

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

24 OCTOBER 2025

DAY 19



PROCEEDINGS ON 24 OCTOBER 2025

CHAIRPERSON: Good morning, Ms Motlhasedi.

ADV MOTLHASEDI: Good morning, Commissioners.

CHAIRPERSON: Will your witness be swearing or affirming?

ADV MOTLHASEDI: Thank you, Chairperson. Witness C, our witness today, has confirmed that he will take the affirmation.

CHAIRPERSON: Good morning, Witness C.

10 **WITNESS C:** Good morning, Commissioners. Good morning.

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

WITNESS C: I affirm.

CHAIRPERSON: Thank you.

WITNESS C: (Duly sworn states)

EXAMINATION BY ADV MOTLHASEDI: Thank you, Chairperson and Commissioners. If I may start off with a
20 few housekeeping items. Witness C, just to confirm that you can hear me.

WITNESS C: Yes, Commissioners, I can hear you.

ADV MOTLHASEDI: Thank you, Witness C. Witness C, please confirm that you are in possession of File 1 of 2, which should contain your witness statement.

WITNESS C: Yes, Commissioners, I am in possession of File 1, which contains my statement.

ADV MOTLHASEDI: Thank you, Witness C. Please also confirm that you are in possession of File 2 of 2, which should contain your annexures.

WITNESS C: I confirm that I am in possession of File 2 of 2.

ADV MOTLHASEDI: Thank you, Chairperson. I therefore propose that the witness statement bundle be referred to as
10 WC1, and then the annexure bundle, we can refer to that as WC2.

CHAIRPERSON: Thank you, Ms Motlhasedi. These Ws and things are confusing, and you sometimes wonder whether we do not have duplication.

ADV MOTLHASEDI: No ...[intervenes].

CHAIRPERSON: I am not suggesting there is, no.

ADV MOTLHASEDI: Absolutely not, Chairperson.

CHAIRPERSON: Yes.

ADV MOTLHASEDI: And during the course of Witness C's
20 testimony, I will casually refer to it as the witness statement bundle or the annexure bundle, if that is less complicated.

CHAIRPERSON: Thank you.

ADV MOTLHASEDI: Thank you.

ADV BALOYI SC: Maybe just to point out that in the annexure bundle, you already have a WC1, which is a

document application for advertised post. So maybe the statement should have a different name because that is a WC1, and then it goes all the way to WC9. That is your annexure bundle.

ADV MOTLHASEDI: Okay.

CHAIRPERSON: That is ...[intervenes].

ADV MOTLHASEDI: Oh, just Witness C.

CHAIRPERSON: That is exactly the point I was trying to make here.

10 **ADV MOTLHASEDI**: Which is Witness C?

ADV BALOYI SC: The statement.

ADV MOTLHASEDI: Thank you, Chairperson Baloyi. Thank you, Commissioner Baloyi.

CHAIRPERSON: Thank you. Thank you. Yes, Ms Motlhasedi?

ADV MOTLHASEDI: Thank you, Chairperson. Witness C, could I please ask you to turn to page 40 of your witness statement, please? Page 40. Are you there, Witness C?

20 **WITNESS C**: Commissioners, I am at page 40 of the ...[indistinct].

ADV MOTLHASEDI: Thank you. At the foot of page 40, please confirm that that is your signature that appears at the bottom of the page.

WITNESS C: I confirm that the signature on the bottom of the page is my signature.

ADV MOTLHASEDI: And please further confirm that this witness statement was prepared for purposes of your evidence before the Commission.

WITNESS C: True, Commissioners, this statement was prepared for the purpose of the Commission.

ADV MOTLHASEDI: Witness C, if I can then take you back to the beginning of your witness statement ...[intervenes].

CHAIRPERSON: Before that, unless I missed it, perhaps, why do you not also have the witness confirm the contents
10 of the statement? Or did he?

ADV MOTLHASEDI: Witness C, please confirm the contents of your witness statement before the Commission and its correctness.

WITNESS C: Commissioners, I confirm that the contents of the statement and that the correctness thereof are true and the true reflection of what I have deposed to in this statement.

ADV MOTLHASEDI: Thank you, Chairperson. Witness C, could we begin at the beginning of your witness statement?
20 Please turn to page 3, paragraph 1.

WITNESS C: I am there, Commissioners.

ADV MOTLHASEDI: Thank you. Witness C, do you confirm the contents of paragraph 1?

WITNESS C: I confirm the contents thereof of paragraph 1.

ADV MOTLHASEDI: Thank you. Could I ask you to read

into the record the second sentence in paragraph 1? The second sentence in paragraph 1.

WITNESS C:

“I am a member of the Political Killings Task Team, PKTT, and a certified forensic investigator specialising in fraud and corruption investigations.”

ADV MOTLHASEDI: Thank you, Witness C. The contents of that paragraph will become important as we work through
10 your evidence this morning. Please then turn to the contents of paragraph 4. Do you confirm the correctness of your background and service history?

WITNESS C: I confirm, Commissioners.

ADV MOTLHASEDI: Thank you. Commissioners, that brings us to paragraph 9 of the witness statement. I would simply at this stage ask the Commissioners to take notice of the contents of paragraph 9. They set out the five themes that Witness C will address in the course of his testimony, so we might just refer back to that.

20 **ADV KHUMALO SC:** Can I ask that paragraph 6, line 2, be read into the record unless you advise that there is a particular reason why it should not? I think it may also become relevant later on.

ADV MOTLHASEDI: There is no challenge with that. Thank you, Commissioner Baloyi. Witness C?

CHAIRPERSON: Commissioner Khumalo.

ADV MOTLHASEDI: Thank you, Commissioner Khumalo.

ADV BALOYI SC: I have not married him.

ADV KHUMALO SC: It must have something to do with the Con Court judgment.

CHAIRPERSON: Is it?

ADV MOTLHASEDI: About the taking of... Thank you. Witness C, could you kindly then read the contents of paragraph 6 into the record?

10 **CHAIRPERSON:** I joined the PKTT where, that part of the sentence.

ADV BALOYI SC: Yes.

ADV MOTLHASEDI: Paragraph 6, beginning I joined the PKTT where?

WITNESS C:

20 "In 2020, I joined the PKTT where I conducted organised investigations into the contract killings of politicians and office bearers, university of ...[indistinct] members and several high-profile persons in Gauteng Province."

CHAIRPERSON: If I am not mistaken, I think you left out crime. Organised crime investigations. Yes, Ms Motlhasedi?

WITNESS C: Witness C, could I ask you then to turn the page to page 5? We are now on paragraph 10 of your witness statement.

WITNESS C: I am there, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. In paragraph 10 you referred to the relevant SAPS dockets that you will refer to in the course of your evidence. In order to properly situate the Commission, could I ask that you state the CAS number of the respective docket and give a high-level
10 summary of the main dockets highlighted in bold for the Commission? Could we start with paragraph 10.1?

WITNESS C: Thank you, Commissioners. Upon joining the operations in Gauteng, I was assigned with Erasmia CAS 104/11/2024, which this case was a kidnapping case of Ms Nqobile Dikgale and her son who were abducted at Copperleaf in Centurion. Furthermore, I was also assigned with ...[indistinct] CAS 315/11/2024, which is a case pertaining to the kidnapping of Mr Jerry Boshoga, a businessman at Centurion, and there had been a ransom
20 demand of 25 million in Bitcoin.

Also, I joined the team in investigating a case which is Vereeniging CAS 274/4/2024, which is the murder of Mr Swart Armand, a Q-Tech employee who was assassinated in Vereeniging. Further to this, I was also assigned, or I joined the team in investigating Sandton CAS

436/10/2023, which is, this is an attempted murder case involving Ms Tebogo Thobejane, Anele Malinga, and Khumbulani Ncube.

ADV MOTLHASEDI: Thank you, Witness C. Witness C, you can then turn over the page to page 7. The page begins with a heading titled, my role in the PKTT. With reference to paragraph 11 on page 7, please inform the Commission when exactly you joined the PKTT and what was your title within the entity.

10 **WITNESS C**: Thank you, Commissioners. On the 5th of May 2020, I joined the PKTT in KZN as an investigator and I worked under the command of Lt-Gen Khumalo. And since then, I was doing politically related matters or murders in KZN. And in 2023, I was deployed to Eastern Cape to do investigations on the murders and foreign corruption cases at UFH.

CHAIRPERSON: UFH in full being?

WITNESS C: University of Fort Hare, Commissioners.

20 **ADV MOTLHASEDI**: Witness C, if we can then go to paragraph 13, could you briefly tell the Commission the different entities that you worked with during your work with the PKTT?

WITNESS C: Thank you, Commissioners. As the PKTT is a multidisciplinary approach of investigations, I worked directly with the Director of Public Prosecutions in KZN and

also the Department of Correctional Services. Thank you.

CHAIRPERSON: And what would be the involvement of the Department of Correctional Services?

WITNESS C: Thank you, Commissioners. The involvement with the Department of Correctional Services, it is where we detain or incarcerate our suspects and from time to time, we will be in communication with them. As needs arise, some of the times we will have to go to conduct investigations within the Department of Correctional Services.

10 **CHAIRPERSON**: I was asking specifically because you refer that they would also assist with witness protection. You do confirm that?

WITNESS C: Yes, Commissioners. When we have the already-sentenced prisoners, they will facilitate the transportation and protection of those prisoners thereof. And also, should we require a prisoner to be transferred to a specific prison, then they will do the facilitation thereof.

ADV MOTLHASEDI: Thank you, Chairperson. Witness C, with reference to paragraph 14 and 15, please tell the
20 Commission where you were based at the time that you were investigating the University of Fort Hare cases.

WITNESS C: Once I was in ...[indistinct], I was at a TJOC. I am afraid of naming the TJOC itself, but then the TJOC that I was reporting to, it was reporting to the MAJOC, which is the Mission Area Joint Operational Centre.

And the TJOC is a Technical Joint Operational Centre. Then in 2023, then I was deployed to Eastern Cape, whereby I joined the ...[indistinct] TJOC, which was investigating the matters of University of Fort Hare. Thank you, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. If you can then turn the page over to page 8? We have a heading just at the top of the page titled my deployment to Gauteng Encounter Intelligence Operations. Witness C, with
10 reference to paragraph 16, please confirm your deployment to GCI and inform the Commission as to when this took place.

WITNESS C: Thank you, Commissioners. On the 2nd of December 2024, I was redeployed from PKTT to Gauteng Encounter Intelligence Operations Team, GCI Ops, for the new taskings in Gauteng. Thank you, Commissioners.

ADV MOTLHASEDI: And, Witness C, with reference to paragraph 17 and 18, please describe in your own words for the Commission the events of your first day after being
20 deployed to GCI.

WITNESS C: Thank you, Commissioners. On the 2nd of December 2024, upon my joining the GCI Ops, I was introduced to two detectives by my commanders, the two detectives who are Witness A and Witness B, and the combat members and the rest of the other members that

were at the TJOC. On that day, I also received a briefing about pertaining Vereeniging CAS 275/4/2024, and which was going hand-in-hand, which had parallel cases, being Klip River 77/4/2024, Bramley 149/4/2024, and Sunnyside CAS 286/1/2024.

ADV KHUMALO SC: Sorry. Witness C, when you were deployed to join GCI Ops in December 2024, were you told what the reason for your deployment to Gauteng was?

WITNESS C: I was informed that I am going to assist the
10 GCI Ops with their investigations, not specifically as to which cases am I going to be investigating there, but only to be informed that I will be doing investigations there.

ADV KHUMALO SC: And did you remain a member of the PKTT while you were deployed at GCI Ops, or did you become a member of GCI Ops? How did the deployment work?

WITNESS C: I am a member of a station that I cannot pre-empt right now. I am on detached duties, whereby I was deployed to PKTT and became a member of PKTT. Now I
20 am deployed to GCI Ops, and I am now a member of GCI Ops.

ADV KHUMALO SC: Thank you.

ADV MOTLHASEDI: Thank you, Commissioner. Witness C, you were still working through your response as per paragraph 18.3. Please proceed.

WITNESS C: At the time I met with Witness A and Witness B, I came to know that there had been a lot of obstructions from the side of the SAPS, specifically the higher ranking officers, and also from the side of the suspects. Also that there had been a discrepancy with the ballistic reports, and that they had been offered some sort of bribes and there had been threats to their lives. At the time I learned also that they are under 24-hour protection, and I was informed that I would be expected to reside with them at the
10 safehouse, and also I would be working under the same conditions as they are under protection.

ADV MOTLHASEDI: Witness C, please proceed to paragraph 18.4. That paragraph will also assist in further answering the question posed by Commissioner Khumalo.

WITNESS C: Thank you, Commissioners. I was also told that with the challenges that were ongoing, and that the members that I knew that were deployed with me to GCI Ops and that we would also be residing together with the Witness A and Witness B and that we would be provided
20 with support from other law enforcement agencies that would be outside of Gauteng, as the obstructions were mainly from Gauteng. So therefore, assistance from outside Gauteng would be required from us.

ADV MOTLHASEDI: Thank you, Witness C. Witness C, having testified to the Commission that you were deployed

to GCI Ops, please inform the Commission whether the dockets you are investigating post the 2nd of December 2024 are GCI Ops dockets or PKTT dockets.

WITNESS C: The dockets that I am currently investigating are GCI Ops dockets. And before I joined the GCI Ops, I was investigating the dockets that belonged to PKTT, which is Political Killings Task Team, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. My last question on this aspect is, please inform the Commission
10 who you report to, your ultimate superior, in the discharge of your duties at GCI Ops.

WITNESS C: My superior at the GCI Ops is Lt-Gen Khumalo. Thank you, Commissioners.

ADV MOTLHASEDI: Witness C, if we may then begin with Theme 1, which is titled the 6th of December operation at the residence of Mr Matlala. With reference to paragraph 20, please confirm that on the 3rd of December you received two dockets and relate to the Commission what those two dockets are related to.

20 **WITNESS C:** Thank you, Commissioners. On the 3rd of December, which was my second day at the GCI Ops, I received two dockets. And I took a briefing from the two dockets, which is ...[indistinct] CAS 315/11/2024, whereby a businessman known as Jerry Boshoga was kidnapped at Centurion.

A second docket that was handed over to me was Erasmia CAS 104/11/2024, which was a kidnapping case of Ms Nqobile Dikgale and her son, who were also abducted in Centurion. Thank you, Commissioners.

WITNESS C: Witness C, please inform the Commission the circumstances under which the GCI Ops became involved in the investigation of these two kidnappings and then also inform the Commission what were the underlying reasons that motivated the operation at Mr Matlala's residence.

10 **WITNESS C:** Thank you, Commissioners. We received a briefing from Lt-Gen Dumisani Khumalo that he had been tasked or instructed by the National Commissioner to take the investigations into the kidnapping of Jerry Boshoga and we were informed that there is information which leads us to the house of Mr Matlala, Vusimuzi Cat Matlala, as a person identified to be the person behind the kidnapping and further information was that Mr Matlala has been kept – I mean Mr Boshoga has been kept captive at the house of one Mr Vusimuzi Cat Matlala. Thank you, Commissioners.

20 **ADV MOTLHASEDI:** Witness C, with reference to paragraph 22 please confirm to the Commission the three operations detailed there and then inform the Commission which of those operations you attended to.

WITNESS C: Thank you, Commissioners. Then a plan was done to execute three operations for the 6th of December

2024. It was an operation for an arrest of Mr Katiso Molefe as per Vereeniging CAS 275/4/2024 and also the arrest of Lucky Boitumelo Molefe, who is a nephew of Mr Katiso Molefe as per Vereeniging CAS 275/4/2024 and an operation for the search of Mr Jerry Boshoga at the residence of Mr Matlala as per ...[indistinct] CAS 315/11/2024. Thank you, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. Please turn the page then to page 11 of your witness statement. At the
10 top of page 11 is a heading titled briefing at Special Task Force offices. Witness C, with reference to paragraphs 24 and 25, please describe to the Commission the events that took place at the Task Force offices that day.

WITNESS C: Thank you, Commissioners. In the morning of the 6th of December 2024, a profiling was conducted on Mr Vusimuzi Matlala and it was found that Vusimuzi Matlala is a person who had crossed paths with the law previously. So therefore, some sort of enforcement is required. Therefore, by 14:00 on the same day, we proceeded to the
20 Special Task Force offices where my commander together with an FSL expert, a Forensic Science Laboratory personnel expert, who joined us and we indeed did the briefing at the STF Offices.

CHAIRPERSON: You mentioned your Commander without telling us who that was. Will you tell us, or if you are not

willing to, will you tell us why not?

WITNESS C: Commissioners, I believe if I do tell the name of the Commander, it might compromise him because I do not know if the Commander will be called to be a witness before the Commissioner or not.

CHAIRPERSON: And in the third line you mention a member of the PKTT without mentioning the name. Do you have a reason for not doing so?

WITNESS C: Thank you, Commissioner. Ja, the reason is
10 still the same that I do not know if this forensic expert member will be called to testify before the Commission. Thank you.

ADV MOTLHASEDI: Thank you, Witness C. If I may assist? Please inform the Commission whether the identity of the Warrant Officer provided there as an individual who is based at the Forensic Science Laboratory is not a reference to the same individual who is also a member of the PKTT. Kindly please respond to this question without identifying the particular Warrant Officer.

20 **WITNESS C:** I did not get the question correct, Commissioners. I wish that could be repeated.

ADV MOTLHASEDI: Let me assist you, Witness C. In the first sentence of paragraph 24, the last few words are, and a member of the PKTT. Please explained to the Commission whether that reference 'and a member of the

PKTT' is a reference to the Warrant Officer or is a reference to another individual who joined you and the Commander and at the STF offices.

WITNESS C: Thank you, Commissioners. Ja, it is the same forensic expert who is also a member of the PKTT.

ADV MOTLHASEDI: Thank you, Witness C. Please proceed to describe the events of the afternoon of the 6th to the Commission.

WITNESS C: Thank you, Commissioners. After the
10 briefing was done at the STF offices, around 17:00 hours, we then left the STF offices and we drove with about 20 combat members to the residence of Mr Vusimuzi Matlala here in Pretoria. And where upon arrival, the combat members entered the premises and made it sure that the premises is safe for us to proceed, with which when we entered the premises of Mr Matlala, we encountered at the gate two security guards who came known to me as Mr Khoza and Mr Mokwana. And then as the combat members had already neutralised the venue, then they led me into the
20 house of Mr Matlala.

CHAIRPERSON: Witness C, what does neutralise mean?

WITNESS C: Thank you, Commissioner. Neutralising, it means that the combat members, they have secured that all the people who were within the premises are not in possession of firearms or any dangerous weapons. Thank

you, Commissioners.

CHAIRPERSON: It sounds like it has negative connotations, Witness C. Yes, Ms Motlhasedi?

ADV MOTLHASEDI: Thank you. Witness C, the next ...[intervenes].

CHAIRPERSON: Sorry. Not your explanation. Not your explanation. Just the neutralised. Yes, Ms Motlhasedi?

ADV MOTLHASEDI: Thank you, Chairperson. Witness C, before you describe to the Commission your continued
10 search for Mr Boshoga, please assist in answering this one question. With reference to paragraph 24, please explain to the Commission what was the importance of holding a briefing with the members of the Special Task Force and why it was deemed necessary for this operation.

WITNESS C: Thank you, Commissioners. It was deemed necessary to conduct the briefing because the STF members were not aware of the planned operation. They had to be briefed about the structures of the premises, and they had to be given the background of the target. So it
20 was deemed necessary for them to be briefed or to be informed beforehand. Thank you, Commissioners.

ADV BALOYI SC: Witness C, the involvement of the STF, we have understood that they do not get involved in regular policing. Why did it become necessary to involve them in your operation?

WITNESS C: Thank you, Commissioners. It was necessary because this was a kidnapping case whereby somebody had been held against his or her own will, and one of the special fields of the STF is the hostage negotiations and release. Thank you.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you, Commissioner. Witness C, we are now at paragraph 26 of your witness statement. Please describe to the Commission the events subsequent
10 to you entering the Boshoga – my apologies, the Matlala residence.

WITNESS C: Thank you, Commissioners. Myself and the FSL experts, we did a walk through the premises whereby the FSL experts was taking the photographs of all the evidential items that we had found and the combat members who would direct us to the rooms that when they entered there were individuals inside. Thank you, Commissioners.

ADV MOTLHASEDI: Please proceed, Witness C.

WITNESS C: Okay, thank you. At the first room, we have
20 found one person who became known to me as a Malawian national, Mr Yusufu Yusufu Mutupanyama in one of the rooms in the main house. He indicated to us that he is a general worker at the premises and when asked who are you within the premises, he just mentioned that my boss is not here, with which I understood that by him saying that my

boss is not here, he was referring to the owner of the house, Mr Vusimuzi Matlala.

We then conducted a search in the room of Mr Yusufu Yusufu Mutupanyama wherein Mr Jerry Boshoga was not in that room, but there was a white sheet that was very distinctive because it had torn edges and sides and it was manually tied to the window ...[indistinct]. And that white sheet, it is distinctive because when one of the videos for the ransom that was sent to the family of Mr Jerry Boshoga, 10 we could see that the sheet resembles the same as that on the video, Commissioners.

ADV KHUMALO SC: Did that lead you to believe that Mr Boshoga may have been in those premises?

WITNESS C: That is correct, Commissioners. It gave me hope as it was the first room that ...[indistinct] found Mr Bashogo in one of the rooms, Commissioners.

ADV MOTLHASEDI: Witness c ...[INTERVENES].

ADV BALOYI SC: Sorry. Witness C, just to be sure that we understand, you say the distinctive features that looked 20 very similar and that made the sheet look, that white sheet looked very similar to the one in the ransom videos. What were those distinctive features?

WITNESS C: Thank you Commissioners. The sheet had uneven edges. You can tell that a scissor was not used to cut the sheet, but it was torn apart with – it was teared off

with hands and it was just a white clean sheet. And to me it became very odd to find that sheet hanged or manually tied to the window in that house. Thank you.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you. Witness C, you used the word odd to describe the manner in which the sheet was tied. Please explain why you would describe that using that word.

WITNESS C: Thank you, Commissioners. I also can tell
10 that when I say the house of Mr Matlala, it is like an understatement. I was supposed to be saying the mansion of Mr Matlala, with which I expected to see a propagated on that window of the room of Mr Yusufu Mutupanyama. Thank you, Commissioners.

ADV MOTLHASEDI: Thank you, Witness. With reference to paragraph 29, did you question Mr Yusufu on, you know, the sheet, and what was the response you received from him, if any?

WITNESS C: Thank you, Commissioners. I had asked Mr
20 Yusufu as to where did he get the sheet, and he indicated that he was given by his boss, and thought he never told us as to when was it given to him, Commissioners. And I further asked him if he, as to where was Mr Boshoga. And his response was that he does not know where Mr Boshoga was. Thank you, Commissioners.

CHAIRPERSON: In your statement, you say that he replied that he did not know him. I understand that not to refer to the whereabouts, but to mean that he just did not know who Mr Boshoga was.

WITNESS C: That is correct, Commissioners. He indicated that he does not know Mr Boshoga and he does not know where Mr Boshoga might be. Thank you, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. We are now at paragraph 30 of your witness statement on page 12. In
10 paragraph 30, you mentioned that you are called by a member of the team. Please relay to the Commission what happened thereafter.

WITNESS C: Thank you, Commissioners. One combat member came to me and indicated that there are some cottages on the outside, where I should head to as there are individuals in those cottages. So I requested one member of the combat team to remain with Mr Yusufu and I proceeded to the cottages, whereupon arrival at the cottages, I have found two adult males, African males, who
20 then became known to me as Mr Mzimela and Mr Mtetwa.

I asked them as to what they were doing there and they informed me that they work for CAT VIP Security, further informing me that the security company they are working for belonged to Mr Vusimuzi Matlala. Whilst I was still speaking with them, I saw two pistols that were on the

bed, under the pillow. I could still see, even though they were under the pillows. And there were also two rifles that were propped against the wall in the same room.

Then I then asked them as to who the firearms belonged to and they indicated that they were CAT VIP Security company firearms and they had been permitted to be in possession of those firearms. I then asked for the permits for the firearms, the four firearms. And when I checked at the permits of the firearms, the serial numbers
10 of the ...[intervenes].

CHAIRPERSON: Before you continue, from what you say here, that is in paragraph 32, and what you say later, it seems to me that there is a difference between a firearm licence and the permit or permits that you referred to later. Can you please tell us what a permit is?

WITNESS C: A permit means that it will be a firearm that belongs to a company and a certain individual with competencies to carry such firearm can be permitted to use or to be in possession of that specific firearm whilst the
20 person is on duty.

CHAIRPERSON: So the holder of the firearm licence is the company and then permits get issued to individuals who are to be in possession of the firearms, getting possession from the company?

WITNESS C: That is correct, Commissioners.

ADV MOTLHASEDI: Please proceed, Witness C. You were taking the Commission through paragraph 33.

WITNESS C: Thank you, Commissioners. Then the two security officials handed me the permits. I then checked the permits, and I found that they indeed correspond with – the serial numbers on the permits correspond with the serial numbers of the firearms.

But on the permit, I noticed some sort of irregularities of the permit, because the signature on the permit were pre-signed, or I would say that they were
10 digitally signed, which means that any person can just write in the serial numbers of the firearms and would say that the firearm were indeed handed over by the responsible person of the company.

And furthermore, I requested the two security guards to show me the safe and they indicated that they did not have a safe in the room where they could have placed those firearms, and I found that to be in contravention of the Firearms Control Act.

20 **ADV MOTLHASEDI**: Thank you, Witness C. With reference to paragraph 37, 33, my apologies, based on your experience having worked with firearms, is it your evidence this morning that the Firearms Controls Act does not permit permits that are digitally signed?

WITNESS C: Correct, Commissioners. The Firearms

Control Act does not allow the pre-signed permits because the person who hands over the permit or who issues the permit to a security personnel must sign in the presence of that security personnel and as he or she is handing over the firearm to that security personnel. Thank you, Commissioners.

ADV MOTLHASEDI: And therefore, in light of the irregularities that you identified in paragraph 33, what steps then did you take in respect of the four firearms?

10 **WITNESS C:** I requested the forensic experts to package the firearms as I have indicated to them that I will be seizing them. And indeed, they were packaged and seized. Therefore, I continued with the search of Mr Jerry Boshoga. And unfortunately, I did not find him.

ADV BALOYI SC: Witness X, did the two, Mr Mzimela and Mtetwa say to you, or was it your understanding that they were on guard duty when you found them there?

WITNESS C: Mr Mtetwa and Mr Mzimela were sleeping at their quarters, waiting for their shift, for their next day shift
20 to start. They were supposed to report for duty the next day at 6 o'clock in the morning.

ADV BALOYI SC: And the way in which you found the firearms that you refer to under the pillow, the pistols under the pillow and rifles propped up against the wall, is that a proper way of storing firearms if they are not on duty? Is

that permissible in terms of the law?

WITNESS C: Thank you, Commissioners. According to the law, the firearm must either be stored in the safe, prescribed safe, and/or the firearm must only be on you, with you having full control of that firearm. Thank you. In a proper manner. Thank you, Commissioners.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: And therefore, Witness C, the manner in which the four firearms were propped up against the wall
10 and under a pillow is, in your evidence, a contravention of the Firearms Control Act?

WITNESS C: That is correct, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. We can then turn the page to page 14. We are now at paragraph 35. So please inform the Commission what happened after you had searched the cottage of Mr Mtetwa and established that Mr Boshoga was not there.

WITNESS C: Thank you, Commissioners. After conducting the search at the cottage where Mr Mtetwa and Mzimela
20 were, then I made my way back to the main house in order to carry on with interviewing Mr Yusufu. And when I was – I asked Mr Yusufu as to if there are any other cottages that maybe he could take me to. He took me to another cottage which he told me that it is a house where Mr Nkosinathi Baloyi, a brother to Mr Matlala's wife, resides. Upon arrival

at that room, at that cottage, there was no – and upon gaining access, I searched for Mr Boshoga and unfortunately, Mr Boshoga was not in that room.

ADV MOTLHASEDI: Thank you, Witness C. Would it then be a correct summary of your evidence to say that at that point you had conducted a search on the room where you found Mr Yusufu, you had conducted a search in the cottage where you found the two guards and you had further conducted a search of the room of Mr Nkosinathi Baloyi and
10 in all three of those cottages, you were unable to find Mr Boshoga. Is that a fair summary of your evidence?

WITNESS C: Thank you, Commissioners. That will be indeed the summary of the searches that I have conducted at that point.

ADV MOTLHASEDI: Thank you. Please then proceed to paragraph 36, Witness C.

WITNESS C: Thank you, Commissioners. In the yard or in the premises of Mr Matlala, there were a lot of vehicles. So now, as I was taking record of all the vehicles that were in
20 the premises, a white Toyota Corolla entered the residence. I indeed went to the driver of the motor vehicle and asked him who he was. I identified myself to him and he told me that he was Given Tshepo Makofane and he was a driver of Mr Matlala.

He further informed me that he had received a call

from Mr Matlala that he should come and fetch him. As I was still standing with Mr Makofane, taking his details, a combat member came to me and advised that my Commander was looking for me. I then left with the combat member to the main house where he directed me to the main bedroom whereby I found my Commander with a person that became known to me as Mr Matlala and a person who became known to me as Mrs Tsakane Matlala. Thank you.

10 **ADV MOTLHASEDI**: Thank you.

ADV BALOYI SC: Witness C, where you refer to a combat member, can you just remind us, is that a particular unit or I think you have referred to combat team, is that a particular unit and what is that unit?

WITNESS C: Thank you, Commissioners. I did not get that clearly as I think we have got a challenge in the network.

ADV BALOYI SC: Let me try again and see if you will hear me this time. The question is, you have been referring to combat team and combat member. If you would just explain
20 what is that team, what unit is that?

WITNESS C: Thank you, Commissioners. When I refer to combat members, I am not referring specifically to a unit, Commissioners. When I say combat members, I am referring to the members of either it will be STF members or NIU members or TRT members.

ADV BALOYI SC: Thank you.

WITNESS C: Thank you.

ADV MOTLHASEDI: Thank you, Witness C. Before you proceed with the next subheading, which is your interview with Mr Matlala, please inform the Commission whether Mr Given Makofane informed you when approximately he had received a call from Mr Matlala.

WITNESS C: Thank you, Commissioners. Mr Makofane indicated that he had received a call just a few minutes
10 after five, 17:00, and that will be the time that we were leaving the STF offices. Thank you.

ADV KHUMALO SC: Sorry, Witness C. There is just something that is not clear to me. Throughout your search of the house and the two cottages, was Mr Matlala there or did you first encounter him later in the day when, I believe you said, he was fetched by his driver or he had called his driver to come and get him? Where was Mr Matlala when you were searching the premises and the two cottages?

WITNESS C: Thank you, Commissioners. At this time and
20 point, I have not encountered Mr Matlala as yet. Mr Matlala was only encountered when I had left Mr Makofane as I was called by the combat member who led me to the main bedroom, whereby I now found Mr Matlala, Mrs Matlala and my Commander there.

ADV KHUMALO SC: Thank you.

ADV MOTLHASEDI: Thank you, Witness C. Picking up from paragraph 38, please then describe to the Commission your subsequent discussion with Mr Matlala.

WITNESS C: Thank you, Commissioners. Upon my entry into the main bedroom of Mr Matlala, there was Mr Matlala, my Commander, and Mrs Matlala, and there was also a combat member who was standing by. I then performed a search. Sorry. Before that, Mr Matlala requested that his wife be excused from the room. And indeed, she was
10 allowed to go outside.

And then thereafter, I conducted a search in the bedroom. And as I searched for Mr Boshoga, I could not find him. And then I also asked Mr Matlala if he had any weapon and he showed me a 9mm pistol that was placed on his pedestal. I then asked Mr Matlala as to why was his firearm lying there, just exposed as it was and why was the firearm not in the safe.

CHAIRPERSON: Did you establish if it was a licenced firearm, Witness C?

20 **WITNESS C**: Thank you, Commissioners. I did request him to show me his firearm licence. And indeed, he produced his firearm licence. And when I checked the firearm licence, the firearm, the serial number corresponds with that on the licence. So I asked him, where is the safe? He indicated that he has got the safe within the house and I

asked him to point me as to where the safe is, but unfortunately, he could not. And I told him that since, well, the firearm was not stored in a proper manner, then I will resolve to cease the firearm to conduct investigations on the firearm.

ADV BALOYI SC: When you say he attempted to point out the safe to me, but was unsuccessful, what does it mean? Is it the same thing as saying there was no safe in the room?

10 **WITNESS C:** There was no safe in the room, Commissioners.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you, Witness C. Please then proceed to the last three sentences in paragraph 38. Please continue.

WITNESS C: Thank you, Commissioners. As I have indicated, I have informed him that I will be ceasing the firearm and I will be sending the firearm for ballistic testing. And furthermore, for security purposes and/or reasons, I
20 requested that the combat member who was standing by our, next to our Commander, to my Commander, to stand on the other side of the door so that we can now conduct an interview with Mr Matlala.

ADV MOTLHASEDI: Thank you, Witness C. At the point of seizing Mr Matlala's firearm, please then confirm to the

Commission the total number of firearms that you had seized at his residence that day.

WITNESS C: Thank you, Commissioners. On that day, we have seized two rifles and three pistols, totalling to five.

ADV MOTLHASEDI: Thank you, Witness C. Please then proceed from paragraph 39.

WITNESS C: Thank you, Commissioners. We then sat inside the room. They provided us with a space where we can sit. And I requested the cell phone of Mr Matlala. And
10 also, I requested him, if he is consenting to us searching the phone and/or downloading the phone with which he consented, provided us with the PIN codes and deactivated the facial lock features on the phones.

And we then proceeded to conduct an interview. As we were about to start with the interview, my commander informed me that upon his entrance into Mr Matlala's bedroom, Mr Matlala indicated that he wanted to talk to us. Then, indeed, we sat and we lent him an ear to listen to what he wanted to tell us.

20 He then informed us that he knew the reason for us to be at his premises and that we were there looking for Mrs Nqobile Dikgale and the child. And the reason for that is that he had been trying to assist the family in locating the kidnapped individuals and they know that he is capable of doing that because he once assisted a Pakistani family to

reunite them with the kidnapped person, member of their family.

And he indicated that the reason why he was able to assist that family is because of the connections that he has and the type, the industry, the security industry that he is in business. And now people are suspecting him of being behind all the kidnappings that were happening around Gauteng. We then asked him of his criminal background. And yes, indeed, he told us that he had been here, he was
10 previously arrested for cases ranging from common robberies, armed robberies, cash-in-transit. And he indicated that that was in the past as now he is a businessman.

We then asked him if he knew Mr Boshoga and he told me that, yes, he knew Mr Boshoga and they had been friends from 2012 and they were engaged in criminal activities together. As we asked where the whereabouts of Mr Boshoga, he indicated that he did not know where Mr Boshoga was and he informed us that he had been in
20 communication with the family of Boshoga as they had also approached him seeking assistance to locate Mr Boshoga.

ADV MOTLHASEDI: Please continue, Witness C.

WITNESS C: Mr Matlala also indicated that he does not know the identity of the people who are suspected to be behind the kidnapping of Mr Jerry Boshoga, but he indicated

that Jerry Boshoga owed people money and he was in a drug business. He further informed us that he himself, Cat Matlala, had lent Mr Boshoga an amount of five million as he wanted to buy a machine for processing drugs.

ADV MOTLHASEDI: Please proceed, Witness C.

WITNESS C: Thank you. He further informed us or identified business associates of Mr Boshoga who is in the same drug business and he indicated also that Mr Boshoga, as his friend, has once informed him that he had a fallout
10 with his drug associates and that maybe the associates that he had a fallout with might want to harm him.

ADV MOTLHASEDI: Thank you, Witness C. And so when you questioned Mr Matlala about the possible whereabouts of Mr Boshoga, what was the response you received?

WITNESS C: Mr Matlala indicated that he does not know where Mr Boshoga is.

ADV MOTLHASEDI: Thank you, Witness C. Two follow-up questions on this aspect of your evidence. Is it then a fair summary of what you have detailed thus far that when Mr
20 Matlala was questioned on Boshoga's possible whereabouts, he denied a role in the kidnapping of Mr Boshoga? Is that accurate?

WITNESS C: That is correct, Commissioners. He indicated that he had nothing to do with the kidnapping of either Mr Boshoga or the family of Mr AB Dikgale.

ADV MOTLHASEDI: And when questioned again in respect of Mr Boshoga's kidnapping, Mr Matlala proffered or suggested that certain unsavoury characters within the drug world might have sought to harm Mr Boshoga. Is that an accurate summary of your evidence?

WITNESS C: That is an accurate summary of the evidence. He also gave us names that indeed the investigation is still undergoing. So it is still ongoing and now we cannot divulge those names as Mr Boshoga has not been found as
10 yet.

ADV MOTLHASEDI: And my final question on this score, Witness C. Is it then correct that Mr Matlala's position was that he is not a kidnapper or did not kidnap Mr Boshoga, but rather that he was involved in assisting the families of kidnapped people due to his experience in the security industry? Is that accurate?

WITNESS C: That is accurate, Commissioners.

ADV KHUMALO SC: Witness C, how was this interview conducted and was it recorded, perhaps?

20 **WITNESS C:** Thank you, Commissioners. The interview was conducted in a peaceful manner and it was indeed recorded, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. Witness C, could you then proceed to paragraph 45 of your witness statement, please?

WITNESS C: Thank you, Commissioners. As we proceed with our interview with Mr Matlala, he started now to tell us that he is a recipient of a SAPS health tender that is about R1.2-billion for three years and ...[intervenes].

CHAIRPERSON: You introduced this, Witness C, by saying under main paragraph 45 that:

“Mr Matlala proceeded to make several startling disclosures. These are reflected below.”

10 And then 45.1, you then say what you have just said about the contract for R1.2-billion. Why do you say this was startling?

WITNESS C: Thank you, Commissioners. We never asked Mr Matlala as to whether he had a tender with the SAPS or not and as we go further, as you will see, he started name dropping of senior police officials. And why now I am saying startling, maybe I would also say that I am of an opinion that he said that and dropped the names of senior police officials in order maybe to intimidate us that he is
20 connected to high-ranking officials of the SAPS. Thank you.

CHAIRPERSON: Thank you. I did not mean to derail you. You then may go on itemising what you say was startling.

WITNESS C: Thank you, Commissioners.

ADV MOTLHASEDI: Thank you, Chairperson. Witness C,

you can then pick it up from paragraph 45, paragraph 45.2.

WITNESS C: Thank you. He then told us that he had close connections with very senior police officials in the SAPS and he named, number one, the PPT National Commissioner, General Sibiya, and he also gave his contact details. Second one, he named General Feroz Khan and also gave his contact details, and General Shibiri and also gave his contact details. He further indicated that he is related to one General Senona.

10 **ADV MOTLHASEDI:** Thank you, Witness C. Apologies ...[intervenes].

ADV KHUMALO SC: Just before we, I see it is almost 11 o'clock. Witness C, when you say contact details, do you mean their personal cellular phone numbers or their office contact details?

WITNESS C: Thank you, Commissioners. I mean their contact cellular cell phone numbers.

CHAIRPERSON: Perhaps we should adjourn at this stage. We will resume at 11:15.

20 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Motlhasedi.

ADV MOTLHASEDI: Thank you, Chairperson. Witness C, are you there?

WITNESS C: Thank you, Commissioners. I am here,

Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. Just prior to the tea break, you were taking the Commission through paragraph 45.2 of your witness statement.

WITNESS C: Thank you, Commissioners. Yes, as we continued in interviewing Mr Matala, he indicated that General Senona and General Sibiya had assisted him in securing the SAPS tender, the one that he said is a 1.2 billion tender for 3 years. And in respect of General Khan,
10 he indicated that he had, he owned a penthouse at Menlyn Maine, Pretoria, whereby General Khan would, at times or regularly, utilize his penthouse. So when we asked him as to why would General Khan utilize his penthouse, and his response was he did not know the reasons why would the General wants to utilize his penthouse.

ADV MOTLHASEDI: Thank you, Witness C. Just for further clarification, could you turn back to paragraph 45.2.

WITNESS C: Yes, I am there.

ADV MOTLHASEDI: Thank you. Please provide the
20 Commission with a designation or a title for General Feroz Khan, what role does he play within the SAPS?

WITNESS C: General Khan is, he is working at Crime Intelligence.

ADV MOTLHASEDI: And please do the same for General Shibiri.

WITNESS C: General Shibiri, he is working at the Detection Offices at the head office, working under the command of General Shibiri.

ADV MOTLHASEDI: And finally, General Senona, please.

WITNESS C: I am not really sure about General Senona, but I think he is a head of DPCI, KZN.

ADV MOTLHASEDI: Thank you, Witness C. We are now at paragraph 45.5. Could I ask you to please read the contents of paragraph 45.5?

10 **WITNESS C:** -:

“Mr Matlala told us that he knows when we were coming. He knew that we were coming to his house that day. He showed us on his phone the call history between him and Sergeant F E Nkosi from that day. He told us that he was tipped off through two calls, one advising that we were attending a briefing at STF offices at 14:07 and
20 further call advising of our departure to Mr Matlala's residence at 17:03.”

ADV MOTLHASEDI: Again, as a question of clarification, Witness C, do you know the title or role that Sergeant F E Nkosi plays within the SAPS?

WITNESS C: Thank you, Commissioners. Since Mr

Matlala had also provided us on that day with more particulars on Mr Matlala, Mr Nkosi, that he was, as on his phone, he saved him as Warrant Officer, but upon further investigation into it, we have determined him as a Detective Sergeant F E Nkosi, working at the National Head Office Detection, or Detective Services at the Office of the Deputy National Commissioner, General, Lieutenant-General Sibiya.

ADV MOTLHASEDI: Please proceed, Witness C.

10 **WITNESS C:** Thank you. And furthermore, on that day, he indicated that he was in constant communication with the Police Minister, Mr Senzo Mchunu and on the very same night, he was supposed to have a meeting with Mr Mchunu and also indicated that there is a person who is responsible for his meeting with Mr Mchunu, as he is not the one who arranged for the meeting. So the meeting was going to be through a third party, Commissioners.

CHAIRPERSON: Did he say who this person was or did you ask who the person was?

20 **WITNESS C:** We asked who the person was, but he elected not to state who the person was at the time.

ADV BALOYI SC: Witness C, did you, this Sergeant Nkosi, did you verify the telephone number that you saw on Mr Matlala's phone, that it was indeed Mr Nkosi's, Sergeant Nkosi's number?

WITNESS C: Thank you, Commissioners. On his phone we verified the cellphone number and also he also showed us an ABSA account number that belongs to Sergeant Nkosi. Furthermore, a screenshot of the, a screenshot whereby Sergeant Nkosi did an inquiry on the SAPS system and on that screenshot, his personal number was reflected. Further than that, we also did profiling on who this Nkosi is. That is, and now we clearly got to know who Sergeant, Detective Sergeant F E Nkosi is.

10 **CHAIRPERSON:** Just tell us more about the ABSA bank account, Sergeant Nkosi's bank account. What exactly are you saying about this? What were you shown about it?

WITNESS C: Thank you, Commissioners. Mr Matlala indicated that this Sergeant Nkosi, it is his connection between him and Lieutenant-General Sibiya. In most cases, he will give Sergeant Nkosi money through transfers for his personal use and for the General, he will summon Sergeant Nkosi to come and collect the packages for General Sibiya.

20 **CHAIRPERSON:** What packages?

WITNESS C: The money packages, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. With reference to paragraph 45.6, towards the end of the second sentence, you indicate that the relationship and the intended meeting between Mr Matlala and the Minister of

Police were facilitated by a third-party associate to the Minister. Do you now know who that third party is?

WITNESS C: Thank you, Commissioners. Now we do know through our cellphone investigations into the downloads or mirroring of the cellphones of Mr Vusimusi Matlala, that the person, the third party is a person known as Mr Brown Mogotsi. Thank you, Commissioners.

ADV MOTLHASEDI: And just to be clear then, that at the time of the operation at Mr Matlala's residence on the 6th,
10 you were at that time not aware of the identity of this third party, but subsequently came into a place of knowledge.

WITNESS C: That is correct. At the time of the operation, we had no knowledge of who the third party was. And in actual fact, we did not even know who Mr Matlala was, except the profile that we had.

ADV MOTLHASEDI: Please proceed, Witness C.

WITNESS C: Thank you. He further gave us the name of his IT specialist, a friend whom he had indicated that he assisted with his tuition fees, being Mr Calvin Rafadi, and
20 also furnished us with his personal cellphone numbers, and that he had assisted him in obtaining his educational qualifications by paying for his tuition fees, and in return, whatever IT-related needs that he will need, Calvin Rafadi will be the person to assist him.

ADV MOTLHASEDI: Witness C, with reference to

paragraph 45.3, did Mr Matlala share with you how General Senona and General Sibiya assisted him in securing his tender with the SAPS?

WITNESS C: Commissioners, unfortunately, with regard to the way of securing the tender, he did not go deeper into it as to how were they of an assistance to him. What he indicated is that after each and every payment by the SAPS, then a portion of the payment goes to General Sibiya. Thank you.

10 **ADV BALOYI SC:** Witness C, did Mr Matlala say why he was giving you the name of Mr Calvin Rafadi, why you needed to know that?

WITNESS C: Commissioners, as I have indicated from the onset that he started to make startling aversions. So one would not know as to why was he giving us the names of the senior police officials and why was he giving us the name of Calvin Rafadi as a person whom he assisted in his educational needs. And even now, one does not have a straight answer to that, Commissioners.

20 **ADV BALOYI SC:** Thank you.

ADV MOTLHASEDI: Thank you, Witness C. Please then tell the Commission what was the ultimate outcome of the search of the Matlala residence and what steps you took thereafter with reference to paragraph 46.

WITNESS C: Thank you, Commissioners. After we

completed the interview with Mr Matlala, we did a walkthrough of a search at each and every room of the house and unfortunately, Mr Boshoga was not found. From there, as we had packaged the exhibits or the firearms, we then had to proceed to withdraw from the residence and proceed to the Police Station.

ADV MOTLHASEDI: Please proceed to paragraph 47, Witness C.

WITNESS C: And also, I also prepared a report pertaining
10 the operation and the items that we seized and with, and from the, from them we have taken iPhones, 3 iPhones that belong to Mr Matlala and Mrs Matlala, with which they also gave permission to us for downloading of the cellphones and the two burner phones, which were two Nokia's, and also the firearms, the five firearms, which, with which four are the ones that we seized at the cottages where Mzimela and Mtetwa were, and the fifth one being the personal pistol of Mr Matlala.

ADV MOTLHASEDI: Thank you, Witness C. Can I request
20 you to turn to Annexure WC2 in your annexure bundle, Annexure WC2. It appears on page 8. We will also flight it on the monitor.

WITNESS C: Thank you.

ADV MOTLHASEDI: Thank you, Witness C. We are then at page 8 in your annexure bundle and we are at paragraph

5.

WITNESS C: Thank you, Commissioners, I am there.

ADV MOTLHASEDI: Could you then take the Commission through the contents of paragraph 5.

WITNESS C: Thank you, Commissioners. I will read into to the record, Commissioners. Paragraph 5 reads ...[intervenes].

ADV BALOYI SC: Perhaps can we ...[intervenes].

WITNESS C: -:

10 “I then informed Mr Matlala that I was
 being ...” [intervenes].

ADV BALOYI SC: Witness C, perhaps if you could just first explain what is this document?

WITNESS C: Thank you, Commissioners. This is the affidavit that I made at Brooklyn SAPS as I was registering an inquiry pertaining the firearms that I have seized, Commissioners.

ADV BALOYI SC: Thank you.

20 **ADV MOTLHASEDI:** Thank you, Witness B. Thank you, Commissioner. And that affidavit is annexed to paragraph 48 of your witness statement. Witness C, you were then taking the Commission through paragraph 5.

WITNESS C: Thank you, Commissioners. I would first make a request, Commissioners, that I have indicated the name of the forensic experts, the photographer, so can I be

allowed not to make mention of his name, please?

ADV MOTLHASEDI: Indeed, you may omit the name of the Warrant Officer, Witness C.

WITNESS C: Thank you, Commissioners.

“I then informed Mr Matlala that I was going to confiscate the firearms for inquiry and ballistic testing purposes. I then requested a photographer to process and package the firearms. I then, together with the photographer, proceeded to Brooklyn SAPS and booked in the aforementioned firearms into the SAPS13 as per SAPS13 number 661/2024. The details of the firearms are as follows: 9mm Taurus with serial number ACB576166, sealed in a forensic seal bag number PAD002374648; second item, 9mm Taurus with serial number ACB576168, sealed in a forensic seal bag number PAD002374647; third item it is a 9mm Beretta with serial number BER480751, sealed in a forensic seal bag number PA4500160252; item number four it is R5 rifle with serial number 2055045,

sealed in a forensic seal bag number PAR40041207; the last item, which is item number 5, is R5 rifle with serial number 2010724, sealed in a forensic seal bag number PAR400412082.”

Commissioners, I can tell you that Item 1, 2, 4, 5, these are the firearms that belong to CAT VIP Protection Services. Item number it is Mr Vusimusi Matlala's personal firearm. Thank you, Commissioners.

10 **ADV MOTLHASEDI**: Thank you, Witness C. If I can then confirm that based on your affidavit attached as Annexure WC2, the five firearms that you seized at Mr Matlala's residence were therefore properly booked into SAP13 at the Brooklyn Police Station. Is that correct?

WITNESS C: That is correct, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C.

WITNESS C: Thank you.

ADV MOTLHASEDI: Commissioners, I note that the copy of Annexure WC2 in your file, the affidavit is unsigned, but
20 we have located a final and signed version and we will update your files over lunch. The documents are identical. It was just a matter of sourcing the signed affidavit. Thank you. Please then proceed, Witness C, from paragraph 47.3.

WITNESS C: Thank you, Commissioners. At the house of,

at the premises of Mr Matlala, I took a list for the, for all the individuals, including the kids, that were in the residence, which included four children, Commissioners.

ADV MOTLHASEDI: Please proceed, Witness C.

WITNESS C: Then, on the next day, which was like, I think it was around 20 minutes past 12 at night, we proceeded to Brooklyn SAPS, whereby the items as I have read out as per Annexure WC2, were booked properly and an inquiry, as per inquiry, Brooklyn 1/12/2024 was registered.

10 **ADV MOTLHASEDI**: Thank you, Witness C. And in terms of paragraph 49.

CHAIRPERSON: For what purpose were these booked, the cellphones?

WITNESS C: The cellphones were also booked in the same SAP13 number 661/2024.

CHAIRPERSON: For what purpose?

WITNESS C: For downloading and investigation purposes, Commissioners, as we have first acquired consent from Mr and Mrs Matlala for their phones to be downloaded.

20 **CHAIRPERSON**: Thank you.

WITNESS C: And those cellphones were booked in as per SAP number 661 and also immediately booked out as per the same SAP13 number for investigation purposes.

ADV MOTLHASEDI: Thank you, Witness C. You then state in paragraph 49 that the Brooklyn inquiry was

thereafter assigned to the responsible Warrant Officer, is that correct?

WITNESS C: That is correct, Commissioners.

ADV MOTLHASEDI: Please then take the Commission through the contents of paragraph 50, in particular the events of the 12th of December 2024.

WITNESS C: Thank you, Commissioners. On the 8th of December, I handed the cellphones to our Cybercrime experts for downloading purposes And they were returned to
10 me on the 11th of December, 2024, and with the report that the cellphones were never, were not downloaded, downloaded our imaged and that services of the private sector were also tried in order to download those cellphones, but they were never downloaded. Then ...[intervenes].

CHAIRPERSON: Why – just a minute, just a minute, Witness C. You say they were not downloaded. Were they, is it, was it a case of it being unable to do a download or was it a case of them simply not being downloaded? In
20 your testimony, you say they were not downloaded. Please explain.

WITNESS C: Thank you, Commissioners. The cellphones were not downloadable, Commissioners.

CHAIRPERSON: They were not downloadable? They were not downloadable, is that what you mean?

WITNESS C: That is correct, Commissioners.

CHAIRPERSON: Ja, because when you say they were not downloaded, it suggests that they were taken there to be downloaded, but that was not done.

WITNESS C: Oh, alright.

CHAIRPERSON: And it is different altogether if it was a case of them not being downloadable.

WITNESS C: No, thank you, Commissioners. This is, these phones were not downloadable, which now brought
10 me to a conclusion that as Mr Matlala has given us a friend, an IT specialist friend, Mr Calvin Rafadi, who assist him in all his IT-related needs, then maybe Mr Rafadi might have done something or tampered the cellphones so that they cannot be downloadable.

CHAIRPERSON: Can you please, please make me understand this. Evidence has been led of a few witnesses now who have told us what was found in Mr Matlala's phone. How was access gained to that? Was that something other than what you sought to download and if it
20 was something else, how was that obtained?

WITNESS C: Thank you, Commissioners. I was of, I thought we were still coming to that point, but Commissioners, I will put the Commission at ease to say that these phones, this particular phones that we are talking about, they were returned to Mr Matlala on the 12th of

December 2024. Fast forward, we arrested Mr Matlala on the 14th of May 2025, and his phones were confiscated, and he consented to the search on the cellphones or downloading on the cellphones. These phones that were confiscated on the 14th of May were new phones altogether. The phones that I have returned on the 12th of December 2024, he informed me that he had enjoyed the warmth of them being burned, as he did not trust that the Police would just give his cellphones back without maybe putting
10 something, a listening device onto those phones. So he burned the phones that were confiscated on the 6th of December, 2024.

CHAIRPERSON: Thank you.

ADV MOTLHASEDI: Thank you, Witness C. Then to clarify the exchange between you and the Chairperson, please confirm that two sets of cellphones were then taken from Mr and Mrs Matlala, the first on the 6th of December from the operation at their house, and the second culminating from his arrest in May of this year. Please
20 confirm if that is an accurate summation of your evidence.

WITNESS C: That is correct, Commissioners.

ADV MOTLHASEDI: Further, Witness C, that you testified to returning the three cellphones on the 12th of December 2024. Those, according to your evidence, are the cellphones that could not be downloaded by either the

SAPS Cybercrimes unit or the private sector service provider. Is that an accurate reflection of your evidence?

WITNESS C: That is an accurate reflection of my evidence, Commissioners, that the cellphones that were confiscated or seized on the 6th of December 2024, were taken to Cybercrimes unit, where they were not downloadable, and also the services of the private sector, where they also failed to download those cellphones as they were undownloadable. Thank you, Commissioners.

10 **ADV MOTLHASEDI:** Thank you, Witness C. And then perhaps for completion, is it an accurate reflection of your evidence that upon the arrest of Mr Matlala in May of 2025, he informed the arresting officers that he burnt the cellphones that you returned to his house on the 12th of December. Is that is that accurate?

WITNESS C: That is very accurate, Commissioners, that he did not trust the Police, and therefore he thought the Police might have hacked his phones. So, indeed, he argued that he held that he had burnt the three iPhones.

20 **ADV MOTLHASEDI:** Okay. Witness C, my final question with reference to paragraph 15, your evidence has been that these three iPhones were incapable of being downloaded. In your years of experience as a Detective, have you ever come across such a situation where cellphones are incapable of being downloaded by both the

SAPS as well as private sector service providers?

WITNESS C: Thank you, Commissioners. I have made submissions to, I have submitted the cellphones previously to our Cybercrime department for downloading and this was my first time to experience a phone that is undownloadable, Commissioners.

ADV MOTLHASEDI: Witness C, in paragraph 51 of your witness statement, you set out certain conclusions or reflections that you drew following from the operation at Mr
10 Matlala's residence. Could you please take the Commission through the contents of paragraph 51 in your own words?

WITNESS C: Thank you, Commissioners. When one says things, it is our duty, as in the leaders, to investigate the veracity or the truthfulness of such aversions. So we indeed went back and started doing investigations. One of it was that pertaining the 1,2 billion tender that Mr Matlala said he had with SAPS, we found that indeed, he had the tender with SAPS and that tender was to the value of 360
20 million. And furthermore, despite the fact that Mr Matlala had a lot of cases that were once opened against him and then also the criminal record that he had, he had indeed close relationships with the senior SAP officials. And the other fact is that for him to be informed of our debriefing at the STF offices and our departure from STF offices to his

house, it shows that he is well aware of all the operations that we as SAPS do have as he is well connected with the high-ranking officials of the SAPS.

And the fact that Mr Given Makofane came a few minutes after our arrival, my conclusion is that by the time that Mr Matlala was informed of our briefing that we were coming to his, no, we were doing a briefing at the STF offices. That gave him ample time to move Mr Boshoga, as we were of a full belief that Mr Boshoga was there, was
10 held at Mr Matlala's house. And the arrival of Given Makofane was, Given Makofane was coming there to fetch Mr Matlala to avoid being questioned or interviewed by the Police.

Furthermore, the general worker Mr Yusufu Mutupanyama, when we asked of his boss and he indicated that his boss was not there, it is my belief that Mr Matlala had already informed his general worker that he was leaving. So it was his belief that the boss had already left the house.

20 **ADV MOTLHASEDI**: Thank you, Witness C. Witness C, that concludes your evidence in so far as it relates to the operation at the Matlala residence. Unless there is an additional observation you would like to make, I would then invite us to turn to page 20 of your witness statement. Page 20, please.

WITNESS C: Thank you, I have turned to page 20 of my witness statement.

ADV MOTLHASEDI: Thank you. Witness C, commencing at paragraph 52, please confirm to the Commission the date on which Mr Katiso Molefe was arrested and who his co-accused are.

CHAIRPERSON: Ms Motlhasedi, with regards to theme one, you actually read the theme into the record in full. You do not want to do the same?

10 **ADV MOTLHASEDI:** Thank you for the guidance, Chairperson. Witness C, theme 2 begins on page 20. It is titled “The 12th of December 2024 raid on the prison cell of Mr Katiso Molefe”. I will then repeat the question to you, Witness C. Please turn to paragraph 52 and inform the Commission when Mr Molefe was arrested and who his co-accused are in respect of the relevant CAS number.

WITNESS C: Thank you, Commissioners. On the 6th December 2024, the GCI Ops we conducted parallel operations, one being the search of Mr Boshoga at Mr
20 Matlala's house, another one, execution of J50 warrant of arrest on Mr Katiso Molefe at Sandhurst, and another being the execution of a J50 warrant of arrest of Mr Lucky Boitumelo Molefe at Witboordjies. So on this parallel operation ...[no sound].

ADV MOTLHASEDI: Please continue, Witness C.

WITNESS C: And he was charged as a suspect number 4 ...[intervenes].

ADV MOTLHASEDI: Witness C, Witness C, please repeat a few sentences back. I think we lost you for a short moment. Please repeat your answer.

WITNESS C: Thank you. As I have indicated that we had three parallel operations on the 6th of December, the successful operation was on the execution of J50 warrant of arrest for Mr Katiso Molefe at Sandhurst. He was then
10 subsequently charged as accused number 4, as per Vereeniging CAS 275/4/2024, which is the murder of Mr Armand Swartz in Vereeniging and he was charged alongside the Police Official, the ex-Warrant Officer Michael Phule Tau, Musa Kekana and Tiego Floyd AKA Danny Mabusela.

ADV MOTLHASEDI: Please proceed into paragraph 53.

WITNESS C: So, after our operations at the residence of Mr Matlala, then I joined the team, the GCI Ops team, in the case whereby now we were officially charging Mr Katiso
20 Molefe and also continued searching for Mr Lucky Boitumelo Molefe. Then Mr Molefe then appeared for his first appearance on the 9th of December at Vereeniging court and he was remanded in custody, and was incarcerated at Groenpunt Correctional Facility.

On the 12th of December, I received an intel that

Katso was in possession of a cellphone whilst he is incarcerated. I then proceeded to Groenpunt Correctional Facility, whereby a search to his cell was conducted. In his cell, we did not find any contraband and/or a cellphone. Instead, we found him in possession of his notice of rights. as they were handed over to him upon his arrest, with the cellphone numbers that he had written on the back and the warrant of arrest, the J50 warrant of arrest, including a statement that was prepared in support of the warrant of
10 arrest by Witness B, as well as a set of new Polo tracksuits.

Then I questioned him of these items, more especially with the statement or an affidavit by Witness B as to how did he get hold of the affidavit, because the disclosure of the docket has not been done as yet, and he indicated that he was given the affidavit by his legal representative. And pertaining the tracksuits, he informed us that the tracksuits were brought to him by an SAPS official, Brigadier Nkhwashu of Sedibeng Sector.

ADV BALOYI SC: Witness C, sorry, Witness C, you said
20 something about his explanation where he got the J50 form and the statement in support of the application for a warrant. Can you please repeat that? I misunderstood something, I think.

WITNESS C: Thank you, Commissioners. Yes, when I asked him where he got the copy of the J50 and more

especially the affidavit by Witness B in support or in, for the application for the J50 warrant of an arrest, he indicated that he had obtained it from his legal representative. Thank you.

ADV BALOYI SC: In the normal course of things, would the legal representatives have been provided with a J, properly been provided with a J50 form and statement by that point, by that date?

WITNESS C: No, Commissioners. Normally the legal
10 representative will be provided with a copy of a J50 warrant of an arrest, not the supporting affidavit, Commissioners.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you, Witness C. You were still busy with the contents of paragraph 55, please.

WITNESS C: Thank you, Commissioners. This aversion by Mr Molefe that a Brigadier brought him the tracksuits, I found it worrying that a suspect that is alleged to have been involved in a serious crime like this, why would a Brigadier who has no involvement in the investigation of the case
20 would visit such an accused person? And we then took steps in investigating that to find, to check if this is really true that the Brigadier had indeed attended to Groenpunt Correctional Facility to visit the accused person.

ADV MOTLHASEDI: Thank you, Witness C. Before you inform the Commission what inquiries you made at the

prison, please confirm whether you had come across or were aware of Brigadier Nkhwashu prior to his name being mentioned that day at Groenpunt Facility.

WITNESS C: Thank you, Commissioners. As I have indicated that when I joined the GCI Ops, I was briefed of the, and the things that happened between the investigating officers and the senior police management. So on one of their encounters, I learned that there is, there was an individual by the name of Brigadier Nkhwashu who showed
10 interest in the case. Thank you, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. You can proceed to detail the contents of paragraph 56, please.

WITNESS C: Thank you, Commissioners. Yes, inquiries were made at the prison, Groenpunt, and we were informed that indeed, on the 9th of December 2024, a person who became known to them or who introduced himself as Brigadier Nkhwashu and a brother-in-law of Mr Katiso Molefe came to the prison, and he was in possession of food and clothing. And upon his arrival, he indicated that
20 his brother-in-law, Mr Katiso Molefe, was arrested at the airport, and therefore he was never afforded an opportunity to get items like clothes, toiletry stuff, so therefore he would want to see the incarcerated person who is Mr Katiso Molefe.

So it is said that Brigadier Nkhwashu was advised

that his visit at the correctional facility, it was after normal working hours, therefore, he will not be able to see his brother-in-law, Mr Katiso Molefe. And by that, then the prison officials can only take the clothes, as food is not allowed into the prison facility. Furthermore, the officials of the prison, they indicated that they found it very worrying that a senior official at the level of a Brigadier came to the prison, driving in a motor vehicle with which the number plates had been removed. So then that is one of the things
10 that puzzles them. And I also got worried to say that why would a senior official at the capacity of a Brigadier go to a Government institution with a motor vehicle that the number plates have been removed. Thank you, Commissioners.

ADV MOTLHASEDI: Thank you. Thank you, Witness C. At paragraph 57 of your statement, you make reference to an Annexure WC3. These are the statements of prison officials. Witness C, before detailing the contents of these statements, can I ask the Commissioners, as well as yourselves, to please turn to page 10 of the annexure
20 bundle, page 10. Are you there, Witness C?

WITNESS C: I am there, Commissioners.

ADV MOTLHASEDI: Thank you. Witness C, can you confirm that these statements of the prison officials were taken in the context of the inquiries that you made concerning the visit of Brigadier Nkhwashu to Mr Katiso

Molefe.

WITNESS C: That is correct, Commissioners. The statements were taken by us for the inquiry pertaining the visit of Brigadier Nkhwashu at the Groenpunt Correctional Centre.

ADV MOTLHASEDI: Thank you, Witness C. We are now on page 10 of the annexure bundle. It is also being flighted here in the auditorium. Witness C, we have redacted the name of the deponent to that affidavit, but could you please
10 read the title in paragraph 1 of the individual who makes this affidavit, their title at Groenpunt.

WITNESS C: Thank you, Commissioners. This individual indicated that he is an Assistant Director in the Department of Correctional Services, stationed at Groenpunt Maximum Correctional Centre. Thank you.

ADV MOTLHASEDI: Witness C, could you then read the contents of paragraph 3 of that affidavit.

WITNESS C: Thank you, Commissioners.

20 "At my office, the unknown African male introduced himself to me."

ADV MOTLHASEDI: Witness C, Witness C, my apologies. Could you pick it up from paragraph 2 to provide context?

WITNESS C: Thank you, Commissioners.

"On 9 December 2024, at about 15:50, I was officially on duty when I noticed

an African male through my office window being escorted from the gate.

At that time, Mr ...”

I will not, I am sorry, Commissioners, I will not make mention of the name.

10 “At that time Mr Dees, the Centre Coordinator / Staff Support, was an acting head of Correctional Service Centre, and the aforesaid African male wearing civilian clothing was taken to the office of Mr Dees. Later on, at the passage, I heard people talking, saying that the aforementioned male was, in fact, looking for me. I then went out of my office and walked towards the stairs. And as I was walking, I saw both Mr Dees and the African male looking at me. As they approached me, Mr Dees said to the unknown-African male, he will assist you, pointing at me. I then greeted the said male and took him to my office.”

20

Paragraph 3.

“At my office, the unknown African male then introduced himself to me as

Brigadier Nkhwashu, and he further informed me that he came to visit one awaiting a trial detainee, Katiso Molefe. He was also bringing clothes and food for Katiso Molefe. At that time, it was already late and I informed Brigadier Nkhwashu that the Correctional Centre is already closed therefore, he will not be able to see the detainee, Katiso Molefe and/or to give him clothes and food. I further asked Brigadier Nkhwashu as to who referred him to me, and his response was that he was referred to me by the Area Commissioner, Mr X, that I will assist him.”

ADV MOTLHASEDI: Witness C, please also read paragraph 4. Thank you.

WITNESS C: Paragraph 4.

20 “Brigadier Nkhwashu told me that he was having tracksuits, T-shirts, and food that he wanted to hand over to Katiso Molefe. I then told him that food is not allowed as the Correctional Centre is already closed, as the time

was approximately 15:55. Brigadier Nkhwashu did not have a problem, and I went with him to his car through the gate in order to collect the clothes. We went to a BMW, though I am not sure whether it is an X3 or X5, but white in colour without numberplates. He gave me brand new tracksuits and a T-shirt, and I searched the clothes in his presence. I then informed him that the clothes were fine, and he then left.”

ADV MOTLHASEDI: Thank you.

WITNESS C: Paragraph 5.

“On 10 December 2024, I called Ms Y at the Unit P4 to come and collect the tracksuits and T-shirt. She indeed came. I then requested her to search the clothes first, and she did so. The tracksuits were brand new, blue and orange in colour, and I cannot recall what label were they, and the T-shirt was orange in colour. I further informed Ms Y that if the detainee, Katiso Molefe, does not know Brigadier Nkhwashu, he must not accept the

clothes, and they must be returned back to me. However, the clothes were never brought back to me, and I concluded that Katiso Molefe knows Brigadier Nkhwashu.”

ADV MOTLHASEDI: Thank you.

WITNESS C: Thank you, Commissioner.

ADV MOTLHASEDI: Thank you, Witness C. Can I ask you then to turn to page 13 of the annexure bundle. It is the
10 next affidavit, page 13.

WITNESS C: Thank you, I am there.

ADV MOTLHASEDI: Thank you. We have redacted again the identity of the deponent, but I will ask you to firstly tell the Commission the title occupied by this individual at Groenpunt, and then to please read the paragraph beginning “on Monday”. Thank you.

WITNESS C: Thank you, Commissioners. The title here says, a Warrant Officer in the Department of Correctional Services attached to Groenpunt Maximum Correctional
20 Centre. The statement reads as follows.

“On Monday, 2024-12-09, at about 15:50, I was officially on duty by the lockers outside the front gate busy with my cellphone. I saw a white big car and there was a gentleman who came

out of the car and greeted me.”

CHAIRPERSON: Ms Motlhasedi, I am just thinking that we get the upshot of all this from the summary that has been given by Witness C. Let me just ask this question, perhaps. Witness C, who took or who wrote or who took down the affidavits?

WITNESS C: Thank you, Commissioners. The first affidavit that I read, it was taken by Witness A. The one that I was busy reading was taken by me, Witness C, and
10 the third one was also taken by me, Witness C.

CHAIRPERSON: All right. But is it correct that what they reflect even though it may be from these different perspectives, is it correct that in your statement you give us the upshot of what these affidavits say, is that correct?

WITNESS C: Yes, Commissioners, it is correct.

CHAIRPERSON: Yes. Ms Motlhasedi, seeing that they are referred to and of course, maybe in his testimony, Witnesses C may have to refer to each one of them and then it may be left to us to actually read the content of each
20 one of them rather than us going through all of them. Would you be fine with that?

ADV MOTLHASEDI: Thank you, Chairperson. One of the purposes of attaching the affidavits from the prison officials was in order to have the witness take the Commission through the inaccurate versions or at least the inaccurate

allegations that were made by the Brigadier when he attended to the facility.

CHAIRPERSON: I am not at all, I am not at all querying the fact of their attachment, not at all.

ADV MOTLHASEDI: Okay.

CHAIRPERSON: I accept that and I understand that. So it is just whether we should go through them one by one. And I think for purposes of the evidence here, it is enough if the witness says that he has told us the upshot of what they
10 say. And if they are identified in testimony here, we will go to each one of them and read each one of them. Would you be happy with that?

ADV MOTLHASEDI: Thank you, Chairperson. That is in order. I will then ...[intervenes].

CHAIRPERSON: Unless there is one in particular or two or whatever where you want to draw our attention to a specific aspect for whatever reason. But if there is nothing particular, we will definitely look at them more closely.

ADV MOTLHASEDI: Thank you, Chairperson.

20 **CHAIRPERSON:** Yes.

ADV MOTLHASEDI: Could I wrap up just two more paragraphs with reference to this issue of the affidavits of the present officials, and then we will conclude this theme.

CHAIRPERSON: Thank you. Thank you.

ADV MOTLHASEDI: Thank you. Witness C, could I ask

you then to turn to page 15 of the annexure bundle. This will be the final affidavit we look at, page 15.

WITNESS C: Thank you, Commissioners, I am on page 15.

ADV MOTLHASEDI: Thank you. You will see again we have redacted the identity of the deponent. The title of the, the title held by the deponent is captured in paragraph 2. Could you briefly record it for the Commission?

WITNESS C: Thank you, Commissioners. Area Commissioner by the Department of Correctional Services.

10 **ADV MOTLHASEDI:** Thank you.

WITNESS C: By the Correctional Centre.

ADV MOTLHASEDI: Thank you, Witness C. In an attempt to be brief, I will then draw your attention to paragraph 4 of that affidavit.

WITNESS C: Thank you. Should I read it into the record?

ADV MOTLHASEDI: Please.

WITNESS C: Thank you.

20 “2024-12-09, when I received the phone call from Brigadier Nkhwashu at about 13:24, he asked permission to bring clothes to his brother-in-law, who was arrested at airport same day 2024-12-09, and appeared at Vereeniging Court and was remanded to Groenpunt Prison. I first told him that if he is an

awaiting tribe prisoner from Vereeniging Court, he would most probably be remanded to Leeuhof Prison. However, he assured me that his brother-in-law was remanded to Groenpunt, and his name is Katiso Molefe.”

ADV MOTLHASEDI: Thank you, Witness C. In reference to the contents of paragraph 4 of that affidavit, please
10 remind the Commission the date on which Mr Molefe was actually arrested versus the date provided to the prison official in terms of paragraph 4.

WITNESS C: Thank you, Commissioners. Mr Katiso Molefe was arrested on 6 December 2024 at his house in Sandhurst.

ADV MOTLHASEDI: Thank you, Witness C. Is it then correct - thank you, Witness C. The final question I have on this aspect is, according to the inquiries that you then made, is Brigadier Nkhwashu in fact the brother-in-law of Mr
20 Molefe, according to Mr Molefe himself?

WITNESS C: Thank you, Commissioners. One of the prison officials, the Deputy Director, on the following day he went to Katiso Molefe and asked if Mr Molefe was related to him, to Brigadier Nkhwashu, and his response was that they were not related. Thank you, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. For completion, can I, can you please confirm then that the affidavit you are referring to is annexed as WC4, referred to in paragraph 59 of your statement, is that correct?

WITNESS C: That is correct, Commissioners.

ADV KHUMALO SC: Witness C, do you know if Brigadier Nkhwashu is related to Mr Katiso Molefe's girlfriend?

WITNESS C: Thank you, Commissioners. According to the investigation that we made, Mr Nkhwashu is not related to
10 Katiso's girlfriend at all, though that Katiso Molefe's girlfriend had a relationship with a person who was related to Brigadier Nkhwashu. So, there is no relationship between the two.

ADV BALOYI SC: Witness C, do awaiting trial detainees on the day that they have come from court, the first day that they are in prison, as in this case, and I asked the question, I am aware that Mr Molefe was arrested on the 6th, but Brigadier Nkhwashu tells all these prison officials that he was arrested on the 9th, which is the very day that he asks
20 to see this prisoner, is that what happens normally, that people are taken in on day one, awaiting trial, and they are permitted visitors?

WITNESS C: Thank you, Commissioners. This is odd because normally there are certain days that are set for visitations at prisons. So it is not normal that an awaiting

trial detainee on his incarceration date receives visitors.
So ...[intervenes].

ADV BALOYI SC: Yes, please carry on.

WITNESS C: My take on this is that Brigadier Nkhwashu is an acting Area Commissioner at Sedibeng district and he used his rank to gain access to the prison for wrong reasons. Thank you, Commissioners.

ADV BALOYI SC: And the prison officials were prepared to allow him to see the prisoner because of his rank, even
10 though it was not a day to visit.

WITNESS C: [Indistinct]... [intervenes].

ADV BALOYI SC: Is that a fair comment?

WITNESS C: ... Brigadier Nkhwashu might had have arrived at the prison before the closure of the correctional facility they would have allowed him to see him.

ADV BALOYI SC: Yes.

WITNESS C: And it is just unfortunate on his part that the time that he arrived, the prison was already closed and they could only take the clothing. Thank you, Commissioners.

20 **ADV BALOYI SC:** Thank you.

ADV MOTLHASEDI: Thank you, Witness C. My colleague is going to project an image on the screen. Could I ask that you have regard to it?

WITNESS C: Thank you, Commissioners.

ADV MOTLHASEDI: Witness C, are you able to see the

image being projected?

WITNESS C: No, Commissioners.

ADV MOTLHASEDI: Just hold on, please. Witness C, while we are working on setting up the image and getting it shared for you, we are almost at the end of theme two. I would then ask you to turn to - thank you, Witness C, we have got the image up on our side. Please confirm that it is clear and visible on your side.

WITNESS C: Thank you, Commissioners.

10 **ADV MOTLHASEDI:** Thank you, Witness C.

WITNESS C: It is very clear on my side.

ADV MOTLHASEDI: Thank you, Witness C. Are you familiar with this image and are you able to inform the Commission about the source of this image in light of the inquiries that you took?

WITNESS C: Thank you, Commissioners. This image has been downloaded. It is coming from a video footage from Groenpunt Prison on the date 9th December 2024, which was a Monday at 15:50:42 seconds and it is depicting two
20 prison officials and the man in the white shirt wearing glasses is known to us as Brigadier Nkhwashu.

ADV MOTLHASEDI: Thank you.

CHAIRPERSON: Is that what you were informed by the prison officials?

WITNESS C: Thank you, Commissioners.

CHAIRPERSON: That is that the man in a white shirt is Brigadier Nkhwashu.

WITNESS C: Commissioners, when looking at the footage, I need not to be informed by a person other than myself that I have identified the man in a white shirt as Brigadier Nkhwashu as I know him.

CHAIRPERSON: Thank you.

WITNESS C: Thank you, Commissioners.

ADV MOTLHASEDI: Witness C, I have one final question
10 for you on this aspect, but please look at the image currently being displayed. Thank you, Witness C. In the series of the still photographs that have been provided, please describe to the Commission the colour and the make of the vehicle that is there seen in the image on the screen.

WITNESS C: Thank you, Commissioners. I see two vehicles, one which is a Ford Bantam, silver in colour, and one is a BMW SUV, white in colour. Though I can, from the distance that I am at, I cannot specify whether it is an X3 or it is an X5.

20 **ADV MOTLHASEDI:** Thank you, Witness C. And that is ...[intervenes].

WITNESS C: And there is a person who appears to be approaching that car. Are you able to tell who that is?

WITNESS C: I still can tell that the person approaching the car is the same Brigadier Nkhwashu. Thank you,

Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. Witness C, is it then correct that the make and the colour of the car that you have described as being in the photograph accords with the information provided to you by the prison officials during your inquiries?

WITNESS C: That is correct. The prison officials has indicated that Brigadier Nkhwashu came in driving a BMW SUV and it confirms as to what is depicted on the picture.

10 **ADV MOTLHASEDI**: Thank you, Witness C. That brings us to the close of theme two. I would then just ask you to read or describe in your own words the contents of paragraph 60 at the foot of that page.

WITNESS C: Thank you, Commissioners.

20 “After seeing that indeed Brigadier Nkhwashu, a high-ranking official and Acting Area Commissioner of Sedibeng district had used false information, concealed his registration number, and went to the prison, ...[indistinct] that Katiso Molefe was his brother-in-law and was arrested on the same day at the airport, I would say that this brings a lot of doubt into our system, into our SAPS system. And it feels bad for us,

the lower-ranking officials, who are doing all in our powers, all we can to bring justice to the community and seeing senior officials associating themselves with the alleged criminals and the alleged criminal syndicates.”

Thank you.

ADV MOTLHASEDI: Thank you. Thank you, Witness C. Commissioners, that then brings us to theme three at the
10 beginning of page 22. I will read it into the record. Theme
3 relates to the events of the 17th of December 2024, as well as the manhunt for Lucky Boitumelo Molefe. Witness C, are you at page 22, paragraph 61, please?

WITNESS C: Thank you, I am at page number 22, paragraph 61.

ADV MOTLHASEDI: Thank you, Witness C. In your earlier evidence to the Commission, you testified that one of the operations scheduled for the 6th of December 2024 was the arrest of Mr Lucky Molefe. Is that correct?

20 **WITNESS C**: That is correct, Commissioners.

ADV MOTLHASEDI: Please inform the Commission of the outcome of that operation. Was it successful? Did you arrest the intended Mr Lucky Molefe?

WITNESS C: Thank you, Commissioners. The operation on Mr Lucky Molefe was unsuccessful because he evaded

the Police. He was not arrested on that day. So even as we speak today, we are still in search of him, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. Picking up from paragraph 61, please then inform the Commission what steps were taken subsequent thereto to physically bring Mr Lucky Molefe into police custody.

WITNESS C: Thank you. This prior the 6th of December 2024, a warrant of an arrest had been applied for
10 ...[indistinct] against Lucky Boitumelo Molefe, who is a nephew of Mr Katiso Molefe and an employee of Transnet for the involvement, for his involvement in the killing of Mr Armand Swart as per Vereeniging CAS 275/04/2024. So on that day, the 6th, he was scheduled to come to work, to report at work, but unfortunately, he did not pitch up at work and we learned that later on he had submitted a sort of a letter to say that he had traditional commitments, that he would not be reporting to work for some time.

20 So we continued searching for him whilst performing other duties and taskings, but then on the side, we have been continuing looking for him. On the 12th of December, we also went to Randburg Magistrate Court for a search warrant at Lucky Molefe's appointment, but unfortunately, the search warrant was denied. We were not issued with the search warrant as the reasons by the

Magistrate was that because items that were listed on the affidavit were laptops that belong to Transnet and the Magistrate indicated that I cannot issue a warrant of arrest, I mean a search warrant for the company property. We can have the company to open a theft case and then we just go and confiscate the property if the person has been working from home.

ADV MOTLHASEDI: Thank you. Thank you, Witness C. Just for clarity, the search warrant you sought was in
10 respect of Mr Molefe's apartment. Is that correct?

WITNESS C: That is correct, yes.

ADV MOTLHASEDI: Thank you. And at the tail end of paragraph 62, you have testified to the Commission that the search warrant you sought at Randburg Magistrates Court was denied and that the Magistrate suggested potentially opening, Transnet opening a theft case or you approaching his work manager at Transnet. Is that correct?

WITNESS C: That is correct.

ADV MOTLHASEDI: Can I inquire whether any of those
20 steps were taken in the course of looking for the laptop?

WITNESS C: Yes, apparently, I no longer recall the exact date, but we made efforts with the company and through the investigation department of Transnet that with their assistance, they went to the apartment and they indeed seized the items, or I will say they indeed acquired the two

laptops that belonged to Transnet, and subsequently they handed over the laptops to us. But it was way after December.

ADV MOTLHASEDI: Thank you, Witness C. Just to record that your affidavit in that respect is attached as WC5 at paragraph 63 of your witness statement.

WITNESS C: That is correct.

ADV MOTLHASEDI: Thank you. And Witness C, please then continue with your evidence from paragraph 64 of your
10 statement.

WITNESS C: Thank you, Commissioners. Ja, we did continue searching for Lucky Molefe, whereby it was said that a sister to Lucky Molefe, known as Lebohang Molefe, knew where Lucky was, so members did intercept her and she was brought to Muldersdrift SAPS.

CHAIRPERSON: What do you mean by ...[intervenes].

WITNESS C: And ...[intervenes].

CHAIRPERSON: Witness C, what do you mean by your interest or other members intercepted Ms Lebohang Molefe?

20 **WITNESS C**: Okay, Lebohang Molefe was apprehended and was brought to Muldersdrift SAPS for interviewing.

CHAIRPERSON: Apprehended as in arrested?

WITNESS C: Not arrested, because she was not facing any charges.

CHAIRPERSON: She was taken and brought in for

questioning?

WITNESS C: Ja, and the members ...[intervenes].

CHAIRPERSON: I am not even sure myself what this means. That is what I have just said.

WITNESS C: Okay.

CHAIRPERSON: Please ...[intervenes].

WITNESS C: Commissioners ...[intervenes].

CHAIRPERSON: Yes.

WITNESS C: Okay, she was approached and she was
10 requested to come with members to the Muldersdrift SAPS
for questioning and indeed, she went with the members to
Muldersdrift SAPS. At the time, of her being approached, I
was not around, but I then joined them at Muldersdrift
SAPS, whereby I joined Witness A and Witness B in the
interview thereof.

ADV MOTLHASEDI: Thank you, Witness C. Chairperson, I
see it is one minute before 1 o'clock. Perhaps this might be
a good time for that lunch adjournment.

CHAIRPERSON: Let us adjourn and resume at 2pm.

20 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Motlhasedi.

ADV MOTLHASEDI: Thank you, Chairperson.
Chairperson, perhaps I can start on an issue of
...[incomplete].

CHAIRPERSON: Sorry about that, yes.

ADV MOTLHASEDI: Thank you, Chairperson. Just on a point of housekeeping, Chairperson, as explained, Witness C has several academic commitments early next week and a request was made that we complete the proceedings today at the close of Theme 4 and allow him to begin studying and meet those academic commitments and then we resume with the balance of his evidence on the 30th, which would be next week, Thursday.

10 **CHAIRPERSON**: For the record, you do not want to state what the commitments are, or did you?

ADV MOTLHASEDI: I did. My apologies, Chairperson. They are academic in nature. Witness-C is writing two exams early next week and has requested an opportunity to prepare himself over the next few days and then come back.

CHAIRPERSON: Thank you.

EXAMINATION BY ADV MOTLHASEDI

(CONTINUES): Thank you, Chairperson. Witness-C, we were making our way through Theme 3 and prior to breaking
20 for lunch, we were at paragraph 66. Please proceed from paragraph 66.

WITNESS C: Thank you, Commissioners. Yes, at Muldersdrift SAPS, that is where I joined Witness A and Witness B in the interviewing of one Lebohang Molefe. She was in possession of an iPhone with which I requested her

to hand over the iPhone to me and requested her to open it or to disable the security features. She did so, and furthermore, I requested consent from her to access the contents of the phone. And she consented again to that.

So, as I perused her phone, I established that she shares the geo-link locations with Lucky Molefe meaning that she at all times knew where Lucky Molefe was. Then, also, I have also found a voice note in her phone warning Lucky Molefe to keep his phones off and to stay indoors.

10 So, meaning that Lebohang knew exactly where Lucky was. As we intensified the questioning, she ended up telling us that the last time she spoke to Lucky he was in Spruitview, Ekurhuleni Spruit so to say, in Ekurhuleni. Then we requested her to take us to Natalspruit.

ADV MOTLHASEDI: Witness C, apologies for the intervention. The voice note that you make reference to in paragraph 66, can you please confirm that that is the voice note that was played by Witness B in the course of her testimony yesterday?

20 **WITNESS C**: That is correct. I confirm that is the same voice note that was played by the testimony of Witness B.

ADV MOTLHASEDI: Thank you, Witness C. Please proceed, you were discussing the issue of proceeding to Lebohang's auntie's house.

WITNESS C: Yes, upon arrival at Natalspruit, the combat

members entered, and they ensured that it was safe for the detection to move into the property. At the property, we had found the aunt to Lebohang Molefe and other members of the family. Amongst the members of the family was one male who became known to me as Phomolo Moloi. And on that day, on the 17th of December, it was raining heavily so, and due to the fact that there was not enough space and/or room in that house, we had to go to Natalspruit SAPS with Mr Phomolo Moloi.

10 Whereupon arrival at the police station, we requested an office, and we were afforded an office and a space to can interview Phomolo Moloi. So, as we interviewed Phomolo, he indicated that he has not seen Lucky Molefe for a while, but he learned from his friends that Lucky Molefe was seen driving around Credi Section in Natalspruit in a white A4.

 So, after the interview with Phomolo, he was then taken back home where he was left with his family. And then Lebohang then indicated that there is a character by
20 the name of Fundiswa Nyangule who is a partner of Katiso Molefe. And this Fundiswa would know where Lucky Molefe is. So, then Lebohang, that is when she told us that she knows where Fundiswa resides in Fourways and she would like to take us to Fundiswa's house. In this Commission, we ...[intervenens]

CHAIRPERSON: Ms Motlhasedi, sorry, Witness C. Witness C pronounced the surname the way it should be, but in the statement, it is misspelt all the way. Can you please see to it that it is corrected?

ADV MOTLHASEDI: Thank you, Chairperson. There are indeed some errors at paragraph 67 and 8 that have been identified and will be corrected.

CHAIRPERSON: Thank you.

ADV MOTLHASEDI: Thank you. Please proceed,
10 Witness C.

WITNESS C: Commissioners, sorry for interjecting you, advocate. We then indeed proceeded to Fourways to a house that was identified to us as that of Fundiswa Nyangule where upon arrival, the combat members, as usual, entered the house and ensured that the house is safe and secured for us to can enter. Upon gaining entrance, we then found an African female who became known to us as Ms Fundiswa Nyangule.

We introduced ourselves to her, indicating that we
20 are on the look for Mr Lucky Molefe. And we requested her that we would love to search in the house for Lucky. And indeed, she agreed. She consented that we searched the house. Indeed, we searched the house, but Lucky Molefe was never found in the house. We also informed Ms Nyangule that in one of the voice notes that we found

from the iPhone of Lebohang, a cell phone that was from her, indicating that she must – Lebohang must inform Lucky to stay indoors and not to move around.

So, she was also informed that facilitating the evasion of arrest of a suspect amount to a criminal offence. She then indicated that the last known place that Lucky was it was at Standerton to a family relative. And she indicated that she is not well familiar with the place, but Lebohang would be the best person to can point out the said address.

10 Well, after that, we then headed to Standerton, along with Lebohang and Ms Nyangule, where upon arrival at the house in Standerton Sakhile area, the combat members gained entrance into the property.

And when they have secured the property, we went in and searched for Mr Lucky Molefe. And unfortunately, Lucky Molefe was not found, and there was nobody in that house. I noticed that the house was fitted with CCTV cameras. Therefore, we located the DVR. And we seized that DVR. Whereby, upon seizing the DVR, our forensic
20 experts did the photographing of the whole house and of the packaging of the DVR in question.

We then proceeded to Sakhile SAPS, whereby an OB entry was made pertaining to the search that was conducted at Sakhile's house and the issue pertaining to the seizing of the DVR. Then we went to Gauteng

...[connectivity issue].

ADV MOTLHASEDI: Thank you. Witness C, while you are still working your way through paragraph 68, are you in a position to inform the Commission about the outcome of the seized DVR that was obtained at the property in Standerton?

WITNESS C: At the moment, I can say under corrections that we have not been afforded an opportunity to look into the contents of the DVR.

10 **ADV MOTLHASEDI**: Thank you, Witness C. After reporting to the Sakhile SAPS, please then advise the Commission on the balance of the events of that day.

WITNESS C: Okay, after reporting at Sakhile SAPS, the forensic experts booked in and out the DVR. Though I do not have the SAP13 number at hand. And we then drove back to Gauteng, where upon arrival in Gauteng, Lebohang Molefe and Fundiswa Nyangule were then taken back to their respective homes.

ADV MOTLHASEDI: Thank you, Witness C. With
20 reference to paragraph 69 of your witness statement, do you confirm that an active manhunt, an active search still ensues for Mr Lucky Molefe till today?

WITNESS C: That is correct. We are still in search and looking for Mr Lucky Molefe. And we also have published on the 10th of June 2025 a media statement that indeed we

are still searching for Mr Lucky Molefe. And I would want to make it known also to the Commission that during one of the appearances of Katiso Molefe whilst he was still applying for the bail, that was refused. He uttered words like, on his second appearance at court, when we were transporting him back to the prison, he uttered the words saying:

“As long as I am incarcerated, you will never find my nephew.”

10 And I really believe that he is capable of doing that, as we are still looking for him today. Thank you, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. If you then turn over the page to page 25, we are at paragraph 70 of your witness statement. That is a concluding paragraph to Theme 3. Could I please invite you to take the Commission through those? Thank you.

WITNESS C: That is correct, Commissioners. After we took the two, Ms Lebohang Molefe and Ms Fundiswa Nyangule, to their respective homes, we later
20 learned that there were cases opened against our team. Cases for kidnapping, to say that we have kidnapped them and they were tortured. And as per our own investigations, the first part is that we know that the kidnapping part is correctly wrong. It is very wrong to say that they were kidnapped, as they were asked to accompany. They were

never forced to accompany us.

And if one is kidnapped, one cannot kidnap a person and then after kidnapping that person, return the same person home. And that person goes also to the police station, make an OB entry, to make it known that I am with this and that, and the reason for me to be with this and that is for investigation purposes. So, I would say that the kidnapping is very untrue, and I think they were maybe told to do so by somebody who have an intention to stall our
10 investigation and to prevent us from getting to Lucky Molefe.

ADV MOTLHASEDI: Thank you, Witness C.

WITNESS C: Thank you.

ADV MOTLHASEDI: Witness C, we will then proceed to Theme 4, which is on page 25. I will read the title into the record. Theme 4 relates to the 18th and 19th December operation at CAT VIP Security. Witness C, with reference to paragraph 71, please detail to the Commission what necessitated the inspection that took place that day.

20 **WITNESS C**: Thank you, Commissioners. If I can take the Commissioners back to the date of 6th December when a search was conducted at the residence of Vusimuzi Matlala. We had found four firearms which belonged to CAT VIP Security Services. And there were irregularities on the payment issued. So, this called for us to request a

designated firearms officer to conduct compliance inspection at the company CAT VIP Security Services.

Indeed, on the 18th of December, we went to CAT VIP Security Services in Menlyn with our forensic experts and the DFO, which is designated firearms officer, to conduct the compliance inspection. This date of the 18th, it was a date that was agreed upon with the DFO and what we call a responsible person for CAT VIP Security Services. Because this was an announced compliance inspection.

10 So, upon our arrival at the offices of CAT VIP Security Services, a person known as Mr Mawethu Sankobe, who is a responsible person for the firearms, as nominated or as appointed by the company, was not found. Enquiries were made and phone calls were made between the DFO and Mr Sankobe, whereby they reached an agreement that Mr Sankobe was out of the province, and he would be glad if we could return on the 19th of December 2024, which was the following day. Commissioners ...[intervenes]

20 **ADV MOTLHASEDI**: Witness C, apologies for the intervention. Before we turn to the events of the next day, could you please explain to the Commission what a responsible person is and what their duties entail? And then identify who the responsible person is for the firearms at CAT VIP Security.

WITNESS C: Thank you, Commissioners. The responsible person would be the person appointed as per the Firearms Control Act by the company to be the person responsible for the safekeeping and/or safeguarding of the firearms that belongs to the said company. One of his responsibilities as the responsible person is that he is the only person who should have access to the safe where the firearms are kept.

10 That responsible person also is the person who on a daily basis, on a day-to-day operation of the company, will issue permits to the competent employees who are competent to carry the specific calibres of firearms. Thank you, Commissioners, and sorry. The responsible person that was appointed at that time was a person known as Mr Mawethu Maxwell Sankobe and the firearm logistics manager. Thank you.

ADV MOTLHASEDI: Thank you, Witness C. Please then pick up with your evidence from paragraph 74.

20 **WITNESS C:** Thank you, Commissioners. On the 19th of December 2024, we proceeded again to CAT VIP Security offices whereby it was myself, the DFO, and the forensic expert. And we arrived at the offices around 10 o'clock in the morning on that day. Upon arrival at the offices, we were welcomed by Mr Sankobe, Mr Matlala, and the company's lawyer who became known to

us, or to me, as Mr Bashiru.

The DFO informed Mr Matlala and Mr Sankobe, and the lawyer the purpose of our visit. And then they agreed to say that, yes, we can go further with our purpose of our visit. And Mr Matlala requested to be excused as he does not form part of the compliance inspection as he's not supposedly to be in possession of the books and/or anything that has to do with the firearms logistics.

During the course of our compliance inspection by
10 the DFO, there were several irregularities that were observed by the DFO. One of the irregularities was the permits that were digitally pre-signed. In one of the registers, we have also found that the signature that is attached to one of the registers for the permit were for the previous firearms logistics manager.

And now, that signature was exactly the same signature that was attached to the permits held by the two guards that were found on the 6th at the house of Mr Matlala. Meaning that those firearms were illegally in
20 their possession.

ADV MOTLHASEDI: Please proceed, Witness C.

WITNESS C: The DFO had questioned Mr Sankobe pertaining to those irregularities and we could not get any satisfactory answer from Mr Sankobe. And it was then indicated that the firearms, due to those irregularities,

would be seized too. Furthermore, the DFO requested Mr Sankobe to take us to the safe room. Then, at the safe room, indeed, Mr Sankobe was in possession of the bundle of the keys.

He then opened the safe room and there were, if I remember well, there were three safes, rifle safes, in that room. So, he opened the safes, took out the firearms in the safes, and the DFO conducted the inspection of the firearms as per the list that he had printed from the firearms control
10 system. And indeed, Mr Sankobe could account for all the firearms that were as per the list of the firearm control system.

Then, now, the DFO had now asked Mr Sankobe for the spare keys to the safe because the keys must be exclusively in possession of Mr Sankobe, the responsible person. And he indicated that he was not in possession of the safe keys. The safe keys, the spare key was in possession of his employer, being Mr Vusimuzi Matlala. According to the DFO, this was also another contravention
20 of the Firearms Control Act.

Which required that the person responsible in terms of the act must maintain exclusive access to the firearms, ammunition, and also the protective equipment. So, based on those irregularities and the access to the firearms safe by Mr Matlala, then the DFO indicated that we are to seize

or to confiscate all the firearms that the company possess. Indeed, our photographer, the forensic expert, started packaging and photographing the firearms.

ADV KHUMALO SC: Witness C, what is the role of the DFO, the Designated Firearms Officer?

WITNESS C: The Designated Firearms Officer, he is the one who conducts regular compliance inspections in terms of the Firearms Control Act. And he is an expert in the field of the Firearms Control Act.

10 **ADV KHUMALO SC:** And what was your role during the inspection?

WITNESS C: My role was that of observation and/or should there need arise, as a detective, my role was to obtain statements as the DFO would see it fit.

ADV KHUMALO SC: Thank you.

ADV MOTLHASEDI: Please proceed, Witness C. You were dealing with the second last sentence of paragraph 77.

WITNESS C: Thank you, Commissioners. The DFO has indicated now that Mr Matlala should bring the spare keys
20 of the safe and the safe room. Attempts were made through his lawyer that Mr Matlala should bring the spare keys. I could also say that the lawyer kept on going in and out of the boardroom whilst he was on the phone, I believe he was on the phone with Mr Matlala, who ended up refusing to come with the spare keys.

Whilst the forensic expert was busy taking the photographs and packaging the firearms, then an employee of Mr Matlala came and said he was sent by Mr Matlala to bring the spare keys. And that employee, I do not have his name at hand, I then took his statement pertaining to him bringing the keys to the CAT VIP Protection Services Offices.

ADV BALOYI SC: Witness C.

WITNESS C: Thank you.

10 **ADV BALOYI SC**: Sorry, finish up what you wanted to say.

WITNESS C: I was about to say that as the Commissioner, I think it was Commissioner Khumalo who asked my role, then that will cover the role by me taking a statement from the employee of Mr Matlala who brought in the keys. Thank you, Commissioner.

ADV BALOYI SC: Do you know why the law states or requires that only the responsible person must maintain exclusive access to firearms held in a safe or string room? Why is that the position?

20 **WITNESS C**: Thank you, Commissioners. Although this is not my expertise field, I believe that the law would require that because any other person that can have access to the firearms could do the worst, might also take the firearms, go commit crime, and bring back the firearms undetected. So, for a proper control of the movement of the firearms,

indeed only one person must have exclusive access to the firearms. I believe the DFO also might be the best candidate to give reasons beyond that. Thank you, Commissioners.

ADV BALOYI SC: Thank you.

ADV MOTLHASEDI: Thank you, Witness C. With reference to paragraph 78, upon the seizing of the firearms in the strong room and upon obtaining the set of duplicate keys, please inform the Commission then what steps you
10 took with reference to the completion of the compliance inspection.

WITNESS C: Thank you, Commissioners. After we have completed, or the DFO had completed, the compliance inspection, we then proceeded to Brooklyn SAPS as the offices at Menlyn are serviced by Brooklyn SAPS. And we booked the firearms as per Brooklyn SAPS 13, reference number 697/2024. And the rest was left with the DFO, who is the one responsible for taking the matter forward. Thank you.

20 **ADV KHUMALO SC:** Has the enquiry been finalised? Do you know if the firearms have been returned to CAT Security?

WITNESS C: Thank you, Commissioners. I know that the firearms were taken for ballistic testing, and the firearms were indeed returned to CAT Security, CAT VIP Security

Services. As they were returned to Brooklyn SAPS, with an instruction that they should be returned to the lawful owner. So, I also learned that, indeed, the lawful owner, which is CAT VIP Security Services, indeed went to Brooklyn SAPS and claimed the ownership of the firearms after producing the required documents. Thank you, Commissioners.

ADV BALOYI SC: When firearms such as these are taken for ballistic testing, what are the police looking for? You find them in a safe. They belong to a security company.
10 They are properly licenced. You are satisfied with that. You take them to determine what?

WITNESS C: Thank you, Commissioner. I believe you asked a very right question. Commissioners, as I have stated previously there, that Mr Vusimuzi Matlala had unlimited access to the safe and the firearms. One does not know as to whether the firearms have ever been used in any commission of the crime. And therefore, for us as police to determine if the firearms were ever used in any commission of the crime, they should be tested. And the
20 results thereof should be uploaded onto the AB System with which it will conduct a search on the system to determine if there is any crime scene that is linked to any of the firearms. Thank you.

ADV BALOYI SC: And when the firearms are returned to the security company, as happened in this case, does it

mean that they were not linked to - does it necessarily mean they were not linked to any crime?

WITNESS C: Thank you, Commissioner. When the firearms were returned to the police station, it means that the testing, the ballistic testing on the firearms was completed. It did not mean that the ballistic analysis was completed. So, at the given time, I can confidently say to the commission that the system is still running. And should there be a hit, proper steps will be taken. Thank you,
10 Commissioner.

ADV BALOYI SC: Thank you, Witness C.

ADV MOTLHASEDI: Thank you. Thank you, Commissioner. Witness C, with reference to paragraph 79 and 80, please then inform the Commission about developments related to litigation brought by Mr Matlala.

WITNESS C: Thank you, Commissioners. Commissioners, on the 17th of December, we have learned that Mr Matlala had instituted an urgent court proceeding to the Pretoria High Court for the search that we have conducted
20 at his house on the 6th of December, 2024, whereby Mr Matlala claimed that me and my commander, as the people who are conducting the searches, have stolen his Rolex watch and his wife's Katia watch, five firearms, one MacBook, and two iPhones. And he demanded that the aforesaid items were lawfully seized from him, and they

should be returned. And we had to engage our legal services in response to the urgent court proceedings that were instituted against us.

ADV MOTLHASEDI: Thank you, Witness C. Please confirm that the founding papers in Mr Matlala's application are attached as WC7, attached as ANNEXURE WC7.

WITNESS C: That is correct, Commissioners.

ADV MOTLHASEDI: Thank you. Witness C, picking up from paragraph 82, you detail steps taken in response to
10 the application, the urgent application brought by Mr Matlala.

WITNESS C: That is on the 23rd of December 2024, Maj-Gen Mbuso Khumalo, who is the Deputy Provincial Commissioner of Gauteng, deposed an answering affidavit into the proceedings that were levelled against us by Mr Vusimuzi Matlala. And on his statement, it was also indicated that actually he says two iPhones, whereas it was three iPhones, and those iPhones had already been taken back to the lawful owner, which is Vusimuzi Matlala and his
20 wife. And the firearms were indeed booked in for ballistic testing.

ADV MOTLHASEDI: Thank you, Witness C. In light of the answering affidavit that was deposed by General Mbuso Khumalo, what was the response of the SAPS in light of the allegation about the Rolex and Katia

watches, as well as the MacBook?

WITNESS C: Thank you, Commissioners. The issue pertaining to the Rolex watch, it was that they were never seized, and the Katia watch was never seized. When it comes to the MacBook, that is where now a bigger question came to say that as we were looking for anything that can afford us evidence in our investigations, why would one take a MacBook and never book it into the SAP13, which could form an essential part of evidence, but take smaller
10 items like cell phones, which affords you less evidence in the investigations. And subsequent to that, we were then informed that the matter has been withdrawn from High Court.

ADV MOTLHASEDI: Thank you, Witness C. Please confirm that Mr Matlala's notice of withdrawal is ANNEXURE WC9.

WITNESS C: That is correct, Commissioners.

ADV MOTLHASEDI: Thank you, Witness C. In light of the confirmation that Mr Matlala subsequently ...[connectivity
20 issue]. Witness C, could I ask you to turn to paragraph, to page 65 of your annexure bundle, page 65.

WITNESS C: I am on page 65 of annexure bundle.

ADV MOTLHASEDI: Thank you, Witness C. That would be the notice of withdrawal marked WC9.

WITNESS C: That is correct.

ADV MOTLHASEDI: Please then inform the Commission of the date of that notice.

WITNESS C: The date stamp for the registrar of the High Court of South Africa, Gauteng Division, Pretoria, is dated 30 December 2024.

ADV MOTLHASEDI: Thank you, Witness C.

WITNESS C: But the notice itself says Pretoria 24 December 2024.

ADV MOTLHASEDI: Thank you, Witness C.

10 **WITNESS C**: And that was the date that we were supposed to be appearing at court.

ADV MOTLHASEDI: Thank you, Witness C. The last line of that notice on page 65. Could you – the last line of the notice on page 65 says that the notice is removed from the roll.

WITNESS C: That is correct.

ADV MOTLHASEDI: To the best of your knowledge, was the matter ever re-enrolled?

20 **WITNESS C**: Thank you, Commissioners. The matter was indeed supposed to be held on the date of the 24th. Meaning that the counsels have maybe in person, in the chambers, then requested the matter to be removed from the roll. Thank you.

ADV MOTLHASEDI: Thank you, Witness C. A final question from me on this aspect. In a later part of your

evidence, you detail that upon the arrest of Mr Matlala, he admitted to you that he had lied in the contents of his affidavit when he brought that urgent affidavit. Do you confirm that?

WITNESS C: Thank you, Commissioners. Upon the arrest of Mr Matlala on the 14th of May 2025, he was interviewed. And for the record, that interview also was recorded. And with his own mouth, he had indicated that he was persuaded by our General Sibiya and the Minister Mr Senzo Mchunu,
10 that he registered a case against the team that raided his house on the 6th of December 2024.

And he further indicated that that that watch of his was never stolen. Furthermore, he indicated that he went to, he was, after he was advised to open a case, he went to Brooklyn SAPS to open a case. He made an affidavit there, but the case was never registered because the items that he has indicated that they were stolen were reflected on the SAP13 register.

Therefore, they found the case to be unfounded.
20 And then he indicated that through the assistance of Lt-Gen Sibiya, the case was subsequently opened at some station in Soweto, though I do not have the contents and/or the case number for that docket, Commissioners. And again, pertaining to the Rolex watch, Commissioners, upon us interviewing him, he indicated that for the same watch,

he had realised that the likes of Minister Mchunu and Lt-Gen Sibiya and his team are using him to fight their own battles, and they are not assisting him in any way.

So therefore, he proceeded to KZN and met with the former Minister Mr Bheki Cele. And on that day, he said he was wearing the same Rolex watch, and he showed the former Minister Mr Bheki Cele, the same watch to say that this is the watch that General Sibiya and his allies want him to open cases against the police for.

10 **CHAIRPERSON:** Witness C, when Mr Matlala said that Minister Mchunu and General Sibiya advised him to accuse you and your team of theft, did he say that he had interacted directly with the Minister and the general?

WITNESS C: Thank you, Commissioners. This specific quest was General – Lt-Gen Sibiya and the Minister were the ones who persuaded him to open the case against the police, not specifically saying that he had personally interacted with neither the two. He did not specify that.

ADV KHUMALO SC: Witness C, just so that we are clear,
20 the case you are referring to is not the urgent application that was removed from the roll, on the 30th of December 2024. It is a criminal case that you are referring to.

WITNESS C: Thank you, Commissioners. It is a criminal case that he allegedly opened against the team,

Commissioners.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: Witness C, in paragraph 96 of your statement, you say the Minister advised him and then you give another name, and it is not General Sibiya. And further on, where you discuss the same topic about him being advised to go and lie about members of the GCI-Ops that they have stolen his property, you do not mention in the statement itself General Sibiya. Can you explain that?

10 **WITNESS C:** That is correct, Commissioners. I might have missed that when we were typing the statement, Commissioners, but the fact remains that he indicated that Lt-Gen Sibiya, the Minister, and their allies were the ones who persuaded him to open the case. He even goes as far as indicating that General Sibiya had assigned a member of the SAPS from crime intelligence to go and register that case, the one that the criminal case in Soweto, since he failed to register a case in Brooklyn.

ADV MOTLHASEDI: Thank you, Witness C. Chairperson,
20 that brings Theme number 5 to a close.

CHAIRPERSON: Number 4.

ADV MOTLHASEDI: My apologies, Theme 4 to a close, which is the compliance operation.

CHAIRPERSON: Yes, and you had indicated that we would end here because Witness C wants to prepare for his exams

...[intervenes]

ADV MOTLHASEDI: His academic commitments. Yes, Chairperson.

CHAIRPERSON: All right, let us adjourn and resume at 09:30 on Monday. Let us adjourn.

WITNESS C: Thank you.

INQUIRY ADJOURNS TO 27 OCTOBER 2025
