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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

23 NOVEMBER 2026

DAY 198

PROCEEDINGS HELD ON 23 NOVEMBER 2026

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

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

CHAIRPERSON: I do not understand how you let Ms Segeels-Ncube do this to you.

ADV POOE: Chair, you even saw my face. I wanted to say it is not me. Chair, and we were also talking amongst ourselves that we are disappointed you did not tell us about the grey brief this morning. Chair, the witness for this morning is Witness C.

CHAIRPERSON: Yes.

ADV POOE: He is already subject to a partial in camera order, and he is online and ready to take the oath.

CHAIRPERSON: Thank you. Good morning, Witness C.

WITNESS C: Good morning, Commissioners.

CHAIRPERSON: Thank you. Just for the public or viewers as well, Ms Pooe said late last year we already heard the evidence of Witness C, and Witness C testified remotely, so he is continuing under that same format in terms of the ruling that was made late last year. Witness C, will you be swearing or affirming? Please remind me.

WITNESS C: I will be swearing.

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

truth? If so, please raise your right hand and say so help me God.

WITNESS C: So help me God.

CHAIRPERSON: Thank you.

WITNESS C: (still under oath)

ADV POOE: Commissioners, just by way of housekeeping, you should have a file in front of you that contains the witness's statement and annexures. You will see in the annexures are extracts of chats that have been included. The full set of chats is provided in a second file. It is marked WhatsApp chats, but for purposes of his testimony, the chats that we are going to be using are included in the annexures.

CHAIRPERSON: Must we worry about that file now or later?

ADV POOE: No, not at all.

COURT: For later. Thank you.

ADV POOE: The second thing to bring to your attention is that in the statement, there are cases where the accused people or suspects have not been charged yet. So for purposes of those paragraphs, I will indicate to the witness that he should not read them out loud, but you will have access to them. If, Commissioners, you have questions in relation to those specific paragraphs, we can set up a separate session for him to answer about those paragraphs.

We included them in the statement because they form part of the narrative we are trying to paint. However, they cannot be read out loud as yet because they are subject to ongoing investigations.

CHAIRPERSON: Well, purely because they are the subject of ongoing investigations.

WITNESS C: Yes.

CHAIRPERSON: Okay. You said they have not been charged yet, and I thought you have in mind the avoidance of mentioning people's names if they have not been charged or if they have not appeared in court yet or that sort of thing. And I was wondering ...[intervenes].

ADV POOE: That too.

CHAIRPERSON: No, it cannot be that too, because we mention people's names all the time where they have not been charged.

ADV POOE: And ...[intervenes].

CHAIRPERSON: But if the issue is the fact that they are still being investigated and perhaps you do not want to alert them, then I understand.

ADV POOE: Yes, Chair. And that you would have heard that evidence in camera, so when you read the paragraphs you should be familiar with those stories.

CHAIRPERSON: What the story is about.

ADV POOE: Ja.

CHAIRPERSON: All right. Thanks, thanks, Ms Pooe.

ADV POOE: And then, Chair, there should be also one more document in front of you, and that document is CJC442.1 to 442.3. These are three statements that are already on the record. They were placed on the record during Witness B's testimony. For convenience, we have just extracted them, but they are the statement of Johnny Mokgatle, a statement of his two commanders, Officer Zwane and Officer Hoosen. So we will be making use of those three statements in this testimony. That is the sum total of the housekeeping. Now, Witness C.

WITNESS C: [Indistinct].

ADV POOE: In front of you, you should have a statement that is 38 pages long. Do you have that?

WITNESS C: I do have, Commissioners.

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

WITNESS C: I confirm that, Commissioners.

ADV POOE: And if you can go to page 38, do you confirm that that is your signature?

WITNESS C: I do confirm that that is my signature, Commissioners.

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

WITNESS C: I do confirm that, Commissioners.

ADV POOE: Thank you. Witness C, if we can then proceed to your statement? Let us start with paragraph 1.

WITNESS C: Should I start reading, Commissioners?

ADV POOE: Yes, please, and we are going to display the statement as well.

ADV POOE: Thank you, Commissioners:

> "I am Witness C. My identity and particulars are known to the Commission and are protected by its ruling. I am a member of the South African Police Services, SAPS, and of the GCI Ops Investigation Team."

ADV POOE: Okay, you can proceed to paragraph 2.

WITNESS C:

> "I have previously given testimony before the Commission as Witness C. The subject of this statement is narrow. It concerns Mr Johannes Johnny Mokgatle, a serving officer of the Johannesburg Metropolitan Police Department, JMPD, attached to its K9 Dog Unit, and his relationship with ...[indistinct] Mr Katiso Molefe, Mr Musa Kekana, Mr Tiego Floyd Danny Mabusela, and Mr Michael Pule

Tau."

ADV POOE: Thank you. You can proceed.

WITNESS C:

"Mr Kekana, Mr Mabusela, and Mr Tau are currently on trial for various offences, including the murder of Mr Armand Swart. Mr Molefe was arrested on 6 December 2024."

ADV POOE: Thank you. Paragraph 3.

WITNESS C:

"The purpose of this statement is to place before the Commission what the recovered cellular or telephone communication read with Mr Mokgatle's own sworn statement and the statements of ...[indistinct] JMPD supervisors show about that relationship. In summary, they show the following, each of which I deal with below."

ADV POOE: 3.1.

WITNESS C:

"Mr Mokgatle was not a casual acquaintance of the three accused. He, they and Mr Molefe described themselves in the communications as a family and a brotherhood and refer to the firm, to the commander, to the ...[indistinct] mandala,

and to ...[indistinct].

ADV POOE: 3.2 ...[intervenes].

ADV BALOYI SC: Sorry. Ms Pooe, it says three accused, and yet in paragraph 2 we have listed, if I am counting correctly, there is four people.

ADV POOE: Yes, Commissioner Baloyi, it is a relationship with all four, so we should amend that to say four.

ADV BALOYI SC: Four accused?

ADV POOE: Four accused.

ADV BALOYI SC: Thank you.

ADV POOE: Witness C, you can proceed to paragraph 3.2.

WITNESS C:

> "Mr Mokgatle repeatedly used his position as a law enforcement officer for the benefit. He ran vehicle registration numbers through police systems or requests and sent back the owner's names, identity numbers and addresses. He passed on internal police operation reports, and on the day of Mr Molefe's arrest, he used a JMPD vehicle to confront the SAPS members who were keeping Mr Molefe's house under observation."

ADV POOE: Thank you, 3.3.

WITNESS C:

"The communications contain a number of exchanges which, in my view, suggest that Mr Mokgatle did not merely assist the three accused from a distance, but took part in or was being drawn into their work. Where I draw that inference, I say so, and where an exchange remained the subject of ongoing investigation, I say so."

ADV POOE: Thank you. Witness C, you do not need to read paragraph 4.

WITNESS C: Thank you, Commissioners.

ADV POOE: We will then move on to your next topic, which are the sources you are relying on. You can proceed to paragraph 5.

WITNESS C: Thank you, Commissioner:

"I rely on the following material: the WhatsApp conversation between Mr Kekana and Mr Mokgatle recovered from the Apple iPhone 7 attributed to Mr Kekana, in which Mr Mokgatle is saved as J Baba. The conversations run from 16 January 2022 to 29 March 2024. Extracts of the relevant parts of the chats

are attached as WC1."

ADV POOE: Thank you, 5.2.

WITNESS C:

"The WhatsApp conversation between Mr Tau and Mr Mokgatle recovered from the Apple iPhone 12 Pro Max attributed to Mr Tau. The conversation runs from 21 July 2021 to 7 April 2024. Extracts of the relevant parts of the chats are attached as WC2."

ADV POOE: Thank you, and 5.3.

WITNESS C:

"109 screenshots of the WhatsApp conversation between Mr Mokgatle and the contact saved as Danny, being Mr Mabusela. The screenshots were created on 12 February 2025 on an Apple iPhone 14 Pro and extracted on 13 February 2025. The screenshots reflect the conversation from the side of the owner of the handset and cover the period October 2022 ...[indistinct] 2024. For ease of reference, they have been combined in their original sequence into a single paginated bundle. The relevant

parts of the chats are attached as WC3, where I refer below to a page number, it is the page of that bundle."

ADV POOE: Witness C, before we move past that, can you explain your involvement in the seizure of Mr Mokgatle's phone?

WITNESS C: Thank you, Commissioners. I interviewed Mr Mokgatle on 4 February 2025 at his place of residence, and in the process, I ended up confiscating his cell phone. And the cell phone thereof ...[intervenes].

ADV POOE: Sorry, Witness C, you are saying that you confiscated his phone on the 4th.

WITNESS C: I need to just confirm the date, but I believe it was on the 4th.

ADV POOE: Yes, and what happened in that process?

WITNESS C: In the process thereof, I actually requested for his cell phone, and he handed over the cell phone. I put it in as into the SAP13 as an evidence, and it was eventually extracted by our cybercrime team.

ADV POOE: And in the extraction process, what did you notice about his cell phone?

WITNESS C: On the extraction, we noticed that the phone was erased. He erased the contents of the phone. Fortunately, the screenshots that he might have created were never erased.

ADV POOE: Okay. Just to clarify, when the phone was being downloaded, you learned that he had erased the contents of his phone, but you were able to retrieve the screenshots, is that correct?

WITNESS C: That is correct, Commissioners.

ADV POOE: And are those the 109 screenshots that now form the bundle of the chats between himself and Danny?

WITNESS C: That is correct, Commissioners.

ADV POOE: And do you know how he came to erase the contents of his phone? Was he aware that you were coming to see him?

WITNESS C: Correct, Commissioners. On the day in question, when I arrived at his place of residence, I contacted him, and he indicated that he had taken his mother to the hospital or to the doctor, so he will be coming back. I waited for him for more than three hours, Commissioners, until he comes. And on his arrival, he did not have his cell phone with him. He indicated that his cell phone was in Soweto.

ADV POOE: Thereafter, did you go and get his cell phone in Soweto then?

WITNESS C: Indeed, Commissioners. Thereafter, we proceeded to Soweto, where the brother or a friend handed over to him the cell phone, and he handed it over to me, Commissioners.

ADV POOE: Thank you. Commissioners, you will see that those screenshots are different from the remaining chats because the other chats are extracts and they take the normal format, but WC3 is the screenshots that they were able to compile. So in some instances, you will see that the dates are visible, and in others, the witness gives a time frame for when the screenshot or the message would have been exchanged because you cannot see a specific date. Thank you, Witness C. We can proceed with paragraph 5.4.

WITNESS C: Thank you, Commissioners:

> "The WhatsApp status updates of Mr Mokgatle as they were received on the handset of Mr Kekana, 29 March to 1 April 2024, and Mr Tau, 14 to 17 April 2024. Extracts of the relevant parts are attached as WC4."

ADV POOE: 5.5.

WITNESS C:

> "The WhatsApp conversation between Mr Molefe and Mr Mokgatle recovered from the Apple handset attributed to Mr Molefe, exhibit as per Vereeniging case, 42 items were recovered, dated from 24 October 2023 to 2 August 2024. The conversation is attached as WC5."

ADV POOE: Thank you. 5.6.

WITNESS C:

"Screenshots of the information recorded on the Crime Administration System in the three cases in which Mr Mokgatle is recorded as an accused ...[indistinct] Moroka Cape Town cases and they are attached as WC6."

ADV POOE: Thank you. 5.7.

WITNESS C:

"The sworn statement of Mr Mokgatle which I took from him at Jabulani on 4 February 2025, and which is before the Commission as CJC442.1, A13, and the sworn statement of his shift commander, Sergeant Raymond Siphiwe Zwane, CJC442.2, A16, and of the commander of the JMPD K9 Unit, Superintendent Mohamed Hoosen, CJC442.3, A17, both deposed to on 6 February 2025."

ADV POOE: Thank you, Witness C. You can move to paragraph 6.

WITNESS C: Thank you, Commissioner:

"The link between Mr Mokgatle and the communications is not in dispute on the

documents. In his statement, Mr Mokgatle gives his cellular number as that one. The conversation on Mr Tau's handset with the number that one. On 16 August 2021, that number sent Mr Tau the messages, Johannes Mokgatle, and the ID number, which is the ID now ...[indistinct] number of Mr Mokgatle that he gives in his statement. In the conversation with Mr Mabusela, the owner of the handset is addressed as Bra Johnny and Kgabo Mokgatle. See red page 32."

ADV POOE: Thank you. Commissioners, if you go to the loose little bundle with the CJC, you will see at paragraph 1 of that statement, Mr Mokgatle states his cell phone number. You will see it is the same cell phone number that the three chats that are included in the bundle chat to, to confirm that it is his number. Secondly, you will also see in that paragraph there is an ID number provided. And if you go to page 32 of your annexures, that is WC2, you will see at chat 5, Mr Mokgatle gives his ID number to Mr Tau in that communications, just to confirm that the details match. Witness C, we can then proceed to paragraph 7.

WITNESS C: Thank you, Commissioners:

"I set out below all the extracts reproduced as they appear, including the spelling, abbreviations, and mixture of languages used. Where a word or name is implied, I have inserted in it in square brackets. The times and those recorded in the extractions or shown on the screenshots. The translation of the vernacular passages reflect the investigation's understanding and are to be confirmed by a sworn translator. A number of items are voice notes, photographs, and videos where their contact has not yet been established, I say so. The communications are compiled in the paginated bundle of WhatsApp chats, CJC532. Where I refer below to a red page, it is to the page number marked in red in that bundle."

ADV POOE: Thank you, Witness C. Commissioners, for the next section, if you can open WC6? Witness C, you can proceed with paragraph 8. You are now dealing with Mr Mokgatle's record.

WITNESS C: Thank you, Commissioners:

"The investigation team has drawn from

the Crime Administration System the particulars of the cases in which Mr Mokgatle is recorded as an accused. Screenshots of that information are attached as WC6. They reflect three cases against his identity number."

ADV POOE: Thank you. Let us deal with the first case.

WITNESS C: Thank you, Commissioners. The first case is a Brixton case, which is WC6, pages 1 to 3:

"Mr Mokgatle is recorded as an accused on a charge of theft. The complaint recorded is that on Thursday 8 December 2011 at about 20:00 hours, the complainant and a friend were driving in a white Iveco panel van to the complainant's home in Crosby when they noticed a marked police car following them. When they parked in the driveway, two police officers demanded to search them. They were told that they would be searched at the police station and were handcuffed. Their vehicle was searched. They were told that they had counterfeit clothing and R100 000 was demanded from them. They refused. R25 000 was

> demanded. They were driven in a police Audi to a dark place where their clothing was offloaded into the officer's car. The complaint refers to the officers as Metro Police and records the registration of a Metro Police car with that registration number. The value of the clothing is recorded as R16 500. Four accused are recorded being Mr Mokgatle and 3 others, and in respect of each, a warrant is recorded as issued and cancelled."

Thank you, Commissioners.

ADV POOE: Thank you, Witness C. Now, Commissioners, we checked the identities of the three co-accused in the matter, and we have received confirmation that two of them were indeed JMPD officers. That is Mr Mdlalose and Mr Musi. And, Witness C, in relation to this case, do you know what happened with it?

WITNESS C: The case, Commissioners, was eventually withdrawn. We do not know the reasons for withdrawal thereof.

ADV POOE: Thank you.

ADV BALOYI SC: Ms Pooe, do we have first names for these two JMPD officers?

ADV POOE: Commissioner Baloyi, if we go to page 128 at

WC6, I think it contains their initials. The gentleman by the surname Mdlalose is Vusimuzi Victor. And the gentleman with the surname Musi, the name is Stephen. And Mr Ndlovu is Takalani Stephen.

ADV BALOYI SC: But Mr Ndlovu is not JMPD.

ADV POOE: Is not JMPD.

ADV BALOYI SC: Thank you.

ADV POOE: And then, Commissioners, you will see at page 129 that screenshot gives a synopsis of what the case was about in terms of the Criminal Administrative System. Witness C, can we then proceed to deal with 8.2, the second case?

WITNESS C: Thank you. This is a Moroka case, which is WC6, page 4 and 5:

> "Mr Mokgatle is recorded as an accused on a charge under section 1(1)(a)(ii) of the Intimidation Act 72 of 1982. The complainant is his wife. The complainant recorded that is that on Sunday 28 May 2017 at about 16:00 hours, he was at her grandmother's home in Phiri, where she was staying, when Mr Mokgatle came to visit their child. They discussed their divorce and an argument ensued, and he threatened to kill her, making references

to the Karabo murder case. The entry ends. It is not the first time he threatened to kill her."

ADV POOE: Thank you. Commissioners, if you go to page 131, you will see there the description of the case. And, Witness C, I am going to ask you just to read the allegations into the record on page 131 of the annexures.

WITNESS C: Thank you, Commissioners:

"It is alleged by the complainant that on Sunday the 28th of May 2017, at about 16:00 hours, she was at her grandmother's place, where she currently stays. Her husband, Johannes Mokgatle, came to receive their child. They also discussed their divorce, and that is when an argument ensued. He threatened to kill her. He also made a reference of the Karabo murder case, in that saying that what happened to Karabo will be worse than what he will do to her. It is not the first time he threatened to kill her."

Thank you, Commissioners.

ADV POOE: Thank you, Witness C. Can we then move to the next case, which is the Kliptown case?

WITNESS C: Thank you, Commissioners. This is Kliptown

case docket, which is WC6, and page, it is page 6:

> "Mr Mokgatle is recorded under the first name Tebogo, but with the same identity number, as an accused on a charge under section 62(1) of the Road Traffic Act 29 of 1989 of driving a motor vehicle that was not roadworthy. I attach no weight to this matter."

Thank you, Commissioners.

ADV POOE: Thank you. Then we can proceed to paragraph 9.

WITNESS C:

> "There are those three cases recorded against Mr Mokgatle's identity number that accords with what he wrote to Mr Mabusela on 18 March 2023, which I quote below: 'My ID number has three serious cases on it ...[vernacular] but I am a man of the law.' I am still in the process of checking for further cases using other identifiers."

ADV POOE: And, Witness C, when you say that you are still in the process of checking for other cases using other identifiers, what do you mean?

WITNESS C: Thank you, Commissioners. There are

various ways of checking on the system of other charges that might be linked with the suspect or a person of interest. If we look also on these three cases, if we go back to number nine, paragraph 9, he had used – sorry, Commissioners. On paragraph 8.3, he had used the name Tebogo, but the ID was his. So you might find that he might have been charged on other cases, but used different names. So through fingerprints, Commissioners, we can get other cases that are against his name. Thank you, Commissioners.

ADV POOE: Thank you. Commissioners, you will see what the witness is referring to if you look at page 132. You will see there that the accused name is recorded as Tebogo. And then when you look at the other two earlier cases at page 130 and 127, you will see his name there is recorded as Johannes. So the police used various means, whether it is ID or names and sometimes fingerprints, to try and source as many cases as possible. So in this instance, they only did the exercise using the ID number. Is that correct, Witness C?

WITNESS C: That is correct, Commissioners.

ADV POOE: Thank you. Then if we can proceed to paragraph 10?

WITNESS C: Thank you, Commissioners:

"Two of the three are relevant to this

> statement. The Brixton matter is an allegation that Mr Mokgatle and other officers used a marked vehicle, handcuffs and their powers of search to demand money from two members of the public and to take their goods. This is the same kind of abuse of office for private ends that appears from the communications dealt with below. The Moroka matter is an allegation that he threatened to kill his wife. It should be read with his message to Mr Mabusela quoted below, that the thought of one day are: 'really capable of' crosses his mind 'million times' when his partners 'starts with her nonsense'.

ADV POOE: Thank you, Witness C. Commissioners will deal with this chat in particular, this chat in detail, and you will see there what Mr Mokgatle and Mr Mabusela say. Witness C, if we can then go to the next paragraph, paragraph 11?

WITNESS C: Thank you, Commissioners:

> "The screenshots do not reflect how these cases were finalised or whether any other matter is pending against Mr

Mokgatle. Moreover, there is a recent case where Mr Mokgatle's vehicle was used in the commission of a crime, as per Booysens case number. A white 2008 Volkswagen, registered in his name, and his ...[indistinct] vehicle stopped, with a stolen date of 31 July 2024. Mr Mokgatle is not an accused in this matter."

ADV POOE: Thank you. Then we can go to the next topic, which is how Mr Mokgatle came to know the four accused.

WITNESS C: Thank you, Commissioners:

"Mr Mokgatle's own account in CJC442.1 is the following. In about 2008, he was part of a team formed in Johannesburg, which included JMPD members and SAPS members from Johannesburg Central and GP. Mr Tau was part of that team, and that is where they came to know each other. Both later joined the same group of bikers 'and we got even closer'. In 2018, he met Mr Molefe through Mr Tau at a funeral in Soweto. In 2021, he met Mr Kekana and Mr Mabusela again through Mr Tau, 'as his friends and I also became their friend'. He adds that Mr

> Mabule joined the biker group in 2014 and that about a week after Mr Tau's arrest, Mr Mabule was arrested in Thoyondou for possession of unlicensed firearms, one of which and its serial number filed off."

Thank you, Commissioners.

ADV POOE: Thank you, Witness C. Commissioners, if you go to CJC442.1, which is the smaller bundle, the witness made reference to paragraph 2, as well as paragraph 6 of Mr Mokgatle's statement. Witness C, you can then proceed to paragraph 13.

WITNESS C: Thank you, Commissioners:

> "The communications bear this out and show that the relationship went well beyond friendship. I deal with each relationship in 10."

ADV POOE: Thank you, Witness C. Let us deal with the first relationship, and that is the relationship between Mr Mokgatle and Mr Molefe. You can proceed to paragraph 14.

WITNESS C: Thank you, Commissioners:

> "The relationship between Mr Mokgatle and Mr Molefe appears from Mr Mokgatle's own statement, from the conversation between the two recovered

from Mr Molefe's handset, which is WC5, from what he and the accused say about 'K' in their conversations with one another, and from the events of 6 December 2024."

ADV POOE: Thank you, Witness C. You can proceed to paragraph 15.

WITNESS C: Thank you:

"The recovered conversation between Mr Molefe and Mr Mokgatle is short. Of 42 items, 27 came from Mr Mokgatle and 13 from Mr Molefe. For two, the direction is not recorded. The text of only eight messages is reflected in extraction reports, all of them sent by Mr Mokgatle. The remaining items are calls between the two, for which the report reflects the date, time and direction. What is reflected shows the following."

ADV POOE: Thank you, Witness C. Before you proceed, Commissioners, just for noting that Mr Molefe confirmed that Johnny is a friend of his in his affidavit in support of his bail application. The reference for that is CJC4.1 at page 138. And then, Commissioners, the chats we are about to deal with are at CJCWC5. I am going to ask that

we display the chats. Commissioner, you do not need to turn back. The extract is the one in your file.

ADV BALOYI SC: Do you want us to go to page?

ADV POOE: 319. Commissioners, what we did with the chat extracts, the page at the top, the red page number corresponds with the big file where all the chats are included. We also included a black page number at the bottom, and that is just for this particular bundle alone. So we will indicate whether it is the red or black page number every time we move.

So in this instance, we are dealing with the red page 319, and if you go forward to page 120 – 322, my apologies, the red 322, or the black 120, you will see the participants of the chat and you will see that the participants, the first number there is the same number that Johnny has listed in his statement, and the second number is the number of Mr Molefe.

And, Commissioners, you will note the witness indicated that there are a number of items that are blank, and a lot of them are incoming and outgoing calls. You will see that you will see it from the direction. It will tell you whether it is an incoming or outgoing and between the two.

ADV BALOYI SC: So, Ms Pooe, you say at 322, the first number, I may have misheard you. I thought you said the first number is Mr Mokgatle, and then the second number is

Mr Molefe. Did I mishear you? There is only one number reflected.

ADV POOE: Commissioner Baloyi, you are correct. The second number you will find, if you turn the page over, and if you look at the first entry there, it will give you the first number, which is Mr Mokgatle's number, and then it says from, and then you will see it says to. It will give you the second number, and that is Mr Katiso Molefe's number, the 0831. So those are the two participating numbers in this chat.

ADV BALOYI SC: All right, just for correctness. So at page 323, the first number is the same as the number at 322, so that is Mr Molefe's number.

ADV POOE: At 322, the one that ends with 70 is Mr Mokgatle's number.

ADV BALOYI SC: And at 323, it is the first number.

ADV POOE: Yes.

ADV BALOYI SC: Okay.

ADV POOE: Then the second number, the one that ends with 69, that is Mr Molefe's number.

ADV BALOYI SC: Sorry, unless I am not understanding something, I thought at 322 that is Mr Molefe's number, at 322, and then when you go to 323 that same number is the very first number, so that is Mr Molefe, and then the second number is different.

ADV POOE: Let me try and explain it again. If you go back to 322, you will see, think about that part of it as three columns. The one that indicates the date, the second giving one of the participants as incoming or outgoing, and then the third being another participant.

ADV BALOYI SC: Ja.

ADV POOE: So where it lists the first four number that ends with 70, that is Mr Mokgatle's number.

ADV BALOYI SC: Okay.

ADV POOE: And you will see it is all three of them are Mr Mokgatle's number, and then Mr Molefe is there, it is saved, so there is not a number there.

ADV BALOYI SC: Okay.

ADV POOE: But if you go to the next page, you will see the first one, the number that appears first as from is the same number that Mr Mokgatle gives in his statement, ends with 70, and then you will see it says to Mr Molefe, and then it gives a number that ends with 69. So that is the number.

ADV BALOYI SC: Okay, no, that works.

CHAIRPERSON: I get the explanation, but what is confusing is that at 322, under participants, you have Mr Katiso Molefe's name, and just below that, sort of bundled together, you have the name and the number that you say is Mr Johnny Mokgatle's. That is what is confusing. Do you see what I mean?

ADV POOE: Yes, Chair, I see it.

CHAIRPERSON: Yes.

ADV POOE: How we had interpreted is that the one is the – it is because this was an extract from Mr Molefe's phone, it gave us his name as one of the participants and the number he was communicating with.

CHAIRPERSON: Let us go by your explanation.

ADV POOE: Thank you, Chair.

CHAIRPERSON: Witness C?

ADV POOE: Thank you, Commissioner.

CHAIRPERSON: Can you also just explain, of the two numbers, which is which on your understanding?

WITNESS C: Thank you, Commissioners. On my understanding ...[intervenes].

CHAIRPERSON: Just mention the last two digits, not the whole number.

WITNESS C: Correct, Commissioners. The number that ends with 70 is that of Mr Johnny Mokgatle.

CHAIRPERSON: Yes.

WITNESS C: As the number that he gave to me when I obtained the statement from him.

CHAIRPERSON: Yes.

ADV POOE: And the number that ends with 69 is that of Mr Katiso Molefe. I also recorded when he gave me his warning statement, Commissioners.

CHAIRPERSON: Thank you. Let us go by that. Thank you, thank you, Witness C, and thank you, Ms Pooe.

ADV POOE: Thank you, Chair. Now, Witness C, let us proceed to then paragraph 15.1.

WITNESS C: Thank you, Commissioners:

> "Mr Mokgatle addresses Mr Molefe throughout as *Meneer*, or Mnr, which is an abbreviation of *Meneer*. On 24 October 2023 at 20:47, he wrote: 'Good evening, *Meneer*. I went to the optometrist today as per appointment that was set for me by certificate, and my asthenia gravis in my eye problem condition that the optometrist diagnosed me with.' And he sent three photographs. He was thus reporting to Mr Molefe on his side and the appointment that had been arranged or in by a ...[indistinct] 'certificate', whose identity is to be established. See red page 323."

Thank you, Commissioners.

ADV POOE: Commissioner, that chat appears at page 323 and it is chat 1. Witness C, you can proceed to 15.2.

WITNESS C: Thank you, Commissioners:

> "On 28 December 2023, he sent a video

with the message: 'it was nice spending Christmas Day with you, *Meneer*.'. On 1 January 2024, he wrote: 'Happy New Year to you, *Meneer*.' See red page 324."

ADV POOE: Commissioners, those two chats appear at page 324. It is chat 2 and chat 3. Witness C, you can proceed to 15.3.

WITNESS C: Thank you, Commissioners:

"On 28 April 2024 at 19:00 hours, 11 days after the arrest of Mr Tau, Mr Kekana and Mr Mabusela, he sent Mr Molefe a name and a cellular ...[indistinct] with that number. The subscriber of that number is to be established. See red page 324."

ADV POOE: Commissioners, that chat is chat number 6 at page 324.

CHAIRPERSON: And by this, do you mean that you are still going to find out who this Walibitso [?] is?

WITNESS C: That is correct, Commissioners.

CHAIRPERSON: Since when did you see this, or rather, when did you first see this chat?

WITNESS C: Commissioners, these chats, we saw them after the downloading of ...[intervenes].

CHAIRPERSON: Sorry, after?

WITNESS C: After the extraction of Mr Molefe's phone.

CHAIRPERSON: All right. Were any attempts made to establish who this is soon after you first saw these chats?

WITNESS C: There are attempts that we made, Commissioners. We have already applied for a section 205 on the number, Commissioner.

CHAIRPERSON: All right, all right. Thank you, thank you.

ADV POOE: Chair, we have also tried to establish the identity of this person. The number also appears in Mr Matlala's chats, and we received further information about the phone and where the phone is, so we can advise the Commissioners offline.

CHAIRPERSON: And Mr – I wanted to know, or you would rather say that offline, I wanted to know how Mr Matlala has saved the person. Does he also call the person Walibitso or someone?

ADV POOE: Yes, Chair, it says Walibitso.

CHAIRPERSON: Walibitso, all right, thank you.

ADV POOE: Witness C, you can proceed to 15.4.

WITNESS C: Thank you, Commissioners:

> "On 20 June 2024, 11 messages and calls passed between the two between 13:16 and 23:12. At 17:05, Mr Mokgatle sent Mr Molefe his banking details, J Mokgatle, FNB account number that. I

infer that Mr Molefe was to make payments to him. The reason for the payment is not apparent from the report. In CJC442.1, Mr Mokgatle states that Mr Molefe would give him R500 per vehicle for license renewals. See red pages 324 and 325."

CHAIRPERSON: Is it not practical to move between the statement and the chats? I am thinking, ja, because now Witness C is back to the statement. If you could not flight that and go back to the chats when we go back to the chats.

ADV POOE: Chair, there will just be a slight delay when we move through the different...

CHAIRPERSON: Thank you.

ADV POOE: But we can revert to the statement for now. When we deal with the more significant chats, we will request that we flight the chats instead of the statement.

CHAIRPERSON: All right, thank you.

ADV POOE: Then, Chair, the chat that the witness was talking about is at red page 325. You will see at chat 9, Mr Mokgatle sends his banking details to Mr Molefe, and Mr Mokgatle's explanation is at paragraph 4 of CJC442.1, where he indicates that Mr Molefe would normally give him money for renewals of his vehicle registration. Witness C, if we could then proceed to 15.5?

WITNESS C: Thank you, Commissioners:

> "The two exchange calls on 21 June, 10, 11, 12, 25, and 31 July, and 2 August 2024. On 11 and 12 July 2024, there were 14 calls over two days, eight of them from Mr Molefe. During this period, Mr Tau was in the middle of his second bail application. See red pages 325 to 327."

ADV POOE: Commissioners, if we go into the chats at page 325, you will see there that those are the calls, the various calls that happened between the two. It is at page 325, 326, and 327. Of significance there is that Mr Tau was granted bail on the 2nd of August. You will see there that is the last call that is recorded on the set of chats.

CHAIRPERSON: The inference being what?

ADV POOE: Witness C, can you explain what the significance of this is? What is the inference?

WITNESS C: Thank you, Commissioners. The inference is that Mr Mokgatle was working with Mr Molefe for the purpose of seeing to it that bail of Mr Tau is – he comes up with positive results to that, Commissioners.

ADV POOE: Chair, you will recall in the evidence of Witness A, Witness A, thereafter Mr Tau was granted bail, this was when he was – it was bail on new facts. He sent

messages to two individuals, one being Ms Fundiswa Nyangule, the partner, and the other one being Mr Mthakathi, and in those correspondence he indicated bail granted and then said, teamwork. Witness C, is that also what you are talking about, about the efforts to get Mr Tau out on bail?

WITNESS C: That is correct, Commissioners.

ADV POOE: Chair, we will get the specific reference from the chats. I will give you the page number for that communication.

CHAIRPERSON: Thank you.

ADV POOE: Witness C, if we can then proceed to paragraph 16?

WITNESS C: Thank you, Commissioners:

> "I draw two things from this conversation. First it confirms the closeness to which Mr Mokgatle himself deposes. He spent Christmas Day 2023 with Mr Molefe and reported to him on his medical condition. Second, the contact did not stop when the three accused were arrested on 17 April 2024. It continued, and in June 2024, Mr Mokgatle was furnishing Mr Molefe with his bank account number."

ADV POOE: Thank you, Witness C. If we could then

proceed to paragraph 17?

WITNESS C: Thank you, Commissioners:

> "In CJC442.21, Mr Mokgatle states, I am very close to Katiso Molefe. He states that Mr Molefe would, in most instances, ask him to do the license renewals for his vehicles and would normally give him R500 per vehicle for doing so. He says that when he was admitted to hospital on 4 November 2024, he informed Mr Molefe, who came to visit him there, and that on his discharge, he informed Mr Molefe that he would resume duty on 6 December 2024. A serving Metro Police officer thus kept Mr Molefe informed of when he would be back on duty. On that very day, Mr Molefe called on him, as I set out below."

ADV POOE: Thank you, Witness C. If you can go to paragraph 18?

WITNESS C:

> "The conversation between Mr Tau and Mr Mokgatle shows that, as far back as 2021, Mr Mokgatle was the person to whom Mr Tau turned when there was a

problem at Molefe's house, and that Mokgatle had a direct line to Mr Molefe."

ADV POOE: Thank you. Commissioners, for purposes of this section, if you can go to red page 53, black page 24? This is WC2. These are the chats between Mr Mokgatle and Mr Tau. For this section, I am going to ask that we display the chats. And, Commissioners, we are going to start at chat 7. Witness C, you can proceed with paragraph 18.1.

WITNESS C: Thank you, Commissioners:

"At 03:08 on 31 November 2021, Mr Tau wrote to Mr Mokgatle: 'Jonas, wait, ...[vernacular] I cannot bank on you, mara hey, I cannot be calling so many times and you do not bother. This is a problem at this place, and you hang up on me.' Later that morning..." ...[intervenes].

ADV POOE: Wait, Witness C, just one second. Witness C, I think you left one word out, but I am also just concerned that we are not displaying yet. Page 53. Red page 53.

CHAIRPERSON: Witness C, did you skip that last word because you cannot vocalize it? It is MXM.

WITNESS C: The one MXM, ja, I said, Commissioners, I said MXM.

CHAIRPERSON: The MXM.

WITNESS C: Yes, Commissioner.

CHAIRPERSON: I just did for you.

ADV POOE: Thank you, Chair.

WITNESS C: I did too, Commissioners. I did say MXM.

CHAIRPERSON: I did not hear you. Thank you, thank you.

WITNESS C: Thank you, Commissioner.

CHAIRPERSON: And what do you understand that to mean?

WITNESS C: It is a symbol of disappointment.

CHAIRPERSON: Or more annoyance, maybe, or not. I think more annoyance than disappointment.

WITNESS C: That is correct. That is a proper word, Commissioner.

CHAIRPERSON: Ja.

ADV POOE: Chair, that was at chat 7 at the bottom of page, red page 53. The paragraph continues to deal with red page 54. Witness C, you can continue from later that morning.

WITNESS C: Thank you, Commissioners:

> "Later that morning at 11:20, he sent the registration number ...[indistinct] and wrote: 'Sure, this is the reg of the car that was at K's house. Please check it.' At 11:29, Mr Mokgatle replied with the full vehicle circulation details for that

> registration, which was a white Volkswagen panel van registered to our claim department, department find ...[indistinct] with its engine number, chassis number, and the registered address."

ADV POOE: Before you continue, Witness C, if we can go back to the chats at page 54, red page 54?

CHAIRPERSON: Did you mention the chat number, Ms Pooe?

ADV POOE: I am about to.

CHAIRPERSON: All right. Sorry, sorry, sorry.

ADV POOE: No worries, Chair. Chat 1 is where Mr Tau sent the vehicle registration details. At chat 2, it is the message where he says this is the car that was parked at K's house and for Johnny to check it. At chat 3, Johnny responds with an emoji of a thumbs up. At chat 4, Johnny provides Mr Tau with the full particulars of that vehicle, and it says it is registered under the Department of Health. That is at chat 4. Witness C, you can proceed with the remainder of that paragraph from I understand.

WITNESS C: Thank you, Commissioners:

> "I understand this exchange to show that when an unfamiliar vehicle was seen at Mr Molefe's house in the early hours, Mr

> Tau expected Mr Mokgatle to respond immediately and that Mr Mokgatle used the police system to identify the vehicles for them. See red page, red pages 53 and 54."

ADV POOE: Thank you, Witness C. For the next paragraph, Commissioners, if you can turn to page, red page 57? Then, Witness C, you can proceed with paragraph 18.2.

WITNESS C: Thank you, Commissioners:

> "On 29 January 2022, Mr Tau asked Mr Mokgatle: '[Vernacular].' (Did K came back to you yesterday?) Mr Mokgatle replied: 'No, he did not, Daddy." See red page 57."

ADV POOE: Commissioners, the chats that we just dealt with are contained in red page 57. Chat 1 is ...[vernacular]. Chat 2, Johnny responds with: Hello, Michael. At chat 3, he responds and says: No, he did not, Daddy. And at chat 4, Mr Tau responds and says: Sure ...[vernacular] okay. Commissioners, the witness is not going to read paragraph 18.3 as it relates to one of those ongoing matters under investigation. But, Commissioners, we will advise the Commissioners in relation to which case that chat is about. Witness C, we can then proceed to paragraph 19.

WITNESS C: Thank you, Commissioners:

> "Mr Mokgatle's statement also describes an incident shortly before the murder of Mr Swart. He states that on 15 April 2024, he received from Mr Mabusela a picture of four unreturned vehicle registration numbers with a request to test them. He sent the numbers to his work WhatsApp group where they were tested. (He states that in most cases a SAPS member known as McDonald assists with testing). Mr Mabusela then sent him a message that he should send the ownership details of those registration numbers to Mr Katiso Molefe, and he did so. Later that day, Mr Mabusela sent a further registration number, which he declined to have checked because he felt that Mr Mabusela 'was now asking for too much'."

CHAIRPERSON: Ms Pooe, when you spoke about the material that is not going to be dealt with openly here, you said you would advise the Commissioners about that information offline, or I forget the word you used. Will that

be in camera, or what will, or how will that be done?

ADV POOE: Chair, we can do so through a supplementary statement or in camera if the Commissioners have any questions. All of the chats that the witness will not read out relate to the set of cases that Witness X testified to in camera.

CHAIRPERSON: All right.

ADV POOE: So it is a matter of just linking the chat with the particular case.

CHAIRPERSON: Ja. Perhaps the best would be a supplementary affidavit, and then we can take it from there.

ADV POOE: Will do, Chair.

CHAIRPERSON: Thank you, thank you.

ADV POOE: Commissioners, we are going to ask to display something, but before that, the paragraph where Mr Mokgatle, in his words, deals with the incident of providing details of car registration to Mr Molefe is contained in paragraph 3 of his statement. He does say that from the 15th of April 2024, he was sent a picture with various vehicle registration numbers and he was asked to check them. That is at paragraph 3.

This is consistent with the testimony of Witness A. You will recall, Commissioners, that during his testimony, Mr Molefe sent to Mr Tau the full details of various vehicle registration numbers. I am just going to ask that we display

the redacted versions because we did not extract it from your bundle. So you will see there that it is a WhatsApp communication between Mr Tau and Mr Katiso Molefe, and it indicates there on the 15th at 14:43, he receives a forwarded ownership check for that vehicle registration number from Katiso. This is now Mr Tau.

And the first one is sent at 14:43. Well, the second one is also 14:43, just if you go down. And then there is another that is sent on the following page. And then the last one is at the bottom of the next page. So those are the four that were sent by Danny to Mr Mokgatle, then Mr Mokgatle sends it to Mr Molefe, and that is in the lead-up to the murder of Mr Swart, which he referred to it as the scouting exercise that was happening and the identification of the target in the days before the murder. Witness C, can you confirm this?

WITNESS C: Thank you, Commissioner. I do confirm, Commissioners, that is how it took place.

ADV KHUMALO SC: Are you saying these vehicles were part of the scouting exercise? I am not sure what you are saying about them.

ADV POOE: Commissioner Khumalo, the Witness A testified that they were doing two things at the time from the 15th. It was both the scouting and the identification of the target. And in that exercise, between Mr Tau and Mr

Molefe, they were exchanging vehicle registration details as well as pictures and addresses. So in this instance, Mr Mokgatle was indicating that he was asked to look at the vehicle registration details, which he admits to have sent to Mr Molefe, who then sent to Mr Tau.

ADV KHUMALO SC: I am still not sure if you are saying these four vehicle registration numbers were linked to the scouting exercise or to the Armand Swart murder, or they are completely unrelated.

ADV POOE: Remember, Commissioner Khumalo, the Witness A testified that they were trying to get the target, and so what they were sharing between them was either the vehicle registration details, and in another instance they were sharing photographs of Q-Tech employees. So this is part of that exchange of information. Witness C, you can proceed to paragraph 20.

WITNESS C: Thank you, Commissioners:

> "On Mokgatle's own version, therefore, two days before the arrest of 17 April 2024, he obtained, through police channels, the ownership particulars of four vehicles at the request of one of the accused, and delivered those particulars to Mr Molefe. He stated that he did not ask why they were wanted. On 15 April

2024, Mr Molefe forwarded the vehicle ownership details to Mr Tau. At the time, Mr Molefe and Mr Tau were still trying to identify the target within Q-Tech, Mr Swart's employer."

ADV POOE: Thank you, Witness C. Commissioners, again, Mr Mokgatle's explanation is contained in paragraph 3 of CJC442.1. You will see there he says that he did not ask the reasons why they wanted the information. He thought they were trying to buy a car, is what his explanation. Then, Witness C, you can proceed to paragraph 21.

WITNESS C: Thank you, Commissioners:

"I turn to 6 December 2024, the day of Mr Molefe's arrest."

ADV POOE: You can proceed to 21.1.

WITNESS C: Thank you, Commissioners:

"Sergeant Zwane states that on Friday 6 December 2024 at 10 o'clock, Mr Mokgatle reported on duty with his shift. He did the postings for the day but did not post Mr Mokgatle 'due to his health condition.' He spent two to three hours in the office with him and then sent him home to rest, 'as he was not fit for duty.'

> Mr Mokgatle left at about 12:30 in a JMPD vehicle, a white BMW with that registration number. Sergeant Zwane is not aware of any complaint that Mr Mokgatle attended that day, 'as he was unfit for duty.' The shift roster attached to this police statement reflects the vehicle with registration number."

ADV POOE: Thank you, Witness C. Commissioners, if we go to CJC442.2, which is that smaller bundle, you will see the second document is the statement of Officer Zwane. He deals with Mr Mokgatle's unfitness to go to work at paragraphs 2 and 3 of his statement. He then indicates at paragraph 5 that he was unaware of any complaint that Mr Mokgatle would have attended to, as he was unfit for duty. That is at the bottom of that page.

And then you will see the duty roster, which confirms the vehicle allocation at, it is the last page of that statement, just before CJC442.3, and you will see Mr Mokgatle there is listed as number 6. Witness C, you can proceed to paragraph 21.2.

WITNESS C: Thank you, Commissioners:

> "Superintendent Hoosen confirms that Mr Mokgatle reported for duty at 10:00, and owing to ill health, was sent home at

> 12:30. He was released with an unmarked white BMW patrol vehicle with registration number that, and that he 'did not report to me any incidents that occurred after being released from his duties.'

ADV POOE: Thank you, Witness C. Commissioner, the statement of Superintendent Hoosen is CJC442.3. You will see he says exactly what the witness has indicated in the second and third paragraph of his statement. The paragraphs are not numbered, but it is the second and the third. Thank you, Witness C. You can proceed to 21.3.

WITNESS C: Thank you, Commissioners:

> "Mr Mokgatle's account in CJC442.1 is that after reporting on duty, he received a telephone call from Mr Molefe, who told him that there was a suspicious BMW X3 in his street, a few houses from his house. He drove to Mr Molefe's house at number that. Mr Molefe got into his vehicle and he drove Mr Molefe to where the BMW X3 with that registration number was parked. Before approaching the vehicle, he tested its registration number. He then alighted, leaving Mr Molefe in his

car and approached the occupants. The driver introduced himself as Constable Mashego of the SAPS. Mr Mokgatle returned to his car, told Mr Molefe that it was a SAPS vehicle, and dropped Mr Molefe at his house. Later that day, Mr Molefe's son, Neo, telephoned to tell him that Mr Molefe had been arrested."

ADV POOE: Thank you. Commissioners, you will see that Mr Mokgatle provides this explanation in CJC442.1 at paragraph 8 and 9 of that statement. Witness C, you can proceed with paragraph 22.

WITNESS C: Thank you, Commissioners:

"Mr Mokgatle says that after dropping Mr Molefe, he left and continued with his routine patrols. That cannot be reconciled with the statements of his two supervisors. He had not been posted to any patrol. He had been declared unfit for duty and sent home to rest. He attended no complaints and reported no incidents. What the three statements together establish is that an officer who was released from duty on ground of ill health in a JMPD patrol vehicle went to

> Mr Molefe's call to Mr Molefe's house. He carried Mr Molefe in that vehicle, ran the registration number of the vehicle that was keeping Mr Molefe under observation, confronted its occupants, and reported back to Mr Molefe that they were police. Mr Molefe was arrested the same day. In my view, this was not police work. It was counter-surveillance on behalf of the subject of a police operation carried out with police resources."

ADV POOE: Thank you, Witness C. Commissioners, you will see at paragraph 9 of Mr Mokgatle's statement, he says that I left and continued with my routine patrols. Chair, I see that it is 11 o'clock.

CHAIRPERSON: Let us adjourn and resume at 11:30.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes, Ms Pooe.

ADV POOE: Thank you, Chair. Witness C, if we can go back into your statement. You need not read paragraph 23, it is not relevant, but can we go to paragraph 24 of your statement?

WITNESS C: Thank you, Commissioners.

> "The conduct of 6 December 2024 was not an isolated lapse. It is the same service that Mr Mokgatle had rendered on 21 November 2021, when he ran the registration of the vehicle seen at "Ks house"."

ADV POOE: Thank you. Commissioners, we are going to move on to the next relationship, and that is the relationship between Mr Mokgatle and Mr Kekana. For purposes of that, I am going to ask that we go to WC1. Those are the extracted chats between Mr Kekana and Mr Mokgatle. And then, Witness C, you can continue to paragraph 25.

WITNESS C: Thank you, Commissioners.

> "The conversation between Mr Kekana and Mr Mokgatle, WC1, is the shortest of the three, but its opening exchanges, in my view, are among the most revealing of all the communications. The two address each other as "my brother", "abuti", and "Musasa"."

ADV POOE: Thank you, Witness C. Commissioners, if you go to page 4 of those chats, you will see at chat 3 the reference to 'my brother' when they are talking to each other, my outie and my brother. That is at chats 3, 5, and

6, for an example. Witness C, you can continue to paragraph 26.

WITNESS C: Thank you, Commissioners.

> "On 16 January 2022, Mr Mokgatle greeted Mr Kekana, and the following exchange took place."

ADV POOE: Witness C, did you change devices or put in headsets or something?

CHAIRPERSON: Your voice is... Oh, now it sounds fine now. It was muffled.

ADV KHUMALO SC: Please read the paragraph again.

WITNESS C: Okay, Commissioners.

> "On 16 January 2022 ...[intervenes]"

CHAIRPERSON: Are we projecting the chats now? What should we do? Ms Pooe, please lead us.

ADV POOE: Chair, we are projecting the chats. For purposes of this section, I am going to ask that we just leave the chats on, because for the next paragraphs, we are dealing specifically with the chats.

CHAIRPERSON: Thank you, thank you.

ADV KHUMALO SC: The transcript did not capture his reading of paragraph 26, so can you just read it again?

ADV POOE: All right, thank you. Witness C, can you start with paragraph 26 again?

WITNESS C: Thank you, Commissioners.

"On 16 January 2022, Mr Mokgatle greeted Mr Kekana, and the following exchange took place ...[intervenes]"

CHAIRPERSON: Something went... There is something with your voice again, Witness C. Something went wrong. Are you able to tell from where you are as to what could possibly have gone wrong?

WITNESS C: Commissioners, I am not sure what has gone wrong. I have not changed the position, and I have not changed the headsets. I am using the headsets at the beginning, Commissioners.

CHAIRPERSON: Okay. Please face your device directly. If you are looking at chats, try to position them such that you do not speak away from your device.

WITNESS C: Okay, Commissioners.

ADV POOE: Witness C, if we can then move to the first subparagraph, the 26.1, and then, Commissioners, you should follow in the chats at chat 7 on page 4. Witness C, you can go from paragraph 26.1.

WITNESS C: Thank you, Commissioners.

"At 13.15, Mr Kekana wrote: "I had a word with the commander the other day." Mr Mokgatle replied: "He called me yesterday, telling me about it." Still at page 4."

ADV POOE: Thank you, Witness C. Witness C, who is commander? Have you established who commander is in this conversation?

WITNESS C: Commander, it is Mr Tau.

ADV POOE: Thank you, Witness C. And how was this established?

WITNESS C: The other communications, when he had been chatting with Musa Kekana or Johnny Mabusela, they would always refer here to him as commander.

ADV POOE: Thank you. You can then proceed. Commissioners, the chats in question are contained at chat 7 and 8 of page 4. You can proceed to paragraph 26.2.

WITNESS C: Thank you, Commissioners.

> "At 13.17, Mr Kekana wrote: "When something or someone is missing from the equation, you can see it." Mr Mokgatle answered: "Since then been feeling otherwise, about my place in his heart and firm, yes ke flopile [I messed up] and I did admit to my flaws." And "Yes, I feel like an orphans since then." 3 at page 5."

ADV POOE: Thank you, Witness C. Commissioners, the witness has just gone through chats 2, 3, and 4. Now, Witness C, there is reference there to a firm, where Mr

Mokgatle responds at chat 3 and says yes, ke flopile, I did admit my flaws. But before that, he says, since then, I have been feeling otherwise about my place in his heart and the firm. What do you understand to be 'a firm' or reference to a firm?

WITNESS C: Thank you, Commissioners. The firm, I reference it to their group.

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

CHAIRPERSON: They are, being who?

WITNESS C: Thank you, Chair, they Johnny Mokgatle, [indistinct] Mabusela, Musa Kekana, Tau Pule, and Kagiso Molefe, Commissioners.

CHAIRPERSON: Thank you. And the entire conversation that you just quoted, do you have any idea what this is about? If you do not, I will understand perfectly. Starting with:

> "When something or someone is missing from the equation, you can see it. I have no idea what that is about. And then even the response, since then, I have been feeling otherwise about my place in his heart and firm. I have no idea who he is. Yes, flopile and I did admit to my flaws. I feel like an orphan since then."

Do you have any idea as to what this is all about? As I say,

if you do not, if you do not, I will understand.

WITNESS C: Thank you, Chair. Drawing inference from the communications, my conclusion came to say that he might have said something, he made a joke with which Mr Tau did not like it. So he felt that he was being punished for that.

ADV POOE: Chair, it may become better as we proceed with the chats, because this set of chats needs to be read with the chat set ...[intervenes]

WITNESS C: Must I proceed?

ADV POOE: No, witnesses, you do not need to proceed. Just one second.

WITNESS C: Thank you.

CHAIRPERSON: Is your mic on?

ADV POOE: Yes.

CHAIRPERSON: Oh, all right. Chair was saying that this set of chats between Mr Mokgatle and Mr Kekana needs to be seen or read with the chats between Mr Mokgatle and Mr Tau, where you will see that there was a disagreement between the two. And in this instance, Mr Mokgatle is talking about that disagreement that Mr Mokgatle is having with Mr Tau in this chat.

Then we will go to where Mr Mokgatle and Mr Tau talk about this very disagreement, and then we will make sense of what is happening between all of them. But in

relation to the firm, Commissioners, I just wanted to say that we will recall in the testimony of General Khumalo, he indicated that another name for this organised grouping, that he termed the Big Five, was the firm. I will get the reference to that from his statement.

CHAIRPERSON: Thank you very much for the clarification, Ms Pooe.

ADV POOE: Witnesses, you can proceed with the next paragraph, 26.3.

WITNESS C: Thank you, Commissioners.

> "Mr Kekana wrote that: "He also took it far, he could have easily just called you without involving the old man." And [indistinct] him: "You cannot feel like that while you have a family." "That is your family that." "What is done is done. Go home, my brother. That is your family." Mr Kekana added that he felt responsible: "I feel if maybe I did not call him, all this would not have happened. At the same time, I got spooked, but did not think he would take it that far." [indistinct] at pages 5 and 6."

ADV POOE: Commissioners, you will see the witness just read chats 5, 6, and then on page 6, chat 1. Now, Witness

C, in chat 5, where Mr Kekana says he could have dealt with it without involving the old man, who do you understand the old man to be?

WITNESS C: Thank you, Chair. I understand, it is twofold, I understand that the old man might be Kagiso Molefe or Mr Motsumi.

ADV POOE: Right, thank you. Now, in 2022, Mr Mswazi was still alive then. Is that correct?

WITNESS C: That is correct, Commissioners.

ADV POOE: Because we have heard evidence when reference was made to the old man as reference to him. Is that also a possibility?

WITNESS C: That is one of the possibilities, Commissioners.

ADV POOE: Thank you. If we can continue with the chats at paragraph 26.4.

WITNESS C: Thank you, Commissioners.

> "Mr Mokgatle replied: "I also feel he was too judgemental. Only you and Danny understood my point of view, that I was only joking", and explained that he had given Mr Kekana a fright, had cut the call and had not come back to him "to clear the space and tell you that I was joking". The exchanges end with "one love, one

way". Stay at pages 6 and 7."

ADV POOE: Thank you, Witness C. Commissioners, for this to make sense, because we only took certain parts of the chats, perhaps if we can go to red page 6. The first chat that the witness referenced is chat 4, where Mr Mokgatle wrote:

> "Ja, I understand, abuti, but I also feel like he was too judgemental. Only you and Johnny understood my point of view, that I was joking."

Mr Kekana responds and says:

> "Shap, why did not he be judgemental without telling the old man?"

To which Mr Mokgatle responds:

> "You do not have to blame yourself, because I gave you a fright and cut our call, did not get back to you to clear the space and tell you that I was joking. Do not take it personally."

He then also sends, at chat 7, the emojis of a fist bump, prayer hands and shaking hands. And then, Commissioners, at page 7 is where they end the chat with Mr Kekana saying, 'one love', at chat 1, and Mr Mokgatle saying, 'one way', with an emoji at chat 2. Witness C, you can continue to paragraph 27.

WITNESS C: Thank you, Commissioners.

> "This exchange must be read with a message that Mr Mokgatle had sent to Mr Tau four months earlier, on 18 September 2021, which I quote below when dealing with Mr Tau, in which he apologises for a stupid joke or mistake and vows that he will never betray his family read together. I understand the two exchanges as follows. In September 2021, Mr Mokgatle said something, which he after was described as a joke, that alarmed Mr Kekana (I got spooked). Mr Kekana reported it to another member of the group, who took it to the old man. As a result, Mr Mokgatle was put out of favour. He describes his loss as a loss of his place in his heart and firm. Mr Kekana's advice is that he should go home because "that is your family"."

ADV POOE: Thank you, Witness C. Commissioners, reference is made to communication that Mr Mokgatle sends to Mr Tau. If you can go to page, red page 37, in WC2, at chat 3 and 4, you will see the two apologetic messages that Mr Mokgatle sends to Mr Johnny in September. And then,

Witness C, just to clarify, you do not know what the joke or the issue was specifically?

WITNESS C: That is correct, Commissioners.

ADV POOE: Thank you. Now, you deal with the significance of these chats at paragraph 28, can you take the Commissioners through that?

WITNESS C: Thank you, Commissioners.

> "The words used are significant. As previous Witnesses have explained, the Big Five is also known as the Firm. A JMPD officer here speaks of having a place in the Firm, of a commander and an old man to whom he answers, and of feeling like an orphan when excluded. In the communications generally, the commander is Mr Tau. In Mr Tau's own conversations, however, the commander is Mr Molefe. The old man, in this exchange, seems to be Mr Mswazi."

ADV POOE: Thank you, Witness C. Now, if we can move then to paragraph 29 of your statement.

WITNESS C:

> "The balance of the conversation shows the two in regular and familiar contact."

ADV POOE: Commissioners, for this part, if we can go

back to WC1 at red page 9. Witness C, you can proceed with paragraph 29.1.

WITNESS C: Thank you, Commissioners.

> "On 21 February 2022, Mr Mswazi asked: "Did you get those guys last night?" And Mr Kekana replied: "I spoke to commander last night." See red pages 9 and 10."

ADV POOE: And, Commissioners, that is chat 7 at page 9, and chat 1 at page 10. Witness C, have you been able to establish what Mr Mokgatle and Mr Kekana are talking about in this chat?

WITNESS C: Mmm... Commissioner, not on top of my head right now, Commissioners.

ADV POOE: Okay, thank you. If you can then proceed to 29.2.

WITNESS C: Thank you, Commissioners.

> "During May 2022, Mr Kekana arranged gas and tyres for Mr Mokgatle. On 20 May 2022, Mr Mokgatle asked: "Areng Tebogo", which means what does Tebogo say?" And Mr Kekana undertook to call him. See red pages 11 to 6."

ADV POOE: Witness C, in the chats, reference to gas, if we go to page 11 at chat 4, you see Mr Kekana writes to Mr

Mokgatle:

"I am not around, I am in Free State, you will have your gas on Wednesday morning."

Is that one of the chats you are referencing there?

WITNESS C: That is correct, Commissioners.

ADV POOE: Then if you proceed, the conversation about tyres is at page 14 at chat 2 and 3, where Mr Kekana says:

"Which should he take, Bridgestone or Dunlop?"

And then the next message just says:

"Bridgestone"

Is that the conversation you are referencing?

WITNESS C: That is correct, Commissioners.

ADV POOE: And then if you go to page 15 at chat 6, you will see that there, Mr Mokgatle says:

"Areng Tebogo"

What is Tebogo saying, and then Mr Kekana responds and says:

"Let me call him."

Is that the other chat you are referencing in that paragraph?

WITNESS C: That is correct, Commissioners.

ADV POOE: Now, what is the significance of these chats that you reference in this paragraph?

WITNESS C: Commissioners, we all know that Mr Kekana

deals with stolen vehicles and past [indistinct] and with this, it shows that Mr Mokgatle benefited also from the proceeds that, like, he benefited by getting the tyres from Mr Kekana.

ADV POOE: Okay. Now, I do not recall if we have heard testimony of Mr Kekana's dealings. Are you saying that from your investigations he has been identified as dealing in these items?

WITNESS C: That is correct, Chair, Commissioners. In our investigation, yes, it has been depicted or we can discover that he deals in stolen vehicles and parts thereof. Even when on his arrest, he was arrested on the 17th of April going to collect also a ring for a Mercedes-Benz. And upon his arrest at his house, there were vehicles that were reported stolen, that we found, Commissioners.

ADV POOE: Thank you, Witness C. And then, is there any relevance to the chat that references a Tebogo?

WITNESS C: Not that I recall from the top of my head, Commissioners.

ADV POOE: Thank you, Witness C. Then, at paragraph 29.3.

WITNESS C: Thank you, Commissioners.

> "On 23 October 2023, Mr Mokgatle described himself as: "Staying home and keeping quiet, bra." Mr Kekana replied: "What else can we do?" Asked to

whether he was coming to the funeral, Mr Mokgatle confirmed he will be there. See pages 19 and 20."

ADV POOE: Thank you, Witness C. Commissioners, if you go to page, red page 19, you will see there, from chat 5, Mr Kekana says, oh, at chat 4, Mr Mokgatle says:

"Fede, wuzzet?"

And at chat 5, Mr Kekana responds and says:

"Sho Sho, brother."

At chat 6, Mr Mokgatle says:

"Long time, man."

And then at chat 7, Mr Kekana says:

"Very long, how are things?"

To which Mr Mokgatle responds at chat 8, saying:

"Staying home and keeping quiet, my bra."

And at the next page, at page 20, at chat 1, is where Mr Kekana says:

"What else can we do?"

And at chat 2, asks:

"Are you coming to the funeral?"

To which Mr Mokgatle responds at chat 3, by saying:

"Yes, abuti, I will be there."

And Mr Kekana then says, at chat 4:

"I will see you there, my brother."

Now, Witness C, are you, in this paragraph, what is the significance of these chats?

WITNESS C: Thank you, Commissioners. I am trying to check on my notes, Commissioners, I cannot, I am no longer recalling exactly what transpired then.

ADV POOE: And in here, are you trying to also show us the closeness of the two individuals, that is Mr Mokgatle and Mr Kekana?

WITNESS C: True, Commissioners, also they speak to each other as family members and they also attend funerals together.

ADV POOE: Thank you, Witness C. If you can then proceed to paragraph 29.4.

WITNESS C: Thank you, Commissioners.

> "On 13 and 29 March, less than three weeks before their arrest, the two exchange messages about their health, Mr Mokgatle, having had operations on both eyes. See red page is 20 to 23."

CHAIRPERSON: And that is March 2024. I think you did not mention the year.

WITNESS C: Oh, apologies, Chair. Ja, on 13 March, 13 and 29 March 2024, Chair.

ADV POOE: And, Commissioners, if you look at page 20, starting at chat 7, you will see there that Mr Mokgatle says:

"Good evening"

To Mr Kekana. And he responds at chat 8 with:

"Wola Wola."

On page 21, Mr Mokgatle asks:

"How are you feeling, bro?"

Chat 2, Mr Kekana responds and says:

"I am a lot better, my brother, back to life."

Mr Mokgatle responds with some emojis of, I think, prayer hands and a fist, a closed fist. Then that is at chat 3, at chat four, Mr Mokgatle says:

"A re phele mei broer"

And then at chat 5, oh no, my apologies. I read it incorrectly. It is:

"A re phele mei broer"

CHAIRPERSON: That is what I was trying to whisper to Commissioner Baloyi.

ADV POOE: I was hoping Commissioner Baloyi would rescue me.

CHAIRPERSON: Why not me?

ADV POOE: My apologies, Chair. You too, look to Commissioner Baloyi. Then at chat 6, Mr Mokgatle says:

"Ei le nne ntse ke nxentga this eyes, I ended doing operation last month on both of them"

And he then also sends a picture at chat 7. On the next page at chat 1, Mr Kekana asks:

> "Are they better now? Can you see?"

At chat 2, Mr Mokgatle responds and says:

> "They better open now, though still itchy, but I can at least drive 200 kilometres an hour."

That is also included two emojis there that I cannot make out. Again, Witness C, is this to demonstrate the closeness of the two individuals?

WITNESS C: Ja, this is also to demonstrate that they are very close. And as we can see that this time is the time when also Kekana, as we heard also in Court, that he was previously admitted to hospital. It was during this time, Commissioners, and indeed, they are really sharing their medical conditions.

ADV POOE: Thank you, Witness C. Now, if we can proceed to paragraph 30.

WITNESS C: Thank you, Commissioners.

> "Mr Mokgatle's WhatsApp status updates will be received on Mr Kekana's handset up to 1st April 2024, and on Mr Tau's handset up to the day of the arrest. That will be C4. On 29 March 2024, he posted: "You got the bullets, but I got the

> gun." On 17 April 2024, at 14.27, the day on which Mr Tau, Mr Kekana, and Mr Mabusela were arrested, he posted: "[Indigenous language]", which the investigation understands to mean I am now being trampled upon by my homeboys that I grew up with. See red pages 298 and 318."

Thank you, Commissioners.

ADV POOE: Commissioners, just to say that at page 298, you will see this, the WhatsApp status is at chat 5. So we know it is a WhatsApp status because you see underneath it, it just says 'status at broadcast'. The other statements, the other status that the ...[intervenes]

ADV BALOYI SC: Sorry, Ms Pooe, what are we looking at?

ADV POOE: At number 5.

ADV BALOYI SC: Sorry, you say at 298.

ADV POOE: At 298, look at number 5. The witness is referencing the way Mr Mokgatle posted, you got the bullet, but I have got the gun.

ADV BALOYI SC: Okay.

CHAIRPERSON: I do not know, fourth last line, paragraph 30, it should be Zangagiti [?], I do not know whether it is misspelled deliberately following what is in the original, I do not know, but it should be Zangagiti.

WITNESS C: Correct, Commissioner, it is misspelled on the chat itself, Commissioner.

CHAIRPERSON: It is misspelled even in the chat itself at page 318.

ADV POOE: Yes, 318.

CHAIRPERSON: Where I used to work, we would correct patent errors, but anyway, that is not, that is in my history.

ADV POOE: Chair, I am and the witness, I know it is also not Nguni speaking, so we struggled through this. We apologise.

CHAIRPERSON: No problem.

ADV POOE: For continuing the error. It is at page 318 and it is item 2. Witness C, this one, this status update in particular is posted on the day that Mr Tau, Kekana and Mabusela are arrested. What did you make of this status update?

WITNESS C: Thank you, Commissioners. I believe this, Commissioners, to be that he was indicating that they have used him in obtaining the registration numbers of the vehicles for Q-Tech employees when they were still doing the surveillance and that he did not benefit from the heat, as he usually would benefit on all the other things that they do. Thank you, Commissioners.

ADV POOE: Thank you, Witness C.

WITNESS C: If I should add on the language, maybe it is

[indigenous language], Commissioners.

ADV POOE: Okay, Witness C. Thank you. Before, Commissioners, we move to the next sub-topic, dealing with the relationship between Mr Mokgatle and Mabusela, I would like to return to the issue of Wa Letbitso. And, Commissioners, I will just request some leeway so that I can deal with some of the background to try and make sense of this. Witness C, at paragraph 15.3, which is at page 9, Commissioners, dealt with this chat where 11 days after the arrest of Mr Tau, Mr Kekana, and Mr Mabusela, he sent Mr Molefe a name and a cellular number. The name was Wa Letbitso.

And at that time, the witness indicated that the subscriber of that number is yet to be established. Now, in front of you, or it should be about to be handed up, we indicated that Mr Matlala also communicated with a number that he saved on his phone as Wa Letbitso as well. So, we would like to include this into the record as CJC532.6. So it will join the big chat bundle. You will note there that the number is not the same number as that that was sent by Johnny to Mr Molefe. This is a different number. But what is the same is the name Wa Letbitso.

Now, before dealing with the chats, it is important to highlight the following aspects. Mr Kekana, Tau, and Mabusela had been arrested for Swart murder on the 17th of

April 2024 and remained in custody with the exception of Mr Tau who was released on the 2nd of August 2024 for a short period until he was rearrested on the 20th of September 2024 for violating bail conditions. Mr Kekana and Mabusela were also charged with attempted murder of Ms Thobejane and had their first appearance on 11 March 2025. Now, that is the case where they are charged with Mr Matlala.

Mr Molefe was also in custody for the murder of Mr Swart and had not yet been granted bail. He was arrested on the 6th of December 2024. Mr Matlala was not yet arrested for the attempted murder of Ms Thobejane. He was only arrested on the 14th of May 2025. Now, if we can then look at the chat itself, particularly if we can look at the page with the big black rectangle which is page 4 or the fourth page because we have not paginated them as yet. You will see that there is a call that is made by Kat to which Wa Letbitso responds and says, it is at, on the 1st of April 2025, can you see that, at 22.30.30, Wa Letbitso responds and says:

> "Please type, it is late to answer phone calls."

And the next message Wa Letbitso sends is at 22.30.42 and says:

> "Who is this?"

In response at 22.31 Mr Matlala responds and says:

"Wanted to talk to Danny, it is okay I will call tomorrow."

And then you will see at 20.31.16 Mr Matlala then also sends a message:

"I will also send you guys airtime."

Then the next chat at 22.32.04 Wa Letbitso says:

"I did show him this text and missed call and that he also asked me that who is this?"

Then Mr Matlala responds and says:

"Tell him it is Wa Letbitso."

Then you see the next chat where he says:

"Okay let me go to give him, give me one minute."

ADV BALOYI SC: We know this is Mr Matlala's phone because when he was here he confirmed that the Apple iPhone 16 Pro Max is his phone.

ADV POOE: Yes, one is that it is his phone and also I think in the testimony of General Khumalo he explained the use of the name Dlamini which was tied to the Eswatini identification card. Now, one of the suspects that is arrested in both instances with Mr Molefe and Mr Matlala is Johnny Mabusela.

ADV BALOYI SC: Now, I just wanted to put Just so that there is no confusion, where Dlamini responds tell him it is

Wa Letbitso is it suggested that Dlamini is Wa Letbitso?

ADV POOE: Commissioner Baloyi, I am going to put it to the witness to explain, what we suspect is that it is the alias that they use when communicating with the inmates. Witness C, yesterday during the consultation you suggested that this Wa Letbitso person or rather alias is used in prison phones. Do you recall that?

WITNESS C: I recall, Commissioners.

ADV POOE: And now having heard this communication that is outlined between Mr Matlala and a person saved on his phone as Wa Letbitso, are you able to comment on whether or not you still have the same suspicion or suggestion that this is a prison phone?

WITNESS C: I can comment that it was the prison phone and when I recall, it is the time that Mr Matlala was looking for Danny's, Mr Mabusela's daughter's number, so I can confirm definitely that it was with Mr Matlala talking to Danny in prison.

ADV POOE: Thank you. So Commissioners that was just to show that Wa Letbitso is an alias used both by Mr Molefe and Mr Matlala and in both instances Mr Mabusela, Tau and Kekana were incarcerated at the time.

ADV BALOYI SC: I do not know if you were going to come back to it, what do we make, given the explanation that you are giving now, do we make anything of the logs on the left

hand side and there is one that is very specific:

"Wa Letbitso Mswazi Ka Sobuza"

How does that explanation relate to what you are saying on the right?

ADV POOE: We understood that to be how Kat's profile was named in his WhatsApp. Is that correct, Witness C? The Mswazi Ka...

WITNESS C: Ka Sobuza.

ADV POOE: Yes.

WITNESS C: That is correct, Commissioners..

ADV BALOYI SC: So that which I am referring to there, Wa Letbitso and Mswazi Ka Sobuza, do you understand that to be a conversation between Mr Mswazi and Mr Matlala?

ADV POOE: No.

ADV BALOYI SC: I am just trying to understand what we say these communications or who are the people that we say are represented here.

ADV POOE: So these are two WhatsApp profiles. The Wa Letbitso is what Mr Matlala has saved this number as in his phone and he... and then Kat has two, Mr Matlala has two WhatsApp profiles, one of them he has written Mswazi Ka Sobuza, so this is a conversation between a number that he has saved as Wa Letbitso and his own profile which is Mswazi Ka Sobuza. So that that is the Dlamini that is speaking in that conversation.

ADV BALOYI SC: I am going to pretend I understand.

ADV POOE: I am sorry, Commissioner Baloyi, I do not know if I can do better.

CHAIRPERSON: What may... Ms Pooe, what perhaps may give us some sense of comfort that this is possibly not a reference to Mr Msibi or Mswazi as he was also known. It is a fact that the date there is 15 May 2025 and Mr Msibi died in January 2025.

ADV POOE: Yes, Chair, that is so. And then, Commissioners, you will see on the following page where it lists the two participants. It is Wa Letbitso and Dlamini, the two participants in this chat. Witness C, if we can return to your statement. We are dealing with the next relationship which is the relationship between Mr Mokgatle and Mr Denny Mabusela.

WITNESS C: Thank you, Commissioners.

ADV POOE: Commissioners, for this section, I am going to ask that we go to WC3.

CHAIRPERSON: Please skip, do not go to page 188 with those graphic photographs.

ADV POOE: Chair, the sensitive multimedia was redacted but not on your copies, unfortunately, I am sorry. Witness C, if we can then proceed to paragraph 31.

WITNESS C: Thank you, Commissioners.

"The conversation between Mr Mokgatle

and Mr Mabusela, WC3, covers some 17 months. The two were in contact almost daily. Mr Mokgatle addresses Mr Mabusela as Gustavo, Danny Boy, Grootman, and Danny Dangerous. Mr Mabusela addresses him as Pablo, Rajoni, and Joe. I deal with the conversation under five headings."

ADV POOE: Thank you, Witness C. Commissioners, we are going to deal with this first heading, which is to deal with their bond and their work. The first chat we are going to deal with is at red page 196. So if we can display that while the witness goes to paragraph 32.1. Witness C?

WITNESS C: Thank you, Commissioners.

"On 11 November 2022, Mr Mabusela wrote: "Brotherhood is something sacred. Keep it if you find it, because these days is very rare. Some will go through their lives without experiencing it." Mr Mokgatle replied: "So true. We are fortunate and unfortunate to experience the real test of life that we have seen in the movies and read about in the books." This is found on pages 13 and 14, red pages 196 and 197."

ADV POOE: Thank you, Witness C. Commissioners, you will see the chat there at the second half of page 196 is where Mr Mabusela talks about brotherhood and Mr Mokgatle's response is on the second page. You will see he replies to the text, so it is quoted above and then he says:

> "So true. We are fortunate to experience the real test of life."

Then, Witness C, just on page 197, you will see there is a picture of three gentlemen. Are you able to identify them?

WITNESS C: Commissioners, I am trying to open the annexure.

ADV POOE: Witness C, it is fine, we can return to it once you find it. Then, Witness C, you can proceed to paragraph 32.2.

WITNESS C: Thank you, Commissioners.

> "In early December 2022, Mr Mabusela wrote: "You are my dog, bro." And: "We cut from the same cloth, so no need to buy face. That is how we roll." Page 29, red page 212."

ADV POOE: Commissioners, you will see that chat at page 212 at the top of the page. And Witness C, here you are still dealing with the closeness of the two individuals.

WITNESS C: That is correct, Commissioners. Now, if we

can move on to 32.3.

WITNESS C: Commissioners, we can go back to that picture on page 197.

ADV POOE: Okay. Commissioners, if we can return to page 197, the picture at the bottom of the page. Witness C, can you identify those individuals?

CHAIRPERSON: Starting from left to right.

WITNESS C: From left is Mr Mokgatle. The middle person is Mr Danny Mabusela. I do not know the third person, my Commissioners.

CHAIRPERSON: So he must be referring to himself as Le Boesman, because his lighting complexion, I assume.

WITNESS C: That is correct in part.

ADV POOE: Thank you. We did not display it because the faces are redacted so it would not make a difference but we will show it once we get the unredacted version. Then, if we can proceed to paragraph 32.3. Commissioners, if we can go to page 220 for this purpose. Commissioners, are you there? Witness C, if you can then proceed from paragraph 32.3.

WITNESS C: Thank you, Commissioners.

> "On 22 January 2023, Mr Mokgatle wrote:
>
> "These ladies, only if they knew what we are really capable of mxm." page 27, red page 220."

ADV POOE: Witness C, if you can just hang on for one minute. Commissioners, what was displayed was the picture that the witness identified the two individuals as Mr Mokgatle and Mr Mabusela and said the third individual, he does not know the identity of that person. Now, if we can go to page 220. If we can just display the whole chat, because in the statement, we are only dealing with some of them, not the entire set of those chats. My apologies, Witness C, can you start from the top of paragraph 32.3.

WITNESS C: Thank you, Commissioners.

> "On 22 January 2023, Mr Mabusela wrote: "These ladies, only if they knew what we are really capable of.". This can be found on page 37, red page 220. In March 2023, he repeated the thought in coarser terms and Mr Mokgatle replied: "That thought crosses closes my mind a million times when she starts with her nonsense, and the thought of seeing my daughter suffer the consequences always blocks my actions." This can be found on page 52, red page 235."

ADV POOE: Thank you, Witness C. Now, Commissioners, I am going to ask us to just go back to page 220, just to see the full set of chats there. You will see Mr Mabusela starts

with the sentence, the first chat is what the witness read out, and he continued to say:

> "Motho a gane ka ngwana mxm GA fetsa tla be bare GBV"

A person would deny access to a child and then say it is GBV. Then he goes on to say:

> "He is turning 8 this year soon he will be making own decisions."

Then Mr Mokgatle responds there. He responds and says:

> "Mei bra.....gaba itse gore rena le connection leave Modimo le Badimo, free transport."

That is what he says in response to Mr Mabusela, that is Mr Mokgatle. Now, this type of conversation also happens at page 235. And you heard the witness says that Mr Mabusela repeated the same sentiments but in coarser terms. So that is, you see the second chart, the second green chart. You will see there is a quoted text there, which I will not read. Or I can start it from:

> "...only if they knew what we are capable of."

That is from Mr Mabusela. And Mr Mokgatle responds and says that:

> "Thought crosses my mind a million times when she starts with her nonsense. And

> the thought of seeing my daughter suffer the consequences always blocks my actions."

Witness C, again, can you just explain briefly what the significance of this is?

WITNESS C: Thank you, Commissioners. The significance of this is that on its own, we can, if we recall the Moroka case where Mr Mokgatle was tried for intimidation and the intimidation thereof also refer back to the murder of Karabo. And now, again, six years later, he is still repeating the same to say that these people are not, if they knew what we are capable of. It shows that Mr Mokgatle himself is part of the gun for hire team.

And also to say that when he made references that he has connection to Modimo and Badimo, god and god to transport, is that it does not break a nail for them to can kill somebody. As we always say in our nights, to say that when he intimidates you to say that he or she will kill you, they will tell you it is our [indigenous language]. Thank you, Commissioners.

ADV POOE: Thank you, Witness C. Now, if we can proceed to paragraph 32.4.

WITNESS C: Thank you, Commissioners.

> "On 5 March, in the exchange about the CIT robbery, Mr Mabusela wrote that:

"The life we choose.", and: "One-way tickets." Mr Mabusela replied: "I sometimes look at myself and ask myself, hore [whether] is this really me? All I like about myself is laying low." Mr Mabusela wrote: "Keep it up. Nna, all I want is for my kids to have a bright future." And: "My time has passed. All I do is for them." Mr Mabusela then wrote: "That is all we are taking this risk for, not to be famous and feared. Hence, we strike and disappear." This can be found on pages 48 and 49, on red pages 231 and 232."

ADV POOE: Thank you, Witness C. Now, Commissioners, the next paragraph, where Mr Mokgatle wrote about three serious cases that can be found against his ID, we dealt with that at the beginning of the statement, so I will not ask the witness to read that. Witness C, we can proceed to 32.6.

WITNESS C: Thank you, Commissioners. 32.6 says:

"On 29 March 2023, Mr Mabusela sent Mr Mokgatle an extract of a news article recording that: "Mabusela was added to the accused in March this year", that the four suspects were charged with murder,

attempted murder, attempted robbery, and the unlawful possession of firearms and ammunition, and that they were alleged to have been part of a 15-man gang which followed a cash van near Fountains Valley, where a task team member was killed. Mr Mabusela commented: "Nna I have been alive this long." Mr Mokgatle replied: "Google?" and Danny Dangerous. Mr Mabusela answered: "As if you are a saint." Mr Mokgatle replied: "Nna I am poor." This can be found on pages 56 to 60. Read pages 239 to 243."

ADV POOE: Thank you, Witness C. Now you deal with the relevance and significance of these chats at paragraph 33.

WITNESS C: Thank you, Commissioners.

"In my view, these are not the words of a police officer who is unaware of what his friend does. Mr Mokgatle knew that Mr Mabusela had been tagged in a cash-in-transit matter in which a police officer was killed and treated it as a matter of banter. He speaks in the first person plural of the risks that "we take" and says

that "we strike and disappear". Mr Mabusela, for his part, tells him that he is not saint."

Thank you.

ADV POOE: Thank you, Witness C. Now we are going to deal with the second theme, which is reference to the bosses and to Jaro. Can you go to paragraph 34.1?

ADV POOE: Thank you, Commissioners.

"In early December 2022, page 30, red page 213, the screenshot falls between the date markers of 4 and 15 December 2022. Mr Mabusela wrote at chat 35: "Jaro was asking me about miga wena, early night, [indigenous language], we will let you know." At 12.44, Mr Mokgatle replied: Okay, please read me in, abuti. I need [indigenous language] school fees." At 13.21, Mr Mabusela wrote: "[Indigenous language], we are waiting for your off on Monday." Mr Mokgatle replied by saying: "Sure."

ADV POOE: Now you deal with your understanding of this exchange at paragraph 34.2.

WITNESS C: Thank you, Commissioners.

"I understand this exchange follows Mr

Motsumi (Jaro) had asked Mr Mabusela about Mokgatle in connection with the trip that was about to take place. Mr Mokgatle asked to be included (read me in) because he needed money. Mr Mabusela confirmed that the trip was to the Eastern Cape and that the others were waiting for Mr Mokgatle's day off from the JMPD. This is, in my view, a direct indication that Mr Mokgatle was to travel with the accused on work, commissioned or approved by Mr Motsumi, for payment and that it was scheduled around his police shift. What the purpose of the trip was, whether it took place and what was done in the Eastern Cape, are under investigation."

ADV POOE: Thank you, witness. You can proceed to paragraph 34.3.

WITNESS C:

"On 14 July 2023, at 19.03, Mr Mokgatle wrote to Mr Mabusela: "[indistinct] knew 50K". Mr Mabusela replied: "It is nice, Joe" and asked: "Is it from the plant?" Mr Mokgatle answered: "Dealership,

> salesmen involved." Mr Mabusela wrote: "We will tell the bosses plus we do not have cars now." Mr Mokgatle replied: "They must hurry up, phela, this one has no story or complaint and it can vaya any time." "Hence I tried calling you during the day." And then Mr Mabusela said that he would keep him posted: "They have to understand how things hore deal like this should be a grab and go." This can be found on pages 78 to 80, red pages 261 to 263."

Thank you, Commissioners.

ADV POOE: Thank you, Witness C. Now you deal with what you made of this at paragraph 34.4.

WITNESS C:

> "The item on offer is not named in the screenshot. From the references to the plant, to a dealership, salesmen, and to cars, I understand this exchange to be an offer by Mr Mokgatle through Mr Mabusela to supply the bosses with a vehicle for R50,000, obtained with the involvement of a dealership salesman and described as having no story or

complaint. That is not yet reported or circulated. That understanding is to be confirmed. Mr Mabusela's answer that "we had no cars at the time", indicates that it was wanted for the group's work. The accused used and discarded vehicles in the Commission of murders. The identity of the bosses in the message is to be confirmed, but in the context of this conversation, I understand it is to refer to those on whose impression Mr Mabusela acted."

Thank you.

ADV POOE: Thank you. Now, Witness C, we can move on to the next paragraph, 34.5.

WITNESS C: Thank you, Commissioners.

"Shortly before the exchange, pages 76 to 78, red pages 259 to 269, the screenshots precede the date marker of 14 July 2023. The two had been discussing the sale of vehicle parts. Mr Mokgatle asked whether Mr Mabusela still held the 335 and said: "Someone wants the engine" and "Any [indistinct] to let go? Mr Mabusela then forwarded a

photograph of the rear of a Toyota RAV4 bearing that registration number and wrote: "[Indistinct] up." Mr Mokgatle asked: "Or mirror?" That is the registration of the Toyota RAV4 which the investigation has linked it to the murder of Mr Oupa John Sefoka aka DJ Sumbody, and his bodyguards, Mr Sibusiso Mokwena and Mr Sandile Myeza, at Woodmead on 20 November 2022. Mr Molefe, Mr Tau, Mr Kekana, and Mr Mabusela have been charged with those murders."

ADV POOE: Witness C, you are going to have to skip the next sentence. If you can continue from 'in an earlier exchange'. Commissioners, that sentence that we skipped is yet another one that is under investigation. If we can then go to page 22, where the sentence starts with 'in an earlier exchange between 17 February and 5 March'.

WITNESS C: Thank you, Commissioners.

"In an earlier exchange between 17 February and 5 March 2023, Mr Mokgatle had written to Mr Mabusela: "[Indigenous language]" (He wants me to eat the money of the RAV4.) This can be found

on page 45, red page 228. I understand this message is to show that a vehicle using the murder of DJ Sumbody was still in the hands of the accused some eight months later. That Musa Kene by which Mr Kekana is referred to in the communication has damaged it, and that Mr Mokgatle knew the vehicle."

The matter is under investigation, Commissioners.

ADV POOE: Thank you, Witness C. Now, if we can move on to paragraph 34.6.

WITNESS C: Thank you, Commissioners.

"The communications in the days around the murder of DJ Sumbody must be read with that in mind. On 15 November 2022, Mr Mokgatle wrote to Mr Mabusela: "Commander says I have resigned since after that party." Mr Mabusela asked: "Why he thinks that kante", Mr Mokgatle replied: "I told him but schedules were clashing sometimes with my work." This can be found on WC3, page 17 and 18, red pages 202 and 201."

Thank you.

"On 17 November 2022, Mr Tau told

Mokgatle that he and Mr Mabusela had been speaking about him, that he had last seen him at the party, and that Mr Mabusela had said that he had been running away since the old parchment [?]. Mr Mokgatle answered: "[Indigenous language] times were clashing with other [indigenous language]" (I did not run away, the times were clashing with other jobs.) In the week before the murder, therefore Mr Mokgatle was being taken to task for staying away from the group. One does not resign from a group to which one does not belong. See red pages 119 and 120."

ADV POOE: Thank you Witness C. Are you saying that this establishes that Mr Mokgatle is part of this group of contract killers, alleged contract killers that is?

WITNESS C: Definitely Commissioners, really puts him being a part of the group, Commissioners.

ADV POOE: Thank you, Witness C. Now Commissioners, the chats that are in that paragraph related to Mr Tau, if we go to WC2, it is the red page 119 and 120, where Mr Tau was asking Mr Mokgatle about his whereabouts, and Mr Mokgatle responds that the times were clashing with his

other work. That is at the top of page 120. Witness C, if we can then proceed to paragraph 34.7.

WITNESS C: Thank you Commissioners.

> "On 20 November 2022, the date of the murder at 9.39, Mr Mokgatle wrote to Mr Tau: "He phoned me yesterday telling me about the meeting at Dube and that I must be there. It sounded very serious." Mr Tau replied at 10.29: "I am telling you it is bad and I have also heard things." I do not suggest that on the messages alone that the meeting concerned the murder. What they show is that on 19 November 2022, Mr Mokgatle was summoned to a meeting of a group by a person he does not name and that the following day, he and Mr Tau regarded the matter as serious. See red page 120."

ADV POOE: Thank you Witness C. Commissioners, those messages are contained in charts 3 and 4 of red page 120. Now we are going to deal with the next theme, which is the exchanges about killings. Witness C ...[intervenes]

ADV BALOYI SC: Maybe before you do that, Witness C, of this group of people that are named in all of these

communications or that you are naming, have you established who has a connection to Dube, if any of them?

WITNESS C: Commissioners, I cannot say specifically who has connections to Dube, Commissioners, I know that Dube is in Soweto, Mokgatle is from Soweto, Mr Tau is from Soweto, and also Mr Molefe is from Soweto, Commissioners.

ADV BALOYI SC: Thank you.

ADV POOE: Thank you Witness C. If we can then turn to the exchanges about killings. Commissioners, we will not be going through paragraph 35.1, that is yet another murder that is under investigation. If we can proceed to paragraph 35.2. And for this exchange, if you can open WC3 at page 228.

WITNESS C: Thank you, Commissioners.

> "On 5 March 2023, Mr Mokgatle posted the status about the death of a man called Biggie. Mr Mabusela asked who he was. Mr Mokgatle replied: "Biggie [indigenous language]." (The meaning thereof is, and we were with him at Jongas." And: "Gauteng sits in the Cape Flats." The meaning thereof, Gauteng has become the Cape Flats. Mr Mabusela asked: "I it related?" And Mr

Mokgatle answers: "I am not sure." Mr Mokgatle then wrote: "28 shots." Mr Mabusela asked: "Yoh, 28, how did you know, wena?" Mr Mokgatle replied: "From Gabelo and other guy [indigenous language] Diepkloof." Mr Mabusela wrote: "[Indigenous language] assault rifles, eish." This can be found on pages 45 to 47, red pages 228 to 213.

ADV POOE: Commissioners, the relevance of this paragraph has to be read with the next set of chats, so I will ask the witness to also go through paragraph 35.3. Witness C, you can proceed.

WITNESS C: Thank you, Commissioners.

"The exchange continued. Mr Mokgatle wrote: "[Indigenous language], is not being selfish when he said he does not want you next to Panado." "Because most of these Soweto guys, it is Panado related, because in all honesty, once you have touched it, it is game on." Mr Mabusela wrote: "[Indigenous language] Panado." (This means that but now they kill over Panado matters.) Mr Mokgatle replied: "I guess [indigenous language]

jealous." (Which means it matters of jealous." This can be found on pages 47 and 48, red pages 28, 230 and 231. I am aware that another street name for drugs is Panado. On that understanding, Mr Mokgatle is reminding Mr Mabusela that Madala, or the old man, had instructed him to keep away from the drug trade, because the killings in Soweto were drug related. It was in this exchange that Mr Mokgatle wrote: "We strike and disappear."

Thank you.

ADV POOE: Thank you, Witness C. Now we can then proceed to the next chat. Commissioners, if I can ask you to turn to page 188, WC3. Witness C, you can continue with paragraph 35.4.

WITNESS C: Thank you, Commissioners.

"On 31 October 2022, Mr Mabusela forwarded Mr Mokgatle a video showing a man lying on the ground, apparently dead and covered in blood. That is on page 5, which is red page 2188. On 6 November 2022, Mr Mokgatle posted a status showing an AK-47 rifle and a revolver

with a caption referring to the AK-47 and .357, to which Mr Mabusela responded: "Yoh, that combo." This can be found on page 6."

ADV POOE: That is red page 189.

WITNESS C: That is correct.

ADV POOE: Now Witness C, what is the relevance of this one in particular, the two chats that are contained in paragraph 35.4?

WITNESS C: Thank you, Commissioners. These two chats, it shows that the, it gives an indication that the people that were, the person that was killed on that video was on a cash-in-transit mission, and the two, you know, who the person was. And also the issue of the AK-47 and the .357, it shows that these are the type of guns that the group or the firm uses.

ADV POOE: Thank you, Witness C. Commissioners, we will also see, as we go through other chats where they make reference to needing ammunition for rifles and AK-47 as we continue through the chats. Witness C, we are not going to read paragraph 35.5. Chair, that is again related to another killing that is currently under investigation. Witness C, I am going to ask that we proceed to paragraph 36.

CHAIRPERSON: Should we not do that at 2.00 p.m.?

ADV POOE: Yes, Chair.

CHAIRPERSON: Let us adjourn and resume at 2.00 p.m.

WITNESS C: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Pooe.

ADV POOE: Thank you, Chair. Commissioners, we had just finished dealing with 35.4 and indicated that we are not going to deal with 35.5. So, Witness C, can we proceed from paragraph 36 of your statement? And, Commissioners, for this part of the chats, can I ask that you open page 282 of your annexures, and we have redacted that part of the chats accordingly. Witness C?

WITNESS C: Thank you, Commissioners.

ADV POOE: Can you proceed from paragraph 36, please?

WITNESS C: -:

> "[Indistinct]... an exchange of 19 February 2024, which in my view comes closest to an admission."

ADV POOE: Thank you. Then, 36.1.

WITNESS C: Thank you, Commissioners.

> "On that day, at 14:49, Mr Mokgatle sent Mr Mabusela two photographs of a man lying, wounded or dead, on paving. At 15:32, he wrote, 'I am so heartbroken'.

> At 15:33, on the same day, he wrote, 'I will always and repeatedly say I do not like doing dilo ka big group'. Mr Mabusela asked, 'What happened kgante pila pila', which means, what actually happened. Mr Mokgatle replied, 'Ke bethwa ke letswalo, which means my conscience drives me, Ke bethwa ke letswalo, always ..." [intervenes]

CHAIRPERSON: Sorry, sorry, sorry, I may not be a Sotho Tswana speaker, but I do not think that translation is accurate ...[vernacular].

ADV POOE: Yes, Chair, it is that.

CHAIRPERSON: Yes, so ...[incomplete].

ADV POOE: And translated into English?

CHAIRPERSON: [Vernacular]... Maybe, ja, maybe ...[indistinct].

ADV POOE: It is like a heightened form of anxiety, where you are often scared ...[intervenes]

CHAIRPERSON: Ja, ja.

ADV POOE: Or how they describe the hairs on the back of the neck standing up.

CHAIRPERSON: Exactly, exactly.

ADV POOE: Okay.

CHAIRPERSON: You see ...[vernacular].

ADV POOE: Chair, I am going to ask you to withdraw that one. Yes, Witness C, you can continue from there, and Chair will take it as a heightened form of anxiety. And then, Witness C, continue from always, if I do things.

WITNESS C: Ja.

> "Ke bethwa ke letswalo always, if I do wrong things with a person I do not trust'."

This is on pages 99 and 100 ...[indistinct] pages it is 282 and 283. Thank you, Commissioners.

ADV POOE: Thank you, Witness C. So, Commissioners, just to make it clear that the, Mr Mokgatle showed pictures of a person who looks to have been shot and killed. He then expresses his sadness. Then Mr Mabusela asks him what happened, to which Mr Mokgatle responds with one of those WhatsApp communications we often see from police groups, where they report successes of operations. So you will see the message that he forwards, it is that "Operational Success", and it starts at 283, and it is related to a cash-in-transit robbery foiled, where one suspect was fatally wounded, two suspects arrested, a third suspect was wounded, three suspects' vehicles recovered with two unlicensed rifles and ammunition also recovered and it lists various units of SAPS that were involved in that operation. It goes on at page 285 and lists the information.

"Information was received regarding a group of suspects that were planning to commit a cash-in-transit robbery around the West Rand area. The information was gained and analysed. A safehouse was identified in Randfontein that the suspects were utilizing. As the team approached the safehouse, the suspects were leaving the premise. The suspects started shooting at the members."

Now, Witness C, that would deal with paragraph 36.2. If you can then deal with 36.3.

WITNESS C: Thank you, Commissioners.

"A police officer here describes himself as heartbroken at the success of a police operation against a cash-in-transit gang, and in the same breath, speaks of doing wrong things in a big group with a person they do not trust. I draw the inference that Mr Mokgatle had a connection with the persons involved in the foiled robbery or with its planning. That inference is to be tested against the docket. I record that the firearms recovered from the accused ...[indistinct] in April 2024, are

ballistically linked to cash-in-transit robberies."

ADV POOE: Thank you, Witness C. Just, Commissioners, to clarify, the witness is not suggesting that the witnesses, the weapons in this case, but rather that the weapons that we have dealt with in the Swarts murder, that they have been shown to be linked to other cash-in-transit incidents. Witness C, you can continue with 36.4.

WITNESS C: Thank you, Commissioners.

"This was not the only occasion on which information about arrests passed between them. On 12 January 2024, Mr Mabusela forwarded Mr Mokgatle a photograph of two men sitting handcuffed on the ground. Mr Mokgatle asked, 'When and where? What car?'. Mr Mabusela replied, 'About an hour back, JD6'. This can be found on pages 94 to 96, on pages 277 to 279."

ADV POOE: Thank you, Witness C. And what is the significance of these two paragraphs that are dealing with arrests and cash-in-transits?

WITNESS C: Thank you, Commissioners. There is a spate of cash-in-transit cases that we are currently investigating that are ballistically linking to the firearms that were seized

or confiscated during the arrest of the suspects, Mr Mabusela, Mr Tau, and Mr Kekana on 17 April 2024.

ADV POOE: Thank you, Witness C. Now, if we can go to the fifth sub-topic in these chats, and that relates to the quarrels between the top members of this grouping. If we can start with paragraph 37.1.

WITNESS C: Thank you, Commissioners.

> "On or about 15 or 16 March 2023, Mr Mokgatle wrote, 'I am worried about the way this guy is going on'. Mr Mabusela asked whether he thought 'They threats of some sort'. And then the next message was, 'Eish, so what do you think we must do then?' Mr Mokgatle replied, 'I do not know if these Don's can meet up with both and 340i resolve this problem because I do not want to be caught up in between the two bulls, I cannot convince either of them to make peace between themselves, because they are both stubborn, as well.' These messages are on pages 53 and 54, read with pages 236 and 237."

ADV POOE: Thank you. Then, Witness C, were you able to identify who the Dons are or what the reference to the

Dons means? And then secondly, in that chat where Mr Mokgatle says, "I do not know if these Don's can meet up", he uses an emoji seemingly to represent someone. It is the emoji with glasses, and also he uses the 340i as another reference seemingly to a person. Have you identified those individuals?

WITNESS C: Thank you, Commissioners. The identification for the emoji, the person with the glasses, I concluded that that will be Mr Katiso Molefe and the 340i would be Mr Motsumi as a person who is known to be a BMW fan. Thank you, Commissioners.

ADV POOE: Thank you. And the reference to the Dons, because it says, it starts with, "I do not know if these Don's can meet with both", and you are saying Mr Molefe and Mr Motsumi.

WITNESS C: The Dons, during this time, it was when there were queries pertaining the killing of Mr Tindleni, Don Tindleni and I would not really say for sure as to what when he says the Dons, what he refers to.

ADV POOE: Witness C, it is fine, I understand where you are going. Commissioners, I will not probe the witness further on this point, because it relates to another one of those murders that are under investigation. Then, Witness C, let us go to the next example at 37.2. Commissioners ...[intervenes]

WITNESS C: Thank you.

ADV POOE: For this we will go to page 257. And you will see there, Witness C, you start with the message that deals with Hassie, but there is a prior message that is sent before that. And, Commissioners, just so that I can place that message on record, it starts with, "Nna, I am ...", this is a message from Mr Mokgatle:

> "Nna, I am always trying to reach out to Cyril, but I know he does not like me like he used to."

To which Mr Mabusela responds with an emoji of a person shrugging their shoulders, or an 'I do not know" emoji. Then you can start reading from 37.2.

ADV BALOYI SC: Ms Pooe, the ...[intervenes]

ADV POOE: Oh, my apologies.

ADV BALOYI SC: The preceding, the page just above this exchange.

ADV POOE: Yes.

ADV BALOYI SC: You say who is communicating? Just remind us who is exchanging communications here.

ADV POOE: So this is communication between Mr Danny Mabusela and Mr Mokgatle.

ADV BALOYI SC: So where we have got a photograph and someone says, "Ke Bra e ya rona die vrou", who is that?

ADV POOE: So the green is Mr Mokgatle and what would

be the dark grey or black that says "yes" would be Mr Mabusela responding.

ADV BALOYI SC: Okay, thank you.

ADV POOE: Thank you, Witness C. You can start, kick it off from paragraph 37.2.

WITNESS C: Thank you, Commissioners.

> "On or about 18 June 2023, Mr Mokgatle wrote, 'His problem with Hassie has boiled down to me because nna I am not choosing any side, I am okay with both of them, but that makes him not to trust me'. This can be found on page 74 read with pages 8 to 57."

ADV POOE: Thank you. Commissioners, no, Witness C, do you know who Hassie is?

WITNESS C: Thank you, Commissioner. Yes, Hassie is the late Mr Lehasa Moloi.

ADV POOE: And Mr Lehasa Moloi is known to be what?

WITNESS C: He is known to be a close associate or a person who was trusted by Mr Katiso Molefe.

ADV POOE: Thank you. And if I recall correctly, the evidence of Witnesses A and B, he was also present at Mr Molefe's arrest, is that correct?

WITNESS C: That is correct, Commissioners.

ADV POOE: Thank you. Now, you deal with the next sort

of incident at 37.3.

WITNESS C: Thank you, Commissioners.

> "On late October 2023, Mr Mokgatle wrote, 'I hear there is a bit of bad blood between De Deur and magrootman'. Mr Mabusela replied, 'Aai not that bad just minor disagreements you know how it is.' 'They gonna solve it, I have faith in them'. And the next message was, 'When two elephants fight the grass suffers and they know that they have enough enemies to fight amongst themselves'. Mr Mokgatle replied, 'I pray it does not get bad, phela wa bona how snake head made things bad'. Mr Mabusela wrote, 'They both know'. This can be found on pages 88 to 90 read with pages 271 to 273. The identities of these Dons, 340i, De Deur, Magrootman and Snake Head are to be confirmed. But I understand these exchanges concern disputes among the persons who directed the accused."

ADV POOE: Thank you, Witness C. So in that list of people you are yet to identify, it is these Dons, De Deur and

Magrootman, as well as Snake Head, because you indicated earlier that 340i is reference to Mr Motsumi.

WITNESS C: That is correct, Commissioners.

ADV POOE: Thank you. Now, if you can then deal with 37.4.

WITNESS C: Thank you, Commissioners.

> "Between 13 January and 19 February 2024, Mr Mabusela wrote of a person not identified in the screenshots, 'He once told me ...[vernacular] being a criminal is nothing as long as you have something to show for it'. Mr Mokgatle replied, 'Amen Tata Madala'. This can be found on page 98 and ...[indistinct] page 281."

ADV POOE: Thank you, Witness C. Now, having dealt with that section dealing with tiffs or fights within the leadership, we can then move on to the relationship between Mr Mokgatle and Mr Tau. If we can go to paragraph 38.

WITNESS C: Thank you, Commissioners.

> "The conversation between Mr Tau and Mr Mokgatle, which is WC2, is the longest. It consists of more than a thousand items over almost three years. Mr Tau was a serving member of the

SAPS. Mr Mokgatle addresses him throughout as Daddy, Grootman and Old Man. Mr Tau addresses him as my son ...[vernacular]."

Thank you, Commissioners.

ADV POOE: Thank you, Witness C. Now, Commissioners, in the next paragraph, paragraph 39, the witness deals with that exchange at page 37 of WC2, where Mr Mokgatle was asking for forgiveness and the witness has already testified, remember, we dealt with this when he was dealing with the same tiff with Mr Kekana, and he indicated that he wanted forgiveness, and he was telling him, go back to your family, and all of that. So I do not propose we deal with that again. I will just ask that you read paragraph 40, because it then sums it.

WITNESS C: Thank you, Commissioners.

"This is the message to which I ...[indistinct] when dealing with Mr Kekana. It is, in my view, a pledge of loyalty and of silence. Mr Mokgatle describes a family which held us, acknowledges that he holds knowledge concerning this family, and gives an assurance that it will go no further. 14 Months later, on 1 December 2022, Mr

> Tau wrote to him, 'I love you my brother ...[vernacular]. I come very far with you and no one will make us enemies. Never. I refuse.' See ...[indistinct] page 126."

ADV POOE: Thank you, Witness C. And, Commissioners, that message from Mr Tau is at page red 126, and that is chat 5. Then, Witness C, if we can move to paragraph 41.

WITNESS C: Thank you, Commissioners.

> "Mr Mokgatle admits in CJC442.1 that from time to time Tau will send me car registration numbers and would ask me to check their ownership for him and indeed I will check for him, knowing he is a member of SAPS. The conversation shows the following instances."

ADV POOE: Thank you. Commissioners, I do not propose that we go through all of the instances, suffice to say that these are contained in the reference to where these requests are contained are included at the end of every subparagraph. It is just to show that Mr Tau frequently requested Mr Mokgatle to check registration numbers for him.

ADV BALOYI SC: Can I just confirm this, either through Witness C or you, Ms Pooe, if you recall. The SAPS itself

has the ability to check motor vehicle registration and ownership, am I correct in that recollection?

ADV POOE: Yes, the ...[intervenes]

WITNESS C: That is correct.

ADV BALOYI SC: Yes, the witness says that is correct.

ADV POOE: Commissioner Baloyi, yesterday we asked the witness the same thing. The answer is not as straightforward. It is some divisions have access and others do not. Witness C, can you please explain it to the Commissioners who has access to this system?

WITNESS C: Thank you, Commissioners. SAPS does have access to the system. Mr Tau was a member of Detectives. The Detectives members does not necessarily have the access to that system, but the Crime Prevention members are the ones who are assigned with that function, Commissioners.

ADV BALOYI SC: Thank you.

ADV POOE: So, Witness C, if he wanted it in, to pursue genuine policing activity, he ought to have done that through a unit in his station, is that correct?

WITNESS C: That is correct, Commissioners.

ADV POOE: Thank you. Now, if we can then deal with paragraph 42, because I think it sums up this point.

WITNESS C: Thank you, Commissioners.

"Mr Tau was himself a police officer, yet,

he obtained these particulars through Mr Mokgatle and not through his own station. The ...[indistinct] stated in the message are private ones. A car at his gate. A man who owed his brother money ...[indistinct] at Mr Molefe's house. In my view, Mr Mokgatle functioned as the group's means of identifying the owners and addresses of vehicles without leaving a trace against Mr Tau's name. The identification of the target's vehicle was a regular step in the planning of the killings."

ADV POOE: Thank you, Witness C. Now, we can deal with the conversations that were related to requests for ammunition. That is at paragraph 43 of your statement.

WITNESS C: Thank you. Should I start at 43.1?

ADV POOE: Yes, please.

WITNESS C: Thank you, Commissioners.

"On 15 March 2022, at 11:05, Mr Tau wrote, "Mfowethu ontse ona lebana ba AK akere', which the investigation understands to mean my brother, you still have those bullets for AK, do you not?"

This can be found on page, red page 74.

ADV KHUMALO SC: Witness C, just so that there is no confusion. You are referring to an AK47, not a person by the name AK.

WITNESS C: Commissioner Khumalo, yes, indeed I am referring to an AK47 as a firearm.

ADV KHUMALO SC: Thank you.

ADV POOE: Thank you, Witness C. And that is chat 4 at page 74. Now, Witness C, you can deal with 43.2.

WITNESS C: Thank you, Commissioners.

> "On 20 April 2023, at 10:13, Mr Tau wrote, 'I need 38 special bullets, 9mm and do you not have R5 once I need two of ...[indistinct]'. I understand this to be a request by Mr Tau to Mokgatle for 38 special and 9mm ammunition, and for R5 rifle ammunition or rifles and no written reply is recorded. See red page 152."

ADV POOE: Commissioners, that is at chat 7 of 152. Now, Witness C, normally for police officers, where they require weapons or ammunition, is that regulated through your own processes in SAPS?

WITNESS C: That is correct, Commissioners. Should I need ammunition, I will have to go through our SCM, Supply Chain office.

ADV POOE: Thank you. Then can you deal with paragraph

44?

ADV BALOYI SC: And to your knowledge, Witness C, do the JMPD and K9 in particular, because Mr Mokgatle is a member of that, do they get issued with AK47's, to your knowledge?

WITNESS C: No, Commissioners. That is a prohibited firearm.

ADV BALOYI SC: Thank you.

ADV POOE: Thank you, Witness C. If you can read paragraph 44.

WITNESS C: Thank you, Commissioners.

> "That Mr Tau, a police officer, looks to Mr Mokgatle, a Metro Police officer, for ammunition of this calibres, is in my view one of the most serious features of the conversation."

ADV POOE: Thank you. Now we are going to deal with another set of chats that deal with operations that the two would have been involved in, and that is Officer Mokgatle and Officer Tau. If you can then go to 45.1.

WITNESS C: Thank you, Commissioners.

> "On 2 February 2022, Mr Tau wrote, '[Vernacular]... Nobody knows other than us, so if you are available that will be highly appreciated from Friday. You do

not tell anyone, no matter who'. Mr Mokgatle replied with a zipped mouth emoji. Mr Tau had first asked whether he was working that weekend. See red pages 5 and 58."

ADV POOE: Thank you, Witness C. And just to contextualise this chat, Witness C, in terms of what you know about the killings that were happening, am I correct that between December 2021 and March 2022 there was a spree of killings?

WITNESS C: That is correct, Commissioners. Though I would not be able to disclose the victim and the case number, but at that time, three days after, three or four days after this message, somebody was killed.

ADV POOE: Thank you, Witness C. Commissioners, the particulars of that will be provided to the Commissioners. Then if we can deal with 45.2.

WITNESS C: Thank you, Commissioners.

"On 18 February 2022, Mr Tau wrote, '[Vernacular]... this evening around 19h00 we shall meet at your place ...[indistinct] spoke heart to heart about it last week.' Mr Mokgatle, who was at court, replied, 'All right. The identity of J is under investigations'." For this chat,

see red page 59.

ADV POOE: Thank you, Witness C. Commissioners, I am going to ask that we skip paragraph 45.3 as it relates to one of those murders that are under investigation, but the particulars will be provided in the supplementary statement. Now, if we can deal with 45.4, Witness C.

WITNESS C: Thank you, Commissioners.

"On 1 June 2022, Mr Tau sent a message referring to Mr Motsumi, '[Vernacular]... The investigations provisional understanding is that Jaro had said to Mabusela that a person should have been struck as he came from work and that the commander had said the same. As the message was sent by Mr Tau, the commander it is Mr Molefe. The message shows Mr Tau reporting to Mokgatle what Motsumi and ...[indistinct] had said. See red page 92."

ADV POOE: Thank you, Witness C. Commissioners, again, the particulars related to this will be provided in the supplementary statement. Now, can we deal with paragraph 45.5?

WITNESS C: Thank you, Commissioners.

"On 1 December 2022, after Mr Mokgatle

had said of certain persons who were talking about him, '[Vernacular]...', and Mr Tau wrote, '[Vernacular]... they should confront you ...[vernacular] only the two of us like we know how. You know ...[indistinct] when he says that it means you will get ...[indistinct].' Mr Mokgatle replied, 'My man', with a fist emoji. My understanding is that Mr Tau here proposes that he and Mr Mokgatle kill a person, 'only the two of us like we know how'. See red pages 125 and 126."

ADV POOE: Commissioners, that is at red page 125. You will see there at chat 2, it is the ...[vernacular]' chat and then you will see at chat 5 is where Mr Tau says to him that is the right attitude, Mfanaka, they should control ...[indistinct].", and proposes that they kill someone like the two of them know how. And then the "my man" is at chat 7. Witness C, we can, Commissioners, the entirety of paragraph 46 and 47 is a subject of ongoing investigation, but the particulars will be provided to the Commissioners. Witness C, if we can then go to paragraph 48, which deals with, other murders that were dealt with by a different witness. You do not have to read that sentence, but we can go to 48.2. Commissioners, 48.1 deals with yet another

murder that will only disclose to the Commissioners. Witness C, can you deal with 48.2?

WITNESS C: Thank you, Commissioners.

> "On 16 March 2022, Mr Tau wrote, '[Indistinct]... this morning was talking seriously about Vintos ...[indistinct]. They say he was a businessman and a DJ.' The murder of DJ Vintos, as per Orlando, that CAS, is one of the confirmed ballistic linkages that Mr Tau speaks of the deceased to Mr ...[indistinct]."

See red page 75, Commissioners.

ADV POOE: Thank you, Witness C. Commissioners, all four suspects have been charged in this DJ Vintos Orlando CAS number. Then, Witness C, is that correct?

WITNESS C: That is correct, Commissioners.

ADV POOE: Thank you. If we can then move to paragraph 49.

WITNESS C: Thank you, Commissioners.

> "The conversation also shows that Mr ...[indistinct] Mokgatle sharing police information with Mr Tau, and Mr Tau ...[indistinct] him back when he kept his distance."

ADV POOE: Chair, in that sentence, we are dealing with two sets of examples. One is where they are sharing police information, and the second is where Mr Mokgatle distances himself from the grouping, And Mr Tau tries to reel him back in. I know it reads a little odd in the statement. Witness C, can you deal with 49.1?

WITNESS C: Thank you, Commissioners.

> "On 20 August 2023, Mr Mokgatle forwarded to Mr Tau a preliminary operational report of the Serious and Violent Crime Gauteng Ops team on the arrest of 13 suspects in a planned truck hijacking on the N12, together with the information that one of those involved was a JMPD driver and another a TMPD member. See red pages 170 and 171."

ADV POOE: Thank you, Witness C. And Commissioners, that red page 170 at chat 4 is the operational report, and if you turn to the next page at 171, chat 2, you will see where Mr Mokgatle provides the details about who was involved. And Witness C, what is the inference that you want us to draw from this paragraph or these exchanges?

WITNESS C: Thank you, Commissioners. With this inference, I can tell that Mr Mokgatle was so much involved in these crimes that were happening around Gauteng and

for that, he would also send this to the group or to his fellow colleagues on the other side, on the other, like not the fellow colleagues in terms of the JMPD, but his fellow colleagues in terms of the ...[indistinct] or the family.

ADV POOE: Thank you, Witness C. Now you deal in paragraph 49.2 with an instance where Mr Mokgatle was pulling back from the group. Can you deal with that one?

WITNESS C: Thank you, Commissioners.

> "On 21 October 2022, Mr Tau complained of 'these people who are talking shit about me, mostly me'. Mr Mokgatle replied, 'Hence I stay away'. See red page 116."

ADV POOE: Thank you. Commissioners, this chat is at page 116. It is chat 1 and 2 of that page. And Witness C., the reference to Mofemeng, do you understand it to be this organized grouping That Mr Tau is alleged to be part of, as well as Mr Mabusele, Mr Molefe, and the rest?

WITNESS C: That is correct. In essence, Mofemeng, they will be also implying that remember, they all belong to the farm which belongs to the late Mr Mswazi. So, they will be referring to this.

ADV POOE: Thank you, Witness C. Now we can deal with the next example at 49.3, which is at red page 158 of the chats.

WITNESS C: Thank you, Commissioners.

> "On 18 June 2023, Mr Tau wrote, 'We need to talk. I was being lashed again last night for your ...[vernacular]. There is something we need to fix if you are interested. I am so hurt about it'. Mr Mokgatle undertook to make himself available on his day off. See red page 158."

ADV POOE: Thank you, Witness C. Commissioners, if you look at the red page 158, you will see that chat is at chat 5. and Mr Mokgatle's response is at chat 6, where he says:

> "All right, Daddy, I am going to be off on Friday if it is not too late."

And then, Witness C, you can deal with paragraph 50, because I think that is where you draw your conclusions about this set of chats.

WITNESS C: Thank you.

> "The old ...[indistinct] matter, the meeting at ...[indistinct] and the person who summoned Mr Mokgatle to it are under investigation. I understand these exchanges. Read with those of 15, 17, and 20 November 2022 dealt with above to show that Mr Mokgatle was expected

to attend the group's meeting and to account for his absence."

ADV POOE: Thank you, Witness C. Now we can deal with your concluding remarks, where you put your views about what this communication shows. If we can deal with each one in turn, 51.1.

WITNESS C: Thank you, Commissioners.

"Mr Mokgatle has known Mr Tau since about 2008, Mr Molefe since 2018, and Mr Kekana and Mr Mabusela since 2021. On his own ...[indistinct] he is very close to Mr Molefe."

ADV POOE: 51.2.

WITNESS C: -:

"He regarded himself and was regarded by the three accused as a member of the family with elders and speaks of his place in the family. He gave an express undertaking that once he knew about the family would remain within it."

ADV POOE: And 51.3.

WITNESS C: -:

"He placed the tools of his office at their disposal, arranged registration numbers for Mr Tau from 2021 to 2023, for Mr

Mabusela and Mr Molefe on 15 April 2024 and for Mr Molefe on 6 December 2024. He forwarded police operational reports to Mr Tau and Mr Mabusela on the day of Mr Mulefe's arrest. Having been released from duty as unfit, he used a JMPD vehicle to identify and confront the police who were watching Mr Molefe."

ADV POOE: 51.4.

WITNESS C: -:

"Mr Motsumi (Jaro or Jarro) asked after him and he asked to be reeled in to the Eastern Cape because he needed money. He offered the bosses what I understand to be a vehicle with no story or complaint. Mr Tau asked him for ammunition, called on him for confidential work and proposed that the two of them kill a man like we know how. He wrote to Mr Mabusela that we strike and disappear and that his conscience strikes him when he does wrong things with a person I do not trust."

ADV POOE: 51.5.

WITNESS C: -:

"He has previously been charged in 2011 in the matter in which Metro Police officers were alleged to have handcuffed two men, demanded money from them and taken their goods. And in 2017, with intimidation for threatening to kill his wife, remained in direct contact with Mr Molefe after the arrest of the three accused and in June 2024, he sent him his banking details."

ADV POOE: And paragraph 52.

WITNESS C: -:

"In my view, this evidence shows that Mr Mokgatle is a close associate of the three accused and of Mr Molefe, that he knew the nature of their work and that there are strong indications that he took part in it. The extent of his participation in any particular offence is the subject of ongoing investigation and the matters that I have identified above ...[indistinct] confirmation and are being followed up."

ADV POOE: Thank you, Witness C.

WITNESS C: Thank you.

ADV POOE: Commissioners, unless there are any

questions.

ADV BALOYI SC: It is not a question so much. At 51.2, there is a reference to three accused. I assume, like we did earlier, it should be four.

ADV POOE: Yes, Commissioner Baloyi.

ADV BALOYI SC: Thank you.

ADV POOE: And Commissioners, this witness was asked to come and deal with these chats because Mr Mokgatle is still sick and indisposed and so he will be best placed, of course, to come and give his account of these communications.

CHAIRPERSON: Thank you, Ms Pooe. Thank you very much, Witness C, most appreciated. You are excused.

WITNESS C: Thank you very much, Commissioners. Thank you.

CHAIRPERSON: Thank you. Do we resume at 9:30 tomorrow? Oh, just a minute. Depending on the ruling that we make, tomorrow's witness may be heard in-camera. That is Witness T, T for Thomas. But, ja, the ruling will be made overnight. Let us adjourn.

HEARING POSTPONED TO 24 NOVEMBER 2026

HEARING ADJOURNS
