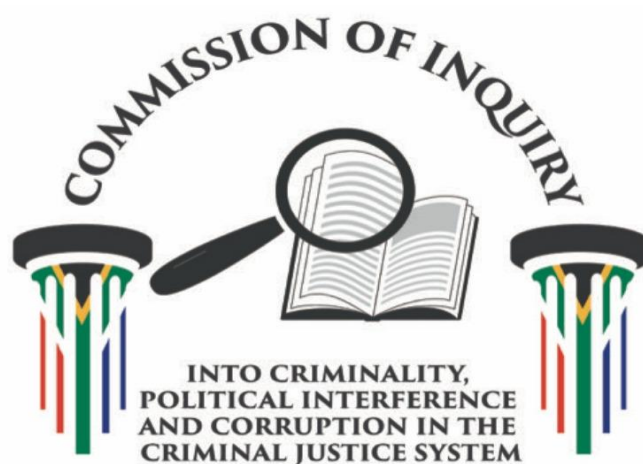


**JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,**  
**POLITICAL INTERFERENCE AND CORRUPTION IN THE**  
**CRIMINAL JUSTICE SYSTEM**

**HELD AT**  
**BRIGITTE MABANDLA JUSTICE COLLEGE**

**2 DECEMBER 2025**

**DAY 42**



**PROCEEDINGS ON 2 DECEMBER 2025**

**CHAIRPERSON:** Good morning, Ms Sello.

**ADV SELLO SC:** Good morning, Chair.

**CHAIRPERSON:** Good morning, Doctor Mashazi.

**DR MASHAZI:** Good morning, Commissioner.

**CHAIRPERSON:** Good morning. See, you did not suffer a stroke. Yes, Ms Sello?

**EXAMINATION BY ADV SELLO SC (CONTINUES):** I was giving Commissioner Khumalo time to sort out his files.

10 Thank you, Chair. Good morning, Doctor Mashazi. Yesterday, just to reorientate us, when we parted, we had gone as far as question eight and we had actually concluded on issues pertaining to that particular question. Now, this morning your attendees brought to my attention and shared with us a video you would like to be played for the Commissioners, which you believe is relevant to the issues that we have discussed thus far relating to Chief of Police Mr Mapiyeye. Is that correct?

**DR MASHAZI:** Correct.

20 **ADV SELLO SC:** Because we are ready to move on to the next topic, perhaps this might be an appropriate time to deal with that issue. Play the video, and then you can address the Commissioners as you find appropriate, and then we can have our engagement flowing therefrom. If you could just give us a second to sort out our technical issues,

we will play the video. But I suppose in the meantime, I should invite you to place this clip we are about to watch in its proper context, firstly, and secondly, to explain to the Commissioners why you believe it is relevant to the conversation we have had thus far. Thank you.

**DR MASHAZI**: Good morning, Commissioners, ladies and gentlemen who are in attendance. The importance of playing that video, yesterday I made a statement that Chief of Police is involved, like it was in my opening remarks, that  
10 in the process of defeating the end of justice ...[intervenes].

**ADV SELLO SC**: Okay, I think, if then I may just guide you so that we can follow.

**DR MASHAZI**: Okay, it was under my...

**ADV SELLO SC**: Is that what you deal with at paragraph 50, and in particular 50.2 at page 9 of your statement?

**DR MASHAZI**: Let me confirm.

**ADV SELLO SC**: Okay, yes.

**DR MASHAZI**: Yes, 50.2.

**ADV SELLO SC**: Okay.

20 **DR MASHAZI**: Ja. Here I spoke about two accidents in which the Chief of Police was involved in and under the influence of alcohol, and nothing seems to have actually happened to him. So the video will demonstrate that, indeed, there was also a protest from many members of the Metro Police, and the video will also demonstrate that the

department has a lot of issues, and the video will also demonstrate how Chief was protected from being investigated on this one.

**ADV SELLO SC:** Okay. Thank you. [Indistinct]... My apologies. We are ready to run the video. It has on the clock one minute and 28 seconds. I propose that we allow it to run to the end, and then I will invite you to speak to it and we will take some questions. Is that in order?

**DR MASHAZI:** Yes, ma'am.

10 **ADV SELLO SC:** Okay.

[VIDEO FOOTAGE PLAYED BACK]

20 “A protest in the midst of the Covid-19 pandemic. These Ekurhuleni law enforcers are adamant that they must be heard. Officers accuse their managers of protecting the Chief of Police, who they claim was involved in two drunk driving car crashes. We are going to demand the suspension of *Mtati* Mapiyeye because he was involved in an accident, and then there should be an investigation conducted, and then he should be subjected to a disciplinary hearing. That is the first issue. The second issue is that our

members in the VIP protection, they get the allowance of 40 000 each member on top of their salaries, that which amounts them to R880 000 per annum. So we want to know the name of the allowance, because on the allowance issue, there should be a central bargaining committee whereby there is SALGA, Organised Labour, then name of the allowance if they agree, then it will be brought into a collective agreement. The City says it will investigate the issues raised in the memorandum. We have got a process, an administrative process in the City, which will see this memorandum be written there. Every issue shall then be detailed, looked into, and a response will be given. Look, all allegations that are brought forward, they are only there to be investigated, and investigated thoroughly. Mahlako Komane SABC News, Germiston.”

**ADV SELLO SC:** Thank you. That is the totality of the clip you wanted to show.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Okay. You gave a preliminary remarks before we played it. Now that it has been played, is there anything you would like to add before we engage on what appears there?

**DR MASHAZI:** Thank you. The person who is taking the memorandum and who spoke there, he was the political head responsible for EMPD. They are called members of the Mayoral Committee, responsible for different portfolios.

10 By then, he was in charge of EMPD.

**ADV SELLO SC:** Okay. Now, my take, and I may have missed one or two things from the clip, is that the grievances by members of the EMPD related to Chief Mapiyeye's driving incidents or accidents for which they contend he was not brought to book for. And the second relates to the allowance, what they call an allowance issue. Now, we are more or less familiar with the first. Are you able to shed light on what the second entailed?

**DR MASHAZI:** The second entails the members of the VIP  
20 where their structure was actually created and they appointed a whole different scheme.

**ADV SELLO SC:** Are you able to speak to that latter point?

**DR MASHAZI:** To the?

**ADV SELLO SC:** Are you able to speak to precisely that

VIP allowance point?

**DR MASHAZI**: Well, for me, it is an operational issue because VIP protectors, they are at which level? The constable level. So the details, we can request the details from the municipality and share the details with you.

**ADV SELLO SC**: Okay. Then let us get back to the other issue ...[intervenes].

**ADV KHUMALO SC**: Can I just confirm something?

**ADV SELLO SC**: Yes, yes.

10 **ADV KHUMALO SC**: Good morning, Doctor Mashazi.

**DR MASHAZI**: Morning, Commissioner.

**ADV KHUMALO SC**: Just looking at the graphics here, it looks like this is June 2020.

**DR MASHAZI**: Yes, sir. Yes, Commissioner.

**ADV KHUMALO SC**: And I go back to my point yesterday that he reported to you as Chief of Police. It was your responsibility to discipline him. Correct?

**DR MASHAZI**: Correct.

20 **ADV KHUMALO SC**: And two years later, when his five-year contract came to an end, it was you who recommended that he be given another five-year contract as Chief of Police.

**DR MASHAZI**: Can I explain? Yes. In terms of appointment of senior managers, yes, I sit in the panel. But in the panel, we have three politicians. We have three

politicians sitting with me. So it is a recommendation of the panel. Maybe I came across of saying he was recommended by the panel. It is myself, three members, which are politicians and which the minister of CoGTA has an issue with, and there is also external experts. So we are five, and we are five when the Chief of Police was appointed.

**ADV KHUMALO SC:** It was during that interview where you had the opportunity to confront him about the allegations of  
10 sexual abuse, his failure to promote female officers within EMPD, and all the drunk-driving incidents. Instead, you being part of that panel, the interview panel, you recommended that he be given another five-year contract as Chief of Police.

**DR MASHAZI:** Thanks. Let me explain about this incident, the two accidents. The memorandum was taken there by a politician, and the memorandum was never given to the accounting officer where they were detailing their issues. And remember, if you want to, as I explained yesterday,  
20 Commissioner, if you want to discipline an official or a senior manager, the regulations or guidelines stipulated that you should have something in writing, a complaint in writing that this person has done this one, two, three, and you need to investigate.

While investigating, you put that person on

precautionary suspension, but through the approval of Council. I cannot just do it as an individual or as an accounting officer, because he was appointed as section 56, he reports to Council. And I indicated yesterday that my hands were very tied because he has been protected politically throughout.

If the MMC took the memorandum and he decided not to submit it to me as he indicated that he is going to submit it to the administration to do proper investigation, so  
10 forth and so forth, my hands are tied, and my hands were tied then.

**CHAIRPERSON:** Let me ask this directly, and it flows from what my colleague Commissioner Khumalo has asked. Did you, at the interviews for the extension, did you specifically raise the issues that Commissioner Khumalo is referring to? Sexual harassment, improper sexual relationships, rapes, fathering many children with junior officers. Did you specifically raise those issues at the interview?

**DR MASHAZI:** I raised a few issues. I do not recall which  
20 ones I raised, but obviously, if you raise issues like they would say to you, or they said, well, the Chief of Police, we do not have evidence of what you are saying, and this has been the practice. But I was a bit reluctant because I have been working in the department, working in the City, and I know exactly what was happening.

Like I said, we are three, and as a female, you want to advocate that females are being harassed, sexually harassed in the department, and you are sitting with four males. You are sitting with four males. As an accounting officer, yes, I did raise issues, Commissioner.

**CHAIRPERSON**: You say you did raise issues, but you do not remember what you raised. These issues ...[intervenes].

**DR MASHAZI**: What I ...[intervenes].

10 **CHAIRPERSON**: These issues are not the normal run-of-the-mill cases. These are very serious issues. Sexual harassment, rape, and the others that have been mentioned, in fact, that you have mentioned, those are serious issues. There is no way you would not remember if you specifically raised them at the interview, did you?

**DR MASHAZI**: I am saying I raised the issue of sexual harassment, of the allegations, that is what I raised. But I do not remember other issues that I raised, whether I raised the issue of the accident, because the memorandum was  
20 never brought to my attention.

**CHAIRPERSON**: Why would you have singled out sexual harassment if there were even allegations, according to you, allegations of rape? Why would you have singled out sexual harassment?

**DR MASHAZI**: The rape is a new case that was actually

brought to the attention of the City now, during the sexual harassment case of the victim.

**CHAIRPERSON**: Just repeat, I did not quite get the point you were making about you are one woman and there are three men. You said something about being able to raise issues of this nature in that context. I did not quite get the point you were making. Can you please articulate that point more clearly?

10 **DR MASHAZI**: I have raised the issue that I have concerned that these things are happening in the department.

**CHAIRPERSON**: Just repeat, please.

**DR MASHAZI**: I have raised the point about sexual harassment allegations within the department, and Chief being one of them. But the other issues that I raised, to be honest, I do not recall, but definitely I did raise the issue.

**CHAIRPERSON**: Do matters like those get recorded somewhere? Would there be a record of what you raised at those interviews somewhere within the municipality?

20 **DR MASHAZI**: Well, the interviews are not recorded. We write down about the scoring and how the interview they are actually performing. That is the purpose of the interview, but there is instances where we ...[intervenes].

**CHAIRPERSON**: Is that good governance, though? Because a lot of issues usually arise out of what took place

at interviews. Is it good governance not to record? One example of the sort of issues that do arise is, for example, litigation around who was appointed and who was not appointed. Is it good governance not to record?

**DR MASHAZI:** It is not.

**CHAIRPERSON:** And why under your administration was there not a recording if you accept that it is not good governance not to?

**DR MASHAZI:** Interview processes are run by HR  
10 department. They bring the files to us, and the forms are actually structured in such a manner that we only record the process and the response of the candidates that are being interviewed.

**CHAIRPERSON:** Yes.

**DR MASHAZI:** But there is no space where you can write your objection as a member of the panel.

**CHAIRPERSON:** When you say you get what comes from HR, it sounds to me like you are saying HR is at fault. And if my understanding is correct, you are the head. You are  
20 the administrative head, the executive head, in fact. So you can correct what HR is doing wrong, can you not?

**DR MASHAZI:** I can. I take your point, Commissioner.

**CHAIRPERSON:** Ja, all right. All right, thank you.

**ADV BALOYI SC:** Thank you. Ms Mashazi, this video is in 2020. Is that correct, or is it recent?

**DR MASHAZI:** Correct, Commissioner.

**ADV BALOYI SC:** I beg your pardon?

**DR MASHAZI:** Correct.

**ADV BALOYI SC:** Yes. And when you do the interview in 2022, you are aware of this incident or these complaints?

**DR MASHAZI:** Correct, Commissioner.

**ADV BALOYI SC:** And did you raise them in the panel with Chief Mapiyeye?

**DR MASHAZI:** This particular one, I do not recall.

10 **ADV BALOYI SC:** You do not recall whether you raised it?

**DR MASHAZI:** Ja, I do not recall. I only recall the sexual harassment one.

**ADV BALOYI SC:** You raised the sexual harassment in that interview?

**DR MASHAZI:** Yes, ma'am.

**ADV BALOYI SC:** Did you record your concerns in your form that you complete?

**DR MASHAZI:** I did not.

**ADV BALOYI SC:** You did not?

20 **DR MASHAZI:** Yes.

**ADV BALOYI SC:** So as matters stand, the appointing authority, which is Council, does not know that you raised this issue in the panel because you did not write it down?

**DR MASHAZI:** Correct, ma'am.

**ADV BALOYI SC:** Okay. Did you dissent in the panel

because you are saying it is a panel appointment? Did you dissent from the majority decision in the panel?

**DR MASHAZI**: I did ...[intervenes].

**ADV BALOYI SC**: And before you answer, I would like to propose to you that the, and I can put this to you, that experience is that people do record in their panels, in their panel discussion, they do record concerns about candidates. Did you record your dissension from the decision to recommend him?

10 **DR MASHAZI**: I did not.

**ADV BALOYI SC**: You did not?

**DR MASHAZI**: I did not.

**ADV BALOYI SC**: So Council never came to know that you are unhappy that he be appointed to the position because of the allegations that you are now making behind, before us. Council never came to know about that?

**DR MASHAZI**: Yes, ma'am.

**ADV BALOYI SC**: So it is not Council's fault that Chief got to be appointed in 2022 for another five years.

20 **DR MASHAZI**: Correct.

**ADV BALOYI SC**: You cannot blame councillors for that.

**DR MASHAZI**: Correct.

**ADV BALOYI SC**: All right, thank you. And you say that you could not discipline him as his superior because there was no complaint. But you are aware of these allegations

of motor vehicle destruction, drinking or driving under the influence of alcohol. You are aware of this video where these allegations are being made against him. Why did you not lodge a complaint as his superior, a written complaint against him? You know the facts. You know the facts. You know they are disciplinable facts, and they include destruction of Council property, according to you. Why did you not lay a complaint in writing?

**DR MASHAZI:** In writing to?

10 **ADV BALOYI SC:** To the Council.

**DR MASHAZI:** To the Council?

**ADV BALOYI SC:** Unless you are telling us that he is not disciplinable because he is head of police and you are his manager. Unless you are telling us that, which is not what you said. You said the authority lies with Council. You could not initiate without Council approval. So these allegations must land before the Council for the Council to authorise an investigation and disciplinary action.

**DR MASHAZI:** Yes.

20 **ADV BALOYI SC:** You say to us you could not, there was nothing, there was no written complaint, but only you could lay a complaint because you are his superior and you know these allegations against him. Why did you not lay a complaint?

**DR MASHAZI:** Correct, I did not lay the complaint.

Remember I have explained that that memorandum from the MMC did not reach my office. And this video, I just got it like last night because people could see that I am struggling to – I do not have information, I do not have evidence. I just got it last night. That is why we submitted this morning to the Commission.

**ADV BALOYI SC:** No, it cannot be, ma'am. You were City Manager in 2020 already. You were City Manager. There is a public, very public protest as we see in this video.

10 So you know, you know that there is allegations that he has destroyed company property, you know that. You know that there is allegations that he drove under the influence a motor vehicle of the Council.

So you know that in 2020, as City Manager, so it is not video dependent, it is fact. What do you know in 2020? You have just confirmed, you were aware of this in 2020, of this conduct. My question is, why did you not lay a complaint? Because your answer is, I could not discipline him because there was no written complaint. But you are  
20 the City Manager, he is superior. Why did you not lay a complaint?

**DR MASHAZI:** Let me concede that I failed to discipline the Chief of Police and I failed to do an oversight on him as an HOD.

**ADV BALOYI SC:** All right, thank you. Thank you, Ms

Sello.

**ADV SELLO SC:** Thank you, Commissioner. Perhaps the logical place to start would be to tag onto what the Commissioners have raised. And my first question, and I think you touched on it slightly, I think in response to Commissioner Baloyi's question, what exactly was the purpose of you sharing this particular clip with the video? What were you intending to achieve?

**DR MASHAZI:** It was to support my evidence on 50.2, that  
10 he has indeed defeated the ends of justice.

**ADV SELLO SC:** Okay.

**DR MASHAZI:** And I have summarised by saying I failed to take action against him and I also failed to do proper oversight over him.

**ADV SELLO SC:** Now, I think in the course of one of your responses, you indicated that he was politically protected and I think you spoke of this particular incident as to why he was not dealt with and you explained it away by saying he was politically protected. Did I understand you  
20 correctly?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** What does that mean? And what is the effect of being politically protected?

**DR MASHAZI:** The effect of that is that as an accounting officer, there is really little you can do. You will see when

we go to question 13 how I struggled to present the report to the Executive, for the Executive to consider the report on his suspension.

**ADV SELLO SC:** Now, if you can recall, over the course of your tenure as City Manager and Chief of Police, how many times have you suspended him?

**DR MASHAZI:** Suspended him?

**ADV SELLO SC:** Come again?

**DR MASHAZI:** It is once. He was suspended. He is on his  
10 first suspension.

**ADV SELLO SC:** Ja, I appreciate that. I just want to know how many times you have subjected him to a suspension.

**DR MASHAZI:** Pre?

**ADV SELLO SC:** Yes.

**DR MASHAZI:** It is only once.

**ADV SELLO SC:** It is only once?

**DR MASHAZI:** Ja, because there was concrete report and concrete evidence from the victim.

**ADV SELLO SC:** Indeed, and I do appreciate that you may  
20 have challenges in acting in the absence of concrete evidence. I am more interested in you comparing the latest suspension and the basis and what you call concrete evidence to support the latest suspension with what is depicted in that clip. Why could you not suspend him there? What was missing at that time? And why did you

not exercise your power to suspend him and initiate a disciplinary process?

**DR MASHAZI**: Thanks, Commissioner. I do not want to sound like a broken record and repeat myself of the answers I have given about that video. I have indicated that that video I only received it last night, and I indicated at the beginning of the Commission that we are struggling to get information from the City. And I have also indicated that the MMC, the political head of that department, never  
10 submitted the memorandum or the issues that were raised by these police officers.

**ADV SELLO SC**: Okay, so you only learned last night that in 2020 a memorandum covering the issues that you address in part at paragraph 50.2 was submitted to the City. You only learned that last night?

**DR MASHAZI**: Last night, I got evidence of the allegations I am making on section 50.2 ...[intervenes].

**ADV SELLO SC**: Yes, I appreciate that ...[intervenes].

**DR MASHAZI**: I were knowing that there are these  
20 accidents, but I do not have evidence. And I wanted to play this video to show you that, indeed, he defeated the ends of justice, and the officers are protesting there about the accidents.

**ADV SELLO SC**: I appreciate that you call it evidence. My question really was about when you acquired knowledge of

the existence of the memorandum submitted by those members of the EMPD that we just saw on the clip to the City, when did you become aware of that particular fact? Not when did you see it actually happen on TV. When did you become aware of it?

**DR MASHAZI**: Well, officers informally, they would say, a chief was involved in this accident, a chief was this, and there was no formal complaint. But now, since there is this Commission and there is this video and also this allegation  
10 50.2, we have gathered a lot of information, and we are getting statements and police case numbers to support the notion that he has indeed defeated the ends of justice.

**ADV SELLO SC**: Doctor Mashazi, there is no statement you can obtain that can help you answer my question. My question relates to when you acquired personal knowledge of the existence of the memorandum. You accept that there is no statement that can be tendered for that purpose. So can I have an answer to that question, please, if you do not mind?

20 **DR MASHAZI**: Can I indicate that I have answered that question and accepted ...[intervenes].

**ADV SELLO SC**: No, no, no ...[intervenes].

**DR MASHAZI**: And accepted that I failed to deal with Chief in terms of his misconduct?

**ADV SELLO SC**: Is that the time you avoid that question?

Do you intend to answer it? When you acquired knowledge of the existence of the memorandum, is it so difficult to answer, or you choose not to answer it? I do not want to waste the Commissioner's time. If you do not want to answer it, please stay so for the record, and I will pass on.

**DR MASHAZI**: I am saying I have answered that I have failed to action consequence management on the part of Chief in terms of this misconduct and I have failed to do oversight on him.

10 **ADV SELLO SC**: I do not know what you have just said. I do not know what it is responding to. I guess you wanted to address that yourself to the Commissioners about that. For whatever it was, it is on record. If you do accept responsibility in that context, what is the purpose then of bringing the allegations reflected in 50.2 to this Commission, when you are fully appreciative of your own failings, but you do not disclose those failings at the time you make these allegations? It is until you are pushed on the second day of your testimony that you make the  
20 concession. Why is that?

**DR MASHAZI**: The importance is for me, as I indicated, to support my allegations that he indeed defeated the ends of justice and he was involved in two accidents where he was driving under the influence of alcohol.

**ADV SELLO SC**: But that is not evidence of what you

contend. That is evidence that members of EMPD protested in relation to the allegations. It is not evidence of the allegations themselves. Do you accept? And you did not tender that for the purpose.

**DR MASHAZI**: Thank you. Let me respond. We will submit the evidence. The evidence that will be submitted will be obviously the cases that we opened.

**ADV SELLO SC**: And you did speak to these cases, I think, at 50.2. You stated complaints or misconduct reports  
10 and were not acted upon or were actively suppressed. Were not acted upon by whom? Who are you accusing of failing to act upon those?

**DR MASHAZI**: Firstly, it is IPID that is supposed to, and secondly, firstly, it is myself, secondly, it is the IPID. Because investigation was supposed to be done, proper investigation was supposed to be done by the police, and upon investigation, I should have taken a disciplinary action against him ...[intervenes].

**ADV SELLO SC**: Sorry, I apologise. I interrupted you.

20 **DR MASHAZI**: No, I am done.

**ADV SELLO SC**: Okay. So, technically, you are inviting the Commissioners to read paragraph 50.2 thus:

“The complaints and the misconduct reports were  
not acted upon by *inter alia* myself...”

That is your complaint:

“...and IPID, on the other hand...”

...[intervenes].

**CHAIRPERSON**: Do not nod. Please say yes.

**DR MASHAZI**: Correct.

**ADV SELLO SC**: Okay.

**DR MASHAZI**: I do not want to speak louder while she is speaking. It will be as if I am interrupting her.

**CHAIRPERSON**: I understand.

**ADV SELLO SC**: Appreciated. Okay. So, perhaps I pause  
10 there. And your response is a yes, you confirm, that the statement must be read to mean complaints or misconduct reports were not acted upon by *inter alia*, myself and IPID.

**DR MASHAZI**: Correct, ma'am.

**ADV SELLO SC**: Okay. The second half of that is your charge, they were actively suppressed. By who and how?

**DR MASHAZI**: By IPID or the law enforcement, or by himself. Because I never got to see any report. As the video indicated that he has been protected, I never got to see the accident report, the outcome of the accident and  
20 the recommendation from IPID because they always investigate police misconduct. I never got to get that report.

**ADV SELLO SC**: I appreciate that, but you are making a specific allegation to the Commission and you say this, these acts of misconduct were actively suppressed. When

you wrote that in your statement, I would take it that you at least had a sense of who suppressed and how they suppressed. Are you able to assist the Commissioners in that regard?

**DR MASHAZI:** I am sure my answer would be he actively suppressed that through his connections because I never got to see the report of the accident and the outcome and the recommendation to myself to actually take action. Remember, you cannot take action on the allegation that  
10 Chief was involved in the accident and we do not have anything in writing and we do not have any report in terms of the recommendation.

You see how IPID dealt with Mkhwanazi's matter? They did their own investigation and they gave us recommendations. So I expected that kind of report, that Chief was involved under the influence of alcohol and the City must take action against him, but I never got to get that report. Hence, we are saying his misconduct was actually suppressed.

20 **ADV SELLO SC:** Is it – yes?

**ADV BALOYI SC:** Doctor Mashazi, maybe just a correction. The testimony that we have about IPID's investigation into Brigadier Mkhwanazi is that Spies actually went and laid a criminal complaint with the police and then IPID took the matter over from the police. So IPID did not

just introduce itself into the Brigadier Mkhwanazi matter, or the matter did not end up with IPID because IPID took the initiative to start an investigation. An official of the municipality went to lay a criminal charge. Now, you have your direct report accused of that in 2020 and you become aware of this.

If IPID were to be involved, it was through you. You had to go and lay a criminal complaint. Now that your officers have done that, you have seen that publicly. You  
10 know the detail of it. It was your responsibility, in the way that Spies did it, to go to the SAPS, and then IPID would take it from there. So it is not open to you to criticise IPID that they should have investigated when the complainant would have been you and you did nothing about it. I am just correcting that. That IPID becomes involved because the employer, the municipality, lays a criminal charge.

**DR MASHAZI:** Thanks, ma'am. Thanks, Commissioner. I take your point.

**CHAIRPERSON:** A difficulty I have also is you like, and I  
20 think you started saying this from yesterday already, you like saying, I did not get a report. You have said that a good few times, even this morning, I did not get a report. I do not understand that. You are the leader. You are the top administrator. You are aware of what is happening around you, even if it is at the level of allegations. I just do

not understand why you would sit back and wait for a “report”. Do you want to comment on that?

**DR MASHAZI**: I want to comment by saying that obviously it is like an oversight that I could have reported the case to IPID so that I can get a proper report and discipline ...[intervenes].

**CHAIRPERSON**: It is not just that. You are an administrator within the local sphere of government. You do not have to have a report from an outsider, as it were,  
10 IPID, for you to be able to act. Why should that be so? Now you are suggesting that for you to act you must always get a report from IPID. That cannot be so. You are part of a sphere of government which is autonomous. You said so yesterday. So why must you want to get something from another sphere of government? Police operate in the national sphere of government. Why must you first get that before you get a report from IPID? I do not understand that.

**DR MASHAZI**: Maybe I did not come out clearly in terms of  
20 the processes. Before I can act against a senior manager, I must get a report. Either this ...[intervenes].

**CHAIRPERSON**: From whom? From whom?

**DR MASHAZI**: A complaint. A formal complaint.

**CHAIRPERSON**: At the time, in 2020, did you not become aware at the time that members of the EMPD had

protested? On the day the protest took place, or at the latest, the very next day, did you not get to know that members of the EMPD had protested?

**DR MASHAZI:** I was aware.

**CHAIRPERSON:** You were aware. What report were you waiting for then? Why do you not get up and go find out what exactly the protest was about and see whether there was a need for you to act or not? Why do you just sit and fold your arms for some report that must come from I do not  
10 know whom?

**DR MASHAZI:** Remember, I indicated, Commissioner, that the person who took the report from the protesters was a political head. And I have indicated that my hands are tied in terms of politicians ...[intervenes].

**CHAIRPERSON:** You were ...[intervenes].

**DR MASHAZI:** He promised that he is going to submit that report to the administration, of which he did not. And I want to actually maybe concede that waiting for a report did not help me and waiting for a report made me not to act or  
20 implement consequence management on the Chief of Police.

**CHAIRPERSON:** The complaint was not by politicians, so you did not have to depend on politicians to get to the bottom of what all of this was about. So you cannot blame the politicians for not having brought the memorandum to you. Can you?

**DR MASHAZI:** No, I cannot.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** Thank you, Chair. In response to the question that the Chair just posed to you, I understood you to say the politician upon whom the memorandum was served promised to submit the report to the administration. Is that what you said?

**DR MASHAZI:** Correct, Commissioner.

**ADV SELLO SC:** By report, do you mean the memorandum  
10 itself or a report that he or some structure within the City would compile for submission to the administration? What exactly did he promise to submit?

**DR MASHAZI:** He promised to submit the memorandum because he indicated on that video that the allegations must be investigated.

**ADV SELLO SC:** When was this promise made?

**DR MASHAZI:** He promised on the video that he was going to submit the report to the administration, the administration being me as the administrative head. And that  
20 memorandum, it never reached my office.

**ADV SELLO SC:** When did you learn of this promise?

**DR MASHAZI:** I beg your pardon?

**ADV SELLO SC:** When did you learn of the promise being made?

**DR MASHAZI:** On that day, when he took the

memorandum.

**ADV SELLO SC:** The date of the ...[intervenes].

**DR MASHAZI:** Yes, ja.

**ADV SELLO SC:** And what steps did you take to ensure that he delivers on his promise?

**DR MASHAZI:** I did not take any steps. I was waiting for the memorandum and I took the Commissioner, the Chairperson's view that I did nothing to implement consequence management.

10 **ADV SELLO SC:** I doubt you can implement any consequence management on political appointees. Am I correct? Against whom are you going to take, implement consequence management?

**DR MASHAZI:** I can through Council. Remember if the allegations and there is that memorandum in front of me, I was expected to write the report to the Mayoral Committee that these allegations should be investigated and that report will eventually go to Council to be entertained and Council will make a determination that these allegations were  
20 investigated.

**ADV SELLO SC:** Do you understand the magnitude of your failure to at least pursue a promise you know was publicly made regarding these important and disturbing issues? Do you appreciate ...[intervenes].

**DR MASHAZI:** [Indistinct] ...[intervenes].

**ADV SELLO SC:** If you accept that you would have been a trigger for the Council to investigate this particular politician and take steps and you fail to do so, you just so flippantly, you come across as so flippantly saying I take the point, oversight on my part. Is that how you intend to communicate it or am I misunderstanding you?

**DR MASHAZI:** Well, I cannot comment on that. I made a point that I feel to the discipline Chief of Police in terms of Council processes and the code of conduct for senior  
10 managers. I also accept the fact that I failed to play an oversight role on him as an HOD.

**ADV SELLO SC:** And I say because you five years later in 2025, before the Madlanga Commission, you make it a specific objective of your testimony here to highlight precisely what Chief Mapiyeye did five years ago in circumstances where you had certain failings, and we must accept that you do so because you seriously want those issues to be addressed, or are you just raising them to show up Chief Mapiyeye and his shortcomings? What is the  
20 purpose really?

**DR MASHAZI:** That such issues be investigated or be addressed. Remember there is an issue about political interference, you know, infiltration of criminals within the system. There is also an issue about political interference. There is also an issue about political killings.

**ADV SELLO SC:** Yes.

**DR MASHAZI:** And I think, and also defeating the end of justice. I do not know how to put it legally.

**ADV SELLO SC:** Yes.

**DR MASHAZI:** So we need to showcase that police officers themselves, at some point they do defeat the ends of justice and that must be looked into. Especially where cases are reported and nothing happened on them or no investigation was done or no consequences was implemented. We  
10 should actually showcase and assist the Commission in making recommendations.

**ADV SELLO SC:** Thank you.

**CHAIRPERSON:** I hope you will be moving on. I think this point has been exhausted.

**ADV SELLO SC:** I am. I just have one last point and then I am moving to my next question. So you raise it for purposes of demonstrating defeating the ends of justice. Anything about political interference in particular? No, you do not take it that far.

20 **DR MASHAZI:** Political interference I have indicated several times. I still indicate during question 13 where I was prevented to take action against the Chief of Police and where I was victimised immediately after I took action and took the report direct to Council because I was blocked by the Executive Mayor or by the Executive.

**ADV SELLO SC:** Okay, then we will deal with that issue under that question. You introduced the video. Have we covered it as extensively as you would have wanted the Commission to consider it? May we move on?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Thank you. I would invite us to go to question 11 at your page 22.

**ADV KHUMALO SC:** Ms Sello, just for our benefit. Sorry, Chair. Can you just indicate for us which questions have  
10 been answered and which ones remain?

**ADV SELLO SC:** Okay.

**ADV KHUMALO SC:** We are a bit lost in our records.

**ADV SELLO SC:** Because of the approach ...[intervenes].

**ADV KHUMALO SC:** Yes.

**ADV SELLO SC:** We are left with question 9, question 11, question 12, and 13.

**CHAIRPERSON:** Thank you very much.

**ADV SELLO SC:** Those are the outstanding questions.

**CHAIRPERSON:** I whispered to my colleagues just now.

20 **ADV SELLO SC:** I am sorry to add to the confusion by skipping 9 and going to 11.

**CHAIRPERSON:** All right.

**ADV SELLO SC:** So I am going to deal with 11 and 12 in succession. Then I retrace to 9 and finalise with 13. Thank you. 11 appears at your page 22, the statement, Doctor

Mashazi, at page 22. And this particular question wanted you to comment on the appointment of Brigadier Mkhwanazi to the rank of Deputy Chief of Police during or about November, December 2023. You have responded comprehensively to this question from paragraph 124 to paragraph 136. If you could take the Commissioners through your response.

**DR MASHAZI**: Thank you, ma'am. The position of Deputy Chief of Police was weakened and there was a need to fill  
10 the position. The position was advertised and a panel was formulated. Chief of Police was the chairperson of the panel and there were two candidates who competed for the position. In terms of my statement here, I am saying that the Chief responded to the Chief's allegation in a way that he, in fact, wanted to appoint Ivan Du Plessis as compared to Mkhwanazi. I want to place it on record that I did not participate ...[intervenes].

**ADV SELLO SC**: Apologies, Doctor. Could you drop, perhaps, the speakers closer to yourself? Because your  
20 voice sometimes drops and you are not always audible. Thank you.

**DR MASHAZI**: Okay. I want to put it on record to the Commission that I did not participate in the process because this is delegated to the Chief of Police and he becomes the chairperson of the panel. The outcome of the

interview panel, there is an Annexure IM19, where this ...[indistinct] is actually depicted, where the Chief, despite his statement that, in fact, he wanted to appoint Ivan against Mkhwanazi. He scored Mkhwanazi 21 points above Ivan Du Plessis.

He actually scored Ivan Du Plessis 18. In terms of the scoring of other members, they were actually in line with Chief's scoring, wherein Mkhwanazi ended up being the recommended candidate for appointment. I need to indicate  
10 that during this period, I was on leave and Mr Mkhwanazi was given an appointment letter.

**ADV SELLO SC:** Thank you. Please help the Commission understand the level of deputy Chief of Police is two levels below you, in a sense that the person in that post would report to the Chief of Police and then you are the City Manager and the Chief of Police then accounts to Council through you. Is that the correct order?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** In terms of City regulations and HR  
20 grading, what grade would that be? Is that a senior grade? Would you have a sense? If you could help me out there, I am a bit in the dark.

**DR MASHAZI:** Yes. It is not a senior level. It is a senior level in terms of departmental structure. But senior managers in terms of the legislation is the head of

department.

**ADV SELLO SC:** Okay, but it is senior enough that the process of recruitment is slightly more stringent than for lower ranking members in the government structures. Is that a fair assessment?

**DR MASHAZI:** Correct, ma'am.

**ADV SELLO SC:** And I understand that at this particular level, those candidates who are successful in their interview are then put forward to complete a competency assessment  
10 test?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Are you aware of one conducted in relation to this appointment?

**DR MASHAZI:** Obviously, they cannot appoint anyone at that level without competency assessment. That is the rule.

**ADV SELLO SC:** Now, Mr Mapiyeye, Chief Mapiyeye, do you have a Chief Mapiyeye statement next to you? Commissioners, if I may ask you to turn to that?

**DR MASHAZI:** The statement or ...[intervenes].

20 **ADV SELLO SC:** Statement, please, statement. Thank you for pointing that out.

**DR MASHAZI:** Yes.

**ADV SELLO SC:** And if you have it at hand, if you could turn to page 20 of Mapiyeye's statement.

**DR MASHAZI:** Okay.

**ADV SELLO SC:** I am going to deal with that statement from paragraph 66, but just to put what 66 and succeeding paragraphs speak to, it is appropriate I place it in its proper context. Chief Mapiyeye speaks to that recruitment process. He confirms that he was part of that interview panel and that they interviewed two candidates being Brigadier Mkhwanazi and Staff Officer Ivan Du Plessis. So now we get to 66. At 66, and I quote, he states:

10                    “At the conclusion of the interviews,  
both candidates, as is the norm for  
appointments at that level, were to  
undertake competency assessments.  
At the conclusion of which the panel  
would reconvene and make a final  
evaluation based on the interview  
scores and the competency  
assessment results and thereafter  
recommend the successful candidate  
for appointment.”

20    At 67, he states, I continue:

“The HOD HR never reconvened the  
panel for the purposes stated above. I  
have never seen the competency  
assessment results of either candidate  
and do not know if either undertook

such assessment. I can confirm that the interview panel thus never completed its task and neither did it recommend the appointment of any of the two candidates to the post. I next saw Brigadier Mkhwanazi with a new insignia and georgettes of the rank of Deputy Chief of Police during the first week of December 2023.”

10 That is the first line of paragraph 68. Now, you just confirmed that under no circumstances would an appointment be made absent a competency assessment and here we have a situation where Chief Mapiyeye who was the chair of that panel indicates that none was ever done because the panel never reconvened for purposes of considering the two candidates based on their interview results and the results of the competency assessment. What I invite you to make a comment in light thereof on the validity of the appointment of Brigadier Mkhwanazi.

20 **DR MASHAZI**: Looking at his statement and as I am sitting here ...[intervenes].

**CHAIRPERSON**: Doctor Mashazi, you have switched off the other mic. Can you please switch it on?

**DR MASHAZI**: It is on the file, apologies.

**CHAIRPERSON**: And again, try to pull them forward if they

still can come forward. Thank you.

**DR MASHAZI:** Thank you very much, Commissioner. In terms of the way the statement is crafted, as I indicated that I was on leave but at the face value the process cannot be valid if the competency assessment were not done and I would request that we go back and check with HOD HR if indeed competency assessment were not done. Remember we received the bundles on the 26<sup>th</sup> and we are left with two days to prepare and get information. And I am sure sitting  
10 here they would not do anything illegal without following processes, but I do not want to dwell much on it because I do not have records of the actual interview process.

**ADV SELLO SC:** I accept that and I guess, rightly so, you give them the benefit of doubt that they would not do anything illegal, and neither am I suggesting that they would. And perhaps let us not detain ourselves with that. My interest is you and I have agreed that Chief Mapiyeye was the chair of that panel. The chair of that panel comes to this Commission and says it is a two-stage process,  
20 interview and assessment. The chair of that panel tells this Commission that after the assessment, we ought to reconvene as a panel and make our final recommendation, and he says that step never took place. Do you have challenges with the evidence that far?

**DR MASHAZI:** I do not have challenges because it is the

statement that he makes and I do not have information around it. Hence, I requested that whether if the Commission allows because Ms Linda Gxasheka will be coming to speak here, or we are given an opportunity to get information to respond to this statement.

**CHAIRPERSON**: Just one question for clarity. Did I understand you to accept that the appointment would be invalid if the competency assessment did not take place and the interview panel did not reconvene to assess the  
10 candidates on how they performed in the interviews and also on the results of the competency assessment? Did I understand you to say that you accept that if that were the position, the appointment of Brigadier Mkhwanazi would be legally invalid?

**DR MASHAZI**: Correct, Commissioner.

**CHAIRPERSON**: Thank you.

**ADV SELLO SC**: Thank you, Chair. And you accept, at least you have got no basis to reject the testimony of Chief Mapiyeye at this juncture?

20 **DR MASHAZI**: Correct.

**ADV SELLO SC**: And you ...[intervenes].

**ADV BALOYI SC**: May I?

**ADV SELLO SC**: Yes, yes, ma'am. Yes, yes.

**ADV BALOYI SC**: Doctor Mashazi, just to get your comment on what appears to be a further irregularity in this

process, your IM19 that you have provided to us, that scoring sheet in that annexure bundle, the interview summary and recommendation document, it will be in your annexure bundle, and you will find it at page 58. Are you there?

**DR MASHAZI**: Yes.

**ADV BALOYI SC**: Okay, all right. So you see that has got the names of panellists, and you have got Chief Mapiyeye, Zanele Katembo, Kemi Behari, Linda Gxasheka, and then  
10 there is HR Secretariat. You see where I am reading?

**DR MASHAZI**: Yes, I see.

**ADV BALOYI SC**: Okay. And when you look at the last column, signature, you have got four signatures, but only three are the panellists. You see that? The fourth one is HR Secretariat. And then when you go to the column with the heading approved, you have got only two ticks. You have got the tick by the chairperson, Mapiyeye, and then you have got Ms Gxasheka. The other panellists have not indicated approved or not approved, so they have indicated  
20 no position.

But importantly, when you go to the next grid, which is down, you have got scoring, Panellists 1 scores, Du Plessis 18. Panellists 2 scores 21. Rather, sorry, 18, 17, and 19. Those are the panellists. There is a panellist that did not do the scoring. Can you see that? What does

it mean? Is it still a regular process where you have got a panel of – we have just gone through the panel there, the number of panellists of people, and then you have only three that have provided scores at this point. Is that regular in the normal course of recruitment?

**DR MASHAZI:** It is irregular.

**ADV BALOYI SC:** It is irregular. It is another irregularity about this. All right, thank you. Thank you, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner. You then  
10 have annexed the appointment letter as IM20. Your annexure, IM20, and that is at page 59. Now, this letter as I read it – now before I get to the letter, you say at 133:

“This letter was not signed off by me.

It was signed by the Acting City  
Manager at the time.”

**DR MASHAZI:** Correct, ma'am.

**ADV SELLO SC:** Who was that?

**DR MASHAZI:** It was Mr Maseko.

**ADV SELLO SC:** Who is? He has got a fuller name?

20 **DR MASHAZI:** Mr Thokozani Maseko.

**ADV SELLO SC:** Now, when somebody is acting in one's position, normally they write their name and they designate the position as acting whatever, HOD this. Is that the normal practice?

**DR MASHAZI:** No, they just write acting, discretion, they

just write acting and sign.

**ADV SELLO SC:** And they do so against a name that is not theirs. So you can write Commissioner Baloyi and I come and sign and I just say acting, and it is understood that I signed, not Commissioner Baloyi. Is that how it works in the City?

**DR MASHAZI:** What works in the City is that you need to indicate that you are acting, you are not the incumbent of the position.

10 **ADV SELLO SC:** You who? To the reader of the document, how do they determine who is the signatory?

**DR MASHAZI:** Well, they would not know.

**ADV SELLO SC:** They would not know.

**DR MASHAZI:** Ja.

**ADV SELLO SC:** And that is because this letter that you referenced, his appointment letter, was actually intended to be signed by you, Doctor Imogen Mashazi, City Manager.

**DR MASHAZI:** Ja.

**ADV SELLO SC:** And somebody, some random person,  
20 you say it is Thokozani Maseko. Some random person appears to have signed and just added the word acting, and that is what constitutes Brigadier Mkhwanazi's appointment letter.

**DR MASHAZI:** I am saying it is the process of the Council when you act, you indicate that you are acting. And I was

not around, I was on leave. He indicated through writing that acting and he signed. And I take your point that he is supposed to write his full name that I am acting, but I can tell you honestly so that he was acting and I was on leave.

**ADV SELLO SC:** And what was his substantive position at the time?

**DR MASHAZI:** He was, he is an HOD for Water and Sanitation and he was the Acting City Manager.

**ADV SELLO SC:** No, he became an acting City Manager  
10 when you went on leave. But his substantive position you say is HOD Water and Sanitation.

**DR MASHAZI:** Water and Sanitation.

**ADV SELLO SC:** You state at your paragraph 134, you make the point at the time of appointment you were on leave and therefore took no part in the approval process. Correct?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** I just want to test, are you aware of the principle that when you are on leave and you delegate your  
20 powers to somebody, you retain the responsibility for actions exercised in your name by that acting appointee. Are you aware of that principle?

**DR MASHAZI:** I am aware.

**ADV SELLO SC:** On the basis of that principle, are you willing to accept the responsibility for this what now

appears to be an irregular appointment?

**DR MASHAZI:** I do accept.

**ADV SELLO SC:** You then say you were not part of the approval process. Then you say, I quote:

“The administrative finalisation of the  
appointment.”

But we know that that administrative finalisation of the appointment was never effected because it was never finalised. The panel never concluded its exercise. Are you  
10 willing to accept that?

**DR MASHAZI:** I do, Commissioner.

**ADV SELLO SC:** At 136, you state:

“In light of these facts, I am unable to  
understand the basis for the allegation  
that I played a role in promoting or  
advancing Brigadier Mkhwanazi's  
appointment.”

In light of the fact that, at least on the basis of his letter of appointment, your name appears on it, you explain it away  
20 by saying, actually, it was not I because I was on leave. It was this other person we have named. Are the allegations wholly baseless that you took part in the appointment? And I am saying this in light of the fact that it is your name that is reflected at the bottom of the appointment letter.

**DR MASHAZI:** Let me explain that all the forms in the

municipality are standard. And when they appoint or when they sign for anything, that is why there is a space where they need to indicate that they are acting. So you cannot chop and change the forms as and when. The forms, all the forms are standard, including whether it is BAC forms and whatever, but I take your point that you were supposed to write his full name and then sign as acting.

**ADV SELLO SC:** And hence my question to you, to say his name does not appear anywhere on this document. You  
10 take issue with the allegations that you played a role, and I am saying now with wisdom of hindsight and now having come to understand the challenges and what this document represent, do you contend that the allegations are wholly baseless?

**DR MASHAZI:** The allegations are?

**ADV SELLO SC:** Are wholly baseless. They are without merit whatsoever, and there is no basis on which they could ever be made.

**DR MASHAZI:** Exactly.

20 **ADV SELLO SC:** That you are so content?

**DR MASHAZI:** Yes.

**ADV SELLO SC:** Notwithstanding the fact that the appointment letter bears your name.

**DR MASHAZI:** Notwithstanding?

**ADV SELLO SC:** The fact that Brigadier Mkwanzazi's

appointment letter bears your name, does not bear your signature, but it bears your name.

**DR MASHAZI**: Correct.

**ADV SELLO SC**: Notwithstanding that?

**DR MASHAZI**: Correct.

**ADV SELLO SC**: Okay. Now you conclude your 136 by saying:

10                   “The documentary record makes it  
clear that the process was conducted  
by the appropriate officials and  
finalised during my period of leave.”

Based on our engagements this morning, you cannot stand by that statement and the concessions you have made. You cannot say that that process of appointment was finalised because we have established that it was not. Are you willing to make that concession?

**DR MASHAZI**: Correct, ma'am.

**ADV SELLO SC**: Thank you. I then want to move on to question 12.

20   **CHAIRPERSON**: Before moving on.

**ADV SELLO SC**: Yes, Chair.

**CHAIRPERSON**: Am I correct based on, I will take you back to page 59 of the letter. At the top there it says enquiries Linda Gxasheka. Am I correct that Ms Gxasheka is the person that must have prepared this letter for

signature by the City Manager?

**DR MASHAZI:** Correct, Commissioner.

**CHAIRPERSON:** Thank you.

**ADV KHUMALO SC:** Just one more thing, Doctor Mashazi. So this is an offer letter. It is a letter of appointment on page 59. And we do not have to mention the package, it is not necessary. But you see the package set out there on page 59?

**DR MASHAZI:** Yes, yes.

10 **ADV KHUMALO SC:** In the offer letter. And then on page 62, it is a document titled Offer Acceptance Letter. Do you see that?

**DR MASHAZI:** Yes, sir.

**ADV KHUMALO SC:** So in that document, Brigadier Mkhwanazi accepts the offer, but makes a counteroffer because he says I want my total package to be increased by some R200 000. My question is, was that counteroffer accepted or his proposal that his package should be increased by close to R200 000, was it accepted? And if  
20 so, by who?

**DR MASHAZI:** Obviously, this is mandated to the accounting officer. All the senior managers, especially the DH and the HODs, immediately they are appointed, all of them, they raise issues that they accept the appointment, but in terms of the salary difference between them and their

juniors, there is a little gap, and they are allowed for as long as the salary increase or the suggested salary increase, it is not above the band that is approved by Council.

**ADV KHUMALO SC:** So it came to you?

**DR MASHAZI:** I think so.

**ADV KHUMALO SC:** And you approved it?

**DR MASHAZI:** I think so.

**ADV KHUMALO SC:** But why would you have approved it if  
10 the offer letter says the package is what is set out on page 59? And please, for our purposes, you do not need to mention what his package was. Just the principle, I am debating with you. We can just discuss the principle.

**DR MASHAZI:** The principle of approving the request by any HOD or DH, it is an approach that we have done to all of them, whether HOD or DH, if they make a point that the salary difference from where they are to the next level does not make much difference, looking at the risk of entering into a five-year contract compared to being a permanent  
20 employee, because he was coming from a rank of director to a DH, and DHs are in a five-year contract.

**ADV KHUMALO SC:** Thank you.

**ADV SELLO SC:** If I may just, I know I said I was moving on, but your engagement with Commissioner Khumalo triggered a question, and I will take a step back. And once

again, and I follow suit, please do not mention the package at page 59. You may or may not have an answer to my question, the second question. The first is, this position that he was then “appointed” into is the same position that was occupied by, is it Commissioner Mzolo, I am sorry if I get the title wrong, was that Mr Mzolo's previous, the position Mr Mzolo had vacated.

**DR MASHAZI**: Correct.

**ADV SELLO SC**: I think through retirement.

10 **DR MASHAZI**: Correct.

**ADV SELLO SC**: To your recollection, the package reflected at page 59, did it accord with what Commissioner Mzolo was earning at the time in that position, or was it higher, lower, if you recall?

**DR MASHAZI**: I am sorry, I do not recall, because there are so many requests.

**ADV SELLO SC**: Yes, yes, no, I appreciate that. And it is something that perhaps Gxasheka, as HOD HR, might be able to shed light on.

20 **DR MASHAZI**: Correct.

**ADV SELLO SC**: Okay, we shall pursue it with her, thank you.

**ADV BALOYI SC**: Maybe just to follow up on the back of this question, when you approved this increase, this counteroffer, because that is really what it is, it is not a

request, it is not someone who says I made this salary, now I ask you to increase, this is a counteroffer. When you accepted this, did you discuss this with Mr Gxasheka as the head of HR?

**DR MASHAZI**: Thank you, Commissioner. The request comes from HR. It is a formal request for my signature. So she would come with and present the request for the increase, and would sit and discuss and look at the previous level where the incumbent or the candidate was,  
10 and we consider those facts, and we look at the salary band. She advises in terms of the salary band, whether it is within the salary band of a DH.

**ADV BALOYI SC**: And would the Chief of Police have any input in that discussion? Because this is someone who is going to report to him, and he has other divisional heads reporting to him.

**DR MASHAZI**: No, it was just – it is only Ms Gxasheka that presented the report to me, because it is an HR process.

**ADV BALOYI SC**: All right. And then I just want to be  
20 sure, in the light of your earlier discussion and concessions about the irregularity in this appointment, when you look at your statement in paragraph 131, page 22, you say there:

“The scoring clearly demonstrates that  
all members of the panel independently  
assessed Brigadier Mkhwanazi as the

stronger candidate, which is why he emerged as the highest rated applicant, and was accordingly recommended for appointment.”

Now, we have looked at that panel sheet that I have just discussed with you at page 55. When you made the statement that all members of the panel, you were aware of IM19, because it comes from you, it is part of your documents. So you were aware of IM19 at page 58 when  
10 you said all members of the panel scored him the highest.

**DR MASHAZI:** To be honest, I was not aware about the irregularities. You are only pointing the irregularities now to me, and I take a point that the comment on page 131 should be amended.

**ADV BALOYI SC:** So where did you get it from, that all members of the panel scored him the highest? If you were not aware of this panel sheet, where did you get that statement from?

**DR MASHAZI:** The statement?

20 **ADV BALOYI SC:** Where did you get it from, that the panel, all members of the panel scored him highest? Where did you get that information from?

**DR MASHAZI:** From the scoring sheet.

**ADV BALOYI SC:** But the scoring sheet did not – the scoring sheet does not say that.

**DR MASHAZI**: The scoring sheet says he was scored the highest, but not all members.

**ADV BALOYI SC**: Yes.

**DR MASHAZI**: Which is an oversight, because I did not check whether all members, but I just saw the round figure, that one scored 54 and the other one scored 64.

**ADV BALOYI SC**: Yes. So you are saying you had not really looked at the scoring sheet properly by the time you made the statement in the affidavit?

10 **DR MASHAZI**: Correct, ma'am.

**ADV BALOYI SC**: Okay. The second part of that paragraph 131, you say:

“And was accordingly recommended for  
appointment.”

Where did you get that he was recommended for appointment? Who told you that?

**DR MASHAZI**: It is according to the report from HR, the one that is attached, that is being signed by Mr Maseko.

**ADV BALOYI SC**: Which report is that, ma'am?

20 **DR MASHAZI**: Where he is acting? I think it is IM20.

**ADV BALOYI SC**: But IM20 ...[intervenes].

**DR MASHAZI**: IM20, is this IM20, or?

**ADV BALOYI SC**: No.

**DR MASHAZI**: Ja, the appointment letter.

**ADV BALOYI SC**: Yes, the appointment letter is addressed

to Mr Mkhwanazi. It is not a report and it does not contain a recommendation for his appointment.

**DR MASHAZI**: Maybe we, in terms of the crafting and the format of the appointment letter, we should actually, accordingly, look at raising issues like he was a recommended candidate, and you were a recommended candidate, and this is your appointment, you are truly appointed. I think we – this form falls short of that kind of information.

- 10 **ADV BALOYI SC**: Yes. The, and please correct me, my expectation, my assumption is that there would have been a recommendation to you as the appointing person, and I know you were on leave in this period, but ordinarily, if you had been in office, you would have received a recommendation from HR to appoint him.

**DR MASHAZI**: Correct.

**ADV BALOYI SC**: You say you were on leave, so it would have come to whoever was acting in your position, recommending the appointment.

- 20 **DR MASHAZI**: Correct.

**ADV BALOYI SC**: And then you would either accept or reject it, right?

**DR MASHAZI**: Correct.

**ADV BALOYI SC**: Whoever was in office in this case accepted the recommendation, if assuming the

recommendation was made properly, accepted the recommendation, and then issued this letter of appointment. What I am discussing with you is in your statement, you say a recommendation for his appointment was made, and my question about where do you get that is important because of the controversy that has been read to you from the statement of Chief Mapiyeye, that the process was not completed.

10 So you say, but you say there was a recommendation to appoint him, and I would like you to say to us, where do you get this statement from? Did you see a recommendation? Is that why you say a recommendation was made? Is it because you saw a recommendation?

**DR MASHAZI:** Thank you, Chair. As we indicated that the preparation for this bundle and this testimony that was prepared over a year, and the testimony was given over two weeks, and we were only given two days to prepare our files. I think we fell short of including some of the information or responding properly to the issues raised.  
20 And I take your point that there are a lot of gaps in terms of our statement, and I also appreciate the fact that the Commission has actually apologised in terms of the prejudice that we suffered in terms of the timelines of preparing our documentation in response to the allegations that we made.

**ADV BALOYI SC:** No, but Ms Mashazi, what you say in paragraph 131 is not a function of – it is not a gap and it is not a function of you did not have enough time to prepare. You say, you make a positive statement. A recommendation was made that he be appointed. You say that. You could only say that because you saw a recommendation. That is the one possibility.

The only other possibility is you make a statement that has no basis whatsoever. In fact, you did not see a  
10 recommendation. You assumed, you may have assumed, or you just made it up. This is not a function of you did not have time. You either know or you do not know that there was a recommendation. It is that simple. But if what you have just said now is your best answer, I really would not want to press you any further.

**DR MASHAZI:** I beg your pardon, can you repeat the last statement?

**ADV BALOYI SC:** I say if what you have just said now is the best answer to my question about where did you get  
20 that there was a recommendation, if you say your answer is you did not have time to prepare and so there are gaps and you cannot take it any further, I will leave it at that.

**DR MASHAZI:** Correct, ma'am.

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

**ADV SELLO SC:** Thank you, Commissioners. Doctor

Mashazi, I had invited us to now turn to question 12. It appears at your page 23, paragraphs 137 to 139. And the question really related to the appointment of Brigadier Mkhwanazi to the position of Acting Chief of Police for the period 6 to the 17<sup>th</sup> of May 2024. See that?

**DR MASHAZI:** [Indistinct].

**ADV SELLO SC:** Could you summarise your response for the record, please?

**DR MASHAZI:** Yes, he was appointed from the 6<sup>th</sup> to the  
10 17<sup>th</sup> of May to act in the position of Chief of Police and the appointment was made by myself because he qualified for the position to act because he was already a Deputy Chief of Police and I need to indicate that in terms of Council processes, we rotate individuals in the acting position. You can only appoint for 34, for three months and if you can, the Commission can recall that at some point, Mr Spies acted, I appointed him to act and also during General Mzolo's period, Mzolo was also appointed.

That is the gist of the matter that he qualified to act  
20 and we had to rotate because previously, it was Mr Spies that was acting and the next in line, obviously, would be Mr Gcwabe because they only have three Deputy Chiefs of Police.

**ADV SELLO SC:** Thank you. Commissioner Khumalo?

**ADV KHUMALO SC:** I want to move on to September 2024

to ask the same question. So, Chief Mapiyeye was suspended in September 2024. Correct?

**DR MASHAZI:** Correct.

**ADV KHUMALO SC:** And somebody then had to be appointed as Acting Chief of Police. Correct?

**DR MASHAZI:** Correct, Commissioner.

**ADV KHUMALO SC:** Was that also Brigadier Mkhwanazi, now Deputy Chief Mkhwanazi?

**DR MASHAZI:** The Acting Deputy Chief was then Deputy  
10 Chief Mzolo when ...[intervenes].

**ADV KHUMALO SC:** No, no, my question is when Chief Mapiyeye was suspended in September 2024, you had to appoint an Acting Chief of Police.

**DR MASHAZI:** Correct.

**ADV KHUMALO SC:** Who was that? Who did you appoint as Acting Chief of Police in September 2024?

**DR MASHAZI:** I do not have my records to recall exactly who was. It is either it was Mkhwanazi or, I do not recall, but we will have to get the documentation.

20 **ADV KHUMALO SC:** I do not want to waste time, so maybe you can come back to that on that.

**DR MASHAZI:** Yes, yes.

**ADV KHUMALO SC:** So it will be a same question, but different period. Thank you.

**DR MASHAZI:** Correct, Commissioner.

**ADV SELLO SC:** If I may then, just because you promised Commissioner Khumalo to come back on that issue, just to remind you that the clip we watched yesterday where you responded to the issue of the IPID report, do you recall that? It is on record as that interview as having been conducted on the 3<sup>rd</sup> of February 2025.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** And at the time, reference to Brigadier Mkhwanazi is as Acting Chief of Police.

10 **DR MASHAZI:** Correct.

**ADV SELLO SC:** I am just giving you a sort of a timeline and perspective. So if you accept that he was an Acting Chief of Police in February 2025, yours is to work backwards to when he was appointed.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Okay. Back to my question. My question was, you say that there is a requirement for rotation when you make acting appointments.

**DR MASHAZI:** Correct.

20 **ADV SELLO SC:** Where is that requirement to be found? And how exactly does it provide, what exactly does it provide for?

**DR MASHAZI:** I think it is one of the HR processes where it provides, it indicates that for any acting, it should not overlap the period of three months. And all of us in

different levels, whether it is the Chief of Police that would appoint somebody to act. As Acting Deputy Chief of Police, it should be three months and not more than three months and there should be rotation if there are other qualifying candidates who can actually take up the position.

**ADV SELLO SC:** Now, we know Brigadier Mkhwanazi acted from the 7<sup>th</sup> of May to the 17<sup>th</sup>, the 6<sup>th</sup> of May to the 17<sup>th</sup> of May. That is what we have in our statement. Correct?

10 **DR MASHAZI:** Correct.

**ADV SELLO SC:** I do not want to answer your question, but when Chief Mapiyeye was suspended, to my recollection, I think Brigadier Mkhwanazi was appointed as the Acting Chief of Police. I speak under correction, of course. To your recollection, in between the two periods, the 17<sup>th</sup> of May 2024 and the 25<sup>th</sup> of September 2024, which is the date on which Chief Mapiyeye was suspended, was it ever necessary to appoint an Acting Chief of Police?

**DR MASHAZI:** Correct, ma'am ...[intervenes].

20 **ADV SELLO SC:** For which period?

**DR MASHAZI:** Correct, because you cannot leave the position vacant because there should be someone who should assume responsibility for the department.

**ADV SELLO SC:** Now, I apologise. I think I was very inelegant in how I posed my question. From our statement,

your statement, at page 23, and the question posed, we know that Brigadier Mkhwanazi acted from the 6<sup>th</sup> to the 17<sup>th</sup> of May 2024.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** My question is, between the 17<sup>th</sup> of May 2024 and the 25<sup>th</sup> of September 2024, which is when Chief Mapiyeye was placed on suspension, are you with me?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Was there ever a need to appoint an  
10 Acting Chief of Police?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** When was that? Basically, before he was suspended, was he ever not at work, requiring the appointment of an Acting Chief of Police, Chief Mapiyeye?

**DR MASHAZI:** Okay, thank you. When he is off sick, or when he is on leave, or any individual on leave, we need to have someone, whether it is one day, someone taking the responsibility for the department.

**ADV SELLO SC:** And I am asking whether or not that  
20 situation arose in the period 17<sup>th</sup> of May ...[intervenes].

**DR MASHAZI:** Yes.

**ADV SELLO SC:** When?

**DR MASHAZI:** When?

**ADV SELLO SC:** When? Between the 17<sup>th</sup> of May and the 25<sup>th</sup> of September 2024, was Chief Mapiyeye off or sick, or

not at work, requiring you to appoint somebody to act in his stead?

**DR MASHAZI**: We would not appoint somebody to act if the Chief of Mapiyeye was on duty. And to be honest, we need to get the records of his leave, whether it was sick leave, because as I indicated, that unfortunately, I could not draw up his leave record because he is – I will make just a general statement that on a monthly basis, or not monthly basis, or two monthly basis, the Chief of Police will be off,  
10 either his father is sick in Mpumalanga or he is sick himself, or he need vacation leave. That is why at the point when we gave him those 30 days, he did not have enough vacation days.

**ADV SELLO SC**: Okay.

**DR MASHAZI**: So each time when a person or an incumbent is sick or is on leave, any kind of leave, we need to have someone acting. So we will have to therefore go back, as we indicated, the time constraints, and get the sick leave of the Chief of Police on that particular day, or the  
20 leave forms.

**ADV SELLO SC**: Thanks. Perhaps the way I posed the question implies that I require of you to recall those times Chief Mapiyeye was not at work, and therefore, somebody had to be appointed in his position. Now, I did not intend to communicate that, but perhaps, let me ask a different

question.

Between the 17<sup>th</sup> of May 2024, when the acting appointment of General Mkhwanazi terminated, and until your retirement from the City on the 30<sup>th</sup> or 31<sup>st</sup> of July 2025, whatever the end date is, did you ever appoint anyone as an Acting Chief of Police, or persons? And from what you stated, your paragraph 138, the choice would have been either Mr Mkhwanazi, because then he was appointed Deputy Chief of Police, it was Commissioner Spies, because  
10 he already held a similar position, he was one of the three deputies, right? And the third was Gcwabe, sorry.

**DR MASHAZI:** Mr Gcwabe.

**ADV SELLO SC:** Mr Gcwabe. So you had a choice of three. In that period, did you ever appoint any one of them to the position until you retired of Acting Chief of Police?

**CHAIRPERSON:** Doctor Mashazi, please mull over the question and answer it when we resume at 11:15. Let us rise.

**ADV SELLO SC:** Thank you.

20 **INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** Thank you, Chair. Chair, apologies for the late start. We were trying to resolve some programming glitches we were experiencing. We had hoped to have

finalised by 11:15. We ran over and delayed you for three minutes for which we extend our apologies.

**CHAIRPERSON:** Thank you. Thank you, Ms Sello.

**ADV SELLO SC:** But I am glad to mention that they have been resolved.

**CHAIRPERSON:** Thank you.

**EXAMINATION BY ADV SELLO SC (CONTINUES):** Thank you, Chair. Dr Mashazi and to you, you are waiting, apologies for the three-minute delay. I know you are keen  
10 to finalise and go home. We were at question 12, starting at page 23. My question to you had been, as reflected in question 12, Brigadier Mkhwanazi acted from the 16<sup>th</sup> to the 17<sup>th</sup> of May. You have that date.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** 2024.

**DR MASHAZI:** Yes, Ma'am.

**ADV SELLO SC:** Chief Mapiyeye was suspended on the 25<sup>th</sup> of September 2024.

**DR MASHAZI:** Correct.

20 **ADV SELLO SC:** You retired end of July 2025.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** The question is, from 17<sup>th</sup> May 2024 to the end of July 2025, do you recall appointing anyone to act as a chief, as an acting Chief of Police? And if so, who that was?

**DR MASHAZI:** At the bottom or at the top of my head, I would not recall who I appointed. Can we be given an opportunity to get the letters of appointment so that you can correctly furnish the Commission with the correct information?

**ADV SELLO SC:** I am sure the Commission will accept that. And remembering that there is a growing list of issues to address in your supplementary statement, so if you could address yourself to that question in the supplementary  
10 statement. And I think there was also an adjunct question to that post by Commissioner Khumalo. Just to check, Commissioner Khumalo, would her response to my question answer yours?

**ADV KHUMALO SC:** Yes, my question was really after Chief Mapiyeye was suspended in September 2024, who was appointed acting Chief of Police?

**CHAIRPERSON:** May I just enquire from the legal - Mr Moosa, please come to the microphone. May I find out if you have been keeping a running list of the issues that have  
20 been raised, and which are outstanding?

**ADV MOOSA:** Yes, Commissioner. I have got a list. It spans over a few pages. I think a lot of the aspects that Dr Mashazi indicated she had address, or certain aspects, have then been subsequently covered in her testimony, which we then eliminated. However, we do have a long list

of items that we will endeavour to obtain the info and respond. I know she is taken on the task of we will assist the Commission by getting this and getting that. It is not as simple as she puts it, but we will do the best that we can in the circumstances.

**CHAIRPERSON:** Thank you. Thank you, Mr Moosa. Thank you.

**ADV SELLO SC:** And perhaps, if I may add to that, Chair, the offer we previously made, to the extent that the  
10 Commission may be of assistance to Dr Mashazi to obtain certain documentation from the city, we would like. I requested an indication latest by Wednesday for such assistance, and to please indicate, except each document requested must be described in full to enable a search for the said document.

**ADV MOOSA:** We appreciate the assistance. The difficulty may be the timeline of Wednesday, in that we would endeavour to obtain the document's first by ourselves. If no progress is made by Wednesday or  
20 Thursday, the moment it comes to our attention that we are not able to access such info or documentation, we fully title it and address it to the Commission.

**CHAIRPERSON:** What problem do you have, if any, if you just quickly, quickly identify the documents, which should be relatively easy, since you already have a running list?

What problem do you have, if any, simply giving that list to Ms Sello for her to source the documents?

**ADV MOOSA:** I think in that regard, Commissioner, in that we have got a list of what is required. We would make the full list available, fully described. Those documents we would also want to get access to, because it would form part of the statement that we would wish to, the supplementary statement, and we would have to have regard to it in terms of how Dr Mashazi portrays it in the  
10 statement and elaborates on the annexure. So, if the Commission is able to get access to it before us, for a copy to be provided to us, and vice versa.

**CHAIRPERSON:** I will leave it to you to sort out the practicalities or the detail of the practicalities.

**ADV MOOSA:** Appreciate that.

**CHAIRPERSON:** And I see, because yesterday when I said the Commissioner will avail Dr Mashazi the opportunity to supplement whatever she may be minded to, so as to eliminate any prejudice that she may have suffered. You  
20 said you would consider your position whether you would take us up on that offer. From what you have just said, it seems to me that you are now taking us up on that offer.

**ADV MOOSA:** Indeed so. I think that position was established in one very early yesterday morning where Dr Mashazi made an election by herself to obviously

supplement. I do not think it completely eradicates the prejudice she faced, but I think it would go a long way. The reason I would contend so is that over the course of yesterday into today, a lot of questions were posed to her in terms of which she answered potentially inadequately based on the information at her disposal, and there is not ...[intervenes]

**CHAIRPERSON:** What is it that, or rather in respect of which the prejudice would not be eliminated? Why cannot  
10 that be addressed in an affidavit?

**ADV MOOSA:** We will obviously endeavour to do the best that we can to fully plug the gaps in terms of her testimony insofar as it is related to, I do not have the information, or I am going to try and access the information. She had a complaint to me this morning, not related. She says, if you look at what is going on in the media and what is being reported, it is as if though I am being evasive, as if though I am being arrogant, as if though I wish not to cooperate. She says, that is not the case. I wish to do the best that I  
20 can, but the problem is my hands are tied to an extent in that I can only answer to what is before me at the moment.

**CHAIRPERSON:** Sourcing the documents and speaking to them and adding whatever else Dr Mashazi may be minded to add should address that. I do not want Dr Mashazi to leave this Commission saying that she was prejudiced. So,

I want to understand what you say the basis of the prejudice will still be if she is afforded this opportunity. One, she is given documents. Two, she supplements with regard to those documents. Three, she says whatever else and as fully as she may be minded to, so as to eliminate any possible prejudice. So, what would the remnants of prejudice still be?

**ADV MOOSA:** I get where you are coming from because you see ...[intervenes]

10 **CHAIRPERSON:** You see, the thing is, the thing is, from what you are saying, it means or it suggests at least, let me not say it means, it suggests at least that even if Dr Mashazi had been given two months, she would still say, but there still are some remnants of prejudice. Because I am saying, I am saying you are given, or she at least through you or with your assistance, she is given an opportunity to source the documents that she says she does not have. She is given an opportunity to address the content of those documents. She is given an opportunity to  
20 say whatever additional matter she may be minded to say or address. So, what more prejudice would she still suffer?

**ADV MOOSA:** Commissioner, I understand the question fully and I agree with you that the opportunity to do a supplementary statement would go a long way in terms of eradicating or eliminating. And I am using those words, and

I will elaborate on what, I am speaking on instructions, on the prejudice that she perceived to have faced over the last two days.

Firstly, the opportunity to do a supplementary would plug the gaps and answer the questions that remain unasked or to furnish the information that remains unsupplied. The aspect that, and again, it is under instruction that she is referred to me and I have got a duty to place it before the Commission, is that over the last day  
10 or so, I was in a position where I had to face certain questions and answer to certain allegations without having all the information at my disposal.

Yes, while saying that, I did point out to her that the opportunity remains for us, not the opportunity, but the, it is mandatory almost now to go ahead and do your supplementary statement and that will sort out the complaint you have. She says, what about the perception that has been created of me as a public figure over the last day? And I said to her, that is unfortunately something we  
20 cannot do. We cannot turn back the clock, but what we can do is use the next three to four days and optimise the opportunity to do a detailed supplementary statement annexing anything that is important, as was illustrated over the last two days.

**CHAIRPERSON:** But what you are referring to as to the

perceptions that people out there may have, that does not go to the content of the evidence before us, nor does it go to how we will in the end assess that evidence. So, in that regard, she will not suffer any prejudice. Are you suggesting that she will still suffer prejudice in that context? That is all that we as Commissioners are interested in.

**ADV MOOSA:** And I agree with that.

**CHAIRPERSON:** Do you accept that she will?

10 **ADV MOOSA:** I fully accept what you say, Commissioner, and I have brought it to attention that what is of critical importance is the report that comes out of the Commission, not what members of the public perceive. And I think that is the more important part in the supplementary statement provides for that. So, in that regard, we are happy.

**CHAIRPERSON:** I do not participate in social media, Dr Mashazi, but the little bit that I do get to hear is that people who participate in social media will, whatever you may think or like, have views of whoever. So even if you had come  
20 here 100 percent prepared, having all the documents you need, they will still have had views about you, Dr Mashazi. Unfortunately, we cannot do anything about that.

But from where we are sitting, we want to eliminate. I will not say ameliorate, to eliminate all possible prejudice. And your attorney, Mr Moosa, says that if we avail you all

the opportunities that I have repeatedly referred to, that prejudice will be eliminated. That is all that we as Commissioners here are interested in. You understand?

**DR MASHAZI**: Correct.

**CHAIRPERSON**: Thank you. Thank you, Mr Moosa, unless there is anything else you wish to add.

**ADV MOOSA**: Nothing further. Thank you.

**CHAIRPERSON**: Thank you very much. Thank you.

**ADV SELLO SC**: Thank you, Chair. Just perhaps one last  
10 issue. They are undertaking to provide the supplementary statement by Monday. That will be the 8<sup>th</sup> of December. Does that change?

**CHAIRPERSON**: I actually forgot. I actually forgot. I wanted to say, when we said this about the Friday deadline, that was yesterday. It is Tuesday now. And we have no idea how long it will take to source the documents, even prepared to extend the Friday deadline. Mr Moosa, how is Wednesday next week?

**ADV MOOSA**: Acceptable. Suitable. It is longer than we  
20 had. No complaints, Commissioner. It will be appreciated.

**CHAIRPERSON**: Thank you. Thank you. Then the deadline is extended.

**ADV SELLO SC**: I do not think Mr Moosa had a choice, because the Chair probably forgot. The undertaking was Monday next week, not Friday. So, you just gave me an

extra two days, and I will not quibble with that. So, Wednesday next week, we take it.

**CHAIRPERSON:** I am 60-something.

**ADV SELLO SC:** Thank you, Chair. Thanks, Mr Moosa. We are desperately trying to deal with question 12. You had indicated that there is a requirement, whether it is a policy requirement or from some other prescript, that imposes a duty upon a person of your position as a city manager, that if you appoint acting persons to any position,  
10 it must be on a rotational basis. So, you have no election. It has to be on a rotational basis. Is that correct?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Did I understand you correctly?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Is it that strict, or is it a suggestion merely that preferably you rotate?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** No, they cannot both be correct. The first requires whether it is a strict requirement, so it is  
20 imposed on you, you have no choice, or whether it is, like, a guidance note for senior managers to consider which I would then, if that is the case, accept that it would suggest that where possible rotation is preferable. Which of the two?

**DR MASHAZI:** Thank you for the question. It is a policy

directive that we must all apply.

**ADV SELLO SC:** In which document would we find that?

**DR MASHAZI:** I do not have it now. I think I will request the HR to furnish us with the document.

**ADV SELLO SC:** That is Mr Moosa's list growing, I think, yes, that I have got notes. Now let us get back to the period of 6 to the 17<sup>th</sup> of May. You at the time had a choice of three deputies to appoint from, Mr Gwabe, Mr Spies, and Mr Mkhwanazi. You chose Mr Mkhwanazi. For the record,  
10 that was the most junior of the three. He having been appointed to this controversial post sometime in December the previous year. So that made him the youngest of the three deputies, in terms of service, period of service. Am I correct?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Ma'am?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** And you say he was qualified. On what basis do you make the claim that he was qualified? Purely  
20 by virtue of occupying that position, or on any other basis?

**DR MASHAZI:** For the fact that he occupied the position of Deputy Chief of Police, he qualified.

**ADV SELLO SC:** And then you conclude by saying there was no investigation against him. Is that correct?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** And where do we then place the IPID report and its recommendations, insofar as what you call investigations are concerned?

**DR MASHAZI:** Remember the IPID report. The initial advice was that he was cleared. And this is at the point where we are dealing with the issues of actually addressing the IPID report. And this is at the point where Julius was already being appointed as the Deputy Chief of Police. And if an individual is cleared, and number two, by then, the  
10 Chief of Police withdrew his suspension and withdrew his DC. So, at this point in time, he was cleared, and he qualified to be appointed.

**ADV SELLO SC:** I understand what you said, but mine is whether the IPID report and its recommendation was a factor you took into consideration in deciding to appoint him out of the three. Because the IPID report was alive, with its recommendations that he be disciplined.

**DR MASHAZI:** I think I responded extensively yesterday about the IPID report and my position then, compared to the  
20 current position.

**ADV SELLO SC:** Yes, no, no, no. I appreciate that. I was just trying to get a sense. Because you referenced an internal audit report in your February 25 interview, that you alleged had cleared Mr Mkhwanazi. We do not have that report. You could not provide any guidance to us on how

we could locate such a report. We are aware of, and witnesses have testified to this, in particular, I think, Mr Nciza and Chief Mapiyeye, about the appointment of a forensic investigation by an entity called the Forensic Firm. We are aware of that. Are you?

**DR MASHAZI**: From the evidence, I am aware.

**ADV SELLO SC**: At the time you were not?

**DR MASHAZI**: I was not aware.

**ADV SELLO SC**: Okay, to the extent then that it may be  
10 relevant, that report is dated 20<sup>th</sup> of June 2024. So, he cannot have been cleared by that report at the time the appointment to act was made. So, the IPID report and its implications were still on the table, so to speak, at the time you appointed. Was that not a factor that was important for you to take into consideration, compounded by the fact that of the three, he was the youngest at that particular level?

**DR MASHAZI**: Can you repeat your question?

**ADV SELLO SC**: At the time you made the decision to appoint him, the IPID report was, as I say, 'still alive'. And  
20 we know what it recommended. It recommended disciplinary action. We know at the time that it had not been 'set aside', not by any internal process, if it ever could, or by the forensic investigation exercise conducted by the Forensic Firm, because that report comes only on the 20<sup>th</sup> of June 2024, when he has completed his acting

appointment. So, I want to understand whether you had any appreciation at the time he effected the appointment of the existence of the IPID report, its recommendations, and the implications of appointing him to such a senior post, notwithstanding that report being on the table still.

**DR MASHAZI**: I think yesterday we discussed this extensively, where the decision or the authority to discipline Julius was within the hands of the Chief of Police. And at that point, Chief of Police was in position of the IPID report.

10 And in terms of my understanding and my assertion yesterday, or my evidence, I indicated that I took the report to legal, and legal indicated that the report is insufficient and no action would be taken. At the point of his appointment as acting, I did not have anything against him.

**ADV SELLO SC**: So, then you concluded that for purposes of determining who to appoint, it was not necessary for you to take the IPID report into consideration. That is the only point I see to make.

**DR MASHAZI**: Correct.

20 **ADV SELLO SC**: Okay, and for the record, we dealt with the letter written by, you said there are members of Mr Behari's department addressed to IPID Mr Zulu and Mr Makhwiting. But that is dated the 13<sup>th</sup> of December 2023, and you testified that that letter was never dispatched to IPID.

**DR MASHAZI:** This is the information I got verbally from HOD Legal, that it was their internal communication, and that letter was leaked. So, I would request that we park that, and we get proper information from the HOD Legal, because he will be coming to testify about that letter, and that letter was never addressed to me. Can I request that we park that, and that letter be ventilated with the HOD responsible?

**ADV SELLO SC:** I am happy to accept it as my challenge.

10 I do not know if you are correct, or whether you will accept the correctness of what you are told, when it is claimed that this was an internal letter. It is addressed to IPID from the city of Ekurhuleni. And by any stretch of the imagination, that can never be called an internal letter. Can you accept that? I do appreciate that is what you are told. You saw the letter, you know it is addressed to IPID. And an HOD within Ekurhuleni tells you it is an internal letter. It does not make any logical sense. Surely you would accept if I invited you to reject that proposition that it was an internal  
20 letter.

**DR MASHAZI:** Surely also, HOD Legal should speak to that letter, because that is the advice verbally that I received from him. That is why I am requesting that we park the letter, and request him, because it is his subordinates that are writing that letter, between

themselves and IPID. And if we can look at the letter, I was not copied. I only saw the letter now in the bundles of Mr Nciza.

**ADV SELLO SC:** No, I confirm for the record that you were not copied. I guess I just wanted to test your understanding, based on what you testified to, to say that you were told it is an internal letter, you saw the letter. But if you accept what you were told that it is an internal letter, notwithstanding the fact that it is addressed to IPID, I will  
10 accept that. Is that your position?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Yes, okay.

**ADV BALOYI SC:** Dr Mashazi, does it mean when the head of legal, Adv Behari, tells you a letter that you are looking at, and you can see it is addressed to IPID, it is dated, it is signed by his people, but it is addressed external, to the department and to the municipality, are you telling us that, notwithstanding what you see on the face of that letter, you do not ask questions? You do not say to the HOD, what do  
20 you mean it is an internal letter, I can see it is addressed to IPID. You just accept, because that is what he tells you, as the HOD of legal.

**DR MASHAZI:** Thank you, Commissioner. The letter, as I indicated, that the letter, I saw it now through the bundles from Mr Nciza, as part of his evidence. I subsequently

called the HOD, and remember now I am outside the system, where I cannot give instruction or do anything, I can only ask and enquire, that there is this letter in the bundle, what does this letter mean, where is it from, because I did not see it during my tenure as an accounting officer. His answer was, it was an internal memo, between themselves, the letter was not yet, it was sent to IPID, and I think he is better placed to come and respond to that letter.

**ADV BALOYI SC:** So, you just, I mean, your answer is you  
10 accept it, even though you are looking at the letter, you can see it is addressed to IPID, you accept it when he said to you, no, it is an internal note.

**DR MASHAZI:** I accept it.

**ADV BALOYI SC:** That is all I am checking with you.

**DR MASHAZI:** I accept it.

**ADV BALOYI SC:** Okay, thank you.

**ADV SELLO SC:** Thank you. Thank you, Commissioner. Thank you, Dr Mashazi. If you have regard to page 23, question 12, there were sub-questions to that question.

20 **ADV BALOYI SC:** Maybe before you do the sub-questions, let me just maybe make an overall observation and ask you for your comment. This appointment that you have been discussing, this acting appointment that you have been discussing with Ms Sello, now, knowing what you know now, which is the appointment of Brigadier Mkhwanazi is, in fact,

irregular because he did not complete the competency test and therefore, he could not have been appointed.

That is your evidence, as we understand it, or as I understand it. You know that now. You have also said yesterday in your evidence that you accept, knowing what you know now, that Behari's advice to you, that the IPID recommendation is vague, has no basis, now you know that it was not helpful. Your language was it is not helpful to you. You accept that it was wrong. Knowing all of that, do  
10 you accept that the appointment of Brigadier Mkhwanazi by you to act after that appointment, that invalid appointment, that appointing him to act as Chief of Police was in fact an irregularity?

**DR MASHAZI:** I accept that.

**ADV BALOYI SC:** You accept that. Thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. And once again, before I move to the sub-questions of question 12, can I just complete or quickly address one aspect as regards the main question 12? For this purpose, I would  
20 like you to locate Mapiyeye annexure file. And in particular, I would like you to draw your attention to JM33, which starts at page 182.

**DR MASHAZI:** 142?

**ADV SELLO SC:** 183. Go to 183. You recall I referenced an investigation report by an entity called the Forensic Firm

when we were discussing the appointment of Mr Mkhwanazi as acting Chief of Police.

**DR MASHAZI**: Page 183?

**ADV SELLO SC**: 183.

**DR MASHAZI**: That is 182 and then is JM34.

**ADV SELLO SC**: You do not have page 183?

**DR MASHAZI**: No, I do not have.

**ADV SELLO SC**: No, I am told the correct tab is JM34.

Apologies for the confusion. It is JM34.

10 **DR MASHAZI**: JM34. Yes, you are on the right document.

**DR MASHAZI**: Yes.

**ADV SELLO SC**: So, can you confirm that that is the investigation report by the Forensic Firm?

**DR MASHAZI**: Forensic Firm. Can I look at the document. Okay, of course. The investigation report. Yes, I ...[incomplete].

**ADV SELLO SC**: Now, when I indicated that, to the extent that reliance may be placed on this document to suggest that Mr Mkhwanazi was cleared, I suggested to you that we  
20 cannot put any reliance on this particular document because, as you can tell from the bottom of the page 183, it was only generated on the 20<sup>th</sup> of June 2024. So, it is not a factor you have taken into consideration in appointing Brigadier Mkhwanazi in May 2024. You remember that conversation we had?

**DR MASHAZI:** Madam, I ...[indistinct].

**ADV SELLO SC:** Thank you. And you commented, I think, on that score that you only found out about this report here in the Commission. Did you?

**DR MASHAZI:** This one?

**ADV SELLO SC:** Yes, yes.

**DR MASHAZI:** The investigation by Majang Attorneys?

**ADV SELLO SC:** I do not know if it is ...[intervenes]

**DR MASHAZI:** Or the investigation by ...[intervenes]

10 **ADV SELLO SC:** The face of it, it says the Forensic Firm, and I am happy to refer to it in that fashion.

**DR MASHAZI:** Can you rephrase the question?

**ADV SELLO SC:** I said when I referenced this document, and I may have been mistaken, I understood you to say that you became aware of its existence only at the Commission.

**DR MASHAZI:** No, not this one. This one, it was about the breach of information. This one, I know about it.

**ADV SELLO SC:** Okay, you know it because you actually Commissioned for it.

20 **DR MASHAZI:** Yes, I know about the first part where internal audit investigated the breach of information in terms of the POPI. The report, I know. But the report by Majang Attorneys, I have never had a broad sight of.

**ADV SELLO SC:** Did I refer you to a report by Majang Attorneys?

**DR MASHAZI:** Majang Attorneys. The payment to Majang Attorneys.

**CHAIRPERSON:** Ms Sello, I guess that is because of what appears to be the subject of this. See, one page, 183, City of Ekurhuleni on the left.

**ADV SELLO SC:** Yes.

**CHAIRPERSON:** And there you see forensic investigation reporting to blah, blah, blah. And towards the end, Majang Incorporated. I think that is what Dr Mashazi is alluding to.

10 **ADV SELLO SC:** But even that heading, Chair, it is relating to the engagement of and payments to. That is how Majang Attorneys. She is referencing, as I understand her, to a report by Majang Attorneys. And I say, at least in my engagement with her, I have never raised such a report. And neither has she. What report is that you are referring to?

**DR MASHAZI:** No, I see here, maybe I misread about Majang Incorporated, about May, August, the act of irregularities. Maybe I am - okay, can we go ahead?

20 Apologies, can we go ahead with the question?

**ADV SELLO SC:** No, I accept. So, it was a mistake on your part by referencing Majang Attorneys report. There is not one such.

**DR MASHAZI:** Yes.

**ADV SELLO SC:** Okay, no, I accept that. Okay, then let

us continue on your statement. Yes, no, we still need my Mapiyeye, so do not close the file, please. Or do not put it very far. We are now dealing with the bottom of your page 23 from paragraph 140. And there you address yourself to the question of your, you are providing comments on the alleged appointments of 55 people into the service by Brigadier Mkhwanazi and the validity of those appointments that appears at your bottom of page 23. Okay, you see that?

10 **DR MASHAZI**: Yes, I see this.

**ADV SELLO SC**: And you were invited to comment about the appointment of these 55. And the reason is because Mr Chief Mapiyeye and Mr Spies in the course of their testimony contended that these appointments are irregular for a number of reasons. One, either they were affected to posts not previously advertised, but most importantly, they were affected by Mr Mkhwanazi in whatever position he held at the time without the authorisation of the Chief of Police. And that is why your comment is invited on the validity  
20 thereof if you except for the moment that that is the circumstances under which they were affected. And you give a response. Correct?

**DR MASHAZI**: Correct.

**ADV SELLO SC**: You do so in your paragraphs 140 to 143. And perhaps you may want to summarise what your

response is.

**DR MASHAZI**: Okay, as I indicated in terms of the systems of delegations, these recruitments do not form part of my scope or authority as an accounting officer. These are junior officials. The 155 that were appointed. And I think we have addressed this in terms of Annexure IM6 where the Chief wrote to me about his unhappiness about this appointment. Can we go to IM6?

**ADV SELLO SC**: IM6 is your annexure file. Perhaps, let  
10 me just interrupt you. IM6, as we have it, is actually the list of questions.

**DR MASHAZI**: The list of questions. The letter, can you assist me?

**ADV SELLO SC**: I shall. So, your IM6 and your reference there too, you say:

“That I note from Annexure IM6 that I  
am invited to comment on the validity  
of this recruitment and promotions.

**DR MASHAZI**: Yes.

20 **ADV SELLO SC**: And you conclude, you continue and say:

“This would not be fair as I was not  
involved in the process, and my  
knowledge is limited to what I have  
read in the media and the questionable  
evidence provided by Chief Mapiyeye.”

That is what you state.

**DR MASHAZI:** Correct, yes.

**ADV SELLO SC:** Why do you call it questionable evidence?

**ADV KHUMALO SC:** Sorry, can I help you?

**ADV SELLO SC:** Yes.

**ADV KHUMALO SC:** Page 52 of Mapiyeye's annexures.

**ADV SELLO SC:** Yes, I am going to JM 8 and 9 thereafter.

Thank you, Commissioner. We will get to the page that the  
10 Commissioner is referencing. On your paragraph 143, with  
regards to Chief Mapiyeye's evidence, you term it  
questionable evidence provided by Chief Mapiyeye. Out of  
interest, why do you call it questionable? And particularly  
on this score, why do you consider it questionable? Leave  
aside everything else he testified to, but about these  
appointments.

**DR MASHAZI:** Remember at the point where we wrote this  
particular statement, we did not have a letter that Chief  
Mapiyeye actually complained about the positions. So, can  
20 I request that we go to his letter so that I am able to  
address you properly?

**ADV SELLO SC:** Okay, no, I am happy to. And I take it by  
going to his letter, you are then able to explain why you call  
his evidence questionable.

**DR MASHAZI:** Okay.

**ADV SELLO SC:** It is not okay, it is a question, Dr Mashazi. Will you be able then to answer the question?

**DR MASHAZI:** I will be able to answer after.

**ADV SELLO SC:** Perhaps the best starting point is, let us start with Chief Mapiyeye's own statement. Chief Mapiyeye's statement, and we will work our way to the document that you want. I am trying. So, if you could lay your hands on the statement.

**DR MASHAZI:** My statement or his statement?

10 **ADV SELLO SC:** Chief Mapiyeye's statement, and go to page 10, please.

**DR MASHAZI:** Page?

**ADV SELLO SC:** 10, one zero. And I want to draw your attention in particular to paragraph 32. Do you see where - have you located it?

**DR MASHAZI:** Yes.

**ADV SELLO SC:** And that is where Chief Mapiyeye introduces this issue of the appointment of the 55. And he states that, these appointments and or promotions were  
20 affected without his involvement as the Chief of Police. You see that in the paragraph. And then he described, he goes, he touches on some of the flaws attaching to those appointments, and the fact that the last sentence in that paragraph, the appointments were in large part drawn from members of the unit which Brigadier Mkhwanazi headed.

See where I am reading. Now, if you turn over leaf to paragraph 31 at page 11, he then states:

“I lodged my objections formally with the city manager on 5<sup>th</sup> June 2024, pointing out that the appointments by Brigadier Mkhwanazi are invalid. A copy of this objection is marked JM8.”

So now we go to Mapiyeye's annexure bundle and we locate JM8, which you will find at page 51.

10 **DR MASHAZI**: Page?

**ADV SELLO SC**: Page 51, five one. And that is the letter from Chief Mapiyeye, dated the 5<sup>th</sup> of June 2024, and it is addressed to you, Dr IM Mashazi, city manager, city of Ekurhuleni. You see that?

**DR MASHAZI**: Correct.

**ADV SELLO SC**: He raises some issues there, but in particular, I would like to draw your attention to paragraph 3. That starts with the words, what is sought. Do you see where I am reading?

20 **DR MASHAZI**: Correct.

**ADV SELLO SC**: And he states, for that purpose, and I quote:

“What is sought is to bring to your attention, city manager, as the accounting officer, to the recent

promotional positions which took place within the department of brigadier colonel, lieutenant colonel, superintendents, and inspectors, respectively.”

He continues, next paragraph:

10 “It is legislated under section 64(C)(2)(B) of the SAPS Act 68, 1995, and common practise that when employees are promoted in the department, as the Municipal Commissioner, must confer the promotional ranks, must confer the promotional ranks to the successful/promoted workforce.”

Next paragraph, he says:

20 “To my dismay and surprise, observed on the 4<sup>th</sup> of June 2024, members of the department wearing their promotional ranks, when probing, I was informed that they were conferred by the Deputy Commissioner.”

That is the letter you acknowledge receipt of.

**DR MASHAZI**: Correct.

**ADV SELLO SC**: On the 5<sup>th</sup> of June. And at his paragraph

34, he does state that the city manager responded to my letter, this very one we just went through, on the 6<sup>th</sup> of June. And that letter he annexes as JM9. That now should start at your page 52. And I think that is the letter you wanted to get to and speak to in some detail.

**DR MASHAZI**: Correct.

**ADV SELLO SC**: This is your opportunity to do so.

**DR MASHAZI**: Thank you very much. In relation to this appointment, at the point of us writing the statement, we do  
10 not have this evidence. As I indicated that I left the city in July, you cannot recall everything that really happened in 2024. I think the Commission will agree with me. Yes, he wrote a letter to me and I responded. And I am going to talk to the content of the letter.

I have responded to Chief Mapiyeye on the 5<sup>th</sup> of June 2024. On the 6<sup>th</sup> of June 2024, he wrote to me on the 5<sup>th</sup>. And I immediately responded that I confirmed that they had a meeting with HR. And I also noted his reference to Section 64(C)(2)(B). And I fully agree with him that it is  
20 within his powers during such appointments that he must be consulted.

My comment, it is about the subset 64C read together with the Municipal Systems Act and also read together with the systems of delegations that certain positions, especially junior positions, are actually delegated

to his subordinates. But what is of concern is that the Chief of Police was never consulted because in terms of the legislation he was supposed to be consulted irrespective of the level of the position or promotional positions that were being filled.

The issue that they do not qualify well, it is an HR issue, and I think Gxasheka must talk to it. I even indicated to Chief in terms of this letter that it is unfortunate that the EMPD has a peculiar arrangement in terms of the SAPS Act.

10 And that Act, it is actually not well integrated with our Municipal Systems Act as well as the Systems Act. And I indicated there in my last paragraph that I therefore thank you for drawing this to my attention and kindly request that you commence the drafting of a policy that can actually assist us to address such matters.

From my part, I commit to also engaging the Deputy Chief of Police Mkhwanazi and other staff members to ensure that positions, the position and authority of senior managers is respected all times. Because the gist of the

20 matter in this, the Chief of Police was never consulted in terms of his letter. He was never consulted by Mkhwanazi. He was on duty Chief of Police.

Mkhwanazi was not acting, and he went ahead to appoint these officials. And the Act is very clear that it must be in consultation with him. Irrespective of the

systems of delegation. That is why it is important for us to have a policy that will actually assist us to actually clear some of the challenges in the grey areas when dealing with municipal processes in line with the SAPS Act. That is the content of my response to Chief of Police.

**ADV SELLO SC:** Thank you for that. My first question I guess if you insist that the SAPS Act and I take it that reference to the SAPS Act specifically is reference to section 64(C) of the SAPS Act. Did I understand you  
 10 correctly that you suggest that section or the Act itself requires that the Chief of Police be consulted prior to appointment being made because if that is what you are suggesting even before you answer I am telling you, you are wrong. Because section 64(C) bestows the power to appoint on the Chief of Police himself. It says absolutely nothing about the requirement by anybody to confer with him or consult him before that person effects appointment. Do you have a response to that?

**DR MASHAZI:** My argument is that SAPS Act in terms of  
 20 our processes, municipal processes must be read in conjunction with the Municipal Systems Act as well as the systems of delegations. And I have actually submitted and gone through the systems of delegations where it indicates that the level of appointment and the level of authority in terms of the department.

I have indicated yesterday that Chief of Police is appointed under the Municipal Systems Act and inasmuch as we do not want to undermine the SAPS Act, we need to integrate the two. Hence my suggestion to Chief of Police is please provide us with the policy to assist us that we do not overstep your mandate in terms of our processes as a municipality, as a sphere of government as well as the SAPS Act.

**ADV SELLO SC:** Okay, so based on the clarification you  
10 have just provided I should accept that your reference to Section 64(C) as requiring consultation with the Chief of Police is a mistake. You did not intend to refer to that particular section, you wanted to refer to the Systems Act for that purpose. Would I be correct to understand that?

**DR MASHAZI:** I am referring to both legislations that both legislations in terms of our processes are not well integrated. Hence, we need the policy to bridge a gap. Remember the SAPS Act allows Chiefs to appoint from inspector level up to a DH level up to his deputies and you  
20 can imagine how many officers are appointed hence there is a Systems Act in terms of our protocol as a municipality to ensure that the Chief of Police is not occupied by sitting in interviews of junior officials while there are other pressing matters that he is supposed to do.

Likewise, other HODs this is not only applicable to

Chief of Police. Hence in my last paragraph I requested him because their situation is very peculiar I requested him to come up with a policy to assist us to especially assist the Systems Act as well as the systems of delegation so to say because the Act is an Act of Parliament it cannot be interpreted or be changed by the Chief of Police we can only participate when an Act of Parliament is amended.

**ADV SELLO SC:** And in fact, my comment was favourable to you because I was saying I had taken issue with what I  
10 understood to be your interpretation of Section 64(C) of the SAPS Act suggesting that there is a requirement that somebody can affect appointments they need only consult with the Chief of Police. That is what I had understood. So based on your explanation I say the error you made was you did not mean to refer to Section 64 to make that point you intended to refer to the Systems Act.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** I just did not want to leave it that way on the record.

20 **ADV BALOYI SC:** Can I just understand the, so the SAPS Act gives the Chief of Police the power to appoint and make promotions is that correct?

**DR MASHAZI:** Correct.

**ADV BALOYI SC:** Are you saying that that power of the Chief of Police in Ekurhuleni was taken from him by way of

your delegation of authorities. You removed that power from him and gave it to say in this case it was given to a position in which Brigadier Mkhwanazi is to appoint junior people. Am I understanding that evidence correctly?

**DR MASHAZI:** That is the understanding of our municipal systems of delegations.

**ADV BALOYI SC:** Yes, so, you are saying to me I am just wanting to make sure there is no trick to it.

**DR MASHAZI:** Correct.

10 **ADV BALOYI SC:** I just want to make sure that I understand your evidence. Your evidence is that a power given by the SAPS Act was taken through your delegation systems and given to a Brigadier Mkhwanazi kind of position to appoint junior people. I am correct to understand you that way.

**DR MASHAZI:** I have indicated from the beginning that we have this SAPS Act which is peculiar and which we acknowledge. And we also have Municipal Systems Act. I have also indicated the autonomy of the municipality or of  
20 local government. I have also added the fact that any municipality would have systems of delegations which they approve.

So, the approval of the systems of delegations needs to be implemented because these are delegations that are approved by a municipal council. A council that

has both appointed me in chief. Maybe I think as I indicated that it is an area that needs to be addressed in terms of the true legislation. It is applicability in the municipality. Looking into the powers that are vested within the Municipal Systems Act.

**ADV BALOYI SC:** I think my question is really as simple as this. The SAPS Act gives the Chief of Police certain powers. And those powers include appointment, sorry Dr Mashazi if you would just look this way so that I see that  
10 you are paying attention please. I just need your face facing me so that I know I am speaking to you. So, what I am asking is the SAPS Act and I just want to make sure that you and I understand you correctly. The SAPS Act gives the Chief of Police powers to appoint and to promote. I think there is no controversy there. I think that is your testimony. I accept that is what it does.

**DR MASHAZI:** I do.

**ADV BALOYI SC:** And what I am checking is you are saying that power which is binding on the municipality  
20 right? That power in the SAPS Act. You are saying the municipality in fact took it through its powers of delegation system. It exercised its authority to delegate functions and in doing so it took that power in the SAPS Act and gave it to Brigadier Mkhwanazi position to appoint juniors.

**DR MASHAZI:** Correct.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner. Chief Mapiyeye on his statement, you do not have to go there in dealing with this very response you gave to his letter JM9. He concludes, I will read it into the record for you at paragraph 34. He concludes that the effect of this letter you wrote is that:

10                    “You lend support to Brigadier  
                         Mkhwanazi's conduct of making  
                         appointments without my approval and  
                         or at times my knowledge.”

He says that is some effect of your letter. You are lending your approval to Brigadier Mkhwanazi's conduct as he complained of making these appointments without his Chief Mapiyeye's approval and or at times his knowledge. Is that a fair assessment of your letter by Chief Mapiyeye that technically you lend support to Brigadier Mkhwanazi's conduct in the appointment of these 55?

20 **DR MASHAZI:** The content of my letter it is in relation with  
the powers within the delegation and the systems of delegation and I relied on the systems of delegation hence through yesterday's testimony I continuously refer to both legislation as well as the systems of delegation. So, I think it is an area that council must look into and ensure that both legislations are integrated, and I can no longer

comment on this. I think I have ventilated everything in terms of my understanding about the systems of delegations as well as the powers of the Chief of Police in terms of the SAPS Act and as well as the Systems Act.

**ADV SELLO SC:** But what you are addressing right now is your justification for doing so and I do accept that you base it on your understanding of the legal position at the time. I do not quibble with that. Whether or not your understanding was right or wrong that is not the debate we are having.  
10 And I know you have addressed that issue and you just did now again.

I am saying Chief Mapiyeye says on the reading of your response when you respond to his complaint that Mkhwanazi effected 55 illegal appointments the interpretation and sum totally of your response is to lend support to Brigadier Mkhwanazi's conduct. That is Chief Mapiyeye's interpretation. And my question to you is, is he being fair to you to understand your letter that way? Did you lend support or did you object to those appointments as  
20 effected by Brigadier Mkhwanazi?

**DR MASHAZI:** The 55 positions are actually under review as we speak and ...[intervenes]

**ADV SELLO SC:** Sorry, I missed that you spoke softly.

**DR MASHAZI:** The 55 positions as we speak, they are under review by the municipality.

**ADV SELLO SC:** May I stop you may I stop you Dr Mashazi because you are telling me about others. I am asking about you. Can we confine ourselves to the issue? I am giving you an opportunity to say whether or not Chief Mapiyeye is being fair to you to say technically you supported Brigadier Mkhwanazi and I am posing a direct question to you. Did you support Brigadier Mkhwanazi in this conduct or not? So do not tell me about a review that is currently undergoing in an environment that you are no  
10 longer a part of. Would you like to comment on that?

**DR MASHAZI:** I commented by saying my letter to Chief Mapiyeye was based on the systems of delegation and I do not want to comment whether he makes an assumption that I was in support or not and I therefore want to close by saying that I do not have a comment over his assumption that I supported or not supported. But looking at the process that he was not consulted as well as an HOD responsible for appointing in terms of the Act but looking at the systems of delegations that empowers a lower level to  
20 him to do the appointment the legality of whether people qualified and whatever well it is unfortunate and it would be irregular if that is the case that some of the people that were appointed did not qualify or the appointments were also irregular.

**ADV SELLO SC:** Okay, ...[intervenes]

**ADV KHUMALO SC:** Sorry.

**ADV SELLO SC:** Okay.

**ADV KHUMALO SC:** Dr Mashazi, it seems to me then that we do not need to have a long debate on this issue because even on your construction, the mere fact that he did not consult I am not suggesting that your construction is correct. I am simply saying even on your construction the fact that he did not consult the Chief of Police means he did something wrong. But now this letter appears to suggest  
10 that you did not take action against him and therefore you lent support to whatever wrong that he did. And you can either say yes or no. Either you lend support or you did not.

**DR MASHAZI:** I did not lend support to his appointment. In my letter it is clear and thank you very much for reminding me about my letter. It is clear that he did not consult the Chief of Police and he was reprimanded. That he must respect the authority the Chief of Police is the HOD of the department. So, the assertion that I supported him, I  
20 cannot agree that I did support him in view of the letter that I have written, and I thought I have answered the question and okay, let me stop there.

**ADV SELLO SC:** Okay, thank you Commissioner Khumalo. I understand, I understand your response. My question is, you say you do not lend support, you accept on a different

basis that the appointments were invalid because he did not consult the Chief of Police.

**DR MASHAZI**: Agreed.

**ADV SELLO SC**: Did you direct that they being invalid in law be reversed? Did you ensure that that process takes place? Because I am sure you will not support the continuation in office of illegally appointed people. What action did you take or what steps did you take to satisfy yourself as city manager that that illegal act was reversed?

10 **DR MASHAZI**: Nothing.

**ADV SELLO SC**: Why not?

**DR MASHAZI**: I do not recall whether it is something or nothing. No, you have said nothing already. So, you do not recall, what do you mean?

**DR MASHAZI**: I meant to say I do not recall I withdraw nothing, I do not recall.

**ADV BALOYI SC**: You do not recall what, whether he did anything about it or not?

**DR MASHAZI**: Exactly.

20 **ADV BALOYI SC**: You do not recall?

**DR MASHAZI**: Exactly.

**ADV BALOYI SC**: On this very serious matter of 55 employees that have been promoted, your Chief of Police raises that very important issue, which has huge financial implications for the municipality in addition to legal

complications of the validity of these appointments. Your Chief of Police raises that with you in writing. You respond, you say, I will speak to Brigadier Mkhwanazi. You sit now you want the Commission to accept that you do not recall whether you did anything about it.

**DR MASHAZI:** This matter happened in which year? I think you will appreciate the fact that we were given two days and some of the things, some of the information at hand we could not even verify and the letter, I saw it now in  
10 the bundle during the Commission that chief indeed wrote to me. That is when I recalled that I wrote back to him. The issue of calling Mkhwanazi, but that was the last discussion that I had with chief. I do not recall other things, and I do not want to commit and lie that I did, or I did not do it. Hence, I am saying I do not recall and can we be given a chance to go back and check if indeed there was communication between myself and Mkhwanazi about this behaviour.

**ADV BALOYI SC:** I do not have any difficulty with you  
20 asking for an opportunity to go and check and add it to your list, but I do have a problem when you say, when you sit there and you say, I do not recall and that is, you are prepared to say that and leave it at that. I think that is a problem. It raises issues for me at least about are you taking this process seriously?

Did you come here to assist the Commission? And answers like I do not recall on such an important issue where you have the opportunity to refresh your memory when you saw these letters, you refreshed your memory. You sit and you say, I do not recall, I, it suggests to me that you may not be taking this process as seriously as we are taking it. You can comment if you want to, but I am happy if you choose not to say anything.

**DR MASHAZI:** No comment.

- 10 **ADV SELLO SC:** Thank you, Commissioner. I think to the extent that you have any of the Mapiyeye files open before you may close that because we are moving to question nine now. Question nine, so we at the moment can put away the Mapiyeye files, both the statement and the annexure. Question nine, which starts at your page 20, invited you to speak to the amendment to the scope and powers of the divisional head, employee relations and your role in it. Do you see what I am reading?

**DR MASHAZI:** Correct.

- 20 **ADV SELLO SC:** Now you give a response to that specific question from your paragraph 113 to 118.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Can you summarise effectively what your response is to that question?

**DR MASHAZI:** Firstly, the issue about the amendment to

the scope and powers of divisional head, it is about employee relations, it is about cost containment. Cost containment because this particular department had a lot of labour issues to an extent that during the adjustment budget, budget is always allocated to assist them and that budget seemed not to be enough and as you speak, some of the attorneys are not yet paid for rendering services to the municipality, mainly because the fees and there was no structure in terms of the fees in the appointment of these  
10 attorneys.

Then we suggested that to curtail even the fees because the fees were exorbitant, the DH had powers to appoint any attorney any law firm to assist him, and they were paid at the rate that he decided upon. Then we centralised the function to say the legal incorporate do have a panel of attorneys and they have a specific rate which is affordable to the municipality and such attorneys should be utilised to assist the labour relations because for us it was an issue of budget and we have records where they over  
20 exceeded their budget and we have a lot of complaints from lawyers.

I remember on top of my head, the Mogashoa Attorneys at some point they were not paid, I do not know if they are paid now, they were dealing with labour issues. So, we had to actually amend this, but there is also internal

communication between HOD, HR and his divisional head, then employee relations about the delegations of appointing attendees and so forth. But my duty was to ensure that we curtail costs because budget was an issue.

**ADV SELLO SC**: Thank you for that. I see at your paragraph 115 you deal with the primary purpose of the amendment, and you say it was to escalate, as to curtail escalating legal costs. And you continue to say the attorneys independently appointed by departmental heads  
10 were charging significantly higher fees than those on the city's approved panel which operated on a standardised regulated, on standardised regulated rates.

**DR MASHAZI**: Correct.

**ADV SELLO SC**: So, I do not understand what exactly you were amending because it sounds like the issue was to prohibit the appointment of expensive attorneys and to impose on all departments to make their selection from the city's approved panel. Was that not the solution to the problem? Based on what you say here.

20 **DR MASHAZI**: Yes, the solution was to obviously curtail costs, especially in this particular department. Though the memo went to all the departments that they cannot appoint their own legal reps, there is a panel that is appointed at a specific rate which is affordable to the city. That is where I came in.

**ADV SELLO SC:** And that was the extent of the amendment?

**DR MASHAZI:** Correct, Ma'am.

**ADV SELLO SC:** But otherwise, besides directing that appointments be made from the panel, the attorneys panel, you did not affect any other changes?

**DR MASHAZI:** Changes in relation to his powers.

**ADV SELLO SC:** Yes.

**DR MASHAZI:** I do not recall. Can we see his  
10 ...[incomplete].

**ADV SELLO SC:** Okay, let us see. We will do so with reference to Nciza's statement. If you can get your hands on Nciza's statement. Not the annexures just the statement.

**DR MASHAZI:** Page.

**ADV SELLO SC:** And if you are there you can go to page 24. And from paragraph 74, in this statement, Mr Nciza deals with the ...[indistinct]. And just to summarise what this testimony is, is that these emails were received for  
20 personal entity ...[indistinct] on the 20<sup>th</sup> of August 2023. And if you look at paragraph 76, besides, he quotes the email, but my interest is at page 25. My interest is at page 25. The last line of the italicized quotation there, which reads:

"I am told from reliable sources that

Imogen Mashazi, who is the city manager, is the one who is protecting Julius Mkhwanazi.”

Now, this, they have excised that from the actual Bhixi-Bhixi email received. And if you look at paragraph 74, Mr Nciza testified that you were copied on this email. And the subject line of the email was favouritism and corruption within the city. So, this happens on the 20<sup>th</sup> of August 2023. Mr Nciza suggests that on the 21<sup>st</sup> of August 2023,  
10 you called for a meeting with *inter alia* him. And I want to check whether, did you?

**DR MASHAZI:** The answer is no.

**ADV SELLO SC:** So, at paragraph 79, page 25, when Mr Nciza says:

“That very morning, I received a call from Ms Gxasheka instructing me to drop everything and immediately get to the office of the city manager, then he had to go there.”

20 So that meeting, did that meeting take place?

**DR MASHAZI:** I do not recall, and I cannot comment on his, I need proof from him that meeting occurred and where and what time.

**ADV SELLO SC:** Do you recall such meeting occurring in the 365 days of 2023? Not necessarily the date he is

giving, in any day of 2023. You make your election of 365 days of 2023. Do you recall having a meeting as described by Mr Nciza in that year?

**DR MASHAZI:** I do not.

**ADV SELLO SC:** You do not?

**DR MASHAZI:** Yes.

**ADV SELLO SC:** Completely and utterly. So, it was purely coincidental that the Bhixi-Bhixi emails come in. And that in those emails, it is alleged that you specifically as the city  
10 manager, the one protecting Julius Mkhwanazi. The next day, this meeting is called, and according to Mr Nciza, at 82, he arrived in Germiston to your boardroom. You asked if he knew Bhixi-Bhixi. He denied knowledge. And you accused him point blank that he had leaked the charge sheet to Bhixi-Bhixi, alternatively that he, Mr Nciza, is Bhixi-Bhixi. You deny all that.

**DR MASHAZI:** I do.

**ADV SELLO SC:** So, you effect the amendment on the next day, on the 22<sup>nd</sup> of August. And the effect of that  
20 attorneys that you have just spoken to, which earlier you said was all about how to appoint attendees, resulted in stripping Mr Nciza of all his powers regarding appointment of attorneys. How did that come about? And why was it relevant to do so?

**DR MASHAZI:** Okay, thank you very much. Now you give

me an opportunity to address this thing fully. Mr Nciza ...[intervenes]

**ADV SELLO SC:** What will not happen? I am sorry, Dr Mashazi. I am not giving you a platform to have a rally. I asked you a specific question. So far, you did not recall. I am asking you a specific question. Why did, on your own version, if your version is that you were doing so as a cost-cutting measure to ensure that only persons or attorneys listed on the approved panel are appointed, why did it  
10 require such an extensive amendment to the point that it stripped Mr Nciza of all his powers to appoint? Where is the connection between what you allege at 115 and the effect that it had on Mr Nciza?

**DR MASHAZI:** So, you take the connection that I did this to protect to protect Mkhwanazi so that Nciza does not appoint attorneys. Is that your assertion?

**ADV SELLO SC:** I do not have an assertion. I am telling you what Mr Nciza says. You do not recall. I am telling you what Mr Nciza says the effect is. You do not recall. I go to  
20 the statement you made to say mine was just a cost-cutting exercise. And I say I do not understand why that cost-cutting exercise, as you have alleged, could in any manner result in Mr Nciza being stripped of his powers. Now you turn around and say this is a good opportunity to address. And I am stopping you from any address that you want to

make. You can make the address at a different time. But for the moment, I need an answer to my question.

**DR MASHAZI**: Okay, the answer to your question is Mr Nciza had an opportunity for a year to concord his statement and correlate all the documents that are here. And I was given two days to actually respond to all the allegations that they made. That is my answer to that. And I cannot accept that there is correlation between the cost-cutting measures that I am indicating in my statement and  
10 the relationship between the Bhixi-Bhixi and Mr Nciza's accession. I do not accept Mr Nciza's accession, and I do not want to comment on it. And I am not accepting that there is correlation of my response or my ability to cut costs in terms of legal fees as a way of protecting any person and as a way of actually curtailing powers of an individual. I reject the accession.

**CHAIRPERSON**: Did you, Dr Mashazi, did you substantially curtail Mr Nciza's powers?

**DR MASHAZI**: No, Commissioner.

20 **CHAIRPERSON**: So, he was not telling the truth when he said you did.

**DR MASHAZI**: That I did curtail the powers. I only addressed the issue of cost, Commissioner, where I was concerned. And if you can look at our financial statement or at our finances or in terms of quarterly reports, always

on an annual basis when we do our adjustment budget, the department, especially labour relations, they request additional amount because they cannot pay lawyers.

The cost was very high. And the cost in terms of payment of lawyers that are dealing with labour cases were not affordable to the city. Hence, I suggested and I recommended that all the departments, whether it is a divisional head, whether the division is employee relation or whatever, they should actually use the panel of attorneys  
10 that are appointed by council at a rate that is affordable to the city. This is the only power, the so-called power, that I am alleged to have curtailed.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Thank you, Chair. Just to close on this then, at your paragraph 115, page 20, you assert that the primary purpose of the amendment was to curtail escalating legal costs. You do not have to go there. But I want to refer you to a document in Mr Nciza's annexures. And it is annexure PN13, starting at page 311. Please go there.  
20 Page 311 of Nciza's annexure. It is Annexure PN13 for the record. It is a three-page document. And if you go to page 313, you confirm that is your annexure at the bottom of that page. And it is dated the 22<sup>nd</sup>, August 2023.

**DR MASHAZI:** Correct, Ma'am.

**ADV SELLO SC:** That is your signature, correct? Dr

Mashazi, do you confirm that is your signature?

**DR MASHAZI**: Yes, it is my signature.

**ADV SELLO SC**: So, this document is then the amendment that we have been talking about.

**DR MASHAZI**: Correct.

**ADV SELLO SC**: Now, at 115, you say the purpose was to curtail escalating legal costs. I want to read a portion for you from that document. And I am at page 312. At page 312, there are two bullet points followed by two paragraphs  
10 before the numbered paragraphs begin, starting with A1. Do you see where I am?

**DR MASHAZI**: Yes.

**ADV SELLO SC**: The paragraph immediately above A1 reads as follows:

20 “To usher in expeditious, credible, consistent, and uniform management of discipline within the municipality, the following persons are hereby delegated to perform the above listed functions, as well as all other functions connected therewith as appears from the collective agreement in that regard, as the municipal city managers authorise representatives.”

And then you list. And Mr Nciza contends that it is that part

of the delegation, listing A1 to I at page 313, that had the effect of stripping him of all his powers. If one casts a general, a very cursory eye over this document, nowhere does it suggest that its purpose, primary or otherwise, was to curtail escalating legal costs. Why is the issue of costs not part of this amendment or amended delegated powers matrix?

**DR MASHAZI**: Mr Nciza, at his level, as I indicated, that he appointed ...[intervenes]

10 **ADV SELLO SC**: I would like us to confine ourselves I am under serious time pressures I am so sorry. We still have a question to deal with before lunch. I am confining myself to your 115, where you say the primary purpose was to curtail escalating legal costs. And I am putting it to you that that is one thing that is missing in this amendment created and drafted by you. And I would like to invite your comment on that. You can cast your eye over it. And if I am wrong, I will happily accept if you point me to the part where it speaks of curtailing legal costs.

20 **DR MASHAZI**: Okay, this delegation, if you are delegated to appoint presiding officers, obviously you will decide in terms of who you appoint. And secondly, you use those, you use your powers to actually decide on the payment fees, payment structure, payment structure. So, Mr Nciza used to appoint attorneys, presiding officers and so forth,

and use his own legal structure, legal fee structure sort of.

So, the purpose of curtailing these powers, they are mainly related to cost cutting. And for the fact that it is not explicit in the document that the aim was to curtail costs, but the aim was to curtail these powers for any person to decide on who to appoint, and to decide on a fee structure, which was problematic for the city. So, if the fee structure and the actual appointment are not actually related according to the question asked, and the issue of fees or  
10 costs being cut is not explicit in the document, it is unfortunate.

**ADV SELLO SC:** Is it implicit? You say it is not explicit. Is it implicit? And from which wording can it be implied?

**DR MASHAZI:** I do not have comment on that. I have explained that curtailing these powers, he had powers to appoint attorneys, and he had powers to use his own fee structure. And for me as an accounting officer, responding to the issues of this nature, I had to do something, that even the appointment of those, remember before you pay  
20 anyone, or before you decide on a fee structure, you should start by appointing an attendee.

**ADV SELLO SC:** Yes.

**DR MASHAZI:** And then you decide on a fee structure. Hence my comment in terms of my statement to say the main aim of changing this was to actually deal with the

issue of the budget.

**ADV SELLO SC:** Thank you.

**ADV BALOYI SC:** Dr Mashazi, in that page 312, just above A1, number A1, that seems to set out the purpose of these changes that you are introducing. And I will assist to read it. It says:

10                   “To usher in expeditious, credible,  
consistent, and uniform management of  
discipline within the municipality, the  
following persons are delegated to  
perform the above functions, as well as  
other functions that appears from the  
collective agreement.”

And you list who is authorised to do what. So, in that paragraph, you clearly set out what is the purpose. There is no indication of budgetary or cost considerations, one. But two, even these people that you are authorising here, nowhere does you say their powers to determine what to pay is in any way constrained. So, I mean, this does not  
20 speak to what you are saying at all. Do you accept that?

**DR MASHAZI:** What I am saying, Ma’am, is that before you could appoint an attorney, obviously you need to go through the processes of appointing an attorney and also look at the fee structure. So, you cannot just come and say you want to pay this person this amount. Or you cannot even choose

the kind of attorney you want. You need to go through the panel. That is why the function was centralised to the HOD, because she must account to the budget, and she must account to the processes.

**ADV BALOYI SC:** Yes, I guess what I am trying to clarify is if the purpose of these changes was to manage the appointment of attorneys from the panel, to make sure they are appointed from the panel, and that a particular fee structure is followed, why did not you just simply do that  
10 and say Mr Nciza, with effect from day so and so, you will only appoint from the panel, and you will appoint in accordance with this approved fee structure? I mean, this seems to be quite a convoluted way to go about it, if all you were doing was to manage budgets and the power to stop the power to appoint outside of the panel.

**DR MASHAZI:** Yes, thank you, Chair. I did not want to go deeper into HR matters. Mr Nciza has a history of appointing one single firm, which is Zebediela Attorneys. He had that challenge. And the fees were exorbitant in  
20 terms of his fee structure. And we advised him that please use the panel of attorneys, even though he was advised by his HOD to use the panel in the corporate and legal department.

He used them, but he paid them differently. The fee structure was different. Hence, the escalation of this

legal cost continued to a state that we failed to actually pay other attorneys in terms of the services that they bring to the municipality. So, we had to do something from the accounting level to ensure that even in the process, there is credibility. And from the top of my head, Mr Zebediela never won any case. And at some point, he did not even attend the court case where the accounting officer was issued with summons.

**ADV BALOYI SC:** Okay, let us not speak about Mr  
10 Zebediela, who does not have a right of reply. But you have answered me. Thank you.

**DR MASHAZI:** Okay, thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. Unless there are questions from Commissioners on this question, I am moving on to the next question, which is my last question. And that is question 13, Dr Mashazi. It starts at your page 24. This is in regard to Chief Mapiyeye's suspension on 25<sup>th</sup> September 2024. And in particular, it invites you to provide the reasons, basis, and necessity  
20 thereof, including factors taken into consideration in suspending him.

That is on the one hand. You are further requested to provide all council resolutions concerning the allegations of sexual harassment against a fellow officer levelled against Chief Mapiyeye and the subsequent disciplinary

processes initiated on 20 November 2024. It is quite a compound question. You respond quite extensively to that question, starting from your paragraph 144 to 167. Before we get to your answer, I would like to refer you to Chief Mapiyeye's statement, because I have a request to make to you.

**DR MASHAZI:** Page?

**ADV SELLO SC:** Yes, I am going to take you to the page. And page 30 of Mapiyeye. And under a heading titled  
10 Laying of Trumped-up Charges Against Me, he deals with this issue of his suspension from paragraph 112 to 115. So technically in four paragraphs. And I want you to satisfy yourself that in dealing with his suspension and the basis thereof, he does not mention any names of any ladies affected by the charges brought against him. And he did so deliberately.

And I will confirm that in his oral testimony, he also did not mention any names. And so far, as I am concerned, I think that is an appropriate approach. The issues that are  
20 sought to be interrogated can be so interrogated without naming names. I see in your statement, however, you introduce the victim's name or victim's names. And I reference you Chief Mapiyeye's statement and also his testimony.

To implore you to resist the urge to mention the

specific people by name. But otherwise, you may deal with your response in its entirety. As I understand, one or some of them may be mothers and wives. And perhaps to avoid unnecessary embarrassment, whether to themselves directly, their families or their children. To suggest that we can deal with the issues without mentioning their names. They are in your statement. And if you agree with my proposition, then their names will be duly redacted from your statement. Are we able to approach the matter on that

10 basis?

**DR MASHAZI**: Agreed.

**ADV SELLO SC**: Thank you. Then you may address the questions posed to you. You start at paragraph 144 to page 167. And I invite you to deal with those questions in the manner that is most comfortable for you. Thank you.

**DR MASHAZI**: Okay, the first question is about the victim that submitted a formal complaint to me containing extremely serious allegations of sexual harassment, coercion, intimidation and abuse of authority by the Chief of  
20 Police. Upon receiving this complaint, I immediately forwarded the matter to the Executive Mayor of the city of Ekurhuleni.

And in terms of the processes of the city, the report, my report to the Executive Mayor must be accompanied by this formal complaint and a report. Or the

report must include the formal complaint as an attachment, which I did. The complaint came to me, I think, in July 2024. I struggled to convince the Executive Mayor to entertain the report as I believe that the report has serious misconduct against a senior official.

And it is my responsibility as an accounting officer in terms of the code of conduct of senior managers that should I become aware of any misconduct, I should immediately report to council, which I did. But the process  
10 of reporting to council, I must first go through the mayoral committee and I was blocked. I received the complaint in July.

I thought this report would serve in the mayoral committee end of July. Unfortunately, I was blocked. And I tried again in August to submit the report to the mayoral committee. The first time it was never even entertained. The second time, the mayor was in Cape Town and there were a mayor and he said he would rather wait for the mayor to address the issue.

20 Then before, because I had the pleasure of dealing with this, because I am supposed to deal with this matter within a specific period. And I decided to take the report straight to council because the legislation does allow that if you are blocked by the executive, the responsibility of disciplining senior managers lies with the council. Then I

took the report straight to council.

Unfortunately, there was a backlash. Council could not accept the report. They had to take the report back to the mayoral committee for the mayoral committee to consider the report. Before the consideration of the report, I was called by the Mayor and the MMC finance and a guy called Absalom Budeli from ANC, indicating that I should stop the process of disciplining or saving the report to council about the misconduct, the sexual harassment  
10 misconduct of Mr Mapiyeye. In that meeting, they also suggested that I should take special leave, that is from end of September until December.

And then after December, the Mayor would consider paying me out the remainder of the term according to my retirement age. In that meeting, I indicated to them that MMC finance said I undermined their authority as leadership of the ANC and they are in charge of council. I undermined their authority by taking the report direct to council. And in my response, I indicated that you guys frustrated me for two  
20 months and this is a pressing matter. The subordinate in question is working in the office of the Chief of Police.

And for us to protect the subordinate and to actually address the matter properly, we need to go through to council and ensure that council satisfies itself and determine whether the Chief of Police should be put on

precautionary suspension or the Chief of Police should be disciplined. The meeting did not end well, and I refused to take special leave. I indicated to the Executive Mayor that I am retiring end of July, and I will not take any leave. I am going to continue to work. But I agree with you that you want, you need changes. And I will ...[intervenes]

**CHAIRPERSON**: Dr Mashazi, at a convenient point, perhaps not more than a sentence, can you please stop? We need to deal with something.

10 **DR MASHAZI**: Okay.

**CHAIRPERSON**: Can we stop at this point?

**DR MASHAZI**: Agreed.

**CHAIRPERSON**: May we stop at this point?

**DR MASHAZI**: Agreed, Chair.

**CHAIRPERSON**: All right. We will come back when? Yes, maybe five minutes, give or take.

**DR MASHAZI**: Five minutes.

**ADV SELLO SC**: Thank you, Chair.

**INQUIRY ADJOURNS**

20 **INQUIRY RESUMES**

**CHAIRPERSON**: Doctor Mashazi, you were still speaking.

**MABOIKANYO IMOGEN MASHAZI** (warned)

**EXAMINATION BY ADV SELLO SC (CONTINUED)**: And perhaps to try and orientate you, Doctor Mashazi, you were talking about your own personal issues, I think, at the point

we had adjourned, where it was suggested to you that I think you go on special leave, and you indicated that you rejected that offer. So you may take the conversation from there.

**DR MASHAZI:** Ja, I am trying to demonstrate that my challenges came when I wanted to suspend Chief of Police, and which was my responsibility as an Accounting Officer to bring to the attention of Council. Nonetheless, the report went to Council, finally, and subsequent to that, Council  
10 considered the report and deliberated upon the allegations, and the Chief of Police was, I wrote a letter to the Chief of Police to, for the intention to suspend him, post-Council resolution, or post-Council meeting.

The annexures that are attached in terms of the Council resolution, in terms of his suspension, he subsequently went to the Labour Court, to the Bargaining Council, to challenge his suspension. Unfortunately, the suspension was upheld by the Bargaining Council, and he continued to be on suspension.

20 Then Council requested that we, I reported to Council within 30 days, in terms of the progress which we did, where Council decided that he should be, during the Council meeting of October, that the Chief of Police should be formally disciplined. That is the decision, and we have actually attached an annexure to support the notion that

Council did not authorise the Accounting Officer to discipline the Chief of Police. It is Annexure IM25.

November the Chief of Police, 18 of November, Chief of Police was issued with a notice to attend the disciplinary hearing, and that is where I end, in terms of my response.

**ADV SELLO SC:** Thank you. You have annexed as Annexure IM26 to your statement, the charge sheet served on Mr Mapiyeye, regarding the sexual harassment  
10 allegations profiled against him. Is that correct?

**DR MASHAZI:** We agreed that what was required was the Council resolution, and we withdraw this. I am not sure whether you still recall that you indicated that what was required was the actual Council resolution, which were questioned by the Chief of Police, and we agreed that we no longer use this as an Annexure, am I correct?

**ADV SELLO SC:** No.

**DR MASHAZI:** Okay ...[intervenes].

**ADV SELLO SC:** No, we are dealing ...[intervenes].

20 **DR MASHAZI:** Okay, let me withdraw.

**ADV SELLO SC:** Okay, no, that is fine. That is fine.

**DR MASHAZI:** Let me withdraw.

**ADV SELLO SC:** No, I think what we agreed on is when we get to the charges ...[intervenes].

**DR MASHAZI:** Ja.

**ADV SELLO SC:** Proffered against Chief Mapiyeye, we will not mention the names of the ladies impacted, that is the agreement, but not that we are not dealing with your response and your allegations against Mr Mapiyeye, and it is important that we do so because when you started your testimony, that is precisely where you started, to complain about the predatory nature of Chief Mapiyeye over an extended course within the department.

And in response to some of the issues arising there  
10 from yesterday, you indicated that you will articulate better or say more when we deal specifically with this question, so we are there, and you actually justified your references to Mr Mapiyeye's unacceptable conduct in harassing female members, and you specifically made reference to his subsequent suspension from the 24<sup>th</sup> of September, as validation of the claims that you make at your paragraph 50.1, where you say it has been widely reported to you that Chief Mapiyeye fathered multiple children with subordinates, sexual harassment, coercion and rape.

20 You remember there was a bit of engagement between yourself and the Commissioners on those allegations, and specifically what you did, and you and I also had an engagement on that. And yesterday you said you will deal more with these issues to demonstrate that you took them seriously.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** That you subsequently suspended him, and you initiated disciplinary proceedings.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** So what we have just dealt with now is the second half of that question which basically sought to establish whether Council had authorized, and you have demonstrated that Council had duly authorized that, firstly, an investigation be undertaken, and, secondly, having been  
10 persuaded, I will not say by you, but I would say by report to Council, that the allegations were serious enough that they justified approval to initiate disciplinary processes, which you duly subsequently did. Are we still together thus far?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** So now we are at this part where we are looking at these charges. I take it because you suspended him, he reports to you, and based on his seniority you kept yourself informed of the progress of that disciplinary  
20 process, did you? Well, not chapter and verse, but you know, in essence. He being your direct report, you would want to know progress, because he cannot forever be on suspension.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Yes. So did you keep “an eye” on the

matter in the manner that I have suggested?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** I am going to share a quick file, it is an exhibit file of documents we have put together. It will be distributed shortly. These are documents pertaining to this very charge, these very charges that you speak of, and in particular they will deal with the rape allegation that you spoke to at length yesterday, that were levelled against Mr Mapiyeye. So just a pile of documents and I will tell us  
10 where to go at which juncture. One for the witness and three for the Commissioners, please. And that is the Commission's exhibit bundle.

Chair, how do we mark it? Do we call it ...[intervenes].

**CHAIRPERSON:** You should have been keeping the running exhibits list.

**ADV SELLO SC:** Let me just check. I am told that the next number is CJC52A.

**CHAIRPERSON:** CJC what?

20 **ADV SELLO SC:** CJC52A. I am reliably informed.

**CHAIRPERSON:** Let us trust you on this.

**ADV SELLO SC:** I am trusting Advocate Motlhasedi and I see Commissioner Baloyi also nodding and ...[intervenes].

**CHAIRPERSON:** So marked. So marked.

**ADV SELLO SC:** Thank you, Chair.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Now, the, you annex the charge sheet of about 12 counts and that charge sheet you have marked IM25.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** I apologize, 26, IM26. And this deals with misconduct by Chief Mapiyeye spending a period of at least 13 years from 2011 to 2023 or 2024 on my last count, is that correct, give or take a year?

10 **DR MASHAZI:** Correct.

**ADV SELLO SC:** Is that a fair assessment?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** And where, yes, count one is said to have arisen on or about 2010 or 2011. That is count one.

**DR MASHAZI:** Yes.

**ADV SELLO SC:** The last count, and they go sequentially as, I think count number 11 or 12 at page 113 and now the date there is the 29<sup>th</sup> of July 2024 and every other date in between to give cumulatively about 12 charges,  
20 independent charges of sexual harassment and rape. Am I correct?

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Are you aware, and this is dated the 20<sup>th</sup> of November 2024, he having been suspended on the 25<sup>th</sup> of September 24<sup>th</sup>.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** The document you have annexed also includes a notice to appear in a disciplinary hearing and that appearance was scheduled for the 28<sup>th</sup> of November 2024.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** Do you confirm that that hearing was held on the scheduled date or soon thereafter? To your knowledge, was it held?

10 **DR MASHAZI:** Can you repeat the question?

**ADV SELLO SC:** Was that hearing that was scheduled for the 28<sup>th</sup> of November 2024 proceeded with? Was it held on that scheduled day?

**DR MASHAZI:** I do not recall.

**ADV SELLO SC:** You do not know. Are you aware, and before we deal with this, I must place on record that Chief Mapiyeye was much as he is aggrieved, rightly or wrongly, and that is not the issue really, he was very hesitant to deal with these matters and that is why, hence the brevity in his  
20 statement to mention purely that he was suspended, subjected to the process and the process is ongoing. And the reason he advanced for the brevity is that he did not want to seem to be abusing this process, this Commission, for labour matters that already are being addressed in an appropriate form. That was his explanation. And he

resisted and indeed did not go into detail about these matters.

But now that you brought them to the fore, I think it is only appropriate that the fuller picture be provided because I believe you do not provide as full and as truthful a picture as I believe you are able to at most, or at the very least you ought to be able to, because you were the City Manager, so I propose to assist you in that regard.

Are you aware that on the 23<sup>rd</sup> of January 2025, in  
10 the course of that hearing, the Prosecutor against Mr Mapiyeye filed an amended charge sheet and that appears in Exhibit, I have just given you at page 70. Do you want to satisfy yourself? And at page 70 there was a serious culling of the charges and to reduce them from the original number of 12, 11 and I say 12, 11 because of how they are structured. It is supposed to be two charges, charge 1 having multiple counts, 11 counts, and then there is charge 2 separately.

So you know for ease of reference let us call them  
20 12 charges. When these were amended, if you read Annexure 7 of, Annexure 8 of the exhibit from 17, certain counts and the facts originally pleaded to support those counts have been culled and there is been a reduction. Would you have a difficulty with that proposal?

**DR MASHAZI:** I will, Commissioner, because the issue of

DC, it is handled by the Department of HR together with the attorneys. We appoint external attorneys, one, to prepare charges, two, to participate in the disciplinary process of a senior manager.

**ADV SELLO SC:** Yes, but you brought the charge sheet to this environment, to this forum. Mr Mapiyeye did not. You brought it and I am saying if we are going to talk about charges levelled by the City of Ekurhuleni under your guidance against Chief Mapiyeye, it is only fair that we deal  
10 with them in their entirety, otherwise we are treating Chief Mapiyeye unfairly. Whether or not he is guilty of these charges is neither here nor there. It is how we treat him. You brought it, we deal with it.

So I do not know how you got hold of that charge sheet but I accept somebody in the department would probably have shared it with you and you shared it with the Commission. Did they share with you the amendment of the 23<sup>rd</sup> of January 2025?

**DR MASHAZI:** No.

20 **ADV SELLO SC:** They did not. Did they share with you the amended charge sheet of 4<sup>th</sup> of June 2025 appearing at page 17 of the exhibit under tab III?

**DR MASHAZI:** No.

**ADV SELLO SC:** And I would like to invite you specifically to that amended charge sheet. This is the latest charge

sheet dated 4<sup>th</sup> June 2025. According to Chief Mapiyeye in his statement at paragraph 113, he stated that:

“The leading of evidence has concluded in this matter and heads of argument have been filed during October 2025. Argument is set down for 14 November 2025.”

So by June, one would take it that significant evidence had been led, because by October the same year, heads are being filed and are set down for argument for the 14<sup>th</sup> of November as agreed upon. So if we go to the latest amended, and I would like to invite you to that document.

**DR MASHAZI:** Page?

**ADV SELLO SC:** Page 17 please, under tab IV.

**DR MASHAZI:** 17.

**ADV SELLO SC:** 17. One seven, sorry.

**DR MASHAZI:** Which document?

**ADV SELLO SC:** At the exhibit, the one that just got distributed.

20 **DR MASHAZI:** Oh, this one?

**ADV SELLO SC:** Yes. The tabs are marked ...[intervenes].

**DR MASHAZI:** [Indistinct]... [cross-talking] this one.

**ADV SELLO SC:** They are numbered 1, 2, whatever.

**DR MASHAZI:** And then the name is file 3?

**ADV SELLO SC:** Yes, file 3, you are correct.

**DR MASHAZI:** Oh, Doctor Mashazi.

**ADV SELLO SC:** Yes.

**DR MASHAZI:** Okay, page 17, one seven.

**ADV SELLO SC:** Let us take a step back perhaps for a second. Let us start at 23, because that is the one we dealt with but clearly you are looking at the wrong file, so just to make sure. At page 23 under tab V, it reads, it is a document that is headed “Amended Charge Sheet in Respect of Disciplinary Hearing” and you can tell that this is  
10 between the Metro and Chief Mapiyeye.

Now, if you go to the first paragraph of that document, the heading, you know, the tramlines, it reads:

“Kindly take notice that the disciplinary hearing charge sheet that was served on you on 20<sup>th</sup> November 2024 and which hearing has now been confirmed and agreed between the Municipality and your legal representative, the details ...”

20 Last sentence of that paragraph:

“Is hereby amended in the respect set out below.”

Then the document itself reflects the amendments effected, the detail of which is not particularly necessary at this juncture, okay.

So then I invite you to page 70. Page 70, there is another charge sheet in tramlines under tab VI. Oh, sorry, tab VIII. In tramlines, it reads:

“Final amended charge sheet in respect of disciplinary hearing, incorporating the handwritten amendments to charges effected on 23-01-25.”

You see that?

**DR MASHAZI:** Yes.

10 **ADV SELLO SC:** So that is a further amendment in January 2025.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** But the most important one I am interested in is the one at page 17 under tab IV, which is a further amendment. And once again, the heading of that one is:

“Final amended charge sheet in respect of disciplinary hearing dated 4 June 2025.”

20 So earlier when I said to you that the original charge sheet is the 20th of November, then it goes through various iterations and amendments, with the last one being the one dated the 4<sup>th</sup> of June 2025 at page 17. Now I want to invite you to consider page 19 of that document. You can look at 18, there is charge 1. At 19, from paragraph 4,

it sets out the charge and that is in relation to events that, according to this charge, arose on or about 2011.

It has got some subs, so it is the one charge. And then it has a new heading:

“Nature and impact of the conduct  
aforesaid”

Then overleaf, it is a space for signature. So between the 20<sup>th</sup> of November, where the Prosecutor started with 12 charges, spending a period of 13 years, you accept  
10 that by the 4<sup>th</sup> of June, that charge sheet had been significantly amended to retain one charge of events arising from 2011. If you cast your eye on that charge ...[intervenes].

**DR MASHAZI:** Page 90?

**ADV SELLO SC:** Page one nine, yes.

**DR MASHAZI:** 90?

**ADV SELLO SC:** One nine.

**DR MASHAZI:** Which document?

**ADV SELLO SC:** 19.

20 **DR MASHAZI:** 19. Maybe I am ...[incomplete].

**ADV SELLO SC:** One nine.

**DR MASHAZI:** One nine. Okay, charge?

**ADV SELLO SC:** Yes, where, if you, it starts at one seven, that is the final amended charge sheet dated 4<sup>th</sup> of July 2025. And the detail of the charge remaining is at page 19.

And if you look at item 4 there, it gives the detail of the conduct complained of. The only point I seek to make there is that it arose from 2011, in some date in 2011. Do you see that?

**DR MASHAZI:** I am sure we are not using the same document.

**CHAIRPERSON:** It is the last document you were referred to.

**DR MASHAZI:** Yes, I ...[intervenes].

10 **CHAIRPERSON:** You asked what document Advocate Sello was referring you to. She told you ...[intervenes].

**DR MASHAZI:** It is fine.

**CHAIRPERSON:** It is that last document. She has not changed. She has not changed, the last document.

**ADV SELLO SC:** What page are you on? Sorry, Chair ...[intervenes].

**DR MASHAZI:** One nine.

**CHAIRPERSON:** Yes, and do you have paragraph 4 at the top?

20 **DR MASHAZI:** Yes, I do have.

**CHAIRPERSON:** Ja, so the charge Advocate Sello is referring to paragraph is paragraph 4 and the sub-paragraphs, sub-paragraphs and sub-sub-paragraphs under 4.

**DR MASHAZI:** Thanks. Thanks.

**ADV SELLO SC:** Okay.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** So if you go back then just to orientate you, you will see at page 18 it has got a heading before item 3 that says “charge 1” and the detail of that charge is what i's set out at item 4, page 19 and this relates to events arising in 2011.

**DR MASHAZI:** Correct.

**ADV SELLO SC:** When you look at that charge, you  
10 confirm that it does not involve allegations of rape?

**DR MASHAZI:** Allegations of?

**ADV SELLO SC:** Rape.

**DR MASHAZI:** Yes.

**ADV SELLO SC:** This charge ...[intervenes].

**DR MASHAZI:** Can I explain?

**ADV SELLO SC:** Yes, ma'am.

**DR MASHAZI:** Rape, I indicated that rape was reported this year, July and this charge sheet, these charges were actually drawn in 2024 post the suspension.

20 **ADV SELLO SC:** If your statement at paragraph 144, no, no, I am looking for your rape claim specifically.

**DR MASHAZI:** 50.1. Is it 50.1?

**ADV SELLO SC:** Ja, we can have that one, but in the list of charges brought against Mr Mapiyeye, one of them was a charge of rape and that you will find in your Annexure IM26

at page 102, and that is count 8.

**ADV KHUMALO SC:** Ms Sello, page 26, paragraph 163, it seems to me that you and the witness are on the same page because in her statement, she only lists one charge. She says, I am advised that Chief Mapiyeye currently has the following charge and count against him and that is the count and it is one count on 163.

And then where the two of you maybe are losing each other was the witness's last answer where she says,  
10 the allegation of rape was only made in 2025. So when the charge sheet you are referring to was drafted, it does not include that, because this is now 165 in the statement. So I think that is where the two of you were ...[intervenes].

**ADV SELLO SC:** Perhaps, perhaps and I accept that. And I think the misstep was caused by the fact that the original statement had quoted all the charges in their entirety. The signed statement, which is the updated statement from yesterday, there is an indication that only one charge remains. But that is a charge of 2011, right. And if we go  
20 back to your Annexure, IM26, I just want us to agree on record at page 102, that the charge of rape appear, was count 8 and related to an incident of October, 2023. You are looking at me and not the document.

**DR MASHAZI:** Yes, I am looking at you. We have agreed yesterday ...[intervenes].

**ADV SELLO SC:** Okay. So you accept that that charge was withdrawn?

**DR MASHAZI:** Ja, we accepted that we are going to concentrate on the amended charges. Can we talk to the charges?

**ADV SELLO SC:** There is only one charge left. I want us to ...[intervenes].

**DR MASHAZI:** Yes, can you ...[intervenes].

**ADV SELLO SC:** Agree that the rape charge that you  
10 spoke so much of yesterday was in fact in this process withdrawn and that is charge 8. And I am ...[indistinct]  
[intervenes].

**DR MASHAZI:** [Indistinct]... [cross-talking].

**ADV SELLO SC:** Yes, so it was withdrawn except you omitted to draw to the attention of the Commissioners yesterday that the rape charge that you spoke so often about was in fact withdrawn.

**DR MASHAZI:** And I indicated that the victim should be afforded an opportunity to come and speak for herself,  
20 which she agreed.

**ADV SELLO SC:** And I think that is correct ...[intervenes].

**DR MASHAZI:** About the rape and the case.

**ADV SELLO SC:** That is correct ...[intervenes].

**DR MASHAZI:** And I am not going to talk about it because I was not there.

**ADV SELLO SC:** Then you simply should not have brought it to this Commission if you cannot talk about these things. It is only appropriate that you should not have. But you did and you spent time on your paragraph 50.1 where you unpacked these issues.

**DR MASHAZI:** And I supported my statement by saying I will request that the victim should come and respond for herself. I remember vividly that I supported and qualified my statement when I made this allegations that the victim  
10 will therefore come and speak for herself.

**ADV SELLO SC:** Okay, perhaps it is, I will stop it there. You brought up these issues and I submit for your own, and forgive me if my choice of words is not right, ulterior purposes, and when you are confronted with them and you are asked to clarify, then your response is that the victim must come. This Commission is not interested in subjecting victims to secondary abuse, which appears to be a solution to the problem as far as you are concerned.

If you could not speak to them as a City Manager, a  
20 person of your seniority, involving junior members in the Force, you ought to have applied better judgment before you drag their names before this Commission. And when you cannot answer the questions further, you then say they must come themselves and speak to these issues. They never invited themselves here. And why should the

Commissioners do? That is highly irresponsible of you, Doctor Mashazi.

**DR MASHAZI:** Can I remind you that in terms of the invite to this Commission, I was afforded an opportunity to call any witness if I want to and I have chosen to call this witness to come and testify on the issues that I have raised, especially the issue around rape and the issue around harassment.

**ADV SELLO SC:** But you ...[intervenes].

10 **DR MASHAZI:** Unless I was limited not to invite certain witnesses.

**ADV SELLO SC:** No, you invite, you ask witnesses to be called to speak on your behalf. An allegation of rape by a junior member in the Force has got nothing to do with you and that witness cannot come and testify to that issue because you did not suffer that indignity. So you misunderstood the rule, because clearly you understood it to mean you will throw mud at everybody and if it does not stick, you will get a witness out of some, drag some witness  
20 out of a hole to present them before this Commission so that your personal objectives are met. That is not what the rule intended. It intended for you to be able to call witnesses in your defence. These issues have got nothing to do with your defence.

You, perhaps that is what your programme does.

You used a junior's misfortune for your own purposes before this Commission. It is sad enough. I do not want to engage on it and I think as we leave here today, you should really go reflect and engage with this poor lady and stop using her or attempting to use her, because we will not permit you to use her in this environment. But please do not try and use her for these purposes. Thank you.

**DR MASHAZI**: Okay, can I pose a question? That Chief of Police was allowed to call Thepa as a witness and I am not  
10 allowed to call anyone to collaborate with my story. It is unfortunate, I accept it. I do not want to change the rule of the Commission, but it is unfair on my part if I am limited in terms of choosing the kind of witness that I want to choose. And she was prepared to come and respond because there was allegation here in terms of Chief's assertion, the file that you gave me from Chief, that she accepted that she has actually withdrawn the case. And it is important for the Commission to actually listen to her side of the story, irrespective of how your understanding is in terms of me  
20 using a junior to come and collaborate with my story.

And I want to actually indicate that before ...[indistinct] came and made allegations against me, it took them a year to actually prepare those testimonies. They prepared over a year and I was only allowed to prepare for two days to create my own statement. And I was allowed, I

am allowed now to respond to these allegations that we made against me in two days.

**CHAIRPERSON:** Doctor Mashazi, let me just correct one error. You say Mr Mapiyeye, Chief Mapiyeye was allowed to call Ms Thepa as a witness and you then ask why are you not allowed to call a witness. Here is the error you are making. Ms Thepa was not called by Chief Mapiyeye. She was called by the Evidence Leaders on behalf of the Commission. And the fact that we allowed her testimony to  
10 be led is because we found that her evidence is relevant to the terms of reference. So just to disabuse your mind on the idea that she was called by Chief Mapiyeye, she was not.

**DR MASHAZI:** Thank you, Commissioner.

**ADV SELLO SC:** Commissioners, unless Doctor Mashazi would like to add anything or Commissioners have questions to Doctor Mashazi, that is the testimony of Doctor Mashazi before this Commission. Thank you.

**ADV BALOYI SC:** Doctor Mashazi, on this topic that you  
20 have been discussing with Ms Sello, you have attached, you have given us as part of your documents, IM28, if you go to your annexures, which is a letter from your attorneys to the Commission. But maybe even before I raise with you what I want to raise about this, let me first maybe just to clear what I think may be a misconception from what you have

repeatedly said from yesterday.

You, about the opportunity that you have had to prepare, your attorneys wrote to the Commission on the 14<sup>th</sup> of November. That is according to your bundle you have given us a letter, on the 14<sup>th</sup> of November and you find that at page 10 of your bundle, and in that page 10 of your bundle, your attorneys say that emanating, and I quote:

10                   “Emanating from the evidence  
submitted at the Commission for the  
past few days that affects her in her  
erstwhile position and personally that  
she be provided with statements and  
transcripts wherein reference is  
mentioned about her in order for her  
rebuttal of same in an affidavit  
substantiated with documentary  
evidence.”

20                   So already on the 14<sup>th</sup> of November, you were aware that allegations have been made against you at that point. So you did not become aware of what is being alleged against you only on the 25<sup>th</sup> or last week. As at the 14<sup>th</sup> you offered, you want to come to the Commission, and I think that is what you said yesterday, you said you want to come and it is because you had become aware of allegations being made. I am correct, right, on the 14<sup>th</sup>,

yes?

**DR MASHAZI:** You are correct.

**ADV BALOYI SC:** I just wanted to make a simple point that as at the 14<sup>th</sup> of November, you, from whether media or wherever, you had become aware that things are being alleged against you and you wanted to respond to them.

**DR MASHAZI:** Yes, I became aware on the 14<sup>th</sup>.

**ADV BALOYI SC:** Yes.

**DR MASHAZI:** But in terms of the testimony, what is  
10 important is the relevance of that testimony to my response. Whatever is said in the media cannot be used as a response, or I cannot use it to actually respond to the Commission. I can only respond to the Commission ...[intervenes].

**ADV BALOYI SC:** Yes.

**DR MASHAZI:** With the testimony that was presented in the Commission, which I received on the 25<sup>th</sup> of November of ...[intervenes].

**ADV BALOYI SC:** I accept that. I was simply making that  
20 simple point and maybe to add to it that on the website, we do have the transcript and documents. But that is not the important part of what I want to raise with you. In your IM28, which is a letter from your attorneys, the later attorneys after you changed, you explained yesterday why you changed attorneys, you have attached medical reports

of two people who make the allegations against Chief Mapiyeye.

I am concerned why these documents are being placed before us. Did you get permission to disclose medical reports of these two people from them? They are dated – let me, maybe I should ask an anterior question. The one is dated August 2024, and this is the person that is referred to in the charge sheet.

You have agreed that you will not disclose their  
10 name, and I will not either. But that is in August 2024. And then the next one at page 132 is a different person that you have not mentioned in your statement, and they are not in the charge sheet. They are not mentioned in the charge sheet. It is at 132, and that too is a report in August 2024. That is your IM28.

And both of them are medical reports. How did you get hold of these documents?

**DR MASHAZI**: I got them from the victim.

**ADV BALOYI SC**: They gave them to you?

20 **DR MASHAZI**: Yes.

**ADV BALOYI SC**: When they came to you?

**DR MASHAZI**: They gave me the report when, I think during the week as we were preparing, because ...[intervenes].

**ADV BALOYI SC**: So you are already out of the

Municipality when they gave you these documents?

**DR MASHAZI:** Yes, yes.

**ADV BALOYI SC:** Okay. And did they know that you were going to disclose them to the Commission?

**DR MASHAZI:** They are aware. She is aware.

**ADV BALOYI SC:** Okay. So they gave you permission that these can be publicized because our records go onto our website and this is highly confidential material. As you would know, medical reports, there is confidentiality  
10 obligations. You have served them before us. What are we to do with this when we upload our documents onto the website? Do you have permission to disclose these publicly as you have now done?

**DR MASHAZI:** Yes, she gave me permission and she also indicated that she wants to come and testify, hence, I have actually included the documents.

**ADV BALOYI SC:** No, we have your word so far. As far as I am aware, they have not approached the Commission, so I am not having that, I am not debating that with you. Maybe  
20 they did say that to you. I am just concerned about how are we expected as a Commission to deal with these documents. And if you are saying to us that you have permission that these can be part of our public record, I would ask, it should come from the Chairperson, but because I am raising the issue with you, I would like to see

it in an affidavit from you that you have permission and that it is confirmed by these two individuals that this can be part of a public record.

**DR MASHAZI**: Correct. I will go back to her because she requested to be part of this when she gave me the documents.

**ADV BALOYI SC**: Okay.

**DR MASHAZI**: For the fact that I sourced the documents from her, it means she is prepared to come before the  
10 Commission and talk to the documents.

**ADV BALOYI SC**: Ja, I just want to be sure. I think the Commission will be happier having authorization from the owner of these documents that they should be published. And if we do not have that authorization, we probably would have to consider expunging it from our record.

**DR MASHAZI**: Thank you.

**ADV BALOYI SC**: I see, Chair, I see Doctor Mashazi's attorney wanted to say something. I do not want to shut him down.

20 **MR MOOSA**: The issue has been dispensed with.

**CHAIRPERSON**: Yes, Mr Moosa?

**MR MOOSA**: Yes, Chair, Commissioners, very briefly, I think with matters that are so sensitive, it would be more appropriate to obtain an affidavit from the victim herself just to protect all parties and that is the one point I wanted to

raise. The second point being the aspects dealt with under question 13 are not entirely aspects introduced by Doctor Mashazi out of free will to advance her own personal ulterior motives, but on invitation by the Evidence Leader under point 13 to deal with the aspects of the charge sheet, the notice of suspension and you know, I am tempted many times throughout the last two days to intervene, but obviously it is not the platform to do so.

But I do feel the last part was a bit of an unfair  
 10 character attack on Doctor Mashazi in the sense that she did not come voluntarily and produce a charge sheet, a notice of suspension, etcetera. She was asked to obtain information by the Evidence Leader, which she did. And one, she does fully comply and obtain as much information as she can, she is sort of ...[indistinct]. So it was just two points that if I do not mention it, it does not sit well with me. The first one I think is more critical, but the second point is there is something my learned colleague Peter indicated to me that they are asking us to do it, we do it, and this is  
 20 what comes of it. So apologies for overstepping, but it was just two things that I think, and it is the last two things I say in passing. Thank you.

**CHAIRPERSON:** Thank you, Mr Moosa. Thank you. We leave it at that. Ms Sello?

**ADV SELLO SC:** Yes, except maybe to say, is it possible to

give Doctor Mashazi and Mr Moosa an opportunity to consider the issues raised by Commissioner Baloyi and to determine the necessity of filing their affidavit *viz-a-viz* expungement of those documents, you know, regard being had to the testimony of Doctor Mashazi. So let them make the call, and then ...[intervenes].

**CHAIRPERSON:** The Evidence Leaders and the legal representatives will come back to us on that. Thank you very much. Doctor Mashazi, anything to say, perhaps, in  
10 conclusion?

**DR MASHAZI:** Ja, I want to take this opportunity to thank the Commission for allowing me to state my side of the story, and I want to truly apologize if yesterday I came across as being restless or not in compliance with your rules. The Commission would understand that this is my first appearance, especially in a sort of a court of law where you are cross-examined, and I did not expect this, to be honest, that I am going to be cross-examined. I thought I am going to be asked questions to clarify and give evidence  
20 to assist the Commission to make a recommendation to the President, but unfortunately the cross-examination actually took me out of my character, and at some point, especially the first session in the morning, I was not sort of like in compliance with your rules, and I truly apologize. Is my apology accepted?

**ADV KHUMALO SC:** Speaking for myself, yes. But I am saying speaking for myself, yes. I cannot speak for the Chair.

**DR MASHAZI:** Thanks.

**CHAIRPERSON:** Doctor Mashazi, thank you very much. Oh, I did not hear that part. I was whispering to my colleague, Commissioner Baloyi. Doctor Mashazi, we understand the pressure. I have never had to sit in the witness box, so I can imagine the pressure you were in.

10 Apology accepted.

**DR MASHAZI:** Thank you.

**CHAIRPERSON:** Let us adjourn and come back at half past two. Thank you.

**ADV SELLO SC:** Thank you, Chair.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Ms Sello.

**ADV SELLO SC:** Yes, yes, Chair?

**CHAIRPERSON:** Why the change of position?

20 **ADV SELLO SC:** I am following my leader.

**CHAIRPERSON:** Because there I am, I am looking for you.

**ADV SELLO SC:** I know. This is a preference my leader has, so I will have to follow her lead.

**CHAIRPERSON:** Thank you. Yes ...[intervenes].

**ADV SELLO SC:** Afternoon, before we return to that ...[intervenes].

**CHAIRPERSON:** Yes, yes.

**ADV SELLO SC:** Afternoon, Chair. For purposes of the record, I understand Brigadier Matjeng was committed or subpoenaed for today. I am informed that he has filed his statement. It is a she, right? She has filed her statement and is released from appearing. We propose that she be released from appearing today and she will be given a new  
10 date on which to appear. So if the Commissioners could approve that.

**CHAIRPERSON:** Obviously in the new year then ...[intervenes].

**ADV SELLO SC:** In the new year. Thank you, Chair.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Secondly, this afternoon starts with the testimony of Minister Senzo Mchunu. Before we get into that, it is necessary that I place some issues on record and request that the Commissioners approve the approach we  
20 are adopting. Due to changes that we had to effect to our programming, the result is we are starting with Minister Mchunu this afternoon, but we already have a witness under subpoena for tomorrow.

And we have engaged with Minister Mchunu and his legal representatives and the agreement is as follows.

Minister Mchunu will start this afternoon and in the course of the afternoon, he will give evidence, his version of the issues uninterrupted and unquestioned in large part by the Evidence Leaders. He will be testifying in this session of the Commission strictly on matters pertaining to the PKTT. So when he does eventually address the Commissioners, it will be on the PKTT.

He has submitted a statement and It is expected that to a large extent it will follow what he has in the  
10 statement. But today we shall not be engaged by the Evidence Leaders. He then has to come back for the second day, but because of this witness that is already under subpoena for tomorrow, we have requested and Mr Mchunu and his team have graciously agreed that after today he stand down to Thursday.

So we will interpose his testimony by bringing the other witness tomorrow, which is an EMPD-related witness. We believe that it can work and it should not necessarily cause confusion, because we hope that Minister Mchunu  
20 would have finished with putting forward his version of events when he addresses the question of PKTT, so that when we reconvene on the Thursday coming, then the engagement with the Evidence Leaders starts. If that accords with the Commissioners, we propose that we approach the testimony in that manner.

**CHAIRPERSON:** And by engagement, you mean pointed questions?

**ADV SELLO SC:** Pointed questions by Evidence Leaders. As I say, today we will resist engaging him pointedly on these matters and to give him the opportunity to put forward his version on the matter. And I emphasize by the evidence leaders because it is not my place to dictate to the Commissioners how they deal with that. I thought just to share what the thinking is and when the Commission ends  
10 insofar as that is concerned.

**CHAIRPERSON:** You say the pointed questions will start on Thursday and my sense is that you are saying in the morning on Thursday?

**ADV SELLO SC:** In the morning. So we expect on Thursday to run the normal day.

**CHAIRPERSON:** So that means you are hoping that the evidence today on the PKTT will be completed. Is that the idea? I have seen, my experience here is that for a whole day, we take only about 12 pages of a statement. So  
20 unless you tell me that the Minister's statement on the PKTT is around 12 pages, and that is the whole day, by the way. Now we have only the afternoon. So ...[intervenes].

**ADV SELLO SC:** Chair, In discussion with Minister Mchunu and his legal representatives, I put it no higher than to say it is a hope.

**CHAIRPERSON**: It is a hope, right.

**ADV SELLO SC**: And to the extent that it is impossible to achieve, we will then have to contend with a rollover to Thursday, hopefully morning ...[intervenes].

**CHAIRPERSON**: Yes, yes, yes.

**ADV SELLO SC**: To allow for proper engagement thereafter.

**CHAIRPERSON**: Thank you.

**ADV SELLO SC**: And I am not in a position to give any  
10 guarantees beyond that.

**CHAIRPERSON**: No, I understand perfectly.

**ADV SELLO SC**: Thank you, Chair.

**CHAIRPERSON**: I understand perfectly. Thank you.

**ADV SELLO SC**: On that score, Minister Mchunu is represented by Advocate Ngcukaitobi SC, instructed by Mr Sandile July of Werksmans, and if we may invite Advocate Ngcukaitobi to place himself and his team on record. Thank you, Chair.

**CHAIRPERSON**: Please. Good afternoon, Mr Ngcukaitobi.

20 **ADV NGCUKAITOBI SC**: Good afternoon, Chair. Thank you for the attention. And your fellow Commissioners, I greet them as well. My name is Tembeka Ngcukaitobi. I am acting on behalf of Mr Senzo Mchunu, the current Minister of Police. My juniors are Advocate Natalie Kezy Buthelezi and an advocate who is known to one of your

Commissioners, Advocate Makhotso Lengane. We are instructed by Mr Sandile July from Werksmans.

**CHAIRPERSON**: Thank you, Mr Ngcukaitobi.

**ADV SELLO SC**: Thank you, Chair.

**ADV NGCUKAITOBI SC**: Might I add one point to my learned friend's preliminary issues. We have asked for an opportunity to re-examine. My understanding is that it is not objected to. We have arranged that it should be done if we exercise it on Friday from 2pm.

10 **CHAIRPERSON**: That is in order, Mr Ngcukaitobi.

**ADV NGCUKAITOBI SC**: Thank you, Chair.

**CHAIRPERSON**: Thank you.

**ADV SELLO SC**: Thank you, Chair. We are ready to lead the testimony of Minister Mchunu, and that will be done today by Advocate Lee Segeels-Ncube. Thank you, Chair.

**CHAIRPERSON**: Thank you, Ms Sello. Yes ...[intervenes].

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

**CHAIRPERSON**: Yes, ma'am.

20 **ADV SEGEELS-NCUBE**: Chair, the Minister will take the oath.

**CHAIRPERSON**: Good afternoon, Minister.

**MINISTER MCHUNU**: Good afternoon to you.

**CHAIRPERSON**: Please place your full names on record.

**MINISTER MCHUNU**: My name is Senzo Mchunu.

**CHAIRPERSON**: Thank you. 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".

**MINISTER MCHUNU**: So help me, God.

**SENZO MCHUNU** (d.s.s.)

**CHAIRPERSON**: Thank you, Minister.

**ADV SEGEELS-NCUBE**: Chair, if I could just ask the Minister to please bring the microphone closer to him and keep it on.

10 **CHAIRPERSON**: Please, pull both if they are pullable.

**ADV SEGEELS-NCUBE**: Yes.

**CHAIRPERSON**: I do not know if there is such a word.

**ADV SEGEELS-NCUBE**: And Chair, you would ...[intervenes].

**CHAIRPERSON**: Towards you, Minister. I think I saw you pushing them away. Please pull them towards you.

**ADV SEGEELS-NCUBE**: Closer to you.

**CHAIRPERSON**: Yes.

**ADV SEGEELS-NCUBE**: Thank you.

20 **CHAIRPERSON**: Thank you.

**ADV SEGEELS-NCUBE**: Chair, I thought that before we start the Minister's evidence, if he could just explain the reason why he has an earpiece in, in case there may be questions as to the reason for the earpiece.

**CHAIRPERSON**: Is it necessary? Is it necessary? Oh, Ja,

please, then, Minister.

**MINISTER MCHUNU:** Thank you very much, Chair of the Commission and Commissioners. I just have a slight problem with my left ear, and then I requested that I enhance my hearing. It is nothing abnormal, but for purposes of this Commission, I wanted to pick up every word, and I am sure that I am with the Commission.

**CHAIRPERSON:** I do not know whether it is me, Minister, maybe I also need an earpiece then. It is a bit hard for me  
10 to hear you. I have heard every word, though, but I somehow have to stray.

**MINISTER MCHUNU:** Okay, I need to raise my voice when I speak.

**CHAIRPERSON:** Please, please. Thank you.

**MINISTER MCHUNU:** I will do so, I promise.

**CHAIRPERSON:** Thank you.

**ADV SEGEELS-NCUBE:** Chair, they just want to assist the Minister to increase the volume on his microphone.

**MINISTER MCHUNU:** Sorry, testing one, two.

20 **EXAMINATION BY ADV SEGEELS-NCUBE:** You can switch it on, Minister. Thank you. Minister, you would have been provided with files in front of you marked 1 of 5 to 5 of 5 and the first file is 1 of 5, which should contain a statement. I just want to confirm that you have file 1 of 5 with you, in front of you.

**MINISTER MCHUNU:** Yes.

**ADV SEGEELS-NCUBE:** And if you can confirm that from page 1 to 92 of that, that is your statement for purposes of your evidence today.

**MINISTER MCHUNU:** Yes, I confirm.

**ADV SEGEELS-NCUBE:** And do you confirm the contents of the statement and the accuracy thereof?

**MINISTER MCHUNU:** Yes, I do.

**ADV SEGEELS-NCUBE:** Now, If we could start, you have  
10 the introduction section starting at paragraph 1, but if I  
could ask you to start on page 4, which is page 2 of the  
statement, paginated page 2, which deals with, if we can  
just orientate ourselves as to the pagination system, and  
then what you have in front of you. I will be referring to the  
paginated pages of your statement. On page, at paragraph  
8 of your statement, you start dealing with your personal  
background and appointment as the Minister of Police.  
Prior to that, you have some introductory comments, but I  
would like for you to deal, just briefly, summarize your  
20 personal background and the events leading up to your  
appointment as Minister of Police, very briefly, please.

**MINISTER MCHUNU:** Thank you very much once more,  
Chair and Commissioners. My name is indicated earlier,  
Senzo Mchunu, and I was born at Hlabisa and went to  
school, to high school and then started working as a

Teacher a number of years and then went to full-time in the African National Congress in 1991. And after that worked in other provincial structures, and then became MEC in 2008, and then Premier in 2013, and then 2013, in the same year, no, 2016 to, 2013 to 2016.

And then I broke for May 2016 and the whole of 2017, I was unemployed and then got employed in 2018 in March by the African National Congress at head office and then up to the elections of 2019, after which I got appointed  
10 as Minister of Public Service up to 2021.

And then on the 5th of August 2021, I was then appointed as Minister of Water and Sanitation, after which up to the general elections in 2024. And then post-elections, I was appointed by the President as Minister of Police.

**ADV SEGEELS-NCUBE:** And then ...[intervenes].

**MINISTER MCHUNU:** Currently, I am on leave. I am on special leave.

**ADV SEGEELS-NCUBE:** And then in the introductory  
20 paragraphs, you deal with matters which you say at paragraph 4 and 5 of your statement, you say that there are aspects that you are not in a position to speak to. If you could just explain to us why you say you are not in a position to speak to those matters and what those matters are at paragraph 4 and 5 of your statement.

**MINISTER MCHUNU:** Well, I am saying on paragraph 4, to start with, I am not in a position to speak about operational decisions taken by SAPS members without my involvement or knowledge in case there are specific matters that arise that fits in this description. I will not be able to speak on those simply because as Minister, I do not necessarily direct approval or participate in operational policing decisions or activities like operations that from time to time, Police decide on wherever in the country. I do not deal with  
10 those.

And any interference or suggestion that I played a role in authorizing or coordinating operational decisions, including who to arrest and where, and then raids, when to do a raid and not when to do a raid, and technical deployments, who goes where, for what reason, such insinuations are incorrect. It is for this reason that I am saying I am not able to speak on those.

On paragraph 5, several allegations placed before the Commission relate to communication said to involve me  
20 or my instructions, and I want to place on record that I did not participate in any operational communication channels, nor did I use any encrypted platforms for such alleged purposes. Then I address those matters in detail in subsequent sections.

**ADV SEGEELS-NCUBE:** Thank you, Minister. And then at

paragraph 6, you then also deal with aspects that you say you do not necessarily have personal knowledge of those aspects, but you deal with them purely to assist the Commission with its factual reconstruction. Can you just explain what you mean by that at paragraph 6?

**MINISTER MCHUNU:** On paragraph 6, yes, the Commission has also been presented with extensive evidence relating to SAPS dynamics internally, allegations of criminal infiltration, and conduct attributed to certain  
10 senior officials, including Lieutenant General Sibiya, and my knowledge of these matters across only, or arose only after they became a subject of evidence.

In other words, I am indicating that the reason that there is not anything that I knew or I know internally or I know anything about internally in relation to criminality and so on until most of the things came to the fore in the Commission.

**ADV SEGEELS-NCUBE:** So in other words, you do not have personal knowledge of them, you were not involved  
20 contemporaneously in anything relating to that, but based on what you became aware of subsequent, through evidence before the Commission or the Ad Hoc Committee, you will deal with that insofar as it may assist the Commission in reconstructing its facts.

**MINISTER MCHUNU:** Yes.

**ADV SEGEELS-NCUBE:** Thank you. Then if we can go to the section where you deal with your orientation into the Ministry of Police, which is on page 6 of your statement, starting at paragraph 14. And just to place it in context, at this stage you had already had two stints as a Minister, is that correct, before you joined as Minister of Police?

**MINISTER MCHUNU:** That is correct.

**ADV SEGEELS-NCUBE:** Okay. Can you just then take us through what the orientation entailed and when you actually  
10 took office?

**MINISTER MCHUNU:** Before I do so, as you described, I do want to indicate that through all those positions, that public positions that I have had the privilege to occupy from MEC, Premier, Ministerial positions, I have never been accused of corruption, not once. This is the first time that I have been accused of such, as alleged particularly on the 6<sup>th</sup> of July.

Now, the orientation that I am talking about was the orientation that got organized in the main by a National  
20 Commissioner, together with his deputies and other senior officers in SAPS, shortly after we got sworn in as Ministers and together with the Deputy Ministers that I served with. So we met police management on a meet and greet basis and we planned how the orientation would unfold and thereafter, we started without any waste of time from just

shortly, I think within a week, running those orientations from July up to December.

But I must add that we went beyond December, even though it was no longer just pure orientation. It involved some discussions, some decision-making. In fact, even during the period of orientation, because we would be repetitive in some cases, getting to other levels of matters, we would then have discussions and in some cases take decisions during orientation, broadly speaking.

10 But where there was an opportunity, we would then narrow down on particular issues and we proceeded then until December, and I would say that a little bit beyond that in some cases.

Now, what we were dealing with in the main during those orientations, it was structural and organizational matters and I should take it that it was logical that as new people, newly appointed Minister, we would have needed to know the layers of SAPS from national up to a police station and also know the organization horizontally. And indeed, it  
20 was structural in nature in the main.

Personally, I was interested on these matters because as soon as we got appointed, I had a sense that we would need to get into some of the challenges of SAPS that I had some distant understanding on that were structural in nature and therefore, it was quite an

opportunity for us to learn those. And there were particular dates when we would focus on a matter, like the 12<sup>th</sup> of June, 15<sup>th</sup> of July, the 14<sup>th</sup> of August and the 19<sup>th</sup> of November where in the main were dealing with crime intelligence almost exclusively and so on.

Now, because of a number of reasons, it was during that period, during those discussions and engagements, when one of the things that we picked up was that the Head of Crime Intelligence is also the Head of National Political Killings Task Team at the same time.

Now, I did engage a little bit with that particular matter as we picked it up, as we picked it during that time. saying that how did it happen. I was asking a question and made a comment or a remark that it possibly was oversight when that decision was made. Lieutenant General Khumalo was first appointed as Head of National Political Task Team, sometimes known as PKTT, and then in 2020, that was 2018, and then thereafter, in 2022, he was appointed as Head of Crime Intelligence.

Now, we then passed that particular matter after picking it up and making commentary about it. But we also wanted to know ...[intervenes].

**CHAIRPERSON:** Minister ...[intervenes].

**MINISTER MCHUNU:** Yes.

**CHAIRPERSON:** Sorry, please hold your thoughts. Do not

forget where you were. I get confused. My impression is that you use the royal we, we, although you are referring only to yourself. But sometimes on the odd occasion you will use I and where you are in a meeting situation and you say we decided, I am not quite sure whether it is only you that decided, you as the Minister, after being briefed by those you would be with, or whether it was a decision of all of you, you and the other people with whom you are at a meeting. So I get confused between the royal we and the  
10 singular I.

**MINISTER MCHUNU:** Yes, I was, when I used I, was making reference to the question that I asked during that meeting and those engagements, which are assumed to be in the interest of all of us who are there, particularly the Ministry, meaning the two Deputy Ministers that ...[intervenes].

**CHAIRPERSON:** So must I understand “we” to refer to more than just you? So it is not the royal “we”.

**MINISTER MCHUNU:** No, it is just us.

20 **CHAIRPERSON:** Thank you. Thank you very much.

**MINISTER MCHUNU:** Yes.

**CHAIRPERSON:** Thank you very much.

**ADV SEGEELS-NCUBE:** Thank you, Chair. And Minister, just while we are on that, at paragraph 15 of your statement, you refer to the participants in that orientation

process. You say it is senior management of the Police and you identified General Masemola and you say his Deputy Ministers, Deputy, ja, his Deputies, so the National Commission and his deputies. Would that have been General Sibiya, General, Lieutenant General Senthemule, Lieutenant General Sibiya and Lieutenant General Mosikili?

**MINISTER MCHUNU**: Not exactly. Not Lieutenant General, but his deputies are Lieutenant General Mosikili, Lieutenant General Sibiya, and then there is an acting General in  
10 Support Services, Lieutenant General Nkhua. Those are the three Deputies. But there is then CFO who is at the same level as well as the Deputies in Finance. It says that normally when you talk about Deputy National Commissioners, you refer to the three, but she is actually there as well at the same level. So those are the people I am referring to, but there would be other staff or other Police Officers depending on the matter at hand.

**ADV SEGEELS-NCUBE**: Thank you. And so in so far as you dealt with the dual role of Lieutenant General Khumalo,  
20 Dumisani Khumalo, and those discussions had arisen, who brought that tension up about his dual roles? Who was the person that raised that concern in the meeting?

**MINISTER MCHUNU**: I raised that concern myself politely, and it was a remark, but I considered it as a serious remark, because I would not have expected that there would

be that dual role, not necessarily because of the load and other related matters, but because of the role that Intelligence, Crime Intelligence plays in the country, which I regard as a 24/7 kind of work, very, very critical in terms of assisting Police in the fight against crime.

And we were later going to discuss it as we did, identifying Crime Intelligence as the main enabler among other enablers in terms of assisting Police to fight crime in the country.

10 **ADV SEGEELS-NCUBE**: Okay, and at the time that you had raised that issue, were you aware that General Sibiya had also raised that issue with General Masemola, that he thought that General Khumalo should not have that dual role?

**MINISTER MCHUNU**: Not at all.

**ADV SEGEELS-NCUBE**: Okay, thank you, Minister. You may proceed.

**MINISTER MCHUNU**: We were also briefed about long-standing organisational challenges that predated our  
20 appointment, including the task teams, various task teams, delays in taking some decisions and implementing them, especially relating to the work study that had been commissioned some time before.

There was also some mention of murder and robbery unit. There were also other matters, including on

Human Resource Management that we discussed there. Some of the discussions, of course, touched on matters relevant to the National Political Killings Task Team based in KwaZulu Natal.

For instance, in a meeting on the 1<sup>st</sup> of November, 2024, the National Commissioner did inform me and the Deputies, Dr Boshielo, and Mr Cassle Mathale, that the National Political Killings Task Team was not a formal unit necessarily, but rather an interim task team. I will  
10 elaborate on this later on.

Overall, my take during that orientation was that it was a fruitful five-month kind of exercise by December to help us understand the department. On average, it takes about around 5 months to understand a department. It can take less and you reach higher levels of command in terms of understanding a department.

But you then go on to intensify your knowledge about all other various matters in the department, but that is more or less what it had taken me to understand that in  
20 terms of the period in other departments. Now, at the end of that period, for instance, in December, we felt quite empowered, particularly if I could speak on behalf of myself, I felt quite empowered to do, going forward, what I needed to do in terms of work in SAPS. I think it also helped that I was not Minister for the first time. I had held

other portfolios before and had some understanding of broader matters in a department.

I want to go on to say that at this juncture, point out that it is worth noting that the National Commissioner's response in Parliament in 2023 when Mrs Z Majozi of Inkatha Freedom Party asked him a question or questions relating to the then status of the South African Police Service and specialized task teams dedicated to combating specific types of crime. In this regard, the National  
10 Commissioner stated as follows:

“The SAPS is in the process of establishing dedicated murder and robbery units in provinces, as a specialized investigative response to these conduct crime categories.”

The National Commissioner's response intimated that murder and robbery units in provinces were still to be established. This was, however, inaccurate as the units were already established by 2023. The written reply was  
20 signed by both the National Commissioner and the former Minister of Police, Bheki Cele, in December 2023, and it is attached and marked as Annexure SM2.

Now the National Commissioner also explained that SAPS management envisioned that the National Political Killings Task Team would eventually be folded into a

dedicated murder and robbery unit as part of broader consolidation process. The National Commissioner was aware right from 2019 of a work study signed in June 2019 by the preceding National Commissioner, General Sithole, which recommended the resuscitation of the murder and robbery unit and the absorption or envisaged absorption of the National Political Killings Task Team or functions into the permanent structure that had been or the study of which was a result of the study that had been commissioned just a  
10 year before, that is 2018.

Now, at no stage during my orientation or the briefings I received was I informed of any operation resembling the event later described, I am jumping now to December, 2024. At no stage we were briefed about that. No briefing was given to me about any arrest operations or tactical deployments involving NPKTT during December. I am mentioning this because I take it as important at this stage.

But my initial period in the portfolio, therefore,  
20 focused once more on organizational structures, focused on governance, and I must add systemic issues as well. But I packed them under governance matters and requirements, so dealt with accountability mechanisms within SAPS. We dealt with budgetary issues and what gets considered in terms of allocating a budget across the organization.

And of course, we spoke about the need to consolidate temporal task teams within the South African Police Service. These issues formed the foundation for subsequent engagements, particularly in November and December 2024.

**ADV SEGEELS-NCUBE:** Thank you, Minister. Before we move on to the next topic, I just want to clarify two issues which may not be clear from your statement before you move on. In paragraph 17 of your statement, you refer to  
10 orientation-focused meetings that were held and you say that there were recurring themes across sessions held on 12 June.

You only started in July. So I just want to know, the 12 June, is that an error? You say that you were, the announcement was made, you were appointed the 30<sup>th</sup> of June, and these orientation sessions happened in July 2024, but the first date in that paragraph refers to 12 June.

**MINISTER MCHUNU:** Yes, it would be an error.

**ADV SEGEELS-NCUBE:** Is it 12 July?

20 **MINISTER MCHUNU:** It will be 12 July.

**ADV SEGEELS-NCUBE:** Thank you. And then the second issue, just for clarity, at paragraph 24 of your statement, where you deal about the 6 December raid, you say that:

“At no stage during my orientation or in  
the briefings that I received ...”

In your, the paragraph 17 that we dealt with, you speak about sessions that seem to end on 19 November 2024, but you said earlier on that those sessions, the orientation sessions went beyond December, correct?

**MINISTER MCHUNU:** Can you repeat that?

**ADV SEGEELS-NCUBE:** Yes. You said earlier on in your evidence that the orientation sessions went on beyond December, but in paragraph 17, you refer to certain sessions. If you can just go back to paragraph 17 of your  
10 statement where we just corrected the error. I just want to make sure that I, we understand what you are saying in paragraph 17. Are you saying in paragraph 17 that those specific dates mentioned there were sessions where the issue about the Crime Intelligence was raised, or are you saying that those are the only orientation sessions that were held?

**MINISTER MCHUNU:** No, I was making an example that those days, those dates there, there was focus almost on one particular issue, that is Crime Intelligence. And of  
20 course, we went up to December, but I do say that in certain aspects, we did go beyond December, still on orientation, but the type of which involved decision-making discussion, not just pure orientation at that stage.

**ADV SEGEELS-NCUBE:** Okay. And then just back to paragraph 24, so that is the orientation. You also say:

“At no stage during my orientation or in  
the briefings ...”

Are you speaking to briefings as being something  
separate to orientation or are you using it interchangeably  
where you say in paragraph 24, “at no stage during my  
orientation or in the briefings”?

**MINISTER MCHUNU**: Oh, yes. During my orientation or in  
the briefings, I am using that interchangeably, but I know  
that each one has a specific meaning, but in the context, I  
10 am just using them interchangeably.

**ADV SEGEELS-NCUBE**: Okay. And when you speak about  
at no stage during my orientation or in the briefings, are we  
referring specifically to the period 2024, or are you also  
speaking about January 2025 because you have now said in  
your evidence that the orientation process went beyond  
December?

**MINISTER MCHUNU**: I am talking about, or I am referring  
to the orientation period up to December.

**ADV SEGEELS-NCUBE**: Okay.

20 **MINISTER MCHUNU**: Yes.

**ADV SEGEELS-NCUBE**: So if we are to understand  
paragraph 24, what you are saying is at no stage during  
2024 were you briefed about a 6 December raid, or are you  
saying that at no stage at all in your time as the Minister of  
Police were you briefed about the 6 December raid?

**MINISTER MCHUNU:** Probably, I am saying both, that we were not, or I was not briefed about any operation resembling, if you could underline that one, resembling what came to be described later on as the 6 December raid. That is to say, a briefing that would say on such and such a day, Police will be mounting a particular operation of this nature beyond operations like Operation Shanela that you would hear about, but these are the ones, specific ones, were confined to Police only.

- 10 **ADV SEGEELS-NCUBE:** And am I correct to say that you are dealing with that aspect specifically because you would have heard the evidence of General Masemola and General Khumalo that on the 16<sup>th</sup> of January 2025 they had briefed you about this operation and the arrest of Mr Katiso Molefe and the links with senior officials where General Sibiya's name was specifically mentioned with criminal syndicate, links with the criminal syndicate.

**MINISTER MCHUNU:** Yes, although I will deal with those matters later on.

- 20 **ADV SEGEELS-NCUBE:** Thank you. I just wanted to clarify that. So then the next topic then is the establishment of the PKTT. You may proceed. It starts at paragraph 26 of your statement on page 9.

**MINISTER MCHUNU:** The National Political Killings Task Team, and I want to make reference to that, use that, but,

and explain it so that we have synergy, in all the documents that relate to this task team, it is referred to as the National Political Killings Task Team or the National Task Team, or in some specific, or in some specific cases called PKTT.

I am just saying this to remove any confusion, especially one that I picked up in another Commission in Parliament, where there was sort of an upright denial that there is something called National Political Killings Task Team and the reasons for that, that it was called National  
10 Political Task Team, it refers to the budget, it refers to the leadership of the National Political Task Team in particular to make it virtually national.

So it was established in 2018 by an interministerial committee chaired by the Minister of Police. Now, the interministerial committee itself was appointed by the President of the Republic, President Cyril Ramaphos. This was in response to a surge we have been building over time in KwaZulu Natal, a surge in what came to be described as political killings, which refers to the murders or  
20 assassinations of people occupying political positions in that province, in some cases also together with officials in Government structures.

Now, there was then a concern that this, there was a surge, a noticeable surge, and it was like consistent and the President then decided that he would appoint, to

appoint an interministerial committee and instructed them to work on a mechanism that would contain the situation and actually reverse that trend that was taking root at that particular time.

Now, it was created as a special project, just like in the language in Government, where a special project can be created in any department, and it was established through an exercise of executive authority. Now, I need to emphasize that it was established through, if you like,  
10 political intervention where the President was using his executive powers to intervene in a situation as was necessary.

It was not established in terms of Section 11(2)(d) of the Constitution of the Republic, Section 11(2)(d) of the South African Police Act, 68 of 1995, which, in other words, a combination of the two, which empowers the National Commissioner to establish components or units within SAPS. Its creation was therefore political and time-bound, and it did not form part of SAPS' permanent organizational  
20 structure.

The National Commissioner can establish a task team anytime he sees fit and using the powers bestowed on him by the Constitution and by the Police Act. A Provincial Commissioner can also do so. Even at district level, such task teams can be established. But the National Political

Killings Task Team was not one of those established by the National Commissioner. It was established through that political intervention in the exercise of executive powers by the President.

Now, because the NPKTT was a project, it was always understood that it was interim in nature. It was never at any stage understood to be a permanent kind of setup. And I must distinguish between a team at the stage to clarify my point. It was never established as a unit. It  
10 was established as a team, actually a task team. Now, and there is a difference between a team and a unit in SAPS, and I am explaining that because at one point when the Commission was on and Major General Van Rooyen, who was asked a specific question in this regard, she said, if I remember correctly, she said, there is no difference between a unit and a team. And there is a difference.

Now, the NPKTT was established as a project. It was allocated a specific budget taken from various programs at the time. In other words, it was not budgeted  
20 for in a normal way where your budget for a program in a department. It had a team that just been set up mid-year and then a budget had to be found to make it move on as required.

Now, as such, like all, like the principles that apply to all other projects of Government, it would require

periodic extensions or assessments, not extensions, but periodic assessments. It would require a budget to run. It would require a period which would be, at which it will end. There is no project that I am aware of in Government that runs indefinitely. They are all time-bound.

Now, the initial mandate of the NPKTT was actually for six months, not six years, six months from July 2018 to the end of the year. It was then extended from January to July 2019 and thereafter, they decided that if any extension,  
10 it would be annual. But initially, it was six months. That is why at the end of the first six months, there was an assessment and it was decided consciously that there would need to be an extension, which was for another six months.

Now, in 2020, there was COVID in the country, and there was no assessment that was made of the PKTT in that year. The following year, 2021, an assessment was conducted, and as required, and an extension signed off by the National Commissioner, and the National Political Killings Task Team was ultimately appointed or apportioned  
20 its funding for the relevant year because of its extension.

Now, beyond 2022, because this was an extension between 2021/2022, there was no further extension that was sought in the same manner, I should qualify that, as it had happened before and there is marked differences when you look at the previous extensions and after 2022. As a result,

the NPKTT continued to operate without a required assessment and renewal for more than two years.

And I am advised that the relevant expenditure during this period beyond 2022 on the NPKTT is irregular under the PFMA Act of 1, Act 1 of 1999. So what I am explaining here is that the National Political Killings Task Team was a project. It had a project leader. It was not a unit in SAPS and it had no budget allocated. But budget had to be found from other programs, even during  
10 extensions to fund it. And it had a clear objective, a clear objective and it had to be subjected to regular assessments, and costs had to be calculated at each time there would be an extension, just like all other projects of Government. And it was time-bound all the time, from the first, from the time it was conceptualized. It was never an open ended.

It was six months, and next six months, and next a year, and then next a year. But after 2022, there was, there were no longer, I would say, proper assessments in the true sense of the word.

20 **ADV SEGEELS-NCUBE**: Thank you, Minister. You then have a subtopic, but before we get to that sub-topic, at paragraph 31, you mentioned that you are advised. Are you speaking about advice that you had received at the time when you were considering the PKTT or having regard to the PKTT or now that it was in violation?

**MINISTER MCHUNU:** I am talking about now.

**ADV SEGEELS-NCUBE:** Now.

**MINISTER MCHUNU:** Yes.

**ADV SEGEELS-NCUBE:** Okay. You may proceed to the subtopic, which is the shift towards permanent structures, and you do set out here facts that, of course, you were not, you do not have personal knowledge of, but you do reference a work study, which you say you would have had knowledge of because would that have been part of your  
10 orientation. Yes, if you could just deal with that briefly, please.

**MINISTER MCHUNU:** In September 2018, SAPS initiated feasibility studies for a new specialized investigative capacities, including murder and robbery, anti-gang, taxi violence, and cold cases, or cold case investigations. These findings were later consolidated in the 2019 work study.

In 2018/2019, feasibility studies confirmed that political murders were already within the core mandate of  
20 murder and robbery capacities and did not require a parallel temporal task team structure. The study set out a detailed minimum personnel and functional requirements that could not be met sustainably through temporal project team, in other words, on a project team basis, or on a project basis, rather.

Now, on 26 June 2019, General Sithole approved the work study establishing the murder and robbery unit and other specialized unit as per the outcome of the work study commissioned as I indicated above. The murder and robbery unit's mandate, including serial murders, police killings, political murders, murders of elderly persons and attacks on farms and small holdings, and I attach a copy for your reference as SM3.

It outlines very, very well, and perhaps I should just  
10 explain it as you would see there. The component is called serious and violent crimes. Under it, there is a section called murder and robbery. And under murder and robbery, in terms of the list of mandates that murder and robbery would do under serious and, serious and violent crimes, that is where you will find that list of mandates. And that list includes political murders, even at that stage.

I had, you will see on page 12, all identified serial murders that I have been speaking to on the other page, murder and attempted murder, even murders committed  
20 against officials employed in the criminal justice system whilst in the execution of their duties. He then talks about police killings, as I have indicated, but next to that, political murders and attempted murders and it goes down.

These are mandates that were identified by the work study, which was translated into a structure, an

organizational structure. Now, I will not go down there because it is clearer ...[intervenes].

**CHAIRPERSON**: Minister, is there any significance that police killings, political murders and ...[intervenes].

**ADV SEGEELS-NCUBE**: Sorry, Chair, just give the Minister a moment, yes.

**CHAIRPERSON**: Sorry.

**ADV SEGEELS-NCUBE**: Thank you.

**MINISTER MCHUNU**: It falls. Thank you. Thank you so  
10 much.

**CHAIRPERSON**: Let me start again, Minister. You will see that you have the various bullet points there.

**MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: And each one of those, except the one that I am going to talk about just now, appear to have one idea, as it were. But when it comes to police killings, you have bullet, police killings, and on the same line or in the same line, you have what looks like a bullet, so in a sense, it is a bullet within a bullet, then you have political murders  
20 and attempted murders. Is there any significance in that or is it a typo?

**MINISTER MCHUNU**: It is a typo, because when you look at the structure itself, it has a box of its own.

**CHAIRPERSON**: Thank you, thank you.

**ADV SEGEELS-NCUBE**: Thank you, Minister. You may

proceed. Do you want to get to ...[intervenes].

**CHAIRPERSON**: No, just - Minister, my co-Commissioner, Commissioner Khumalo has taken me to the original, the annexure itself, and there indeed they are separate bullets. Thank you.

**MINISTER MCHUNU**: Thank you, Commissioner.

**ADV SEGEELS-NCUBE**: Minister, do you then want to deal with the work study and what, at paragraph 37 and what it effectively did?

10 **MINISTER MCHUNU**: This work study understood or conceptualized and understood in the manner that I have outlined by those who were dealing with it, effectively disestablished the NPKTT. Now, and established a single murder and robbery unit that would carry out the various functions of the different task teams under one umbrella.

I must pause here and indicate that at one point, I do not know whether it was a month after I got appointed, I had the privilege of meeting former National Commissioner for another purpose and I may as well indicated that the  
20 purpose was to deal with a problem that he had, or a problem that he had regarding his pension, and that meeting took place in September, where, or around that time. We were to discuss his complaint that he was not getting his pension. And we then had an informal chat, but I had asked him a question in the process, what is this thing

called cold investigations?

And then he explained and in the process, he then took me through the work study and various methods, not in the form of a presentation, but as we were chatting. Now, I noted, I am noting that because he did not seem to be interested in serious and violent crimes more than in murder, on murder and robbery. That is where his emphasis were.

Now, on 14 November 2019, as we continue, Major  
10 General Mzima signed an implementation letter, now implementing the work study that had been commissioned, that had now been translated into a structure, and now it was for implementation. And I want to go back to emphasize what I have just said, that according to those who were involved, once you had, once you implemented the structure, you now have murder and robbery under which you had those mandates, which meant you had sub-units under murder and robbery, sub-units.

So these mandates would be carried out by sub-  
20 units. It meant that you would not go, you would not have PKTT or NPKTT as established in 2018, it would be absorbed into murder and robbery. So what he was signing, what she was signing was then a letter giving the department a go ahead and the functions therefore contemplated in the work study were to be implemented in

phases as per their decision.

Now, the only specialized unit that became immediately operative upon the signing on the 14<sup>th</sup> of November was an anti-gang unit in the Western Cape and in the Eastern Cape. So they signed, and then they are ready, because by this time, 14 November at signing, some units had already been established, as it were, but they were phasing them in, in terms of the process.

Now, I want to pause here and then fast forward. I  
10 am saying fast forward so that I do not confuse you now that I am jumping to 6 March 2024, which is last year, but still before our arrival. Colonel AK Marais conducted a further work study assessment to determine implementation process that, in other words, that had been called for all or ushered in by another implementation letter of 14 November 2019. It is now 2024.

So, Colonel Marais is now conducting another assessment to determine how far has implementation gone as per letter of, implementation letter of 2019. Now, the  
20 Marais report, if I could call it that, identified multiple task teams operating without monitoring, without coordination, without budgetary accountability, including political murder team. Now, we supply the copy of the Marais report marked SM5.

In paragraph 6, in paragraph 4, in paragraph 5 and

paragraph 1 of the Marais report, the following observations are made regarding the NPKTT and other task teams, and I quote the relevant aspects. The task teams that are not monitored, that they had discovered in the assessment, run rampant for years without determining or accounting for the gap left where the members were taken from, mostly at station level. Task teams found operating in provinces.

So he does an assessment and he discovered that there are several teams that are still operating in provinces  
10 despite the implementation letter of November 2019. And then he names these task teams that are still operating unmonitored, that are still running rampant, where there is less accountability.

He makes reference to foreign vehicle task team, multiple trial, essential infrastructure, political murder team, to name a few examples of what the assessment determined or Marais' study determined. So in summary, the recommendation in relation to NPKTT was that its functions be transferred to murder and robbery as indicated above,  
20 just like there was a consolidation process in terms of the decision of 2019.

This was to prevent various task teams, including NPKTT, from operating in a silo with no coordination or budgetary oversight. So when signing the Marais report on 16 September 2024, and by that time we had arrived,

Lieutenant General Sibiya, as one of the signatories, he makes the following remarks, and I quote:

“It is deeply concerning that a study of this nature was undertaken and approved by the National Commissioner as far back as 2016, to date, but no implementation by the respective provinces.”

Now, what is also of concern is that despite  
10 numerous work study approval by different national, I would say National Commissioners or national structures, little to no effort was made by provinces to resource and implement approved recommendations. This has significantly contributed to the poor performance of the detective services in particular.

And in recent crime stats released, it was evident that:

“Commercial crime investigations was neglected, considering the fact that the  
20 study proves a 17% implementation. Little else can be expected. To a greater extent, there is 46 units not implemented, whereas 42 were only partially implemented. In other words, the detectives are operating under a

complete deficit. There is over 57%  
shortage of capacity”.

Now, this was a remark by one of the signatories to that work study. But I go to paragraph 45, which is important, of my statement, again, fast forward to this year. On 5 June 2025, General Masemola, the National Commissioner, signed off the work study with the instruction that implementation must be expedited as he signed, making that remark.

10           So if you look at it, it had taken the National Commissioner a full year to sign the implementation which was now expedited from March 2024 to 2025, to June 2025. So it was a year-long lapse after everybody else had signed. Had he signed in March 2024, it would have meant that signing becomes an implementation of what had been agreed on in terms of specialized units as per the work study of 2019.

And by this time, 2024, the units were there. They could have been at different levels of strength, but they  
20       were there by that time in 2024. Now let me talk about lapses.

**CHAIRPERSON:** Just to make sure I understand, Minister, are you basically saying if General Masemola had signed off on the implementation in 2024, a unit like the NPKTT, as you call it, would have been dissolved as at 2024?

**MINISTER MCHUNU:** Yes, it would have been dissolved.

it would have been dissolved, Commissioners, for the simple reason that the NPKTT could not co-exist with specialized units, one of which would be serious and violent crimes as a component under which there would be murder and robbery, under which there would be a sub-unit called political killings. It would be an unnecessary duplication and it would run against the letter and spirit of the work study as they adopted it in 2019 and wish to implement it all

10 these years, as I say.

**CHAIRPERSON:** Thank you.

**ADV BALOYI SC:** Minister, Minister, I am here. If I may just ask on the back of this response to the Chairperson. At paragraph 37 of the statement, you say that the work study effectively disestablished the NPKTT. Can you just explain that, because my first understanding of that statement of yours is that beyond 2019, after that work study was adopted, beyond that period, there should never have been a PKTT. Is that a correct understanding of what you are

20 conveying in paragraph 37?

**MINISTER MCHUNU:** Correct. But depending on their assessment of implementation, of the implementation letter of 2019 in September, that will prove that the murder and robbery is now running in this, in that, and so on, provinces and at national, because murder and robbery would be both

at national and at provincial level.

Once they determined that, then it would run, and by 2024, murder and robbery was there. And I can even go further to say, shortly after we got appointed, we ourselves started discussing with management a new organogram, a new organizational structure, which I will come to later, and it was emphasized that, no, in fact, we do have murder and robbery, we do have this and that and that unit, but I will come to that later on.

10 **ADV BALOYI SC:** Thank you.

**MINISTER MCHUNU:** Now, so the summary in paragraph 45, in the summary is that one of the things that would have happened, therefore, is that the functions of PKTT and other units will be transferred to the units that would be, that would have been established as per the work study and implementation.

Now, I need to lift my head here and say the simple process, it would have been just a simple process in a department to say, I imagine they would even possibly not  
20 want to talk about disbandment. They might have chosen to say it is absorption. It is an internal departmental kind of process in the light of the internal processes, organizational processes that would have taken place and they would merely have done that kind of implementation on themselves. And I would make an example of one unit that

we disestablished in the process of orientation in 2024 without much ado.

Now, I want to proceed. I am now, I was just addressing in passing the lapses. Sometimes, Commissioners, in the departments that we run or are appointed to run, you do from time to time come across lapses. Other lapses have minor impact and minor consequences, but other lapses have bigger consequences. depending on the case at hand.

- 10 **ADV KHUMALO SC:** Sorry, Minister, I do not want to break your flow, but when you are looking at the work study, please at some point consider 8.10 of the recommendations. It will be on page 201 of the annexures. Just make a note for yourself, Minister, and then at some point, but it deals with the very subject you are addressing now.

- MINISTER MCHUNU:** Okay. Okay, thank you. Thank you, Commissioner. Now, let me go to - so in the meantime, I do make that point as part of paragraph 46 as a part of expansion. In the meantime, we had started, as I have  
20 pointed out, the reviewing of the organizational structure, which is now in line with the 7<sup>th</sup> administration. So that is what was happening.

Now, I then deal with organizational placement and budget implications. Well, I make reference, I know Commissioners have ease of reference in the structures. I

had intended putting it in the screen for clarity because I know that you are being followed as a Commission by many, many people in the country who may want to understand what is that we are talking about. But maybe we do not have luxury of time on our side.

**ADV SEGEELS-NCUBE:** We do have it, Minister. We can project it. Thank you.

**MINISTER MCHUNU:** I would love that we display that. I will not go to all the boxes. I will just make a reference to  
10 what we are talking about only.

**ADV SEGEELS-NCUBE:** Thank you.

**CHAIRPERSON:** Ms Segeels-Ncube, are we not going to see it?

**ADV SEGEELS-NCUBE:** We are going to, Chair. And just for the benefit of the Commissioners, the hard copy is also in the exhibit bundle CJC55, which would have been provided to you. It could be file 2 of 2. It is the exhibit correspondence and documents bundle.

**MINISTER MCHUNU:** I would love to pointer if you have it.

20 **ADV SEGEELS-NCUBE:** Unfortunately, we do not have a pointer, Minister.

**MINISTER MCHUNU:** Okay, I will use my finger.

**ADV SEGEELS-NCUBE:** You can refer and then she will circle it.

**ADV BALOYI SC:** Ms Ncube, can this be expanded here?

We can hardly see a thing.

**ADV SEGEELS-NCUBE**: More.

**MINISTER MCHUNU**: So, this is, you will see the, this is the structure signed this year. Now, I do need to clarify this point because someone said Minister Mchunu is misleading the public disbanding the National Political Task Team in 2024 and making reference to a structure signed in 2025, so that I do not mislead that particular person and the public.

The structure, the new organizational structure, we  
10 completed last year before the end of the year, a reviewed organizational structure. But there are processes that involve labour that took some time into the new year, leading up to the official signing on that date, but the structure had been agreed on internally in 2024. So what you see there is, as we had decided on or agreed on, right in 2024, but now it is then indicated as such.

But I want to go to the division that deals with detectives, the detective section. There is another, there is another slide, if we could move to another slide that will  
20 make things clearer what we are talking about. If you would start counting the boxes from left. Oh, okay. Thank you very much. If you look at the boxes starting from the left, all that list of boxes and then you go to the next, and then you go to the next. So there you have section, it is called murder and robbery. But that is what we are talking about,

murder and robbery. It is in the signed one that I said we completed it last year, but then signing got a little bit delayed because of various processes.

So there are other units, but in terms of mandates of murder and robbery, there is then, even if it is not indicated there, those mandates that are in bullets, but there it just shows murder and robbery. Thank you. So, I would, it is duplicated even at provincial level as well, national and provincial. Then I will go to paragraph 53.

10 **ADV SEGEELS-NCUBE**: Are you done with the organogram?

**MINISTER MCHUNU**: Yes.

**ADV SEGEELS-NCUBE**: Okay.

**MINISTER MCHUNU**: This is the organogram.

**ADV SEGEELS-NCUBE**: They will just take the handheld mic from you.

**CHAIRPERSON**: Please switch on the mic.

**ADV SEGEELS-NCUBE**: Thank you.

**CHAIRPERSON**: Thank you, Minister.

20 **MINISTER MCHUNU**: Thank you. Thank you, Commissioner. Thank you. So I ...[intervenes].

**ADV SEGEELS-NCUBE**: Sorry, Minister.

**MINISTER MCHUNU**: Yes.

**ADV BALOYI SC**: Can I, before you move on to 53, what does it mean practically when you say the structure was

approved in 2024, but it was still to be subjected to engagement with unions? Can you just explain what is the effect of that.

**MINISTER MCHUNU:** Well, just drawing from my experience while I work for Public Service and Administration, and I do not want to point a finger to Labour, but it does delay because you do the macro structure inside a department and then you do the micro, meaning you negotiate internally with placements of people  
10 as per the new structure.

Once those processes have been completed, you effectively have a structure. But you still have to take that structure to Labour, the SSSBC, to say, here is a proposed structure by the department. You are now talking to external partners, Labour, as it is now, good as it is, but it delays the impact. I even went out of my way, persuaded the leadership of Labour to say, could you give us a discount in terms of the period of consultations and all of that, not necessarily to say I was undermining Labour, but I  
20 was saying because of the pressures that we had for which we reviewed the structure, when we reviewed the structure, we are not ticking a box. We had something specific in mind because of the pressures that we had, which I will go to later on. So it has an impact.

**ADV BALOYI SC:** Ja, I guess what I am trying to

understand is this is signed in 2025, on a date in 2025. Does it mean that until then there was no structure to implement, the SAPS could not implement this until the unions have had their say in the obligatory consultation process.

**MINISTER MCHUNU:** There is never, Commissioner, there is never a period where there is no structure. The old structure would be in place until signing, which replaces the old one.

10 **ADV BALOYI SC:** Yes, I realize I spoke clumsily. Let me try and neaten it up a bit. You have a structure already in place ...[intervenes].

**MINISTER MCHUNU:** Yes.

**ADV BALOYI SC:** By the time in 2024 you adopt this new structure.

**MINISTER MCHUNU:** Yes, internally.

**ADV BALOYI SC:** It must, that is internal. It must now go through the union process.

**MINISTER MCHUNU:** Yes.

20 **ADV BALOYI SC:** Because that is what a collective agreement requires.

**MINISTER MCHUNU:** Yes.

**ADV BALOYI SC:** Now my question is, until the unions have had their input into this internally approved new structure, until the unions have had their input, you cannot

implement this new structure. That is what I am trying to understand.

**MINISTER MCHUNU**: Legally, yes, you cannot implement.

**ADV BALOYI SC**: Thank you.

**MINISTER MCHUNU**: You cannot implement legally.

**ADV BALOYI SC**: Thank you, Minister.

**MINISTER MCHUNU**: Paragraph 53. the main features of the new organizational structure. Now, first, just to pass that, as we dealt with the new structure, we were conscious, 10 we were made conscious, and we were aware that we have a very fertile basis on which to do the renewal, the reviewal, or the review. We are not going to start afresh.

There is a structure, as I have indicated, it has a long history, but we can look at the imperatives of the 7<sup>th</sup> administration and perhaps add what we think are the imperatives that would enhance or build on the structure that was there. Now, these, from 53.1 to 53.5 are the new things that were introduced in the existing structure.

Number one, we dealt with the division Visible 20 Policing Services, which we agreed we needed to divide into two, so that there is Visible Policing Services on one hand, and Operational Response Services, but from one structure. You now have two. And the reason for that is that when we analysed this, we found that when you look at crime in South Africa, you need to fight crime in a way that

is adjusted structure in terms of the organization structure, that is in line with the crime trends in the country.

Now, crime trends in the country go beyond, I mean, in terms of the need to fight, it goes beyond Visible Policing alone. That is Police in uniform and in police station. They do a lot of work. But there are certain forms of crime and types of crime that require more than that. And then we then decided that you need to sharpen the combative side of SAPS and units who are there, not that  
10 we are going to start afresh.

So you would now have almost three categories if you decide that ORS, as they call it, Operational Response Service, is now a division of its own. You would have a Uniformed Police frontline, especially on the preventive side, which is the core mandate of SAPS in terms of the law. And then they would be backed by specialized units to do particularly investigative work.

And then thirdly, they will be backed by ORS, the combative units. Those are your task force, your national  
20 intervention unit, your POP. Those are people who give SAPS the combative capacity to fight crime, especially in crime-ridden areas where there is almost resistance. over a period. So you would have three lines. That was our thinking.

But we found that even after deciding on ORS,

officials told us that, no, no, no, ja, we did have ORS at some point. We did not have time to find out why was it removed, why did you do away? Why did you disband it, this unit, because from where I sit, It was important to have ORS as a division on its own instead of lumping it just together.

Because if you lumped it, one of the things we found, it takes up 53% of the budget, this division, if it is not divided, alone, division Visible Policing Service, 53% of  
10 the budget goes to this one alone and it has got all these units and no proper attention is given at the end of the day because people are overstretched.

Now, what other feature was there other than dividing this and coming up with a new division called ORS, which was there before. It is the removal of Police Inspectorate, which was a unit. It was there when we started discussing. It is not a team. It is a unit. It is in the structure. It is an old structure that was there even before democracy.

20 So we had a small conversation, a short conversation to say, what do these people do? They wear uniform, they wear boots, and then in the main they are in the office, then they do work. Then we said, no, we want boots in the street and that uniform. And it was agreed. that we must, we are agreeing to disestablish the Police

Inspectorate.

And if you look at the structure that has been signed, you no longer have Police Inspectorate. It has been, it is a unit, it is not a team. So when people say, why and how do you disestablish a unit or a team, it is a fair question for any democracy to talk, but it is not like you cannot do it, that it cannot be done. We did it, the whole unit in the organizational structure.

Three, what else did we introduce ...[indistinct] is  
 10 establishment of specialized units. This is more or less endorsement of what was there. We said it is a good thing that we have it, including all these components that I have spoken about. What else did we add? We relocated the division Supply Chain from where it was to report directly under Chief Financial Officer for better accountability in SAPS.

I listened to our CFO when she appeared in the Commission. She said a lot of irregular component ...[intervenes].

20 **CHAIRPERSON:** Was it not in Parliament before the *ad hoc* Committee?

**MINISTER MCHUNU:** Oh, ja. I am sorry, I am sorry, Chair and Commissioners. It was in the *ad hoc*. I listened to her speaking. She says in response to a question, no, most of our irregular expenditure over years comes from

supply chain and it continues to be like that. So when we observed this, we observed it as a weakness that the Divisional Commissioner of Supply Chain reports directly to the National Commissioner outside of the CFO.

And the CFO is supposed to be the one who talks more about finances in terms of accountability of the department and other processes as a CFO, like it happens in other organizations. And CFO is in charge of 120 billion now of SAPS budget. Now you cannot then spend it in a  
10 manner that CFO cannot be seen to be in charge and you just make Supply Chain Manager or Divisional Commissioner, Divisional Commissioner in this instance report directly to the National Commissioner.

So we were doing this consciously to improve accountability so that we can change the situation. Now, these are the new features which are in line with the imperatives of the 6<sup>th</sup> administration. And when it comes to finances, we regard it that it is part of policy for which the Minister is responsible. How do you allocate the resources  
20 and how do you account for that? It was for that reason.

I will jump the rest and maybe go to paragraph 56 to say by late 2024, therefore, the National Operational Centre was required to absorb NPKTT costs amounting to approximately 95 or 94 million for the 2024/2025 financial year. And when that submission was made to the financial

officer, Lieutenant General Dimpane, she recommended that this amount that was requested at that time be reduced to 20 million and that the task team be disbanded, particularly after 2024 elections, and then a work study to determine its future be undergone to determine its future.

And we have the copy of the commentary, just like we have made direct quotations from other Lieutenant Generals to help the Commission to understand what we are talking about.

10                Now, National Commissioner subsequently approved a reduced allocation and so on. So indicating that we do not have a straight line in funding the National Political Killings Task Team right from 2018 up to this particular period. You make requests, you make memorandum, and so on and so on. Now, I pass this section.

**ADV SEGEELS-NCUBE**: Thank you, Minister.

**ADV SELLO SC**: Afternoon, Commissioners. It is brought to my attention that it is now, I think, gone past four. Might  
20 this be an appropriate time for an adjournment?

**CHAIRPERSON**: Are we going to be much ...[intervenes].

**ADV SELLO SC**: We start a new topic thereafter, sorry.

**CHAIRPERSON**: But still on the ...[intervenes].

**ADV SELLO SC**: Still PKTT.

**CHAIRPERSON**: The PKTT.

**ADV SELLO SC:** Yes.

**CHAIRPERSON:** Are we still going to be much longer, Ms ...[intervenes].

**ADV SELLO SC:** If I may just confirm.

**CHAIRPERSON:** No, if - yes, yes, Ms Sello.

**ADV SELLO SC:** Chair, if I may. Not too long. We are quite mindful of the time we have.

**CHAIRPERSON:** Yes, yes.

**ADV SELLO SC:** I cannot venture a guesstimate right now,  
10 but perhaps if we could have it, I will have an opportunity to confer with Advocate Segeels-Ncube and tomorrow we will give you an indication, but the objective is to be completed with Minister Mchunu, including engagement on questions by Evidence Leaders by Thursday. It remains an objective and ours is to structure a plan to achieve that objective.

**CHAIRPERSON:** Please remind me what do we have on Friday morning, because what we were told in chambers is that Mr Ngcukaitobi's re-examination will only be in the afternoon on Friday. Or was it repeated here? I am not  
20 sure now.

**ADV SELLO SC:** Yes, I think we did, ja.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** He confirms yes.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** We had a ...[intervenes].

**CHAIRPERSON:** Now on Friday morning, what do we have?

**ADV SELLO SC:** We had a witness scheduled, but this afternoon we received an application for postponement to a later date, and that can only then now be next year.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** So we are still to apply our minds to that application. We think that solid reasons have been put forth for such a postponement, and once presented to the  
10 Commissioners, is most likely to succeed.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** So on that basis, I think I can say that there is nothing currently scheduled for Friday morning if that application for a postponement is granted.

**CHAIRPERSON:** All right. I am asking because I think that may give us time to ...[intervenes].

**ADV SELLO SC:** Some breathing space.

**CHAIRPERSON:** Have the Minister's testimony before the re-examination completed.

20 **ADV SELLO SC:** And we will take that ...[indistinct].  
Thank you, Chair.

**CHAIRPERSON:** If you are still going to be much longer and you are not able to tell us that you are not, so perhaps we should take the adjournment at this stage ...[intervenes].

**ADV SELLO SC:** Yes, Chair.

**CHAIRPERSON:** And resume at half, with the Minister, at half past 9 on Thursday.

**ADV SELLO SC:** Thursday.

**CHAIRPERSON:** And tomorrow morning?

**ADV SELLO SC:** Tomorrow we have Brigadier Mkhwanazi continuing with the EMPD still.

**CHAIRPERSON:** All right.

**ADV SELLO SC:** Thank you, Chair.

**CHAIRPERSON:** Let us adjourn till 9:30 tomorrow morning.

10 **ADV SELLO SC:** Thank you, Chair.

**INQUIRY ADJOURNS TO 3 DECEMBER 2025**

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