADV POOE: So you did not have that conversation with them? Commissioners, it is fine, we will ensure that both the recording as well as the statement from the investigators are placed before the Commission.

CHAIRPERSON: You said something about waiting, Ms Pooe. Did you mean we are going to wait for the recording? What did you mean?

ADV POOE: Not at all, Commissioners, because I have it, it is here. I just wanted a signed statement so that can be properly placed before the record.

CHAIRPERSON: Oh. So is that statement, you did say something about waiting though. What were you referring to?

ADV POOE: Now I cannot recall.

CHAIRPERSON: Okay, no, go ahead then. So you will be

playing the recording shortly?

ADV POOE: Chair, I do not propose to call, to play the recording of the investigators because it is quite long and we have not cut it up.

CHAIRPERSON: Oh, okay.

ADV POOE: And I also did not anticipate that, maybe it is my fault for not anticipating that the witness would give a different version, but we will place it before the Commission.

CHAIRPERSON: Okay. All right. Do you not want to directly tell the witness what is on the recording more directly and let us hear her commit herself to whatever version.

ADV KHUMALO SC: Can I ask my question while you are busy looking? Chief Inspector, what reason would you and Officer Phakoane have for implicating Matimu in taking bribery money to the tune of 505,000? What reason would the two of you have for implicating a law enforcement officer in such a serious offence, because in both your statements, the Germiston statements, the two of you say she took 505,000. Why would you implicate a law enforcement officer in something that is serious?

CHIEF SUPERINTENDENT RIKHOTSO: Inspector Emma told me that she did give Captain Mabunda the money.

ADV KHUMALO SC: But you did not know that, so why

would you associate yourself with that allegation? You are implicating a law enforcement officer in serious criminality. Why would you associate yourself with that, because Officer Emma could have said that independently. Why did you support such a statement?

CHIEF SUPERINTENDENT RIKHOTSO: Because she said Officer Matimu shared the money with me because she knows me and I did not receive anything.

ADV KHUMALO SC: But that is different. You said here that the money was given to Matimu. You did not say I deny knowledge of any money, I deny receiving any money. You associated yourself with the allegation that the money was given to Matimu.

CHIEF SUPERINTENDENT RIKHOTSO: It is what Inspector Emma told me.

ADV KHUMALO SC: I understand that she told you, but why would you go along with it, knowing that you are implicating an officer of the law in such a serious offence?

CHIEF SUPERINTENDENT RIKHOTSO: Also, Captain Manda told me that Matimu, she received the money.

ADV KHUMALO SC: I understand what other people told you, but why do you put that in your statement that Matimu was given the money?

CHIEF SUPERINTENDENT RIKHOTSO: Hence, I told you, Commissioner, that I was told to write that statement.

ADV KHUMALO SC: And did you collect bail money from the siblings of Mr Mphalele?

CHIEF SUPERINTENDENT RIKHOTSO: I did not. I do not know even the siblings of Mr Mphalele. Emma told me that she went to Springs with another gentleman to collect the money for bail.

ADV KHUMALO SC: But you were not there?

CHIEF SUPERINTENDENT RIKHOTSO: I was not there.

ADV KHUMALO SC: And earlier at the start of your testimony, Commissioner Baloyi asked you why you went to the Vaal and you said you went there to accompany Emma.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: Did I understand you correctly?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: But now as you continue with your testimony, you say it was actually you who called Matimu after you obtained her contact details from your sister, and you then arranged to go to the Vaal and see her. So which is which?

CHIEF SUPERINTENDENT RIKHOTSO: I did contact Matimu.

ADV KHUMALO SC: So it was you who made the arrangement to go see Matimu.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: It was not a case of Emma asking you

to accompany her and you simply accompanying them.

CHIEF SUPERINTENDENT RIKHOTSO: She asked me to contact Matimu and Matimu asked us to go to meet her at Vaal.

ADV KHUMALO SC: But how did Emma knew about Matimu, because you also did not know her. You learned from your sister ...[indistinct] [intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: She asked me if I know someone from the Hawks and I said, I will ask my sister Dolly, because I once dropped her at Eloff.

ADV KHUMALO SC: And then you ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: [Indistinct]... [cross-talking]

ADV KHUMALO SC: You are the one who called Matimu.

CHIEF SUPERINTENDENT RIKHOTSO: I am the one who called Matimu.

ADV KHUMALO SC: And you arranged to meet with Matimu.

CHIEF SUPERINTENDENT RIKHOTSO: Matimu told us to come to Vaal and discuss.

ADV KHUMALO SC: Yes. So you were not accompanying Emma. You are the one who had arranged the meeting.

CHIEF SUPERINTENDENT RIKHOTSO: I did not arrange the meeting, Commissioner.

ADV KHUMALO SC: What did you call her to discuss

then?

CHIEF SUPERINTENDENT RIKHOTSO: The bail applications.

ADV KHUMALO SC: And then she told you to come and see her in the Vaal.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: And you went.

CHIEF SUPERINTENDENT RIKHOTSO: We went.

ADV KHUMALO SC: So you arranged that meeting. It was not Emma's meeting, it was your meeting.

CHIEF SUPERINTENDENT RIKHOTSO: I do not concur with you, Commissioner, because Emma she needed an assistance.

ADV BALOYI SC: No, but at this point, Emma had not spoken to Matimu. You are the one that is talking to Matimu. That is how you end up in the Vaal.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Unless you have left out something now, which is that Emma was talking to Matimu. On your version, you are the one that has been talking to Matimu, and then Matimu says, come to the Vaal, right?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: So it was arranged by you and Matimu that you go to the Vaal.

CHIEF SUPERINTENDENT RIKHOTSO: Yes, Commissioner.

ADV BALOYI SC: Yes, so why do you say you did not arrange the meeting? You did. You arranged it with Matimu that we will come to the Vaal and see you when Matimu said come to the Vaal, right?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV POOE: Chief Superintendent, in the recording that we have between yourselves and the Commission investigators, you essentially said to them that Officer Emma Phakoane told you that DPCI officers had arrested Mphalele and were investigating the matter. She asked you whether you knew anyone at DPCI. You told her that you knew of a woman from your area who worked for DPCI and whom your sister Dolly knew very well. Inspector Phakoane requested you to contact her and so that the DPCI woman's contact details, she requested that you ask your sister for the DPCI woman's contact details. According to you, you then reached out to Dolly and asked for Captain Matimu's number. This is consistent with what you have said across all of your statements and your testimony this morning. They then say after you secured Captain Mabunda's number, you reached out to Captain Mabunda and you spoke to her over loudspeaker and Emma was also in the room when you spoke to her over loudspeaker, and that is something you confirmed during your testimony. Is that

correct?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: You introduced yourself as Dolly's sister and told Captain Mabunda she was, you were with a colleague, Inspector Phakoane, who wanted to enquire about the arrest of a Metro Police Officer who was arrested by DPCI. Captain Mabunda asked her to end the call so that she could check the matter for them and promised to call back. You then informed the investigators that a few minutes later, Captain Mabunda called back and told them that of Officer Mphalele's case was being investigated by her friend and colleague, Captain Tauatswala. Captain Mabunda asked her to end the call so that she could send the information via WhatsApp pertaining to the theft of the 1.5 million by Officer Mphalele. If you will recall, that is something you said in the recording and it is also something that you have said in the handwritten statement.

Thereafter receiving the WhatsApp pertaining to the theft, Captain Mabunda called back again. Inspector Phakoane asked Captain Mabunda whether we could meet with her on the day. Captain Mabunda agreed to meet at the DPCI office in Vaal, where she was working at the time. You then told the investigators that on the same day, yourself, together with Officer Mokwabane and Megwe[?] you went to first to the Booysens Police Station to visit

Officer Mphalele. They travelled in Officer Mokwabane's Nissan X-Trail, which Officer Megwe drove.

On arrival, they spoke to warrant officer who was in charge of the holding cells and a sergeant. They initially refused to allow them in to see Officer Mphalele. While at the station, she saw an officer, Mamzi Rikhotso, and spoke to her in Xichangani to give them access to Officer Mphalele. Thereafter, you told our investigators that Mamzi Rikhotso only allowed Inspector Phakoane to enter the holding cells to see Officer Mphalele. She said because Officer Inspector Phakoane knew Officer Mphalele personally, allowed her to go in and see Officer Mphalele.

According to you, when Inspector Phakoane returned from the cells, she made the statement, Mphalele ...[vernacular] which she understood to mean that Officer Mphalele was stubborn and did not appreciate how serious this case was. You then told the investigators that from the Booysens Police Station, the four of you, Inspector Phakoane, Officer Mokwabane, and Officer Megwe, drove straight to Captain Mabunda's office in the Vaal, and she said they drove in Officer Mokwabane's official vehicle, which is again consistent with what you have said across the various statements.

Then you told the investigators that on your arrival at DPCI offices in the Vaal, and her, Officer Phakoane and

her, meaning you, were directed to Captain Mabunda's office. At Captain Mabunda's office, Inspector Phakoane requested assistance from Captain Mabunda to get Officer Mphalele out of jail and have his case shut. You then informed them that Captain Mabunda told them that she would call the investigating officer, Captain Tauatswala.

CHAIRPERSON: Oh, sorry, sorry, Ms Pooe. When I suggested that you should maybe put a version based on what you are reading from, I thought there was something neat and crisp that you could just put to her. I had no idea that it would be the entire recording by, that is manuscript by the investigators. Now I am thinking because you are reading something quite long, it may be difficult for the witness to comment on what she agrees with, what she does not agree with, as you went along for quite a while.

ADV POOE: Perhaps, Chairperson, the best way to put it, and the most crisp way to say it, is that the version that she gave in the handwritten statement, as well as the version that was given to the Commission's investigators, is identical. And your interview with this Commission's investigators happened this year, when you knew all of the information that you say you did not know at the time of making this handwritten statement. You understand that?

CHIEF SUPERINTENDENT RIKHOTSO: [Indistinct]... [cross-talking].

CHAIRPERSON: Do you follow what is being put to you?

CHIEF SUPERINTENDENT RIKHOTSO: I do understand.

CHAIRPERSON: Chief ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: I do understand.

CHAIRPERSON: Did you understand. And what do you say, what do you say to that?

CHIEF SUPERINTENDENT RIKHOTSO: The statement that I gave, the handwritten statement that I gave, is the statement that I was told to write and to say by Inspector Emma and others.

ADV POOE: Chief Superintendent - oh, my apologies.

CHIEF SUPERINTENDENT RIKHOTSO: Okay. The version that I gave to the investigators is the same version that I gave to the handwriting statement that I was told to write.

ADV BALOYI SC: The question is why, because the version you gave to the Commission investigators is in 2026 when you now know whatever you say you know about Emma Phakoane's involvement in that matter. Why in 2026 do you ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: When the investigators came to our office, they gave me the statement to read first.

ADV BALOYI SC: Yes.

CHIEF SUPERINTENDENT RIKHOTSO: The statement from Hawks, the handwriting statement.

ADV BALOYI SC: Yes.

CHIEF SUPERINTENDENT RIKHOTSO: And then they said, explain this, and I gave them the same thing that I wrote in the statement.

ADV BALOYI SC: No, sorry, I am not sure what you are not understanding. You did the statement in 2023, that is the handwritten statement.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: You have told us that at the time the statement was dictated to you ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: You were told what to say.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: And you agreed because you did not know that Emma Phakoane was in fact involved, what she was involved with relating to this matter.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: The question that is being asked now is, in 2026, you meet with the investigators of this Commission.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Right, in 2026.

CHIEF SUPERINTENDENT RIKHOTSO: Yes, Commissioner.

ADV BALOYI SC: By that point, you now know what Emma is involved, Emma's involvement with the Mphalele matter in 2026. You now know. Why do you repeat the same thing

that you said in 2023 in your handwritten statement? And maybe let me ask differently. Why do you not tell the truth now when you meet with the Commission's investigators? Now that you know the truth about Emma, why in 2026 do you not say to the investigators of this Commission, you know what, I see you have my written statement, that is a lie in that statement, here is the truth, and tell them the truth. Why did you not do that?

CHIEF SUPERINTENDENT RIKHOTSO: I told them the truth. If you check the statement at the end, I even indicated that I was used to all the things that happen. I find out after when Inspector Emma committed the second attempt, I did tell them the truth.

ADV BALOYI SC: Well, you see what the Evidence Leader was doing now was reading to you a recordal or a recording by the investigators of the Commission of what you told them. So they sat down with you and then you told them a story and that is the story that they have recorded you told them, which is exactly the same as what is contained in your handwritten statement. So you had a chance in 2026 to say to the Commission investigators when you met with them, here is the truth of what happened. You did not do that according to what they have recorded. Instead, what you did is you simply repeated what you already have in your handwritten statement. And so the big question is, in

2026, you have a chance to tell the truth when you meet with the investigators of the Commission. You did not. You simply repeated what you said in 2023. Why is that so?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, can you allow me to see the statement?

ADV BALOYI SC: Which statement do you want to see?

CHIEF SUPERINTENDENT RIKHOTSO: The statement of the investigators.

ADV BALOYI SC: Okay.

CHAIRPERSON: Are you in a position to share, Ms Pooe?

ADV POOE: Chair, I am told that the investigating officer is signing as we speak, so it should be available before we conclude, but I can progress with the questioning. And if it comes in time, we will share it with the witness.

CHAIRPERSON: Please do. It will be shared, Chief Superintendent.

CHIEF SUPERINTENDENT RIKHOTSO: Thank you, Commissioner.

CHAIRPERSON: All right, let us continue then.

ADV POOE: Thank you. Superintendent, I am just going to now go to the next clip that deals with, again, what you say happened after the meeting with the two IO's where the 800,000 was discussed. Now you are describing to Officer Manda what happened next. If we can play from 20, from where we stopped off né, until 23:48.

AUDIO RECORDING PLAYED

"Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: The cells?

Chief Superintendent Rikhotso: Yes. [Vernacular]... And I was getting pressure from them ...[vernacular].

Officer Manda: [Indistinct]... pressure from who?

Chief Superintendent Rikhotso: The police.

Officer Manda: Who was calling you?

Chief Superintendent Rikhotso: Emma ...[indistinct] was calling me.

Officer Manda: She was calling you?

Chief Superintendent Rikhotso: She was calling ...[indistinct] [vernacular] around 3 to 4 in the morning ..[indistinct] again.

Officer Manda: From?

Chief Superintendent Rikhotso: The cells. [Vernacular]... I cannot go alone.

Officer Manda: In the night, in the morning?

Chief Superintendent Rikhotso: In the morning, that morning. [Indistinct]... who

can I go with ...[vernacular].

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: Okay.

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Indistinct]...

Officer Manda: Emma was on duty?

Chief Superintendent Rikhotso: No, she was not on duty.

Officer Manda: She came with what?

Chief Superintendent Rikhotso: She came with a Mercedes Benz.

Officer Manda: [Indistinct]... Mercedes Benz?

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso:

[Vernacular]...

Officer Manda: Which Shell garage?

Chief Superintendent Rikhotso: Here.

Officer Manda: In ...[indistinct].

Chief Superintendent Rikhotso: [Indistinct]...

Officer Manda: [Indistinct]... that one on the freeway?

Chief Superintendent Rikhotso: N2 ...[vernacular].

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: Oh, you did not ...[indistinct].

Chief Superintendent Rikhotso: Huh-huh.

Officer Manda: Why ...[indistinct].

Chief Superintendent Rikhotso: No, I do not do things alone.

Officer Manda: Oh, you refused ...[indistinct].

Chief Superintendent Rikhotso: Yes, I

refused.

Officer Manda: Oh, okay. Okay, not it is ...[indistinct].

Chief Superintendent Rikhotso: Ja, and then ...[vernacular].

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: In the morning?

Chief Superintendent Rikhotso: In the morning. [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]... in Pretoria?

Chief Superintendent Rikhotso: [Vernacular]..."

ADV POOE: Thank you. There you would have heard that you basically repeated what is contained in paragraph 17, 18 and 19 of your handwritten statement in relation to the retrieval of the money, where it was taken, from whom it was taken and where you then took the money to. Did you hear that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I heard.

ADV KHUMALO SC: 15 Minutes ago I asked you if you

know anything about the money, you said no.

CHIEF SUPERINTENDENT RIKHOTSO: No, I do not know.

ADV KHUMALO SC: So why do you in this clip say you collected the money from either the sister or the cousin?

CHIEF SUPERINTENDENT RIKHOTSO: I was telling them what I wrote on the statement.

ADV KHUMALO SC: So you were lying in the clip, in the recording.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: Why were you lying?

CHIEF SUPERINTENDENT RIKHOTSO: I was protecting Inspector Emma.

ADV KHUMALO SC: No, but you are not protecting her if you say she collected the money. You are implicating her in the collection of the money, which you are going to use to bribe ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: It is what she told me, Commissioner.

ADV KHUMALO SC: But how are you protecting her? You are saying she collected the money, she was going to use it to bribe Matimu and other police officers. How does that protect her?

CHIEF SUPERINTENDENT RIKHOTSO: In my statement, in the handwritten statement, I was protecting Inspector Emma. I was told what to write.

ADV KHUMALO SC: In the clip, you say you went to Springs to collect the money. Matimu was calling you guys, pressurizing you. That money was going to be used to pay Matimu and the other officers. How does that protect Emma?

CHIEF SUPERINTENDENT RIKHOTSO: It is what I wrote on the statement.

ADV KHUMALO SC: Yes, but how does that protect Emma if you are implicating her in the collection of the money which is going to be used to bribe police officers?

CHIEF SUPERINTENDENT RIKHOTSO: It is what she told me to write, Commissioner.

ADV BALOYI SC: She could not have told you to write what implicates her. It does not make sense. If she is dictating to you, how does she implicate herself and tell you, tell them that I am collecting money, which you repeat in the clip. It does not make sense.

CHIEF SUPERINTENDENT RIKHOTSO: I later found out that she did collect the money and then she said she gave it to Matimu.

ADV BALOYI SC: Yes, it is a different point that has been raised with you. You are saying you were protecting her when you talk about collection of money. You say I was protecting Emma. She told me to write this this. The simple, straightforward point that is being raised with you

is, but you are not protecting her. She dictates, are you telling us we must believe you, that Emma dictates to you to put in your statement something that implicates her? It does not make sense. Human beings do not behave that way.

CHIEF SUPERINTENDENT RIKHOTSO: Yes, Commissioner, it is what she told me to write. In this statement, me and Emma, we wrote the same statement and when I check her statement, she changed her statement.

ADV BALOYI SC: Okay, Ms Pooe will still discuss where you say she changed her statement. I am trying to make sense of this discussion you are having with Commissioner Khumalo that Emma dictates to you that you implicate her and you repeat it. You write it in the statement, but more importantly or more recently, you repeat it in the recording and you say that was to protect her when quite clearly it was not to protect her. I mean, I think anyone listening can make out that there is no way you are protecting her. So it is unbelievable that you said that because she told you to say it. I do not know if you have a comment, otherwise, Ms Pooe, it is back to you.

ADV POOE: All right. Chief Superintendent, I think let us play the next clip because then you deal with what you then did with the money. If we can play from 23:47 to 25:54.

AUDIO RECORDING PLAYED

"Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: The money ...[indistinct] was in the bag ...[indistinct].

Chief Superintendent Rikhotso: Huh-huh, plastic bag.

Officer Manda: Oh.

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: Okay.

Chief Superintendent Rikhotso: That is it. So after that ...[vernacular]...

Officer Manda: [Indistinct]... you went and reported ...[indistinct] transpired. Did you went and report to ...[indistinct].

Chief Superintendent Rikhotso: Ja.

Officer Manda: That we went there and ...[indistinct].

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]... I just want to ...[indistinct] something ...[indistinct] Mashala and ...[indistinct] the money you hand it over to Matimu.

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: But you did not say that.

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: Okay.

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: So now after you handed it to Matimu in the presence of the driver of the Benz and Emma.

Chief Superintendent Rikhotso: Hm.

Officer Manda: Okay ...[indistinct]."

ADV POOE: Thank you. You would have heard in that clip that you repeat what you wrote in the handwritten statement about taking the money to Matimu. If you go to paragraph 20, oh, my apologies, earlier than that, from paragraph 18,

where you talk about collection, and you will see on page 80, you then say we drove to Springs, you got the money. If you go to the next ...[intervenes]

ADV KHUMALO SC: Sorry, just give her a chance to get to page 80.

ADV POOE: Oh, apologies.

ADV KHUMALO SC: Are you on page eight zero?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, Commissioner.

ADV POOE: Thereafter, you say you drove to Matimu's address. When you arrived, she came with a white Ford. Inspector Phakoane gave her the money. She told her to put the money inside the car in the front passenger seat and she must cover it with a laptop bag. We then drove home, which is what you said in the recording as well. And the specificity of it is the same, that you put the money down and Officer, Captain Matimu asked that the laptop bag be placed on top of the money. Can you see that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I have seen that.

ADV POOE: Then I am just going to ask that we play the last section of the clip that deals with what happens after the money was provided. This time I am just going to ask that we play from 23:48 until 29:34, so to combine the last two there.

AUDIO RECORDING PLAYED

"Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: Oh, you went to ...[indistinct].

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: So the money ...[indistinct] inside was in the bag ...[indistinct] bag.

Chief Superintendent Rikhotso: Huh-huh, plastic bag ...[vernacular].

Officer Manda: Oh, okay.

Chief Superintendent Rikhotso: That is it. So after that ...[vernacular] all of them.

Officer Manda: So you went and report at Patel what had transpired. Did you went and report to Patel?

Chief Superintendent Rikhotso: Ja.

Officer Manda: That we went there and ...[indistinct].

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]... I just want to ...[indistinct].

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: [Indistinct]... something ...[indistinct] Mashala and ...[indistinct] the money you hand it over to Matimu.

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: But you did not see them?

Chief Superintendent Rikhotso: I did not see them. Tau, Tau did not even talk.

Officer Manda: Okay.

Chief Superintendent Rikhotso: Tau did not ...[indistinct].

Officer Manda: So now after you handed it to Matimu in the presence of the driver of the Benz and ...[indistinct].

Chief Superintendent Rikhotso: Hm.

Officer Manda: Okay ...[indistinct]. Then

how now we are coming again back to ...[indistinct] how this case link to ...[indistinct] so this money that you paid it was for ...[indistinct].

Chief Superintendent Rikhotso: Hm.

Officer Manda: It is for, it was for ...[indistinct] bail.

Chief Superintendent Rikhotso: [Vernacular]...

Officer Manda: Oh, in other words you were paying so that they must not deny him bail?

Chief Superintendent Rikhotso: Yes, it was for the bail. It was for ...[indistinct] I do not know this things ...[indistinct].

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: Kada.

Officer Manda: Kadwa, General Kadwa.

Chief Superintendent Rikhotso: Kadwa, the head of the ...[intervenes]

Officer Manda: Ja, DPCI. Ja.

Chief Superintendent Rikhotso: And then the magistrate must give him a bail for ...[indistinct] that amount ...[indistinct].

Officer Manda: Oh, in other words this

amount of money it is going to be distributed amongst the ...[indistinct].

Chief Superintendent Rikhotso: And the bail issue.

Officer Manda: The bail issue ...[indistinct].

Chief Superintendent Rikhotso: [Indistinct]... because we did not want him to stay more than 10 days.

Officer Manda: Okay.

Chief Superintendent Rikhotso: That is it. So after that so they came to me and then I was getting the threat.

Officer Manda: After that you went and reported to ...[indistinct] [intervenes]

Chief Superintendent Rikhotso: No, I did not ...[indistinct].

Officer Manda: [Indistinct]... sense. [Indistinct]... inform Kadwa that you paid?

Chief Superintendent Rikhotso: Ja, I told him. Oh, no, he called me from the cell, he say the money, which means there is ...[indistinct] suppose to go ...[indistinct]. And then after that they, I got threats

...[indistinct] the cousin phone me.

Officer Manda: Cousin ...[indistinct].

Chief Superintendent Rikhotso: Of Mphahlele, that one that gave the money, phoned me that I eat the money, I must get the money.

Officer Manda: This lady how ...[indistinct].

Chief Superintendent Rikhotso: [Indistinct]...

Officer Manda: You can be able to point her?

Chief Superintendent Rikhotso: Hm, so I was getting threats and then even at work like people ...[indistinct] so I was not comfortable. It was ...[intervenes]

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: Bad for ...[indistinct].

Officer Manda: Ja.

Chief Superintendent Rikhotso: Yes, even ...[indistinct] but I did not do it. I decided what must I do, because this thing, I decided to go to ...[indistinct] and then I saw the ...[intervenes]

Officer Manda: [Indistinct]... you went alone?

Chief Superintendent Rikhotso: Ja, I went alone after ...[indistinct].

Officer Manda: Okay, so you went alone to ...[indistinct].

Chief Superintendent Rikhotso: And after that they called Emma and then I went to that man upstairs ...[indistinct].

Officer Manda: [Indistinct]...

Chief Superintendent Rikhotso: Yes, and then ...[indistinct].

Female Speaker: Who is that man?

Chief Superintendent Rikhotso: [Indistinct]...

Officer Manda: [Indistinct]...

Female Speaker: Kadwa?

Chief Superintendent Rikhotso: Ja, he said to me I must open ...[indistinct] so I wrote a statement and then they called Emma to come to write a statement as well. And then after that they said they will give us ...[indistinct] to us there that ...[indistinct].

Officer Manda: Ja.

Chief Superintendent Rikhotso: [Indistinct]... he gave me the number.

Officer Manda: [Indistinct]... okay.

Chief Superintendent Rikhotso: So when he calls me ...[vernacular].

Officer Manda: When I called you, you thought I am calling in connection with what you have reported?

Chief Superintendent Rikhotso: Hm.

Officer Manda: Okay."

ADV POOE: Thank you. Now, you would have heard there, Chief Superintendent, that you told the investigators that after you delivered the money, you learned, after getting threats from Mphahlele's sister that you ate the money, that the money never reached the investigators, and because you were also hearing rumours that you are the one that took the money, you then went to Germiston to go and report the matter. Is that correct?

CHIEF SUPERINTENDENT RIKHOTSO: I heard it.

ADV POOE: Now, in the clip, there is something that you said that is not captured in even the handwritten one. You indicated that the bail money was to be distributed and it was to be distributed to a Kadwa. They even confirmed that, are you talking about the head of the Hawks, you said yes. They say the magistrate, and you said yes, and they

said for the bail. You recall that?

CHIEF SUPERINTENDENT RIKHOTSO: I heard it.

ADV POOE: Now that part does not exist in your handwritten statement that was dictated by Emma. Why did you say that?

CHIEF SUPERINTENDENT RIKHOTSO: If you can check my statement, Commissioner, you can, I do not know ...[indistinct] written one, I stated that, I do not know which paragraph.

ADV POOE: Yes, you do mention Kadwa being angry about ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: The case generally and that is why they had to arrest people. I just want to find the paragraph.

CHIEF SUPERINTENDENT RIKHOTSO: Yes. It is what ...[intervenes]

ADV POOE: It is at paragraph, before you answer ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: Okay.

ADV POOE: It is at paragraph 12. You will see there that it is when you are describing that Mashala told me that the case is sensitive and very serious.

CHIEF SUPERINTENDENT RIKHOTSO: Paragraph, sorry?

ADV POOE: 12.

CHIEF SUPERINTENDENT RIKHOTSO: Okay.

ADV POOE: Page 78. Then you say very serious. Matimu said that their boss, Kadwa, he is very angry and that he want everybody to be arrested. and they cannot rest until they get all the money because the complainant is an Indian. So this, you were recounting what Mashala, well at least Matimu was recounting to you what Mashala said.

Now my question is, here in the clip, you are saying that the 800,000 that was to be paid was to be distributed to various people, including Kadwa the magistrate, and to pay for bail. That is not something that is in the statement that you say was dictated by Emma. Why did you say that?

CHIEF SUPERINTENDENT RIKHOTSO: It is what I was told.

ADV POOE: Told by who?

CHIEF SUPERINTENDENT RIKHOTSO: By Emma and Carlo.

ADV POOE: When?

CHIEF SUPERINTENDENT RIKHOTSO: In Germiston.

ADV POOE: Why is it not in the Germiston statement then?

CHIEF SUPERINTENDENT RIKHOTSO: I do not know how I omitted it.

ADV KHUMALO SC: In the clip, you say you wrote your statement and then Emma was called and I understood that to mean Emma was not there when you wrote your

statement. And when I look at your statement, I see that it is signed at 11 o'clock and Emma's one is signed at 11.38. Was Emma present when you wrote your statement?

CHIEF SUPERINTENDENT RIKHOTSO: She was present.

ADV KHUMALO SC: So why in your clip do you say, I wrote the statement and then they called Emma? The clip we have just listened to, you say you wrote your statement and then they called Emma. Which is which?

CHIEF SUPERINTENDENT RIKHOTSO: No, they called Emma before I wrote my statement.

ADV KHUMALO SC: And then Emma told you what to write.

CHIEF SUPERINTENDENT RIKHOTSO: Emma and Carlo told me what to write.

ADV POOE: Now, just to wrap up this point, at paragraph 21 of your handwritten statement, you indicate that after giving the money to Matimu, Matimu called - my apologies, let us start at paragraph 20. You say that you received a call from Matimu. She told you that Tau and Mashala they are refusing the money, we must come and take it. I then called Inspector Phakoane to come so we can go take the money. Then you say Matimu called again saying that if I come, they will arrest me and Inspector Phakoane. I asked her where we can meet. She said she also scared because they promised to arrest her and she going to her brother.

You see that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I see it.

ADV POOE: Then at paragraph 22, you say:

> "On Friday, the 18th of August 2023, at about 8h00 hours, I called Matimu to ask her about the money. She told me to forget about the money. I told her that the family of Mphahlele, they are going to kill me. She told me to forget about the money and I must not call her because our calls are recorded and she is going to block me and I must delete all our conversations. She then blocked me."

Then at paragraph 23:

> "Since Friday the 18th of August, I did not hear from Matimu."

Now, bearing this in mind, I just want to test again the purpose for which you and Officer Phakoane went to Germiston. From a reading of this part of your statement in particular, and then I want to take you to paragraph 14 of Emma Phakoane's statement at page 75.

ADV BALOYI SC: Which folder?

ADV POOE: The same folder, the third one. Are you there?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, I am here.

ADV POOE: Commissioners, are you there? Now you will see there, officer, maybe let us to just place it on record that the statement starts at page 71 and it is a statement of Immaculate Emma Florence Phakoane. You will see there, she says, at paragraph 14:

> "On Monday 28th, myself and Inspector Rikhotso proceeded to Hawk's office in Germiston and spoke to Captain Carlo, which upon we informed him about the demand and paid to Matimu with ..."

I am not sure what that is.

> "... demanded the money to help Mphalele, and in brackets indicates the money was 505,000 ..."

500,000. I cannot pronounce that figure, 500,000 and 5,000. Can you see that?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: 505,000.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: Now, what it seems to have played out here is that you went and fetched the money. You gave it to Matimu in the hope that she will facilitate the payment of the money to the investigators for the case to go away. The case did not go away and you find out from Matimu that the investigators, one, do not want the money and two, she is

refusing to return the money back to you. You and Officer Phakoane then go to the Hawks to report this and in both your statements you tell them that you bribed, you are attempting to bribe the two officers and you are knocked the money. The person you are truly implicating in this is actually Captain Matimu and that is because you wanted the money. What is your comment to that?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, I went to Germiston alone. When I arrived there, I told the brigadier what happened and he insisted that I call Emma to come and write a statement. I did not give Captain Matimu money. I did not meet with Captain Matimu to give money. I suspect that Inspector Emma met Matimu and gave her the money, that is why there was a rumour that Captain Matimu gave me the half of the money. It was circulating that I ate Mphahlele's money. I did not give Captain Matimu money.

ADV KHUMALO SC: Can I ask you a question. In the clip that we listened to, you said Captain Mphahlele's sister is calling you, harassing you. Why would she be calling you and harassing you if she did not hand the money to you?

CHIEF SUPERINTENDENT RIKHOTSO: It is what Emma told me.

ADV KHUMALO SC: No, no, but you said the sister is calling you. So why would the sister be calling you if the sister did not hand the money to you?

CHIEF SUPERINTENDENT RIKHOTSO: I do not have Mphahlele's sister's number. She did not call me.

ADV KHUMALO SC: Why do you tell the officers who were interviewing you that she was calling you and harassing you?

CHIEF SUPERINTENDENT RIKHOTSO: I was telling them the version of the statement I wrote.

ADV KHUMALO SC: But that version is not even in the statement. In the statement, you do not say the sister called you. In the clip, you say you went back to report to Mphahlele that you have been given the money. You then continue to say the sister was now calling you. But that is not in the statement. That is, you were responding to questions that were being asked, so you were not repeating what is in the statement. As they were asking you questions, you were answering them. So you were responding to what they were asking you. You were not repeating what is in the statement because you did not have the statement with you.

CHIEF SUPERINTENDENT RIKHOTSO: I was having the statement with me.

ADV KHUMALO SC: This handwritten statement? Did you have this handwritten statement in the clip?

CHIEF SUPERINTENDENT RIKHOTSO: No.

ADV KHUMALO SC: Yes, so you were answering

questions as the officers were asking you questions. So why did you tell them that Eric Mphahlele's sister was calling you wanting to know what happened?

CHIEF SUPERINTENDENT RIKHOTSO: It is what Emma told me that the sister, the family of Mphahlele, they want their money because I shared the money with Matimu.

ADV KHUMALO SC: So Emma told you that the sister is calling you?

CHIEF SUPERINTENDENT RIKHOTSO: Told me that, is calling her.

ADV KHUMALO SC: And why did you not tell Emma that I know nothing about the money?

CHIEF SUPERINTENDENT RIKHOTSO: I told her, but she said I am the one who introduced her to Matimu and she gave Matimu the money.

ADV KHUMALO SC: I am having difficulty accepting your answers. I do not think you are telling us the truth.

CHIEF SUPERINTENDENT RIKHOTSO: I am telling the truth, Commissioner.

ADV KHUMALO SC: I am having difficulty accepting your answers. I do not think you are telling the truth because your answers are not making sense to me.

CHIEF SUPERINTENDENT RIKHOTSO: Okay.

ADV KHUMALO SC: You could not have lied in the affidavits and in the clip as you were being interviewed.

ADV BALOYI SC: But also repeat the same thing to the Commission investigators in 2026, because now effectively what you are saying is the investigators are not telling the truth in how they have recorded your consultation with them or your meeting with them because they write down exactly or nearly exactly what is in your, different in the statement, the handwritten statement and in the recording, audio recording, they have exactly the same thing in their notes. And unless you are saying the investigators are also not telling the truth, which would be very difficult to accept, because they have no investment in either version, it has to be that you are the one whose version is problematic. Do you have any reason to suggest that the Commission investigators have made-up what has been read back to you? Do you have a reason to believe that?

CHIEF SUPERINTENDENT RIKHOTSO: No, Commissioner.

ADV BALOYI SC: You do not?

CHIEF SUPERINTENDENT RIKHOTSO: No.

ADV BALOYI SC: Okay.

ADV POOE: Commissioners, just to place it on record, I am going to hand up the statement from the Commission's investigators dealing with the recording and what Chief Superintendent told them. Please also provide a copy to the witness. I do not intend on going through this. Chairperson, the attorneys will mark it with the appropriate

CJC number. I do not have the next one off the top of my head.

Chief Superintendent, having heard your testimony, I think what I want to understand with this whole process is what was in it for you? From what you have explained to us, you get a call or at some point you speak to somebody who is a good colleague, you say you are not friends with Emma Phakoane, who asks you to intervene regarding the arrest of an officer you have never met, you do not know them, that is Officer Mphahlele, and what you then do is you go make calls, you go to various meetings. In at least three versions, you went and collected money, you delivered the money, the money was not paid, you even went and opened a case against the person who did not deliver the money to the right people. What was in it for you? Why were you so active in this case?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, in our first engagement, I informed you that Emma, she was my good colleague and I trusted her. I worked with Emma for 20 years, so I did not know that she is implicating me in this whole thing. We were good colleagues. I trusted her professionally and I had no reason to suspect that her request was made in bad faith.

ADV POOE: Now, I do not accept that answer because you cannot say you trusted her. At least by the time you go to

Germiston and she is essentially dictating to you a statement that implicates you in an attempt to bribe someone, you must have known then that she is not somebody to be trusted and this is not in your interest. But despite that, three months later, you repeat exactly what you say she told you to repeat. Three years later, you repeat again what she told you to repeat. And curiously, on two occasions, you did not have the statement, but you were able to recall all of those details that you say were made up by Emma. On two occasions, you lied to DPCI investigators, then you also lied to Commission's investigators.

CHIEF SUPERINTENDENT RIKHOTSO: I did not lie.

ADV POOE: How did not you lie, because you told them the version of the handwritten statement. Is that not a lie?

CHIEF SUPERINTENDENT RIKHOTSO: The statement that I submitted at Hawks is the one that I was sitting down with her and she was telling me what to write.

ADV POOE: Yes, and then you repeated the contents of that statement with the DPCI investigators three months later and then three years later with the Commission's investigators. In fact, the only time that you did not repeat all of that is in the official statement you handed to this Commission. Every other time you recounted this version.

CHIEF SUPERINTENDENT RIKHOTSO: I was told to say

that.

ADV POOE: Were you told to say that even with the Commission's investigators? You shook your head, so no. So that was a choice you made to come and lie to the Commission's investigators.

CHIEF SUPERINTENDENT RIKHOTSO: I did not lie.

ADV POOE: I think the record is very clear that you are lying, but nevertheless, let us deal, what do you understand to be the relationship between Emma and Captain Carlo?

CHIEF SUPERINTENDENT RIKHOTSO: They have a, can I write it?

ADV POOE: Chair?

CHAIRPERSON: Please speak. Oh. Do they have a romantic relationship, intimate relationship?

CHIEF SUPERINTENDENT RIKHOTSO: Romantic.

CHAIRPERSON: Hm?

CHIEF SUPERINTENDENT RIKHOTSO: Romantic.

CHAIRPERSON: I will learn to lip read for the first time. It looks like you are saying, it looks like you are saying romantic.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: Yes.

CHIEF SUPERINTENDENT RIKHOTSO: It is romantic.

CHAIRPERSON: Yes.

ADV POOE: And now is it not that the two of you went and

made these statements to Carlo because you knew the enquiry was not going to go anywhere, because otherwise you would not go under oath and report this if you knew this was going to go forward. You were not genuinely interested in opening a case. You were only interested in retrieving the money and Carlo was the right person to use because he is in a relationship with Emma. What is your comment?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, I did not go to Carlo. I did not know Carlo. I went to the Head of the Hawks.

ADV POOE: It could never make sense that a DPCI Captain and then two very experienced JMPD officers can go and tell on themselves and say, we were trying to undermine the case, defeat the ends of justice to bribe someone, unless you knew that enquiry was going anywhere, nowhere. And you knew it was not going to go anywhere because Officer Carlo is in a relationship with Emma Phakoane.

CHIEF SUPERINTENDENT RIKHOTSO: I did not know.

ADV POOE: You did not know?

CHIEF SUPERINTENDENT RIKHOTSO: I did not know. I went to the brigadier.

ADV POOE: I put it to you that you knew and this is why you were able to confess to bribery.

CHIEF SUPERINTENDENT RIKHOTSO: I did not know,

Commissioner.

ADV KHUMALO SC: Did you not think you were confessing to a crime when you say we bribed Matimu, we paid her 505,000 to ensure that the bail succeeds? What did you think you were doing when you put that in a sworn statement?

CHIEF SUPERINTENDENT RIKHOTSO: I was told to that, to ...[intervenes]

ADV KHUMALO SC: No, no, I accept that you were told to do that for present purposes. But what did you think you were doing when you confessed to paying a DPCI officer 500,000 to make sure that there is no parade the following day?

CHIEF SUPERINTENDENT RIKHOTSO: I did not pay the money. I knew that I did not do it.

ADV KHUMALO SC: But as you were putting that in a sworn statement, what did you think you were doing, because you say in an affidavit, we paid Matimu 505,000.

CHIEF SUPERINTENDENT RIKHOTSO: I knew that the truth will come out one day.

ADV KHUMALO SC: And you did not care about the consequences of what you put in your affidavit?

CHIEF SUPERINTENDENT RIKHOTSO: [Indistinct]... [cross-talking] [intervenes]

ADV KHUMALO SC: You did not think it will have

consequences?

CHIEF SUPERINTENDENT RIKHOTSO: I was scared of my life.

ADV KHUMALO SC: You were scared of your life. Tell me, was Emma at any point your superior?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, when we were working at Region F1.

ADV KHUMALO SC: So when was that?

CHIEF SUPERINTENDENT RIKHOTSO: She was the Acting ...[indistinct].

ADV KHUMALO SC: When was that?

CHIEF SUPERINTENDENT RIKHOTSO: 2005.

ADV KHUMALO SC: So in 2023, you were her superior, not the other way around.

CHIEF SUPERINTENDENT RIKHOTSO: No, in 2025.

ADV KHUMALO SC: No, no, I am asking about 2023 because this event ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: We were in the same rank.

ADV KHUMALO SC: You were in the same rank. So she was not your superior?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: And now you are her superior.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: Let me ask, you keep saying you were

scared. What were you scared of? What did you know about what was going on and the people that are involved that made you so scared that you are prepared to lie under oath on your version and to continue the lie? What did you know that caused you to have a reasonable fear at that point?

CHIEF SUPERINTENDENT RIKHOTSO: I find out that everything that was happening, it was a syndicate.

ADV BALOYI SC: When did you find that out? Remember, your statement, your handwritten statement is on the 28th of August as I can see it. Ja, it is the 28th of August, so it is some days because this incident happens, Mr Mphahlele is arrested in August, right?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV BALOYI SC: About the 12th. So on the 28th of August, you are writing this handwritten statement. As at the time that you write the statement, which you say was dictated to you and you say it contains untruths which you were prepared to put in under oath because you were scared, I am asking you at that point what, you knew that these people were part of a syndicate.

CHIEF SUPERINTENDENT RIKHOTSO: I did not know.

ADV BALOYI SC: Then what were you scared of when you agreed to put in lies in this handwriting, the handwritten statement? What were you scared of?

CHIEF SUPERINTENDENT RIKHOTSO: I was not scared there. I was told what to write.

ADV BALOYI SC: Why did you agree even though you knew it is a lie? You either, let me suggest to you, you either were paid to lie, you either received, that is one possibility. The other possibility is you were in on this scheme so you had your own share, that is another possibility. The third possibility is indeed you were scared, that is why you went along with a lie, if it is a lie. You were scared and you have to explain if you were scared, you must tell us what did you know as at this date that made you so scared that you are prepared to break the law and lie under oath. You have to have known something that made you scared and I think this is the opportunity to tell the truth and explain the lies that you have told and justify them. So I have given you three possibilities. You were either paid to lie, two, you were part of the scheme and so you got your cut or share of the money or you were going to get it, even if in the end you did not get it because you say Matimu kept it. But three, you were scared, then you must tell us what were you, if it is the scared, you have to say what were you scared of, what did you know that involved this scheme or this lot of people.

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner. I was not paid to lie. I did not receive anything. And then I

was not part of the scheme. I was scared of my life. I found out that this is a syndicate that involves a lot of people. I was told, I cannot mention names, I am so sorry, Commissioner, I was told that Inspector Emma, she was one of the people ...[intervenes]

ADV BALOYI SC: In the syndicate.

CHIEF SUPERINTENDENT RIKHOTSO: In the syndicate, and they are a lot. They target people with money and there is informers that inform them that they must target this and this. So I was scared when I, they mentioned names that I can be killed if I change what I wrote in the statement. That is the honest truth.

ADV BALOYI SC: Okay. Ms Pooe.

ADV POOE: Thank you, Commissioner Baloyi. Just one point to point out that, if we can go to paragraph or page 13 of that same bundle, the third bundle that you are dealing with, 13 at paragraph 43.

CHIEF SUPERINTENDENT RIKHOTSO: 43?

ADV POOE: Yes, 43. Are you there? That is the statement of Warrant Officer Mashala. Are you here?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV POOE: You will see there that even Warrant Officer Mashala was taken aback by the fact that you and Inspector Phakoane would go and open a case where you essentially oust yourself. You see, she says:

"Captain Carlo informed me that Inspectors Phakoane and Rikhotso intended submitting statements alleging that Captain Tauatswala and I took money from them. According to Captain Carlo, Inspector Phakoane and Rikhotso, who are alleging that Captain Tauatswala and I had taken money from Captain Mabunda and that the money that we had taken was their money. I did not tell Captain Carlo that there was a Section 252A operation underway regarding the handing over of money to bribe Captain Tauatswala and me. It did not make sense to me that the inspectors would approach Captain Carlo, alleging that we stole their bribery money. They would be admitting to being involved in a crime. I heard nothing further about these allegations after I left the meeting with Captain Carlo. I do not know if there was an official investigation into these allegations."

Can you appreciate how bizarre it is that two experienced inspectors would go and open a case,

essentially outing themselves?

CHIEF SUPERINTENDENT RIKHOTSO: I did not go with Inspector Emma to open a case. I went alone and the brigadier called Inspector Emma to come and write the statement. I waited for Inspector Emma to come and then she told me what to write.

ADV POOE: Yes, and the two of you wrote that you tried to bribe someone and they knocked you. That is the sum total of what you wrote.

CHIEF SUPERINTENDENT RIKHOTSO: I was told what to write in the statement.

ADV POOE: Yes, and the two of you wanted money, the money that did not make it to the investigating officers.

CHIEF SUPERINTENDENT RIKHOTSO: I did not want money, Commissioner.

ADV BALOYI SC: You may have answered it earlier, but can I just ask again, when you went to the DPCI, what was the complaint you were going to lay?

CHIEF SUPERINTENDENT RIKHOTSO: I was going to lay the complaint that they said I ate the money with Matimu. I was not reporting Matimu. I was not reporting Captain Tauatswala or Warrant Officer Mashala. I was going to complain about the rumour that was spreading around that I took money from Matimu. So, and then to find out if the brigadier can call in Matimu and explain to me if Emma

gave her the money or not, because there is a rumour that Captain Mabunda gave me the money that I did not see.

ADV BALOYI SC: Well, I ask because ordinarily when people go to the DPCI, it is because they are asking them to investigate somebody. They are complaining, something wrong has been done to them, a criminal offence has been committed against them and they then tell the DPCI who it is that they suspect or that they believe did the wrong, which is a criminal offence. I am asking you to understand what is the crime that you were asking DPCI to investigate where you are a complainant and what is the complaint which is a crime, which ties up with what Ms Pooe is suggesting was the purpose of you going to the DPCI. I just want you to explain how you thought about it when you went to the DPCI. They would open a docket. You are the complainant. What is the complaint? Against whom are you laying the complaint?

CHIEF SUPERINTENDENT RIKHOTSO: I wanted, Commissioner, I wanted to find out if really Inspector Emma gave Matimu the money, if they can investigate Matimu.

ADV BALOYI SC: So you were reporting a possible bribe between Emma and Matimu, money exchanged there, because that is the only way it makes sense.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: I want to go back to what you said a

few moments earlier. You have just informed this Commission that you have since become aware that there is a syndicate that is targeting business people. Now, does this syndicate operate within the JMPD?

CHIEF SUPERINTENDENT RIKHOTSO: It is the JMPD and other stakeholders.

ADV KHUMALO SC: And other stakeholders. Now, since you ...[intervenes]

CHAIRPERSON: Sorry, when you say it is the JMPD, do you mean some members of the JMPD? Surely when you just say it is the JMPD, you cannot ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: In JMPD, I knew of Inspector Emma, Officer Mphahlele only and Officer Zwani.

CHAIRPERSON: Surely that probably includes the person whose name you wrote down.

CHIEF SUPERINTENDENT RIKHOTSO: Yes, with another one.

CHAIRPERSON: All right.

ADV KHUMALO SC: Now, you occupy the position of Chief Superintendent. It is a very senior position within JMPD, am I correct?

CHIEF SUPERINTENDENT RIKHOTSO: You are correct.

ADV KHUMALO SC: Yes. Since you became aware that there is this syndicate operating within JMPD, have you reported this to the Chief of Police?

CHIEF SUPERINTENDENT RIKHOTSO: There is a case that are open in Internal Affairs.

ADV KHUMALO SC: When?

CHIEF SUPERINTENDENT RIKHOTSO: There is two cases. There is another one that is pending.

ADV KHUMALO SC: When?

CHIEF SUPERINTENDENT RIKHOTSO: I do not know when.

ADV KHUMALO SC: When did you open the case?

CHIEF SUPERINTENDENT RIKHOTSO: I did not open the case. There is a case that is open against ...[intervenes]

ADV KHUMALO SC: But did you report the fact that you have become aware that there is a syndicate operating within JMPD that is targeting business people?

CHIEF SUPERINTENDENT RIKHOTSO: I did not have evidence of everything. It was the hearsay.

ADV KHUMALO SC: But you do not need to have evidence. If you are a Chief Superintendent within JMPD, you have taken the usual oath that Metro Police Officers take, which is to protect members of the public. If you become aware, even if it is a rumour, and it cannot be a rumour because at least in this case you know that they robbed somebody and there was this issue of bribes going around, why do you not report that to the Chief of Police so that a proper investigation can be conducted?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, there is a case that is pending concerning that.

ADV KHUMALO SC: Do you say you are not a complainant in that case?

CHIEF SUPERINTENDENT RIKHOTSO: I am not a complainant.

ADV KHUMALO SC: So you do not know what the nature of the complaint is? Why do you not report what you know?

CHIEF SUPERINTENDENT RIKHOTSO: I did not report because there was a case pending.

CHAIRPERSON: You said that the syndicate is made up of some members of the JMPD and other stakeholders. What do you mean by that, the stakeholders?

CHIEF SUPERINTENDENT RIKHOTSO: Other departments.

CHAIRPERSON: What do you mean by that? Do you mean departments within the City of Johannesburg?

CHIEF SUPERINTENDENT RIKHOTSO: No.

CHAIRPERSON: What departments then, please?

CHIEF SUPERINTENDENT RIKHOTSO: The Hawks.

CHAIRPERSON: And if you meant Hawks as an entity, I do not think you would refer to them as other stakeholders, which is plural. What else?

CHIEF SUPERINTENDENT RIKHOTSO: And the informers.

CHAIRPERSON: Whose informers?

CHIEF SUPERINTENDENT RIKHOTSO: I do not know

them.

CHAIRPERSON: No, I am not asking for names. I am saying whose informers?

CHIEF SUPERINTENDENT RIKHOTSO: It is the people that come with the information.

CHAIRPERSON: Informing whom?

CHIEF SUPERINTENDENT RIKHOTSO: Informing the officers.

CHAIRPERSON: The syndicate members?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: Members of Hawks and members of JMPD?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: And so when you said other stakeholders, all that you are referring to was the Hawks.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: Are you able to give us names within the Hawks?

CHIEF SUPERINTENDENT RIKHOTSO: No.

CHAIRPERSON: Why not?

CHIEF SUPERINTENDENT RIKHOTSO: I can say it off the camera.

CHAIRPERSON: Please write all the names down, all the names that you know. Please write them down. Now, you have said that the syndicate members target business

people. Are you able to say, tell us what their mode of operation is? I am avoiding the Latin *modus operandi*. What is their mode of operation?

CHIEF SUPERINTENDENT RIKHOTSO: I do not know.

CHAIRPERSON: No, no, please. Please do not trifle with us. Do not trifle with us. What do you know them to do? What do you understand them to do?

CHIEF SUPERINTENDENT RIKHOTSO: Oh, okay. I did not get you, Commissioner.

CHAIRPERSON: No, do not do this. Do not do not do this. You did exactly this much, much earlier.

CHIEF SUPERINTENDENT RIKHOTSO: I did not understand.

CHAIRPERSON: When you swapped names around between you and Ms Phakoane, you said she made the call or she was to make the call and later you said you were the one that was going to make the call and claimed that you had not understood what I was saying, which was plainly a lie, please do not do this. Now tell me what ...[intervenes]

CHIEF SUPERINTENDENT RIKHOTSO: Pardon me, Commissioner.

CHAIRPERSON: Thank you. What is their mode of operation?

CHIEF SUPERINTENDENT RIKHOTSO: They target the business people and then ...[intervenes]

CHAIRPERSON: You have said that.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: Now I want to know the mode of operation in targeting business people, what exactly do they do?

CHIEF SUPERINTENDENT RIKHOTSO: They wait for them. The informers tell them the time they victim will be driving or passing in this and they target them, they stop them and they rob them.

CHAIRPERSON: With the knowledge that the person, or the business person will be carrying cash?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: And then they will know what the route is based on what they have been told by the informer.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: And then they stop them and rob them off the money.

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: Which is exactly what happened, I assume, with the complaint, yes, yes, with Mr Raja, correct?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

CHAIRPERSON: And I assume that you must have been aware that this is exactly what had happened with Mr Raja, not so?

CHIEF SUPERINTENDENT RIKHOTSO: It is what I was

told about Mr Raja.

CHAIRPERSON: You knew from the time that you became aware that Mr Mphahlele had taken money from Mr Raja, you knew that it was exactly an operation by the syndicate, correct?

CHIEF SUPERINTENDENT RIKHOTSO: No, I did not know that time, Commissioner.

CHAIRPERSON: Did you already know of the existence of the syndicate at the time?

CHIEF SUPERINTENDENT RIKHOTSO: No, I did not know.

CHAIRPERSON: When did you first become aware?

CHIEF SUPERINTENDENT RIKHOTSO: When Inspector Emma went the second time and robbed Mr Rajah, wanted to rob Mr Rajah, it is where I became aware.

CHAIRPERSON: Okay. All right, thank you.

ADV POOE: Chair, just to place that on record, I think if we go to Captain Manda's statement, page 60, the second attempt to rob Mr Raja happened on the 18th of December 2023. And Commissioners, just to note paragraph 16, you will see that after Mr Raja called the investigators, the investigators found Captain Carlo at the scene, and that is at paragraph 16 of the statement. They then agreed to go to the police station and curiously Captain Carlo and ...[indistinct] never followed the people to the police station. They disappeared. Chief Superintendent, is that what you

are talking about when you say the second incident?

CHIEF SUPERINTENDENT RIKHOTSO: Yes, Commissioner.

ADV POOE: Thank you.

ADV KHUMALO SC: Just one more thing. Please go back to page 10. This comes from Warrant Officer Mashala's statement in paragraph 34. Warrant Officer Mashala says you told them that you knew that it was more than 1.5 million that was taken from Mr Raja. How would you have known that?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, I do not know Mr Raja.

ADV KHUMALO SC: I am prepared to accept that you do not know Mr Raja. But warrant officer says you told them that what Mr Raja said was not a full disclosure. More money had been taken from him than he had disclosed. How did you know that?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, hence I am saying I never knew Mr Raja. I also do not know anything with Mr Raja. I only knew Mr Raja after the second attempt.

ADV KHUMALO SC: My concern is not whether you know Mr Raja or not. My concern is whether you know how much money was taken from him.

CHIEF SUPERINTENDENT RIKHOTSO: I did not know how much was taken from him. I did not discuss that with Mr

Mashala.

ADV KHUMALO SC: The reason why this is important to me, it would explain why people are willing to pay a bribe of 800,000. It must mean more than 1.5 million was taken or a lot more, because if you are willing to pay a bribe of 800,000, that would leave you with less than about 700,000. And if it had to be split between members of the syndicate, it makes sense that the money that was taken was a lot more than 1.5 million. Are you saying the warrant officer is lying, you never said that to him?

CHIEF SUPERINTENDENT RIKHOTSO: I never said that to him.

ADV KHUMALO SC: So he is lying?

CHIEF SUPERINTENDENT RIKHOTSO: Yes.

ADV KHUMALO SC: We must accept your version as the truth and we must reject his version.

CHIEF SUPERINTENDENT RIKHOTSO: I never, I never told Mashala that Inspector, Officer Mphahlele took more than 1.5.

ADV KHUMALO SC: And why would he make this up, because it does not matter how much money it was. Why would he include in his statement that you told him that it was more than 1.5 million?

CHIEF SUPERINTENDENT RIKHOTSO: Commissioner, if maybe you can call Inspector Phakoane. We did not

discuss about the 1.5 million in that meeting.

ADV KHUMALO SC: Did Emma and Eric Mphahlele tell you how much was taken?

CHIEF SUPERINTENDENT RIKHOTSO: No, they did not tell me.

ADV KHUMALO SC: In subsequent discussions, did you not discuss that with them?

CHIEF SUPERINTENDENT RIKHOTSO: No, we did not.

CHAIRPERSON: Mr Mbau, please, give that list. We should not forget it. You are so, so not forthcoming and self-contradictory. Let me say this. Yes, yes, you want to add? Oh, Mr Mbau, please take it. Are you, is this not because perhaps you yourself are part of the syndicate?

CHIEF SUPERINTENDENT RIKHOTSO: I am not part of the syndicate.

CHAIRPERSON: As if you would admit if you were, would you?

CHIEF SUPERINTENDENT RIKHOTSO: I am not part of the syndicate.

CHAIRPERSON: All right, thank you.

ADV KHUMALO SC: Ms Pooe, this affidavit, what was the purpose of it? It was given to us and it was given to the witness. Was the idea that she is going to be asked to comment on something specific in the affidavit?

ADV POOE: Commissioner, I think it was overtaken by

events. The whole point of it was just to say that she essentially repeated the contents of the handwritten statements to our investigators, and then that is just the proof.

ADV KHUMALO SC: So we are not dealing with it anymore?

ADV POOE: No.

ADV KHUMALO SC: Okay. Is it still necessary then for it to be marked exhibit whatever, as you suggested?

ADV POOE: Yes, we will mark it and insert it. Chair, the witness did not add to the list. I assume that ...[intervenes]

CHAIRPERSON: Did you did you add, because you called, you called for it in order to add.

CHIEF SUPERINTENDENT RIKHOTSO: The problem, I do not know the name. Can I write?

CHAIRPERSON: What will you do?

CHIEF SUPERINTENDENT RIKHOTSO: [Indistinct]... [cross-talking]

CHAIRPERSON: Will you what, describe or what do you plan on doing?

CHIEF SUPERINTENDENT RIKHOTSO: No, not to describe.

CHAIRPERSON: If you do not know the name, what are you going to do then?

[No answer]

CHAIRPERSON: Ms Pooe?

ADV POOE: Yes, Chair.

CHAIRPERSON: It is 4 o'clock and today I just must adjourn now. I have other commitments.

ADV POOE: Chair, I was just waiting for the Commissioners to conclude. I have no further questions for this witness.

CHAIRPERSON: Chief Superintendent, thank you very much, most appreciated. You are excused. The Chief Evidence Leader informed me that other witnesses that were scheduled for tomorrow for one reason or another cannot come tomorrow. So we are adjourning until 9:30 on Monday. Let us adjourn.

HEARING POSTPONED TO 23 NOVEMBER 2026

HEARING ADJOURNS
