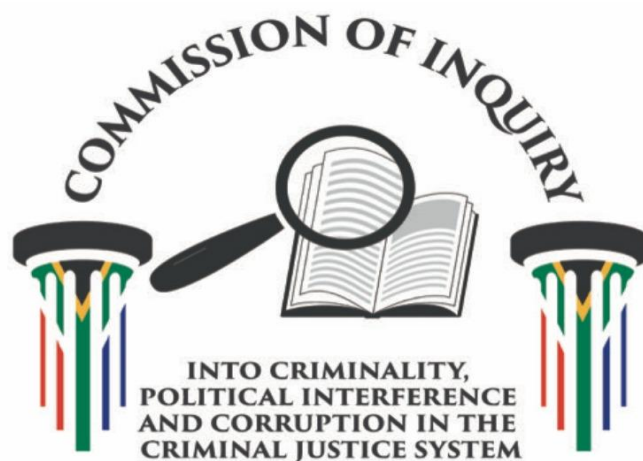


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

3 NOVEMBER 2025

DAY 24



PROCEEDINGS ON 3 NOVEMBER 2025

ADV SEGEELS-NCUBE SC: Good morning, Commissioners.

CHAIRPERSON: Good morning, Ms Ncube.

ADV SEGEELS-NCUBE SC: Chair, today we continue with the topic of the alleged interference by the Hawks into the takedown operation that occurred at Mr Katiso Molefe's home on the 6th of December 2024. There will be three witnesses today, Chair. There ought to be a bundle in front
10 of you Chair which has three statements and it is Sections 4, 5 and 6. Chair will recall that last week we dealt with 1, 2 and 3. Thank you Chair.

Last week we dealt with Sections 1, 2 and 3. Today it is 4, 5 and 6. Chair, we have three witnesses. The order that the statements appear in is that the witness that we are calling today is not Section 4, it is the Section 5 witness first and that is Mr George Raftopoulos who we have come to know as Chief George. Chair, the witness is here. He has decided that he wants to be sworn in.

20 **CHAIRPERSON:** Good morning, Mr Raftopoulos. Please state your full names and then I will even know how your surname is pronounced.

WITNESS: Good morning, Chair, George Raftopoulos.

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

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

WITNESS: So, help me God.

GEORGE RAFTOPOULOS: (duly sworn states)

CHAIRPERSON: Thank you.

EXAMINATION BY ADV SEGEELS-NCUBE SC: Thank you Chair. Is it Mr Raftopoulos or Inspector or Chief George? Which do you prefer?

CHIEF INSPECTOR RAFTOPOULOS: I think Chief George.

10 **ADV SEGEELS-NCUBE SC:** Chief George, if you could just confirm that you have a file in front of you with six sections and if you can go to Section 5 which should have your statement.

CHIEF INSPECTOR RAFTOPOULOS: I can confirm it is mine, Commissioner.

ADV SEGEELS-NCUBE SC: Okay, if you go to page 3 of Section 5, can you confirm that the signature on page 3 is your signature?

20 **CHIEF INSPECTOR RAFTOPOULOS:** I can confirm it is my signature, Commissioner.

ADV SEGEELS-NCUBE SC: And the statement at page 1, 2 and 3 is your statement prepared for purposes of your evidence today?

CHIEF INSPECTOR RAFTOPOULOS: That is my statement, Commissioner.

ADV SEGEELS-NCUBE SC: Do you confirm the correctness of the contents of the statement?

CHIEF INSPECTOR RAFTOPOULOS: I confirm, Commissioner.

ADV SEGEELS-NCUBE SC: In addition to that, on page 4 there is an Annexure GR1. Do you confirm that it is in your file?

CHIEF INSPECTOR RAFTOPOULOS: I can confirm, Commissioner.

10 **ADV SEGEELS-NCUBE SC:** And there is also what is referred to as GR2 and a video clip that you have provided the Commission. Can you confirm that that is so?

CHIEF INSPECTOR RAFTOPOULOS: I can confirm, Commissioner.

ADV SEGEELS-NCUBE SC: Okay, can we then proceed with your evidence and can we start on page 1 of your statement at paragraph 1. 1 and 2 you give a brief description and background of your employment. Can you tell us about that?

20 **CHIEF INSPECTOR RAFTOPOULOS:** Commissioners, I have been employed at Gauteng Traffic Police for the past 35 years. In 2017, I was requested by the department to head up a crime unit in the department. They were called Saturation Unit, where we started assisting SAPS in several crime events, like trio crimes, as well as kidnappings and

cash in transit robberies.

ADV SEGEELS-NCUBE SC: And what is your title?

CHIEF INSPECTOR RAFTOPOULOS: My title is a Chief Provincial Inspector.

ADV SEGEELS-NCUBE SC: Now you said that you were appointed in 2017 to head up the crime unit. Can you just tell us, you talk about assistance with crimes such as kidnapping, what would that assistance entail?

CHIEF INSPECTOR RAFTOPOULOS: So, the assistance
10 will be SAPs will need enforcement to take down suspects or to infiltrate houses and this is where we came in to assist. So, my unit assisted them with all those as well as the trio crimes that I mentioned, Commissioner.

ADV SEGEELS-NCUBE SC: And what would that assistance look like? So just give us a typical example of how you would assist.

CHIEF INSPECTOR RAFTOPOULOS: Force multiplier, like our members will assist going into the houses, they will assist doing arrests. So, it is just a force multiplier to
20 SAPS units or any other law enforcement units that require that.

ADV SEGEELS-NCUBE SC: And your members, what are they? Are they police officers?

CHIEF INSPECTOR RAFTOPOULOS: They are all traffic police officers.

ADV SEGEELS-NCUBE SC: And how many people report to you?

CHIEF INSPECTOR RAFTOPOULOS: Commissioners, I must indicate that in 2023 I was tasked to head up the Air Wing of Gauteng Traffic Police and on that unit, I have only got 10 members.

ADV SEGEELS-NCUBE SC: And what does that unit do?

CHIEF INSPECTOR RAFTOPOULOS: Also giving support to all law enforcement where needed, Commissioners.

10 **ADV SEGEELS-NCUBE SC:** And that would be assistance in the air?

CHIEF INSPECTOR RAFTOPOULOS: That will be the assistance in the air as well as ground units as well, Commissioners.

ADV SEGEELS-NCUBE SC: What would the ground units of the Air Wing division entail?

CHIEF INSPECTOR RAFTOPOULOS: So, they will assist also in infiltrating and then if there is takedowns, they will assist the police in the takedowns as well and arrest. The
20 Air Wing is, there will be usually one or two members in the helicopter, and the rest of the members will then be on the ground, Commissioners.

ADV SEGEELS-NCUBE SC: And typically, with this assistance are you arriving at the scene before SAPS or after or at the same time? How does it work?

CHIEF INSPECTOR RAFTOPOULOS: It depends on the task at hand, Commissioners. Sometimes the helicopter will stay a few kilometres away till they indicate that they are going to do the takedown. Then the helicopter will obviously approach that they simultaneously enter the premises or be at the premises to see if somebody fled on foot or whatever the case may be, Commissioners.

ADV SEGEELS-NCUBE SC: Okay, now at paragraph 3 of your statement you start with a topic regarding the events
10 of 6 December 2024. Can you tell us about your involvement and how it started?

CHIEF INSPECTOR RAFTOPOULOS: Thanks, Commissioners. I was called by Captain Kruger from TOMS, as we know it, requesting assistance of ground members for as they received information of bogus cops that was at a certain house in Sandton. He requested if I have got members available because they were too far away. I indicated that I do not have any ground members available, but I can send the helicopter to go and see what
20 is going on there, Commissioners.

ADV SEGEELS-NCUBE SC: Did he request the helicopter assistance after you told him you do not have any ground staff available, or did you offer it?

CHIEF INSPECTOR RAFTOPOULOS: No, I offered it because they indicated it was bogus cops. We previously

had attempts of bogus cops that was hijacking vehicles that we also assisted. That is why I said that I will go out and have a look, Commissioner.

ADV SEGEELS-NCUBE SC: So, you are saying this was not your first, the first time that you had received a request for assistance regarding bogus policemen?

CHIEF INSPECTOR RAFTOPOULOS: No, Commissioners, this is not the first time. I can just indicate on two cases where we arrested two traffic officers in Pretoria that was
10 impersonating traffic officers, and they were hijacking trucks. They were arrested in full uniform but none of them were traffic officers. They were civilian people and then we had a case in Alberton also where there was a house robbery, police members impersonating police members. After the arrest, they were in possession of police ID cards but none of them were registered in the police system, Commissioner.

ADV SEGEELS-NCUBE SC: And was this what you indicated now, was this prior to 6 December 2024?

20 **CHIEF INSPECTOR RAFTOPOULOS:** That is correct, Commissioners. That was prior to that and that is why I took the decision and then volunteered to go out to have a look what is going on.

ADV SEGEELS-NCUBE SC: Can you just tell us a bit more about your working relationship with TOMS?

CHIEF INSPECTOR RAFTOPOULOS: Commissioners, we have a good working relationship with TOMS. I have been working with TOMS for the past eight to nine years. So, we built a trust relationship between us, and they will always contact us if they need assistance with any operations that they are conducting.

ADV SEGEELS-NCUBE SC: So, you get the request and then you say you will send a chopper, is that correct?

CHIEF INSPECTOR RAFTOPOULOS: That is correct,
10 Commissioners.

ADV SEGEELS-NCUBE SC: And what is it that you expected or intended would be of assistance by sending the chopper? What would you do?

CHIEF INSPECTOR RAFTOPOULOS: What we usually do is we will fly to the specific address, Commissioners, then we will just monitor if there is anything going on, on the ground. We had previous issues where if it was people impersonating somebody that they will flee the scene immediately if they see the helicopter, Commissioners.

20 **ADV SEGEELS-NCUBE SC:** So, it was both detection and deterrent?

CHIEF INSPECTOR RAFTOPOULOS: That is correct, Commissioners.

ADV SEGEELS-NCUBE SC: Can you go to page 2 of your statement? At paragraph 4 you speak about your

participation in a WhatsApp group. Can you tell us about that?

CHIEF INSPECTOR RAFTOPOULOS: Yes, Commissioners. Captain Kruger said he will add me to a WhatsApp group and he will send the address when he telephonically phoned me requesting our assistance. So, he was sent on the WhatsApp group and then I requested the pilot that we get airborne and fly to the specific address to see what is going on there, Commissioners.

10 **ADV SEGEELS-NCUBE SC:** Can I just ask you in that file, if you can go to section three, there should be an Annexure label BK3 and if you could go to page 8 of that.

CHIEF INSPECTOR RAFTOPOULOS: I have got it, Commissioners.

ADV SEGEELS-NCUBE SC: I just want you to confirm on page 8 the first image where it says you added Chief George traffic that you are the Chief George that is being referred to here.

CHIEF INSPECTOR RAFTOPOULOS: That is correct,
20 Commissioners.

ADV SEGEELS-NCUBE SC: Okay, now at 16:42 you send a message:

“Chopper airborne.”

What were you relaying here?

CHIEF INSPECTOR RAFTOPOULOS: I just indicated to

the group Commissioners that the chopper is airborne and that we are on our way to the address that was given by Captain Kruger.

ADV SEGEELS-NCUBE SC: Then if I could ask you in your section, Section 5, if you could go to page 4 which is GR1.

CHIEF INSPECTOR RAFTOPOULOS: I have got it, Commissioner.

ADV SEGEELS-NCUBE SC: If you could just tell us what this document is and explain to us why it is of relevance to
10 your evidence.

CHIEF INSPECTOR RAFTOPOULOS: Commissioners, this is a document that does satellite tracking on the helicopters. It will clearly indicate the time that was take-off and the time of landing of the helicopters, Commissioner.

ADV SEGEELS-NCUBE SC: Okay, so here the time of take-off is 16:40.

CHIEF INSPECTOR RAFTOPOULOS: That is correct, Commissioner.

20 **ADV SEGEELS-NCUBE SC:** And what time did you arrive at the address?

CHIEF INSPECTOR RAFTOPOULOS: The time period is approximately 6 minutes flying time from Midrand to the address that was given by Captain Kruger, Commissioner.

ADV SEGEELS-NCUBE SC: In your statement at

paragraph 4 you say it is about 7 minutes.

CHIEF INSPECTOR RAFTOPOULOS: Yes, 6 to 7 minutes.

ADV SEGEELS-NCUBE SC: Okay, so if it is 6 to 7 minutes you would have, if you took off at 16:40, you would have arrived about 16:47.

CHIEF INSPECTOR RAFTOPOULOS: That is correct, Commissioner.

ADV SEGEELS-NCUBE SC: Can we go back to your statement at paragraph 4? You say in the last sentence
10 that about a minute or so thereafter Captain Kruger posted a message. Can you tell us about that message?

CHIEF INSPECTOR RAFTOPOULOS: The message, Commissioners, that was posted by Captain Kruger is that it is a legal operation and that he will forward the commander in charge.

ADV SEGEELS-NCUBE SC: Can I ask you to go to page 8 again of BK3 to confirm that that is the message that you received that says it is a legitimate police operation?

CHIEF INSPECTOR RAFTOPOULOS: I am at page 8,
20 Commissioners, and I can confirm this is the message that I received from Captain Kruger on the group.

ADV SEGEELS-NCUBE SC: Now if you go to page 9, the message continues there, and it seems that this message was sent at 16:44. When would you have seen this message in the group?

CHIEF INSPECTOR RAFTOPOULOS: Commissioners, at that time we were flying to the address that was given by Captain Kruger, so I cannot confirm that I saw it at 16:44 because I was also navigating to where the address was in Sandton.

ADV SEGEELS-NCUBE SC: Do you recall if at the time when you saw the message whether you were at the address or not yet at the address?

CHIEF INSPECTOR RAFTOPOULOS: Commissioners, if I
10 recall correct, I was at the address because I telephonically phoned Captain Kruger just to confirm the message that he sent there as well as the OPS commander's number that he will send, and then Captain Kruger indicated to me that it is a legitimate operation by General Khumalo. And this is why I have posted it back onto the group after my conversation with Captain Kruger.

ADV SEGEELS-NCUBE SC: Okay, can we just take a step back? So you leave at 16:40, it would have taken you 7 minutes, you would have gotten to the venue - to the
20 address at about 16:47, but this message comes in at 16:44 and you say you would have seen it when you were already at the address, and you then made a call to Captain Kruger to get more information about the WhatsApp that he had sent at 16:44.

CHIEF INSPECTOR RAFTOPOULOS: That is correct,

Commissioner.

ADV SEGEELS-NCUBE SC: Okay, now at 16:49, also on page 9, you then send a message saying:

“Legal SAPS OPS.”

And can you tell us where you got that information from?

And we are just taking it step by step, so only that message for now, please, the 16:49 message.

CHIEF INSPECTOR RAFTOPOULOS: The information was received from Captain Kruger after I have telephonically
10 phoned him on his WhatsApp that he forwarded as a legitimate operation, and I will send the commander's number.

ADV SEGEELS-NCUBE SC: So, he told you this telephonically?

CHIEF INSPECTOR RAFTOPOULOS: That is correct, Commissioner.

ADV SEGEELS-NCUBE SC: In your statement you do refer to the evidence of Captain Kruger that you had an opportunity to listen to. You will know that he indicated that
20 he does not know where you got this information from. Do you want to comment on that?

CHIEF INSPECTOR RAFTOPOULOS: I have heard the testimony of Captain Kruger, but I know for a fact that I spoke to him on the phone and he gave me the information. I only communicated with Captain Kruger on that specific

day because he requested our assistance, Commissioner.

ADV SEGEELS-NCUBE SC: Did Captain Kruger tell you where he got the information from?

CHIEF INSPECTOR RAFTOPOULOS: No, I cannot recall that he told me. He just said to me - I have asked him, I have seen you have forwarded the message that it is a legal operation, and I will send the commander's number, and that is when Captain Kruger indicated that it is General Khumalo's operation.

10 **ADV SEGEELS-NCUBE SC:** And at this point you are at the address already?

CHIEF INSPECTOR RAFTOPOULOS: That is correct, Commissioner.

ADV SEGEELS-NCUBE SC: And the second message that you then send is at 16:52, which has the information of the Counterintelligence Task Team. That information you also received from Captain Kruger.

CHIEF INSPECTOR RAFTOPOULOS: That is correct, Commissioner.

20 **ADV SEGEELS-NCUBE SC:** Why did you post these two messages in the group?

CHIEF INSPECTOR RAFTOPOULOS: That is what we usually do if we work on the groups. If there is certain information we will put openly on the groups, but if it is classified, we will only communicate with the member that

opened the groups, Commissioner.

ADV SEGEELS-NCUBE SC: Now this message was sent at 16:52. Do you know whether you were still at the address at this stage?

CHIEF INSPECTOR RAFTOPOULOS: If I recall we were still at the address during that time because I also took a video of the premises and the surrounding areas to forward to Captain Kruger and for future enquiries, Commissioner.

ADV SEGEELS-NCUBE SC: And if you now have the
10 information that it is a legal operation and you are still at the address at 16:52, why did not you just leave the premises at 16:52?

CHIEF INSPECTOR RAFTOPOULOS: We shortly after I took the video left to our base back in Midrand, Commissioner.

ADV SEGEELS-NCUBE SC: What was the purpose of taking the video?

CHIEF INSPECTOR RAFTOPOULOS: Commissioner, it is for future reference and if TOMS will need it, as well as we
20 have to have reference from the CAA. If there were any queries from CAA why the helicopter was at that premises for a period of time, because it is a build-up area, Commissioner.

CHAIRPERSON: And by CAA are you referring to the Civil Aviation Authority?

CHIEF INSPECTOR RAFTOPOULOS: That is correct, Commissioner, Civil Aviation Authority.

ADV SEGEELS-NCUBE SC: And you say that during your - we are at paragraph 6 of your statement now. You say that during your call with Captain Kruger, you told him that there was nothing suspicious. What gave you that indication?

CHIEF INSPECTOR RAFTOPOULOS: As I indicated previously, Commissioner, if it was bogus police or bogus cops as we call them, they would have definitely moved out
10 of the area or fled the area and that is why I indicated that I do not see anything suspicious at that time, Commissioner.

ADV SEGEELS-NCUBE SC: And did you communicate this to Captain Kruger?

CHIEF INSPECTOR RAFTOPOULOS: That is correct, Commissioner.

ADV SEGEELS-NCUBE SC: And what was his response?

CHIEF INSPECTOR RAFTOPOULOS: He indicated that he is still on his way there, but I then said that we are going to leave because we do not find anything and there was,
20 obviously, there was a lot of vehicles outside as can be seen on the video as well, Commissioner.

ADV SEGEELS-NCUBE SC: Okay. If you can just bear with me, we are trying to get the video to play. Chair, it seems that I will need some assistance from the IT guys just to screen the video. If we could ask for a short

adjournment just to get that set up, please.

ADV BALOYI SC: Two minutes?

ADV SEGEELS-NCUBE SC: Two minutes, Chair.

CHAIRPERSON: If it is only 2 minutes, we can sit here for 2 minutes.

ADV SEGEELS-NCUBE SC: Thank you, Chair.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE SC: Thank you, Chair.

CHAIRPERSON: Yes, Ms Ncube.

10 **ADV SEGEELS-NCUBE SC:** We are ready to proceed. Thank you, Chair. Chief George, I will just play the video, and you will confirm and tell us what we are looking at when we are done watching it, okay?

CHIEF INSPECTOR RAFTOPOULOS: Thank you, Chair.

ADV SEGEELS-NCUBE SC: It was playing, Chair, and now it is not playing again. Chair, I am advised that we might need a longer adjournment.

CHAIRPERSON: We will adjourn and come back once it is indicated to us that we should.

20 **ADV SEGEELS-NCUBE SC:** Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

EXAMINATION BY ADV SEGEELS-NCUBE SC

(CONTINUES): Thank you, Thank you, Chair. Chief George, we will now play the video that you referred to as

GR2, and then thereafter you can tell us what we were looking at.

CHIEF INSPECTOR RAFTOPOULOS: Thank you, Commissioner.

[PLAYBACK OF VIDEO]

ADV SEGEELS-NCUBE SC: Can you tell us firstly why did you take the video?

CHIEF INSPECTOR RAFTOPOULOS: Commissioner, as indicated, I took the video for future reference for TOMS as
10 well as CAA, if there were any noise complaints laid by the community.

CHAIRPERSON: I do not quite see what we are supposed to see. I cannot even tell the house at which the takedown was taking place.

CHIEF INSPECTOR RAFTOPOULOS: So, Commissioner, if you look at the video, there was, at one specific house, there was two vehicles standing as well as at the gate. There were people standing at the gate and there were cars in the street. As indicated previously to the Commission, if
20 this was bogus cops, as we call it, they would have definitely dispersed from there, Commissioner.

CHAIRPERSON: Ms Ncube, if you see what Mr Raftopoulos is referring to, can you pause at the relevant part?

ADV SEGEELS-NCUBE SC: Yes, Chair, I thought perhaps

he can look behind him and tell us when we should pause. So, I will play the video again and you are best able to tell us.

CHAIRPERSON: Thank you.

CHIEF INSPECTOR RAFTOPOULOS: So, Commissioner, there is the entrance of the premises, Commissioner. There is the vehicle standing as well as there is a vehicle standing on the right-hand side.

CHAIRPERSON: Is that the two vehicles parked side by
10 side and parked at 90 degrees to the street or not?

CHIEF INSPECTOR RAFTOPOULOS: That is correct, Commissioner. That is the two vehicles that are at the entrance of the premises.

CHAIRPERSON: All right.

ADV SEGEELS-NCUBE SC: And is the tennis court to the left part of the property?

CHIEF INSPECTOR RAFTOPOULOS: Yes, there is a tennis court on the left part. I cannot confirm it is part of the property, Commissioner.

20 **ADV SEGEELS-NCUBE SC:** Okay.

CHAIRPERSON: Or is there anything else we should take note of or not really?

CHIEF INSPECTOR RAFTOPOULOS: Commissioner, there is only the vehicle standing in front of the garage. If we can just forward the video a bit. That is the one there,

Commissioner. There is the vehicle standing there.

CHAIRPERSON: Further up. Again, it is two vehicles, one white. The one on the right is white and there is a darker one on the left. Am I right?

CHIEF INSPECTOR RAFTOPOULOS: It is a dark-coloured, Commissioner.

CHAIRPERSON: Yes, all right. Thank you. That is enough from our side.

CHIEF INSPECTOR RAFTOPOULOS: Thank you,
10 Commissioner.

ADV SEGEELS-NCUBE SC: Thank you, Chair. Now, you say that you did not see anything suspicious, and my question to you was why did you still fly over for another 3 to 5 minutes on your timeline?

CHIEF INSPECTOR RAFTOPOULOS: Commissioner, it is not that we are over the house for the 3 or 5 minutes. We were there in the vicinity. Unfortunately, as I indicated, if you are too long at one premises or a specific area, there will be complaints of a noise complaint to the CAA, and then
20 we must also justify that to the CAA.

ADV SEGEELS-NCUBE SC: And then if we could go to page 4 of your statement, which is GR1, you say in your statement at paragraph eight that you landed at 5 o'clock. That is reflected in that annexure.

CHIEF INSPECTOR RAFTOPOULOS: That is correct,

Commissioner. This is according to the satellite tracking of the helicopter.

ADV SEGEELS-NCUBE SC: Which means that you would have left at 16:53 approximately.

CHIEF INSPECTOR RAFTOPOULOS: Around about approximately that time, Commissioner.

ADV SEGEELS-NCUBE SC: Then at paragraph 9 and 10, you address the allegations of interference. Can you just elaborate on that for us?

10 **CHIEF INSPECTOR RAFTOPOULOS:** Thanks, Commissioner. Yes, I have heard on testimony and in the newspapers and social media that we tried to interfere on a legitimate police operation at Mr Katiso Molefe's residence. I am very disturbed about these comments. They are untrue, as I had no idea who Mr Molefe is or where he lives. I was merely assisting teams that I usually worked with in the past, and my understanding was that there were bogus police or bogus cops at that premises, and that is the reason I volunteered to go with the job of the
20 Commissioner.

ADV SEGEELS-NCUBE SC: Thank you, Chair. That is the evidence of this witness.

CHAIRPERSON: Thank you very much, Mr Raftopoulos.

CHIEF INSPECTOR RAFTOPOULOS: Thank you, Commissioner.

NO FURTHER QUESTIONS

ADV SEGEELS-NCUBE SC: Thank you, Chair. May I ask for a short adjournment to get the next witness in, and also to just excuse Mr Raftopoulos. If we could ask for 10 minutes, please, Chair. The witness is here. He is just in the waiting area.

CHAIRPERSON: Must it be 10 minutes then?

ADV SEGEELS-NCUBE SC: Five.

CHAIRPERSON: We will wait outside and come back in
10 when you call us.

ADV SEGEELS-NCUBE SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Nube, before we start with the witness, I just want to raise an issue that relates to Brigadier Mokoena. Looking at the statements that we have been furnished with for today, it does not look like we will take the whole day with them. We, as the Commissioners, want Brigadier Mokoena to come back. Is it possible for
20 him to come back this afternoon?

ADV SEGEELS-NCUBE: Chair, the indication from Brigadier Mokoena in our engagements with him over the weekend is that he would prefer not to return to the Commission at this stage until he has considered legal advice and considered all the evidence that will be led in

this matter. He is not sure if at this stage he is considered an implicated person, having regard to the evidence that was led last week. So he is still considering his position. And my understanding from the DPCI's legal advisor is that they have advised him not to participate at this stage, unless the Commission absolutely wants him to come, but even then he will still consider his position.

CHAIRPERSON: We absolutely want him to come back. It would just be a question of the timing, but we absolutely do
10 want him to come back. Remember, he had said that if Captain Kruger comes and confirms confirmation that he could not explain, that is the meaning thereof, as he used the word, and Captain Kruger came, but all of this, as you remember, related to whether or not he participated in the group.

And he said he did not, and Captain Kruger said he did. And on the statements that we have shown, there are other witnesses, or at least there is one, but probably more than just one, who again contradict him. So we just must
20 hear him again. So it is not a maybe. We do want to hear him again. But as I say, it is perhaps a question of timing, especially if he says he wants legal advice. I doubt that we would want to force him before he gets that legal advice.

ADV SEGEELS-NCUBE: Thank you, Chair. We will engage with him and his legal advisor on this aspect when

we are done here today, or during the tea adjournment, I will contact him to see whether he would want to come back after lunch. If not today, then we will make suitable arrangements for a future date.

CHAIRPERSON: Thank you. Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, the next witness is Warrant Officer Sabelo Nkosi. His statement appears in section 4, and he has also elected to be sworn in.

10 **CHAIRPERSON**: Warrant Officer, good morning. And please state your full names for the record.

WITNESS: Good morning, Commissioner. I am Sabelo Nkosi.

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

WITNESS: So help me God.

SABELO NKOSI: (duly sworn states)

20 **EXAMINATION BY ADV SEGEELS-NCUBE**: Thank you, Chair. Warrant Officer Nkosi, can I ask you in the file in front of you, if you can go to section 4, that should have your statement. And if I can ask you to confirm the signature on page 8.

WARRANT OFFICER NKOSI: Indeed, it is my signature,

Commissioner.

ADV SEGEELS-NCUBE: And do you confirm that the statement at page 1 to 8 of section 4 is your statement prepared for purposes of your evidence today?

WARRANT OFFICER NKOSI: That is correct.

ADV SEGEELS-NCUBE: Do you confirm the correctness and truthfulness thereof?

WARRANT OFFICER NKOSI: I do.

ADV SEGEELS-NCUBE: Thank you. Warrant Officer
10 Nkosi, can we start on page 1 of your statement, the introduction? You gave a very terse introduction about your life as a police officer. Can you just expand on that for us, please?

WARRANT OFFICER NKOSI: I joined the South African police in the year 2000. Currently, I am holding the rank of a Warrant Officer. I am currently based at the Office of the Directorate for Priority Crime Investigation at a section called TOMS. TOMS is an abbreviation meaning Tactical Operation Management Section of the DPCI.

20 **ADV SEGEELS-NCUBE**: And how long have you been in TOMS?

WARRANT OFFICER NKOSI: Well, that is from 2020.

ADV SEGEELS-NCUBE: And who do you report to?

WARRANT OFFICER NKOSI: Currently, I report to Brigadier Mokoena as a Section Head.

CHAIRPERSON: What does TOMS do? I think someone explained previously, but can you please just remind me? What does TOMS do again?

WARRANT OFFICER NKOSI: Thank you, Commissioner. TOMS is a section within the DPCI which is in line with the mandate of the DPCI, but TOMS is only doing only the tactical part, the combat part.

ADV SEGEELS-NCUBE: And would that entail doing stuff like takedown operations?

10 **WARRANT OFFICER NKOSI**: That is correct.

CHAIRPERSON: So you would sort of be rendering support to others who are actually doing the operation itself?

WARRANT OFFICER NKOSI: Indeed.

CHAIRPERSON: Or conducting the operation itself.

WARRANT OFFICER NKOSI: Indeed, Commissioner.

CHAIRPERSON: Thank you, thank you.

ADV SEGEELS-NCUBE: You say that you report to Brigadier Mokoena. Is that the same Brigadier Mokoena
20 that is known in the Department as Kleintjie?

WARRANT OFFICER NKOSI: Correct, Commissioner.

ADV SEGEELS-NCUBE: And at paragraph 2 you start with the events of 6 December 2024. Can you tell us how you got involved in those events?

WARRANT OFFICER NKOSI: Okay. On this particular day

in question, 6 December 2024, it was around about 4 o'clock, 16:00, 4 o'clock afternoon. I was at my place of residence. And by then I was preparing to go out for an operation. We had a planned operation at the North West Province on that particular afternoon.

ADV SEGEELS-NCUBE: When you say at your home, where is your home?

WARRANT OFFICER NKOSI: Springs.

ADV SEGEELS-NCUBE: And when you refer to we were
10 getting ready for an operation, can you tell us who that would have been?

WARRANT OFFICER NKOSI: Ja, on my side, before 4 o'clock, I communicated with Captain Kruger. And then because he had a problem with his vehicle that he was using, his vehicle was not fit that it can drive to such a distance. Because where we were going, it was about 300 and something kilometres. So we arranged that because I am alone, him and Constable De Gouveia, they are going to jump on me. We are going to park that car somewhere,
20 they jump on me, and then we proceed with our duties, with our journey.

ADV SEGEELS-NCUBE: And where were you going to park the car?

WARRANT OFFICER NKOSI: Where there were any police station around there, we can leave the car.

ADV SEGEELS-NCUBE: Had he given you an indication at that stage where, in which area that would be, where the car would be parked?

WARRANT OFFICER NKOSI: The location that he sent me, it was in Pretoria North.

ADV SEGEELS-NCUBE: Okay, and he would have sent that location to you, do you remember more or less what time on that day?

WARRANT OFFICER NKOSI: The location, if I remember
10 correctly, it is between 3 and 4.

ADV SEGEELS-NCUBE: Okay, so between 3 and 4, you knew that at some stage you would meet him in Pretoria North to leave his vehicle and take him and Constable De Gouveia as passengers to go to the operation in the North West?

WARRANT OFFICER NKOSI: Indeed.

ADV SEGEELS-NCUBE: And did you have a set time that you would meet him at that location?

WARRANT OFFICER NKOSI: I told him that I would be
20 leaving by quarter past, I would be leaving my home. Normally what we do, I just send ...[intervenes].

CHAIRPERSON: Quarter past what?

ADV SEGEELS-NCUBE: Quarter past four.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Normally what?

WARRANT OFFICER NKOSI: Normally what we do when I have to come and fetch you, I am going to send you my live location. Reason for that is that I do not want when I am at your gate and then you are still drinking coffee or you want to do anything because when I am at your gate, you must be at your gate.

ADV SEGEELS-NCUBE: Okay, so at some point when you were going to leave, you were going to send him your live location.

10 **WARRANT OFFICER NKOSI:** Live location, correct.

ADV SEGEELS-NCUBE: Okay, but you already knew where he wanted to leave the car.

WARRANT OFFICER NKOSI: Correct, Commissioners.

ADV SEGEELS-NCUBE: Okay, please proceed.

WARRANT OFFICER NKOSI: I then receive a call. The call, it was from Brigadier Mokoena. Brigadier Mokoena informed me that he has sent me a WhatsApp. I must check on that WhatsApp and then he sent me an address. I must rush to that particular address. There are people there who
20 are posing themselves as police officers. And then he further informed me that he received information from our National Head. And then those people, they are posing also as DPCI members.

ADV SEGEELS-NCUBE: Okay, can we just take a step back? You, at that stage, are getting ready to go to meet

Captain Kruger, but you are still at home and then you receive the call from Brigadier Mokoena. Do you recall what time this would have been?

WARRANT OFFICER NKOSI: It could be between 4 o'clock and quarter past, somewhere there.

ADV SEGEELS-NCUBE: And he then tells you that you need to go there to the address in Sandton and he is going to send the address to you?

WARRANT OFFICER NKOSI: Correct.

10 **ADV SEGEELS-NCUBE**: And at that stage, did Brigadier Mokoena, was he aware that you were preparing to go to the North West for an operation?

WARRANT OFFICER NKOSI: Correct, he was aware.

ADV SEGEELS-NCUBE: How do you know that he was aware?

WARRANT OFFICER NKOSI: We do not go out on the operation without the approval of our Commander.

CHAIRPERSON: To your knowledge, did he know what time you would be leaving for the operation?

20 **WARRANT OFFICER NKOSI**: On that one, Commissioner, I will not have any idea. But because between us and the Brigadier, there are other senior officers that we directly report to. Them, they are the ones that are reporting to the Brigadier.

CHAIRPERSON: To your knowledge, could he have had

any reason to believe that around that time, that is the time you are referring to, you were already back from the operation?

WARRANT OFFICER NKOSI: Commissioner, we are not back, we are going there.

CHAIRPERSON: Yes, yes, I hear you, I hear you. And Captain Kruger has also said that you were going, you were still to go for the operation. I am asking a different question. I am asking whether, to your knowledge,
10 Brigadier Mokoena could have had any reason to believe that you were already back from the operation. To your knowledge, I know you were not in his mind, but knowing what you knew at the time and based on what you could have thought, he also knew, could he have had any reason to think that you were already back from the operation?

WARRANT OFFICER NKOSI: He should not have the reason for it, because when we say the meeting time that site at North West, we set a time for meeting. So now it is going to be up to you individually, the departure time, based
20 on the distance where you are travelling. I will make an example, maybe by saying 8 o'clock tonight we must meet at Durban Central, at this particular area. And then now, each individual now must calculate his time, but at that particular time, you must be there in Durban.

CHAIRPERSON: All right. I may be asking you a question

on something that you have dealt with. Please forgive me if that is the case. What time was the operation to take place?

WARRANT OFFICER NKOSI: The briefing was at 7 o'clock, 19:00.

CHAIRPERSON: The briefing?

WARRANT OFFICER NKOSI: Yes.

CHAIRPERSON: And then the operation itself?

WARRANT OFFICER NKOSI: The operation, the situation
10 was going to ...[indistinct] there. Because after the briefing, there are some logistical stuff that we have to deal with. Because due to the sensitivity of the operation at that side, we have got other people that they are going to be doing assessment on the area, how we are going to approach the area, or something like that because it was a life-threatening situation. It was not just a minor takedown where we know exactly the person is there.

CHAIRPERSON: And in your experience, I know you say others reported to him and other ones who would have told
20 him what was going to happen when. But in your experience, would Brigadier Mokoena have known when the operation was supposed to take place?

WARRANT OFFICER NKOSI: Yes, he should know.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: Can I just ask a follow-up question,

Warrant Officer? Where was the briefing going to take place, and at what time?

WARRANT OFFICER NKOSI: The briefing was at Thabazimbi site. Actually, it is a border between North West and Limpopo.

ADV KHUMALO SC: So the team needed to be in Thabazimbi at 7 o'clock?

WARRANT OFFICER NKOSI: Us?

ADV KHUMALO SC: Yes.

10 **WARRANT OFFICER NKOSI**: Yes.

ADV BALOYI SC: So, Warrant Officer Nkosi, when you say that Brigadier Mokoena should have known what time the briefing in Thabazimbi, where you were going, would happen, the time when it was scheduled for, where would he have gotten that kind of detail from? How does he become aware of that kind of detail?

WARRANT OFFICER NKOSI: Firstly, we do have our immediate Commanders, where the person who is holding the inquiry is going to discuss whatever that is going to
20 discuss with the immediate Commander. And then the immediate Commander is the one that – because in the office, let me start like this so that we can all be on the same page. In our office, we have got two WhatsApp groups.

It is one WhatsApp group where everyone, even the

administration personnel, they are there on that group. And then they, them, the officers from Captain upwards, they have got their own group where they are doing all the reporting. So, and then when we do the operation, we open a group, a separate group, where we are going to involve even the external stakeholders on that particular group, including the management. Even if the Brigadier is not there, but you will find that he is going to be there on that particular group.

10 **ADV BALOYI SC:** When you say external stakeholders, that would be who? Who would be the external stakeholders?

WARRANT OFFICER NKOSI: Like the people who are not from DPCI. For instance, if we are here in Gauteng, we are going to involve Gauteng Traffic Air-Wing. Normally, we have got a relationship with Chief George. We are going to just add him. He is going to see who is available that is going to assist on that particular case. And then we have got also a working relationship with the private security
20 companies.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioners. Can I just take you back to paragraph 2 of your statement and deal with the instruction that you received from Captain Mokoena during the telephone call? In your statement, you

say that he wanted you to go to the address to confirm if a legitimate police operation was underway at the address. Do you recall what his exact words were to you?

WARRANT OFFICER NKOSI: Well, he just said I sent you a WhatsApp. Check on the WhatsApp. You rush there to that address. There are people there who are imposing as police officers. And then I have already informed other officers from our office because he even said that I phoned you guys that side because when we are that side, that side
10 means that based on our place of residence. Because this thing was at Sandton. So meaning that when he is saying that you guys that side, those people who are staying at the surroundings of Sandton. I do not know if that makes sense, Commissioners.

ADV SEGEELS-NCUBE: Yes, and what do you mean by the surroundings? Would that be the East Rand or the West Rand?

WARRANT OFFICER NKOSI: East Rand, Joburg. We have got someone who is staying at the West Rand. And
20 then they normally call us, you guys, the Joburg team. The Joburg team. Because some of them, they are at this Pretoria side. That we call them Pretoria team. Does not matter whether we are at Mamelodi or we are at Soshanguve. We just call them Pretoria team. So that is why on us, it is just an informal name that we call one

another.

ADV SEGEELS-NCUBE: And did he tell you who these other TOMS members were that he had also instructed?

WARRANT OFFICER NKOSI: No, he did not.

ADV SEGEELS-NCUBE: Okay, and then at paragraph 3 you deal with what you refer to as a request from Brigadier Mokoena. You say that it was strange. Can I just ask you firstly, why do you refer to it as a request here but earlier on you said it was an instruction?

10 **WARRANT OFFICER NKOSI:** Ja, the instruction part, it is a wording. When the Commander tells you something, even if he requests you or what, in the police language, that is an instruction.

ADV SEGEELS-NCUBE: So are we to then read where you say at paragraph 3 that you found the request strange, that you are referring to, I found the instruction strange?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Okay, can you tell us why you found it strange?

20 **WARRANT OFFICER NKOSI:** Ja, firstly, for the reason why I have to go, what I have to do there, where he sent me the address, compared to this life-threatening operation that we are going to, a normal person, a reasonable person, let me put it like that, a reasonable person would have thought that, no, the priority here is this life-threatening operation.

Because by so doing, you are removing me there, you are removing others there, that team becomes weak now. It is no longer now according to the operational plan of that particular operation. So that is why that did not make sense to me. Thank you.

ADV SEGEELS-NCUBE: Warrant Officer, you say in paragraph 3 that part of the reason why you found it strange was because Brigadier Mokoena was aware that the TOMS team would be leaving for the North West. I think that
10 aspect has been addressed by the Commissioners, but are you saying that he was aware, for the reasons that you stated earlier, that it would have been communicated to him either by your direct Commander or within the WhatsApp group?

WARRANT OFFICER NKOSI: Indeed, Commissioners.

ADV SEGEELS-NCUBE: Then if we can go to paragraph 4 of your statement on page 2, this is where you expressed your frustration, which you have just indicated now, and you referred to the exercise of going to the address as an
20 insignificant verification. Can you just tell us about that? Why do you characterise it as insignificant verification?

WARRANT OFFICER NKOSI: Ja. Commissioners, to me, that area where the address is, we do have local police station there. And then if it was such an urgency, because compared to me driving – because when I opened the GPS

to that particular address, it was 60-something kilometres. And then I do not think that there is an area or a suburb where the police station is more than 20 kilometres away.

CHAIRPERSON: 66 kilometres from where you were at home at Springs?

WARRANT OFFICER NKOSI: Yes.

CHAIRPERSON: 66 kilometres to Sandton?

WARRANT OFFICER NKOSI: It is between 60 and 70.

CHAIRPERSON: Commissioner ...[intervenes].

10 **WARRANT OFFICER NKOSI:** I stand to be corrected, Commissioner.

CHAIRPERSON: No, no, no. My co-Commissioner, who we will put to the witness stand, says it is far, it is quite far. I am kidding about putting him in the witness stand.

WARRANT OFFICER NKOSI: Okay.

ADV SEGEELS-NCUBE: And you also said something about it was traffic, and there was heavy traffic.

WARRANT OFFICER NKOSI: Ja. On that particular time, the traffic was congested on the freeways.

20 **ADV SEGEELS-NCUBE:** Okay. You can continue with the insignificant verification.

WARRANT OFFICER NKOSI: And then ...[intervenes].

ADV BALOYI SC: Maybe before, Warrant Officer Nkosi, before you move off that paragraph 4, did you not say to Brigadier Mokoena that you are on a mission, you are going

to an operation, and it has a time where you are supposed to meet on the other side at 7pm, and this will disrupt the – if you go to this sender's address, it will disrupt the operational plan. Did you not speak to him about that?

WARRANT OFFICER NKOSI: The only thing that I mentioned to him, because his initial word when he called me, he said, are you able to talk? Yes, I am able to talk. What are you doing? No, I am just preparing for that OPS of North West. He said, oh, *eish*, but now, listen here, we
10 have got this urgent situation. I have sent you a WhatsApp on the group. Check the group and then rush there. I have also sent other members that side.

ADV BALOYI SC: So you did say to him that you are preparing for this operation in North West?

WARRANT OFFICER NKOSI: Correct.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioners. I was still at page 2, paragraph 4, where you were telling us why you considered it to be an insignificant verification and
20 you ...[intervenes].

CHAIRPERSON: Perhaps before you move on, something related to what Commissioner Baloyi asked. Under the conclusion in your statement, you criticised Captain Kruger for not having stood his ground and not done every and anything Brigadier Mokoena wanted him to do. But I do not

quite understand why you would merely have mentioned that we have this operation in the North West. Could you not too have stood your ground and said, but, Brigadier, there is a briefing at 7pm?

There are colleagues who are already waiting for me in Pretoria. Why can police not who are close to this address, for example, Sandton SAPS, go there? Why must it be us who are on this very important operation? Why must we go there? If you criticise Captain Kruger, should
10 you not also be criticised on similar grounds? As they say, what is sauce for the goose is sauce for the gander.

WARRANT OFFICER NKOSI: Okay, thank you, Commissioner. No, the criticism from me to Captain Kruger is the delay, the time that he spent there at the address. It is not about going there. It is about the delay, the time that he spent there. To me, I think it was unnecessary.

CHAIRPERSON: But should you have gone in the first place? Should you not have stood your ground right at the beginning and said, why can people not who are closer
20 there be the ones who go to this address? You have just told us now, now, now.

WARRANT OFFICER NKOSI: Correct.

CHAIRPERSON: That that is exactly what ought to have been done. Why did you not raise that with Brigadier Mokoena?

WARRANT OFFICER NKOSI: On this one, when he mentioned that he has already sent other people that side, to me, I did not have that much power now to challenge him on that particular time. Because once we go there, there is going to be someone that is going to be in charge from us. Because you might find that maybe it is just this mere impersonating police only to find that there is someone that has been briefed more than what I have been briefed.

ADV SEGEELS-NCUBE: Thank you, Chair. Warrant
10 Officer, then I think you have addressed the issue about the insignificance of the verification. At paragraph 5 you then speak about what happens after your call with Brigadier Mokoena. Can you tell us about that?

WARRANT OFFICER NKOSI: I then proceeded to that particular – because I was being directed by the navigation from my phone ...[intervenes].

ADV SEGEELS-NCUBE: Just prior to that, if you look at paragraph 5 of your statement on page 2, after you spoke to Brigadier Mokoena, you say that you received another call.

20 **WARRANT OFFICER NKOSI**: And then I received a call from Captain Kruger. Because, remember, there Commissioners, I was supposed to go and pick up them, Captain Kruger and Constable De Gouveia from Pretoria North, to go to North West. So he called me after I have communicated with Brigadier Mokoena and then he told me

that, hey, bro, you need not to go to that location that I have given you. I have been diverted to go to Sandton. I also confirmed with him that, no, I have also been called to that particular address. Is that 137? He said, yes, it is 137. No, it is the same address. I said, okay, we are going to meet there. He said, he is going to open the group and then he is going to put the members that are involved.

ADV SEGEELS-NCUBE: Okay, and then also in paragraph 5 you say when you were done with that call, you then saw
10 the WhatsApp from Brigadier Mokoena.

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: With the address.

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Do you still have that WhatsApp?

WARRANT OFFICER NKOSI: No, I no longer have.

ADV SEGEELS-NCUBE: Why is that?

WARRANT OFFICER NKOSI: The reason is it is the State phone that I was using, it was renewed. I was given another new phone, so I had to take the SIM card and put it
20 on the new phone.

ADV SEGEELS-NCUBE: Okay, and then at paragraph 7 you deal with what you did after you received that WhatsApp message from Brigadier Mokoena. You say you were added to a WhatsApp group and then what did you do?

WARRANT OFFICER NKOSI: I kept on driving and then

while driving, and then Brigadier Mokoena kept on calling and then, how far are you? So I was only giving him what the GPS is telling me, how far I am.

ADV SEGEELS-NCUBE: And how often would you say that he was calling you while you were making your way to the address?

WARRANT OFFICER NKOSI: It was several times, more than twice.

ADV SEGEELS-NCUBE: In a space of a half an hour?

10 **WARRANT OFFICER NKOSI**: 15, 10 minutes.

ADV SEGEELS-NCUBE: He was calling every 10 to 15 minutes?

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: Okay. And you say that this irritated you, why?

WARRANT OFFICER NKOSI: Yes, for the same reason that I have already placed on record, that if this thing was so much urgent, it could have been handled in another manner by achieving the very same results of the local
20 police station.

ADV SEGEELS-NCUBE: Okay, you also say in your statement that you were frustrated because you were using the navigation system.

WARRANT OFFICER NKOSI: Yes, and then when you received the call, now you have to stop the navigation,

meaning that you have also to stop the car, because you will find that the navigation said in certain distance you must turn left. While you are busy driving, you might miss that particular road. You have to stop and speak to him.

ADV SEGEELS-NCUBE: And then at page 3, still paragraph 7, you can go to page 3, at the top of page 3, you say that during one of the calls, you complained to the Brigadier about the traffic. What did he say to you?

WARRANT OFFICER NKOSI: Yes, he said I must try to
10 push.

ADV SEGEELS-NCUBE: What did you understand by that?

WARRANT OFFICER NKOSI: So, meaning that you must switch on your siren now, and blue lights now, so that the motorists are going to give way.

ADV SEGEELS-NCUBE: You also said ...[intervenes].

WARRANT OFFICER NKOSI: Meaning that, sorry, basically you must drive recklessly now.

ADV BALOYI SC: And did you put on your blue lights?

WARRANT OFFICER NKOSI: I did not, Commissioners.

20 **ADV BALOYI SC**: Did you drive recklessly? What did you do?

WARRANT OFFICER NKOSI: No, I did not. I just drive as the cars are following the cars. I did not think it would be necessary for me.

ADV BALOYI SC: You did not drive on the yellow line?

WARRANT OFFICER NKOSI: No, I did not.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: So you did have a blue light?

WARRANT OFFICER NKOSI: I do have.

ADV SEGEELS-NCUBE: Okay, and you decided not to use it?

WARRANT OFFICER NKOSI: Not to use it.

ADV SEGEELS-NCUBE: And you also say that at some point you shared your location in the group. Why did you
10 do that?

WARRANT OFFICER NKOSI: To avoid these constant calls.

ADV SEGEELS-NCUBE: Okay, if I can ask you to go to section 3 of the file, there should be a label that says BK3.

WARRANT OFFICER NKOSI: Section 3, is it front, back?

ADV SEGEELS-NCUBE: Yours is section 4, so 3 would be forward. And if you look at the labels, there should be a label that says BK3.

WARRANT OFFICER NKOSI: BK4, BK5.

20 **ADV SEGEELS-NCUBE:** Somebody will assist you now.

ADV BALOYI SC: Ms Ncube, you said BK?

ADV SEGEELS-NCUBE: BK3 from section 3, yes.

ADV BALOYI SC: In the last file, previous file.

ADV SEGEELS-NCUBE: Annexures to Captain Kruger's statement. Do you have it?

WARRANT OFFICER NKOSI: Yes, I do.

ADV SEGEELS-NCUBE: Okay, can you go to page 10, the big number 10 on there? Do you have it?

WARRANT OFFICER NKOSI: Yes, I do.

ADV SEGEELS-NCUBE: There is a message there from W-O Malume TOM. Do you know who that person is?

WARRANT OFFICER NKOSI: That is me, Commissioners.

ADV SEGEELS-NCUBE: Okay, and at this point, at 17:06, you are sending a message that you are eight kilometres to
10 the location, and then there is a live location.

WARRANT OFFICER NKOSI: That is correct.

ADV SEGEELS-NCUBE: Now, if we go back to your statement at page 3, at paragraph 8, do you recall who were the participants in that WhatsApp chat group that we just saw now?

WARRANT OFFICER NKOSI: It was myself, Captain Kruger, Constable De Gouveia, Brigadier Mokoena, Captain Sejane, and Chief George from Gauteng Traffic.

ADV SEGEELS-NCUBE: And you say in paragraph 9 of
20 your statement that there were various exchanges of messages, and at some point, you saw a message from Chief George. What did that message say?

WARRANT OFFICER NKOSI: May I read it?

ADV SEGEELS-NCUBE: Yes, you may. Paragraph 9.

WARRANT OFFICER NKOSI: Okay:

“It is a legitimate SAPS operation conducted by a Counter-Intelligence Task Team appointed by General Khumalo with Lieutenant Khumalo in charge.”

ADV SEGEELS-NCUBE: If I can ask you to go back to BK3, and if you can go to page 9, there is a message there by Chief George Traffic. Do you see it?

WARRANT OFFICER NKOSI: Yes, I do.

10 **ADV SEGEELS-NCUBE**: That is the message you are referring to?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Okay. Now, earlier, there is also a message, a forwarded message on page 8, if you go to page 8, from Captain Kruger, which also refers to it being a legitimate police operation. But you do not mention that in your statement. Is there a reason for that? You only mention the message that comes later from Chief George. Do you recall that Captain Kruger also sent a message that
20 it was a legitimate operation?

WARRANT OFFICER NKOSI: No, I did not take note of it. I only take note of this one of Chief George because there was an interesting question there that came after that from Captain Sejane.

ADV SEGEELS-NCUBE: What was the interesting

question?

WARRANT OFFICER NKOSI: Do we stand down?

ADV SEGEELS-NCUBE: Okay, it is still on page 9. Do you see that message there from Captain Sejane?

WARRANT OFFICER NKOSI: Yes, yes.

ADV SEGEELS-NCUBE: Can you just read it into the record?

WARRANT OFFICER NKOSI: Okay, he shows a sign, I do not know.

10 **ADV SEGEELS-NCUBE:** Thumbs up.

WARRANT OFFICER NKOSI: Thumbs up:

“Should we stand down?”

That is why I got interested now. I even parked on the side of the road.

ADV SEGEELS-NCUBE: Why did you park on the side of the road?

WARRANT OFFICER NKOSI: I was waiting for an answer now. This answer, I was going to be the beneficiary of it.

20 **ADV SEGEELS-NCUBE:** And who were you expecting an answer from?

WARRANT OFFICER NKOSI: From the Brigadier.

ADV SEGEELS-NCUBE: Why from the Brigadier?

WARRANT OFFICER NKOSI: Because here is a message, because Brigadier is on the group. So when the Brigadier is on the group, meaning that he is in charge of this group.

So we are on this group because of his instructions.

ADV SEGEELS-NCUBE: So you were waiting for a response from Brigadier Mokoena to Captain Sejane's message to say whether you must stand down or not?

WARRANT OFFICER NKOSI: Yes, it is going to depend. It is either Brigadier communicate with Captain Kruger, because I do not know what they were talking about behind the scene. And then one of them could have given us an answer there.

10 **ADV SEGEELS-NCUBE**: Okay, so then Captain Kruger responds a minute later:

“Still on way to confirm, Capt.”

So he is responding to Captain Sejane. What did you understand by that message from Captain Kruger?

WARRANT OFFICER NKOSI: Meaning that we are still going there.

ADV SEGEELS-NCUBE: Did you understand that to be an instruction from him that you must still go there?

WARRANT OFFICER NKOSI: Yes, because why I will say
20 that, beside this WhatsApp group there were communications on the radio that we were communicating amongst ourselves. The two-way radio.

ADV SEGEELS-NCUBE: Is that the Halo radio?

WARRANT OFFICER NKOSI: The Halo radio, that is correct.

ADV SEGEELS-NCUBE: Okay. There is a reference to that in the group where Captain Kruger says:

“Halo radio's on.”

Is that what you are referring to?

WARRANT OFFICER NKOSI: That is correct, Commissioners.

ADV SEGEELS-NCUBE: Okay. And I think that is on page 7. Can you go to page 7?

WARRANT OFFICER NKOSI: That is correct:

10 “Halo radio's on.”

Meaning that this is an instruction that everyone that is responding there, you must switch on the radio.

ADV SEGEELS-NCUBE: And these are not just people that are in the WhatsApp group. If somebody else had received the instruction, perhaps would they also be able to hear that? Or is it only for participants in the WhatsApp group?

WARRANT OFFICER NKOSI: Ja, each and every member of our office, you have got this radio. It is a portable radio where we speak. Even if you are in Cape Town, we can
20 communicate, me and you.

ADV SEGEELS-NCUBE: Okay. So there was communication going on outside of the WhatsApp group and the phone calls?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: And did Brigadier Mokoena also

have a Halo radio?

WARRANT OFFICER NKOSI: On that one, I am not sure.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER NKOSI: Because previously we used to be with him on the field. He used to have one, but now he is no longer on the field. I do not know if he is still on that one.

ADV SEGEELS-NCUBE: Okay. So if we can then go back to page 9 with Captain Kruger's message that says:

10 “Still on way to confirm, Capt.”

You understood that to then be that you must still continue to go there?

WARRANT OFFICER NKOSI: Yes, because on the radio, prior to this, or after this message we were saying that, and then whoever comes first now, meaning that we have to stop somewhere so that we can get a briefing, exactly briefing what has to be exactly done there. That is what we were communicating there over the radio.

ADV SEGEELS-NCUBE: Can you just explain that, clarify
20 that a bit more?

WARRANT OFFICER NKOSI: Like when we approach the scene, we do not approach the scene blindly. You do not just drive there and then now you say I have arrived, because that is where you are going to pick up problems because you might arrive there and then hear the bullet and

now they are *moering* you. Excuse the language, I am just trying to ...[intervenes].

ADV SEGEELS-NCUBE: I thought we had this conversation, Warrant Officer.

WARRANT OFFICER NKOSI: Ja.

ADV SEGEELS-NCUBE: You are betraying me now.

WARRANT OFFICER NKOSI: So basically you do not approach it blindly. You must be strategic to approach that particular...

10 **ADV SEGEELS-NCUBE:** So there was an expectation from your side that at some point there would be a briefing before everyone arrives at that address?

WARRANT OFFICER NKOSI: Yes, correct. Because I even remember mentioning on this radio that the time that we have spent on the road and then there is still saying that there are people in the house. There is no criminal who can spend that particular time at the address. The criminal just come and do and then he goes.

ADV SEGEELS-NCUBE: Okay, so your point is, you get
20 the instruction at around 4 o'clock. By 5 o'clock when you are sending your location, there is still an instruction to go to that address and if it is criminals, you cannot see why they would still be there for that long?

WARRANT OFFICER NKOSI: Correct, Commissioners.

ADV SEGEELS-NCUBE: And are these discussions that

you are having on the Halo radio, is this just what you are thinking at the time?

WARRANT OFFICER NKOSI: Everyone was thinking something. He was coughing out from Halo radio. Why cannot we do this? Why cannot we do this? We are sharing ideas.

ADV BALOYI SC: Warrant Officer, is there a record of these Halo radio discussions? Is there somewhere where your discussions on the Halo radio ordinarily are
10 preserved?

WARRANT OFFICER NKOSI: No, I do not think so. Let me not just commit myself there, Commissioners. Because that Halo radio is not the police radio, actually. It is not the police-issued radio. Those Halo radio, it is the private companies that are assisting us with them. How and where on that one...

ADV BALOYI SC: You do not know.

WARRANT OFFICER NKOSI: I will never know.

ADV BALOYI SC: All right.

20 **WARRANT OFFICER NKOSI**: Ja.

ADV SEGEELS-NCUBE: Thank you, Chair. I see that it is time for tea, or am I a minute early? Should I? I heard that. Thank you, Chair.

CHAIRPERSON: Let us see what we can do. Let us adjourn and resume at 11:15.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE: Thank you, Commissioners. Warrant Officer, if you can just switch on your mic? We were at page 3, paragraph 10 of your statement, where you were dealing with the information that had been posted that it was a legal police operation, and Captain Sejane's request asking whether, or question asking whether you should stand down. Now, we dealt with Captain Kruger's
10 statement that he said that he is still on his way to confirm, and you understood that to mean that you also still had to go to the address. Is that correct?

WARRANT OFFICER NKOSI: Yes, that is correct.

ADV SEGEELS-NCUBE: You then say that you expected at some point that there would be a briefing, and that did not take place at that time. Did it take place at any time before you arrived at the address?

WARRANT OFFICER NKOSI: It did not, Commissioners.

ADV SEGEELS-NCUBE: Okay. Now, you also then post in
20 the group, and we went to this on page 10, you post your location. Why did you do it at that point? I know you said earlier on that Brigadier Mokoena kept calling you, and so you just posted your location. You say that you are eight kilometres to the location. Just tell us about your posting of your location.

WARRANT OFFICER NKOSI: The location is an indication to other participants on the group that I am on this location, and then the other ones are going to also post, so that we can see which central place where we can meet and brief one another.

ADV SEGEELS-NCUBE: Okay, so the expectation was still that there would be some form of briefing, even if it was close to the address?

WARRANT OFFICER NKOSI: Correct.

10 **ADV SEGEELS-NCUBE:** And then if we go back to your statement at paragraph 11, you speak about what happened when you arrived. Can you tell us what time you arrived at the address?

WARRANT OFFICER NKOSI: Thank you, Commissioners. I arrived there, it is just an estimation, about quarter past five.

ADV SEGEELS-NCUBE: Can we go to page 10 of BK3? There is a message from Captain Kruger:

“Standing off, Brig.”

20 And that is at 1710. BK3, page 10.

WARRANT OFFICER NKOSI: Yes, I am there.

ADV SEGEELS-NCUBE: Do you see the message that says, standing off Brig in green?

WARRANT OFFICER NKOSI: That is 17:10.

ADV SEGEELS-NCUBE: Yes, that is from Captain Kruger.

What did that mean?

WARRANT OFFICER NKOSI: He has arrived.

ADV SEGEELS-NCUBE: Okay, he has arrived at the address. So when you received that message, do you know more or less how much longer it took you to get there?

WARRANT OFFICER NKOSI: Four to six minutes.

ADV SEGEELS-NCUBE: Okay, so your estimate of 17:15 is pretty accurate.

WARRANT OFFICER NKOSI: Ja.

10 **ADV SEGEELS-NCUBE**: Okay. So tell us what happens when you arrive, what do you observe?

WARRANT OFFICER NKOSI: While I was on that particular street, because my live location and live location of Captain Kruger, it was showing that we are at the same place. But I could not see their car, because there were a lot of cars that were parked. Captain Kruger, the car that he was driving, it is a sedan, and then the cars that were lining up on the street, there were some other cars that were SUV-shaped like cars. So I scanned around, I could
20 not see their car.

And then what I did, I parked at the rear side of that lineup of those cars. While parked there, trying to see where exactly they are and then I decided to leave my car there, to take a walk. And then before that, I realised that I had my tactical belt with all the equipment, like a firearm,

magazine, pepper spray, handcuffs, everything. They were exposed. So I had to take off that belt and only take my pistol and hide it in my body, so that anyone cannot see me with any weapon. And then I walked towards the gate.

ADV SEGEELS-NCUBE: Now, at paragraph 12 of your statement, if you can just go there, and you addressed this earlier, you speak about the number of vehicles at the scene an hour after the initial call. Why was that peculiar to you, if you look at your statement, paragraph 12, starting
10 on page 3, at the bottom of page 3 and going to page 4? The sentence starts, however it struck me.

WARRANT OFFICER NKOSI: Must I read it, or ...[intervenes].

ADV SEGEELS-NCUBE: You can just tell us what it is about the number of vehicles that were on the scene an hour after you initially received the call that was strange to you.

WARRANT OFFICER NKOSI: Ja, it is because if there was any criminal element that was happening there, I would
20 have found everything cleaned up. The alleged suspect or the bogus cop, they would have been long gone.

ADV KHUMALO SC: Or at least when they see you coming, they would try to disperse. They would not continue with what they are doing.

WARRANT OFFICER NKOSI: Commissioners, where I

parked, no one could see me, because I parked at the rear side of the back of the car, of the cars that were parked on the side of the road. So the distance, it was about 20 to 30 metres. Even if I parked there, no one could have noticed me.

ADV SEGEELS-NCUBE: Why did you park like that? What was the purpose for that?

WARRANT OFFICER NKOSI: That was for safety precautions for me, because I could not see where was
10 Captain Kruger and Constable De Gouveia. But the location is stating that they are around me there. So now I decided that let me walk so that I can scan, and as I have already mentioned, you do not approach information like this blindly. So I had to use my own strategic way to approach the gate.

ADV SEGEELS-NCUBE: So even though you had already received information in the WhatsApp group that it was a legitimate SAPS operation, you still could not approach it blindly, the scene blindly, is that what you are saying?

20 **WARRANT OFFICER NKOSI**: Correct. What I did there, before I alighted my car, there was a car that had parked at the back. And if I remember correctly, it was a black BMW. On my State phone, I have got an app where I can enquire the ownership of anything on my phone. And then I did enquire of one of the cars, and then this car came out as a

police car from KZN. So now, to me, it was a confirmation now. It confirmed that message, it was a legit police, legal police operation. So here is the car now of the police.

ADV KHUMALO SC: And this is before you had even seen Kruger?

WARRANT OFFICER NKOSI: Correct. Correct, Commissioners.

ADV SEGEELS-NCUBE: Okay, you can continue, because that is paragraph 13 of your statement. You speak about
10 scanning the licence plate of the black BMW and seeing that it was a SAPS vehicle. That indicated to you, confirmed to you, that it was a legal SAPS operation.

WARRANT OFFICER NKOSI: Indeed.

ADV SEGEELS-NCUBE: So what did you do next?

WARRANT OFFICER NKOSI: And then I then walk because there was no speed. Because once, if I can come with my car, they were blocking the traffic for other road users who will want to pass on that particular road. So I decided to leave my car there, and then I walked so that I
20 can find where is Captain Kruger now. Because Captain Kruger is the person that got more information about what has to be done here.

ADV SEGEELS-NCUBE: Okay, you may proceed.

WARRANT OFFICER NKOSI: I walked, and then I found them next to the gate leaning. And then next to the gate,

there were people at the gate. Those people, they kitted up. When you say kitted up, meaning that you have got all your police equipment on you. Bulletproof, everything. And then the bulletproof is branded, clearly, with the big font, police. It is the same bulletproof that we are wearing.

ADV SEGEELS-NCUBE: Okay, and then did you observe Captain Kruger and Constable De Gouveia at any point?

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: Where were they?

10 **WARRANT OFFICER NKOSI**: They were leaning on their car in front, next to the gate, facing oncoming traffic of the road.

ADV SEGEELS-NCUBE: Okay, we are now have paragraph 14 of your statement, just to orientate you. So you approached Captain Kruger. Tell us what happens.

WARRANT OFFICER NKOSI: And then immediately, when I found them there standing, I then asked him, what are we still waiting for? Because you can see this is the police. Because if I remember correctly, on my side, they said go
20 and verify if they are bogus or not bogus. So while asking Kruger, I thought maybe he had more information that I had. That is why I asked him that. Why are we still...

ADV KHUMALO SC: So, as I understand you, by that point, the purpose of your mission had been achieved.

WARRANT OFFICER NKOSI: Completely accomplished.

ADV KHUMALO SC: And your bigger interest was to get to the operation in the North West.

WARRANT OFFICER NKOSI: That is correct.

ADV KHUMALO SC: More or less, what time was this, do you know? I mean, I will not hold you to it. But what time was it, more or less?

WARRANT OFFICER NKOSI: The time when I was meeting them?

ADV KHUMALO SC: When you were asking this question.

10 **WARRANT OFFICER NKOSI:** That is going to be between quarter past and twenty past.

ADV KHUMALO SC: Okay.

ADV SEGEELS-NCUBE: Thank you, Commissioner. And what did he say to you? What was his response?

WARRANT OFFICER NKOSI: He told me that he is still waiting for a team leaders of the people as per the instruction of Brigadier Mokoena. He needs to speak to the team leaders there.

20 **ADV SEGEELS-NCUBE:** You say he said he needs to speak to the team leader as per Brigadier Mokoena's instruction?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: And what did you make of that?

WARRANT OFFICER NKOSI: To me, it irritated me more.

ADV SEGEELS-NCUBE: Why?

WARRANT OFFICER NKOSI: Because now, where we have arrived here, we received a message that this is a legit – while coming, we received a message. That message was a hint. It was a legit message of the SAPS. I arrived there, I see the car of the SAPS. I go to the gate, I see people wearing – you can see these people, they are police officers. What more now needs to be verified? That is what irritated me.

ADV SEGEELS-NCUBE: And do you know if Captain
10 Kruger was aware that the black BMW was a SAPS vehicle?

WARRANT OFFICER NKOSI: I did inform him.

ADV SEGEELS-NCUBE: When you saw him that first time?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: And what was his response?

WARRANT OFFICER NKOSI: He told me about Brigadier Mokoena.

ADV SEGEELS-NCUBE: What was it that irritated you about him referring to Brigadier Mokoena all the time?

WARRANT OFFICER NKOSI: Ja. Because to me, it shows
20 that now as far as I know, if you receive an instruction from the Commander, they give you a task, go and do this task. The how part to do that particular task, the Commander got nothing to do with that. The how part is solely on you, the executor.

ADV SEGEELS-NCUBE: Okay, so can I just take a step

back? You say that you were irritated by Captain Kruger referring to Brigadier Mokoena all the time. Just tell us what was your relationship, your working relationship like with Captain Kruger at that stage?

WARRANT OFFICER NKOSI: Before? Before or...

ADV SEGEELS-NCUBE: Yes, before 6 December.

WARRANT OFFICER NKOSI: No, we were working as colleagues. We were sharp.

ADV SEGEELS-NCUBE: And how long had he been in the
10 unit?

WARRANT OFFICER NKOSI: I think he was five months, four months, somewhere there, if I remember correctly. But he arrived at our office on that particular year.

ADV SEGEELS-NCUBE: So he was relatively new?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: And you say in your statement that he used to seek advice from you.

WARRANT OFFICER NKOSI: That is correct.

ADV SEGEELS-NCUBE: And in this instance, did he seek
20 advice from you?

WARRANT OFFICER NKOSI: He did not. He just told me about Brigadier Mokoena. Because normally, on a situation like this, and then here is the police, we confirm it is the police, and then we combine our heads together, and then what to do now? We share such a ...[indistinct] amongst

ourselves, not someone that is not here. But instead, he decided that, no, the only weight that he is going to take is the weight of Brigadier Mokoena. So that is why I said, no, if it is like that, let me leave him to do whatever, what he thinks that is right on that particular time.

ADV SEGEELS-NCUBE: If that was your position, why were you still on the scene? Why did not you just leave?

WARRANT OFFICER NKOSI: Because I have to wait for them. I have to go with them to North West.

10 **ADV SEGEELS-NCUBE**: Okay, so your sole purpose for still remaining there was that you were waiting for them to finish?

WARRANT OFFICER NKOSI: Yes, because I remember telling him that he must phone Captain Sejane to tell him to stand off for coming here, because it is no longer necessary.

ADV SEGEELS-NCUBE: And at that point, Captain Sejane was still stuck in traffic?

WARRANT OFFICER NKOSI: That is correct,
20 Commissioner.

ADV SEGEELS-NCUBE: And do you know if he did instruct him to stand down?

WARRANT OFFICER NKOSI: I will presume because he did not arrive.

ADV SEGEELS-NCUBE: Okay. Then just returning to your

statement on page 4 at paragraph 15, do you know if Captain Kruger ever did speak to the team leader of the operation?

WARRANT OFFICER NKOSI: Yes, there was a stage.

There was a gentleman that came out from the house, and then Captain Kruger, they met on the middle of the road, because someone from the gate, he pointed that gentleman to Kruger. And then at that stage, Captain Kruger has already shifted his car and parked it on the pavement on the
10 other side of the road. And then they met there. I remember they shook hands, and then they walked towards Captain Kruger's bonnet.

ADV SEGEELS-NCUBE: And you do not know what they were discussing?

WARRANT OFFICER NKOSI: No, I do not know.

ADV SEGEELS-NCUBE: And where were you at this stage?

WARRANT OFFICER NKOSI: And then at that stage, I went to the bakkie because I parked my car at the rear side
20 when I arrived. I took my car and parked it where Captain Kruger's car was parked, next to the gate.

ADV SEGEELS-NCUBE: Okay, and you also mentioned in paragraph 15 Captain De Gouveia greeting someone. Can you just elaborate on that?

WARRANT OFFICER NKOSI: Yes. There was someone,

Constable De Gouveia, that was communicating from that team that was busy in that particular house, but that guy was on the gate. The gate was widely open. So they were greeting one another, hey *hoezit*, what-what, as if they are people they know one another. And then I then asked Constable De Gouveia, do you know this guy? He said, ja, this guy, I know him. I attended a course. It was a Special Task Force selection course, something like that. They were together there.

10 **ADV SEGEELS-NCUBE**: So Constable De Gouveia recognised and spoke to somebody that was part of the takedown team?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Okay. Then at page 5, paragraph 16 you speak about – now you have already told us that you moved ...[intervenes].

ADV KHUMALO SC: Do you mind if he reads into the record the last sentence of paragraph 15?

ADV SEGEELS-NCUBE: Can you read into the record the
20 last sentence of paragraph – should it be the last two, maybe, from I asked, I also heard Constable? Do you see on page 4, paragraph 15?

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: The sentence that starts with, I also heard Constable De Gouveia, if you can read that into

the record?

WARRANT OFFICER NKOSI:

“I also heard Constable De Gouveia greeting one of the members executing the operation. I asked him if he knew the person. He told me that he had done STF, Special Task Force, training with this person. Again, this was a further confirmation for me, as a
10 Warrant Officer Nkosi, that we did not have to be at the scene.”

ADV SEGEELS-NCUBE: Thank you. Then paragraph 16. This is after you have now moved your vehicle and smoked a cigarette, you noticed another vehicle at the scene. Can you tell us about that?

WARRANT OFFICER NKOSI: Paragraph 16?

ADV SEGEELS-NCUBE: Yes, an unmarked vehicle.

WARRANT OFFICER NKOSI: There was a Golf 7 that arrived there. When I checked this Golf 7, it was a Golf 7
20 from our office.

ADV SEGEELS-NCUBE: How did you know it was from your office? And when you say your office, what do you mean?

WARRANT OFFICER NKOSI: TOMS. TOMS office.

ADV SEGEELS-NCUBE: How did you know it was from

TOMS if it is unmarked?

WARRANT OFFICER NKOSI: Now, we know our cars.

ADV SEGEELS-NCUBE: Okay. Yes, proceed.

WARRANT OFFICER NKOSI: Yes. Even the occupants who were in the car, the people that we work with.

ADV SEGEELS-NCUBE: Okay, and who were they?

WARRANT OFFICER NKOSI: It was Warrant Officer Dlamini and Constable Vikilahle. Vikilahle.

ADV SEGEELS-NCUBE: So they were from your TOMS
10 office?

WARRANT OFFICER NKOSI: That is correct.

ADV SEGEELS-NCUBE: Okay. Can you tell us what you did when you saw them?

WARRANT OFFICER NKOSI: By that time, Captain Kruger was busy with that gentleman on the bonnet of the car, on the other side of the road. And then they parked next to me and asked me, and then, what is happening? I said, hi no, it is already sorted. These are the police officers. And then Constable Vikilahle stepped out from the car and then
20 he came to me and greeted me like exchanging fists. I do not know if it is correct words.

ADV SEGEELS-NCUBE: Yes, bumping fists, ja.

WARRANT OFFICER NKOSI: Ja, bumping fists.

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER NKOSI: Normally, he calls me

Malume. Hey Malume, how is it? Hi, sharp, sharp, sharp. What is happening? No, it is sorted. The best thing that you need to do, you better rush to the North West. The thing that we have called here is not on. Me, I am still standing here because I am waiting for Captain Kruger and Constable De Gouveia.

ADV KHUMALO SC: Sorry, let us just get this clear. Constable Vikilahle and Warrant Officer Dlamini, they are part of the TOMS team that was going to the North West?

10 **WARRANT OFFICER NKOSI:** Correct.

ADV KHUMALO SC: Does Captain Kruger know these two people?

WARRANT OFFICER NKOSI: Correct.

ADV KHUMALO SC: Did he see them on the day?

WARRANT OFFICER NKOSI: That is why now I will never know because he was busy with those gentlemen that side on his bonnet, but I did inform him that now I have excused. Because like him, he was a senior now at that particulars. Whatever I do, I have to inform him.

20 **ADV KHUMALO SC:** Who could have called them to come to the scene, do you know?

WARRANT OFFICER NKOSI: Ja, that is what surprised me because I checked on the group, on that particular group, to see if they were there on the group and then they were not there on the group. And then while Constable Vikilahle was

greeting me, and then I asked him, and then what led you to be here? What are you doing here? He said, Brigadier Mokoena called me, referring to him. He said, Brigadier Mokoena, like I am quoting him, what he said, Brigadier Mokoena called him. And then I realised because Brigadier Mokoena when he calls me, he said he has already called other people. So that is why I did not question much on that.

ADV KHUMALO SC: Thank you, Ms Ncube.

10 **ADV SEGEELS-NCUBE:** Thank you, Commissioner. And do you know whether Brigadier Mokoena had called Warrant Officer Dlamini?

WARRANT OFFICER NKOSI: I will not know. I will not know.

ADV SEGEELS-NCUBE: Okay, but he was in the same vehicle as Vikilahle?

WARRANT OFFICER NKOSI: Warrant Officer Dlamini was the driver.

ADV SEGEELS-NCUBE: He was the driver?

20 **WARRANT OFFICER NKOSI:** Correct.

ADV BALOYI SC: Warrant Officer Nkosi, do you know which side Constable Nkosi, Vikilahle rather, and Warrant Officer Dlamini belonged to? Johannesburg or Pretoria group?

WARRANT OFFICER NKOSI: In terms of residence?

ADV BALOYI SC: Yes, the way that you described it earlier.

WARRANT OFFICER NKOSI: Well, Warrant Officer Dlamini stays at Centurion, and then Constable Vikilahle stays at Soweto.

ADV BALOYI SC: So they are the Johannesburg group?

WARRANT OFFICER NKOSI: No. Warrant Officer Dlamini falls under Pretoria group. I do not know on that particular day what happened for them to be together. I do not know
10 that one.

ADV BALOYI SC: Thank you.

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: Did you observe any other Hawks members, not from TOMS necessarily, but any other Hawks members?

WARRANT OFFICER NKOSI: No.

ADV SEGEELS-NCUBE: Then if we can go to paragraph 18 of your statement, you say that you did not interact with anybody from the takedown operation, except greeting
20 them.

WARRANT OFFICER NKOSI: Except greeting them, yes, correct.

ADV SEGEELS-NCUBE: And do you know if Warrant Officer Dlamini and Constable Vikilahle interacted with any of the members of the takedown team?

WARRANT OFFICER NKOSI: No, because Warrant Officer Dlamini did not step out from the car. And then after Constable Vikilahle stepped out from the car, Warrant Officer Dlamini went into the gate to make a U-turn. And then after making a U-turn, he parked next to me, facing the other direction now.

ADV SEGEELS-NCUBE: Do you know how long they were on the scene from the time that you observed them? So this would be Warrant Officer Dlamini and Constable
10 Vikilahle.

WARRANT OFFICER NKOSI: It was less than five minutes, because I told them that we need to rush that side. After telling them that, no, they need to rush that side, because here it is already confirmed that these are the police, and then Captain Kruger is still busy on the as per instruction of Brigadier Mokoena. I do not know what he is talking about. Because they asked him, so who are those people that he is with, and what are they talking about? I said no, that one I do not know. Me, I am just – if it was
20 not for me that I have to go with them, myself, I would have also left them there, and left.

ADV BALOYI SC: Warrant Officer Nkosi, it might be an insignificant detail, but in your paragraph 16 you say that in line one, two, if you go to line one, two, three, four, five, six, there is a statement there towards the end, it is a

sentence there that says, Warrant Officer Dlamini, can you see where I am?

WARRANT OFFICER NKOSI: Yes, towards the end.

ADV BALOYI SC: Ja. You say there in that sentence that he was standing, Dlamini was standing next to the car when he asked you what was happening, and then I understand you now in your oral evidence to say he never came out of the car.

WARRANT OFFICER NKOSI: That is correct,
10 Commissioner.

ADV BALOYI SC: Is that something you want to correct?

WARRANT OFFICER NKOSI: Maybe it is just the wording here. He did not step out from the car. He parked the car next to my car.

ADV BALOYI SC: Okay, so it is incorrect the where it says you are standing next to the car?

WARRANT OFFICER NKOSI: Correct.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: So the person that was out of the
20 car was Vikilahle?

WARRANT OFFICER NKOSI: Correct, Commissioners.

ADV SEGEELS-NCUBE: You also, while we are going back, you also describe the attire that was being worn by Constable Vikilahle. Can you just tell us about that?

WARRANT OFFICER NKOSI: Ja, the only attire that I

could remember is a top that he was wearing. He was wearing a golf t-shirt with the branding of the DPCI.

ADV SEGEELS-NCUBE: With the branding of the DPCI, the golf t-shirt?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Okay.

ADV KHUMALO SC: Can I ask you a question? We heard evidence on Friday that TOMS team ...[intervenes].

ADV BALOYI SC: It was Thursday.

10 **ADV KHUMALO SC:** Thursday, sorry. Friday was the end of day. That TOMS team does not have vehicles that are marked, but that was one of the people who gave the evidence. The other one said something different, of course. So can you maybe just assist us with that? So you are saying the very TOMS team that you are part of has cars that are marked Hawks and they have t-shirts that they wear that are also marked Hawks?

WARRANT OFFICER NKOSI: No, Commissioners, we do not have a car that is branded Hawks. Our cars are plain.

20 Yes, but we do have the t-shirt caps of the Hawks.

ADV KHUMALO SC: You know them because you know the Hawks' cars.

WARRANT OFFICER NKOSI: I know our office cars, yes.

ADV KHUMALO SC: I am with you.

ADV SEGEELS-NCUBE: Thank you, Commissioner. Okay,

now we are back at paragraph 18 of your statement. You speak about something that occurred while you were standing outside. You were outside and leaning on the bonnet of your vehicle waiting for Captain Kruger and Constable De Gouveia.

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Please proceed at paragraph 18.

WARRANT OFFICER NKOSI: 18. After they have just left, Constable Vikilahle and Warrant Officer Dlamini and then I
10 was approached by a gentleman unknown to me. He was coming on the other side of the road. Because when I arrived there, there were other people who were standing on the pavement on the other side of the road. I presumed that it was just the inquisitive people. When there is something like in a township, they call it *Nomala Gondaba* [?]. When something is happening there, then they want to see what is happening. So I presumed that it was those type of people.

And then that person crossed the road and walked
20 towards me. And then he greeted me, I greeted back, and then he asked me, are you guys from the Hawks? I said, yes, why? And then he further told me he is the one that, like I am going to quote, I am the one that called Patrick. And then I asked him now. Now it was getting interesting to me now. And then, who is Patrick? And then he said,

Patrick is General Mbotho.

ADV SEGEELS-NCUBE: Can you just go back? In your statement you say that he approached you, you introduced yourself. Who did he introduce himself as?

WARRANT OFFICER NKOSI: He said he is Mr Mtetwa.

ADV SEGEELS-NCUBE: Okay. And as you said, now he said to you he is the one that called Patrick. You asked him, who is Patrick? But before he gave you the answer, you say that he made a request to you to move.

10 **WARRANT OFFICER NKOSI**: Correct.

ADV SEGEELS-NCUBE: Can you tell us about that?

WARRANT OFFICER NKOSI: He told me that if we can step out from – because I was standing next to the team that was – the team that was doing operation in that particular house. Because he was about three metres away from me. That I presumed that whatever the guy is saying, they could hear. And then he asked me that if he can speak to me privately, and then of which I refused.

ADV SEGEELS-NCUBE: Why did you refuse?

20 **WARRANT OFFICER NKOSI**: Ja, I think now it was on my side, I just made my mind that it is going to be unfair to these people that we were encroaching on their operation. Now here someone is coming, he wants to speak to me privately. The better way here is to be transparent to them.

ADV SEGEELS-NCUBE: Okay, proceed.

WARRANT OFFICER NKOSI: That is a thought that came to me. It is better to be transparent. Whatever the guy wants to speak, he must speak in their presence.

ADV SEGEELS-NCUBE: Continue.

WARRANT OFFICER NKOSI: And then I refused their request, but I did not tell him the reason. I said he can speak and then just never mind these people. He can just speak to me. And then he said, you know, the reason for me to call the General is because I wanted to know this
10 police, they have got a right to be in this house and then do they arrest – they have got a warrant of arrest to arrest this person who is inside the house.

ADV SEGEELS-NCUBE: Sorry, Warrant Officer, can I just ask you, who is General Mbotho?

WARRANT OFFICER NKOSI: General Mbotho is a Divisional Commissioner at the DPCI Head Office.

ADV SEGEELS-NCUBE: Sorry for interrupting you. You may proceed.

WARRANT OFFICER NKOSI: And then I further asked
20 him, do you stay in this house? He said, no, he does not stay in this house. And then this house belongs to his family member.

ADV SEGEELS-NCUBE: Continue.

WARRANT OFFICER NKOSI: And then if I remember correctly, while I was explaining – I asked him before that,

you and General Mbotho, who are you? And then like, basically, I was asking, you, what is your connection, you and General Mbotho? And then he told me, he spoke in Zulu ...[vernacular]. So, basically, in the township lingo ...[vernacular] he is your old friend, old bra.

ADV SEGEELS-NCUBE: And what was your response to that?

WARRANT OFFICER NKOSI: If I remember correctly, there was a stage where the team guys who were there, 10 they were clapping hands while I was interacting with these guys, because now their numbers, they became bigger now, meaning that they had interest on this gentleman.

ADV SEGEELS-NCUBE: Just clarify that for us, whose numbers became more? The members of the task team, of the people that were undertaking the takedown operation?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Okay, so when you initially started your conversation with Mr Mtetwa, there were a few of them, and then they increased in number?

20 **WARRANT OFFICER NKOSI**: Correct. Even after, because the guys now started walking away while I wanted to – while walking away, I was explaining to him that if we are not staying in this house, the police, when they do their job, they are going to explain their presence to the people who are inside the house, not just randomly someone that is

on the road. So that is when he was drifting away from me.

ADV SEGEELS-NCUBE: When you say drifting away from you, you walked away?

WARRANT OFFICER NKOSI: Walk away.

ADV SEGEELS-NCUBE: Okay. You say in paragraph 20 on page 6 that you tried to get more information from him. Did he give you anything further?

WARRANT OFFICER NKOSI: No, he did not, because he was walking away, because I did not want to follow him
10 back.

ADV SEGEELS-NCUBE: Okay, what did you do next?

WARRANT OFFICER NKOSI: And then I went to Captain Barry and informed him about this guy. And then while the guy was walking away, he went and stand next to the car, he was busy with another person there, and then I took a picture of him with that car.

ADV SEGEELS-NCUBE: Can I ask you to go to section 3, Annexure BK5, the label is BK5, and it will be page 21.

WARRANT OFFICER NKOSI: I am there.

20 **ADV BALOYI SC**: Sorry, before you do that, you mentioned Captain Barry. Is that Captain Kruger?

WARRANT OFFICER NKOSI: I am sorry, Commissioner. It is first name. So it is Captain Kruger.

ADV BALOYI SC: Thank you.

WARRANT OFFICER NKOSI: Captain Kruger. I am sorry

about that.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Are you there?

WARRANT OFFICER NKOSI: Yes, I am there.

ADV SEGEELS-NCUBE: Can you tell us who took this photograph?

WARRANT OFFICER NKOSI: That is me.

ADV SEGEELS-NCUBE: You took it? You took that photograph?

10 **WARRANT OFFICER NKOSI:** I took it.

ADV SEGEELS-NCUBE: Okay, why did you take it?

WARRANT OFFICER NKOSI: Ja, this person became a person of interest to me.

ADV SEGEELS-NCUBE: Why?

WARRANT OFFICER NKOSI: Because all those frustrations that I had, and the irritation now, it became now, because now we actually were there to serve the interests of this gentleman, not the interests of the police.

ADV SEGEELS-NCUBE: Why do you say so? First, tell us
20 who this gentleman is, and which one are you referring to?

WARRANT OFFICER NKOSI: He is the one that is holding his hands at the back.

ADV SEGEELS-NCUBE: With the dark T-shirt?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: And who is this gentleman?

WARRANT OFFICER NKOSI: He introduces himself as Mr Mtetwa.

ADV SEGEELS-NCUBE: Okay. So why do you say that you were serving his interests?

WARRANT OFFICER NKOSI: Because we were there for him, basically.

ADV SEGEELS-NCUBE: Why do you say that? Based on what?

WARRANT OFFICER NKOSI: Because he is the one that
10 made the call, and then that call made us to run around to this place.

ADV SEGEELS-NCUBE: Is that what you thought at the time, based on what he told you?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Okay, but you do not know whether Brigadier Mokoena, as a fact, instructed you because of this gentleman's call? You are just assuming.

WARRANT OFFICER NKOSI: No, Brigadier Mokoena, he said he was also instructed.

20 **ADV SEGEELS-NCUBE:** Yes.

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: But you do not know what the basis for whoever instructed Brigadier Mokoena was? You do not know that it was the call from this gentleman?

WARRANT OFFICER NKOSI: No, I did not know.

ADV SEGEELS-NCUBE: But he did say to you that he is the one that called General Mbotho?

WARRANT OFFICER NKOSI: Yes, he just said he is out of volition. I did not request him any information, he just told me.

ADV SEGEELS-NCUBE: Did Brigadier Mokoena tell you that he got his instruction from General Mbotho when he called you?

WARRANT OFFICER NKOSI: I cannot remember correctly,
10 but he mentioned something about General Lebeya.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER NKOSI: Yes, he mentioned something about General Lebeya. He said he is with General Lebeya at a function, something. They were together there.

ADV SEGEELS-NCUBE: At a function?

WARRANT OFFICER NKOSI: Yes, and General Lebeya does not know that there are people at that particular address.

20 **ADV SEGEELS-NCUBE:** Okay. And so you say that after your interaction with this gentleman, Mr Mtetwa, you went to Captain Kruger and informed him. What did you tell Captain Kruger?

WARRANT OFFICER NKOSI: Even though I cannot use the exact word because sometimes we speak dirty on the

field. Basically, I am trying to words that I filter them, so that it is going to suit the purpose. Because the exact – *eish*. No, I was basically saying that this is the person that made us run around like fools. I show him, and then I send these pictures to him. Because now, remember, when he is there, he is the one that must give feedback further upwards.

CHAIRPERSON: You shared the picture in the group, not so?

10 **WARRANT OFFICER NKOSI:** No, I sent it to ...[intervenes].

CHAIRPERSON: You gave it to Captain Kruger?

WARRANT OFFICER NKOSI: Yes.

CHAIRPERSON: All right.

ADV SEGEELS-NCUBE: Yes, you sent the picture to Captain Kruger.

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: And then you say that you also did a motor vehicle search.

20 **WARRANT OFFICER NKOSI:** On that car, yes.

ADV SEGEELS-NCUBE: Is that the one in the photograph?

WARRANT OFFICER NKOSI: Yes, it had a personalised registration number.

ADV SEGEELS-NCUBE: Please do not read it into the record.

WARRANT OFFICER NKOSI: Yes, yes.

ADV SEGEELS-NCUBE: And what did it indicate? What was the result?

WARRANT OFFICER NKOSI: And then the surname the gentleman gave me when he introduced himself, it came out with the very same surname.

ADV SEGEELS-NCUBE: Mtetwa?

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: So the owner of the vehicle in the
10 photograph is also Mtetwa?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Okay, and you then put two and two together that he must be the owner.

WARRANT OFFICER NKOSI: Indeed.

ADV SEGEELS-NCUBE: Can I just ask you, what did you tell Captain Kruger? I know you said this is the person that made us run around. Did you tell him the details why you were saying that?

WARRANT OFFICER NKOSI: Yes, I told him that I had just
20 spoken to him now. And then before that, I asked him about Dlamini and Vikilahle's story. I asked them that. Dlamini and Vikilahle said they were here. Do you have any knowledge about why they were here? He said no, he did not have any knowledge. He said, oh, they were here? I said, yes, they were here.

ADV SEGEELS-NCUBE: Okay. And then insofar as what you told him about your interaction with this gentleman, with Mr Mtetwa?

WARRANT OFFICER NKOSI: Yes, and then I told him about this gentleman. And then this guy was still also standing there speaking with this gentleman. And then I said, do not look at him, I am going to send you on the phone because I did not want this guy to see that you were speaking about him. We were gossiping, actually, about
10 him.

ADV SEGEELS-NCUBE: What I am trying to get to is whether you gave him details about your conversation with Mr Mtetwa. If you told Captain Kruger what Mr Mtetwa told you.

WARRANT OFFICER NKOSI: Yes, I did.

ADV SEGEELS-NCUBE: What did you say to Captain Kruger?

WARRANT OFFICER NKOSI: I said he is the one that – the guy told me that he is the one that called General
20 Mbotho. By the looks of things, it looks like these people, they are friends because he is even calling him with the first name.

ADV SEGEELS-NCUBE: That is what you said to Captain Kruger?

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: And what did Captain Kruger say?

WARRANT OFFICER NKOSI: No, we just – he got surprised. But obviously, that was confirming to me, that was confirming to him that we are here for something that is baseless and then we have to keep on spending some time here.

ADV SEGEELS-NCUBE: And did you also share the motor vehicle screenshot with him that showed that it was Mr Mtetwa's vehicle?

10 **WARRANT OFFICER NKOSI:** Correct.

ADV SEGEELS-NCUBE: You sent that to Captain Kruger as well?

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: Okay. And do you know what Captain Kruger did with those photographs?

WARRANT OFFICER NKOSI: While we were driving away, we were on our way to North West, that is where he sent those information on the group.

20 **ADV SEGEELS-NCUBE:** When you were leaving the scene?

WARRANT OFFICER NKOSI: I think we had already left.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: Can I ask you to go to BK3 in section 3, which is the WhatsApp messages that we have

been dealing with. And can you go to page 11? There are photographs that Captain Kruger posted into this group and you see the first photograph is the one that you had taken?

WARRANT OFFICER NKOSI: Yes, I see.

ADV SEGEELS-NCUBE: Okay. Now, do you recall what time you had withdrawn from the scene?

WARRANT OFFICER NKOSI: It was before six, if I remember correctly.

ADV SEGEELS-NCUBE: And do you know whether an
10 instruction was given for you to withdraw? And if so, from who?

WARRANT OFFICER NKOSI: Captain Kruger asked on the group and then Brigadier Mokoena responded and said, no, you can – he even thanked Captain Kruger and the colleagues.

ADV SEGEELS-NCUBE: Can I ask you to go to page 11 of that same BK3?

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: This is a message from Brigadier
20 Kleintjie where he says:

“Captain Barry, thanks a lot. You can
withdraw, bro.”

But there is no previous message from Captain Kruger asking to withdraw. Do you know why Brigadier Kleintjie would have sent this message in the group at that stage, at

17:46?

WARRANT OFFICER NKOSI: Ja, maybe because of their communication that I do not know what they were communicating about there. Maybe there was some communication over the phone or something like that.

ADV SEGEELS-NCUBE: Okay. And so you would have withdrawn round about that time, as you say, just before six?

WARRANT OFFICER NKOSI: Correct.

10 **ADV SEGEELS-NCUBE**: Okay. So you say that while you were on your way, Captain Kruger then posted the photographs in the group.

WARRANT OFFICER NKOSI: Correct.

ADV SEGEELS-NCUBE: One of those photographs that he posted, if you can go to page 12, was the motor vehicle document, the screenshot that you had sent to him. If you see there at 18:04, there is a MCD that says surname Mtetwa. Do you see that?

WARRANT OFFICER NKOSI: Correct.

20 **ADV SEGEELS-NCUBE**: That is what you had taken.

WARRANT OFFICER NKOSI: Indeed.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER NKOSI: By sending to Captain Kruger.

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: And in response to that message, if you go to page 14 of that bundle, there is a message from you. Can you just read it into the record at 18:07 and tell us what you were referring to here?

WARRANT OFFICER NKOSI: Yes, I was responding to that motor vehicle ownership that side.

ADV SEGEELS-NCUBE: With them Mtetwa's?

WARRANT OFFICER NKOSI: Correct. This is the person
10 that called the Gen. Gen is an abbreviation for General.

ADV SEGEELS-NCUBE: And which general were you referring to here?

WARRANT OFFICER NKOSI: As discussed with Captain Kruger about information. It is General Mbotho.

ADV SEGEELS-NCUBE: Okay. And what was the response to that?

WARRANT OFFICER NKOSI: Brigadier Mokoena asked, which one?

ADV SEGEELS-NCUBE: And if we then go to page 15,
20 there is another message from you at 18:08. Can you read that into the record and tell us who you were responding to?

WARRANT OFFICER NKOSI: I was responding to Brigadier Mokoena.

ADV SEGEELS-NCUBE: And what are you saying there?

WARRANT OFFICER NKOSI: First message is Mr Mtetwa.

And then next message:

“He said he is relative to the owner of
the house.”

ADV SEGEELS-NCUBE: And then there is another message, if we go to still on page 15, where there is a photograph, that same photograph that we dealt with, but Mr Mtetwa is now circled in yellow and there is a message that says:

“This one, Brig.”

10 Do you know who sent that?

WARRANT OFFICER NKOSI: It is Captain Kruger.

ADV SEGEELS-NCUBE: Referring to Mr Mtetwa?

WARRANT OFFICER NKOSI: He was specifically indicating, because there are two people standing there, which is which.

ADV SEGEELS-NCUBE: And he was also responding to Brigadier ...[intervenes].

WARRANT OFFICER NKOSI: Brigadier Mokoena, clarifying that for him.

20 **ADV KHUMALO SC**: Before you leave the photos, Warrant Officer, I just want to clarify the timeline. So on page 15 you are sending those WhatsApps. You say, Mr Mtetwa, he said he is related to the owner of the house. And I see that it is 18:09.

WARRANT OFFICER NKOSI: Yes.

ADV KHUMALO SC: Are you still in Sandhurst at the time while you are sending these WhatsApps?

WARRANT OFFICER NKOSI: No, we are on the route now.

ADV KHUMALO SC: Are you now driving with Captain Kruger?

WARRANT OFFICER NKOSI: No, no, no. We still have to go. I am driving alone.

ADV KHUMALO SC: You are driving alone?

WARRANT OFFICER NKOSI: Yes. Captain Kruger is
10 driving with Constable De Gouveia. We are still going to find out a spot where we are going to leave that car, but we are in motion.

ADV KHUMALO SC: Eventually, where did you leave the car? Captain Kruger's car?

WARRANT OFFICER NKOSI: The car, if I remember correctly, we left it at Hartebees. Hartbeespoort Dam.

ADV KHUMALO SC: At the police station?

WARRANT OFFICER NKOSI: Yes.

ADV KHUMALO SC: Yes, thank you.

20 **ADV BALOYI SC:** Warrant Officer, in that page 11 at BK3, page 11, where you have got those photographs, you have got – are you there?

WARRANT OFFICER NKOSI: Page?

ADV BALOYI SC: 11. You have just been looking at that just now. BK3, then page 11.

WARRANT OFFICER NKOSI: Yes, I am there, Commissioner.

ADV BALOYI SC: Did you take all of those photographs that appear there in that shot?

WARRANT OFFICER NKOSI: No.

ADV BALOYI SC: Okay. You took only Mr Mtetwa's, the one that has Mr Mtetwa?

WARRANT OFFICER NKOSI: Correct.

ADV BALOYI SC: All right. And then when you turn to the
10 next page, you have got the vehicle details of the Mercedes-Benz, which has surname Mtetwa. You shared that on the group. Did you share that?

WARRANT OFFICER NKOSI: Page?

ADV BALOYI SC: 12.

WARRANT OFFICER NKOSI: I did not share it on the group, I shared it with Captain Kruger.

ADV BALOYI SC: Okay. And then, you go to the next page 13, there are other vehicles there, an Isuzu, and then in the next page there is a BMW, in page 14.

20 **WARRANT OFFICER NKOSI**: Yes.

ADV BALOYI SC: And then in page 16 there is a – it is a grey BMW, the previous one is a black BMW, and then page 16 it is the details of a grey BMW, and in the following pages there are other vehicles. Did you provide that information whether to Captain Kruger or to the group?

WARRANT OFFICER NKOSI: No.

ADV BALOYI SC: Okay.

WARRANT OFFICER NKOSI: No, that app I am talking about, Captain Kruger also got it.

ADV BALOYI SC: Okay.

WARRANT OFFICER NKOSI: Yes.

ADV BALOYI SC: So this is not your work? It is not you who put down this information and shared it?

WARRANT OFFICER NKOSI: No.

10 **ADV BALOYI SC:** All right, thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner. We have now dealt with paragraph 22 of your statement on page 7. At paragraph 23 Captain Kruger asks if the group may be deleted, and then he does delete it. Paragraph 23 of your statement on page 7.

WARRANT OFFICER NKOSI: Yes, that was, I think that was another day.

ADV SEGEELS-NCUBE: Yes, on the 13th.

WARRANT OFFICER NKOSI: Yes, ja.

20 **ADV SEGEELS-NCUBE:** Okay. Now, one of the issues that arose from Captain Kruger's evidence is the issue of an inquiry number for this incident. Can you tell us what is an inquiry number and whether or not an inquiry number was created for this incident?

WARRANT OFFICER NKOSI: Okay, let me start,

Commissioners, and explain what are they meaning when I say inquiry. We have got three types of docket in the police. We have got an inquest docket. We have got an inquiry docket. We have got a CAS docket. A CAS docket is the one that goes to court for trial. The inquiry docket is for investigation purposes. Like if you are still busy with your investigation, you take one, two, one, two, you combine together. Once you are done with that, and then the inquiry docket can turn into a CAS docket. So, let us
10 start with the question. What is the question exactly?

ADV SEGEELS-NCUBE: Whether there was an inquiry docket, I guess, created for this incident, and should there have been one?

WARRANT OFFICER NKOSI: No, it was not.

ADV SEGEELS-NCUBE: It was not created?

WARRANT OFFICER NKOSI: Yes.

ADV SEGEELS-NCUBE: In your view, should one have been created?

WARRANT OFFICER NKOSI: I will go 50/50 there.
20 Initially, if the verification process was done in such a manner that there was no contact between us and that team that was executing there. Like, for instance, we go there, we verify these are the police, and this is just a verification. We do not need an inquiry for that. It is like, I will make more examples to break it down for you so that maybe you

can maybe understand, Commissioners.

You get the task to go and see a source at this certain place. By then, there is no anything that is open. You go and see a source. You hear what the source is saying. And then based on the assessment, what you get on the source, if there is, let us take for instance, you see that, no, here there is information that we can work on. That is where now you are going to go and open inquiry. If you see that, no, ah, man, ah-ah, this source is talking
10 something else that does not make sense. I have already driven to the source and speak to the source. But now, meaning that the inquiry is not necessary there.

ADV SEGEELS-NCUBE: And so, in this instance, why do you say 50/50?

WARRANT OFFICER NKOSI: Because now of what happened, I do not know what transpired between Captain Kruger and the team leaders there and the calls. Because there was a stage where they are making some calls, exchanging phones that I could not understand what was
20 happening. Taking selfies, I do not know what was that for. Because I was seeing this thing in a distance. So, if there was something there that maybe was really necessary, it is up to Captain Kruger and Brigadier Mokoena if there was an inquiry to be opened. But basically, on the face value of it, there was no need for an inquiry there.

ADV SEGEELS-NCUBE: Okay. So in your view, there would not have been a need for the inquiry?

WARRANT OFFICER NKOSI: No.

ADV BALOYI SC: Do you say that even though we know now from the evidence of Captain Kruger that he submitted a copy of his diary which recorded what happened on the day and he took photographs and he ran the registration details of these vehicles and they are shared amongst the group, I mean, it seems like that is gathering information.

10 Do you still say that there would not be an inquiry number? Where would that information sit in the DPCI?

WARRANT OFFICER NKOSI: That is where my other 50 goes. As I said, it is 50/50 because that is why Captain Kruger went beyond. I will put it like that. He went beyond because now here we verified these people are the police and then our job after that, it was supposed to go. Even those people, they were not supposed even to notice us that there were other people that they were there. So now, this interaction, the contact between him and those people, that
20 is what now requires an inquiry. A file. Because now all those documents need to be documented.

ADV BALOYI SC: Yes.

WARRANT OFFICER NKOSI: Yes.

ADV BALOYI SC: And is it fair to say even his communication with the leader of the team, of the

operational team that he found on the scene, that would go into part of the record that he puts together?

WARRANT OFFICER NKOSI: Correct.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner.

Warrant Officer, we are now at page 7 of your statement, which is the conclusion. Can you just take us through your conclusion? Firstly, you speak about the evidence of Captain Kruger that you had an opportunity to listen to. Do

10 you want to provide us with your comment on that?

WARRANT OFFICER NKOSI: Ja, because there was a stage where he said he did not know the people from DPCI that arrived there. Because if he saw them, that they did arrive, the people who arrived there is the people that he knew. On my side, I presume that he did not see Warrant Officer Dlamini and Vikilahle when arriving, because he was still busy with that gentleman that side. But now when he says that he saw the DPCI car comes and then from Joburg what-what, these people are from the office. They know

20 one another very well. That is where now I could not understand why he was saying that.

ADV SEGEELS-NCUBE: And then another aspect that you deal with is insofar as Captain Kruger executing Brigadier Mokoena's instruction at paragraph 24. Do you want to deal with that?

WARRANT OFFICER NKOSI: Yes. Yes, Commissioner.

As I have already mentioned on this part that we prolonged our stay there unnecessarily. As I have said that once you receive the instruction or a task, the executor, you as an executor, is solely up to you how to execute it. And then you are going to give feedback after. He was supposed to give feedback after we have left the scene and said, no, we saw it is the police, the very same message that is there, it is confirmed. It is like that, without even speaking to those
10 people.

Because if Brigadier Mokoena wanted to speak, these people on the phone, what, what, what. So now, that is where now I did not find – I find it strange. Because now if you want to speak to them, you better drive here *mos* to come and speak to them directly.

ADV SEGEELS-NCUBE: And so what did you make of Captain Kruger then not executing it perhaps in the way that he would have, but instead listening to Brigadier Mokoena?

WARRANT OFFICER NKOSI: He failed to stand on his
20 ground.

ADV SEGEELS-NCUBE: Just elaborate on that.

WARRANT OFFICER NKOSI: I am going to use another word now, I do not know if it is a common word. Like, he did not have balls. That is a common word that we...

ADV SEGEELS-NCUBE: Okay, I do not know.

ADV BALOYI SC: He lacked courage to stand up ...[intervenes].

CHAIRPERSON: We all know what it means. We all know what it means.

WARRANT OFFICER NKOSI: You, Commissioner, says that the legal mind people, maybe you are going to filter it.

ADV SEGEELS-NCUBE: Yes, please proceed, Warrant Officer, yes. And by that, you are saying that he did not stand up for himself as he should have?

10 **WARRANT OFFICER NKOSI:** Yes.

ADV SEGEELS-NCUBE: How would you have done it differently?

WARRANT OFFICER NKOSI: The way I parked there when I arrived, or before we arrived at the address, we only sent one car. I parked the way I parked. And then you walk, you go and observe what is happening there. If you need to take pictures to prove that you were there, you can take pictures. You see that is the police. And then you come back. By that time, while you are busy walking there, you
20 are doing your own observation and what-what, you come and tell us, this is what-what. And then we discuss, we make decisions amongst ourselves. No, let us leave. Tell the Brigadier and then we leave. That is it. Those people ...[intervenes].

ADV KHUMALO SC: Warrant Officer, sorry to interrupt

you. And you said that took you only five minutes to do?

WARRANT OFFICER NKOSI: Correct.

ADV KHUMALO SC: So you do not understand what the other 40, 50 minutes was for?

WARRANT OFFICER NKOSI: What is that for? Indeed.

ADV SEGEELS-NCUBE: Thank you, Commissioners. Is there anything else that you want to say, Warrant Officer, in your conclusion?

WARRANT OFFICER NKOSI: Ja, but that is not on my
10 statement. It is just that the thought of all this incident and then some other things that are happening in that office. Because I remember sometime, I think it was August this year, that is what the incident that reminded me of this particular incident. There was an inquiry, there was a request from Interpol to our office to trace a wanted fugitive.

If I remember correctly, it was people who were involved in the CIT at Zimbabwe. Those people, they were believed to be here in this country. The request was made
20 to our office. And then the handler of the inquiry from our office traced those guys because two of them, we successfully arrested them. There were quite a lot of people, syndicate.

Two of them were arrested. We assisted Interpol, we assisted them. And then there were other two that were

successfully traced to be around Western Cape and Eastern Cape. Two of the guys. And then there was a request to deploy to that area. The person who approved the deployment is this General Mbotho. He is the one that approved it.

The request was made. Normally this is being done. And then the finance people approved it. Funds are available. And then General Mbotho, he declined it. While declining, he signed and declined it and then made a
10 comment. On that comment he is saying that, no, let the Interpol be assisted by the police, SAPS at Western Cape. So now, that is why it brought my mind. Where is the consistency now?

Here is a job. Need deployment. But now, if it is true, if this gentleman phone him, so the very same advice that is advised in our office, why did he not advise this gentleman to do the same? Where are you? I am at Sandhurst. Here is a situation here. Go to the police station.

20 This is what I just wanted to bring to your attention even though it is not on my statement, but consistency looks like it is not the language that – which means some way, somehow it works. They used to preach to us about this cost containment what, what, what, what. But now, if it suits them, no, we overlook it.

ADV KHUMALO SC: Cost containment?

WARRANT OFFICER NKOSI: Cost containment.

ADV KHUMALO SC: Saving costs?

WARRANT OFFICER NKOSI: Yes.

ADV KHUMALO SC: I want to ask you a question related to what you have just said now. In your view, if somebody is impersonating the police or they are impersonating the Hawks, who is best placed to investigate whether that is true or not? Does it have to be the TOMS team or it can be
10 any police officer? Or even any other division of the Hawks? Because I understood from the evidence that we heard on Thursday that the Hawks have an office in Johannesburg. It is just not the TOMS team.

WARRANT OFFICER NKOSI: Correct. So any police officer can confirm that. Because to add on that, Commissioners, remember whether we are from the Hawks or we are from the Dog Unit, we are carrying the same appointment card. The appointment card is the same. How are you going to tell you if this person is from the Hawks?
20 How are you going to tell you if this person is from the Dog Unit? I am just making an example. Our appointment card is the same.

ADV KHUMALO SC: And last issue. The Hawks Johannesburg office, how far is it or where is it? If it is a sensitive issue, you do not have to give me the exact

details. I understood from your evidence that you were in Springs, and that is 60 kilometres from Sandhurst. And Captain Kruger was in Pretoria North, which is also very far. And the other team was in Mogale City, which is also very far. The Hawks team nearest to Sandhurst, where are they?

WARRANT OFFICER NKOSI: Joburg and Germiston as well.

ADV KHUMALO SC: Central Johannesburg?

WARRANT OFFICER NKOSI: Not at the central. Because
10 at the – let me remember correctly. The old Johannesburg Stock Exchange.

ADV KHUMALO SC: Yes.

WARRANT OFFICER NKOSI: Ja. Not at the police station.

ADV KHUMALO SC: Is it in Newtown? Yes, I think we know where it is.

WARRANT OFFICER NKOSI: Yes.

ADV KHUMALO SC: Ja.

WARRANT OFFICER NKOSI: Because remember DPCI has some divisions. There are others who are sitting at the
20 building of Old Commercial Crime next to Joburg High Court. There are others who are sitting there.

ADV SEGEELS-NCUBE: Thank you, Commissioner.

ADV BALOYI SC: Warrant Officer, in paragraph 22 of your statement you say you left the scene at approximately 17:50 after Brigadier Mokoena finally instructed us to withdraw.

Did you hear Brigadier Mokoena give the instruction that you can now withdraw? Did he speak to all of you or were you told this by Captain Kruger?

WARRANT OFFICER NKOSI: No, Brigadier Mokoena said it on the group.

ADV BALOYI SC: He said it on the group?

WARRANT OFFICER NKOSI: Yes.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: Is it on page 11 of the annexures?

10 **ADV SEGEELS-NCUBE:** BK3.

ADV KHUMALO SC: BK3, page 11.

ADV BALOYI SC: Yes. Are you at page 11, BK3? I think you have already spoken to this. You do not need to go there, Warrant Officer Nkosi. Thank you.

WARRANT OFFICER NKOSI: Okay.

ADV SEGEELS-NCUBE: Thank you, Commissioners. Thank you, Warrant Officer. That is the evidence of this witness, Chair.

CHAIRPERSON: Thank you very much, Warrant Officer.

20 **WARRANT OFFICER NKOSI:** Thank you.

CHAIRPERSON: Thank you. Ms Ncube?

NO FURTHER QUESTIONS

ADV SEGEELS-NCUBE: Yes, Chair. We have another witness, which is General Mbotho. He has arrived. If I may take a short adjournment to get him ready to give evidence?

CHAIRPERSON: How long do you think that will be?

ADV SEGEELS-NCUBE: Five minutes.

CHAIRPERSON: Five minutes. All right, let us adjourn.

ADV SEGEELS-NCUBE: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Yes, Ms Ncube.

ADV SEGEELS-NCUBE: The next witness is Lt-Gen
10 Mbotho. His witness statement can be found in section 6 of
the bundle and I omitted to ask the General whether he
wants to be sworn in, so my apologies, Chair.

CHAIRPERSON: Good afternoon, General. Will you swear
or affirm?

WITNESS: I swear.

CHAIRPERSON: Do you swear that the evidence
...[intervenes].

ADV SEGEELS-NCUBE: Sorry, Chair.

CHAIRPERSON: For the record, please give us your full
20 names.

ADV SEGEELS-NCUBE: If the witness can just switch on
his mic? Thank you.

CHAIRPERSON: Your full names for the record, please,
General.

WITNESS: I am Dumisani Patrick Mbotho.

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

WITNESS: So help me God.

CHAIRPERSON: Thank you.

DUMISANI PATRICK MBOTHU: (duly sworn states)

EXAMINATION BY ADV SEGEELS-NCUBE: Thank you, Chair. General, in front of you, you should have a file.

10 There is section 6, which should have your witness statement. Can you go to page 8 of that section and confirm that that is your signature that appears on page 8?

LT-GEN MBOTHU: I confirm that it is my signature.

ADV SEGEELS-NCUBE: And do you confirm that the statement that appears at page 1 to 8 is your statement that has been prepared for purposes of your evidence today?

LT-GEN MBOTHU: I confirm that.

20 **ADV SEGEELS-NCUBE:** And do you confirm the correctness and truthfulness of the contents of your statement?

LT-GEN MBOTHU: I confirm that.

ADV SEGEELS-NCUBE: Thank you, General. General, can we start on page 1 of your statement, paragraph 1, 1, 2, and 3, which is your introduction where you outline your career in SAPS? And can you just give us a brief

background of that?

LT-GEN MBOTHO: Thank you. I have mentioned in the statement, Commissioner, that I started in Soweto in 1986, and that I am currently the Divisional Commissioner. I started in October last year. And prior to that, I was the Provincial Head of the DPCI in the North West Province. I was there for six years, from 2018 until I started in Pretoria in 2024.

ADV SEGEELS-NCUBE: At paragraph 3 of your statement
10 you say that you are, as the Divisional Commissioner, you are responsible for various components. Can you tell us what components are, and then deal with the components?

LT-GEN MBOTHO: All right. I am in charge of Serious Organised Crime component. The second one would be the Serious Commercial Crime component. The third one would be Serious Corruption component. In addition, we have got two support components. Those components do not investigate cases, but they support the operational environments that I have mentioned.

20 And the first one would be the financial accounting investigations. They do financial flows and things like those. And the other operational support would be the Priority Crime Specialised Investigation. These will include the cyber, the asset investigation sections, and the likes that relate to the assets. And the cyber and digital

forensics and those will fall under this specific one.

Then the sixth one is not a component. It is a section. It is the TOMS, the Technical Operations. And that would be the sixth one, but the real components are five and that one is a section. That would make the six.

ADV SEGEELS-NCUBE: Thank you. And can you tell us what does TOMS do?

LT-GEN MBOTHO: They are also similar to the other support. They also do not investigate. These are the
10 teams that we use to escort prisoners from court to the prison. We use them to, if we get enquiries from Interpol of wanted fugitives, we ask them to do that. We also test them in the general searching of suspects, wanted suspects that we are looking for.

And we also use them to transport valuable either assets or maybe if we want to transport gold, they will be escorting it to Forensic so that it arrives there. So it is more of giving the backup to the real operational environments that investigate cases.

20 **ADV SEGEELS-NCUBE**: Would they also be responsible for takedown operations?

LT-GEN MBOTHO: Yes, yes, yes.

ADV SEGEELS-NCUBE: And who is the Section Head of TOMS?

LT-GEN MBOTHO: It is Brigadier Mokoena.

ADV SEGEELS-NCUBE: And who does he report to?

LT-GEN MBOTHO: He reports to me.

ADV SEGEELS-NCUBE: Directly?

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Okay. And who do you report to?

LT-GEN MBOTHO: I report to the National Head.

ADV SEGEELS-NCUBE: And in December 2024, who was that?

LT-GEN MBOTHO: That would have been General Lebeya.

10 **ADV SEGEELS-NCUBE**: Okay. And who is it now?

LT-GEN MBOTHO: We do not have one now. There is an acting. It is General Nkosi. Okay.

ADV SEGEELS-NCUBE: Okay. At paragraph 4 of your statement on page 2 you deal with the events of 6 December 2024. Can you tell us about your involvement in those events?

20 **LT-GEN MBOTHO**: On the 6th, we were having the Excellence Awards and the venue was in the east of Pretoria. The place is called Deep in die Berg. And the actual ceremony should have started about 5pm. At about, I would say, maybe quarter to four, I was contacted by General Lebeya, who wanted to know if I am aware of an operation in Sandton.

And he continued to say the reason he is asking me is because he has received a call and the call stated that

there are members of the DPCI who are alleged to have been sent by him who are at an address. He did not mention the address at the time, but it would have been in Sandton.

CHAIRPERSON: Did General Lebeya say who he had received the call from?

LT-GEN MBOTHO: No, he did not.

CHAIRPERSON: Did you ask him?

LT-GEN MBOTHO: No, I did not ask him. Then I then
10 went to make enquiries. Fortunately, all the Commanders were at the venue. So I would have asked the three, the operational ones, the Organised Crime, the Commercial Crime, and the Corruption Team to say, do you have an operation in that area? And they all said no, they do not. I then went to ...[intervenes].

ADV BALOYI SC: Sorry, sorry, General.

LT-GEN MBOTHO: Ja.

ADV BALOYI SC: You say you would have asked the three. Did you ask the three?

20 **LT-GEN MBOTHO**: Yes, I asked the three.

ADV BALOYI SC: Okay.

LT-GEN MBOTHO: After that, when they all said they do not have an operation that is ongoing in Sandton, I then proceeded to Mokoena to ask him, does he have an operation in that vicinity? At that time, I was aware of an

operation because he had reported to me. But the operation he had reported to me, he said he would have had an operation in the North West Province, but this one was now in the opposite direction, it was in Sandton.

He also said no, he does not have an operation. The one that he knows of is the one that he has reported to me about. I then told him that there are people that are alleged to have been sent by General Lebeya and they are alleged to be from the Hawks. Can we send a vehicle to verify
10 that?

CHAIRPERSON: Just a second, General. You say that he informed you of an operation that his team “was preparing for” in the North West Province that would be conducted, “later that evening or the following day”. Brigadier Mokoena in his testimony said that the North West operation had been completed and that the officers who had gone there were on their way back. So the two are contradictory. So are you saying what you say in your statement? I just read from paragraph 6. What you say in your statement is what
20 Brigadier Mokoena told you, not what he told us when he gave his evidence here?

LT-GEN MBOTHO: Commissioner, to be certain, I think because he did not tell me verbally, I have a WhatsApp message that he would have sent. Maybe it is safer for me to read the WhatsApp message that I had about North West

because maybe one of us could be wrong there.

CHAIRPERSON: Is it readily accessible?

LT-GEN MBOTHO: Yes, yes.

CHAIRPERSON: Do not look for it now. If you can do what some call multitasking, maybe. Or perhaps we will reach lunchtime, will we not?

ADV SEGEELS-NCUBE: We will, Chair. The General did provide us with the WhatsApp, so we will screen it after lunch. It was just not one of his annexures.

10 **CHAIRPERSON:** It is not one of the annexures.

ADV SEGEELS-NCUBE: But now that Chair has raised it, we will find it.

CHAIRPERSON: All right. Thank you. Thank you for mentioning it, General. Thank you, Ms Ncube.

ADV BALOYI SC: General, just to clarify, you say that Brigadier Mokoena told you he does not have an operation in Sandton?

LT-GEN MBOTHO: In Sandton, yes.

ADV BALOYI SC: Thank you.

20 **LT-GEN MBOTHO:** I confirm that.

ADV SEGEELS-NCUBE: Thank you, General. We are still at I think it is paragraph 5 of your statement. You say you enquired with the Major Generals. That would have been the Component Heads.

LT-GEN MBOTHO: Correct.

ADV SEGEELS-NCUBE: Okay. You then enquired at paragraph 6. We are now on page 3 of your statement, just to orientate you. You enquired with Brigadier Mokoena, who told you he does not have. Brigadier Mokoena said that he thought that call, that enquiry was telephonic, and you say you think that it was at the event. Do you want to offer some clarity on that?

LT-GEN MBOTHO: Although we were at the same venue, we were not necessarily sitting on that same table. It is
10 possible that it could have been a call and not that I physically went to him.

ADV SEGEELS-NCUBE: And you do not have a record of that call?

LT-GEN MBOTHO: No, I do not. No, I do not have a record of it, and that is why I think I went to him. But if he says that is the wrong recollection, it is possible that I called, but I do not have a recollection.

ADV SEGEELS-NCUBE: Okay. Then you were dealing with paragraph 7 about the instruction that you gave
20 Brigadier Mokoena. Please just elaborate on that instruction.

LT-GEN MBOTHO: Yes. I asked the Brigadier to find a vehicle that was closer to the area that we could send there, one vehicle that could go and verify for us who those individuals were. And my thinking was that we were going

to use colleagues that reside – I do not have colleagues that reside in Sandton, but in the vicinity of Johannesburg.

ADV SEGEELS-NCUBE: And what was the rationale behind just instructing that it be one vehicle? You are very specific about that.

LT-GEN MBOTHO: All right. The purpose of this vehicle that was supposed to go was just to go and observe. It was not to interact because I did not have sufficient information. So what I would have wanted to see, I would have wanted a
10 vehicle that would just scan the area for us so that we can have better information than the one we have. Because when I was tasking them, we did not have the number of people that are possibly at that address. And at the time when I was even sending them, I did not even have the address at that time.

But I wanted a vehicle that would start moving in that direction so that when I go back to General Lebeya, I then request the address and see if he can have – is he is able to answer a few further information. But the vehicle that I
20 wanted to send there would have been just to check around the vicinity, what do they see? My expectation would have been they would have done surveillance on it to see if indeed we have got such activity taking place.

ADV SEGEELS-NCUBE: And at paragraph 8 you say you then went back to General Lebeya. So at this point you do

not have the address, but you have already given the instruction to send a vehicle.

LT-GEN MBOTHO: Correct.

ADV SEGEELS-NCUBE: Why do you go back to General Lebeya?

LT-GEN MBOTHO: For two things. The first one is to tell him that, give him feedback that I have made enquiries on the operational environments, plus Brigadier Mokoena, and we do not have, at least at head office, the operation that is
10 taking place in Sandton. So that is to respond back. But in addition, I now need the address where the vehicle that should be on the way should be going to. And if possible, more information about what to expect where they will be going to.

ADV SEGEELS-NCUBE: Can I ask you to go to page 9, which is DPM1? It should be labelled DPM1, and it is page 9. It is a WhatsApp screenshot. Do you have it?

LT-GEN MBOTHO: Yes, I do have it.

ADV SEGEELS-NCUBE: This is a screenshot of a
20 WhatsApp conversation on the day that you provided to the Commission.

LT-GEN MBOTHO: I confirm that.

ADV SEGEELS-NCUBE: Okay. Although we cannot see the date, you do confirm that it was for the 6th of December 2024.

LT-GEN MBOTHO: I confirm that, Commissioners.

ADV SEGEELS-NCUBE: And this is a conversation between you and General Lebeya?

LT-GEN MBOTHO: That is correct.

ADV SEGEELS-NCUBE: At the first one, it is 15:49, there seems to be a one-minute voice call. Do you recall what that call was about?

LT-GEN MBOTHO: I am no longer sure what it was about, but I do know that what happened after it is where I see him
10 sending me the address of where the guys must go to.

ADV SEGEELS-NCUBE: When he initially approached you to ask you if there was a team that was doing an operation, was that in person at the event or was it telephonically?

LT-GEN MBOTHO: I think it was in person. But if someone were to say he called me, I would not dispute it either. But we were in the same venue, but not necessarily on the same table. So I would not remember now whether it was physical, but I feel that it was physical because after our discussion, I started to walk to the different tables
20 where the Component Heads were sitting.

ADV SEGEELS-NCUBE: Okay. So you cannot really tell us why he would have called you at 15:49?

LT-GEN MBOTHO: I would not be sure. I would not be sure on that one.

ADV SEGEELS-NCUBE: When you went back to him, to

General Lebeya, after you made your enquiries, did you know where to find him?

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: He was still in the same venue?

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Okay.

LT-GEN MBOTHO: Yes, but just different tables.

ADV SEGEELS-NCUBE: So there would have been no need for him to call you?

10 **LT-GEN MBOTHO**: There could be. It was quite noisy. He could call me if I was in a different corner to come to him. It is possible.

ADV SEGEELS-NCUBE: Okay. Then at 15:52, this is the WhatsApp that you are referring to where he sent you the address after you made the inquiry?

LT-GEN MBOTHO: That is correct.

ADV SEGEELS-NCUBE: Okay. What did you do after you received the address?

20 **LT-GEN MBOTHO**: I sent the same message to Brigadier Mokoena.

ADV SEGEELS-NCUBE: And this was after you already gave him the instruction to get the vehicle going?

LT-GEN MBOTHO: Yes. Now I am sending him where they must go.

ADV SEGEELS-NCUBE: I just want to confirm that

message as well to Brigadier Mokoena, and that would be DPM3, page 16. If you could go to DPM3, page 16?

LT-GEN MBOTHO: I am there.

ADV SEGEELS-NCUBE: Can you confirm what we are looking at here? What are these screenshots of?

LT-GEN MBOTHO: It is the same message that I received from General Lebeya. I am now forwarding it to Brigadier Mokoena.

ADV SEGEELS-NCUBE: Okay. And this would have been
10 approximately two minutes after you received it from General Lebeya?

LT-GEN MBOTHO: That is correct, yes.

ADV SEGEELS-NCUBE: Okay. Then if we can go back to DPM1, there is a further message that you are sending to General Lebeya, which is on page 9.

LT-GEN MBOTHO: Page 9?

ADV SEGEELS-NCUBE: Yes, at 15:55. At DPM1.

LT-GEN MBOTHO: Yes, I am there.

ADV SEGEELS-NCUBE: Page 9.

20 **LT-GEN MBOTHO**: I am there.

ADV SEGEELS-NCUBE: After General Lebeya sends you the address, you send a message to him?

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Can you read that message for us and tell us why you sent it to him?

LT-GEN MBOTHO: I asked the question:

“Any contact number when we get
there, General?”

There I was asking if he has got any contact person or a number that we can use so that the team, when they arrive there, because my problem was I did not know whether when they would get there the gates would be closed. And if we do not have someone to call, that we are now here. So that is when I was requesting that number.

10 **ADV SEGEELS-NCUBE:** Chair, I see that it is 1 o'clock. Might we take the...

CHAIRPERSON: Let us adjourn and resume at 2 o'clock.

ADV SEGEELS-NCUBE: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, if we could start with the WhatsApp message that Chair had requested from General Mbotho before the adjournment.

20 **CHAIRPERSON:** Yes.

ADV SEGEELS-NCUBE: We have made arrangements for all copies of it to be made, and I would propose that it be included in DM3, because it forms part of the WhatsApp conversation between the General and Brigadier Mokoena, which is at DM3 from page 16. So if it could be included

perhaps as 16.1, and I will have to flight it for now, project it for Chair and everyone to see.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: General, can you just switch on your microphone and can you confirm that this is the WhatsApp conversation between you and Brigadier Mokoena on the 6th of December 2024?

LT-GEN MBOTHO: I confirm that, Commissioners.

ADV SEGEELS-NCUBE: Can you read into the record the
10 message that you received from Brigadier Mokoena at 15:07 on the 6th?

LT-GEN MBOTHO: -:

“Good afternoon, General. Then the team will deploy again for ATM bombing in Northam this afternoon. Then the team went out for the same information but was postponed for today. TOMS inquiry 03/12/2024.”

CHAIRPERSON: Also, you say this is Brigadier Mokoena?

20 **LT-GEN MBOTHO**: Yes.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. General, then, if we can return to your statement, and in particular, we were at page 4 and I think you had, if we can go to page 3, because it started on page 3, paragraph 8.

LT-GEN MBOTHO: Yes, I am there.

ADV SEGEELS-NCUBE: This was when you went back to General Lebeya, and he then gave you the address which you forwarded to Brigadier Mokoena. Now, when did you become aware where this address is, who the address belongs to?

LT-GEN MBOTHO: Where the address was at that time when I got the message from General Lebeya, when I forwarded it to Mokoena at that time.

10 **ADV SEGEELS-NCUBE**: And did you know who lived at that house?

LT-GEN MBOTHO: No, I did not know.

ADV SEGEELS-NCUBE: When did you become aware of the person that lives there?

LT-GEN MBOTHO: During the media briefing of General Mkhwanazi.

ADV SEGEELS-NCUBE: And that would have been on the 6th of July 2025.

LT-GEN MBOTHO: That is correct.

20 **ADV SEGEELS-NCUBE**: So at the time you did not know.

LT-GEN MBOTHO: Not at that time, yes.

ADV SEGEELS-NCUBE: And did you know Mr Katiso Molefe at that time?

LT-GEN MBOTHO: I still do not know him now.

ADV SEGEELS-NCUBE: Okay. Then if we can continue,

you say at the end of paragraph 8, you do not know where General Lebeya got the address, and that was the question that the Chair had asked you earlier.

LT-GEN MBOTHO: That is correct.

ADV SEGEELS-NCUBE: And you say you did not ask him.

LT-GEN MBOTHO: I confirm that, Commissioners.

ADV SEGEELS-NCUBE: You also mentioned asking about the contact details which we have looked at. What was the General Lebeya's response to the request for contact
10 details?

LT-GEN MBOTHO: He did not respond to that request.

ADV SEGEELS-NCUBE: Did you make any follow-ups with him?

LT-GEN MBOTHO: No, I did not, because immediately, maybe shortly thereafter, I started receiving messages from Mokoena that seemed to indicate that it was a legitimate police operation.

ADV SEGEELS-NCUBE: Okay, we will get to that point. Now, if we can go to the WhatsApp messages between you
20 and Brigadier Mokoena.

LT-GEN MBOTHO: Where would I find that?

ADV SEGEELS-NCUBE: That is DPM3.

LT-GEN MBOTHO: DPM3.

ADV SEGEELS-NCUBE: Page 16.

LT-GEN MBOTHO: All right, I am there.

ADV SEGEELS-NCUBE: Where we have the address.

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: And there is also a message there with the details of a Audi.

LT-GEN MBOTHO: That is correct.

ADV SEGEELS-NCUBE: Did you send this message to Brigadier Mokoena?

LT-GEN MBOTHO: No, I received the image from him.

ADV SEGEELS-NCUBE: You received that image from
10 him?

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Do you know why he sent you that image?

LT-GEN MBOTHO: No, I do not know.

ADV SEGEELS-NCUBE: Have you inquired with him for purposes of your evidence today as to why he sent you that?

LT-GEN MBOTHO: No, I did not, but I just assumed that maybe he was indicating to me that the vehicles at the
20 address are not state vehicles, are privately owned, because the vehicle that he had sent to me did not belong to the police. That is what I assumed he was saying.

ADV SEGEELS-NCUBE: Are you saying the vehicle that was at the address ...[intervenes].

LT-GEN MBOTHO: Yes, at the Ga-Rankuwa address.

ADV SEGEELS-NCUBE: And what made you think that this vehicle's details had anything to do with the address in Sandton?

LT-GEN MBOTHO: Because that is what we were communicating about at that time.

ADV SEGEELS-NCUBE: Okay. And he sends this at 16:25.

LT-GEN MBOTHO: That is correct.

ADV SEGEELS-NCUBE: At this stage, did you think that the team that he had sent out had arrived there?

10 **LT-GEN MBOTHO**: I thought so. I thought so.

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

LT-GEN MBOTHO: I thought now that team has arrived, these is what, the vehicles they are finding, and they are reporting back that this is what they are finding at the scene.

ADV SEGEELS-NCUBE: Okay. The next message that he sent ...[intervene].

ADV BALOYI SC: Sorry, before you do that. General, why would he send you the details of a privately owned vehicle
20 at a scene where you have sent, where they have been sent to go and check if this is a legitimate or a bogus operation? It, I am sorry, I do not understand why he would send you that and you do not ask why are you sending me this.

LT-GEN MBOTHO: All right. When we sent him there, at the back of our mind, my mind at least, was that the people

are not police. And when he sends me this now, and the vehicles that are in my head at the address do not belong to the police, it is now confirming at least that I am waiting for them to call now so that we can hear if this vehicle is the vehicle that is used by the people who are pretending to be Hawks. That was my understanding.

ADV KHUMALO SC: But General, where does he say that the vehicle is at the address? I do not see that in the WhatsApp.

10 **LT-GEN MBOTHO:** No, no, no, there is no, he did not send this with a covering message. He just send the picture. Now I am looking at the picture, I am thinking maybe this is the vehicle that is at the address. This is an assumption, because I am thinking that vehicle that he would have found around Johannesburg has arrived at the scene, hence he is sending this, otherwise, I would not understand why he would be sending it.

ADV KHUMALO SC: So was your instruction to him that he must find a vehicle in Johannesburg to go to the address?

20 **LT-GEN MBOTHO:** Yes. Ja, that was my instruction when I said I want the vehicle in the vicinity of something, not necessarily in Sandton, but in the greater Johannesburg.

ADV KHUMALO SC: And maybe you will get to it later. When did you subsequently become aware that the people he sent to the address were not in Johannesburg, but came

from Pretoria North and Mogale City?

LT-GEN MBOTHO: During my interaction with the Commission.

ADV KHUMALO SC: With the Commission, this Commission?

LT-GEN MBOTHO: Yes, yes.

ADV BALOYI SC: Are you saying that you thought this detailed, the details of this vehicle or this vehicle whose details he sends to you, you thought it is the vehicle that he
10 sent to go and inspect what is happening?

LT-GEN MBOTHO: No, I did not think this is the vehicle that he sent, but I thought this is a vehicle that, the vehicle that he sent has found at the address, not that it is the vehicle that the police - this would have been my car, so it would not have been a Ga-Rankuwa address.

ADV BALOYI SC: But you did not ask who, what is this vehicle, who does it belong to? Remember, they have been sent to go and check whether these are bogus Hawks members.

20 **LT-GEN MBOTHO**: That is correct.

ADV BALOYI SC: You get the details of a vehicle ...[intervenes].

LT-GEN MBOTHO: Yes.

ADV BALOYI SC: Nothing, it is not accompanied by a message at all.

LT-GEN MBOTHO: Right.

ADV BALOYI SC: You do not ask, why are you, who is this, whose car is this? You do not ask that question, which to me appears to be the next reasonable question to ask, why are you sending me this?

LT-GEN MBOTHO: What I was expecting to happen was that they are now at the address so that we could speak to them, so that they can brief us. Maybe then that would have come to make sense, would have start to make sense.

10 **ADV BALOYI SC**: Okay.

LT-GEN MBOTHO: But at the time when I received it, you will see I would not have responded to it, because I would not have understood the context.

ADV BALOYI SC: And up to today, you do not understand why he sent you this?

LT-GEN MBOTHO: No, even more so now, that when I was interacting with the Commission, the vehicles that the Commission seems to think were at that place did not include this car.

20 **ADV BALOYI SC**: Yes.

LT-GEN MBOTHO: So more confusing now than it would have been at the time.

ADV BALOYI SC: So Brigadier Mokoena would really be the person to explain why he became interested in this vehicle and why he thought you would be interested in it.

LT-GEN MBOTHO: Indeed.

ADV BALOYI SC: He is the person that must provide that explanation.

LT-GEN MBOTHO: Indeed, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: General, I just want to clarify your answer regarding what you understood this screenshot to mean when you received it. In your statement in addressing the next message, which says 17 kilos towards, you say
10 that you understood this to mean that the vehicle that he had sent was 17 kilometres from the address.

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Now that is not consistent with saying I thought that the vehicle that had been sent was at the address and the team was now sending this because the message at 16:40 is that the vehicle is still 17 kilos away and that is how you understood it. So do you just want to clarify that for us?

LT-GEN MBOTHO: Right. That would have been my
20 thinking at 16:25, because there is a gap between 16:25 and the 17 kilos. Now, when he sends the 17 kilos, which is 15 minutes later, then it is more confusing.

ADV SEGEELS-NCUBE: And you then do not seek to clarify that confusion with him?

LT-GEN MBOTHO: No, but remember we were at the

ceremony. So when we get a break, or there is a hold of some kind, or, then I was going to speak to Mokoena to say, Mokoena, what is happening here? But before that happens, before we get a break from the function, I then get a confirmation that everything is in order there, the police are involved. But that was before the break where I could have spoken to Mokoena for him to clarify this.

ADV SEGEELS-NCUBE: Okay, and then at, if you go to the next page, which is page 17, he then appears to send that
10 screenshot again to you with the Audi.

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Do you know why he would have repeated it?

LT-GEN MBOTHO: No, I do not know why he is repeating it.

ADV SEGEELS-NCUBE: Okay. So you say the next message you get from him is that it is a legal operation. Can you go to page 18.

LT-GEN MBOTHO: Yes, I am there.

20 **ADV SEGEELS-NCUBE**: And this is at 16:58.

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Now, when you get this information, did you communicate it to General Lebeya?

LT-GEN MBOTHO: No, not at this stage. I communicated after I asked him a question. Remember when I sent him,

there were two things that we were interested in. Firstly, was it, is it a legitimate police operation? And the answer I had gotten already at 16:58 that indeed it is. Then I was asking now, did anyone tell you why, who said you were sent there by Lebeya? And then when I eventually respond to General Lebeya, I will be responding to both, to say it is a legitimate police operation and that the leader there is, Captain Wanda, has confirmed that he never mentioned the name of General Lebeya.

- 10 **ADV SEGEELS-NCUBE**: Okay. Now, you just said earlier on that you were interested in two things, was it a legitimate police operation. I think later on in your statement when we get to it, but maybe now is the time to deal with it, you draw a distinction between the instruction that you had given Brigadier Mokoena, and what you heard during the Commission's process was the instruction that Brigadier Mokoena gave to his team. Can you explain that distinction, but also then reference why you have now referred to it as your inquiry was whether there was a
- 20 legitimate police operation.

LT-GEN MBOTHO: Yes, Commissioners, my instruction to him was in relation to whether the human beings that were on the door, were they real police or not real police, right, because someone has gone there, said it is from the Hawks, and the Hawks has confirmed they do not have an

operation. Two, was if they were police, they further stated that they were sent by General Lebeya. So I wanted to find out, did those members who were there state that they were sent by Lebeya.

But the snippets that I had of the Commission, it appeared as if at some point Mokoena would have understood me to be saying, verify whether the operation is legitimate and that was not the interest that I had. But when I hear other witnesses as well, they seem to be
10 wanting to confirm whether they are police or not.

So I do not know whether it is only Mokoena that was thinking of the verification of the legitimacy of the operation, because when I hear other witnesses, those that he tasked, they seem to have understood it correctly that they wanted to verify whether these officers involved were real, legitimate police officers. So that is what I was just trying to indicate.

ADV SEGEELS-NCUBE: And why is that distinction important?

20 **LT-GEN MBOTHO:** Because to verify if the person is a police officer or not, all you need is for him to produce his appointment certificate. But to verify if his operation is legitimate or not, now you need to check whether there is a valid search warrant or valid warrant of arrest. Whereas it was not of interest to me whether they have got a J51 or 50,

the warrant of arrest or search warrant. Of importance to me was whether they are genuine police and as soon as they send a message that confirms that these are genuine police, my mission is finished.

CHAIRPERSON: But unless I am mistaken, I think maybe about 3, 4 minutes back ...[intervenes].

LT-GEN MBOTHO: Ja.

CHAIRPERSON: You yourself said that you wanted them to verify if the operation was legitimate. I thought you used
10 that ...[intervenes].

LT-GEN MBOTHO: If I said that, I would have been wrong, because what I tasked them to do ...[intervenes].

CHAIRPERSON: Yes. Where I am getting with that is, is it perhaps not pedantic of you to want to make a distinction between verify whether the people were police officers or whether the operation was legitimate. I am saying that because it may well be that they too did not necessarily seek to draw a distinction between the two. So that is why I am saying maybe you are being pedantic. What is your
20 comment on that?

LT-GEN MBOTHO: All right.

CHAIRPERSON: Unless I am wrong, unless I am wrong that a few minutes back you yourself said you had sent them there to verify if the operation was legitimate.

ADV SEGEELS-NCUBE: You are correct, Chair. That is

why I asked General Mbotho, he says, he said to verify whether it was a legitimate police operation ...[intervenes].

CHAIRPERSON: Exactly.

ADV SEGEELS-NCUBE: And that is why I wanted him to clarify the, make the distinction.

CHAIRPERSON: Exactly, General. So are you not perhaps being pedantic? You yourself use the language that they used, but you find fault with them if they use that language, the language that you yourself also used.

10 **LT-GEN MBOTHO**: All right. Commissioners, maybe it is important that I give the background to this, with what necessitated our interest in it. The problems that we were having when I arrived in October was that we had a large number of cases that were reported of people pretending to be the police. So the interest that I would have had is whether those people are not some of the people that have generated more than 30 cases.

So that would have been the interest. So for us to, for this verification to assist us, it would have been if we
20 verified whether these are police or not police. So if I have used a wrong attempt to say verify the operation, then it will miss the purpose, because the purpose is to verify if this is not one of those people that is generating cases.

So I could have used the wrong word, but then that would have been the slip of the tongue. The correct one is

to verify if this is a genuine police, so that if it is not, it will assist in solving these 30 cases that we have.

CHAIRPERSON: Yes, you have given us examples of those. I think they total 33 in DPM2.

LT-GEN MBOTHO: Yes.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: Thank you, Chair.

LT-GEN MBOTHO: Sorry, Commissioner, in that context, the legitimacy of that operation would not assisted us in
10 addressing the challenge that we are having.

ADV SEGEELS-NCUBE: Is it possible that when you gave the instruction to Brigadier Mokoena on the 6th of December 2024 that you did not make this distinction that you are making now and he may have misunderstood the extent of the inquiry?

LT-GEN MBOTHO: I would have thought so, Commissioners, if it was not because I see the other witnesses understood it in the correct context. So It would not have been possible for those other witnesses down the
20 chain to have gotten the initial version had it not been conveyed so by Mokoena, because the only conduct between what I said and what they thought they were going to do was Mokoena. So I am assuming that Mokoena must have given them the correct version, otherwise, why would they think so on their own?

ADV SEGEELS-NCUBE: And here you are referring to Warrant Officer Nkosi?

LT-GEN MBOTHO: And Kruger.

ADV SEGEELS-NCUBE: Okay.

LT-GEN MBOTHO: Yes, Captain Kruger, yes.

ADV SEGEELS-NCUBE: Thank you, General.

ADV KHUMALO SC: Can I ask a question? Just out of interest, General, do you know General Khumalo, who is referred to in page 18?

10 **LT-GEN MBOTHO**: I know him very well.

ADV KHUMALO SC: Did you know him on 6 December 2024?

LT-GEN MBOTHO: I have known him for a while.

ADV KHUMALO SC: So you could pick up a phone and ask him, do you have an operation in Sandhurst? Then he would have solved your problem.

LT-GEN MBOTHO: Indeed, indeed. That is why I am saying, as soon as I got the message at 16:58, I had no further interest.

20 **ADV KHUMALO SC**: No, but 20 minutes later.

LT-GEN MBOTHO: Yes.

ADV KHUMALO SC: You have interest because you now want to know who said they were sent by General Lebeya.

LT-GEN MBOTHO: Yes, yes, that is correct.

ADV KHUMALO SC: And 20 minutes later, if I am not

mistaken, you then insist on a response, so you want to know ...[intervenes].

LT-GEN MBOTHO: Indeed.

ADV KHUMALO SC: Brigadier, who said they were sent by General Lebeya.

LT-GEN MBOTHO: Correct.

ADV KHUMALO SC: Which means you want the Hawks people who are there to interrogate the people at Sandhurst so that they can find out who said they were sent by
10 General Lebeya.

LT-GEN MBOTHO: All right. That is correct, Commissioner. Commissioner, these questions I thought it is what they would have asked. So I was checking with Mokoena if in the response that they have already given him, did they mention who said he has been sent by General Lebeya if they are General Khumalo's people. But General Khumalo would not have been able to answer that.

So I thought when these colleagues come there, they will find out who is in charge. Now they know that it is
20 Colonel Khumalo in charge. Then I thought they will ask, did any one of you said they came from the Hawks or you were sent by General Lebeya? So when I am asking this, I am asking on the feedback that Mokoena has received, if in the feedback, did he receive a response to that.

ADV KHUMALO SC: No, but you are saying, Brigadier,

established for me who said that he was sent by General Lebeya?

LT-GEN MBOTHO: Correct, but that is immediately when he is sending, look at the timeline, 16:58, he is saying Khumalo is in charge. And then I am sending him a message back at 17:04, six minutes later. I am assuming that they are still together where they are, to establish if there is anyone who has got, who informed the owners of the premises if they were sent by General Lebeya.

10 **ADV KHUMALO SC**: But this is where your statement does not make sense to me. You said earlier that you just wanted a car to go there and scan the area. Now, scanning the area is different from saying you now want the people who are there to be interrogated so that they can say who said they were sent by General Lebeya. That is the part I do not understand.

LT-GEN MBOTHO: All right. Commissioner, let me move slowly. The first portion is when I did not know that the police are real or not. Because we only sent two vehicles,
20 we did not expect that vehicles to go into the premises. So the first vehicle, my expectation was that it will scan and then report to us to decide what do we do next. But it appears now that process has passed because they have gone to a point where they now confirm it is the police and Colonel Khumalo is in charge. Now, since they are now

saying that, that means they are no longer just scanning and moving in. They have confirmed now that this is a real police operation. We are now comfortable with each other. We are police.

Now, I want to know now because the people who, the initial information that we received was saying there are people here who said they are from the Hawks and they say they are sent by General Lebeya. Now, I am saying since now Khumalo is there, they are with him. He says he is in
10 charge. Can you tell us now who said he has been sent by General Lebeya so that we could have an, by the time I give feedback to General Lebeya, I should be able to say it is a legitimate police operation and the response is that no one mentioned your name, meaning whoever would have said to General Lebeya that they were sent by the Hawks would have been misleading you. That is the feedback I wanted to give.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: You say you wanted to establish whether
20 it is a bogus operation or not.

LT-GEN MBOTHO: That is all.

ADV BALOYI SC: And you have explained that once they have verified, that is the end of the task that you have sent them to do.

LT-GEN MBOTHO: Ja.

ADV BALOYI SC: Why are you asking that question when you have now been told it is a legit operation? You have been told Lieutenant General Khumalo is in charge. You can speak to General Khumalo and raise whatever concerns you have. Why are you asking that question about who said they were sent by General Lebeya?

LT-GEN MBOTHO: Thanks, Commissioner. Because I just needed a confirmation from them that they did not say that, so that I can convey that same message with the General
10 who has spoken to Khumalo or whoever it is, I think it was Wanda who said, but we had never mentioned General Lebeya's name, so that when I give the information back, by that time we are relaxed now, because we already know now it is the police now. So these are my colleagues. So we need just a confirmation from them, did you say you were sent by Lebeya. So the most important part was whether this was a police operation or not. But once we have now determined that it is a police operation, we are no longer under pressure now. So it is my colleagues,
20 colleagues, but who said you were sent by Lebeya, so that we can give General Lebeya that feedback, they said, but those people never mentioned your name there. That was the purpose.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Just a follow-up question. When did

you become aware, because you say by 17:04 you are relaxed because you now know that It is the police at the Sandhurst address? When did you become aware that 50 minutes later, the Hawks team that was sent to the Sandhurst address was still there, because at 17:54, they were still at the Sandhurst address, 50 minutes after you became comfortable that this is a police operation.

LT-GEN MBOTHO: Now I did not follow further as to whether the colleagues are there. But for me, I never had
10 any further stress about this matter now, because now I know this is a genuine police operation. So I am relaxed now, I am not worried about it. So I would not have followed up to find out what time they left, yes.

ADV KHUMALO SC: Having heard the evidence in this Commission, are you not bothered that 50 minutes after you became comfortable that this is a police operation, your Hawks members were still at the Sandhurst address while a police operation was going on. Does that not concern you now?

20 **LT-GEN MBOTHO**: It did. It did because I could, maybe I would have, I should use the word, I do not understand why they were still there. I am not really worried, because there could be a reason that they possibly have that I do not know, because as far as I am concerned, after 16:58 or 17:04, they would have been done with the mission that

they were sent there to do.

But if they are still there, I would, it is just that by that time, I became aware it was during when they are supposed to be testifying in the Commission and I did not want to interfere with that process, hence, I have not found out from them because there is a lot of other things that I would have been concerned about that I heard in the Commission, but I would not want to engage them until they finalize the giving of evidence in the Commission.

10 **ADV KHUMALO SC:** So you did not want to interfere with the work of the Commission?

LT-GEN MBOTHO: Yes.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: General, you say that after they told you that it is a legitimate operation at 16:58, you relaxed. But when you look at page 18 and 19, these texts, at 17:41, you are still asking for a response on who mentioned General Lebeya and you ask that even after you are given the telephone number of Captain Wanda, who is in charge of
20 the operation. So there is a good nearly 30 minutes when you, in fact, are interested in who mentioned General Lebeya when you have long been told this is a legitimate operation.

ADV SEGEELS-NCUBE: Sorry, Commissioner Baloyi, that is not a message from the General, it is from Brigadier

Mokoena. His message is sent at 17:18, which says, any response to this?

ADV BALOYI SC: Oh, I apologize.

ADV SEGEELS-NCUBE: And then in response ...[intervenes].

ADV BALOYI SC: Okay, I apologize. You can disregard my question.

LT-GEN MBOTHO: Thank you, the Commissioner.

ADV SEGEELS-NCUBE: So maybe if we can just stay with
10 that WhatsApp messages at page 19. You have explained that you are asking who said that General Lebeya sent them, and then you, at 17:18, ask for any response to this. A response comes back at 17:21, which just mentions Captain Wanda and J51 operation. Had you asked for any information about the operation that is being undertaken?

LT-GEN MBOTHO: Just repeat that?

ADV SEGEELS-NCUBE: If you see the response from Brigadier Mokoena ...[intervenes].

LT-GEN MBOTHO: Page 19?

20 **ADV SEGEELS-NCUBE:** Yes, page 19 of the text ...[intervenes].

LT-GEN MBOTHO: Ja.

ADV SEGEELS-NCUBE: Where it says, “Gen, the members in charge”, do you see that?

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Of the team at the address is Captain Wanda, and then a telephone number is provided, J51 operation.

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Had you asked for information about what operation was taking place?

LT-GEN MBOTHO: No, I am not interested in it.

ADV SEGEELS-NCUBE: Okay, so the response that you are interested in is the one that comes at 17:41.

10 **LT-GEN MBOTHO:** That is correct.

ADV SEGEELS-NCUBE: And can you just tell us what that response was?

LT-GEN MBOTHO: I spoke with Captain Wanda on a video call and confirmed J51 operation, but deny mentioning General Lebeya's name, Gen.

ADV SEGEELS-NCUBE: And this is Brigadier Mokoena now confirming that he spoke on the video call.

LT-GEN MBOTHO: Yes.

20 **ADV SEGEELS-NCUBE:** Is there any further communication between you and Brigadier Mokoena after 17:41 on that day that you have not shared with us?

LT-GEN MBOTHO: I do not think there was any further information, because this is the message now that I forwarded to General Lebeya to inform him, because for me, this response is now complete.

ADV SEGEELS-NCUBE: And if we look at your response to General Lebeya on page 9 ...[intervenes].

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: If you can go to page 9 of the bundle, DPM1.

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: You only forward to him the message that references his name. You do not forward the earlier message as well.

10 **LT-GEN MBOTHO**: No, no.

ADV SEGEELS-NCUBE: Why is that?

LT-GEN MBOTHO: Because that is the issue that he has raised with me. He has raised two issues, say there are people that say they are Hawks members. To that question, I have already explained to him before I dispatched the vehicle that we confirmed that our components are not having an operation. Now I am giving him a feedback to say, we have established that it is a genuine operation by the police. Captain Wanda is in charge there, but he denies
20 ever mentioning your name there. And for us, for me at least, that has answered these two concerns.

ADV SEGEELS-NCUBE: And after your message from, that you forwarded from Brigadier Mokoena, General Lebeya responds much later that evening.

LT-GEN MBOTHO: That is correct.

ADV SEGEELS-NCUBE: Was there any communication between the two of you between 17:3 and 21:5 regarding this issue?

LT-GEN MBOTHO: No. No, there was not.

ADV SEGEELS-NCUBE: And his response to you is, can you tell us what it is?

LT-GEN MBOTHO: I usually assume that emoji to be meaning thank you.

ADV SEGEELS-NCUBE: And then was there any further
10 communication between you and Brigadier Mokoena, after he told you, he sent his response to you, which you have already confirmed, there was nothing after 17:41. I just want to make sure.

LT-GEN MBOTHO: Yes, yes, that was the last thing that was of importance to me about this whole thing. When he reports that it is a police operation, Wanda never mentioned a name of General Lebeya, that ends our interest in the matter.

ADV SEGEELS-NCUBE: Thank you, General. If we can go
20 to page 6 of your statement.

LT-GEN MBOTHO: 6.

ADV SEGEELS-NCUBE: It is, the heading relates to an allegation from a person on the scene.

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: And if I can just give context to

why you deal with this in your statement. During preparation of your statement, you were made aware by the Commissioner's Evidence Leaders that there was an allegation by another witness at the time, his identity was not disclosed to you, and you now know that it is Warrant Officer Nkosi, because he gave that evidence, that when he was at the scene, a gentleman approached him by the name of Mr Mthethwa who said that he was the person that called Patrick, and Patrick was identified by that Mr Mthethwa as
10 being General Mbotho, which is you.

You were asked whether, in light of that information, you still wanted to proceed to give your evidence before the Commission or consider your position insofar as this may implicate you, and you have elected to continue to give your evidence as you have now done, but you wanted to deal with this allegation in your statement and your evidence.

LT-GEN MBOTHO: Ja.

ADV SEGEELS-NCUBE: If you can deal with it now, and you have seen the photograph, but I am going to projected
20 again, and you can find it at the section that is Section 3, BK5. It should be the first photograph that you see at BK5. Can you address this allegation, please?

LT-GEN MBOTHO: Thank you, Commissioners. I did not receive any call from a person called Mthethwa and the person displayed on the picture, there I have never seen

him. I do not know that person. But if he had called me, I would have appreciated that call, because if he did, it would have given me more information than I would have given to Abu Mokoena to operate.

For example, from the time Mokoena's team left until they arrived there, I do not even know how they managed to get in because I had not given them sufficient information. They had no contact number of the person that would have been there. So if this person was telling the
10 truth that he called me, I was not going to request that information, the address to starters, for starters. I was not going to request that from General Lebeya, because I would have already been having it.

But If this person called me, how General Lebeya would know that someone who called me, the address that I must send the people to, is this specific address, because General Lebeya would not have known of a call that I am having with this person. But the address that I got and the address to which Mokoena's people went, is the address
20 that originates from General Lebeya.

At some point, I am asking General Lebeya for the contact numbers. But if I already had contact numbers from this gentleman, there is no more purpose for me to ask for the numbers from General Lebeya because I am already having the numbers. So, and also the issue that I thought

was mentioned that the purpose was to establish whether there was a warrant of arrest or search warrant there, but that message, if that is the driving message that initiates us, does not get conveyed to the actual people who are going to respond, because none of them responded with an understanding that they are looking for those.

So it would have been very difficult for this version to be correct, because it would require General Lebeya somehow to know what communications I have had and to
10 give me the exact address that this Mthethwa is at, but get it from General Lebeya, who was not part of the conversation. That was the part, Commissioners, I wanted to raise.

ADV KHUMALO SC: Is it possible that after you had spoken to General Lebeya this person, Mthethwa, contacted you and gave you these details, that is why you never followed up with General Lebeya as regards the details of the person that will meet when they get to Sandhurst?

LT-GEN MBOTHO: Yes, Commissioner, but if I had gotten
20 that, it is helpful information. I should pass it to Mokoena, because it does not assist if it is with me. The only time that it becomes useful is when it lands to Mokoena. So if that was the version, Commissioner, that would be helpful, because then I will pass it to Mokoena so that the team now has the contact passing.

ADV KHUMALO SC: So other than the WhatsApp's that we see, did you have calls with Mokoena between 4 and 5 o'clock on the day in question? So was there telephone calls other than the WhatsApp messages?

LT-GEN MBOTHO: Between 4 and 5?

ADV KHUMALO SC: Yes, on the 6th of December 2024.

LT-GEN MBOTHO: If there was a call, it should be before that. It should be at the time when I am looking for them to verify if they have got an operation. That is where the call
10 should be at.

ADV KHUMALO SC: My question is more specific. Between 4 and 5, were there any phone calls between you and Brigadier Mokoena?

LT-GEN MBOTHO: Ai, I do not remember, hey. And a call after that time, because at that time we were exchanging WhatsApp's.

ADV KHUMALO SC: Yes.

LT-GEN MBOTHO: So I do not remember that there would be a call, a physical call.

20 **ADV KHUMALO SC:** Because this is the sort of information that could have been shared during a phone call, even if we cannot see it in any WhatsApp.

LT-GEN MBOTHO: But I would have thought that if there was a call, it would be on a WhatsApp call, so the WhatsApp would have reflected that, the WhatsApp

communication, because we have not deleted anything up to so far. So that would be displayed if that was.

ADV KHUMALO SC: Because it worries me that General Patrick Dumisani Mbotho is the person who sends the Hawks to this address in Sandhurst and then there is a person, a certain Mr Mthethwa, at the same address who says, I called Patrick. Now, in this scene, the only Patrick that we have heard of is you.

LT-GEN MBOTHO: Correct.

10 **ADV KHUMALO SC:** There is no other Patrick that we have heard of.

LT-GEN MBOTHO: All right. But Commissioners, this should not be a very difficult part for the Commission investigators to establish if was their call that I had received. My handset is here. We can subpoena the Vodacom. There is so many ways you can prove whether I am telling the truth or not.

ADV KHUMALO SC: And is that the only cell phone you were using on the day?

20 **LT-GEN MBOTHO:** I only have one cellphone.

ADV KHUMALO SC: No, no, on the day, not now.

LT-GEN MBOTHO: Yes, yes, on the day. Still the same number. I have had it for more than 15 years.

ADV KHUMALO SC: Is it a service cellphone or a private cellphone?

LT-GEN MBOTHO: Indeed, it is a service cellphone.

ADV KHUMALO SC: You did not have a private cellphone on that day?

LT-GEN MBOTHO: No, I do not.

ADV KHUMALO SC: All right.

LT-GEN MBOTHO: Ja.

ADV KHUMALO SC: I am only asking these questions, General, because I want to, you know, deal with the topic we are dealing with that ...[intervenes].

10 **LT-GEN MBOTHO**: Indeed.

ADV KHUMALO SC: There is a private person who says they called you.

LT-GEN MBOTHO: Yes.

ADV KHUMALO SC: And we just want to get clarity on that. Thanks.

LT-GEN MBOTHO: Okay.

ADV SEGEELS-NCUBE: Thank you, Commissioner.

20 **ADV BALOYI SC**: If I may. I think adding to that, General, there is the difficulty of the improbability of a member of the public who is standing witnessing a police operation and then approaching a member of the Hawks to say, I have called Patrick. And I must say, until I read your statement, I did not know that your name is Patrick.

But this person says to a member of the Hawks, I have called Patrick, but in fact, on the evidence that we

have, Mokoena spoke to Captain Wanda on that person's phone, on Mr Mthethwa's phone. That is who Mokoena spoke to on, I mean, through, he spoke through Mthethwa on, with Wanda.

And it is difficult to understand how this Patrick, I mean, rather this Mthethwa would not have had the kind of connection that he has claimed to one of your people. And even if you heard about it during your engagement with the Commission, it would be a curiosity to me at least that you
10 have the information about Mthethwa, you have his name, his full names, you have his car details, you must therefore have his address and that you actually do not investigate who is this person and why would he say that he spoke to you, because it is quite serious that he invoked your name. And if you have not investigated it, it would be a question of curiosity. Do you have any comment to that?

LT-GEN MBOTHO: Yes, I do, Commissioners. Commissioners, let us start on the day in question. What would have been the harm if I had received a call from
20 Mthethwa? Why, what is it that would require to deny, because I do not know who Mthethwa is. I have not even heard of allegations that are horrible about him. So I cannot see a motivation for denying having received a call from an ordinary member of the public.

Had I received this call, it would have required not

denying, because Mthethwa is not one of those people where there is an allegation of wrongdoing or he has been arrested. So, I have never heard of Mthethwa, but of importance is that I have the interest indeed, but I could not start a parallel investigation with the Commission.

The Commission possibly in my head is that this Mthethwa is going to be one of the witnesses, but now it cannot be that the Commissioner is busy investigating, now, we are now running a parallel investigation. For ours, if we
10 want to do an investigation, the Commission would be finished with theirs first, then we can investigate who these person is. But if it were to happen now, parallel to the investigators of the Commission, it could have a very wrong interpretation.

ADV BALOYI SC: Without saying that is your reason, that would be your reason in this case, can I suggest this possible explanation why there would be an incentive to deny. It is, we now know that the person at that house is Mr Katiso Molefe ...[intervenes].

20 **LT-GEN MBOTHO:** Correct.

ADV BALOYI SC: Who is implicated in very serious ...[intervenes].

LT-GEN MBOTHO: Allegations.

ADV BALOYI SC: Allegations. We also know, or allegations at least have been made, that he is connected

to police officers, senior police officers.

LT-GEN MBOTHO: Correct.

ADV BALOYI SC: With those allegations, that in itself would provide an incentive to distance yourself to himself, from him, without saying that is what you are doing. I am answering your, you are asking the question, why would you deny it. Well, there would be an incentive to deny it.

Surely that is a fair proposition to make, that now that we know what we know from other witnesses or what
10 has been alleged, let me say that, what has been alleged by other witnesses and what is in public media, there would be an incentive to distance, for any senior police officer, in fact, to distance themselves from any association with Mr Molefe, and I would be surprised if that was not the case.

LT-GEN MBOTHO: Commissioners, I would have agreed with the Commissioner if the Commissioner was saying I would have an incentive to distance myself from Mr Molefe. I would understand that. But to distance myself from someone that I have not heard of being associated with the
20 wrongdoing, I might have a different view. I am not saying the Commissioner's view is wrong, but I would not understand why I would want to distance myself from someone that at this moment I am not aware of wrongdoing from his part. So, ja, so that is my response. Thank you.

ADV BALOYI SC: I have heard your response.

ADV SEGEELS-NCUBE: Thank you. General, in fairness to you, the information that your name was used was referenced at that scene only became available last week when we were consulting with Warrant Officer Nkosi. You had not been informed of that prior to that. But just to follow on what the Commissioners were saying is that, and I would not put it any higher than it being peculiar that Mr Mthethwa was identified by two people on the scene for two different reasons, and those two people did not interact with
10 each other, being Warrant Officer Nkosi and Captain Wanda.

According to Warrant Officer Nkosi, he did not engage anybody of the takedown team, so he would not have spoken to Captain Wanda. And they both identify Mr Mthethwa. Captain Wanda identifies him as the person whose cellphone was, who gave him a cellphone to speak to Brigadier Mokoena on the other end, which suggests that Brigadier Mokoena certainly knows Mr Mthethwa.

And on the other hand, it is that Warrant Officer
20 Nkosi identifies him as the person that said you, he had called you. So I think there is certainly a basis for us to engage you on this as to whether you know the person and why now there would be, if you do know him, why there would be an attempt to distance yourself.

But I accept what you say is that if you did know

the person, certain information you would not have been privy to, you would have had certain information which you were requesting actually from General Lebeya, which you say supports your version that you did not know him.

LT-GEN MBOTHO: I confirm that, but also maybe to take it a point further, if I had received this call, I was going to get more information that I would have passed to the team of Mokoena, because they would have needed it. I would have given them the phone number, I would have given them an
10 indication as to what to expect, where they are going. Thank you, Commissioners.

ADV KHUMALO SC: But would that not associate you with Mr Katiso Molefe and this Mr Mthethwa, who, according to Warrant Officer Nkosi, is related to Mr Katiso Molefe?

LT-GEN MBOTHO: But I would not have known that he is related. So I would have, if he had called me, I would have taken the call. I would not have known that, remember, at that time, I would not even have known of Katiso Molefe's existence. So, if I had received a call from Mr Mthethwa, I
20 would have taken up the call.

ADV KHUMALO SC: So, I take it you deny the allegation that you and Mr Mthethwa are old bras. you come from way back?

LT-GEN MBOTHO: I do not know him. And not only that, Mthethwa is one of those not very common surnames. It is

not the surname that I can easily forget. I was, as I was preparing, I was looking at my phone, I could see that I have got a lot of Chauke's and Mokoena's and Khumalo's, but Mthethwa's are very rare, at least in my space. So, I would not forget that I have a friend, his name is Mthethwa, because he would most probably have been the only one.

ADV KHUMALO SC: Have you had time since you were made aware of this allegation to run the number plates that we see in BK5 on page 21?

10 **LT-GEN MBOTHU:** No, I would not do that, because that is now in the hands of the investigators of the Commission. I would not be running anything to do with those numbers.

ADV KHUMALO SC: No, no, not for the purposes of the investigators.

LT-GEN MBOTHU: All right.

ADV KHUMALO SC: To satisfy yourself that this person who drives this black Mercedes-Benz, I will not mention the name in the number plate for obvious reasons.

LT-GEN MBOTHU: Right.

20 **ADV KHUMALO SC:** That I have checked this, I have checked their initials, I have checked their surname, this is not a person that I know.

LT-GEN MBOTHU: No, definitely I would not do that, Commissioners, until the Commission is finalized with what they are doing. I would not do it. I would not want to test

even the vehicles that the Commissioner is going to be testing those.

ADV KHUMALO SC: But your opportunity to deny that you know the person is today.

LT-GEN MBOTHO: Yes, but I am saying today I do not know the person. And for me to say I do not know the person, I do not require the ownership of his vehicles, because I have been shown a picture, I do not know the person. And also, as I have said, my phone number or my,
10 anything on my phone is available to, for the downloading or analysis to say here you have communicated with this gentleman and the Commission investigators are most welcome to, anything that will satisfy them on it.

ADV BALOYI SC: General, does it happen every day in the DPCI that someone calls and says there is something going on at the house and people are claiming to be the Hawks and you just dispatch people, your people. You have no information whatsoever according to you. You do not have a contact number. You do not know what they are going to
20 find on the ground. You think it is a bogus operation, because that is what you have been told at that time and then you say to your members, just send one car with two people and go and check. Is that something that happens every day? Is that how you do things?

LT-GEN MBOTHO: Thanks, Commissioner. My

understanding was in relation to the concern that was raised by General Lebeya when I arrived in October. He had raised concerns about bogus DPCI members that are scamming people across the board.

Now, most of those investigations ended up in prisons, that people in prison were conducting that. Now, when, so most of it, what became difficult in those investigations is that even if you were eventually going to find a handset in a communal cell, it will come with these
10 challenges, because you will most probably not be able to link it to someone.

Now, when we get a hint of physical people who are not the ones that are scammers inside the prison, we are obviously interested in this one, because we are frustrated with the cases that we have that ends up in prison. So when we have this one, so it was important for us to go and verify what is happening. So, but it is not something that we do every day, but it is, if you look at it, separate from the problems that we were having of these bogus Hawks
20 members, it might not make sense. But to us, it was exciting because now we have got physical human beings that are at a gate somewhere. That would have been the reason.

ADV BALOYI SC: I think the nub of, or the sting of my question is, you have absolutely no information, you do not

even have a contact number, so you are sending people, you are sending General Mokoena to deploy a vehicle with two people where they cannot even speak to anyone in advance to find out what is happening there. There is just, you are saying, just send one car that, that in itself is a matter of concern for me, that you do not know what is happening on the ground, and then you even prescribe, send a car with two people.

That is, it sounds more like you had an idea of what
10 was going on there. That is why you are not concerned about getting a telephone number so that they can make contact. That is why you are able to say, send only one car with two people. For someone who has absolutely no information and is told there is bogus Hawks people there, but you have, absolutely are blind to what is happening there.

It seems you are casual at best about getting a contact number of someone to speak to so that they know what they are going to be confronting, but also in a
20 prescription of who should go there. For someone who is blind, it does not make sense, who is blind to what is happening on the ground, it just doesn't make sense.

In fact, I think in another conversation, it would border on the reckless. If it is innocent, it is reckless that you would send your people out with absolutely no

information and you prescribe who should go there, two people in one car. I would like to hear your comment.

LT-GEN MBOTHO: Yes, yes, Commissioners. What I was expecting was that we will send the nearest vehicle. By one I meant the first closest vehicle they could find. That is what I meant. But as the testimony of Captain Kruger, the way he did it for me is perfectly correct, that while he is moving there, he is creating a group.

In addition, he is mobilizing while he is going there.

10 So my thinking would have been that on arrival, they would not go to the actual address. He would have passed and verified what is happening while his people, the real colleagues, are still coming. So when I later found out that more than Kruger was conducted, for me it was okay, because when I am talking about the one vehicle, I am talking about the initial vehicle that will just scan the area for us so that we know how to respond to it.

So I cannot seem to see the harm in this first vehicle scanning the area for us so that he is able to brief

20 the others who will come later, what is happening, or even dismiss them, to go, oh, there is nothing, guys, go back. So I could not, Commissioner, share your view on this one, because we cannot have started with all cars at once, because there will be that one that is closer to the place, say but that vehicle that you can find that is closest to the

port, send it so that it can brief the rest of us so that we know how to respond further. Thank you, Commissioner.

ADV BALOYI SC: When did you become aware that Captain Kruger was mobilizing others?

LT-GEN MBOTHO: During the Commission.

ADV BALOYI SC: So at the time when you say they must send a vehicle with two people where they do not have a contact number, you did not know that he is mobilizing people or he will mobilize people?

10 **LT-GEN MBOTHO:** It is a standard practice that, you see, one of the questions from the Evidence Leader to me was, do I think Kruger was wrong in mobilizing, and I said to her, I think I agree with Kruger rather than Mokoena, because when you are sent to an address, you do not know what to expect. So if you have to err, you err on the side of caution by bringing – so, so when I say send a vehicle with two people, the reason, at least in my head, is not that other people are prohibited from coming.

20 It is so that if one is driving, someone has to be taking notes of what is there, because my initial expectation was that they would drive past. So when this one is driving, maybe someone is taking pictures or things like that, or video of what is there so that when they find a safe spot, they can now plan with what we have, what do we do.

But the approach of Kruger for me was correct.

And I do not think that even that Kruger needed authority of anyone to reinforce the team that is going to respond, because that would have been a safer approach, because surely we were not sending these two members to their slaughter, because we did not know who was there and what they will do. So the two that would have been the closest would have been our first responder. Thank you.

ADV BALOYI SC: Well, maybe just to complete, you also, when you sent, when you said a car and two people should
10 go there without any contact details, you did not know at that time that Kruger will set up a group, a WhatsApp group. He will mobilize and he will set up a group. You did not know as a matter of fact, you did not know that.

LT-GEN MBOTHO: No, I did not know that, but that is what they do usually. When there is an operation, they form a WhatsApp group for that operation that they are involved in, generally.

ADV BALOYI SC: Yes. Thank you.

LT-GEN MBOTHO: Yes.

20 **ADV BALOYI SC:** Did you expect that the vehicle that you say should go, and now you are describing they will pass by and they will take videos, you expected that that two in the vehicle would, could well have been the end of it. They may have come back, just driving by and taking videos to say it is a police operation and that would be the end of it.

LT-GEN MBOTHO: That would be sufficient if it were not ...[intervenes].

ADV BALOYI SC: You would have expected that?

LT-GEN MBOTHO: Ja, that would be fine.

ADV KHUMALO SC: General, your evidence confuses me. Earlier you said you just wanted a vehicle to go there to scan the area. You now know that before any vehicle had been there to scan the area, Kruger had already mobilized private security, had mobilized other Hawks from Mogale
10 City, and other people that have not been mentioned to us, and you say now that is perfect, that is how we should have done it.

LT-GEN MBOTHO: Ja.

ADV KHUMALO SC: But then that is not scanning the scene.

LT-GEN MBOTHO: All right. Commissioner, let me explain again. I want the first vehicle to go scan the scene. But while it is scanning the scene ...[intervenes].

ADV KHUMALO SC: Just pause there for a moment.

20 **LT-GEN MBOTHO**: Right.

ADV KHUMALO SC: We now know that before any vehicle had scanned the scene, Kruger had already mobilized people and told them to go there. Are you saying that is perfect, that people were mobilized before any vehicle had scanned the scene, because if a vehicle had scanned the

scene and saw that there were policemen there, would have been no need on your version to mobilize anybody, because then you would have been satisfied that this is a police operation. So you are dealing with a situation where there is a normal Hawks operation, and a situation you described earlier where you said you simply want to scan the area. Now you are mixing the two, and that is what is causing confusion.

LT-GEN MBOTHO: All right. Commissioner, if Kruger has
10 delayed letting other people know, remember that people is calling Commissioner, is not someone that will arrive there within minutes. They are coming from wherever they have to come from. He will still get there before everybody else does, even if he informs them.

But if we were to amend this and say it according to how the Commissioner is phrasing it, it will require Kruger to get there, scan the scene, see that it requires additional manpower, then call the manpower. There would be a lot of time delay in that approach, Commissioner. But if he call
20 the people, those people will never arrive before Kruger if he is the one calling them. He calls them, he sees the place. If indeed there is no need for police, Kruger calls them off.

But I am having a view, Commissioner, that if we were to do it the way that is suggested by the

Commissioner, on arrival, Commissioner, Kruger would have far more waiting to do than if he mobilized them while on the way there.

ADV KHUMALO SC: General, it was your suggestion earlier that once the person has scanned the area, they will call.

LT-GEN MBOTHO: Yes.

ADV KHUMALO SC: And then based on what they have seen, you will decide whether to deploy more people.

10 **LT-GEN MBOTHO:** Correct.

ADV KHUMALO SC: So now you are changing that and you are saying on his way there, Kruger himself should have deployed more people so that once he gets there, he does not have to wait for support. So you are saying two completely different things.

LT-GEN MBOTHO: Commissioner, that is not what I am saying. I am simply saying to the Commissioner, I am not opposed to Kruger having called people while on the way. I am not opposed to that approach. But when I thought
20 initially, when I was sending him, I thought he will scan, talk to us, so that we send people.

But Kruger did one better than us, than my initial thinking, because Kruger is saving time. So I am saying I am not opposed to the approach of Kruger, because if you look at it, Kruger's approach is better than mine, because I

would have allowed Kruger to arrive there, Kruger gives us feedback, this is what I see, then we deploy.

But Kruger's one is even better than mine. So as I was looking at it, I am saying, but this is better idea that one of Kruger, than mine would have been, because Kruger's way of doing it saved him time, because as soon as he is done, everybody starts arriving, or others were on the way, he stopped them.

So that is what I am saying. I am not changing
10 anything, but I am saying this approach of Kruger, if you look at it, it is better than mine, because it saves him time to respond. Meaning, if we would have gone with my plan that I had, Kruger would have arrived there, scanned the area. If there is anything happening there, he is still waiting for us to mobilise. But in his approach, the waiting time is shorter. So that is all I am saying, Commissioner.

ADV KHUMALO SC: But we must just be clear that it is your approach, not the Commission's approach.

LT-GEN MBOTHO: No, no, no. No, no, not the
20 Commissioner. The first one, the slower one is mine.

ADV KHUMALO SC: Yes.

LT-GEN MBOTHO: The better one is Kruger's, yes.

CHAIRPERSON: What I find a little bit strange or lacking in logic is what you said in response to Commissioner Khumalo's earlier questions. You seemed to suggest that

as a matter of course, Captain Kruger would have arrived there first, he having been the person who called all the others. So you said he would arrive there first. Did I understand you correctly?

LT-GEN MBOTHO: Correct, Commissioner, you understood me correctly, because remember, I am under the impression that he would have been the closest.

CHAIRPERSON: Yes. Yes, ja, here is the lack of logic. You cannot make the assumption that he was closest.

10 **LT-GEN MBOTHO**: But that was the request.

CHAIRPERSON: What request?

LT-GEN MBOTHO: To Mokoena, Mokoena, find the closest vehicle to the address in Sandton. Remember the first vehicle, the one that we were talking about, has to be the one closest to the address. So if he is the closest ...[intervenes].

CHAIRPERSON: And practically, how would Brigadier Mokoena have done that to establish which vehicle was closest?

20 **LT-GEN MBOTHO**: I thought he was going to call the Johannesburg team to find out where they are, and then of them, the one that is closest should be the one that he deploys, because it is on that basis that I think he then arrives before them, because the choice of the first car would be in the distance.

CHAIRPERSON: So you are basically saying it is Brigadier Mokoena then who did not comply with your request that it should be the nearest car that is requested to go to the address?

LT-GEN MBOTHO: I was thinking ...[intervenes].

CHAIRPERSON: I am asking that because we now know that the car that was requested to go there was a car that was to drive from Pretoria all the way to Sandton. So are you saying your request to Brigadier Mokoena was get the
10 nearest car to go to the Sandton address. That was your request.

LT-GEN MBOTHO: That was the request.

CHAIRPERSON: So basically you are saying Brigadier Mokoena did not comply with your request, he took, or rather he requested a car that was in faraway Pretoria to go to the address. He did not comply with your request.

LT-GEN MBOTHO: That would have been a deviation, but I was under the impression even myself when he told me it is Kruger that Kruger is from the Johannesburg side. So when
20 he informed me that he sent Kruger, I was comfortable, because I did not know that Kruger is from Pretoria. I thought Kruger was from the Johannesburg side. So when I heard that Kruger is the one responding, I thought that was reasonable.

CHAIRPERSON: All right, thank you.

ADV SEGEELS-NCUBE: And General, just to clarify, this would have been during a telephone call with Brigadier Mokoena before you had given him the address, you knew then that he had sent Kruger.

LT-GEN MBOTHO: He informed me. You see, I am unable to confirm that it was on a call, because there was a lot of, we are at the same vein. I am not sure that all the things happens, happens, does not happen physically, because we are at the same vein, which was smaller than this. So I do
10 not know if it was on a call or we were talking.

ADV SEGEELS-NCUBE: Okay.

LT-GEN MBOTHO: Mokoena seems to say I called him. I seem to think I was talking to him, because the first three components that I spoke to, I spoke to them. And maybe, Commissioners, I also forgot to mention, I seem to think I also communicated with the Provincial Head of Gauteng, who is General Kadwa, when I was asking about the operation. I think I also forgot to mention him. I also asked him before the dispatch of the vehicles.

20 **ADV SEGEELS-NCUBE**: So I just want to confirm that if, now that you say that Brigadier Mokoena told you that it is Captain Kruger that would be responding, that would have been before you gave him the address.

LT-GEN MBOTHO: Yes.

ADV SEGEELS-NCUBE: Okay.

LT-GEN MBOTHO: Yes.

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

LT-GEN MBOTHO: Or – ja, I am not sure whether it is before or after. But if you look at when I send the address, it is also not very far apart from my initial interaction with them, which would have been around quarter to 4. So I do not think that Kruger would have been already on the road. But yes, the sequence is that I speak to Mokoena. He come back and give me information that he has chosen, he sent
10 Kruger. I give him the address, in that sequence. Maybe the times I might not be sure, but I speak to him, I say you must send a vehicle. He comes back to me that he is sending Kruger. I give him the address, in that sequence.

ADV SEGEELS-NCUBE: And did he tell you where Kruger was at the time?

LT-GEN MBOTHO: No. No, but I would have assumed he is in the vicinity, because that is the request to Mokoena, find me someone closer to the scene.

CHAIRPERSON: I am looking at paragraph 10.

20 **LT-GEN MBOTHO**: Paragraph?

CHAIRPERSON: Of your statement, Brigadier.

LT-GEN MBOTHO: Paragraph 10.

CHAIRPERSON: Yes.

LT-GEN MBOTHO: Yes.

CHAIRPERSON: You do not mention a request there unless

you mention it elsewhere. You say that you thought that Brigadier Mokoena would have asked a team that was either in Ekurhuleni, Roodepoort or Soweto to attend to the address. You do not say you requested, but now in your testimony here, more than once, in fact, in response to me, you mentioned the request. In response to the Evidence Leader, Ms Ncube, you again mentioned the request and you have probably mentioned it at some other stage as well. Here you say you thought, you do not say you made a
10 request that it should be the nearest car. Can you please explain that?

LT-GEN MBOTHO: All right. The correct version is I requested him to find the nearest car. That is the correct version. I would have requested him to find, because any other vehicle would have been far, because what I do know is that Brigadier Mokoena has got two teams. There is a Pretoria team and we have got Johannesburg teams. So if we have got a problem in Johannesburg, the best, quicker people to send are the people of Johannesburg. If, I would
20 have expected the same also if it was the north of Pretoria, that we do not send Abu Kruger, who at that time I thought was from the East Rand, would have gone ...[intervenes].

CHAIRPERSON: So under Johannesburg, you include Ekurhuleni, Roodepoort, and Soweto.

LT-GEN MBOTHO: Yes.

CHAIRPERSON: That is what you are referring to.

LT-GEN MBOTHO: Yes. Yes, that.

CHAIRPERSON: Would you accept, I do not want to sound like a witness, but I will probably do, but do you accept that those areas are further away from, for example, the Sandton SAPS Police Station?

LT-GEN MBOTHO: That is correct.

CHAIRPERSON: And why would you not ask the Sandton SAPS to go there?

- 10 **LT-GEN MBOTHO**: You see, it would not have serve the purpose. The Sandton SAPS would have come in a marked police vehicle, possibly with blue lights, and guys in uniform. It would not have served the scanning purpose of the area, because firstly, if you did that, you could endanger their lives if there was something horribly happening there, sending two people with so little information that we have at our disposal. You could endanger their lives.

- 20 But not only that, visible police in uniform and a marked vehicle would not be able to scan quietly the area, because everyone can see there is a van coming and it would endanger their lives, those guys that you sent. So hence the vehicles we were sending were normal sedans that are not marked where it would be nothing out of the ordinary for them to pass there, Commissioner.

CHAIRPERSON: Even if you make a specific request for them not to be conspicuous, they would still have gone there with the sirens blaring and all of the things that would make everybody know that police are now coming. So you mean no request could be made that please, please try to be discreet?

LT-GEN MBOTHO: The response vehicle of police stations in general, I assume Sandton too, is a patrol van. That is what they used to, to – let us say we switch off the blue
10 lights, but it is still a patrol van and the guys are still in uniform and either you are endangering their lives by sending them there, because if I had more information maybe, I might have considered that. But at the level of information that we have about what is happening there, I would have thought that would be endangering their lives.

CHAIRPERSON: But after scanning the area and establishing that it was in fact not the Hawks, what would have been done? Would, what would ensue thereafter not have endangered the lives of those who would be involved
20 in whatever would ensue?

LT-GEN MBOTHO: If using my scenario where I send two vehicles ...[intervenes].

CHAIRPERSON: Yes, yes.

LT-GEN MBOTHO: The vehicles they would have ...[intervenes].

CHAIRPERSON: The scanning has been done.

LT-GEN MBOTHO: Yes.

CHAIRPERSON: Others have now arrived, because you have come to realize that this is not a Hawks operation, would lives not still be endangered? I just want to understand this issue about the uniform, because at some stage there would have had to be some engagement between the two sides. So would lives not still have been endangered?

10 **LT-GEN MBOTHO**: There would have been endanger the lives, but as I said, that after you have scanned, you have now seen what you are up against, we would have increased the numbers to engage them, but we would not have engaged them with your first two. You would have waited for backup, then you engage. But you cannot engage with two.

ADV BALOYI SC: General, what do you think the SAPS does when they get a report, assuming this was a report to the SAPS, that there are people at the Sandhurst house
20 who are pretending to be members of the SAPS? In the light of your answer, that the SAPS would have gone there with sirens and everyone would have been in danger, are you suggesting that the SAPS does not have the capability to do the kind of, I think you say, surveying to see what is going on, to do that without endangering their members?

LT-GEN MBOTHO: Commissioner, they definitely do. But the quickest readily available response is that of a patrol van. That is the quickest and readily available at any station. But they do have a capacity that they must try and gather if they have an operation of their own. They would have that. But it is not what you can readily find. It is not a resource that is always on standby like a patrol van. A patrol van, 24 hours of the day, is ready to respond.

ADV BALOYI SC: Did you even consider to get the SAPS
10 to attend to this or you are now reverse thinking, because you are being asked these questions and now you are creating an explanation why the SAPS would have been unsuitable? And when I say creating an explanation, at this point at least, I am not suggesting any dishonesty about it. It is really to try and understand, did you even consider to contact the SAPS to do this and discounted them or it just never occurred to you from the outset, you knew this was going to be a DPCI operation?

LT-GEN MBOTHO: The strength of TOMS, Commissioners,
20 is not necessarily of the members that they have, but the network that they have. So I could not foresee that the patrol van could get there quicker than the people that work with TOMS. For example, TOMS have got security companies that they have. Even if Mokoena decided that he is going to send the Johannesburg Metro, which is part of

them, or the Gauteng Traffic, which is part of the team, to scan the area for us, it would have sufficed.

So when I said to Mokoena, send people, I meant in his network. So the police, to be honest, Commissioners, was never the patrol van, was never part of my thinking from the word go. I never had the police van as part of those that I wanted deployed from the word go.

ADV BALOYI SC: Well, you have also told us that you know that they have private cars, unmarked cars, which are
10 not patrolled vans, the SAPS. Did I understand you? Did I hear you properly?

LT-GEN MBOTHO: No, no, I was talking my team that I sent there.

ADV BALOYI SC: Okay.

LT-GEN MBOTHO: The team that I sent there, I sent them with unmarked cars. Yes, I was referring to those, that the team that went there, they had unmarked cars to respond with.

ADV KHUMALO SC: Ja, but you do not know who was sent
20 there, because you gave the instruction to Brigadier Mokoena. So why do you talk as if you know that the team that was sent there had unmarked cars?

LT-GEN MBOTHO: Remember, Commissioner, I mentioned that he told me that he sent Kruger.

ADV KHUMALO SC: Yes.

LT-GEN MBOTHO: And I said Kruger was the right choice in my thinking, because he is from, at least I thought was from the East Red. So I did have the name Kruger.

ADV KHUMALO SC: You see, Captain Kruger gave evidence last week, and one of his misgivings about attending to the address in Sandton was that he did not have his blue light, and the car that he was driving did not have proper tyres. So in his mind, he thought what he needed was a car that has blue lights. So his
10 understanding of the situation is different from yours.

LT-GEN MBOTHO: I would think he meant driving towards the scene, not to arrive with the blue lights on the scene. I thought maybe he would have meant while getting there, not when he is there to come with the blue lights. There is no way that he would have wanted to arrive there with the lights on.

ADV KHUMALO SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioners. General, then if we can deal with the conclusion of your
20 statement, which is at page 6.

ADV BALOYI SC: Before you go to the conclusion, can I just deal with another topic, a different topic. General, when you spoke to Brigadier Mokoena to attend to this, you say in your statement that you told him that General Lebeya has said there are people who are pretending to be Hawks.

Is that all you said to him?

LT-GEN MBOTHO: No, I told him that General Lebeya says there are people who are alleging to be members of the Hawks. That is one. Two, they are alleged to have been sent by him, General Lebeya. That is where Mokoena mistake it for me to be saying that Lebeya is with them. That is why he is making the mistake there.

I did not say General Lebeya is at the house, which is how I think Mokoena understood it. But I was saying,
10 firstly, they say they are members of the Hawks. Secondly, they say they have been sent by General Lebeya, because that was the message I received.

ADV BALOYI SC: So where he has testified that you said that these people were with General Lebeya and he in fact acted on it because he on a video showed, on the phone showed Captain Wanda that he is in the same place as General Lebeya, you are saying that is not correct, you did not say that to him?

LT-GEN MBOTHO: No, I did not say that, but he
20 misunderstood what I was saying.

ADV BALOYI SC: No, do not try and explain what he said. He has testified.

LT-GEN MBOTHO: Okay.

ADV BALOYI SC: He has told us that what you told him ...[intervenes].

LT-GEN MBOTHO: That is not what happened.

ADV BALOYI SC: Was that his people were with General Lebeya. You are saying that is not what you told him.

LT-GEN MBOTHO: No.

ADV BALOYI SC: Is General Mokoena the only person apart from General Lebeya, and I keep in mind that you say after you spoke to General Lebeya, you then chat with your component heads, I think that is what they are called, whether they have operations.

10 **LT-GEN MBOTHO**: Yes.

ADV BALOYI SC: You asked Mokoena the same thing. And then you ask the Provincial Head, I think you said.

LT-GEN MBOTHO: Of Gauteng.

ADV BALOYI SC: Of Gauteng as well. The instruction to then attend to the scene, you only discussed that with Mokoena, with Brigadier Mokoena.

LT-GEN MBOTHO: Only.

ADV BALOYI SC: You did not give an instruction to anyone else?

20 **LT-GEN MBOTHO**: No.

ADV BALOYI SC: Okay. Now, we know from the evidence, evidence of Captain Kruger, he told us that Brigadier Mokoena sent to him a WhatsApp picture of a black X5, which we now know from that evidence that it belongs to the Office of the National Commissioner, KZN. We know that.

You have heard that evidence. Are you aware of that evidence?

LT-GEN MBOTHO: No.

ADV BALOYI SC: Okay. So what Captain Kruger told us is Brigadier Mokoena sent him a picture of this black X5 and also the details of an Audi vehicle, which happens to be the one that you say he sent you the details and you do not know why he sent them. Now, that details of the Audi and of the X5 he sent to Captain Kruger. Do you know where
10 Brigadier Mokoena would have received this? Did he receive it from you?

LT-GEN MBOTHO: Definitely not from me. I do not know where he got it from.

ADV BALOYI SC: Okay. And if he did not receive it from you, it means, it must mean he sourced it himself from somewhere else, if he did not get it from you, because this instruction comes from you.

LT-GEN MBOTHO: Yes.

ADV BALOYI SC: Okay.

20 **LT-GEN MBOTHO**: No, I did not give him the BMW.

ADV BALOYI SC: All right. Thank you.

LT-GEN MBOTHO: He also did not send it to me, if I may just add, the BM part, but he sent me the Audi.

ADV BALOYI SC: Yes. I ask the question, because he is talking to you and then he shares down to his people and he

sends a picture and the details of the vehicle down to his people. And the question is, where would he have taken them from? Am I wrong in my assumption that he would have gotten this car details from you? Is, would, is that incorrect to put?

LT-GEN MBOTHO: No, that is incorrect.

ADV BALOYI SC: Okay.

LT-GEN MBOTHO: I did not have that.

ADV BALOYI SC: Thank you.

10 **CHAIRPERSON**: Just a matter of detail, you will forgive me if you have already touched on it in your testimony, General. In paragraph 4, you say:

“I was approached by the then National Head of the Hawks, Lieutenant General Godfrey Lebeya, who inquired from me whether I was aware of a Hawks operation underway at a house in Sandton. He informed me that the information he had received is that the
20 members of the Hawks were conducting an operation at a specific house in Sandton ...”

And it goes on. Did General Lebeya tell you how or by what means he had received this information?

LT-GEN MBOTHO: Yes, he did, Commissioner. He said he

got a call.

CHAIRPERSON: A call.

LT-GEN MBOTHO: He did mention that.

CHAIRPERSON: Thank you. Thank you.

LT-GEN MBOTHO: Yes.

CHAIRPERSON: And I think I did ask you earlier as to whether he told you who he had received the information from. Let us not repeat that.

LT-GEN MBOTHO: Okay.

10 **CHAIRPERSON**: Thank you. Thank you.

ADV SEGEELS-NCUBE: Thank you.

ADV BALOYI SC: Maybe lastly from me. General, you have given us a list in one of the annexures, a list of what you say are cases or incidents of where people have impersonated the Hawks.

LT-GEN MBOTHO: That is correct.

ADV BALOYI SC: Have claimed to be from the Hawks and some of them there has been prosecutions. Others you have said they were unfounded. It says unfounded. You
20 have told us what the status is. And some of them there has been prosecutions. Now anyone, is anyone of the 30 a case where a member of the public just called and said there are people here who say they are members of the DPCI, and then you have sent your people there to go and find out without knowing what is going on, any one of these

30?

LT-GEN MBOTHO: We did not have it that way, but how we had it, Commissioner, was a person would inform us that certain people approached me and they want me to pay, and we are going to meet them, I have agreed that I will meet them tomorrow. Then we send our people to intercept them, yes.

ADV BALOYI SC: It has really been planned operations.

LT-GEN MBOTHO: Yes.

10 **ADV BALOYI SC**: Received information and you planned the operations.

LT-GEN MBOTHO: He gives us that, the, by the time he contacts us, usually they have already interacted, first interaction with these people, and then we then facilitate the payment and the receiving of the money for us to arrest them.

ADV BALOYI SC: Thank you. Thank you, Ms Ncube.

ADV SEGEELS-NCUBE: Thank you, Commissioners. General, then if we can deal with the conclusion of your
20 statement, most of which you have already dealt with in your engagement with the Commissioners. I think the first was regarding Captain, the instruction, and you engaged the Chair on that, the difference between legitimate SAPS operation and confirming that they are bogus police or not. And then if you could perhaps deal with the remaining

issues, in particular the 19.4, which is the aspect that Brigadier Mokoena testified about the disciplinary offence.

LT-GEN MBOTHO: Yes. I think I have also mentioned this, Commissioners, when I said it is not a misconduct if the member who is responding brings in backup for himself. That is what I was meaning there.

ADV SEGEELS-NCUBE: And then at 19.2, you deal with what you say in the last sentence is that if either has been established, the team must leave immediately. And that is
10 the scenario where you say if the task is to verify that they are real police officers, then once the team has established that, they must leave immediately.

LT-GEN MBOTHO: Yes, yes, but this is where I say it is that the members that actually responded seem to have understood the mission better than Mokoena was conveying to them, because they seem to have been going there with an intention to verify if those were legitimate police officers. That is how I understood it. Maybe I could be wrong there, but I understood that Mokoena was the one missing it. But
20 as the Chair corrected me too, maybe it is just the slip of a tongue, I do not know. But the actual people that responded seem to have responded to the real question that we wanted them to respond to.

ADV SEGEELS-NCUBE: And then on page 8, paragraph 20, if you can address your response regarding the

suggestion that there was an attempt to interfere in the arrest operation of Mr Katiso Molefe by the Hawks.

LT-GEN MBOTHO: Yes, I raise that point because, at least starting from me, that I can testify about. I had no idea whose house that was, me, who is sending them. And I assume also the colleagues that I gave the address to, because they were responding to the address that I forwarded to them, that they would not have known until they arrived there.

10 If they had the knowledge of who Katiso Molefe is, they would not have known when they were going there, because when we give it to them, I, when I give it to them, there is no name that goes with it. I did not know who the owner of the house was. I am assuming also that even if they knew who Molefe was, I do not think they would have known by looking at the address that this address will belong to Molefe.

20 So at least from the colleagues that responded, on the basis of the address that was given, I do not foresee that they would have anticipated who the owner of the house was, because it did not come with the information that they would, that would educate them to that effect. So I believe that the people that went there did not know whose address it was, in as much as I would send them, they did not know whose address it was. Thank you.

ADV SEGEELS-NCUBE: And so based on that, you say that that was not an attempt to interfere for the benefit of Mr Molefe.

LT-GEN MBOTHO: Definitely not. Definitely not.

ADV BALOYI SC: General, on this address issue, is this not information that is easily available to the SAPS? If you had wanted to find out whose address this is in the same way that you want to find out whose vehicle is this, you would have been able to look it up.

10 **LT-GEN MBOTHO:** If we were in the office, we could have. But at a party with no laptops or any access to information, it would have been very difficult to find out. But if you were to give me the address on a day, office hours, I would find out. I would be able to tell you who owns the address.

ADV BALOYI SC: Well, we know that even at a party, Brigadier Mokoena was able to check vehicles, who Mthethwa is, the vehicle belongs to who. He was able to check that, Mokoena or Kruger, one of the two, and they did that on the phone and I am assuming, please correct me if I
20 am wrong, that the address would be verifiable, would be easy to verify as well. I mean, there is a whole data bank of information about whose, public information about whose address it is.

LT-GEN MBOTHO: We do not have access to that one on cellphones. On the cell phones, they do have an app that

links with eNatis, which is a vehicle system.

ADV BALOYI SC: Ja. But it is not impossible to check.

LT-GEN MBOTHO: It is not impossible ...[intervenes].

ADV BALOYI SC: [Indistinct]... [cross-talking].

LT-GEN MBOTHO: ... to check, I would guess, but they do not have a system that we have provided them to do that, yes.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioners. That
10 is the evidence of this witness.

ADV BALOYI SC: General, one last question. There is the matter of, there is the one issue of concern, which is an inquiry number. Now, you have described in your paragraph 19.3 in your statement what in fact you say Kruger did when he got to the scene. You say:

20 “Verifying the operation is legitimate
 would mean the team would have to go
 beyond just confirming that the people
 are police officers. It would mean that
 the team must verify if they executed
 the operation, whether the officers
 executing the operation are authorized
 to do so. This would require
 confirmation of the type of operation,
 etcetera, and confirmation of, for

example, the warrant being executed.

This seems to be what Captain Kruger did when he arrived on the scene.”

Now we know from his evidence as well, Captain Kruger, that he took photographs of the vehicles that were there. We know that he, and then he drew out the reports on those vehicles. We know that he submitted his diary entries of that whole operation. And yet there is no inquiry number.

10 Is that Is that regular that you would have an operation where your members are verifying the legitimacy of an operation? They have taken the name of the head of that operation, Captain Wanda. So you have got all these facts and yet there is no record in the DPCI by way of an inquiry number that contains all this information. Is that not irregular and is that not a matter of concern?

LT-GEN MBOTHO: Yes, Commissioner, I think you would have seen, Commissioner, that on the message that he was telling me about Northam, he would have illustrated the
20 inquiry number there, because the standard practice is that there is an inquiry. That is standard practice. My expectation on this one is that there would not have been an inquiry on that day, but that when they come on the next day, working day, they would have registered an inquiry so that they know where to file this thing.

But that is not the only purpose it serves. It serves also to justify driving a state vehicle. When we drive a state vehicle, there must be some form of a reference number that justify why you drove from point A to B. So that would be the norm. As to, I am not complaining that when they went there, they did not have it. What I find troubling is that when they come back, still not, because it is what they would have needed to put in their notebook as the purpose for driving to a specific address.

10 So as a norm, it should have had the reference number. It justifies their driving. It also helps in the filing of anything that relates to this, the information about Wanda, the pictures that you have should have found themselves into the file.

ADV BALOYI SC: So as matters stand, if anyone were to do an audit of that period, there would be no record of this operation.

LT-GEN MBOTHO: Particularly after I have had is I would have been worried about what they would have written in
20 the vehicle logbook for the trip, because our systems require that each trip you justify with some form of a reference, some form of a reference that backs it up.

ADV BALOYI SC: And then lastly, lastly, Chair, the, we saw, you saw the pictures where Captain Kruger shared on the group, you saw them now, at least as you are testifying,

shared on the group the details of the vehicles that were at the scene, the pictures that he took, and then he then shared the pictures, but also shared the details of the vehicles there. Did you ever receive any of those pictures and any of the car vehicle details? Were they shared with you?

LT-GEN MBOTHO: No, they were not. None of those were shared with the, Commissioner.

ADV BALOYI SC: Thank you. Thank you, Chair. Thank
10 you, Ms Ncube.

ADV KHUMALO SC: Very quickly, the allegations made against the Hawks, I want you to understand them clearly and carefully. In paragraph 16 of Captain Wanda's statement, he says:

“When the members of the Hawks
asked for details about the operation,
including who we were arresting and
the CAS number, Witness A refused to
disclose this information and indicated
20 that it was not necessary for them to
know these details.”

Now, do you accept that if this is what the members of the Hawks did, and it is a big if, then that would be interfering with lawful police operations, because that is not what they were sent there to do.

LT-GEN MBOTHO: We did not send them to do that.

ADV KHUMALO SC: Do you accept that that would be interference? Why would they be interested in who is being arrested and what the CAS number is? Why would they be interested in that?

LT-GEN MBOTHO: I do not know why they would want to know that, because that is not what is their mandate. That is not, and even in the evidence that I have had, which is the snippets thereof, they did not seem to think they would
10 have been tasked to do that.

ADV KHUMALO SC: And then lastly, in 19.2 of your statement.

LT-GEN MBOTHO: 19.2?

ADV KHUMALO SC: Yes, on page 7.

LT-GEN MBOTHO: Yes, I am there.

ADV KHUMALO SC: You say to verify that these are real police officers, I will not read the whole statement ...[intervenes].

LT-GEN MBOTHO: Ja.

20 **ADV KHUMALO SC**: Because you have it. And then last sentence, you say:

“If either has been established ...”

Either, not both.

“If either has been established, the team must leave immediately.”

Do you see that?

LT-GEN MBOTHO: Yes.

ADV KHUMALO SC: Now, according to Warrant Officer Nkosi, within 5 minutes of him getting there, he had established that these are police officers and this is a legitimate police operation. What troubles me about what happened on the 6th of December 2024 is that the Hawks were there for close to an hour, doing what nobody knows, because within five minutes they should have been able to
10 establish that these are the police, they are wearing SAPS issued bulletproof vests, these are the details of the people. You establish that in five minutes.

Now the other 50 minutes, I do not know what the Hawks were doing there, and that troubles me, because you can understand why there is an allegation that they were interfering or intimidating the police who were there to effect an arrest or to execute a J-50, because nobody is accounting for the 50 minutes. Nobody is telling us, after they did that, they got there and they did what you asked
20 them to do, why did they remain for another 50 minutes and what were they doing there?

LT-GEN MBOTHO: Thank you, Commissioner. I also do not understand why they took so long. What I would have expected, the meeting between Captain Kruger and Captain Wanda, should have settled all concerns, because I would

have expected Captain Kruger to produce his appointment certificate, Wanda does the same. They exchange their details for whatever reason. This is an official operation. Everything ends there.

In my opinion, there would not even have been a need after that interaction for even taking pictures outside, because the pictures, I would have expected them before for them to, before they interact. But after this interaction, the mission is accomplished.

10 **ADV KHUMALO SC:** Now put yourself in the position of the police officers that were executing the takedown operation there. It is now 20 past 5 on the day in question. You have satisfied the Hawks members that you are legitimate police and they have verified your identity. And then for the next 40 minutes, the Hawks are hanging around while you are, you know, executing a lawful police operation.

Put yourself in the position of those police officers. What would you expect them to think of the Hawks while they are busy executing this operation and for 40 minutes,
20 the Hawks are just hanging around and nobody knows what they are doing there.

LT-GEN MBOTHO: It is for that reason that I am not surprised about the allegation that found themselves coming our way, because I do not understand myself why they were there now. More so, because earlier I would have been told

that they would have been in a rush to another operation. So I thought they would have gone there with very much pressure on time if they are still going to find themselves in Northam. So I honestly cannot explain that why, after the interaction, after they have sent us the numbers, I do not know what kept them there from that point. I have no idea.

ADV BALOYI SC: General, can I just follow up on the question, the first question that Commissioner Khumalo asked you, and I follow up, because you did not give a yes
10 or no answer. He asked you, he put to you that when Captain Kruger was with Captain Wanda, there was a request to see the J-50, Witness A told them that the operation was legitimate. That was paragraph 16, you remember, Commissioner Khumalo just read to you.

LT-GEN MBOTHO: Correct.

ADV BALOYI SC: When they asked for, when the Hawks asked for details about the operation, including who we were arresting and the CAS numbers, witness A refused to disclose the information. Now, from the evidence that we
20 heard, by this point, your Hawks members know and are satisfied that this is a legitimate, that this is a police operation by this point. The question, as understood, being asked of you is, having established that it is a legitimate operation, to go on and then want to see, to ask about the J-50, what is the operation, who are you arresting, the CAS

number, to ask that after your members have established that it is a legitimate operation, that would constitute interference. Any act after they have verified that which you say you expected them to do, to ask that kind of detail would be now to interfere in a legitimate operation, no?

LT-GEN MBOTHO: I am not opposed to that view, because who they wanted to arrest there with or without warrant was not our business. That one, I do not think we will have a dispute on that, because the purpose was to find out, are
10 these Hawks members, yes, no, police? Anyone spoke about Lebeya? The answer is no, none of us spoke about Lebeya. At that point, we are done.

ADV BALOYI SC; Thank you, General.

ADV SEGEELS-NCUBE: Thank you, Chair. That is the evidence of this witness.

NO FURTHER QUESTIONS

CHAIRPERSON: Thank you very much, General.

LT-GEN MBOTHO: Thank you, Commissioners.

CHAIRPERSON: And, Ms Ncube, about tomorrow?

20 **ADV SEGEELS-NCUBE**: 9.30, Chair, tomorrow.

CHAIRPERSON: Oh, I was not asking about the time. I just wanted to get an idea of what we have. Or perhaps let me not put you on the spot.

ADV SEGEELS-NCUBE: Thank you, Chair. I would appreciate that.

CHAIRPERSON: Let us adjourn until 9:30 tomorrow.

ADV SEGEELS-NCUBE: Thank you, Chair.

INQUIRY ADJOURNS TO 4 NOVEMBER 2025

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INQUIRY ADJOURNS TO 30 OCTOBER 2025

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