

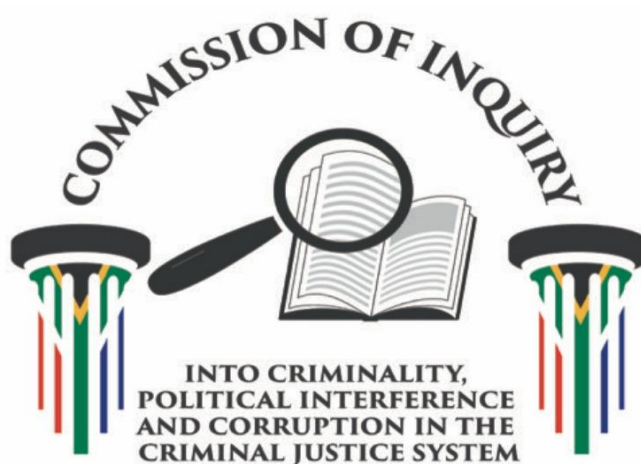
JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

29 OCTOBER 2025

DAY 22



PROCEEDINGS ON 29 OCTOBER 2025

ADV SEGEELS-NCUBE: Good morning, Chair.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: Good morning, Commissioners.

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Chair, the evidence for today relates to the 6 December 2024 takedown operation for the arrest of Mr Katiso Molefe and the allegations of interference by the Director for Priority Crimes and in this
10 instance, Chair, there will be three witnesses that will be giving evidence from three different perspectives.

There is a bundle that has been provided to the Commissioners and to the witness, if I could just orientate the Commissioners. It is one bundle, because it relates to one event and it has three sections. The first section is from page 1 to page 9. They are all individually numbered and that is the witness statement of the witness that is currently in the box. It is Captain Wanda. And the next
20 section is section 2, that is the witness statement, the index is incorrectly named Captain Wanda, it is actually Brigadier Mokoena, but the correct name is in the index as Mokoena. And then the third is section 3, is for Captain Barry Kruger and his statement has five annexures, marked B1 to B5.

Commissioners, if I may then introduce the first witness.

ADV BALOYI SC: Before you do that, you made a correction about Mokoena. Sorry, I missed that.

ADV SEGEELS-NCUBE: Sorry, Commissioner Baloyi. In his, in section 2 the index is incorrectly named index to statement for Captain Maxwell Thulani Wanda. That should be Brigadier Mokoena.

ADV BALOYI SC; Thank you.

ADV SEGEELS-NCUBE: Thank you. Chair, if I may then start with the first witness. It is Captain Wanda, Maxwell
10 Thulani Wanda and he has elected to swear.

CHAIRPERSON: Thank you. Thank you. Just a matter of interest perhaps, why is this called a takedown and not arrest?

ADV SEGEELS-NCUBE: It refer to in the operations arena as a takedown operation, so Captain Wanda may give us more, elaborate on why they call it a takedown. He also refers to it as a takedown operation. There must be some significance, Chair.

CHAIRPERSON: Oh, thank you, thank you. I am sure it
20 does not affect the merits, but I have heard this before, not for the first time now. Thank you. Captain Wanda, good morning.

CAPTAIN WANDA; Good morning, Commissioner.

CHAIRPERSON: Thank you. Do you swear that the evidence you are going to give is the truth, the whole truth,

nothing but the truth. If so, please raise your right hand and say “So help me God”.

CAPTAIN WANDA: So help me God.

MAXWELL THULANI WANDA (d.s.s.)

CHAIRPERSON: Thank you. Yes, Ms Ncube.

QUESTIONS BY ADV SEGEELS-NCUBE: Thank you, Chair.

Captain Wanda, could I just ask you to please look at the bundle that is in front of you. You will see that the first section, section 1, contains a witness statement with your
10 name on. If I could ask you to go to page 9 of section 1.

CAPTAIN WANDA: Yes, I am there, Commissioner.

ADV SEGEELS-NCUBE: Can you confirm that that is your signature at the bottom of that page?

CAPTAIN WANDA: That is correct, Commissioner, I confirm.

ADV SEGEELS-NCUBE: Do you confirm that the statement that appears in section 1 from page 1 to 9 is your statement that was prepared for purposes of this evidence that you are giving today?

20 **CAPTAIN WANDA**: Yes, I do confirm.

ADV SEGEELS-NCUBE: And then do you confirm the contents of the statement to be true and correct to the best of your knowledge?

CAPTAIN WANDA: Yes, I do confirm.

ADV SEGEELS-NCUBE: Thank you, Chair. Captain

Wanda, can we start on page 1 of your statement, please. On page 1 you deal with your background in the South African Police Services. Could you just explain to the Commissioners what your background is?

CAPTAIN WANDA: Thank you, Commissioner. I am an adult male employed in the South African Police Services, Captain Maxwell Thulani Wanda and currently attached at Local Criminal Record Centre in Richards Bay, which is LCRC. I am primarily as a crime scene investigator but I
10 am also a photographer, videographer, draftsman as well as the fingerprint experts and also as the crime scene investigation manager as well.

So I have got 32 years' experience in the South African Police Services and of which 30 years I have been employed as a crime scene investigator in the environment of Local Criminal Record Centre, LCRC and I have been in the rank of a Captain for 6 years.

ADV SEGEELS-NCUBE: Thank you, Captain. Can you just tell us more about the Local Criminal Record Centre, what
20 is that?

CAPTAIN WANDA: Local Criminal Record Centre is the, it is a local office at a local level, or at a station where it deals with cases where people, where ...[indistinct] to odd crimes of scenes where the crime has been committed, it can be a murder, housebreaking, etcetera, etcetera, but it is

under CR and CSM, which is a criminal record and crime scene management, which is a component. And Local Criminal Record Centre is a sub-component and under the division of Forensic Services.

ADV SEGEELS-NCUBE: Okay. You also mentioned that you are a draftsman. What would a draftsman be doing within the police services?

CAPTAIN WANDA: It is a fully qualified trained police officer who draw sketch plans and can also, ja who can
10 draw sketch plans.

ADV SEGEELS-NCUBE: Okay.

CAPTAIN WANDA: Yes.

ADV SEGEELS-NCUBE: And in paragraph 2 you talk about your role at crime scenes. Can you just elaborate on that, please.

CAPTAIN WANDA: I am ordinary called on crime scenes to ensure the optimisation of the form of evidence collected on point of view and to a certain collection of exhibits to take photographs, including exhibit collections, fingerprints,
20 related cases as well. I do attend to that. And also to assist in the dispatching of exhibits from the crime scene to the respective laboratories and to ensure that the exhibits are not compromised.

ADV SEGEELS-NCUBE: And you say in your statement that you generally arrive at the crime scene after the

investigating team. Is that correct?

CAPTAIN WANDA: Yes, that is correct.

ADV SEGEELS-NCUBE: Okay. Now in paragraph 3 you would have heard the Chair's question to me about takedown operations. Before we get into your paragraph 3, can you tell us what, why do you call it a takedown operation?

CAPTAIN WANDA: I think a takedown operation is an operation where, it is a planned operation where there is, a
10 J50 has to be executed.

ADV SEGEELS-NCUBE: Okay, and the J50 would be a warrant of arrest?

CAPTAIN WANDA: A warrant of arrest, that is correct, Commissioner.

ADV SEGEELS-NCUBE: So why do you not just call it a warrant of arrest execution operation?

CAPTAIN WANDA: Well, ever since I have been in this ...[indistinct] that is the term that are familiar to me and that has since been used up to my knowledge, up to the best of
20 my knowledge.

ADV SEGEELS-NCUBE: Okay, I think then we will stick to that term if the Chair is fine with that.

CHAIRPERSON: No problem at all.

ADV SEGEELS-NCUBE: Thank you, Chair. So can you just tell us what is your involvement at a takedown operation as

compared to a crime scene which you refer to at paragraph 2?

CAPTAIN WANDA: On the takedown operations my involvement would be to be on standby. When the J50 is being executed, a warrant of arrest is being executed by the, certain, your respective police officers, that will be investigating officer would be leading that team and then later when they do find some, where there is an activity, where it requires our expertise as the crime scene
10 investigator and then we are called later to come and process, but we are not being part of the execution of the J50 and so forth.

ADV SEGEELS-NCUBE: Okay, if we can then go to page 2 of your statement at paragraph 4. You speak about your involvement with the PKTT, which is the Political Killings Task Team. Can you elaborate on that?

CAPTAIN WANDA: Commissioner, the – let me start by explaining the PKTT. PKTT is a Political Killings Task Team that deals with the political related cases. I was
20 deployed at PKTT on December 31 in the year 2023 until April, the year 2025 where I was a Tactical Commander for LCRC which entails leading the PKTT evidence collection team.

This was a very important role to the lawful collection and preservation of evidence as critical experts

of any criminal cases and keep the integrity of the evidence, collection and processes compromised, it may impact the admissibility of evidence and it must be also that prior join the PKTT, I was attached to the Local Criminal Record Centre in Richards Bay where I am stationed currently as the CSI Commander. In fact, I was there before my deployment to the PKTT.

CHAIRPERSON: After April 2025 do you go back to Richards Bay?

10 **CAPTAIN WANDA:** That is correct, Commissioner.

CHAIRPERSON: And why did you go back?

CAPTAIN WANDA: Commissioner, there was, okay, our task team ...[intervenes].

CHAIRPERSON: Perhaps, perhaps ...[intervenes].

CAPTAIN WANDA: Our task team coordinator ...[intervenes].

CHAIRPERSON: Perhaps ...[indistinct] [cross-talking] yes, yes, let me give context.

CAPTAIN WANDA: Yes.

20 **CHAIRPERSON:** You are part of the PKTT from 31 December 2023 and as we speak my understanding is that the PKTT has not been disbanded, it still exists.

CAPTAIN WANDA: Yes.

CHAIRPERSON: So, ja, so why did you go back if the PKTT still exists?

CAPTAIN WANDA: Okay, on the PKTT, it consisted of different role-players, which was myself under forensics and there was also forensics, which included LCRC and Ballistic and there was the Crime Intelligence in that team, but we were addressed by our project coordinator to withdraw from the team to go back to our offices because there was some letter of disbandment of the team, so, but the rest like the detection team were left behind just to oversee the dockets that they were still having on hand.

10 **CHAIRPERSON**: Alright, thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. Captain Wanda, at paragraph, starting at paragraph 5 of your statement you deal with the takedown operations of 6 December 2024 and your involvement. Can you take us through how you got involved in the operation and what was the operation?

ADV BALOYI SC: Perhaps, Captain, before, Captain Wanda, before you do that, let me ask a question arising from paragraph 4. The, and the question is before you
20 joined the PKTT and you were based LCRC, am I correct that you would be called out to crime scenes even before you joined the PKTT? You would be called out to crime scenes to do exactly the work that you describe?

CAPTAIN WANDA: That is correct, Commissioner.

ADV BALOYI SC: And so what difference, if at all, did it

make that now you are located within the PKTT? You are a member of the PKTT, what qualitative difference did that make?

CAPTAIN WANDA: There is no difference.

ADV BALOYI: Okay. So when the PKTT is at a scene or the detectives are at a scene ...[intervenes].

CAPTAIN WANDA: Yes.

ADV BALOYI SC: They would call out from the LCRC ...[intervenes].

10 **CAPTAIN WANDA**: Yes.

ADV BALOYI SC: That they require people.

CAPTAIN WANDA: Yes.

ADV BALOYI SC: And in terms of time that it takes for you to be on the scene when you are from the LCRC or when you are part of the PKTT, did that make a difference at all?

CAPTAIN WANDA: Ja ...[intervenes].

ADV BALOYI SC: The quickness and response time.

CAPTAIN WANDA: Ja, there would be a difference, yes, yes.

20 **ADV BALOYI SC**: In what way, can you explain that?

CAPTAIN WANDA: On the PKTT the reaction time was much quicker compared to the LCRC.

ADV BALOYI SC: And why is that the case? Practically why is it that, what ...[intervenes].

CAPTAIN WANDA: Oh, for a special let me start on the

PKTT. On the PKTT you are there as readily available. You are 24 hours on standby. But on the Local Criminal Record Centre you are on standby as well, because you do get member standby for any serious cases, but in between during the course of the day you receive other cases as well that you had to attend to, different cases, as I started earlier on explaining the cases that we attend to.

So the reaction time might be not the same, yes. More especially if you are called at night you have to wake
10 up and get dressed and also proceed to the scene or else the case is going to go through the, from the station to the radio room, from the radio room to the member on standby. So that causes just a bit of a time delay.

ADV BALOYI SC: So the difference is the response time?

CAPTAIN WANDA: It is the response time, that is correct.

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

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi.

ADV KHUMALO SC: Can I just follow up on that. Is the
20 difference that within the PKTT all the specialised teams were in one place, so it was easier to work with each other and finish an investigation as opposed to a normal police station where if you need a specialised service you would have to ask for it and then the reaction time would be longer, because it depended on availability of resources.

CAPTAIN WANDA: That is correct, Commissioner. That is correct.

ADV SEGEELS-NCUBE: Thank you, Commissioner Khumalo. Okay, Captain Wanda, then if we can go back to your statement, page 2, paragraph 5. I was asking you about your involvement in the takedown operation of 6 December 2024, if you could tell us how you got involved in that operation.

CAPTAIN WANDA: Okay, on the 5th of December year 2024
10 I was officially on duty at MAJOC, which is Mission Area Joint Operation Centre in Durban, KwaZulu Natal, whereby I received a call from my Commander to be, to prepare myself to go and assist in the planned takedown operation that will be taking place on the 6th of December in Gauteng. I, therefore on the 6th of December then myself and my other LCRC member with the two combat members, one was a driver, and the other one was just a combat member just to give us some protection, we left at about 2am in the morning and we arrived in Gauteng at about half past 8 the
20 same morning.

And roundabout 9 o'clock we met our, my Commander in that time who gave me a phone call a day, on the 5th to prepare myself to go to Pretoria and then he is the one who addressed us about the takedown operation that was going to take place on the same day of the 6th of

September.

ADV SEGEELS-NCUBE: And when he addressed you what details did he give you about the operation?

CAPTAIN WANDA: The first thing that is, he told us that there would be a warrant of arrest that will be executed which involves a person whom I did not know that time who was allegedly to be involved in the murder case and the other co-accused as well, of which I did not know him at that stage. And then after giving us that explanation and
10 then we became on standby up until we received a call to go and assist the team that was already on the scene.

ADV SEGEELS-NCUBE: Did he give you the names of the suspects that were going to be arrested at that stage?

CAPTAIN WANDA: No, at that stage, no. He stuck on just there is a suspect person, yes.

ADV SEGEELS-NCUBE: At what point did you become aware of the identity of the person?

CAPTAIN WANDA: Upon the arrival on the, on a certain house in Sandton there was two persons that were arrested
20 of one was arrested and neutralized and one was arrested and then I was made aware that the one who was seated in the, inside the room, in the lounge or dining room, that was Mr Molefe.

ADV SEGEELS-NCUBE: And that is Mr Katiso Molefe?

CAPTAIN WANDA: That is correct.

ADV SEGEELS-NCUBE: Now can we just go to prior to you arriving at the scene, where were you before you arrived at the scene?

CAPTAIN WANDA: We were around at District Commissioner's area offices in Gauteng.

ADV SEGEELS-NCUBE: And at what time did you then go to the scene?

CAPTAIN WANDA: I cannot exactly remember the time, that was just after 2 we get a call, but we arrived at the
10 crime scene, that was about 15:25.

ADV SEGEELS-NCUBE: Okay, and at paragraph 9 you deal with what you observed when you arrived on the scene. Could you tell us about that?

CAPTAIN WANDA: Okay, what I observed when I got there to the crime scene, there was a person who was sitting next to the tennis court along the driveway, but next to the tennis court. The person was seated there and who was handcuffed. And next to him there was a firearm, two firearms, one was a rifle and the other one was a pistol.
20 And a few metres away from him on the other side of the driveway next to the gymnasium there was another pistol that was also lying on the ground.

And then because witness A took us through the crime scene. He took us to a certain vehicle, that was a white BMW. That car was having a rifle bag with, I think

that was three or four rifle magazine loaded with ammunition. And then he also took us inside the house where he indicated there are some possible question documents on which among those documents there was ...[intervenes].

CHAIRPERSON: Before, before you go inside the house ...[intervenes].

CAPTAIN WANDA: Yes.

CHAIRPERSON: The person that you say was next to the
10 tennis court, you say he was identified as Mr Lehasa Moloji.

CAPTAIN WANDA: That is correct, Commissioner.

CHAIRPERSON: Yes. And you say that he appeared to be a bodyguard or driver of Mr Molefe. What do you mean by that, appeared to be?

CAPTAIN WANDA: That is correct, Commissioner.

CHAIRPERSON: What do you mean by that when you say he appeared to be? What does that mean?

CAPTAIN WANDA: Oh, Commissioner, I think I need to correct that, because when the arrest that was being made,
20 I was not aware, I was not aware of what vehicle they were told about, they came, the came with or who was the driver of, but the, the news that were circulating on the crime scene at that time that was a possible driver or a bodyguard of Mr Molefe.

CHAIRPERSON: So when you say the news circulated, so

do you mean this is something you must have heard from others?

CAPTAIN WANDA: Yes, yes, yes.

CHAIRPERSON: From other police officers.

CAPTAIN WANDA: From other police officers, that is correct, Commissioner.

CHAIRPERSON: Thank you.

CAPTAIN WANDA: Yes.

ADV SEGEELS-NCUBE: And to your knowledge was it ever
10 confirmed whether Mr Moloji was a bodyguard or driver of Mr Molefe?

CAPTAIN WANDA: According to my recollection, I cannot remember clearly that now, yes.

ADV SEGEELS-NCUBE: Okay, thank you. I think you were dealing with paragraph 10 where Witness A was taking you through the scene. Can you just tell us what you observed as you were being taken through the scene.

CAPTAIN WANDA: He also showed us, or before we entered the house he showed us just a fleet of cars. Some
20 were on the car port and some on the, inside the garage, but the garage was opened. Then amongst those cars there was that one, white BMW that I mentioned earlier on that on the back seat had a rifle, a bag with three or four rifle magazines loaded with ammunition. And then after that we, he took us inside the house.

ADV SEGEELS-NCUBE: And what did you find inside the house?

CAPTAIN WANDA: Inside the house there was sort of an office, ja ...[indistinct] setup office inside the house where he indicated us some possible question documents of which amongst those documents there were other A4 paper pages which they were three and they were having, they were full of specimen signatures on those three pages.

ADV BALOYI SC: Captain, the white BMW that you say
10 ...[intervenes].

CAPTAIN WANDA: Yes.

ADV BALOYI SC: Witness A took you to it.

CAPTAIN WANDA: Yes.

ADV BALOYI SC: Were you told whose vehicle it is?

CAPTAIN WANDA: Yes.

ADV BALOYI SC: And are you able to tell us whose vehicle it was?

CAPTAIN WANDA: Yes, yes, I, yes, I would be able to tell you.

20 **ADV BALOYI SC:** Yes.

CAPTAIN WANDA: Yes, because in that time, later afterwards I had an interaction with Mr Lehasa Moloji and then he indicated to me that is his BMW.

ADV BALOYI SC: And you took the details of the vehicle, the registration number of the vehicle?

CAPTAIN WANDA: Ja, we have got the registration of that BMW. It can be furnished to the Commissioner.

ADV BALOYI SC: Thank you.

CAPTAIN WANDA: If needs be or on a later stage.

ADV BALOYI SC: Thank you.

CHAIRPERSON: Did you run its details through the relevant system to establish if it was indeed Mr Moloi's vehicle?

CAPTAIN WANDA: No, no, Commissioner. No, at that
10 stage no. I am not sure whether Witness A afterwards he did that ja.

ADV SEGEELS-NCUBE: Thank you. Can you then continue with what you observed. You mentioned the A4 pages with specimen signatures and what else?

CAPTAIN WANDA: Ja, that was the most of it, Commissioner. Ja, we could not find anything further than that.

ADV SEGEELS-NCUBE: And what did you do about that, about what you had observed and found on the scene?

20 **CAPTAIN WANDA**: Some question documents were taken by Witness A and, but those three, A4 pages that they were three, they were collected by my other LCRC member, including all the ballistic exhibits that were found on the crime scenes of which there were three, two pistols and one rifle with magazines and the bullets.

ADV SEGEELS-NCUBE: In paragraph 10 you also mention that photographs were taken of certain items. Can you elaborate on that?

CAPTAIN WANDA: Yes, that is correct.

ADV SEGEELS-NCUBE: Okay, and the photographs that were taken, those have been of the exhibits that had been collected?

CAPTAIN WANDA: That is correct.

ADV SEGEELS-NCUBE: If we can then go to page 4 of
10 your statement at paragraph 11. You speak about an incident that caused your activities to be interrupted. Can you tell us what transpired?

CAPTAIN WANDA: While I was inside the house, busy assisting with my LCRC member in processing the crime scene, I was called by another member from the PKTT who was a combat member who was on the gate to proceed to the gate. And on my arrival at the gate I saw a group of people who were standing as the bystanders as well as the members of the Hawks of which I identified them by the golf
20 T-shirts with the Hawks emblem and with the three or four vehicles of the members of the Hawks as well, which were also, has got the Hawks emblem and some vehicles were not marked and some people were on civilian clothing, of which I could not know whether it would be the members of the Hawks or the members of the public.

ADV SEGEELS-NCUBE: And where were they?

CAPTAIN WANDA: They were just next to the main entrance, to the main gate.

ADV SEGEELS-NCUBE: Okay.

CAPTAIN WANDA: But on the outside.

ADV SEGEELS-NCUBE: Okay, not in the yard.

CAPTAIN WANDA: Not in the yard, yes.

ADV SEGEELS-NCUBE: And was the gate open?

CAPTAIN WANDA: No, the gate was closed.

10 **ADV SEGEELS-NCUBE**: And were you expecting the Hawks to be on the scene?

CAPTAIN WANDA: Not at all, Commissioner. I did not expect the presence of the Hawks there on that operation.

ADV SEGEELS-NCUBE: Had your Commander mentioned to you when you, when he briefed you on the operation that there may be other SAPS units that would be joining the operation?

CAPTAIN WANDA: No, he did not make mention of that. He did not.

20 **ADV SEGEELS-NCUBE**: Okay, you then at paragraph 11 of your statement, if I could ask you to just address the last two sentences of that paragraph where you speak about the importance of the operation and why the presence of the Hawks was concerning to you.

CAPTAIN WANDA: The presence of the Hawks were

concerning to me, because they came in numbers. They came in numbers, Commissioner, and I did not expect them in that big number. And when I interacted with them, they were a bit aggressive and demanding answers in posing questions to me up until I managed to speak directly, to interact directly with Captain Kruger who was amongst them. But that it did not sit well with me, Commissioner, because why such a big number and in that attitude as well, yes.

10 **CHAIRPERSON**: It is the second time your concern sounds like it was about the number and not so much the presence. Do I understand you to mean that if it was one or two, you would not have been concerned or bothered?

CAPTAIN WANDA: Commissioner, if it was one maybe also ask the question in a friendly manner, maybe I would, it would have been settled well with me to give that explanation, but the way it happened even the situation was not friendly at me.

20 **CHAIRPERSON**: I, sorry to interrupt, Ms Ncube, I am not sure that you have answered the question which was asked by Ms Ncube maybe two or so minutes ago. She wanted you to explain the importance of why a takedown should not be interrupted by other people who are not part of the takedown. Do you want to answer the question directly?

CAPTAIN WANDA: Commissioner, that takedown was an

official and legitimate takedown seeing that there was a J50 of which it was signed by the Magistrate. I think everything was official, so I would not expect it to be disturbed or to be interfered with until the execution is completed. So to me there was, it was some, like an interference, because it was an important takedown operation based on the seriousness of the case that was alleged to be committed by the possible suspect that was supposed to be arrested.

CHAIRPERSON: May I refer you to the second last
10 sentence of paragraph 11 and perhaps ask you to read that into the record, the sentence starting “it is important to understand”.

CAPTAIN WANDA: -:

“It is important to understand that this operations are highly sensitive and dangerous. It is important for the team to know upfront who will be involved in the operation to avoid compromising the operation.”

20 **CHAIRPERSON:** What might happen as a result of the sensitivity and dangerous nature of the takedown if unexpected people arrive?

CAPTAIN WANDA: For the unexpected people, Commissioner, for example as it happened like in that incident, the highly security agents of the Hawks in that

number, to me it showed a disturbance.

ADV BALOYI SC: Yes, Captain, where you say that it is important to understand these operations are highly sensitive and dangerous, what does it matter? You are involved in a highly sensitive, in what you describe as a highly sensitive and dangerous operation and then members of the Hawks arrived that you did not expect. What is your, what does it matter? What could happen? What is your concern about it?

10 **CAPTAIN WANDA:** Ja, it, my concern is going to come back ...[intervenes].

ADV BALOYI SC: What could have happened, let me ask, maybe I may ask it, is it because you are concerned something might have happened because you are in a dangerous and sensitive operation and people that you did not expect and that you do not know arrived, are you concerned about, are you trying to convey what could have happened and if so, can you tell us what you say could have happened with this kind of situation.

20 **CAPTAIN WANDA:** Anything could have happened. It would have gone out of proportion, that some unfriendly engagement maybe that might result in having that confrontation because this, on the other side we have got police officers who are armed, and the other side we have got the other state agents, highly state agents, police

officers who might be armed as well, so in between there is no understanding. Anything could have gone out of proportion and that is my explanation, Commissioner.

ADV BALOYI SC: Now when the members of the Hawks arrived and you say they were not friendly and maybe you also were not friendly, but you are conducting a legitimate operation, just looking, when they arrived what is it in the scene that would have told them before you explain, why should they have known that it was a legitimate operation?

10 Were people in uniform? Your people, were they in uniform? What are the indicators to the Hawks that this is a legitimate operation?

CAPTAIN WANDA: Oh, Commissioner, the members of the combat, which included from TRT or NIU, at that stage they were wearing that, the bullet proofs, which were clearly marked SAPS. So that would be an indication to them that no, or else to trigger them, this, oh, this might be possible police officers.

ADV BALOYI SC: Thank you. Thank you, Ms Ncube.

20 **ADV SEGEELS-NCUBE:** Thank you, Commissioner Baloyi.

ADV KHUMALO SC: Let me ask you, the Hawks are part of SAPS, correct?

CAPTAIN WANDA: That is correct.

ADV KHUMALO SC: And you would think that whether you call it a division or a unit within SAPS ...[intervenes].

CAPTAIN WANDA: Yes.

ADV KHUMALO SC: They should be able to identify other SAPS units when they see them.

CAPTAIN WANDA: That is correct.

ADV KHUMALO SC: I as a lay person may not be able to do that, because I could suspect that you know, it is fake or you are using equipment that does not belong to you, or uniform that does not belong to you, but I would expect somebody within SAPS to know that the next person is a
10 SAPS official.

CAPTAIN WANDA: Yes, that is correct.

ADV SEGEELS-NCUBE: Thank you, Commissioner Khumalo. You mentioned that there were members of the Hawks and you were able to identify them from the T-shirts with the Hawks emblem. How many if you were to estimate, how many were they?

CAPTAIN WANDA: To me, Commissioner, if I, I cannot be exact ...[indistinct] to say the exact number, but there were between 6 and 8 members, between 6 and 8.

20 **ADV SEGEELS-NCUBE**: And then you also mentioned that there were members that had civilian clothing on. How were you able to identify them as being Hawks members if they were in civilian clothing?

CAPTAIN WANDA: For those who were on civilian clothing it was difficult for me to say were they members of the

Hawks or not, that is why I regarded them as a civilian, because they were on civilian clothing.

ADV SEGEELS-NCUBE: Okay ...[intervenes].

ADV BALOYI SC: But you see, Captain, in paragraph 12, in the light of your answer look at your paragraph 12 what you say about three people in civilian clothing. You say they were with individuals in Hawks T-shirts. You see where I am reading?

CAPTAIN WANDA: Yes.

10 **ADV BALOYI SC**: You say there were approximately three people who were in civilian clothing, but were with Hawks individual – were with the individuals in the Hawks T-shirts.

CAPTAIN WANDA: That is correct.

ADV BALOYI SC: Yes, do you, what are you saying about those three people, that you considered them to be members of the Hawks or anyway civilians who happened to be around Hawks?

CAPTAIN WANDA: Well, I am not too sure. Even on that time I was not too sure.

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

CAPTAIN WANDA: Because they did not identify themselves to me.

CHAIRPERSON: But you also say that you observed two or three vehicles with the Hawks emblem.

CAPTAIN WANDA: That is correct, Commissioner.

CHAIRPERSON: So not even that gave you to understand that some of the people would be Hawks members?

CAPTAIN WANDA: No, that gave me an indication, Commissioner, that these are Hawks members.

CHAIRPERSON: Alright, thank you.

ADV BALOYI SC: And these people that you identify as Hawks, the ones in T-shirts and anyone else, were they armed?

CAPTAIN WANDA: No, I could not see any of them
10 carrying an arm.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. You then say in paragraph 13 of your statement that you were approached by a white male at the gate who identified himself as Captain Kruger. Can you tell us about that interaction?

CAPTAIN WANDA: Commissioner, while I was there on the gate amongst that group of members who were wearing golf T-shirts and there was another white male who identified
20 himself as Captain Kruger, but he was in civilian clothing. And I also identified myself to him, but he was having, if not a diary, it was a notebook and then he asked for my particulars and I gave him my particulars and he recorded on that time.

ADV SEGEELS-NCUBE: Did you tell him that you were

from the PKTT?

CAPTAIN WANDA: That is correct.

ADV SEGEELS-NCUBE: Okay. And ...[intervenes].

CHAIRPERSON: Although you referred to it as the National Task Team I think you said, or not, or am I mistaken? Maybe I am mistaken. You, another ...[intervenes].

ADV SEGEELS-NCUBE: No, you are correct, Chair. Yes, you are correct.

CHAIRPERSON: Oh, alright.

10 **ADV SEGEELS-NCUBE**: You referred to it as the National Task Team.

CAPTAIN WANDA: Yes, that is correct.

ADV SEGEELS-NCUBE: And you were still dealing with the engagement with Captain Kruger. Can I ask you to look at paragraph 14 of your statement on page 4. Do you have it?

CAPTAIN WANDA: That is correct.

ADV SEGEELS-NCUBE: Okay. You speak about the, that you introduced yourself to Captain Kruger and you speak about something that happened while you were talking to
20 him on page 5. Can you tell us about what happened while you were engaging with Captain Kruger.

CAPTAIN WANDA: While I was still talking to Captain Kruger there is some individual of the Hawks they came chipping-chipping in, chipping in, asking questions, but I heard a noise that sounded to be the helicopter. When I got

distracted as well and then when I looked it was a helicopter of which I cannot confirm whether it was a SAPS helicopter or not, but it flew about, in few circles and also it flew away.

ADV SEGEELS-NCUBE: And this happened while you were still speaking to Captain Kruger.

CAPTAIN WANDA: That is correct.

ADV SEGEELS-NCUBE: Okay. Were you able to establish what the helicopter was doing in the vicinity?

10 **CAPTAIN WANDA**: At that time I could not establish. I was not sure whether the helicopter was part of the Hawks or it was from the flying, police flying division also. So it was uncertain to me which one is which.

ADV SEGEELS-NCUBE: Okay, and then you are still in the same paragraph 15 on page, 14 on page 5. You say that you were joined by other members from your team while you were engaging with Captain Kruger. Can you just tell us about that?

20 **CAPTAIN WANDA**: Commissioner, while I was still there with Captain Kruger also asking questions about the operation and any papers that allows us to execute that operation, I was also joined by Witness A as well with the other members who were involved in that operation as well, but Witness A just gave an explanation, he took it further giving an explanation about the J50, which is warrant of

arrest of which the members of the Hawks they wanted the copy, but Witness A took them further as well what is going to happen, but he showed them a copy of that J50.

ADV SEGEELS-NCUBE: And you also say in your statement that they asked for additional information regarding the operation. What was Witness A's response to that?

CAPTAIN WANDA: Commissioner, Witness A, his response was due to the nature and the sensitivity of the case he
10 cannot divulge an information to them, because the matter is still under investigation.

ADV KHUMALO SC: Adv Ncube, just a moment. Captain, you say you introduced yourself to Captain Kruger. I have difficulty with that, because police officers do not just introduce themselves, they present credentials. Did you just say oh, I am Captain Wanda, I am with PKTT? I am assuming that there is some form of identification that you would have produced to show that you belong to a particular division or unit.

20 **CAPTAIN WANDA:** No, Commissioner, when Captain Kruger asked who I am, oh, he first introduced himself as Captain Kruger from the Hawks, but he did not show me his identity, which is a police card, yes. And I also introduced myself as well, because he asked me who are you? I am Captain Wanda from the National Task Team, PKTT, which

is based in Durban. And, but I also did not show him my police card identity, because he did not ask about it and then he was satisfied about that. And he further asked who is our project coordinator.

I tell him that the project coordinator is Lieutenant General Khumalo of which that sat well to him as well with the other members, because they started to calm down as soon as I mentioned the name of Lieutenant General Khumalo. Then they started to connect the dots now that
10 no, this might be real, this must be genuine, it cannot be the bogus police officers who can maybe know about the high ranking officer.

ADV SEGEELS-NCUBE: Thank you, Commissioner Khumalo. Captain Wanda, did the members of the Hawks tell you why they were there on the scene?

CAPTAIN WANDA: Yes, they did, Commissioner.

ADV SEGEELS-NCUBE: What did they tell you?

CAPTAIN WANDA: What they said, they said they received, oh, they were giving an information that there are
20 persons in that particular address who are impersonating to be police officers or to be bogus police officers, so that is how they got activated.

ADV SEGEELS-NCUBE: And they were activated to do what?

CAPTAIN WANDA: To me it can be two. It is either to

come and confirm whether those are real policemen or to stop the operation.

ADV SEGEELS-NCUBE: Did they tell you why they were activated to come to the scene?

CAPTAIN WANDA: Commissioner, it is, the reason they said they came to the operation is because they were misinformed that there are, there is an illegal operation with the possible bogus police officers that is taking place in that particular address.

10 **ADV SEGEELS-NCUBE**: And so were they there to verify if the operation was legitimate?

CAPTAIN WANDA: After the explanation from myself and Witness A and then they believed that the operation was legitimate.

ADV SEGEELS-NCUBE: Well, my question is a different one. When you were engaging with the members of the Hawks did they tell you that they were there to verify that the operation was legitimate?

20 **CAPTAIN WANDA**: That was after, towards the end of the engagement, because when the engagement started they were demanding answers.

CHAIRPERSON: And you suggest that there was an easier way for them to establish what they wanted to establish and what do you say that was, that is towards the end of paragraph 15 of your statement?

CAPTAIN WANDA: Commissioner, in such an instance, if you have got a suspicion of illegal activity, that happens within our, at a specific address. A local police station policing that area is activated to go and verify and confirm whether what is happening is it real or is it not real. But I would expect the members of the police in uniform, marked vehicles, to come and speak to us about the whole operation.

CHAIRPERSON: I am not sure I follow that.

10 **CAPTAIN WANDA**: Yes.

ADV SEGEELS-NCUBE: Is there anything wrong with say other SAPS members, the Hawks, going to verify even if they are outside of the local police station? Is there anything legally wrong with that?

CAPTAIN WANDA: Well, Commissioner, they are the members of the South African Police Services at the end of the day. I am not too sure whatever, how the message came to them, but they had to go there and verify or, and check. But on my surprise is the manner on which they
20 came and their behaviour.

CHAIRPERSON: Let me ask the question again.

CAPTAIN WANDA: Yes.

CHAIRPERSON: Would it be unlawful for other SAPS members who do not belong to the local police station, to go to the address to do the verification?

CAPTAIN WANDA: No, it will not be unlawful, Commissioner.

CHAIRPERSON: All right, thank you.

ADV SEGEELS-NCUBE: Thank you, Chair.

ADV BALOYI SC: Captain, the, you say after you said this is an operation that is, falls under Lieutenant Khumalo, Lieutenant General Khumalo and he seemed to accept that and that it is a legitimate operation, before that point had Captain Kruger requested proof of identification that you
10 are, the people there are SAPS members?

CAPTAIN WANDA: No, Commissioner, he did not ask the proof of identity.

ADV BALOYI SC: Thank you. And second question, before the Hawks arrived on the scene and it is just your team, and when I say your team, I mean everyone, including the investigating officer team, were there SAPS marked vehicles with the lot that was there before the Hawks arrived?

CAPTAIN WANDA: No, Commissioner, there was not.

20 **ADV BALOYI SC:** There were no marked vehicles.

CAPTAIN WANDA: There was no marked vehicles, yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. If we can go to, are still on page 5 at paragraph 16. You

have in fact dealt with this where you deal with the information that was requested by the Hawks members from Witness A and you say that he refused to disclose that information. Is that correct?

CAPTAIN WANDA: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Then can we go to page 6 at paragraph 17. You deal with an incident while you were talking to Captain Kruger of somebody approaching you. Can you tell us what happened?

10 **CAPTAIN WANDA**: Okay, Commissioner, while I was still talking to Captain Kruger, interacting, some, a certain African male who was wearing civilian clothing came, approached me and gave me a cellphone of which it was on, but on the other side of that cellphone there was a certain person who introduced, who identified to me as a Brigadier and he mentioned his name and surname, but I could not, I could not catch on that particular time.

The only thing I concentrated that was a Brigadier and it is a high ranking officer of which I had to
20 show respect and listen to him what he was saying. And the Brigadier he says no, he would like to apologize on behalf of the members of the Hawks, because they were given wrong information, but he is in the office of the Lieutenant General Lebeya, but they are at Lebombo attending the police excellence awards in that particular

time.

And he further switched on the cellphone on video of which he panned it sideways and I could see the police officers in blue and the setup of the background of that area that no, the Brigadier he is really in that specific function for the hours. And then after we ended, after he ended the call I gave it back to that specific individual of whom he look as a civilian to me and then the call ended there. And then, but Captain Kruger was just there next to me, he
10 could listen, because I did not move, I just stood next to him while I was on the phone.

ADV SEGEELS-NCUBE: Thank you, Captain. If I can just take you back to the identity of the unknown African male. You say you do not recall if he identified himself to you or if you just do not remember his name. During the preparation of your evidence I indicated to you that there is another witness that will be giving evidence, Captain Kruger, who had taken certain photographs on the scene on the day of various people that were on the scene.

20 I had shown you some of the photographs and you indicated to me that one of the individuals on that photograph is the person that you believe was the person that gave you the cellphone on that day. I am going to ask you now if you can go to section 3 which is the statement of Captain Kruger and if you can go to Annexure B5 on page,

BK5 on page 21.

CHAIRPERSON: You must please remark these, Ms Ncube, because I see in the statement they are referred to as BK.

ADV SEGEELS-NCUBE: Yes, Chair.

CHAIRPERSON: But the actual marking on the annexures themselves is B and then the number without the K.

ADV SEGEELS-NCUBE: Chair, if I can just say that the actual markings on the annexure is actually BK, which is my work product.

10 **CHAIRPERSON**: So it is your flag that says B without the K. It is all your flags that say ...[intervenes].

ADV SEGEELS-NCUBE: I will say ...[intervenes].

CHAIRPERSON: B without the K.

ADV SEGEELS-NCUBE: I will ...[intervenes].

CHAIRPERSON: So that is what I looked at and I did not even look at what appears at the top of each one of the annexures.

ADV SEGEELS-NCUBE: Yes, Chair.

CHAIRPERSON: I just looked at the B and the numeral.

20 **ADV SEGEELS-NCUBE**: Yes, Chair. If I can just clarify what I meant is that the BK on the actual annexure is my work product.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: The B on the tabs, I cannot take ownership of that, Chair.

CHAIRPERSON: Okay. All right, thank you.

ADV SEGEELS-NCUBE: So if I can then ask you to go to BK5, which is marked as B5 on the tab. Are you there on page 21?

CAPTAIN WANDA: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Do you see the photograph there?

CAPTAIN WANDA: Yes, I do.

ADV SEGEELS-NCUBE: If I could just ask for it to be projected, please. Do you see the photograph has two
10 gentlemen?

CAPTAIN WANDA: Yes, yes, yes, correct, I can see clearly, Commissioner.

ADV SEGEELS-NCUBE: Can I ask you to look instead on your hard copy instead of on the screen.

CAPTAIN WANDA: Okay.

ADV SEGEELS-NCUBE: And can you identify for the Commissioners the person that you think is the unknown male that gave you the cellphone for you to speak to the Brigadier.

20 **CAPTAIN WANDA**: Okay, Commissioner, on that Annexure 5, Annexure BK5 photograph it is a person who is on the left wearing the T-shirt who has folded his arms on the back.

ADV SEGEELS-NCUBE: So it is the shorter gentleman on the left with the dark T-shirt with his hands behind his back.

CAPTAIN WANDA: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Okay. And you do not know the name of that person?

CAPTAIN WANDA: No, I do not know.

ADV SEGEELS-NCUBE: Okay. That evidence will be led by Captain Kruger, Chair.

ADV BALOYI SC; And, Captain, you say this is the man that brought the cellphone to you?

CAPTAIN WANDA: According to my recollection,
10 Commissioner.

ADV BALOYI SC: And on that cellphone you say you spoke to the Brigadier. Now you know it is Brigadier Mokoena.

CAPTAIN WANDA: That is correct, Commissioner.

ADV BALOYI SC: On this gentleman's phone.

CAPTAIN WANDA: That is correct, Commissioner.

ADV BALOYI SC: Do you have any knowledge whether this person in the, that you have just pointed out here, whether that person is a member of the Hawks?

CAPTAIN WANDA: No, I do not have any knowledge. I do
20 not bear any knowledge, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. And then if I can just deal with another aspect of the evidence that you just gave. As Commissioner Baloyi indicated you now know that it was Brigadier Mokoena that

was on the phone with you, but you did not know that at the time. You could not recall his surname at the time.

CAPTAIN WANDA: That is correct.

ADV SEGEELS-NCUBE: Okay. And can you just for the record tell the Commissioners how you now know that it is Brigadier Mokoena?

CAPTAIN WANDA: Okay, I was informed by the Evidence Leader, Commissioner, that the person of whom I speak with him or on that particular day on the phone is Brigadier
10 Lesaba Joseph Mokoena.

ADV SEGEELS-NCUBE: Thank you. And if I can just explain to the Commissioners that Brigadier Mokoena will be the second witness to give evidence who confirms that he spoke to Captain Wanda on the phone on that day and gave him, he refers to the video call showing that they were, he was at an award ceremony, so it is the same person. And if there is, there is a third aspect that I want to clarify. It is insignificant but just for consistency.

When Brigadier Mokoena gives his evidence, his
20 evidence will be that he told you that the excellence awards was being held in Pretoria and not in Limpopo. You say that it is in Limpopo. Do you want to just tell us why you are adamant that it was there, because when I addressed it with you, you said that you were adamant that it was, that he said it was in Limpopo?

CAPTAIN WANDA: Okay, Commissioner, that is what he told me on the phone. That it sit well in my mind.

ADV SEGEELS-NCUBE: Okay, thank you.

CAPTAIN WANDA: That is what he told me.

CHAIRPERSON: Is there not a possibility that you might be mistaken, because I just do not see why he would not give you the correct location? That was something that could be established quite easily and I do not see why he would have been cagey about something like that.

10 **CAPTAIN WANDA**: Yes.

CHAIRPERSON: Can you possibly be making a mistake?

CAPTAIN WANDA: If he comes with a different version, Commissioner, that one I cannot dispute it, because a cellphone, a person can say I am here in this premises, but he is on the other side. But that can be established. There are ways and means that it can be established that phone where, at that particular time when he made it, what was his location specifically.

ADV SEGEELS-NCUBE: Thank you, Chair.

20 **ADV BALOYI SC**: Sorry, one last question from me, Captain. Did Captain Kruger and/or Brigadier Mokoena tell you who informed them about your operation that you were at the scene?

CAPTAIN WANDA: No, they did not.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. You say on page 7 of your statement, it is still paragraph 19, when you deal with Brigadier Mokoena showing you the video of the other police officers at the excellence awards, do you know why he did that, why he was showing you the video, did he tell you?

CAPTAIN WANDA: When he said that, he said, Captain, we are not around in Gauteng, let me show you the video, because we are attending the SAPS police excellence
10 awards in Lebombo and that is where then he switched off, switched it on, on the video call and then pan it around just to show me the background and the activity of that particular day.

ADV SEGEELS-NCUBE: Thank you, Captain. Now at paragraph 20 of your statement you say that after your call the members of the Hawks left. When you were speaking to Brigadier Mokoena, did he indicate to you that he would instruct his guys to leave or were they already in the process of leaving while you are on the phone with him?

20 **CAPTAIN WANDA**: After that, Commissioner, they just left. I am not too sure that there was an indication from their side that they must leave or not, but they just quietly left.

ADV SEGEELS-NCUBE: Okay, and was that everyone that was from the Hawks, so the entire contingent left?

CAPTAIN WANDA: That is correct.

ADV SEGEELS-NCUBE: Okay.

CAPTAIN WANDA: Yes.

ADV SEGEELS-NCUBE: Then at paragraph 21 on page 7, are you there?

CAPTAIN WANDA: That is correct.

ADV SEGEELS-NCUBE: You speak about what happened after your call with Brigadier Mokoena and the members of the Hawks left. Can you tell us what happened when you went back into the scene?

10 **CAPTAIN WANDA**: After that interaction, Commissioner, with the members of the Hawks and then I walked back towards the house. Before I enter the back entrance, Mr Lehasa Moloji was just seated there, but guarded by combat members. And he asked me an excuse, of which I attended to him, that is where he started to interact with me. He asked the service of the water and the service of the cigarette. I then called the eldest son of Mr Katiso Molefe to come and assist, of which he organized water and a cigarette and it was served by Mr, it was served by the
20 eldest son of Mr Molefe.

And then when he was done before I left him he asked me a question that Captain, what is going to happen now, because the arrested person is the friend of the honourable, of the Minister of Police. And then I asked him who is that, he said because he is a friend of the Minister, I

said who is that Minister and he said the Minister of Police. I said honourable Senzo Mchunu, and then he said yes. And I then explained to him just a standard procedure if a person is arrested that no, we are still in a crime scene, the crime scene is in the process, after we have done here the suspect will be taken to a police station where he will be processed and formally charged, but the family members will be informed about where the suspect would be taken to, of which would be done by the investigating officer in that particular case which was Witness A. And then I said after
10 that, other than that Witness A will deal with other matters.

ADV SEGEELS-NCUBE: Did you not enquire from him what was the significance of him telling you that the arrested person is a friend to the Minister of Police?

CAPTAIN WANDA: No, I did not enquire to him, Commissioner.

ADV SEGEELS-NCUBE: Why not?

CAPTAIN WANDA: I took it on a lighter note, Commissioner, because I did not know Mr Molefe. What he
20 was saying for me it was just to listen, because friends are friends, that is what came to me, if they are friends and then I am not interested in that. I could not dig any further.

ADV KHUMALO SC: Just so we are clear and there is no confusion.

CAPTAIN WANDA: Yes, yes.

ADV KHUMALO SC: This conversation is happening between you and Mr Lehasa Moloi, not with Mr Molefe?

CAPTAIN WANDA: No, Mr Lehasa Moloi, yes, yes.

ADV SEGEELS-NCUBE: Thank you, Commissioner Khumalo. If we can then go to page 8 of your statement at paragraph 23. I think you then said you explained the process to Mr Moloi regarding what would happen after the operation and then at paragraph, you say you went back into the house at paragraph 24. After you processed the
10 scene where did you go to?

CAPTAIN WANDA: After the scene was successfully processed and I left with the other members of the, who were part of the, that planned operation I think to two addresses, one in Soweto and one in Sandton, but they were going to look for the other suspect who was also allegedly to be involved in the planned down operation.

ADV SEGEELS-NCUBE: And who was that person, who was the other suspect?

CAPTAIN WANDA: I was later told that it was Lucky
20 Molefe. Yes, but I did not know by then and when we got there I could not get involved. I just stayed in the car, because there were no, there were no activity that required my expertise on that time.

ADV SEGEELS-NCUBE: And why do you say that your expertise was not needed at that time? Were they able to

find Mr Molefe, Mr Lucky Molefe?

CAPTAIN WANDA: No, he was still at large. At that stage he was not found.

ADV SEGEELS-NCUBE: Then if we can go to the next topic in your statement, which is actually the last topic. It is possible interference.

ADV BALOYI SC: Before you do that, Ms Ncube, just to take you back to the discussion with, the conversation with General, with Brigadier Mokoena, and you say he then, I
10 think at page 7, paragraph 20, this is where, paragraph 19 rather, where he pans his cellphone to show you the room in which he is and then you say I do not recall why he specifically informed me that he was with General Lebeya. You see where I am?

CAPTAIN WANDA: Commissioner, it is page?

ADV BALOYI SC: Page, at the top of page 7. You say, at the top of page 7 in your statement you say:

20 "I do not recall why he specifically informed me that he was General Lebeya."

You see where I am reading?

CAPTAIN WANDA: That is correct, Commissioner, I see.

ADV BALOYI SC: Now before he said this to you, before Mr Mokoena, Brigadier Mokoena told you this, had Captain Kruger mentioned to you that someone had said that

General Lebeya is at the house with you in the operation?

CAPTAIN WANDA: No, no, no.

ADV BALOYI SC: Was this the first time ...[intervenes].

CAPTAIN WANDA: That was the first time.

ADV BALOYI SC: You heard anything about the mentioning of General Lebeya?

CAPTAIN WANDA: No, no. No, not at all.

ADV BALOYI SC: No. So let me repeat my question, when the Brigadier ...[intervenes].

10 **CAPTAIN WANDA**: Yes.

ADV BALOYI SC: Tells you that he was with General Lebeya, this was the first time you heard a mention of General Lebeya?

CAPTAIN WANDA: That is correct, Commissioner.

ADV BALOYI SC: Thank you. Thank you, Ms Ncube.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. Can we then go back to your statement at page 8, paragraph 25 where you start off with your topic on possible interference. Before you deal with the content of those
20 paragraphs, can you tell the Commissioners why you referred to it as possible interference and not interference? Why is it possible interference?

CAPTAIN WANDA: Commissioner, I have been to planned operations while I was still in, before I was deployed at National Task Team in my district, King Cetshwayo District,

in KwaZulu Natal, as well as the other operations, operations that I was also part of it that took place in East London, in Eastern Cape, where I went to four addresses in East Londo as well as into addresses in Alice, but I did not experience any interference from any other police agency.

ADV SEGEELS-NCUBE: Yes, my question is why do you refer to it as being possible interference. That suggest that you are not sure whether it was actually interference as opposed to saying that you are convinced that it was
10 interference. Why is there doubt about it?

CAPTAIN WANDA: Firstly, Commissioner, as I alluded earlier on that the local police stations would have been activated to come and verify, yes, whether is it an illegal operations or not illegal operations and why such a big team from the Hawks. As the Commissioner have said that maybe one member with a good attitude as well. So the attitude and their presence was concerning to me, Commissioner. I have never experienced the interference in my career as a police. I therefore, I then give them the
20 benefit of doubt. That did not sit well with me during their presence.

ADV KHUMALO SC: Just a quick question. Do you know whether they came from Johannesburg or Pretoria, the Hawks that were present on the scene? Did you know where they came from?

CAPTAIN WANDA: No. No, Commissioner, I will be lying.
I do not know.

CHAIRPERSON: And when you refer to their attitude, are you referring to your statement that they were unfriendly?

CAPTAIN WANDA: That is correct, Commissioner.

CHAIRPERSON: Would you accept that you too were unfriendly? I am asking this, because is it Captain Kruger, what is his rank?

ADV SEGEELS-NCUBE: It is Captain Kruger, Chair.

10 **CHAIRPERSON**: Yes. I am asking because Captain Kruger actually admits that they, the Hawks people, were unfriendly.

CAPTAIN WANDA: Yes.

CHAIRPERSON: But that you too were unfriendly. Would you admit that you too were unfriendly?

CAPTAIN WANDA: Commissioner, I do not know prior that, because when I was called they were already stopped by the members of the combat by the gate. So I do not know how that interaction go, how did it go, because the other
20 member of the combat, the way he came to me he was very, very in a hurry, that I must quickly rush to the gate, because I happened to be a senior person in that operation to address the situation. So before that I do not know, but when I got there, yes, they were unfriendly to me, because they were asking the questions, demanding the questions,

not even allowing me to give the chance until Captain Kruger, I must be genuine, Commissioner, he was calm and friendly, because he was recording, he wanted the facts and all those things in a nice and a formal way you see. But I was responding to him as well in a very respectful way, Commissioner. But I cannot speak on behalf of other men.

CHAIRPERSON: So if he was calm and friendly, who were unfriendly?

CAPTAIN WANDA: I would not know, Commissioner
10 ...[intervenes].

CHAIRPERSON: On his side, on his side.

CAPTAIN WANDA: On his side? It was some of the members of the Hawks.

CHAIRPERSON: All right, thank you. Yes, Ms Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. So you and Captain Kruger were not unfriendly, but everyone else seemed to be unfriendly towards each other, is that what you are saying?

CAPTAIN WANDA: That is correct.

20 **ADV SEGEELS-NCUBE:** Thank you, Captain Wanda. Chair, that is the evidence of this witness, unless there is anything further from the Commissioners.

ADV BALOYI SC: Yes, may I. Captain, the heading of this section is possible interference and Ms Segeels-Ncube asked you why do you seem to be unsure. Looking at your

paragraph 26 you speak more firmly that what happened with the Hawks constituted an interference. Do you want to explain that? Just explain what you have said in this paragraph, or even read it into the record.

CAPTAIN WANDA: Oh, okay, let me read it into the record, Commissioner, then I will also elaborate on that.

ADV BALOYI SC: Yes.

CAPTAIN WANDA: -:

10 “As a police officer I gave other police
 officers a benefit of a doubt because
 ...” [intervenes].

ADV SEGEELS-NCUBE: Sorry, sorry, Captain, you are reading the incorrect paragraph.

ADV BALOYI SC: 26.

ADV SEGEELS-NCUBE: 26 on page 9.

CAPTAIN WANDA: 26?

ADV SEGEELS-NCUBE: Yes.

ADV BALOYI SC: On page 9.

CAPTAIN WANDA: Oh, my apology, Commissioner.

20 “In my view the conduct of the Hawks
 constituted interference or disturbance
 with the legitimate takedown operation
 in circumstances where there was no
 basis for their presence at the scene.
 It was also very concerning to me that

the questions they were asking and their attitude towards us seemed to be consistent with that of the team looking to interfere in our operations as opposed to verifying if we were SAPS members.”

ADV BALOYI SC: You said you will explain more.

CAPTAIN WANDA: Yes.

ADV BALOYI SC: This paragraph. Do you want to add
10 anything onto what you have said here?

CAPTAIN WANDA: But the whole paragraph just summarizes itself, Commissioner. I will be repeating the same thing.

ADV BALOYI SC: So am I correct, and that is what the words say in the paragraph that you considered that just the mere presence of the Hawks where you were conducting a legitimate operation, that just their mere presence was to interfere with the operation. Am I correct to understand it that way?

20 **CAPTAIN WANDA:** Ja, that is correct, Commissioner, because we had to stop processing and attend to them. By that itself that was a disturbance or interference.

ADV BALOYI SC: And you said Captain Kruger was in civilian clothes?

CAPTAIN WANDA: That is correct, Commissioner.

ADV BALOYI SC: Thank you. Thank you, Ms Segeels.

ADV KHUMALO SC: Paragraph 16 of your statement, Captain, you did not deal with it and it concerns me. You say in paragraph 16:

10 “Witness A informed them - them being
 the members of the Hawks - that the
 operation was legitimate. When the
 members of the Hawks asked for
 details about the operation, including
 who we were arresting and the CAS
 number, Witness A refused to disclose
 this information and indicated that it
 was not necessary for them to know
 this details.”

 Did it not concern you that after you had identified
 yourselves as members of the SAPS they still wanted to
 know the details of the operation, who was being arrested,
 the CAS number, disclosure of all that information?

CAPTAIN WANDA: It raised a concern, Commissioner.

20 **ADV KHUMALO SC:** And what is that concern?

CAPTAIN WANDA: It raised a concern because it was a
sensitive issue that we were dealing with, so most of the
information could not be divulged to any other person, even
though it could be police officers.

ADV KHUMALO SC: And why is that? Why can you not

disclose it to other?

CAPTAIN WANDA: The matter was still under investigation, Commissioner, yes.

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

CHAIRPERSON: Thank you very much, Captain.

ADV SEGEELS-NCUBE: Chair, may we take the tea adjournment 3 minutes earlier so that I can get the next witness ready, which will be Brigadier Mokoena. He is here
10 already.

CHAIRPERSON: Will you be ready at quarter past?

ADV SEGEELS-NCUBE: We will, Chair. He is already here.

CHAIRPERSON: Let us adjourn and resume at 11:15.

ADV SEGEELS-NCUBE: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, the next
20 witness is Brigadier Mokoena and his statement appears in section 2 of the bundle and Brigadier Mokoena has also decided to be sworn in.

CHAIRPERSON: Good morning, Brigadier.

BRIGADIER MOKOENA: Good morning, Commissioner.

CHAIRPERSON: Do you swear that the evidence you are

going to give is the truth, the whole truth, nothing but the truth. If so, please raise your right hand and say “So help me God”.

BRIGADIER MOKOENA: So help me God.

LESIBA JOSEPH MOKOENA (d.s.s.)

QUESTIONS BY MS SEGEELS-NCUBE: Thank you, Chair. Brigadier, can you just give us your full name for the record?

BRIGADIER MOKOENA: Lesiba Joseph Mokoena.

10 **MS SEGEELS-NCUBE**: Can I ask you to go to, if you look at the file in front of you there should be a file divider that, with the number 2. It has got section 2. Your statement should appear there and if you can confirm on page 4 of that section that that is your signature on page 4.

BRIGADIER MOKOENA: I confirm, Commissioner, it is my signature.

MS SEGEELS-NCUBE: And do you confirm that the statement that appears at page 1 to 4 of section 2 is the statement prepared for purposes of giving evidence at this
20 Commission?

BRIGADIER MOKOENA: I confirm, Commissioner.

MS SEGEELS-NCUBE: And do you confirm that the contents of the statement are true and correct to the best of your knowledge?

BRIGADIER MOKOENA: I confirm, Commissioner.

MS SEGEELS-NCUBE: Okay, thank you, Brigadier. Brigadier, if we can start at page 1 of your statement, paragraph 1. It is an introduction. If I could ask you to just give us a brief background of your service within the SAPS, when it started and when you became a Brigadier as well.

BRIGADIER MOKOENA: Thank you, Commissioners. I started my career in the South African Police Service in 1991. I started at the former unit that we had before that was called Stability Unit, Riot, Stability Riot Unit 19, which
10 was situated in Rosslyn. And then I left the unit in 1987, 97, to pursue my career at the Task Team in Johannesburg at the province office until in 2001. In 2001 I joined a unit called Serious Violent Crime Unit in Pretoria that was situated in Visagie Street.

And then in 2007 the unit was closed down, then I joined a new unit that was formed in that day in 2007 called Hi-Tech Project Centre and then I worked at Hi-Tech Project Centre until 2010 when that unit ...[indistinct] I was incorporated into Directorate for Priority Crime Investigation
20 in 2010, April. And then I started working at Directorate for Priority Crime Investigation April 2010 and then under the operational office. Till to date I am still in the operational office.

MS SEGEELS-NCUBE: And what is your current position within the Hawks?

BRIGADIER MOKOENA: Currently I am the Section Head at the level of the Brigadier in the operational office of the DPCI called Tactical Operation Management Section.

MS SEGEELS-NCUBE: Can you just ...[intervenes].

BRIGADIER MOKOENA: I have been promoted to the position of a Brigadier on the 5th December 2024.

MS SEGEELS-NCUBE: And can you just briefly tell us what, being the Section Head within the Tactical Operations Management Section entails?

10 **BRIGADIER MOKOENA**: As a Section Head of TOMS, Tactical Operation Management Section, I am running an operational office that is giving a backup on all the units within the directorate assisting them on the takedown operations, assisting the directorates investigators to track and trace most wanted suspects and most wanted fugitives, high profile suspect.

20 Within my mandate I am also having a mandate of escorting high profile suspects to and from court and the protection of the directorate investigators when they are attending court. And lastly, escorting of consignments within the directorate to and from the offices to either Ballistics or Forensics and then escort them back to their offices.

MS SEGEELS-NCUBE: Thank you, Brigadier. For reasons that will become relevant later, could you just tell us what is

your nickname within the Force?

BRIGADIER MOKOENA: Thank you, Commissioners. My nickname is Kleintjie within the SAPS system. That is the name that I earned in 1991 when I arrived at the Riot Unit. I was still a young 21 year old boy with a tiny body and when I arrived there, there was the late General Maleka. By then he was Captain Maleka and then when he saw me in that camouflage uniform, asked me my name and from there he said to me from now on you are Kleintjie and then
10 that is the name that I grew up with, within the cycle of SAPS organisation till today and then I am looking forward to retire with that name.

CHAIRPERSON: Thank you for mentioning the nickname, because I think I saw it somewhere, maybe in the annexures. I did see reference to Kleintjie, so now we know who that is.

BRIGADIER MOKOENA: Thank you, Commissioner.

MS SEGEELS-NCUBE: Thank you, Chair. Brigadier, if we can then go to paragraph 2 of your statement which you
20 kick off with the events of the 6th of December 2024. Now you mentioned that you were promoted to the rank of Brigadier the day before.

BRIGADIER MOKOENA: That is correct, Commissioner.

MS SEGEELS-NCUBE: Okay. Can you tell us what transpired on the 6th of December 2024?

BRIGADIER MOKOENA: Thanks a lot, Commissioners. I confirm that I was promoted a day before and then to my surprise I did not know that the incident the next day starting to work as a Brigadier then I will have a date to recall to come to the Commission. Thank you, Commissioner.

On the day in question, Commissioner, the DPCI was holding the National Excellency Awards that were held at Bo die Berg. It is around Pretoria East. And then while I
10 was there, before the events get hot I received a call from my Divisional Commissioner which is Lieutenant General Dumisani Patrick Mbotho. I am reporting direct to the Divisional Commissioner.

And then he said to me he was approached by our former National Head, Lieutenant General Lebeya to enquire if our operational team has been deployed around Gauteng. And then I said to the Divisional Commissioner, no, Lieutenant General Dumisani Mbotho, my team has not been deployed around at site.

20 And he said to me the National Head, Lieutenant General Lebeya just received a call to say there are allegations that there is members alleging to be from the Hawks at a certain said address in Sandhurst in Johannesburg. And then they are also alleging that they are with Lieutenant General Lebeya on the said premises and

they wanted to enter the premises and search the premises. Then Lieutenant General Mbotho instructed me to go and verify who are those members at that address. I was given that address though I did not know who was the owner of the said house and then I contacted two of my operational members of which is Captain Kruger and Constable De Gouveia.

MS SEGEELS-NCUBE: Sorry, Brigadier, can I just interject there. When you received the call from General Mbotho, in
10 your statement you say that he said he was with General Lebeya at the time when General Lebeya received the call. Is that correct?

BRIGADIER MOKOENA: That is correct, Your Worship. I was also within the vicinity of the excellency awards.

MS SEGEELS-NCUBE: Because you were all at the same event.

BRIGADIER MOKOENA: That is correct, Commissioner.

MS SEGEELS-NCUBE: And then you refer to the address ...[intervenes].

20 **CHAIRPERSON**: You say, sorry, sorry, just for clarity, you say vicinity, do you mean you were not at the exact same place where Generals Mbotho and Lebeya were. You were somewhere close to where they were.

BRIGADIER MOKOENA: To clarify, Commissioner, I was also the attendee on the national awards but I was not

sitting exactly next to them.

CHAIRPERSON: You were at the same venue?

BRIGADIER MOKOENA: Correct, Commissioner.

CHAIRPERSON: Oh, but not next to them.

BRIGADIER MOKOENA: Correct, Commissioner.

MS SEGEELS-NCUBE: Thank you, Chair. And then you mentioned the address that you were asked to go and verify if the operations were being undertaken there. Can you confirm what you know today who that address belongs to?

10 **BRIGADIER MOKOENA**: Thank you, Commissioner. I am aware today that the address or that house belong to Mr Katiso Molefe.

MS SEGEELS-NCUBE: And at what point did General Mbotho give you the exact address, was it during the call or did he send you a message with the address?

BRIGADIER MOKOENA: Commissioners, I recall he send me the message, a WhatsApp message for that address.

MS SEGEELS-NCUBE: Okay. You then say that you contacted Captain Kruger and Constable De Gouveia.

20 **BRIGADIER MOKOENA**: That is correct, Commissioners.

MS SEGEELS-NCUBE: And who are they?

BRIGADIER MOKOENA: Captain Kruger and Constable De Gouveia are one of my operational team members. And then just to add on that, for me to send the two, I in fact contacted Captain Kruger, his crew at the office is

Constable De Gouveia.

MS SEGEELS-NCUBE: Okay. And what did you instruct them to do?

BRIGADIER MOKOENA: Thank you, Commissioner. I indicated to them to say I just received an information from our DivCom, General Mbotho, to say on the said address that I forwarded them via WhatsApp there is an information that there are police officers there that are claiming, that are alleging are from the Hawks and then they are with our
10 National Head there, want entry and then to search the premises.

And then the two members they did also, or they were aware that we are at the national awards ceremony, so go and verify on that address who are those members that are there, because we are sitting with the National Head here. And indeed they proceeded to the address, Commissioner.

MS SEGEELS-NCUBE: Now can I just ask you about the call that you had with Captain Kruger. Captain Kruger has
20 also submitted a statement to the Commission and according to him he had given you a certain indication that he was not in a position to attend to the scene that you had asked him to go to. Do you recall what his response to you was when you instructed him to go to the house in Sandhurst?

BRIGADIER MOKOENA: Commissioner, I missed the first, or the third word from what you said when you start your question?

MS SEGEELS-NCUBE: Do you, can you tell us what Captain Kruger's response was to you when you instructed him to go to the house?

BRIGADIER MOKOENA: Correct, Commissioner. When I tasked him with my idea was to say I was tasking him, known that he is a member within around East Rand, 10 Johannesburg side, but then they were from another operation which was if I recall well was in Rustenburg and then they will try their best to rush to the said address.

CHAIRPERSON: I did not hear the last thing you said, and they were what?

BRIGADIER MOKOENA: They promised me, Commissioner, to rush to the said address where I was, why I instructed them to visit.

CHAIRPERSON: All right.

MS SEGEELS-NCUBE: Okay, Brigadier, according to 20 Captain Kruger he indicated to you that he would not be in a position to go to the address because they were already in Pretoria North, it was Friday afternoon and the traffic was hectic being a Friday afternoon, and he also indicated that they do not have a vehicle with a blue light or a siren in order to navigate the traffic and that the tyres of the vehicle

was not in a good condition for them to make the journey to that address. Do you recall that interaction with Captain Kruger at all?

BRIGADIER MOKOENA: Thank you, Commissioner. What I recall it was a peak hour time that day and then what can, what I can recall was that he did indicate the issue of the car that they were driving that is an old car that does not have blue lights or siren with it, and then my response to him was to push as much as you can to that address. And
10 then he never indicated, I do not recall indicating to me that he is in Pretoria North.

MS SEGEELS-NCUBE: Okay. And according to Captain Kruger you said to him that he must turn around and go there immediately. Do you recall saying that to him?

BRIGADIER MOKOENA: That is correct, Commissioner.

ADV BALOYI SC: Captain Kruger also says he told you that they were on their way to another operation outside of Gauteng.

BRIGADIER MOKOENA: Commissioner, they were coming
20 from another operation. I can ...[intervenes].

ADV BALOYI SC: No, his statement is there. He told you they are on their way to an operation outside of Gauteng and they are waiting for a colleague to come and pick them up ...[intervenes].

BRIGADIER MOKOENA: No.

ADV BALOYI SC: And you said he must still come to Sandhurst anyway.

BRIGADIER MOKOENA: I do not recall that, Commissioner.

ADV BALOYI SC: So he is not telling the truth when he says that.

BRIGADIER MOKOENA: The only thing that I can confirm, I was aware that in that morning they did have an operation, Commissioner.

ADV BALOYI SC: So in his statement where he says he
10 told you that they were on their way to an operational site, Gauteng, your firm position is that did not happen, he did not tell you that.

BRIGADIER MOKOENA: Not to my knowledge, Commissioner.

CHAIRPERSON: Not to your knowledge or not to your recollection?

BRIGADIER MOKOENA: Not to my recollection, point of correction, Commissioner. Thank you, Chair.

ADV BALOYI SC: But if it is not to your recollection, it
20 means you cannot dispute it if he firmly says he told you that, because you just do not recall it, but if he firmly says, as he has done in the statement, if he firmly says that he told you that, you are not in a position to say it did not happen, because you do not remember.

BRIGADIER MOKOENA: That is correct, Your Worship.

The only thing that I am confirming was I was aware there was an operation on that day.

ADV BALOYI SC: Thank you.

BRIGADIER MOKOENA: Thank you, Commissioner.

ADV KHUMALO SC: Brigadier, I am trying to understand what your instruction to Captain Kruger was, because as I understand the instruction to you from General Mbotho, and that is paragraph 3 of your statement on page 2, the instruction is that you must verify if there are legitimate
10 Hawks members at that address. Was that the instruction to you?

BRIGADIER MOKOENA: That is correct, Commissioner.

ADV KHUMALO SC: Yes. But then your instruction to Captain Kruger is different from that, because you then instruct Captain Kruger at paragraph 4 to go to the address and verify if it was indeed a legitimate operation.

BRIGADIER MOKOENA: That is correct, Commissioner.

ADV KHUMALO SC: So it is no longer about are there Hawks people at the premises. What you are instructing
20 Kruger to do is to go check if there is a legitimate operation there.

BRIGADIER MOKOENA: That is correct, Commissioner. To me when the DivCom, General Mbotho gave me instruction, he clarify everything to say members there alleging from the Hawks and then alleging to be with our National Head,

General Lebeya, but when I instructed the member I said them to go to the address to go and verify who are those members that are there and to confirm if it is a legit police operation.

ADV KHUMALO SC: And seeing that you were in Pretoria and Captain Kruger was not in Sandton or Sandhurst, why could you not, because if somebody is impersonating the Hawks, the Hawks are part of the SAPS, why could you not call the police station in Sandton to say can you please go
10 to the address and find out what is happening. Why did it have to be the Hawks that go?

BRIGADIER MOKOENA: Thank you, Commissioner. The reason for sending Captain Kruger and Constable De Gouveia, I, they are my team members of the operational office within the DPCI. When the instructions came our Divisional Commissioner knows that I am running an operational team that is running around all the nine provinces and then he did know that on that point in time when he instruct me I am having members on the ground.

20 **ADV KHUMALO SC:** Sorry, I did not get that?

BRIGADIER MOKOENA: I am saying the last word what I said is that when, further when he instructed me he was aware that I had members on the ground, operationally.

ADV KHUMALO SC: On the ground where?

BRIGADIER MOKOENA: Around Gauteng province.

ADV KHUMALO SC: Yes, but Gauteng province is a big province. My question is if you wanted to know if there is a police operation in Sandhurst why did you not call the police station in Sandton to verify that? Why did you have to call the Hawks who are all over Gauteng to go to the address?

BRIGADIER MOKOENA: Thank you, Commissioner, He called me. I think according to me he did know that I have got a team that is moveable at any time and then allegation
10 of the Hawks members with the National Head when it came to me then I have to dispatch my members to go and verify, because even if they arrive at the scene it will be easy for them to can identify the Hawks members if ...[indistinct].

CHAIRPERSON: I think the substance or essence of the question is this, you were told by Captain Kruger that I am in Pretoria, I am driving a motor vehicle that does not have a siren, does not have, did you say a blue light?

ADV BALOYI SC: Blue light.

CHAIRPERSON: Does not have blue lights, and the tyres
20 are almost gone and it is rush hour or peak hour, so, and you, you have confirmed all those. Now that must have told you that it would take Captain Kruger and Constable De Gouveia a long time to get to the Sandhurst address. So the substance of the question is this, under those circumstances why is it that you did not get hold of say for

example the police station in Sandton. It could have been any other close police station. Why did you not get hold of that police station for members from that police station to go to the address at Sandhurst. Can you please respond in a clear manner now.

BRIGADIER MOKOENA: Thank you, my Commissioner. When that question came to me, Commissioner, I did confirm that Captain Kruger did indicate the condition of the car, but according to me I do not recall him stating to me
10 that he is in Pretoria North. That is point number one. And then point number two, the reason for contacting him is that I am aware that they are residing around East Rand and Johannesburg side. And then for me not engaging the SAPS, following the instruction that is coming from the DivCom, he said to me go and verify and for me to explore the instruction from the DivCom, I relied on the capacity, human capacity that I am having within my office on the operational team.

CHAIRPERSON: Did you try to establish from Captain
20 Kruger what the relevance of the issue around the condition of his car was, why would he have mentioned that? Was it not because he was saying I will take too long to get there? Did you not try to establish why he was telling you about his car?

BRIGADIER MOKOENA: Thank you, Commissioner. I did

not, that is why I am saying in my mind when I dispatched him I know that he was that from that, around East Rand, Johannesburg and then if they can, although with that car in that condition ...[intervenes].

CHAIRPERSON: Did you assume or did you know for a fact where he was?

BRIGADIER MOKOENA: I assumed, Commissioner, that he is that side since well he is residing that side.

CHAIRPERSON: Why would that be so? Could he not
10 have been anywhere? Could he not have been anywhere?
Why did you make that assumption?

BRIGADIER MOKOENA: Thank you, Commissioner. I make the assumption as I presented before the Commission to say the team had an operation in that morning and then on those, that time in the afternoon I had that assumption that everything has been done on the earlier operation and those guys they are, have to be around that area of Johannesburg and East Rand.

MS SEGEELS-NCUBE: Thank you, Chair.

20 **CHAIRPERSON**: Thank you.

MS SEGEELS-NCUBE: Brigadier, if I can just take you back to paragraph 3 of your statement where you mention that it was not unusual for individuals to pretend that they were members of the Hawks. Can you just elaborate on that and whether that played a role in your decision to

deploy a team?

BRIGADIER MOKOENA: Thank you, Commissioner. Within my daily duties I did previously encounter situations where members used to impersonate the Hawks members. We have several cases where at some we were successfully managed to arrest some of those members. Particularly on the cases that I recall, if I am correct, I am speaking to a point of correction, but three that was arrested who used to call themselves Captain Kleintjie from DPCI and then four of
10 those members used to present themselves as Colonel Kleintjie from the DPCI.

So the issue of the bogus cops or impersonating public members to be members of the Hawks, I did have already that experience and a few cases to prove that we have such individuals running around impersonating the Hawks members.

ADV BALOYI SC: In those cases where you say you have arrested people for impersonating the Hawks, where would you have found these suspects or these people that you
20 arrest? Where do you find them? Did you find them at the scene where they were impersonating the Hawks, the people that you speak of?

BRIGADIER MOKOENA: Thank you, Commissioner. In two of the cases where I managed to come into contact with the suspects that was the incident where the two called a victim

to a certain point, alleging to be the members of the Hawks and then the victim managed to arrive at the meeting point and then we arrested those guys there. And then one of them was having a fake appointment certificate, why, because it was black in colour, having his face and then all over it was Hawks emblem.

And then on the second instance we arrested two officers from Crime Intelligence that were running with criminals in, we arrested them in Mamelodi, Nellmapius
10 area. After coming to the meeting point with the victim only to pick us up and then a chase ensued until we managed to arrest them at Nellmapius in Mamelodi. The male officer was wearing a white Hawks T-shirt and then the lady was just in the normal civilian dress and then all of them alleges, alleged to be from the Hawks.

ADV BALOYI SC: And have any of them, those cases that you are talking about, been reported to you as legitimate, or as bogus rather, let me ask, as bogus Hawks operations where you have arrested these people?

20 **BRIGADIER MOKOENA:** Yes, Commissioner, all of them they were in the middle of an operation or in the middle of meeting a victim.

ADV BALOYI SC: Thank you.

BRIGADIER MOKOENA: Thanks, Commissioner.

MS SEGEELS-NCUBE: Thank you, Brigadier. Can I just

ask you regarding your call with General Mbotho, did he tell you who had called General Lebeya with the information that there were bogus Hawks impersonators on the scene? Did he tell you who had called General Lebeya?

BRIGADIER MOKOENA: Commissioner, no he never indicated to me who called our former National Head.

MS SEGEELS-NCUBE: Now ...[intervenes].

ADV BALOYI SC: And when he said, sorry, I am sorry, Ms Ncube, when General Mbotho said to you or asked you to
10 verify if there are members deployed around Johannesburg, he is the one that send you to that address you say, to Sandhurst?

BRIGADIER MOKOENA: Correct, Commissioner. He is the one who gave me that instruction to go and verify.

ADV BALOYI SC: And did he say to you whether this was at the, whether or not this was the instruction with General Lebeya?

BRIGADIER MOKOENA: No, he never indicated, he just gave me, I took instruction from him directly.

20 **ADV BALOYI SC:** So you understood it to be an instruction from him.

BRIGADIER MOKOENA: Correct, Commissioner.

ADV BALOYI SC: Thank you.

MS SEGEELS-NCUBE: Thank you, Commissioner Baloyi. Then if I can return to paragraph 4 of your statement on

page 2 where you had indicated that you called Captain Kruger and Constable De Gouveia and instructed him to go to the address, you say that you send the address in Sandhurst to Captain Kruger, is that correct, via WhatsApp?

BRIGADIER MOKOENA: That is correct, Commissioner.

MS SEGEELS-NCUBE: If I can just refer you to Captain Kruger's statement, it is in section 3 in the file in front of you and it is Annexure BK1 but the tab is labelled B1. If you can go to that annexure and confirm that this is a
10 screenshot of the WhatsApp that you had send to him. I will just project it as well, a redacted version.

BRIGADIER MOKOENA: B1?

MS SEGEELS-NCUBE: Yes. Do you confirm that that was your WhatsApp message to Captain Kruger at BK1, page 1 and that it was, it contained the address of Mr Katiso Molefe?

BRIGADIER MOKOENA: I can confirm, Commissioner.

MS SEGEELS-NCUBE: And that you send that message on the 6th of December 2024 at 15:57.

20 **BRIGADIER MOKOENA**: I can confirm, Commissioner.

MS SEGEELS-NCUBE: Now it is a forwarded message. Is this, because you were forwarding the message that General Mbotho had send to you, you just forwarded it on to, did you just forward it onto Captain Kruger?

BRIGADIER MOKOENA: Commissioner, that is the

message that was, the address was coming from General Mbotho of which I forwarded to Captain Kruger.

MS SEGEELS-NCUBE: Thank you. Now Captain Kruger says that you also forwarded another screenshot to him which was a motor vehicle registration report for a specific vehicle and he said it was an Audi. Do you recall forwarding that to him as well?

BRIGADIER MOKOENA: Correct, Commissioner, I do recall.

10 **MS SEGEELS-NCUBE**: And if we look at the BK1 we cannot see the downloaded message but do you confirm that that is what you had forwarded to him and if you go to page 2 of that same annexure, you will see what he says was the printout that was send to him.

BRIGADIER MOKOENA: That is correct, Commissioner, I can see.

MS SEGEELS-NCUBE: Can you tell us why you were forwarding the details of this Audi to him?

BRIGADIER MOKOENA: Thank you, Commissioner. This
20 Audi when I, after receiving the address at Sandhurst there was a numberplate that was given of one of the cars that were within that premises. So if you look at the picture itself, that blue picture, that is the system that we normally use to test our, to test vehicles while we are on duty. We had that system within our phones to say if I get a

registration number I can just go to that App and then test the car and then it will give me the result. That is the result that we got of one of the cars that were within the premises.

MS SEGEELS-NCUBE: Now you say it was given to you, the registration details were given to you. By whom?

BRIGADIER MOKOENA: By General Mbotho.

MS SEGEELS-NCUBE: And did he say who had given it to him? Did General Mbotho tell you who had given that registration details to him?

10 **BRIGADIER MOKOENA**: Thank you, Commissioner. I never indicated to him who gave me, who gave him the registration number but I, with my assumption I assumed that it is coming from the National Head, why, because the National Head he is the one who was contacted from the address.

MS SEGEELS-NCUBE: So you did not know what the relevance of that registration number was when you received it?

BRIGADIER MOKOENA: There was an indication,
20 Commissioner, to say it is one of the cars that are within that address.

MS SEGEELS-NCUBE: That is at the scene of the Sandhurst address.

BRIGADIER MOKOENA: That is correct, Commissioner.

ADV BALOYI SC: When and how did General Mbotho tell

you that, because it is not in your statement? You do not tell us in the statement why he gave you the details of this vehicle. You also do not tell us what you did with it.

MS SEGEELS-NCUBE: That is correct, Commissioner, I did not mention it on my statement of which I will admit to be the omission to say conversation between me and Captain Kruger via WhatsApp.

ADV BALOYI SC: I am asking about the conversation with General Mbotho where he tells you, you are telling us now
10 that he told you this is a vehicle that is on the scene that you are going to, that is not contained in your statement. It is not in the WhatsApp messages or in the phone messages attached to General Kruger's, to Captain Kruger's statement. Why is that? Where is that communication?

BRIGADIER MOKOENA: Thank you, Commissioner, I will accept as an omission on my statement. I omitted it on my statement, Commissioner.

ADV BALOYI SC: It is an important omission, because you get the details of a motor vehicle, you forward that detail to
20 somebody else and there is no record of why this motor vehicle was relevant, why did you need to know and all you are telling us now is you were told it is on the premises. Doing what? What did Mbotho, General Mbotho say about this vehicle being on the premises? Why did it matter that you should know about it? Surely you must have asked that

question.

BRIGADIER MOKOENA: Yes, Commissioner, that is why I am admitting it is my mistake not to include it on my statement.

ADV BALOYI SC: So you did ask that question why are you giving me this information?

BRIGADIER MOKOENA: He did indicate, Commissioner, to me to say this is the, one of the registration numbers that was identified to be at the address.

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

MS SEGEELS-NCUBE: Thank you, Commissioner Baloyi. And then, Brigadier, if you can go back to page 1 of B1 which is BK1. I just want to record the time that the vehicle registration information is send. You will recall that the, you forwarded the address at 15:57, but the time that you send the vehicle registration details is at 16:24, so about half an hour later. Had you had a further call with General Mbotho between the time that you send the address to Captain Kruger and the time that you send the motor vehicle
20 information?

BRIGADIER MOKOENA: Thanks, Commissioner. If I recall well, I did have conversation with General Mbotho until the last communication when I gave him a feedback from the team that I send that side. There was a communication.

MS SEGEELS-NCUBE: And was it after one of those

further communications that he had send these details to you regarding the motor vehicle registration?

BRIGADIER MOKOENA: That is correct, Commissioner.

MS SEGEELS-NCUBE: Okay. In the message you also send, if you can look at page 1, you send a message that says also black X5. Where did you get that information from, because it is not a forwarded message. It seems that it was something that you typed out.

BRIGADIER MOKOENA: Thank you, Commissioner. That
10 is the confirmation that I was still having contact with General Mbotho.

MS SEGEELS-NCUBE: So General Mbotho was sending you this information or communicating this information to you about what was being observed on the scene?

BRIGADIER MOKOENA: Correct, Commissioner, he was updating me about what they were observing within the scene and then with my assumption to say the person who was communicating with General Lebeya, communicating with General Lebeya and then escalate it down to the
20 DivCom, DivCom escalate it down to me.

MS SEGEELS-NCUBE: And then just ...[intervenes].

CHAIRPERSON: What exactly did the General Mbotho say about the black X5?

BRIGADIER MOKOENA: Thank you, Commissioner. As I recall well it was indicated also after the first vehicle was

given in with the registration number, there was also indication that there was also a black X5 there that we could not, or that I was not given the registration number.

MS SEGEELS-NCUBE: Thank you, Brigadier. And then just to complete the message on that page 1, there is a, it says copied a Brig, and that is from Captain Kruger. I think he was trying to communicate to you, copied Brigadier, as in received.

BRIGADIER MOKOENA: That is how I will assume it there,
10 Commissioner.

MS SEGEELS-NCUBE: Okay. Thank you, Brigadier. Now we then get to paragraph 5 of your statement and you say, you speak about a further conversation with Captain Kruger. Can you tell us what transpired during that conversation?

BRIGADIER MOKOENA: Thank you, Commissioner. Captain Kruger after arriving at the said address he did call me to give me the feedback and then he indicated to me to say Brigadier, this is a legitimate police operation where I managed to meet with the team leader of the group running
20 the operation by the name of Captain Wanda and then along our conversation he also indicated to me to say I am with Captain Wanda, do you wish to speak with him.

MS SEGEELS-NCUBE: Okay, before we get to that conversation can I just ask you, between the time that you had your first call with Captain Kruger and then this call

when he contacts you to tell you he is at the scene, were there any other calls between the two of you during that period?

BRIGADIER MOKOENA: Yes, Commissioner, there were calls between me and Captain Kruger, because I kept on checking on him how far is he to the address.

MS SEGEELS-NCUBE: And how many times would you estimate you called him during that period?

BRIGADIER MOKOENA: Ja, Commissioner, I do not want
10 to lie how many times, but I was keeping contact now and then with him.

ADV BALOYI SC: When you have deployed, and I am going to use the word deployed in this case, because you have send Captain Kruger to go to the scene with Captain De Gouveia ...[intervenes].

BRIGADIER MOKOENA: Constable De Gouveia.

ADV BALOYI SC: Constable, I beg your pardon. Is it in the normal course when you have deployed people to a scene that you phone them constantly, asking them how far are
20 you and wanting updates as they go along, proceeding to the scene and they get to the scene. Is that your protocol, your normal protocol?

BRIGADIER MOKOENA: Thank you, Commissioner. It is normal based on the operation that we will be running. We used to have a planned operations that we will receive an

information beforehand where we will have an ample time to can plan for that operation. And then it is normal again when we receive an emergency call from our superiors to say this is happening, can you attend to it, and then on that instance it is unplanned and then when I dispatch members I will constantly communicate with them so that I can also give feedback to my superiors.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Brigadier, at some point while you
10 were having WhatsApp or telephone conversations with Captain Kruger, according to his statement a WhatsApp group was created and you were joined and became part of that WhatsApp group. Is that correct?

BRIGADIER MOKOENA: Commissioner, what I can confirm is that even if he did open a chat group where he added me, what I can confirm is that I did not participate on that chat group. Why, because I constantly called him and then he was talking to me and then I did not have much reason to participate on that chat group.

20 **ADV KHUMALO SC**: That bothers me, because if you were interested in knowing whether there were Hawks people at the address in Sandhurst and you had send him there, his reason for creating the WhatsApp group would be to attend to your instruction.

BRIGADIER MOKOENA: I agree that he will, attending to

my instruction, Commissioner, but what I can confirm is that direct communication with him was giving me a firsthand information, that is why I did not participate on the WhatsApp group.

ADV KHUMALO SC: Yes. I will tell you what bothers me with the WhatsApp's, if you go to Annexure B3 on page 9, these are the WhatsApp's now in the group and around 16:44 on that same day there is a WhatsApp that says this is a legitimate police operation, I will send you Ops
10 Commander's number. And then by around 16:52 the details are provided that:

“This is a legal SAPS operation, Counter Intelligence Task Team appointed by General Khumalo, Lieutenant Khumalo is in charge.”

If you look at that timeline, this is 16:52, do you see that on page 9? There is a tab B3 ...[intervenes].

BRIGADIER MOKOENA: Correct ...[intervenes].

ADV KHUMALO SC: Are you there? Sorry, Brigadier, are
20 you there?

BRIGADIER MOKOENA: Yes, I can see it.

ADV KHUMALO SC: On page 9. Do you see where I was reading from?

BRIGADIER MOKOENA: Yes, Commissioner, I see where you are reading page 9.

ADV KHUMALO SC: Yes. Now ...[intervenes].

BRIGADIER MOKOENA: Intelligence Task Team appointed by General Khumalo.

ADV KHUMALO SC: Yes.

BRIGADIER MOKOENA: Lieutenant Khumalo in charge.

ADV KHUMALO SC: Yes. So according to Kruger's statement this is 10 minutes before he arrives at the Sandhurst address, because he says I arrived at 5 o'clock. So 10 minutes before there is information on WhatsApp that
10 this is a legitimate police operation and who is the Commander responsible.

BRIGADIER MOKOENA: I can confirm, I see the message, Commissioner.

ADV KHUMALO SC: Yes.

BRIGADIER MOKOENA: But I will still advise the Commission to say I never participated on this group chat. If the Commissioner can check on page 1 of BK1 the WhatsApp that I send to Captain Kruger was direct from me to him, not on the group. So I never participated on the
20 group chat that was ran on the particular day, Commissioner.

MS SEGEELS-NCUBE: Sorry, Brigadier, can I take you to page 7 of that same annexure. Are you there?

BRIGADIER MOKOENA: Ja, I am here.

MS SEGEELS-NCUBE: It is the one that says you added

Brig Kleintjie. Do you see it on page 7 at the bottom. You added Brig Kleintjie. This is the WhatsApp that, the WhatsApp group that was created.

BRIGADIER MOKOENA: Yes.

MS SEGEELS-NCUBE: And you have been added by Captain Kruger. Do you see that?

BRIGADIER MOKOENA: Correct.

MS SEGEELS-NCUBE: And the next message is a message from you which is the same motor vehicle information that
10 you had send Captain Kruger individually. If you go to page 8 it is a clearer picture of that same conversation.

BRIGADIER MOKOENA: Commissioner, if I am getting you right, on page 7 you are speaking about the message of also a black X5.

MS SEGEELS-NCUBE: Go to page 8. Do you see the message that says “you added Brig Kleintjie”? Do you see that? That is Captain Kruger adding you to the group. Brigadier, do you see it?

BRIGADIER MOKOENA: I am still checking. I see the one,
20 the one on the top, you added Chief George and then let me see.

MS SEGEELS-NCUBE: It is on page 8. I can get somebody to assist you if that will help.

BRIGADIER MOKOENA: If I am correct, Commissioner, on page 8 is it the one that, the first message that says you

added Chief George?

MS SEGEELS-NCUBE: Look at page 7. Do you see there are two – in your hard copy there is one, on top there is two, it seems like it is two WhatsApp's. It says "you added Brig Kleintjie".

BRIGADIER MOKOENA: Correct.

MS SEGEELS-NCUBE: The lower one says you added Brig Kleintjie and then there is a message from Brig Kleintjie with the information, the motor vehicle information that you
10 had send to Captain Kruger individually earlier on. This is now at 16:34 when this is send.

BRIGADIER MOKOENA: I can see it.

MS SEGEELS-NCUBE: By you in the WhatsApp group.

BRIGADIER MOKOENA: I can see it, Commissioner.

MS SEGEELS-NCUBE: So when you have said earlier that you did not participate in that WhatsApp group that was not accurate.

BRIGADIER MOKOENA: Commissioner, I still confirm that I did not take part on this group chat and then the message
20 that I am seeing from me, I do not know whether was it screenshot and posted to the group, copy and paste to the group.

MS SEGEELS-NCUBE: Can you go to page 11.

CHAIRPERSON: May I – yes, let me refer you to paragraph 8 at page 3 of Captain Kruger's statement. He seems to be

saying that he is the one who send what you are referring to, to the group, which suggests that it was not the Brigadier who send this to the group.

MS SEGEELS-NCUBE: Chair, just a point of correction.

CHAIRPERSON: Yes.

MS SEGEELS-NCUBE: He send it earlier on, Captain Kruger. If Chair can look at page 6.

CHAIRPERSON: Yes.

MS SEGEELS-NCUBE: What Captain Kruger is referring to
10 is the forwarding that he does on page 6 when he starts the
WhatsApp group. At the bottom of page 6 you have got the
address and then there is that motor vehicle, blue picture
that we see, which is downloaded and then it says also
black X5. Those are forwarded messages. He is forwarding
those messages that he received from Brigadier Mokoena,
he is forwarding it to the group that he has created. That is
at 16:30. He then adds Brigadier Mokoena later at 16:32 on
page 7.

CHAIRPERSON: Yes.

20 **MS SEGEELS-NCUBE**: And once he has added Brigadier
Klkeintjie, which is Brigadier Mokoena, on page 7, Brigadier
Mokoena, which is Brig Kleintjie, send those same
messages again, because he would not have been privy to
the forwarded messages earlier, because he was not part of
the group at that point.

CHAIRPERSON: And who forwards at that stage?

MS SEGEELS-NCUBE: It is not a forwarded messages, it is actually send ...[intervenes].

CHAIRPERSON: Oh, yes.

MS SEGEELS-NCUBE: Into the group by what I am suggesting to the Brigadier it is him, because you can see it is not a forwarded message, it is a message with his name on and you can see even at the bottom where it says also black X5, it is not a forwarded message, it is a message
10 that he is inserting into the chat, so effectively typing it in that chat.

CHAIRPERSON: Okay, let us, I just want to see where exactly the Brigadier is added to the group in relation to what appears at the beginning of paragraph 8.

MS SEGEELS-NCUBE: At the ...[intervenes].

CHAIRPERSON: Where in relation to that is the Brigadier added to the group?

MS SEGEELS-NCUBE: The Brigadier is added after the WhatsApp messages, the WhatsApp group is created and
20 after the initial address and the motor vehicle information and the also X5 messages are forwarded by Captain Kruger that he received from Brigadier Mokoena. He is now forwarding it into the WhatsApp group that he created at 16:30 and that you will see on page 6 of BK3.

On BK3, page 7 the bottom one he has added

Brigadier Kleintjie at 16 – just after 16:32, because you can see the last message before he adds says “halo radios on”, 16:32. He then adds Brigadier Kleintjie. Brigadier Kleintjie sends that same message which is the vehicle information and the also black X5 information into the group, because he would not have known that it was already put into the group because he was not in the group at the time that it was initially forwarded by Captain Kruger into the group.

CHAIRPERSON: All right, thank you. Do you want to clear
10 all of this ...[intervenues].

MS SEGEELS-NCUBE: Yes.

CHAIRPERSON: With the witness then.

MS SEGEELS-NCUBE: Thank you, Chair. So, Brigadier, I want to ask if we can go back to page 7 of BK3. Do you confirm that you were added to the group shortly after 16:32 as reflected in the screenshot on page 7?

BRIGADIER MOKOENA: I do confirm, Commissioner.

MS SEGEELS-NCUBE: Okay. And then do you confirm that you send the motor vehicle information into that group?

20 **BRIGADIER MOKOENA:** Correct, Your Worship, I can see it on the ...[incomplete].

MS SEGEELS-NCUBE: Okay. And do you confirm that you also send the message that says also X5, black X5?

BRIGADIER MOKOENA: I can confirm, Commissioner. I see it on the picture.

MS SEGEELS-NCUBE: Okay. So I am going to put the proposition again to you later, but can I also take you to page 11 of BK3. This is later on in the chats at 17:52. Actually at 17:46 on the top, do you see the top messages?

BRIGADIER MOKOENA: Correct, Commissioner.

MS SEGEELS-NCUBE: There is a message from Captain Percy Sinjane and then there is a Brig Kleintjie:

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

10 Is that a message that you send in the group?

BRIGADIER MOKOENA: I can see it, Commissioner.

MS SEGEELS-NCUBE: Do you confirm that you send that message in that WhatsApp group?

BRIGADIER MOKOENA: According to the photo it shows like that, Commissioner.

MS SEGEELS-NCUBE: And the next message that says:

“All the members with Captain Barry, thanks.”

BRIGADIER MOKOENA: Correct, Commissioner.

20 **MS SEGEELS-NCUBE**: Okay. So do you want to ...[intervenes].

ADV KHUMALO SC: Sorry ...[intervenes].

MS SEGEELS-NCUBE: Commissioner Khumalo will take it over from here.

BRIGADIER MOKOENA: Thank you, Commissioner. Back

to the question of Commissioner Khumalo ...[intervenes].

ADV KHUMALO SC: Just pause there for a moment, Brigadier. That was my concern that if you look at the timeline, at 16:40 to 16:50, so on page 9 from 16:44 to 16:52, by then there is communication within the group that this is a lawful SAPS operation, it is the Counter Intelligence Task Team involved, they are appointed by General Khumalo. He is in charge. This is before Captain Kruger arrives at the scene, because he only gets there at 5
10 o'clock according to his evidence. Yet it takes another hour for you to instruct the members to withdraw.

I just cannot understand why when it became clear at 16:44 that this is a legitimate police operation, telephone calls did not, were not made to Lieutenant General Khumalo to enquire from him whether the people at the address in Sandhurst are executing a lawful police operation. I do not understand why after that information the Hawks people still needed to go to the address and remain at the address for at least another hour. I just do not get that. Do you want
20 to comment?

BRIGADIER MOKOENA: No. I hear you, Commissioner. I will not have much comment concerning this as I was just receiving feedback from the two members that I send there. So when it comes to the issue of confirming that it is General Khumalo, on my statement I have indicated that

Captain Kruger did indicate to me that it is legitimate police operation. I speak with Captain Wanda and then that is where I paused my statement. The information of General Khumalo, I am just picking it up now, via the group WhatsApp.

ADV KHUMALO SC: But you were part of the WhatsApp communication. You have just confirmed. Initially you said you did not participate in the group.

BRIGADIER MOKOENA: Just to be somehow, somewhere
10 as I indicated to say I was having a direct communication with Captain Kruger to say on the WhatsApp group, Commissioner, to be honest, I was concentrating on the first information that I was getting via a call from Captain Kruger.

So yes, via, when you go through the WhatsApp chats, I am added on the WhatsApp chat and somewhere there is few, two messages or three messages where it seems coming from me, and then totally I can confirm that I was not monitoring the group chat on that particular day. I
20 was on the live call to Captain Kruger.

CHAIRPERSON: I do not follow that, Brigadier. I want to take you back to your earlier statement that you did not participate in the group chats. Now Adv, or Ms Ncube has taken you through the chats and has shown you a few chats in which you actually participated. You yourself send a few,

a good few chats within the group. Can you explain yourself as to why you said you never participated in the group?

BRIGADIER MOKOENA: Commissioner, to avoid going far with this explanation, as I recall, I do not recall, I said I do not recall participating on the group chat and at this point in time I am still not at liberty to can say this message was send to me or was it copy and paste from Captain Kruger's WhatsApp to be pasted on the group. If you copy and paste
10 a message from somebody and then paste it to somebody, it will look as if the same message is coming direct from the same person that you copied from.

CHAIRPERSON: What ...[intervenes].

BRIGADIER MOKOENA: So my take was let, for now I do not have that confirmation. I just see that it is there and it is coming from me.

CHAIRPERSON: What do you, what are you seeking to establish by the last thing you have just said? Are you going back on your word which you gave in response to Ms
20 Ncube which was to accept that you had actually send this chats?

BRIGADIER MOKOENA: Correct ...[intervenes].

CHAIRPERSON: Are you going back on that? Are you changing your testimony in this regard?

BRIGADIER MOKOENA: Correct, Your Worship. I will still

stick to the first was that I said that I never participated on the chat group. Then the current question now that is coming here is that the WhatsApp group that are here I am not certain that it is coming from me. I am still ...[indistinct] the issue of copy and paste messages.

ADV KHUMALO SC: Can I just show you the last one on page 17.

BRIGADIER MOKOENA: Page 7?

ADV KHUMALO SC: Same annexure, page 17. Are you
10 there?

BRIGADIER MOKOENA: Ja, at page 7.

ADV KHUMALO SC: Yes.

BRIGADIER MOKOENA: Yes.

ADV KHUMALO SC: So do you see where it says:

“Brigadier Kleintjie: Thanks very much,
colleagues”

BRIGADIER MOKOENA: Yes.

ADV KHUMALO SC: That is you communicating with the
group, because if you are communicating with one person
20 being Kruger, you would say thank you, Captain Kruger.
But you are communicating with the group here, that is why
you are saying thanks very much, colleagues, using the
plural. Unless you say that is also a copy and paste.

BRIGADIER MOKOENA: Thank you, Commissioner. Do not
get me in other way. To be in a plural, as soon as I assign

the team with the certain senior officer, my communication in most time it will be within the senior officer. He has to give me a feedback, I have to correspond with him, he has to escalate to the members.

So it is a common thing in, I can give a typical example in a sense that within my office I have got a group chat of the officers. In the send message to a normal office group chat I will not comment, I will only comment to the officer's group and in plural. That is how I – I know that if I
10 communicate in plural, that message has been escalated to the members to say job well done or ...[intervenes].

ADV KHUMALO SC: Ja, I think let us leave this conversation there for now and hand back to Adv Ncube.

MS SEGEELS-NCUBE: Thank you. Brigadier, can I just ask you to go to page 14.

BRIGADIER MOKOENA: 14.

MS SEGEELS-NCUBE: Yes, of that same BK3 that we have been dealing with. Are you there?

BRIGADIER MOKOENA: I am in page 14, Commissioner.

20 **MS SEGEELS-NCUBE:** Yes, the top message is from Warrant Officer Malume Nkosi. Well, it is saved by Captain Kruger as Malume Nkosi. It is actually Sabelo Nkosi as I understand it. He was part of the WhatsApp group. He sends a message later on saying:

“This is the person that called the

Gen.”

And you respond to his message, not a message from Captain Kruger, a message now from Nkosi saying:

“Which one?”

Now if you were only communicating with Captain Kruger and you are suggesting that Captain Kruger would have copied and pasted perhaps your messages between the two of you into this group, why are you responding then to a message from Warrant Officer Nkosi? This is not
10 Captain Kruger on the proposition that you put to Commissioner Khumalo. That would not pass this test, would it?

BRIGADIER MOKOENA: I can see it ...[indistinct] it is still questionable.

MS SEGEELS-NCUBE: It is still questionable?

BRIGADIER MOKOENA: Ja, it is still questionable to me.

MS SEGEELS-NCUBE: Okay. Now what Captain Kruger also provided us with is the actual WhatsApp printout, not just the screenshots. Can I ask you to go to B2, which is
20 actually BK2, but the tab would be B2.

ADV BALOYI SC: Sorry, before you do that, maybe just to complete that line or sequence of discussion that you have been having with Ms Ncube. I would like to, you earlier discussed where, you were shown where you say Captain Barry, thanks a lot, you can withdraw, bro. All the members

with Captain Barry, thanks. And that is the one you say maybe it is a copy and paste. That is at page 11. If you go to page 10, the second set of WhatsApp messages you will see there it starts with “Captain Percy Sinjane”, that is the second set. And then 8 kilo’s, 8 kilo’s. And then there is a direct message that says:

“Standing off, Brig.”

Now unless you tell us there was another Brigadier in the operation and in the group, which you have not said yet, 10 so they tell you standing off, Brig and your answer, you appear to answer in the next page where you say:

“Captain Barry, thank you, you can withdraw, bro.”

So that suggests that in page 11 you are in fact responding to what was send to you on page 10, standing off, Brig, which shows two blue ticks. It would suggest you would have read the message, or whoever Brig is here would have read the message.

BRIGADIER MOKOENA: I see it, Commissioner, and it is 20 still questionable, standing off, Brig. I can see it on the message.

ADV BALOYI SC: Yes.

BRIGADIER MOKOENA: It is still questionable.

ADV BALOYI SC: Okay, let me leave it there for now. There is something else, but let me see where Ms Ncube

wants to go.

BRIGADIER MOKOENA: And then to add on that, I was not informed if there was a Brigadier self on the scene from Captain Kruger. In as much as this one of the General I just saw it now on this photos on the file. It was never indicated to me, Commissioner.

ADV BALOYI SC: Thank you.

MS SEGEELS-NCUBE: Can I just understand, Brigadier, what is it that you are finding questionable about these
10 screenshots? Are you questioning the authenticity of the screenshots or are you questioning the fact that what Captain Kruger may have done is to take messages that you were communicating with him directly in a separate WhatsApp chat between the two of you, he posted this into that chat group. What is it that you are finding questionable?

BRIGADIER MOKOENA: Thanks, Commissioner. According to me, knowing my team members, I will still stand with the issue that I am suspecting Captain Kruger
20 was copying and pasting, copying and pasting, copying and pasting.

MS SEGEELS-NCUBE: Okay. So you do not dispute the authenticity of the WhatsApp screenshots. You accept that these are screenshots of the WhatsApp group.

BRIGADIER MOKOENA: Ja, I do not question the

...[intervenes].

MS SEGEELS-NCUBE: Okay.

BRIGADIER MOKOENA: The authenticity.

MS SEGEELS-NCUBE: But insofar as it relates to messages that were, that appear to have been send by you in that group, you question that you actually send it into that group. You say that Captain Kruger copied and pasted messages that was exchanged between the two of you privately into that group.

10 **BRIGADIER MOKOENA**: That is what I want to believe, Commissioner.

MS SEGEELS-NCUBE: Okay. Can I then take you to B2.

ADV BALOYI SC: Ms Ncube, should we mark it BK2, because ...[intervenes].

MS SEGEELS-NCUBE: BK2, my apologies. It is actually B, it is BK2, but on the tabs it is B2. And I see the Chair smiling at me, but I will attend to it, Chair, but it is not my work product.

20 **CHAIRPERSON**: That is the point I made right at the beginning. So please change all those flags.

MS SEGEELS-NCUBE: I am looking to my colleagues behind me, Chair. Are you there at BK2?

BRIGADIER MOKOENA: Page 3, yes.

MS SEGEELS-NCUBE: Yes. This is the actual printout of the WhatsApp chat group that Captain Kruger created and

provided to the Commission. So in addition to the screenshots he also send the actual ...[intervenes].

CHAIRPERSON: May I make a request. We have done this quite a bit in relation to the colour chats that we went through just now. Maybe deal with one or two examples and let us not do all of them, please, in the interest of time. I think the point has been made.

MS SEGEELS-NCUBE: Indeed, Chair.

CHAIRPERSON: Yes.

10 **MS SEGEELS-NCUBE**: It is really just to address the proposition that it was copy and paste.

CHAIRPERSON: Yes, yes, I understand.

MS SEGEELS-NCUBE: Thank you, yes. If I can ask you to look at page 3. Towards the end you will see there is an entry. In fact, if we can start at the top, there is an entry just a quarter way that says 6-12-2024 16:34. Do you see that?

BRIGADIER MOKOENA: 16:34, yes.

20 **MS SEGEELS-NCUBE**: Yes. And just above that it is 16:32, it says you added Brig Kleintjie. Then at 16:34 it says:

“Brig Kleintjie: Media omitted.”

Do you see that?

BRIGADIER MOKOENA: Yes, I can see it.

MS SEGEELS-NCUBE: And 16:34:

“Brig Kleintjie: Also black X5.”

BRIGADIER MOKOENA: Correct, Commissioner.

MS SEGEELS-NCUBE: Okay. Now these are not screenshots, these are, this is a printout of the actual messages that were send by the people in that group. Do you still want to stick to the version that you contend that Captain Kruger was copying and pasting private messages between the two of you into the WhatsApp chat group?

BRIGADIER MOKOENA: Thank you, Commissioner. If we,
10 if it indeed Captain Kruger copy and paste it, the message, I think the printout will come the same as the group chat stands. There will not be a difference.

MS SEGEELS-NCUBE: Okay.

BRIGADIER MOKOENA: I do not know if I understand your question but according to me ...[intervenes].

CHAIRPERSON: If it is posted, if it is posted by him then it would not appear under your name. Your name would only appear because it is in the content of what has been posted, but it would not appear under your name. That
20 should be as clear as daylight, Brigadier.

BRIGADIER MOKOENA: Thank you, Commissioner. If it is like that, it confirms ...[indistinct] in the group if ...[indistinct].

MS SEGEELS-NCUBE: If it is like – are you saying if it is like that, then you, it confirms that you did participate in the

group?

BRIGADIER MOKOENA: Yes, if the printout is the same as the Commissioner has explained it to me.

MS SEGEELS-NCUBE: Thank you, Brigadier. Now why did you seek to disavow yourself from participating in this group? It would seem to me to be a reasonable step for Captain Kruger to add the person that had given him the instruction to attend to this address so that he can keep you updated and so that you can maybe communicate any
10 further information. Why would you disavow yourself from participation in that group?

BRIGADIER MOKOENA: I will still – thanks, Commissioner, to confirm that the communication that I recall for the particular date was direct calls with Captain Kruger and then WhatsApp direct to Captain Kruger, not on the group itself. I will still maintain it.

CHAIRPERSON: Is the reason, Brigadier, not because you find it difficult to respond to the question posed by Commissioner Khumalo, which is why, after it had been
20 confirmed within the group that this was a legitimate SAPS operation you did not immediately call off your Hawks colleagues. Is that not the reason why you said no, no, no, I never saw what happened in the group? I was not participating in the group, so I never saw that, I never saw that communication, therefore I could not have halted what

my Hawks colleagues were doing at the premises. I could not have halted them much, much earlier. Is it not because you find it difficult to respond to that question that you saw your way out as simply saying I did not participate in the group? Is that not the real reason?

BRIGADIER MOKOENA: No, it is not like that, Commissioner.

MS SEGEELS-NCUBE: Thank you, Chair. Brigadier, then let us go back to your statement where we had left off
10 before that detour. At page 2 at paragraph 5 you speak about the call that you then have with Captain Kruger once he has arrived at the scene. Can you elaborate on what transpired between you and Captain Kruger once he told you that he had arrived at the scene. Do you have it? It is page 2, section 2, page 2 and paragraph 5.

BRIGADIER MOKOENA: I am there, Commissioner.

MS SEGEELS-NCUBE: Okay, so my question was for you to explain to us what transpired once Captain Kruger told you that he was at the scene, what did you do?

20 **BRIGADIER MOKOENA:** Thank you, Commissioner. After indicating to me that he is at the scene and it is a legit police operations, while giving me a feedback he said to me he spoke with the team leader, the Captain Wanda, and he also indicated that he is closer to – do I want to speak with him.

MS SEGEELS-NCUBE: And then what happened?

BRIGADIER MOKOENA: Indeed I did communicated with Captain Wanda to say to him, Captain Wanda the reason for sending my team to the scene itself is to come and verify if it is a legit police operation within that address. And then I further indicated to him how the information came to me until I dispatched the team to the address.

MS SEGEELS-NCUBE: Okay, before we proceed can I just understand, you are saying that you were on the phone with
10 Captain Kruger on Captain Kruger's phone.

BRIGADIER MOKOENA: Correct.

MS SEGEELS-NCUBE: And he then gave the phone to, his phone to Captain Wanda.

BRIGADIER MOKOENA: Correct, Commissioner.

MS SEGEELS-NCUBE: Okay, so Captain Wanda gave evidence earlier and he says that he spoke to you on the phone of an unknown African male who was at the scene who gave him the phone and on the other end you were there, on the other end of the call.

20 **BRIGADIER MOKOENA**: No.

MS SEGEELS-NCUBE: Do you recall that?

BRIGADIER MOKOENA: No. What I can confirm in front of the Commission is that I was speaking with Captain Wanda on Captain Kruger's phone. I still recall that via the call to say, after giving him the information to say I am with the

National Head where I am now to confirm that the issue of house members on the scene. I even turned that call ...[indistinct] WhatsApp call into a video call for Captain Wanda to can see that I am at the national awards and then the National Head is there, he is not at the address itself. So it is only Captain Kruger I was calling to and I was speaking with Captain Kruger's phone. That I can confirm.

MS SEGEELS-NCUBE: Okay, can I ask you to go to B5. It is actually BK5, but the tab is B5. And in Captain Wanda's
10 evidence what he said was he does not know the name of the gentleman who gave him the phone but during his evidence he was referred to page 1 of BK, page 21, BK5 and he identified the male in the dark T-shirt with his hands behind his back as the person that had given him the phone and you were on the other end. Do you know that gentleman?

BRIGADIER MOKOENA: No, Commissioner, I do not know him.

MS SEGEELS-NCUBE: And you did not make a call to this
20 gentleman's phone and he did not call you?

BRIGADIER MOKOENA: No, Commissioner, i do not know him. I do not recall making a call to this gentleman.

MS SEGEELS-NCUBE: Okay, thank you, Brigadier.

ADV BALOYI SC: Brigadier, Captain Kruger has given a much more comprehensive statement than yours. Yours is

4 pages and he has given us quite a lengthier statement of 10 pages. He does not mention that he gave you his phone on which you spoke to Captain Wanda. He does not say that at all. That is a very important part and that is why you have included it in your statement. And if that happened why would he not say it in his statement?

BRIGADIER MOKOENA: Commissioner, I will not know why he did said that, but I still can recall the communication was with Captain Kruger's phone. I never phoned somebody
10 different.

ADV BALOYI SC: So Captain Wanda is wrong to say he spoke to you on this gentleman's phone. You are saying he is wrong to say that?

BRIGADIER MOKOENA: It is wrong to say that, Commissioner, because looking through this photos I do not have an idea who are this people.

ADV BALOYI SC: Ja, no, no, the question is not whether you have an idea or not, at least not at this stage, but it is simply this. You spoke on the phone, you say it was
20 Captain Kruger's phone you spoke on, you were not on the scene so you would not know whether it was Captain Kruger's phone or somebody else's. I expect you would not know that.

BRIGADIER MOKOENA: Commissioner, I still maintain i was communicating on Captain Kruger's phone and then I

did not have extra call from somebody on that crime scene.

ADV BALOYI SC: Yes.

BRIGADIER MOKOENA: Ja, still, maybe Captain Wanda got it wrong there.

ADV BALOYI SC: And Captain Kruger forgot to mention that important fact, because your intervention was quite important. You are saying you spoke on the phone and then you were satisfied it is a legitimate SAPS operation and on the basis of that call you then said they should leave, your
10 people should leave. So Captain Kruger does not mention that very important call. That is quite strange I must say.

BRIGADIER MOKOENA: He did not mention the issue that I spoke with Captain Wanda on his phone?

ADV BALOYI SC: On his phone, yes.

BRIGADIER MOKOENA: Ja, I, Commissioner, I will not confirm the reason why he did not mention it.

ADV BALOYI SC: All right, thank you.

MS SEGEELS-NCUBE: Thank you, Commissioner Baloyi. Brigadier, can we then go to page 3 of your statement at, I
20 think we had dealt with you placing the video call and showing Captain Wanda that you were with General Lebeya. Can I just understand again why it was that you felt the need to show him that you were with General Lebeya, although he says that he was not able to see General Lebeya, he only saw uniformed policemen. I just wanted to

find out why you felt that important to do that.

BRIGADIER MOKOENA: Thank you, Commissioner. The allegation of the information when I receive it was the Hawks members at a certain, at the said address with General Lebeya and then when I relayed the story to Captain Wanda the reason to send my team there it was to prove him to say that said General Lebeya that they allege to be on the scene is with me here at the national awards to can confirm that we are on the awards.

10 **MS SEGEELS-NCUBE**: Okay. And then can we deal with paragraph 7 of your statement on page 3. You speak about what your expectations were of the two officers, Captain Kruger and Constable De Gouveia that you had instructed to attend to the scene. Can you just elaborate on that.

BRIGADIER MOKOENA: Correct, Commissioner. I dispatched the two members to go and verify what is happening on the said address and then I, my expectation was for them to follow the instructions I indicated to them and then come back to me, indicate to me to say what is
20 happening on that address. And then if the situation was supposed to be either way than expected, they should have also come back to me to indicate to me to say we are on this address and then we are finding this picture and then we should have now have a different discussion following what, the assessment on the address itself.

MS SEGEELS-NCUBE: Well, you say in paragraph 8 of your statement that you did not expect the two officers to add members to the team to attend to the scene. Why did you not expect that from them?

BRIGADIER MOKOENA: Commissioner, if it was supposed to come to a request of additional members, they should have first indicated to me so that I can add additional members, unless if when they arrived at the scene and then the scene approached them differently that might pose a
10 sort of like a danger like, they should have followed their discretion to say now we are facing this situation, what can we do. But procedurally if you are in the idea to make an additional members to assist, they should have just indicated to me.

ADV KHUMALO SC: Have you taken any disciplinary steps against them for not acting procedurally after you became aware that they added members to the team that went to the address in Parkhurst. You say procedurally they should have come to you first to ask for permission to add
20 members. Once you became aware that they added members, did you take any disciplinary steps against them for not following procedure?

BRIGADIER MOKOENA: Thank you, Commissioner. The issue of additional members it came to my mind when I came for consultation in the Commission. I never had that

idea, that information before. It is only when I came for consultation at the Commission I was informed that are you aware that there was more than 2 of your members on the scene and I said I was not aware. And then if according to the members did they have that discretion along the way to add more, they should have informed me. But now I am becoming aware when I am coming for consultation at the Commission.

ADV KHUMALO SC: Are you saying you did not get a
10 report after the 6th of December 2024 dealing with what transpired at the address in Parkhurst?

BRIGADIER MOKOENA: The only address that I received, the only feedback I received, Commissioner, I was communicating with Captain Kruger of which I instructed him to verify the address with Captain De Gouveia. He never along the way to say we did add extra members within the instruction that you gave us, or he never indicated to me when I was speaking with him, with Captain Wanda to say while I was at the premises it happens that some of our
20 members came and join us here. I never had that information prior.

ADV KHUMALO SC: Yes, I would ask you about the WhatsApp on page 19 where there is now a discussion to close the group, but I assume your answer would be the same that ...[intervenes].

BRIGADIER MOKOENA: Yes.

ADV KHUMALO SC: Although you, it says Brigadier Kleintjie, thanks Captain, no objection to closing the group, you would say that is not you, that is a copy paste.

BRIGADIER MOKOENA: Thank you, Commissioner.

ADV KHUMALO SC: I will leave it there.

ADV BALOYI SC: Brigadier, on that report issue, what happens at the end of an operation? Are reports not submitted about operations as a matter of protocol?

10 **BRIGADIER MOKOENA:** Commissioner, the only report that I can confirm to receive it is after I withdraw the members from the scene, Captain Kruger did send me a copy of his diary on the summary that he did according to how the scene unfolded there.

ADV BALOYI SC: Do you consider that a report?

BRIGADIER MOKOENA: Yes, because after that I went through that and I must be able to can give a report back to the DivCom.

ADV BALOYI SC: So ...[intervenes].

20 **BRIGADIER MOKOENA:** And then I will again add to say the planned operation as I indicated to the Commission to say we used to have planned operations and unplanned operations. Normally when you go out for a planned operation we will have an enquiry within the office, but when it comes as an emergency like this from our superiors,

we will just run without an enquiry and then the whole report, a member has to compile it from his diary to the office.

ADV BALOYI SC: Yes, but it is still an operation, right,, even that which you get by emergency request, right. So there must still be a report and that is why Captain Kruger gives you his diary which you consider to be a report.

BRIGADIER MOKOENA: Correct.

ADV BALOYI SC: Yes. And a report surely must account
10 for your personnel that were at the scene and what they did at the scene, what they observed, otherwise something is wrong with the reporting mechanism, so the DPCI then.

BRIGADIER MOKOENA: Commissioner, it is what I said the report I got it, it is from Captain Kruger's diary. And then the same report I regarded it as a valid report to me, that is why I called, I managed at the end of the day to give a feedback to the DivCom.

ADV BALOYI SC: So you accept it is an incomplete report, because he does not tell you who else was at the scene
20 with him. He does not tell you that there were other DPCI members from Gauteng. His diary does not say that, then the report is not complete.

BRIGADIER MOKOENA: It state a complete report, Commissioner, to me in a sense that when I dispatched those members they were not there to join the operation

itself. They were just there for verification. And then the verification that Captain Kruger received from Captain Wanda gave me much weight to can be convinced to say this are legitimate police operation. So for them to be there and then taking one to a question further on taking the names of the members that were on the operation and the likes. I mean there was now supposed to be going far beyond the instruction that I gave them. The instruction was go and verify that.

10 **ADV BALOYI SC:** Yes.

BRIGADIER MOKOENA: Now team leader is Captain Wanda and then I was convinced and then I ...[intervenes].

ADV BALOYI SC: I am putting the proposition to you and please try and answer it, the proposition I am putting to you is if the report you received, which is the diary of Captain Kruger, if that report does not account for other DPCI members that were at the scene, if it does not tell you that there were other DPCI members, so many of them, it is an incomplete report. That is a simple proposition I am making
20 to you.

BRIGADIER MOKOENA: Thank you, Commissioner. From the side of Captain Kruger I will accept to be incomplete.

ADV BALOYI SC: Yes. And is there a record in the DPCI of this operation that you instructed them to go out? Is there any record that records this operation?

BRIGADIER MOKOENA: No. No, Commissioner.

ADV BALOYI SC: Is that regular that you would have a DPCI operation, yes, an emergency operation, and there is absolutely no record of it, of who instructed it, when, on the basis of what, and this is what they went to the scene and this is the feedback you received by way of report. Is that regular that you would have an operation that is unaccounted for on the books of the DPCI?

BRIGADIER MOKOENA: Thank you, Commissioner. What I
10 can, my response to that is that I did indicate before the Commission to say it came as an emergency operation. It is not the planned one where we start open an enquiry, running with the enquiry and then after the enquiry we have to submit the success report, we have to submit the whole operation feedback. So this was just a call, it was an unregular to us. It was just a call of a superior run. That is what we did.

ADV BALOYI SC: Brigadier, maybe lastly let me say this. I
20 think South Africans, certainly speaking for myself, will be very concerned that the DPCI participates in operations that are not on record. There is no record of operations. This may not be the only one. Why should South Africans not be concerned?

BRIGADIER MOKOENA: Commissioner, my response on that, I indicated to say the members that are dispatched,

the two members were not there to join the operation, they were there to confirm, to verify. So if they were part of, so was supposed to be part and parcel of the operation, they should have compiled a whole, the whole, a full report as the Commissioner is asking now.

But on verification they arrive there, they met the member in charge, they verified that is a legit operation and then the member just drafted a simple summary on his diary and then forward it to me. They were not part and parcel of
10 the operation itself. They were there for verification.

ADV BALOYI SC: They are my concerns, Brigadier. Thank you.

BRIGADIER MOKOENA: Thank you, Commissioner.

MS SEGEELS-NCUBE: Thank you, Commissioner Baloyi. Brigadier, you in an exchange earlier on you said that the “they”, being Captain Kruger and Constable De Gouveia, had gone beyond your instruction by involving other members. Is that correct, is that what you had said, they had gone beyond your instruction? What did you mean by
20 that?

BRIGADIER MOKOENA: That is, my response to you, Commissioner, when you were asking me am I aware that there was additional members within my team, and then I said to you me if there was extra members from my team without informing me, then they were beyond my instruction.

When they felt the situation uncomfortable or challenging, I should have get an indication from the side.

MS SEGEELS-NCUBE: Now is that not precisely why you are trying to distance yourself from participation in the WhatsApp group, because that WhatsApp group demonstrates that there were definitely more than just the two members that you say you instructed to attend at the address and that you were aware that there were more than just two members. They reported to you when they arrived
10 at the scene and they told you when they were standing down. So you were at all times aware that it was more than just Constable De Gouveia and Captain Kruger.

BRIGADIER MOKOENA: I, Commissioner, I will not take it as distancing myself. The reason why I relied much on the telephone communication, I was sitting at the awards and then the proceeding were on and the only thing that I managed to do, after speaking with Captain Wanda, I mean when I was supposed to speak with Captain Kruger for feedback and Captain Wanda, that is where I hopped out of
20 the events itself and then after speaking with them I went back to the event itself. It is not totally to say I was distancing myself from the chat group, Commissioner.

ADV KHUMALO SC: Well ...[intervenes].

MS SEGEELS-NCUBE: There is just the last paragraph on paragraph 9 that I want him to read, but ...[intervenes].

ADV KHUMALO SC: Just one question. Because we have Captain Kruger coming to testify before the Commission, if he says to the Commission that you were in the group and you were communicating with members of the group, what should we as the Commission do with that in light of your denial that you participated in the WhatsApp group?

BRIGADIER MOKOENA: Commissioner, if he indeed can confirm that, then from my side I will be owing the Commission an apology and then I will also secondly be in a
10 position that I did not tell the truth to the Commission to my best ability.

ADV KHUMALO SC: Because you know, to be fair to you, one of the allegations that are being made at this Commission is that Hawks members interfered with a legitimate police operation and Captain Kruger in his own statement he says at least around 16:44 there was communication within the group that there is a legitimate police operation going on. I just cannot understand why it took another hour for them to withdraw from Sandhurst or to
20 even continue going there in the first place. I just do not understand.

BRIGADIER MOKOENA: Commissioner, when they speak about the Hawks members, I would only respond on that one of the Hawks members. Somewhere along the consultation I pick it up that there was a marked Hawks cars on the

scene and then within my office I do not have marked Hawks cars in my office. Automatically they might be the Hawks members there but when they spoke about the marked car, then I started to feel like there was extra Hawks members within the crime scene. I do not use the marked cars in my office. All our cars are unmarked. The only marked car that we have within head office they are all within the, our media office. I do not have a marked car on my team.

10 Then when we go back to the issue of the Hawks T-shirt, I did confirm some of our members, my team members when they come for duty they wear the Hawks T-shirts. It is not a uniform. We are working on civilian clothes. But whoever when the sun rises feel to wear a T-shirt with Hawks emblem, it is allowed.

 Then on the issue of the Captain Kruger, I will not answer much. I will allow him just to come before the Commission.

MS SEGEELS-NCUBE: Thank you, Commissioner Khumalo.
20 Brigadier, before I ask you to read paragraph 9 into the record I just want to ask you, were Captain Kruger and Constable De Gouveia the only members of the Hawks that you had instructed to attend Katiso Molefe's home on the 6th of December?

BRIGADIER MOKOENA: That is correct, Commissioner.

CHAIRPERSON: Just before you go on, Ms Ncube, in response to the question by Commissioner Khumalo you said that if Captain Kruger confirms that you indeed participated in the group chats, you will tender an apology and accept that you were telling an untruth, what is the nature of the confirmation that you have in mind, the sort of confirmation that would result in you tendering an apology and accepting that you were being untruthful? Do you hear me? I see you are straining your ears and even coming
10 closer to the mic. Did you hear me?

BRIGADIER MOKOENA: My apology, Commissioner. I missed something when the Commissioner started talking.

CHAIRPERSON: Okay, in response to Commissioner Khumalo's question you said that if Captain Kruger confirms the content of the group chats, I am paraphrasing, then you will tender an apology and accept that you were telling an untruth. My question is, what is the nature of the confirmation that you have in mind, a confirmation that would result in you tendering an apology and accepting that
20 you were being untruthful? What sort of confirmation do you have in mind?

BRIGADIER MOKOENA: Commissioner, if I am allowed, can I be allowed just to reserve that answer?

CHAIRPERSON: Be allowed to respond at a later stage?

BRIGADIER MOKOENA: Hm, so that I can ...[intervenes].

CHAIRPERSON: Alright, that is fine. That is in order.

MS SEGEELS-NCUBE: Thank you, Chair. And then just lastly if you can deal with paragraph 9 on page 3 of your statement, you can either read it into the record or you can tell us what it is that you are trying to convey in paragraph 9.

BRIGADIER MOKOENA: Thank you, Commissioner. What, the explanation paragraph 9, when information came to me that it was said a group of people calling themselves the
10 Hawks with General Lebeya, the reason for me to send the two members, if you send two members on such a situation they will have a better approach towards the situation and then they will have a better time to can assess.

If you receive such an information and then you take the whole team, rush there, I am with the opinion that via operational back if I am running an operation on a certain premises and we are busy running there and then there comes many cars from the police side, the approach from us towards those that are coming might bring us
20 chaos, because when they would stop there, there might be a challenge to say who hare these people and then find that members can draw firearms to each other.

There is a possibility that within that split of seconds somebody might have a different adrenaline and then find that one of the members has squeezed a trigger

and then hit his fellow colleague. But if you send two members, it is for assessment and verification. The sooner they pick up a different direction they should have alarm it in a better way rather than sending the whole team to the scene.

ADV KHUMALO SC: This is an important issue. Maybe let us just explore it further. So you accept that it was wrong for a group of Hawks members, three or four cars according to Brigadier, sorry, Wanda's statement, do you accept that
10 it was wrong for a team of Hawks officials to attend to the scene at Sandhurst?

BRIGADIER MOKOENA: Commissioner, I will try to answer that question. I send two members. According to Captain Wanda's testimony he say a group of Hawks members. So there is a difference from what my instruction was to my two members only and then there was a group of Hawks of which I, is what I declared to the Commission to say they also indicated the marked Hawks cars, official, then I cannot be held accountable on those marked Hawks cars.

20 I do not know how many members were carried on that Hawks marked cars and then from my side I dispatched only two members. So if they come at large like that, I mean there should have been a retaliation there. There should have been a retaliation there and then where it could have end up in chaos.

ADV KHUMALO SC: And I said, Brigadier, he is actually Captain Wanda, so let me just clarify that. It is Captain Wanda, just to get his title correct.

BRIGADIER MOKOENA: Captain Wanda. Thank you, Commissioner.

MS SEGEELS-NCUBE: Thank you, Commissioners.

ADV BALOYI SC: Brigadier, just to finish off a topic that was touched on earlier. If you go to B3, the tab B3, and then at page 14, it is that sequence of WhatsApp messages
10 and I asked the question mindful that you, about what you have said about your participation or non-participation in this WhatsApp group, so at page 14 you have that first set of WhatsApp messages and there is the one from Warrant Officer Malume Tom. I think we have established it is Nkosi or somebody. And the message says, this is the person that called the General. You see where I am reading?

BRIGADIER MOKOENA: Yes, Commissioner.

ADV BALOYI SC: And then it indicates you asking which one. It says Brigadier Kleintjie, and then which one. You
20 have got four question marks. You see that?

BRIGADIER MOKOENA: Correct, Commissioner.

ADV BALOYI SC: Right, now if you turn to the next page, the top WhatsApp says, again it is Warrant Officer Malume Tom, it says Mr Mtetwa. You see that?

BRIGADIER MOKOENA: Correct, Commissioner.

ADV BALOYI SC: And then he carries on, he says:

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

Right.

BRIGADIER MOKOENA: Correct, Commissioner.

ADV BALOYI SC: And then in the bottom one it is a repeat
of that top e-mail, I mean WhatsApp message. It starts:

“Mtetwa, he said he is related to the
owner of the house.”

10 And there is a picture, a photograph of two people,
one circled in yellow, you see that?

BRIGADIER MOKOENA: Correct, Commissioners.

ADV BALOYI SC: And he says:

“This one, Brigadier.”

 So he is answering you. It appears he is answering
you when you ask which one. Remember the earlier
conversation. And then he says this one, Brigadier. So he
circled the man in the navy blue T-shirt and what looks like
maybe a blue T-shirt and navy blue pants. And that is the
20 person that Captain Wanda pointed out as the person on
whose phone he spoke to you. I just want to complete that.
That is the sequence and it is significant for the purpose of
understanding who is this person that called General
Lebeya and on whose phone Captain Wanda says you spoke
to him. That is the significance of that link, but of course

you have already said you never spoke to him on this man's phone and that remains your position.

BRIGADIER MOKOENA: Thank you, Commissioner. I still confirm that when I speak to Captain Wanda, I was speaking with him on Captain Kruger's phone. I still maintain that.

ADV BALOYI SC: You have seen a bit of the picture of this person. It was shown there. Is it anyone that you recognize as involved in any way with the Hawks?

10 **BRIGADIER MOKOENA**: I do not know the people on the picture at all.

ADV BALOYI SC: You do not recognize him. Thank you.

BRIGADIER MOKOENA: I do not recognize anyone.

ADV BALOYI SC: Thank you, Brigadier.

CHAIRPERSON: I hope, Brigadier, that you have now had time to think about an answer to my question. I will not repeat my question at that time. Are you now able to respond?

20 **BRIGADIER MOKOENA**: Thanks, Commissioner. If the confirmation will be there, Commissioner, I am still maintaining that, then I will maintain that I did not tell the truth to my best ability to the Commission.

CHAIRPERSON: I will not repeat the question, because you are repeating what you had said and my question was exactly formulated on the basis of what do you mean by

confirm or confirmation, which is the word you have just used now. I will not press this, I will not press this any further.

MS SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: I will – yes, yes.

MS SEGEELS-NCUBE: That is the evidence of this witness, Chair. After the lunch adjournment, Captain Kruger will take the stand.

CHAIRPERSON: Let us adjourn and resume at 14:10.

10 **INQUIRY ADJOURNS**

INQUIRY RESUMES

ADV SEGEELS-NCUBE: Thank You Commissioners. The next witness is Captain Barry James Kruger, and can I just say Chair that the housekeeping of the labelling of the annexures has been rectified over the lunch adjournment.

CHAIRPERSON: Thank you very much.

ADV SEGEELS-NCUBE: Thank you, Chair. The witness has decided to be sworn in.

20 **CHAIRPERSON**: Thank you. Thank you, good afternoon captain.

WITNESS: Good afternoon, Chair.

CHAIRPERSON: Please state your names for the record.

WITNESS: Barry James Kruger.

CHAIRPERSON: Thank you. Do you swear that – let us so let us start all over. Good afternoon, Captain Kruger.

WITNESS: Afternoon Commissioner.

CHAIRPERSON: Yes, please state your full names for the record.

WITNESS: It is Barry James Kruger Commissioner.

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

BARRY JAMES KRUGER: (duly sworn states)

10 **CHAIRPERSON**: Thank you.

EXAMINATION BY ADV SEGEELS-NCUBE: Thank you, Chair. Captain Kruger in front of you, you should have a file, and it has got a section that says a label 3. If you can go to that section and If I could ask you to go to page 10 of that bundle and confirm that the signature on page 10 is your signature.

CAPTAIN KRUGER: It is my signature Commissioner.

20 **ADV SEGEELS-NCUBE**: And then can you confirm that the statement witness statement that appears on page 1 to 10 is your witness statement prepared for the evidence that you are going to give today?

CAPTAIN KRUGER: I confirm Commissioner.

ADV SEGEELS-NCUBE: And do you confirm the contents thereof to be true and correct to the best of your knowledge?

CAPTAIN KRUGER: That is correct Commissioner.

ADV SEGEELS-NCUBE: Okay, now captain, can we start on page 1 of your statement? You will see that there are annexes to your statement as well before I get to your statement and they are marked BK 1 to 5. Do you see that?

CAPTAIN KRUGER: I do, Commissioner.

ADV SEGEELS-NCUBE: Thank you. Now if we can go to your statement at page 1 and in paragraphs 1 and 2 you introduce yourself and you set out your employment history
10 with the South African Police Services. Can you just give us a brief rundown of your service history?

CAPTAIN KRUGER: Thank You Commissioner. Yes, I have got 32 years' service running Commissioner and I was working at the Ekurhuleni Flying squad and Tactical Task Team before I took a transfer to where I am now by the DPCI Hawks TOMS section, Your Worship, Commissioner, sorry. I was transferred to the Hawks last year April 2024 where we do priority crimes J50s escorting of high-profile suspects and I am also our hostage negotiator for the
20 police. Thank you, Commissioner.

ADV SEGEELS-NCUBE: And your rank is captain. When did you become a captain?

CAPTAIN KRUGER: I became captain at the Hawks in 2024 the 1st of December 2024 Commissioner.

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

who did you report to in December 2024?

CAPTAIN KRUGER: I will report a direct to my section head Brigadier Mokoena, Commissioner.

ADV SEGEELS-NCUBE: Do you still report to him today?

CAPTAIN KRUGER: Yes Commissioner.

ADV SEGEELS-NCUBE: Now at paragraph 3 of your statement you start with the events that transpired on the 6th of December 2024. Can you just take a step-by-step with how you got involved in the events that transpired on
10 that day?

CAPTAIN KRUGER: Thank You Commissioner. I was on duty the day in question Commissioner. I was at that stage still living in the East Rand after I took the transfer. So, but because we had to go do an operation that evening in Northwest, I found it that we would stay in the Pretoria area. So, Warrant Officer Nkosi would collect us with a better vehicle and take us to the place the destination we were supposed to do the briefing and at night and have our operation. At that stage Constable De Gouveia and myself
20 were driving a Ford Focus but it was not affixed with blue lights or sirens Commissioner.

ADV SEGEELS-NCUBE: And who is Constable De Gouveia?

CAPTAIN KRUGER: He is also a member from the TOMS, Commissioner.

ADV SEGEELS-NCUBE: And around about what time was it that you found yourself in Pretoria?

CAPTAIN KRUGER: It was just about before 4 o'clock 16H00, Commissioner. Thank you.

ADV SEGEELS-NCUBE: And you say Warrant Officer Nkosi was going to assist you. Who is he?

CAPTAIN KRUGER: He is warrant officer Nkosi is also from our team and he was driving a bakkie that is - of the team bakkie that we would have all three climbed in this
10 bakkie and done the operation at night, Commissioner.

ADV SEGEELS-NCUBE: Okay, you may proceed what happened then?

CAPTAIN KRUGER: I then got a phone call from my Brigadier Mokoena informing me that I to go to Address, I did not know 137 Empire Place in Sandhurst in Johannesburg, Commissioner and to verify if there was a legit legitimate police operation underway there as people were saying that they are from the Hawks and it was not our team involved there, yes, Commissioner.

20 **ADV SEGEELS-NCUBE**: And when did you say you received this call? Around about what time? We are now at paragraph 3 and 4 of your statement.

CAPTAIN KRUGER: Yes, it was around 16H00 hours, yes, Commissioner.

ADV SEGEELS-NCUBE: And when Brigadier Mokoena

asked you to go to the address, what was your response to him?

CAPTAIN KRUGER: I informed him that I am just far away because I was in Pretoria North as we were going to go do an operation later and that my vehicle that I am driving at the moment did not have blue lights or sirens and that the tyres were not properly road worthy Commissioner.

ADV SEGEELS-NCUBE: Did you mention to him that you were in Pretoria North?

10 **CAPTAIN KRUGER**: According to my recognition, yes, Commissioner.

ADV SEGEELS-NCUBE: And when you say that the tyres were in a bad condition, what do you mean? And why is that relevant?

CAPTAIN KRUGER: We were waiting for new tyres for the vehicle the said vehicle and the tyres were getting smooth and because of the traffic it was a Friday afternoon peak traffic and then we would have been delayed if we had jumped to get to Sandhurst from Pretoria, yes,
20 Commissioner.

ADV SEGEELS-NCUBE: And what was Brigadier Mokoena's response to what you had told him?

CAPTAIN KRUGER: Brigadier Mokoena then just said to me I must go to them. I must go immediately and verify if there is a legal legitimate police operation. Yes

Commissioner.

ADV SEGEELS-NCUBE: And then at paragraph 5 of your statement on page 2 you mentioned a WhatsApp message. Can you tell us about that?

CAPTAIN KRUGER: That is correct, Commissioner. Yes, Brigadier Mokoena then private messaged me that it was at 137 Empire Place, Sandhurst and then also a screenshot of a vehicle a black Audi and also a message to say there is also a black BMW X5 At the premises.

10 **ADV SEGEELS-NCUBE**: Thank you. Can we go to a BK1 page 1. Can you confirm that this is the WhatsApp message that you received from Brigadier Mokoena?

CAPTAIN KRUGER: I confirm Commissioner.

ADV SEGEELS-NCUBE: Can you tell the Commissioners why his name is reflected as Brig Kleintjie?

CAPTAIN KRUGER: That is how I saved it on my phone we all name is Brigadier Kleintjie. Yes Commissioner.

ADV SEGEELS-NCUBE: Thank you.

20 **CHAIRPERSON**: And I noticed that just below the address that the brigadier sent to you 137 Empire Place, Sandhurst there is that blue picture I will call it like that. It looks like it has not been downloaded fully. It has 46 KB. And you have referred to a vehicle. You said there was a vehicle. Is that what you were referring to?

CAPTAIN KRUGER: That is correct Commissioner.

CHAIRPERSON: And once downloaded Is what is reflected there where it says 46KB what appears at page 2?

CAPTAIN KRUGER: That is correct Commissioner.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. Then while we are still on page 1 of BK1 you said that you also sent a message saying also black X5?

CAPTAIN KRUGER: That is correct Commissioner.

ADV SEGEELS-NCUBE: Okay, and the downloaded motor
10 vehicle information document, can you tell us what was that? What is it called?

CAPTAIN KRUGER: It is we call it the MCD application yes.

ADV SEGEELS-NCUBE: And what is it?

CAPTAIN KRUGER: It is a motor vehicle circulation formatted that police users.

ADV SEGEELS-NCUBE: Okay, and you say the vehicle it was a what was the vehicle in respect of that MCD?

CAPTAIN KRUGER: It was a black Audi, Commissioner.

20 **ADV SEGEELS-NCUBE:** Okay, and did Brigadier Mokoena not tell you anything about these two vehicles that he had sent to you?

CAPTAIN KRUGER: Only that they were at the scene, yes, Commissioner.

ADV SEGEELS-NCUBE: Did he tell you how he knew that

they were at the scene?

CAPTAIN KRUGER: No Commissioner.

ADV SEGEELS-NCUBE: Then still on that page there is a message in green that says copied a brig. Do you see it?

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: Whose message is that?

CAPTAIN KRUGER: It is my message to the brigadier Commissioner.

10 **ADV SEGEELS-NCUBE**: And what are you conveying in that message?

CAPTAIN KRUGER: That I copy his message, and I will act on it.

ADV SEGEELS-NCUBE: Okay.

CHAIRPERSON: Please use the language that we lay persons would understand. What do you mean copied?

CAPTAIN KRUGER: I recognise this message, and I will confirm and I will get back to you, yes, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Chair. Okay, can we go back to your statement then on page 2?

20 **CAPTAIN KRUGER**: Yes.

ADV SEGEELS-NCUBE: We were at paragraph 6. So, you received that information you say at 16:29 and then also the black X5?

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: Then on page 3 of your statement

paragraph 7. What did you do after you received those messages?

CAPTAIN KRUGER: After I received those messages, I quickly opened a WhatsApp group and added a few members on there that can assist, Commissioner.

ADV SEGEELS-NCUBE: What was the purpose of creating the WhatsApp group?

CAPTAIN KRUGER: I stated that I was very far away. And like I said, I used to stay in the East Rand and some
10 members stay in the in the West Rand of Johannesburg and Johannesburg and East Rand that I could get members maybe if I do not get there on time or quickly enough, they could also respond Commissioner.

CHAIRPERSON: By East Rand you mean the Ekurhuleni area?

CAPTAIN KRUGER: That is correct, yes, Commissioner.

CHAIRPERSON: And West Rand what area would that be?

CAPTAIN KRUGER: In the West Rand I would say the Krugersdorp Braamfontein areas, yes, Commissioner, sorry
20 and Soweto.

ADV SEGEELS-NCUBE: Thank you, Chair. So, if you can go to BK3.

CAPTAIN KRUGER: I am there.

ADV SEGEELS-NCUBE: Do you confirm that this is the WhatsApp group that you created?

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Okay, and you said that you created it because then to add members that may be closer. Why did you have to create the WhatsApp group for members that may be closer?

CAPTAIN KRUGER: That they could respond quickly to the request that we had, yes, Commissioner.

ADV SEGEELS-NCUBE: And why was there a need to respond quickly to the call?

10 **CAPTAIN KRUGER**: To confirm if it was a legit police operation at the time.

ADV SEGEELS-NCUBE: Were you told that it needed to be attended to urgently or did you take it upon yourself?

CAPTAIN KRUGER: Yes, what I can recall is that it matters needed urgent response, yes, Commissioner.

ADV SEGEELS-NCUBE: Was this something that was told to you by Brigadier Mokoena or did you just assume that it was urgent?

20 **CAPTAIN KRUGER**: Because Brigadier Mokoena used to call me very often to yes how far I am and how far I am so I could see the urgency of the matter and that is why I added other members, yes, Commissioner.

CHAIRPERSON: And what is the ...[intervenes]

CAPTAIN KRUGER: The purpose ...[intervenes]

CHAIRPERSON: The nearest police station to the

Sandhurst?

CAPTAIN KRUGER: I would think Sandton Police Station, Commissioner.

CHAIRPERSON: Did it not occur to you to call that police station for officers there to go verify?

CAPTAIN KRUGER: It did not occur to me at the time Commissioner because it was stated that members are alleging that they are from DPCI. So, I would think a DPCI member would go and confirm the legitimacy.

10 **CHAIRPERSON**: Had you been told that – so it was said they were saying they are DPCI?

CAPTAIN KRUGER: That is why I was on the way to confirm that I was not sure.

CHAIRPERSON: So, you as a DPCI wanted to go check if they were indeed DPCI.

CAPTAIN KRUGER: That is correct, Commissioner.

CHAIRPERSON: Are you suggesting that SAPS members would not have been able to do that?

20 **CAPTAIN KRUGER**: I do not I do not Commissioner but If I had to send someone else on my behalf I would still have to go and then verify for myself because as I was the first person called, I would have to give back the proper feedback to my commander. Thank you. Thank you, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Chair. Then still at

paragraph 7 on page 3 you have provided the Commission with the printout of your WhatsApp group chat at which is BK2 and the screenshots at BK3, is that correct?

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Do you recall when you downloaded the WhatsApp printout?

CAPTAIN KRUGER: When I downloaded the WhatsApp printout was in last month, Commissioner.

ADV SEGEELS-NCUBE: And why did you do that?

10 **CAPTAIN KRUGER**: I was consulted and then I just showed the people who consulted me the proof I still have on my phone.

ADV SEGEELS-NCUBE: Was this people from the Commission?

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: Okay, and the screenshots you still had the WhatsApp group was the messages were still in that WhatsApp?

20 **CAPTAIN KRUGER**: Although I deleted the group I still have the WhatsApp chat group on my phone. Yes, Commissioner.

ADV SEGEELS-NCUBE: Thank you. Now you say that you added members to the chat. Who did you add?

CAPTAIN KRUGER: I added a Warrant Officer Nkosi. I added Constable De Gouveia. I added Captain Sanjani. I

added Brigadier Mokoena and later I added Chief George from the Gauteng Traffic Airwing.

CHAIRPERSON: Can you please give us the full name of King George.

CAPTAIN KRUGER: Chief George.

CHAIRPERSON: Chief.

ADV SEGEELS-NCUBE: It is at page 3 paragraph 9.

CAPTAIN KRUGER: Paragraph 9, page 3 paragraph 9?

ADV SEGEELS-NCUBE: Page 3 of your witness statement.

10 **CAPTAIN KRUGER**: Yes.

ADV SEGEELS-NCUBE: And paragraph 9 at the bottom. Do you have your witness statement?

CAPTAIN KRUGER: I have it here.

ADV SEGEELS-NCUBE: Do you see it there?

CAPTAIN KRUGER: No, I do not.

CHAIRPERSON: The very last line?

ADV SEGEELS-NCUBE: Yes, what does your paragraph 9 start with?

20 **CAPTAIN KRUGER**: My intentionally - my intention certainly was not to ...[intervenes]

ADV SEGEELS-NCUBE: No, you have got the wrong statement. Your statement is at Section 3.

CAPTAIN KRUGER: Sorry. Sorry. Sorry.

ADV SEGEELS-NCUBE: Page section 3-page 3 paragraph 9.

CAPTAIN KRUGER: That is correct. Chief Provincial Inspector George Raftopoulos.

COURT: Thank you.

CAPTAIN KRUGER: Thank you, Commissioner.

ADV SEGEELS-NCUBE: Thank you, but when you initially started the group, you had not added Chief George and Brigadier Mokoena?

CAPTAIN KRUGER: No, not yet, Commissioner.

ADV SEGEELS-NCUBE: And still in paragraph 8 of your
10 statement and you say that you forwarded messages to the group which messages did you forward?

CAPTAIN KRUGER: The same messages Brigadier Mokoena had forwarded to me, Commissioner.

ADV SEGEELS-NCUBE: And those would be?

CAPTAIN KRUGER: The address and the MCD of the vehicle in question the Audi and about the black X5
Commissioner.

ADV SEGEELS-NCUBE: If I could ask you to go to BK3
page 6. Are you there?

20 **CAPTAIN KRUGER**: I am there.

ADV SEGEELS-NCUBE: Do you confirm that that is the messages that you had forwarded?

CAPTAIN KRUGER: I confirm Commissioner.

ADV SEGEELS-NCUBE: You can go back to your statement and then you can tell us what you did thereafter.

After you forwarded the messages in the group.

CAPTAIN KRUGER: Okay, I forwarded the messages.

ADV SEGEELS-NCUBE: At paragraph.

CAPTAIN KRUGER: Paragraph 8. Yes, as I stated that I added Captain Sanjani, Warrant Officer Nkosi Constable De Gouveia. I forwarded the messages I received from Mokoena to the group. I also sent a message enquiring how far the members were from the given address, Commissioner. And another messaging stating that men are
10 posing to be General Lebeya or from general posing as Hawk members on scene.

ADV SEGEELS-NCUBE: Can I ask you to go to Bk3 again and on page 7.

CAPTAIN KRUGER: Yes.

ADV SEGEELS-NCUBE: That is the screenshot of the WhatsApp message. Can you read and the message after also black X5?

CAPTAIN KRUGER:

20 “How far members at 16:30 and 16:31 there is a man posing as General Lebeya and other DPCI members on scene and Halo radios on.”

ADV SEGEELS-NCUBE: Can you just explain those three messages to us?

CAPTAIN KRUGER: The three explanations how far

members is asking the members on the group how far they are from the address given as stated. The second message there is a man posing as General Lebeya and other DPCI members on scene would be that members are posing to be of the DPCI Hawks and to be General Lebeya. And the Halo radio's on is that our teams work with two-way radios Halo radios and the request is that members must switch it on so that we can communicate faster.

ADV SEGEELS-NCUBE: And with the message that refers
10 to General Lebeya, where did you get that information from?

CAPTAIN KRUGER: I understood from Brigadier Mokoena that people were posing, or the phone call came to the general's attention that people are saying that they are from his office of that they are him.

ADV SEGEELS-NCUBE: And then we can see still at that page it says you have added Brig Kleintjie. Can you tell us what that is in reference to?

CAPTAIN KRUGER: I added Brig Kleintjie to the WhatsApp group that we were on.

20 **ADV SEGEELS-NCUBE**: Why did you do that?

CAPTAIN KRUGER: Also, for the information to flow very much quicker that if he updates or we update that he can be notified very quickly.

ADV SEGEELS-NCUBE: And did you inform him beforehand that you would be adding him to the group?

CAPTAIN KRUGER: I do not recall. I doubt it.

ADV SEGEELS-NCUBE: And at this point, were you communicating with Brigadier Mokoena via phone or was it phone and WhatsApp's at that point?

CAPTAIN KRUGER: After he sent the initial WhatsApp's to me it would have been maybe on the phone itself direct phone call.

ADV SEGEELS-NCUBE: And how often from the time that he first called you did he call you between the time that he
10 first called you and you added him to the group? So, it is a space of about half an hour.

CAPTAIN KRUGER: I would say that more or less he would phone me and get an update every 10 minutes if I could say more or less.

ADV SEGEELS-NCUBE: And when he was calling for these updates every 10 minutes, what was he asking you specifically if you can recall?

CAPTAIN KRUGER: How far am I. How far out am I from the address the given address, yes, Commissioner.

20 **ADV SEGEELS-NCUBE:** Okay then at paragraph 9 of your statement on page 3 you deal with how you added Chief George to the group. Can you tell us?

CAPTAIN KRUGER: Yes, that is correct. During one of the phone calls with the brigadier he mentioned that I can - why do not I hear by Chief George if they do not have

anybody closer to the address that was given.

ADV SEGEELS-NCUBE: And can you tell us why Chief George would be an appropriate person to make that request to?

CAPTAIN KRUGER: A lot of our operations Chief George and his members would be in our operations with us and he is a trusted member to the TOMS him and his members.

ADV KHUMALO SC: Can I ask a question? Is he a member of the Hawks?

10 **CAPTAIN KRUGER:** No, he is a member of the Gauteng Traffick Airwing.

ADV KHUMALO SC: Yes, which leads to my real point. If you could get assistance from the Gauteng Traffic Department, why could you not get similar assistance from Rosebank Police Station which is less than 5 kilometres away and the Sandton Police Station which is less than 5 kilometres away? Because this was not an operation. Your instruction was to go to Sandhurst to verify whether there was a legitimate police operation there.

20 So, why could you not get the police to because you are an hour away in Pretoria North. Your other team members are in Krugersdorp, Mogale City, Friday afternoon 4 pm peak traffic to get to Sandhurst. You have Rosebank there you have Sandton there. Why did you not ask them to do the same thing you are asking Chief George to do?

CAPTAIN KRUGER: I understand your question Commissioner. It is like I stated that we have a close relationship with Chief George and a trusted relationship with him and his members and at that stage I did not have Sandton Police Stations phone number on hand as we were trying to get through the traffic and it was just much quicker to phone Chief George and to ask if he has got any members around the area that could check for us and wait for us to arrive to contain to contain the scene, yes.

10 **ADV KHUMALO SC**: You say it is quicker to get the details of a black Audi and who owns it than to get the phone numbers of the Sandton Police Station?

CAPTAIN KRUGER: No, it is not. It is just that it was mentioned and it was just an option, Commissioner.

ADV KHUMALO SC: I do not understand if people are an hour away and there is a police station less than 5 kilometres from where you are supposed to go. And the purpose of you going there is simply to verify whether it is the Hawks who are there. Why cannot the police do it?

20 That is the part I do not understand.

CAPTAIN KRUGER: No, I understand the question. Yes, just like all I can say is that because we trust that there is a trust built between Chief George and his members and our team. Commissioner, that is what I can say. Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner

Khumalo. Now, why did - what assistance was Chief George going to give?

CAPTAIN KRUGER: If he is – he from the air wing, but he does have members on ground. That was my question to him. If he has got any members around the area that can quickly respond and then the distance that we are far from and Chief George, no he does not have any ground members on the ground at the moment, but he does have a helicopter available.

10 **ADV SEGEELS-NCUBE**: And so, was your understanding that he was then going to deploy the helicopter?

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: And did he say that he would do so?

CAPTAIN KRUGER: Yes, Commissioner.

ADV SEGEELS-NCUBE: Can we then go to page 8 of BK3? Can you just confirm here that you then add Chief George? And there is now again a message with the address with Chief George traffic. Why was that message
20 sent? It seems like it was sent by you.

CAPTAIN KRUGER: Yes, it is sent by me, Commissioner. I added Chief George and I resent him the address so that he knows, obviously, for the helicopter to give the information through.

ADV SEGEELS-NCUBE: Okay, and then just before that, if

we can go to page seven, the page just before that page 7, where you added Brigadier Mokoena.

CAPTAIN KRUGER: Yes, Chief.

ADV SEGEELS-NCUBE: Can you tell us the messages that follow after you added Brigadier Mokoena? Who sent those messages to the group?

CAPTAIN KRUGER: Those messages went after I added Brigadier Mokoena was Brigadier Mokoena himself. The same message he sent me, he sent to the group,
10 Commissioner.

ADV SEGEELS-NCUBE: Thank you.

ADV BALOYI SC: Is that both the message in blue, the one that is not downloading and the one that says also Black X5?

CAPTAIN KRUGER: That is correct, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. So if we can go back to the following page where you had added Chief George and he then, you sent the address.
20 Between 16:36 and then 16:42, he sends a message, Chopper Airborne, that is to confirm that he has now deployed the helicopter.

CAPTAIN KRUGER: That is correct, Commissioner, yes.

ADV SEGEELS-NCUBE: Now, when he did this, where were you at this point?

CAPTAIN KRUGER: Myself.

ADV SEGEELS-NCUBE: Yes, you and Constable De Gouveia.

CAPTAIN KRUGER: I was still on the highway, I think it is the N1 approach in Johannesburg, Commissioner.

ADV SEGEELS-NCUBE: And how far would you say you were from the address at that point, in minutes?

CAPTAIN KRUGER: In minutes, I would say between 15 and 20 minutes away, Commissioner.

10 **ADV SEGEELS-NCUBE:** Okay, and then if we can go back to your statement at page 4. At paragraph 12, this is after Chief George has now deployed the helicopter. You referred to other attempts that you had made to get assistance from elsewhere. Can you deal with that, please?

CAPTAIN KRUGER: Thank you, Commissioner. Yes, I have many groups on my phone where it is other police members or security companies, crime-combatting WhatsApp groups, that I did request that if anyone is in that area, they can privately message me, please, urgently.

20 **ADV SEGEELS-NCUBE:** Why did you feel the need to do that when you now already have the assistance of Chief George?

CAPTAIN KRUGER: Just someone on the ground that can, like I said, contain the scene until I can arrive and confirm myself.

ADV SEGEELS-NCUBE: Maybe if you can just help us, Captain Kruger. You get an instruction from Brigadier Mokoena to simply verify whether the Hawks are executing an operation at this address. That is really the extent of the request or the instruction. You then get hold of Chief George, which you say was at the suggestion of Brigadier Mokoena, but you also then go into these other operational chat groups of yours to try and get assistance. Why was there such a need, an urgent need, for this to be attended
10 to when it seemed like it was just a simple instruction to go and verify whether there was an operation or not?

CAPTAIN KRUGER: It would come down to the urgency that Brigadier Mokoena would phone me very often to find out how far I was. Once again, I said the urgency and for me to be able to get there myself to give proper feedback from a DPCI member to my commander.

ADV SEGEELS-NCUBE: So, these attempts that you made was really informed by the pressure or the urgency expressed by Brigadier Mokoena for you to attend to the
20 scene?

CAPTAIN KRUGER: That is correct, Commissioner.

ADV BALOYI SC: Captain, what did you anticipate or what did you expect you were going to find at this scene? Because in paragraph 12 with these messages where you are asking for assistance, it looks like, it reads like you are

organising quite widely and you could have turned up with any number of people. And if you are sending out words like that and you are going to attract a lot of people, what did you anticipate is happening at the scene? What information did you have?

CAPTAIN KRUGER: I understand the question. Thank you, Commissioner. You will never know on your way like that, and you are under pressure to get there and get all the answers that was required. But it could come anything
10 down to because there is a lot of crimes happening where people say they are police, they open the gate, people get robbed, house robberies and it is fake police or such. It could come down to people presuming to be police and they are not police, but they are using the police's name to extort money from somebody or like I said, house robbery. So that was quite urgent, yes, Commissioner.

ADV BALOYI SC: I guess what I am trying to understand is you went to a scene, you had no idea what you are going to meet.

20 **CAPTAIN KRUGER**: That is correct.

ADV BALOYI SC: You did not know what number of people were there, you do not know whether they are armed and those basic questions that you would have asked or should have asked of Brigadier Mokoena when he instructed you to go there to at least have an understanding of what scene

are you going to be confronting.

CAPTAIN KRUGER: You are correct, Commissioner, because you do not know how many people you will confront once you arrive and is it criminals that you are going to have a shootout with or so forth.

ADV BALOYI SC: And he did not provide you with any of that information other than these two vehicles that you will find there.

CAPTAIN KRUGER: No, Commissioner. Not to say two
10 vehicles, but it was two that were identified at the time of the information given, yes. But you also do not know how many vehicles you would find on arrival or so.

ADV BALOYI SC: Yes, I know you do not know, I am asking a different question that you basically went to a scene, you were driving towards a scene and you were mobilising people and you had no information other than there is an operation by people who are claiming to be the DPCI.

CAPTAIN KRUGER: That is correct.

20 **ADV BALOYI SC**: You did not know what you are going to meet there, what you are going to walk into.

CAPTAIN KRUGER: That is correct, Commissioner, yes.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. If we can stay on page 8 of BK3, there is a voice note, a 14

second voice note at 16:44. Can you tell us what that voice note was?

CAPTAIN KRUGER: The voice notes on that specific day and time, Commissioner, was I was telling the members that it seems to be a legitimate police operation. The feedback that I got from one of the groups that I requested someone to private me urgently.

ADV SEGEELS-NCUBE: Now, this feedback that you got, you said it was from one of the operational groups. Can
10 you just elaborate on that, what kind of group is it and what members are in this group that you got this information from?

CAPTAIN KRUGER: It is crime groups where people of security companies, police, the different traffic departments would be on, Commissioner. And the persons that sent me a message, I just cannot remember because after a while I started deleting of the many messages. The message came from one of the members who responded to my request on one of the groups.

20 **ADV SEGEELS-NCUBE**: And this would have been somebody from a private security company in that group?

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Who would presumably have been operating in the area near the house?

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Okay.

ADV KHUMALO SC: It must have been people you trusted because you sought them out for assistance.

CAPTAIN KRUGER: Yes, Commissioner.

ADV KHUMALO SC: Now you get the assistance you require, you get told that this is a legitimate police operation.

CAPTAIN KRUGER: That is correct, Commissioner.

ADV KHUMALO SC: Do you not pause at that point and
10 reflect?

CAPTAIN KRUGER: I forwarded to the WhatsApp group in question, but like I say, to give proper feedback to my commander, I need still to arrive and confirm for myself who I am speaking to, a contact number or so forth, to give proper feedback, Commissioner.

ADV KHUMALO SC: But why do you still need a chopper airborne once you have been told by the security people you trust that the scene you are going to is a legitimate police operation?

20 **CAPTAIN KRUGER**: I think the feedback came from both simultaneously and within a few minutes from each other, Commissioner.

ADV KHUMALO SC: Because it is only 2 minutes after Chief George told you that chopper airborne. I am looking at paragraph 11 and 12 of your statement. At 16:42, Chief

George says to you, chopper airborne. And then at 16:44, you get told that this is a legitimate police operation. So why do you not say to Chief George, you can back off now. I have been told that this is a legitimate police operation. Why do you still allow him to go to Sandhurst?

CAPTAIN KRUGER: That would be Chief George's own decision, I think, also just to confirm and should we arrive the backup we need at the moment.

ADV KHUMALO SC: He was called by you. How can it be
10 his own decision? He has there to assist you.

CAPTAIN KRUGER: No, I understand. I understand the question. No, I did not think to tell Chief George to stand down at that time because they were already airborne. And for them, it is just a minute or two to fly and the backup would be there, Commissioner.

CHAIRPERSON: Do you have any idea how this other person, possibly from security companies, would have established that this was a legitimate operation? I am asking this in the context of what we have learned from
20 other witnesses. I have not heard any interaction with the SAPS officers who were engaged in the takedown. Is it take or taking?

ADV SEGEELS-NCUBE: Takedown.

CHAIRPERSON: The takedown. I have not heard anything from them that they ever had any interaction with a person

other than officers from the DPCI regarding the legitimacy of the operation. Who could this person have been and how could they have established that the operation was legitimate? Do you have any idea?

CAPTAIN KRUGER: That is a good question, Commissioner, because I would also like to know how they know that if they never spoke to anybody or took a phone number or a name of someone in charge. So, no, the question I understand and I respect it.

10 **ADV KHUMALO SC**: Sorry, Captain. Sorry to come back to this point. It looks like it is Chief George who is telling you this on page 9 of the annexures. Chief George says:

“Legal SAPS operation.
Counterintelligence task team
appointed by General Khumalo. Lt-Gen
Khumalo in charge.”

It is Chief George who is saying this.

CAPTAIN KRUGER: That is correct, Commissioner.

20 **ADV KHUMALO SC**: And he has a police officer, so you are not talking to some security guard or security company that you do not know.

CAPTAIN KRUGER: No, the message that comes from Chief George, you are correct, Commissioner.

ADV KHUMALO SC: So, at that point, why do you not say to him there is no need for you to go there? You have

confirmed that this is a legitimate police operation. You have identified the commander of the operation. Why is there still a need to go to the Sandhurst property?

CAPTAIN KRUGER: Like I said, again, for myself to get the name of the commander in charge and forward that information to my commander again, Commissioner.

ADV KHUMALO SC: The objective is different now. You are now going to simply get the name.

CAPTAIN KRUGER: Yes.

10 **ADV KHUMALO SC:** Why do you not tell the other teams to back off? I have been told that this is a legitimate police operation. I will now go simply to get the details of the person in charge of the scene.

CAPTAIN KRUGER: You are correct, Commissioner, yes. I was only 7 or 8 minutes at that time, I think, away from the scene, so I still proceeded anyway to turn around and go all the way back to Pretoria. Let me just stand off and I can get the correct information because Chief George, if he was in the helicopter, I do not know how he would have got any
20 information of somebody on the ground. And, yes, I could give proper feedback to my commander.

ADV KHUMALO SC: My concern is not you still continuing to go there. I understood you to be saying you would still need to go to get the details of the person in charge there. My question is, why do you not tell the other teams to back

off once you were made aware that this is a legitimate police operation?

CAPTAIN KRUGER: I understand, yes, now. I do not know why I did not. I just said I am still on my way to confirm. I do not know why. But I can say on my arrival I did not find anybody standing there that I sent or I asked help from. Yes, Commissioner.

CHAIRPERSON: So, the only downloads that we have, chat downloads that we have, are those between you and
10 Brigadier Mokoena and those amongst the group members. We have no download from the other groups because your last sentence of paragraph 12 says:

“At approximately 16:44 I received feedback from one of these groups. I do not recall which group, that the operation taking place at the address in Sandhurst was legitimate.”

So, we have no downloads from other groups.

CAPTAIN KRUGER: Commissioner, I forwarded it on page
20 8, the last picture. It shows green from my forwarded message. It said, forwarded, it is a legitimate police operation. I will send you Ops Commander's number. And it continues to page 9. That was sent to me from whoever I asked, that I just cannot remember who, so the message I got, I forwarded it on to that group. Yes, Commissioner.

CHAIRPERSON: So that was from that group.

CAPTAIN KRUGER: Yes, Commissioner.

CHAIRPERSON: You forwarded it from a chat, from that group.

CAPTAIN KRUGER: Yes, Commissioner.

CHAIRPERSON: On to this group.

CAPTAIN KRUGER: That is correct.

CHAIRPERSON: General Kleintjie Mokoena.

CAPTAIN KRUGER: That is correct, Commissioner.

10 **CHAIRPERSON**: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair.

ADV KHUMALO SC: And just to follow up, in fact, Captain Sanjani, immediately thereafter, we are on page 9, gives you a thumbs up and says, okay, should we stand down? Because that is the normal attitude. Once you become aware that this is a legitimate police operation, people would say, why do we still need to go there? Should we stand down?

CAPTAIN KRUGER: Yes.

20 **ADV KHUMALO SC**: How come the answer is not, yes, stand down, I will go there simply to verify who the person in charge of the scene is?

CAPTAIN KRUGER: At that stage, I did not know. I did not know how far Captain Sanjani was out from the given address, and myself was not far. So, all I can think is it just

needs one of our members to stand off there and gather the correct information and to give feedback, Commissioner.

ADV SEGEELS-NCUBE: Can we just go back to what happens after the voice note that you receive? And that is on page 8. So, you receive the voice. You send the voice note saying that it is a legitimate operation. That is based on the information that you get from one of the operational WhatsApp groups.

CAPTAIN KRUGER: That is correct.

10 **ADV SEGEELS-NCUBE**: Then Captain Sanjani says, I am 20 kilometres away, but traffic is chock-a-block.

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: You then forward a message at the message that you get from a group. Is it the same group as the message that you had gotten earlier that you then sent the voice note in respect of?

CAPTAIN KRUGER: Yes.

ADV SEGEELS-NCUBE: And so, the person confirmed with you verbally, or was it in the WhatsApp group when you
20 sent the voice note?

CAPTAIN KRUGER: They sent this message to me privately.

ADV SEGEELS-NCUBE: Okay, continue.

CAPTAIN KRUGER: Then I forwarded it to the group.

ADV SEGEELS-NCUBE: So, when you get the message

that says it is a legitimate police operation, do you then first send the voice note? We are on page 8 at 16:44. What informs the voice note? Is it the same message that you forward later?

CAPTAIN KRUGER: Yes, because it is the same time. 16:44 is the same time I sent the written message as well.

ADV SEGEELS-NCUBE: Okay, and if we then go to page 9 where we have the message from Chief George, is he also getting that information from the same WhatsApp group, the
10 operational WhatsApp group that you are referring to, or is this a different source? Do you know?

CAPTAIN KRUGER: I think that is a different source. I am not sure.

ADV SEGEELS-NCUBE: Okay, because you say in your message, I will send you ops commander's number.

CAPTAIN KRUGER: Yes.

ADV SEGEELS-NCUBE: That is from the person that is informing you.

CAPTAIN KRUGER: Yes.

20 **ADV SEGEELS-NCUBE**: They will send it. And then Chief George, about 7 minutes, 8 minutes later, sends the counterintelligence task team information. First, he sends legal SAPs ops at 16:49.

CAPTAIN KRUGER: Yes.

ADV SEGEELS-NCUBE: And then he sends the 16:52

message. You do not know where he got that information from?

CAPTAIN KRUGER: No, Commissioner, I do not.

ADV SEGEELS-NCUBE: Okay, and you did not enquire from him where he got that information from because his information is more specific than what you had received.

CAPTAIN KRUGER: Yes, not at the time I did not know.

ADV SEGEELS-NCUBE: Now, Commissioner Khumalo had asked you why you did not stand down at that point, and
10 you said you needed to verify for yourself. What would have happened if you took the information that you received from your operational WhatsApp group that it was a legitimate operation and you did not go there and you find out that it was not a legitimate operation?

CAPTAIN KRUGER: Yes, correct, because I was entrusted with the information to go to the address, and if I did not give the proper feedback or it came back that I gave feedback that was incorrect, I would stand to be charged.

ADV SEGEELS-NCUBE: Well, did Brigadier Mokoena say
20 anything to you, because there is nothing from him in the WhatsApp messages, but did he say anything to you privately or contact you to confirm that it was a legitimate operation? Did you chat to him after you received this information?

CAPTAIN KRUGER: I cannot remember if I spoke to him in

between because if you see the time is spanning almost to when I stood off, and I was still following a GPS on the phone to get to the address because I did not know the address. So, I do not know if I spoke to him to tell him that I was getting information that it is legit, but the onus was on me, put on me to confirm it was a legit operation.

ADV SEGEELS-NCUBE: I think we can accept that when you get information from the private security company, perhaps you do still need to go and confirm it for yourself.

10 **CAPTAIN KRUGER**: Yes.

ADV SEGEELS-NCUBE: But as Commissioner Khumalo says, once you get the information from Chief George, and it is very specific that it is a counterintelligence task team, they give the name of the general that is in charge, they even tell you who the lieutenant colonel is who is in charge, why does that not indicate to you that perhaps it is been confirmed, I do not need to go and confirm it for myself?

CAPTAIN KRUGER: At that stage, the Chief George's confirmation, I would not know how he got it or how he
20 knows these people. And given the fact that I was not far out, I still continued.

CHAIRPERSON: In fact, according to the timeline based on what you say about your time of arrival, you were only about 8 minutes away at that stage.

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Chair. Now, then can we go to page 9 of BK3, which is also what Commissioner Khumalo had asked you about Captain Senjani's response. His response is, should we stand down? Now, earlier on you said you did not know how far he was, and that is what gave you also an indication that maybe you should still go ahead to confirm.

But if you go to the earlier message on page 8, at about 16:44, he does respond and say he has 20 kilometres
10 away, but traffic is chock-a-block. So, you did have a bit of an indication as to how far he was at that point. Were you closer to the address than what he was at that stage?

CAPTAIN KRUGER: I would believe so, Commissioner, because it was 16:44 that he says chock-a-block, and then at 16:54 I said I am still on my way, and at 16:54 I sent my live location so the other members could see my live location where I was driving. So, I think he was 10 minutes before, he was 20 kilometres away, so more or less he has 10 kilometres out, more or less I am 8 kilometres out, I
20 would think.

ADV SEGEELS-NCUBE: If he had said to you that he has 5 minutes away, what would your response have been?

CAPTAIN KRUGER: Then I will meet him at the scene to give him backup.

ADV SEGEELS-NCUBE: So, you would have still gone to

the scene?

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Can you explain that to us, because I mean he has a member of your team.

CAPTAIN KRUGER: I do not know if on the day in question was he driving alone, was he having a crew with him, like it was discussed just now, what to expect if it was not the real police, and he stops alone, he could be sabotaged, or if it was not real police they could attack him
10 or something. So just to give him the necessary backup that he would need.

ADV SEGEELS-NCUBE: Perhaps if you could put it in context for us, because I think we are looking at it retrospectively. If you are at a scene or being told that there is a possibility that there is a bogus operation underway, what is it that you are worried about you will encounter when you get there that makes it so important for you to ensure that it is not just one person that is going out there?

20 **CAPTAIN KRUGER**: You would look at the fact of the safety of the members. Like I said, you would drive into an ambush maybe, so the fact it would be the safety of the members would be priority.

ADV SEGEELS-NCUBE: Okay, thank you. Can we then continue on page 9 after you send your location? There has

been a message from Warrant Officer Nkosi who you have saved as Malume[?].

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Do you know, he says that he is 8 kilometres to the location. Were you closer to the location than he was?

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: And he has sending that message at 6 minutes past 5. What time did you arrive at the scene?

10 **CAPTAIN KRUGER**: I sent a message on the same page 10. I sent a message, the one written in green, standing off brig, brigadier. So, then I already stood off.

ADV SEGEELS-NCUBE: So, what does standoff brig mean?

CAPTAIN KRUGER: I mean I arrived at the scene.

ADV SEGEELS-NCUBE: Standing off means that you have arrived?

CAPTAIN KRUGER: Yes, Commissioner.

20 **ADV SEGEELS-NCUBE**: Okay, and Captain Sanjani sends a message saying copied. What did you understand that to mean in response to you saying standing off?

CAPTAIN KRUGER: He would have noted that I am standing off. That is why he said copied.

ADV SEGEELS-NCUBE: And he would have still been on his way to the scene?

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: Okay, can you then tell us what happens when you arrive at the scene?

CAPTAIN KRUGER: When I arrive at the scene, at this stage I was on the phone, I think, with the brigadier, confirming to him on the video, on a phone call, that I have arrived and I will approach the said police at the moment.

ADV SEGEELS-NCUBE: Sorry, Captain, if I can just interject and if we can go to page 5 of your statement, just
10 to orientate you, paragraph 16. My apologies. Paragraph 16 is when you start dealing with your arrival at the scene. You may proceed.

CAPTAIN KRUGER: Okay, I arrived at the scene around 5 o'clock, and at 17H00:10 I confirmed my arrival in the chat by sending a message saying standing off brig, meaning that I have arrived. I was informing the brigadier that I have arrived at the scene.

ADV SEGEELS-NCUBE: And this is when you say you were informing the brigadier, that is the message standing
20 off brig?

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: You did not call him telephonically and say to him that you have arrived, do you recall?

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: You did?

CAPTAIN KRUGER: No, I would have maybe called him shortly afterwards, but I had to first find out if it is police or not.

ADV SEGEELS-NCUBE: Okay, so tell us about what you observed when you arrived and who from your team was there when you arrived.

CAPTAIN KRUGER: When I arrived it was only myself, a commissioner, and Constable De Gouveia that arrived with
10 the Ford Focus that we were driving.

ADV SEGEELS-NCUBE: Had you seen any other Hawks members that were not part of the WhatsApp group that may have gotten there on their own?

CAPTAIN KRUGER: No, I did not see any of them.

ADV SEGEELS-NCUBE: Okay, proceed.

CAPTAIN KRUGER: We were both dressed in civilian attire, Commissioner. I did, however, had a SAPS buff, a blue written SAPS that I put on to identify myself as a SAPS member, and I had my diary in my hand, and I had my
20 appointment certificate on hand.

CHAIRPERSON: Please repeat, what did you say you ...[intervenues]

CAPTAIN KRUGER: A buff, a mask that I put over my mouth.

ADV SEGEELS-NCUBE: And you said that it was branded

or it had an emblem, what was it?

CAPTAIN KRUGER: SAPS, South African Police Services, with a star and the police.

ADV SEGEELS-NCUBE: Okay, continue. So, once you got there, what did you observe at the scene?

CAPTAIN KRUGER: I observed vehicles standing in the road and opposite where I stopped, I saw members or people standing in front of a gate of a premises, the same address that was given earlier.

10 **ADV SEGEELS-NCUBE**: And you said the gate was open?

CAPTAIN KRUGER: The gate was open to the premises, that is correct, Commissioner.

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

CAPTAIN KRUGER: I approached of the members standing in front of the house, I could see they were wearing holsters and leg rigs and stuff.

ADV SEGEELS-NCUBE: And what did that signify to you?

CAPTAIN KRUGER: That it could be policemen or security. They were armed, yes, Commissioner.

20 **ADV SEGEELS-NCUBE**: When you say they were armed, what do you mean?

CAPTAIN KRUGER: On their leg rigs and their holsters, there was firearms, Commissioner.

ADV SEGEELS-NCUBE: Okay, and so you approached them?

CAPTAIN KRUGER: Yes, Commissioner.

ADV SEGEELS-NCUBE: When you approached them, what identification, physical identification would they have seen that you are a SAPS member?

CAPTAIN KRUGER: I was carrying my diary that is marked with the DPCI emblem, I had the marked SAPS buff on my face, and I was carrying my appointment certificate in my hand.

ADV SEGEELS-NCUBE: The buff that you speak of, did
10 you deliberately put on the buff?

CAPTAIN KRUGER: That is correct, yes, I did.

ADV SEGEELS-NCUBE: Because it was the only form of clothing identification.

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: Why did you do that?

CAPTAIN KRUGER: So, they would not misrepresent me, maybe mistake me for somebody else. And ...[intervenes]

ADV KHUMALO SC: Please finish that, sorry.

CAPTAIN KRUGER: So, they would not mistake me for
20 anybody else, that I was there to do anything else than I was there to do.

ADV KHUMALO SC: At this point, because it is only you and De Gouveia, are you now not worried about your safety? You are approaching these people that you say you do not know who they are.

CAPTAIN KRUGER: I was.

ADV KHUMALO SC: You suspected that they may be impersonating police. It is a large group of them, there is just two of you, and you simply approach them without any difficulty.

CAPTAIN KRUGER: I agree, Commissioner, yes, I was a bit concerned at the time, and I walked in front, and myself, I carry my firearm rigs around my body on the waist belt, but I was walking, like I said, with the SAPS buff and the
10 appointment certificate in my hand towards these members.

ADV KHUMALO SC: But how would that have helped you, if these people were impersonating the police, and it was a large group of them, and there were many cars there and many people?

CAPTAIN KRUGER: Yes, I understand. Commissioner, what you are asking, ja, it is difficult sometimes to sum up the people. But as it got closer, I could see the body language that these police members maybe.

ADV KHUMALO SC: And, Captain, I am asking these
20 questions not to make you feel uncomfortable or not to suggest anything untoward, but we need to understand because one of the allegations made against the Hawks is that they were interfering with a lawful police operation and they were possibly doing so for the benefit of criminal syndicates. So it is important that we ask these questions.

CAPTAIN KRUGER: No, 100%. Yes, Commissioner, I understand. No, it is a difficult situation to be in at the moment, that split second or two that you must sum up, is this legit or are people going to attack us? It is difficult, but you have got to use your years of experience that you built up and your trust that you have. As I got closer to the group, I did introduce myself and I could see the body language drop a little bit. There was a bit of a feeling of uncertainty between, I think between them and us at the
10 moment. But like I say, we have to use our own discretion at the time given to us. And I used it wisely, I think.

ADV KHUMALO SC: And it could have easily resulted in a shootout.

CAPTAIN KRUGER: It could have.

ADV KHUMALO SC: Between the Hawks and the police.

CAPTAIN KRUGER: It could have. But that is why I put the buff on immediately and I walked with my diary. My diary is always marked and my appointment certificate in my hand. Ja, it is a difficult situation at the moment at a given
20 time, I do agree.

CHAIRPERSON: Did you at any stage show your identification card to the SAPS members? I am asking this because we have heard evidence that neither side showed their identification cards.

CAPTAIN KRUGER: I did to a member that was on the

outside there because he was the first one I interacted with. I do not know, I did not take his name or his rank at the moment. He was dressed in civilian clothes. I gave him my appointment certificate. And how I know this because when he turned it around, he said, but you are still a warrant officer. But I was promoted six days before. So I have not upgraded my appointment certificate to reflect my captain rank at the moment, at the time.

CHAIRPERSON: So after that initial stage at which you
10 produced your card, did you ever produce it again and show it to other police officers that you met for the first time?

CAPTAIN KRUGER: Yes, I kept it in my hand with my diary so I could show to the other police officers.

CHAIRPERSON: You say so that you, for you to show it, or did you actually show it to other police officers?

CAPTAIN KRUGER: Yes, Commissioner.

ADV BALOYI SC: Captain, one assumes that when you approach the scene, now you are walking towards the gate, you have surveyed the place. You do not just walk blind.

20 **CAPTAIN KRUGER:** Yes.

ADV BALOYI SC: You take note of the people that are there. We have heard evidence that some of the people who were in the operation, involved with the operation, were wearing bulletproof vests, which were marked SAPS. Do you recall seeing that?

CAPTAIN KRUGER: I do not recall seeing that from the outside where I was. I do not recall seeing that.

ADV BALOYI SC: And as you got to the gate and spoke to this official, you did not notice?

CAPTAIN KRUGER: No, I did not notice at that stage.

ADV BALOYI SC: Anyone wearing the SAPS uniform?

CAPTAIN KRUGER: Not that I can remember, Commissioner.

ADV BALOYI SC: Now, you have Chief George having told
10 you it is a Lt-Gen Khumalo operation. Why would you still be uncertain as you approach from what you have just explained now? Why are you still uncertain whether these are legitimate police or it is a bogus operation? When you have got one of your team members that you have pulled into the operation to be another eye in the operation, why are you still uncertain?

CAPTAIN KRUGER: It is just a feeling from the years' experience. Chief George gave the information from the helicopter. I was uncertain at the time. How did Chief
20 George come upon this information that he shared to me? Because on the ground, I did not meet anybody that I knew or that, at that time. So, ja, I still approached it with caution.

ADV BALOYI SC: Thank you.

CAPTAIN KRUGER: Thank you, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. As Commissioner Baloyi says, at that stage, you already had information that it is a legitimate operation.

CAPTAIN KRUGER: Correct.

ADV SEGEELS-NCUBE: Okay. And when the Chair asked you whether you had shown your certificate to any other member, do you recall if you had shown it to Captain Wanda?

CAPTAIN KRUGER: I must have shown it to Captain
10 Wanda, yes.

ADV SEGEELS-NCUBE: When you say you must have, do you know if you actually did?

CAPTAIN KRUGER: Ja, I can remember because I had my diary in my hand and my appointment certificate. I would have showed it to him, yes.

ADV SEGEELS-NCUBE: Okay, but he did not ask to see it?

CAPTAIN KRUGER: No.

ADV SEGEELS-NCUBE: Okay. Can you tell us how it
20 came about ...[intervenes].

ADV BALOYI SC: Before you do that, did you ask him to identify himself and how did you ask?

CAPTAIN KRUGER: I did ask him who he was. Yes, Commissioner.

ADV BALOYI SC: You did not ask to see his card?

CAPTAIN KRUGER: No, I did not.

ADV BALOYI SC: Why? Because I assume that is the most legitimate way of you establishing. Why did you not ask that?

CAPTAIN KRUGER: His approach to me at that time was calm and he was not funny towards me. And I could see, yes, he is a policeman. It is difficult to explain it, but I could know he is a policeman.

ADV BALOYI SC: So it is really on speaking to him at that
10 point that you became satisfied that this is a legitimate police operation?

CAPTAIN KRUGER: That is correct, Commissioner.

CHAIRPERSON: Is that because his big and broad shoulders?

CAPTAIN KRUGER: No, Commissioner.

ADV SEGEELS-NCUBE: And how did it come about that you interacted with Captain Wanda?

CAPTAIN KRUGER: I asked one of the members outside that if I could speak to someone in charge of the operation.
20 I did not enter the premises and neither did Constable De Gouveia that was with me, Commissioner.

ADV SEGEELS-NCUBE: When you say you did not enter the premises, were the gates open?

CAPTAIN KRUGER: The gates were open.

ADV SEGEELS-NCUBE: Okay, and Captain Wanda then

approached you and you say that his demeanour was calm?

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: How was your demeanour towards him?

CAPTAIN KRUGER: At that stage, I was also calm, Commissioner. I was calm and collective.

CHAIRPERSON: Did I not see, I think, towards the end of your statement that you say they were not friendly and we were not friendly? Did I not see it that somewhere?

10 **CAPTAIN KRUGER**: Commissioner, I think it was just on approaching the team and what I spoke about earlier. Maybe we were thinking these people, who are they? And they are thinking, who are we? It is just a bit of misunderstanding from the point, from the onset.

ADV SEGEELS-NCUBE: Well, ja, I can confirm that Captain Wanda did say that you were friendly towards him and he was friendly towards you.

CAPTAIN KRUGER: That is correct, Commissioner. Yes.

20 **CHAIRPERSON**: Let me take you to page 10, paragraph 30:

“The team executing the takedown were not friendly or collegial towards us and I admit that we were also not friendly towards them.”

CAPTAIN KRUGER: Yes, Commissioner, I see that. I

think it was just taken out of context a little bit. But ja, again, I will say that on approaching, you get that feeling of who are these people? And they are thinking, who are these people? And we arriving at their operation, but we are still unsure. Is this real police? Is that not police? So you do not let your guard down. So the type of demeanour they give, this is the type of demeanour you defend yourself with again at the time. It did not last long until I showed my appointment certificate. So everything was from there, I
10 think, calm and collective. Yes, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Chair. I think I jumped the gun a bit when I asked you about Captain Wanda. If we can go to page 5, paragraph 17 of your statement? You speak about a call that you made to Brigadier, a call that you were on with Brigadier Mokoena when you arrived at the scene. Can you tell us about that call?

CAPTAIN KRUGER: Yes, as we arrived on scene, I was on my cell phone with Brigadier Mokoena and I reported to him
20 that we have arrived. As I approached the gate, a SAPS official was part of the operation. Yes, this I can remember. That was also part of the demeanour that took me on, was there was a member, not knowing his rank, name or from the unit he was, in a strong way, like he confronted me to ask me, why are you taking photos and who gave me the

right?

But it was just allegations, because when I said to him, no, I do not know who maybe you are speaking to, but I showed him my phone's gallery, that there was no photos taken or videos taken on my phone at that moment. So I think that also may be built up to say that we were now speaking on page 10, to say that they were not friendly towards me and vice versa. Yes, Commissioner.

ADV BALOYI SC: Captain, this which you are describing,
10 it is before you get to speak to Captain Wanda?

CAPTAIN KRUGER: That is correct. Yes, Commissioner.

ADV BALOYI SC: So at this point, you now know it is a SAPS operation? It must be, otherwise you would not have shown him the gallery on your phone?

CAPTAIN KRUGER: Yes, Commissioner. Yes, I could see, like I spoke earlier to say their body language through experience, I could understand, yes, this is policeman here.

ADV BALOYI SC: This person who is asking you about your phone?

20 **CAPTAIN KRUGER:** That is correct. Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: So why was there a need to then speak to Captain Wanda?

CAPTAIN KRUGER: So I can obtain his contact details and I can give feedback to my Commander.

ADV SEGEELS-NCUBE: You were asking to speak to the Commander?

CAPTAIN KRUGER: That is correct. Yes, Commissioner.

ADV SEGEELS-NCUBE: Now you refer to your diary on page 6, still at paragraph 17, and if you can go to BK4, which is page 20, just to confirm that that is the extract of your diary for that day?

CAPTAIN KRUGER: That is correct. Yes, Commissioner.

ADV SEGEELS-NCUBE: Okay. Can you just read for us
10 what we see at the point where you say standoff and explain to us what it is that you are recording?

CAPTAIN KRUGER: Okay, I recorded the time of standing off at the given address at 17:00 at Sandhurst. I wrote down Captain Wanda, National Task Team, J50 murder, and the phone number of Captain Wanda. And at 16:00, called by Brigadier Mokoena to go to the said given address, DPCI to confirm on scene, and some few registration numbers.

ADV SEGEELS-NCUBE: Okay. Those registration numbers, they are now five, or six it seems, and we know of
20 only two that you had when you went, or when you were on your way to the scene. Where did you get these others?

CAPTAIN KRUGER: These others are obtained from the scene that I stood off. Yes, Commissioner.

ADV SEGEELS-NCUBE: Okay, so you took them down at the scene?

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: And then you also have finish and leave to NW. What is that?

CAPTAIN KRUGER: North West.

ADV SEGEELS-NCUBE: Okay. Then if we can ...[intervenes].

ADV BALOYI SC: Sorry, that finish and leave to North West, it does not have a time to it, but it is next to 19:00. Is that when you leave?

10 **CAPTAIN KRUGER**: No, no, no, no, no, Your Worship. I booked on again on the second page of the diary at 17:30. I booked on duty in the diary again at 17:30, so I am going to depart now from this operation of Sandhurst to go to...

ADV BALOYI SC: To the North West.

CAPTAIN KRUGER: That is correct, yes.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: So who took the photos that we see on page 21 and continuing?

CAPTAIN KRUGER: That is myself, yes, Commissioner.

20 **ADV KHUMALO SC**: But if you left at 17:30, how are you taking photos at 17:56?

CAPTAIN KRUGER: No, I just booked myself on duty again while I was finishing up. That is what I said.

ADV KHUMALO SC: Do you see, are you at page 21?

CAPTAIN KRUGER: Page 31?

ADV KHUMALO SC: 21.

CAPTAIN KRUGER: 21. 17:56.

ADV KHUMALO SC: Do you see that the photo has a date and time stamp in it?

CAPTAIN KRUGER: I do, I do, Commissioner.

ADV KHUMALO SC: It says 17:56.

CAPTAIN KRUGER: I do, Commissioner.

ADV KHUMALO SC: That is about 56 minutes after you arrived at the scene.

10 **CAPTAIN KRUGER:** That is correct.

ADV KHUMALO SC: So it means you were still there at that time.

CAPTAIN KRUGER: No, I think if I left, I could still send the photo onto the group. It would show the time I sent the photo.

ADV KHUMALO SC: It is the time for when you were sending the photo?

CAPTAIN KRUGER: That is correct, Commissioner, yes.

20 **ADV SEGEELS-NCUBE:** Thank you, Commissioner Khumalo. Can we ...[intervenes].

ADV KHUMALO SC: Sorry, just leave that. Please go to page 11. Same annexures. Are you there?

CAPTAIN KRUGER: I am there, yes, Commissioner.

ADV KHUMALO SC: Who is sending that message, withdrawing all in order?

CAPTAIN KRUGER: That is myself, Commissioner.

ADV KHUMALO SC: But you see that is 17:55.

CAPTAIN KRUGER: 17:55, I see, yes.

ADV KHUMALO SC: So you could not have left at 17:30.

CAPTAIN KRUGER: Yes, Commissioner. I just booked on duty at that time because I was on duty actually. Actually, from 4 o'clock I was still on duty, but I just made an entry.

ADV KHUMALO SC: But what were the Hawks doing in Sandhurst for close to an hour, if not more? I do not
10 understand. If you are just there to verify that this is a legitimate police operation, why are you spending an hour there? What are you doing?

CAPTAIN KRUGER: Oh, no, I met my other members that arrived after me. They were eight minutes out or 20k's out. I said to them, I explained to them everything is fine. We can leave from here to go to the next operation that we must all drive safely. So just like a debrief briefing that I gave.

ADV KHUMALO SC: It does not account for the other 40
20 minutes. If there were only eight minutes behind you, it means they are there at 20 past more or less.

CAPTAIN KRUGER: More or less 20 past, half past, yes.

ADV KHUMALO SC: So what were you doing for the other 40 minutes?

CAPTAIN KRUGER: It is probably the time I was testing

the registration numbers and giving feedback to Brigadier Mokoena.

ADV KHUMALO SC: And I am asking you these questions because Captain Wanda says the Hawks officials that were there were asking for the J50, were asking to know what the operation is about. Who are they arresting and for what purpose?

CAPTAIN KRUGER: That would not be from our side that I can remember, Commissioner, because I did not ask
10 Captain Wanda to see the J50 and he did not also show it to me. I do not know if like there was other Hawks members that stopped after us. I do not know from which branch are they or from which office they were sent. But from my side, from my members, we just done a debriefing and a briefing to carry on on-duty to go to the next operation.

ADV SEGEELS-NCUBE: And when you say other Hawks members, how did you know that they were Hawk members?

CAPTAIN KRUGER: They had Hawks T-shirts on with the emblem of DPCI on their shirts.

20 **ADV SEGEELS-NCUBE:** And they were not with you?

CAPTAIN KRUGER: They were not with me.

ADV SEGEELS-NCUBE: And do you know who sent them to the scene?

CAPTAIN KRUGER: No, I do not know. I do not know, Commissioner.

ADV BALOYI SC: One is going to have to ask you to speculate even. You did not summon these people that you say are from the DPCI and you think they are from Johannesburg. That is what your statement said.

CAPTAIN KRUGER: I said that in my statement, yes, Commissioner. I suspected they were from the Johannesburg branch maybe, but from which section, I do not know.

ADV BALOYI SC: But they were not summoned by you?

10 **CAPTAIN KRUGER:** They were not summoned by me, no, Commissioner.

ADV BALOYI SC: Who else could have summoned DPCI members on your operation? You have been given instructions by Brigadier Mokoena to go to the scene, right? That is who you are reporting to, and ultimately you provide the final report to. Who could have summoned additional people?

20 **CAPTAIN KRUGER:** Like I said, I do not know from which section they are. If their Section Commander also requested them, maybe their Section Commander could have been also by the Excellence Awards. I am not sure. I did not also ask.

ADV BALOYI SC: Let me put it this way. It seems to me that Brigadier Mokoena is the owner of the operation, the one that gave instructions, owner in that way.

CAPTAIN KRUGER: From the TOMS [?] side, yes, Commissioner.

ADV BALOYI SC: Yes, would have been the one that mobilises others to join you.

CAPTAIN KRUGER: No.

ADV BALOYI SC: If it is not you, because it is the two of you who are involved with this operation, so it is either you called out for other people. We know that you asked Chief George for assistance, and he said to you, I do not have
10 people on land, right? And that is how he comes out in the helicopter. So we know you have made a request. We know you have sent out WhatsApp messages to your people.

CAPTAIN KRUGER: Yes.

ADV BALOYI SC: Now, if it is not you and it is not Brigadier Mokoena, where would anyone have known about this operation to summon DPCI Johannesburg?

CAPTAIN KRUGER: I am not sure. I cannot answer because I am not sure, Commissioner.

20 **ADV BALOYI SC**: But ordinarily, it would have been you or Brigadier Mokoena, right?

CAPTAIN KRUGER: Yes.

ADV BALOYI SC: Ordinarily, it is one of you.

CAPTAIN KRUGER: Brigadier Mokoena just summoned our team, not any other teams.

ADV BALOYI SC: Yes. Thank you.

CAPTAIN KRUGER: Thank you, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi.

Would Brigadier Mokoena have deployed Hawks members with T-shirt, with emblems with the Hawks emblem T-shirt?

CAPTAIN KRUGER: We do wear sometimes. It depends what you wear for the day. So if we were on duty from the morning and we had to do operation at night, we did not really book off. We will go follow up the information or do
10 the project we are busy with. Two or three members might arrive with emblems written DPCI or others just in normal civilian clothes, but I did not recognise the members from our office.

ADV SEGEELS-NCUBE: So when you say you do not recognise from your office, you mean they were not TOMS members?

CAPTAIN KRUGER: Correct. They were not from TOMS.

ADV SEGEELS-NCUBE: And would Brigadier Mokoena only have deployed TOMS members?

20 **CAPTAIN KRUGER:** That is correct, yes.

ADV SEGEELS-NCUBE: Okay.

CAPTAIN KRUGER: Thank you, Commissioner.

CHAIRPERSON: Just an issue around the numbers of you and your colleagues. General, I am sorry, Brigadier Mokoena said that he sent you and Constable De Gouveia.

And he said if he sends out two officers and the officers of their own accord add to the numbers, that is an offence for which those officers may be disciplined. Do you know of any such thing?

CAPTAIN KRUGER: Yes, I do know, Commissioner. But I can remember, if I can think back and I can remember, Brigadier said he is going to summon other members that is close as well with me to respond. Obviously, for the
10 urgency thereof.

CHAIRPERSON: I am not sure I follow that. If you or Constable De Gouveia were to invite other officers to assist the two of you with this operation that involved nothing other than going there to verify whether this was a legitimate operation, would you be committing an offence? That is, by adding to your number, would that be an offence? That is what Brigadier Mokoena said. Basically, that you cannot add of your own accord.

CAPTAIN KRUGER: If Brigadier Mokoena said so, then I
20 would agree with him, Commissioner. But the fact that it is of urgency, as we spoke for earlier, and we do not know if it was legit or not policeman, we are able to call our members for backup.

CHAIRPERSON: You say you would agree if he says so?

CAPTAIN KRUGER: Yes, Commissioner.

CHAIRPERSON: What would you say if he had not said so? Is it an offence if you have been instructed ...[intervenes].

CAPTAIN KRUGER: I do not think it is an offence ...[intervenes].

CHAIRPERSON: To do what you were instructed to do, and only two of you have been so instructed, would it be an offence for you to add to the two of you, assuming that Brigadier Mokoena had not said so? Because you say, if he
10 says so, yes, it is an offence. Let us remove him. I am asking you about your own knowledge. Would that be an offence?

CAPTAIN KRUGER: I do not think it is an offence, according to me, Commissioner, because it goes down to the safety of the team, of our members. So I do not, in that situation, would say it is an offence to ask for backup, for extra backup, regarding the urgency of the matter and the uncertainty thereof.

CHAIRPERSON: Have you, or even Constable De
20 Gouveia, been charged with any offence for the fact that you added others onto the operation?

CAPTAIN KRUGER: No, I have not. And neither has Constable De Gouveia, Commissioner.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: Okay, just ...[intervenes].

ADV KHUMALO SC: Can I just ask one question? Sorry, Commissioner Baloyi. In paragraph 21 of your statement, and I apologise if you are still going there, Advocate Ncube. This is not about you, this is about Brigadier Mokoena. You say you were in Pretoria North when he called you, and the other TOMS team members that you called were in Mogale City or that part of the world. And I see from paragraph 21 that there are actually DPCI members in Johannesburg. If
10 the situation was so urgent, do you know why he did not just call the people in Johannesburg? Why did he have to ask somebody who is in North Pretoria to attend to a scene in Sandhurst?

CAPTAIN KRUGER: As I said, Brigadier Mokoena is our section head, and we are the Tactical Operations Management Section, that stands for TOMS, Tactical Operations Management Section of the DPCI. So it would be our job to go.

ADV KHUMALO SC: Just verify if the people there are the
20 Hawks?

CAPTAIN KRUGER: Yes, because we are the operational team of the Hawks, so everybody relies on us to do the operations, yes.

ADV KHUMALO SC: And you are saying the Johannesburg DPCI people could not perform the same exercise?

CAPTAIN KRUGER: I am not sure they could have, but I do not know under which section they were working. Like I said, I do not know them, if they are capable or if they are on that level. Yes, sir.

ADV BALOYI SC: You do say in your statement that these Johannesburg DPCI people were from Organised Crime.

CAPTAIN KRUGER: I said possibly, I was not sure, I could not say for certain. Yes, Commissioner.

ADV BALOYI SC: Yes, I had earlier understood, and
10 please correct me if I misunderstood you, that these people could not have been summoned by Brigadier Mokoena because they do not fall within your team.

CAPTAIN KRUGER: Yes.

ADV BALOYI SC: Did I understand you correctly?

CAPTAIN KRUGER: That is correct, yes, Commissioner.

ADV BALOYI SC: So the instruction or whoever summoned these people must have been someone other than, if you are correct, other than Brigadier Mokoena?

CAPTAIN KRUGER: Correct, Commissioner.

20 **ADV BALOYI SC**: Is it possible that it may be General Mbotho to whom Brigadier Mokoena reports and who is the one that triggered your operation?

CAPTAIN KRUGER: I do not know under which, like I say, it is difficult to say from which section they are. Are they on a provincial level, from a national level? So I could not

say, yes, it came from General Mbotho. No, I cannot say that. If they are working from a Joburg office or they are working from an East Rand office, maybe even.

ADV BALOYI SC: What difference does it make? And I am asking you a question to understand your structure and how it works.

CAPTAIN KRUGER: Yes.

ADV BALOYI SC: Remember, I am not part of it. So if General Mbotho, who can he instruct? And why does it
10 matter that it is a province, it is East Rand, it is Johannesburg, it is national in terms of that line of instructions?

CAPTAIN KRUGER: Brigadier Mokoena being with them at the National Excellence Awards would have got the instruction from the General and would have instructed us immediately under. I do not think he would have sent anybody else because Organised Crime would fall under another section head.

ADV BALOYI SC: But obviously somebody organised
20 them.

CAPTAIN KRUGER: I am not, must have been, or they sort on a group or they sort on a group or someone else summoned them. I am not sure. I cannot say.

ADV BALOYI SC: No, they say – you say in your statement, one of these members told me that they were

also sent to verify the operation was legitimate. So they did not just happen by themselves. Someone sent them there.

CAPTAIN KRUGER: Yes.

ADV BALOYI SC: You just, you are saying you do not know who.

CAPTAIN KRUGER: Unfortunately, yes. I did not take any contact details from them or so forth. No, I cannot.

ADV BALOYI SC: But they were sent by somebody according to your statement.

10 **CAPTAIN KRUGER**: That is correct.

ADV BALOYI SC: That is what is reported to you.

CAPTAIN KRUGER: Yes, Commissioner.

ADV BALOYI SC: Who is the one that we do not know who sent them.

CAPTAIN KRUGER: Yes.

ADV BALOYI SC: Thank you.

CAPTAIN KRUGER: Thank you, Commissioner.

20 **ADV SEGEELS-NCUBE**: Captain, if I could just ask when either the Commissioners or myself are asking you a question, if you could wait till the end of the question to answer, because if you interject like that, it affects the transcript. So then the transcript does not pick up the difference in the speakers. So just wait until the question has been asked, and then you can answer.

CAPTAIN KRUGER: I apologise. I will do so.

ADV SEGEELS-NCUBE: Thank you. No need to apologise. Thanks.

CAPTAIN KRUGER: Ja.

ADV SEGEELS-NCUBE: Now, can we go back to your statement? We were at paragraph 18, page 6, where you are now interacting with Captain Wanda after you asked the individual that you first approached to call the Commander in charge. What happens between you and Captain Wanda?

CAPTAIN KRUGER: I asked Captain Wanda who he is,
10 and he identifies himself, and I identify myself to Captain Wanda. And I said I was sent here to confirm it was a legitimate police operation, and they are genuine policemen, which was confirmed. As I said, I asked him what operation they are busy with. He informed me it was a J50, a warrant of arrest. Like I said also, I did not ask to see the warrant of arrest, and he also did not show it to me. And I took down his particulars and phone number and so forth.

ADV SEGEELS-NCUBE: And did you ask who the subject
20 of the warrant of arrest is?

CAPTAIN KRUGER: No, I did not.

ADV SEGEELS-NCUBE: Did you know at whose house you were?

CAPTAIN KRUGER: I did not know.

ADV SEGEELS-NCUBE: Okay, and then at paragraph 19,

you say that you did not act with anyone else besides Captain Wanda and the official who directed you to Captain Wanda.

CAPTAIN KRUGER: That is correct.

ADV SEGEELS-NCUBE: Does that mean that you did not speak to the investigating officer that was in charge of the operation, only those two? You only spoke to those two individuals?

CAPTAIN KRUGER: That is correct. What I can
10 remember, yes, Commissioner.

ADV SEGEELS-NCUBE: Do you know if anybody else from your team from the Hawks had interacted with the takedown operation members?

CAPTAIN KRUGER: Not that I can remember, Commissioner.

ADV SEGEELS-NCUBE: So not Constable De Gouveia, not Warrant Officer Nkosi, or anyone that was in your WhatsApp group?

CAPTAIN KRUGER: No, not that I can recall,
20 Commissioner. Like I said, we stood off first, and then I was busy with the phone. Then the other members arrived, but I cannot remember an interaction between, per se to say that I did see them interacting with anybody else.

ADV SEGEELS-NCUBE: Okay. And then at paragraph 20 you speak about what happened after your interaction with

Captain Wanda. Can you tell us about that?

CAPTAIN KRUGER: Yes. There I mentioned that the other members arrived from TOMS team. At this point, Captain Wanda had already confirmed the operation was legit. As such, I informed the TOMS members that everything was sorted out, that everything was in order.

ADV SEGEELS-NCUBE: And did you ever see the helicopter that Chief George had deployed?

CAPTAIN KRUGER: No, I did not. No, Commissioner.

10 **ADV SEGEELS-NCUBE**: Captain Wanda says that while they were interacting with you, the helicopter was hovering over the scene.

CAPTAIN KRUGER: I cannot remember that, Commissioner, no.

ADV SEGEELS-NCUBE: Is it possible that he is correct and you cannot remember, or are you saying that he cannot be correct?

CAPTAIN KRUGER: It can be possible.

ADV SEGEELS-NCUBE: Okay, you just do not recall?

20 **CAPTAIN KRUGER**: I do not recall, yes, Commissioner.

ADV SEGEELS-NCUBE: And then you, at paragraph 21, you speak about as you were preparing to leave, you saw the, which is what you had dealt with earlier, the other DPCI members.

CAPTAIN KRUGER: That is correct, yes.

ADV SEGEELS-NCUBE: Now, on page 7, at paragraph 22, you then report back to Brigadier Mokoena. Can you tell us what are you reporting back on, and at what stage did you report back to him?

CAPTAIN KRUGER: Once I was away from Captain Wanda and I reported, I phoned Brigadier Mokoena, I said to him, look here, it is a legitimate operation, Brigadier. And there is a real policeman on scene. They are busy executing a J50, which is a warrant of arrest, and everybody is safe
10 from our team's side. I would have reported that. And then I started to – then only I started to take registration number photos and so of the scene, which I can later test and give back the information to my Brigadier.

ADV SEGEELS-NCUBE: Can we just go to page 11 of BK3, which is the WhatsApp chat? At 17:46 you get a message from Brigadier Mokoena in the group, and he says:

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

There is no earlier message that he is responding to. Do
20 you know why he posted that message in the group when you had already had the call with him that the operation is legitimate and you are withdrawing?

CAPTAIN KRUGER: That would have been just to notify all members that he is happy with the feedback and then possibly he was also busy with the generals by the place

that he was, that he had a bit of the minutes' gap in between that because he was at the Excellence Awards. Yes.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: This message, as Ms Ncube says, that there is nothing that precedes it that explains this message from Brigadier Mokoena. Is it possible that he, in your recollection, that he would have sent this after you reported to him on the telephone?

10 **CAPTAIN KRUGER**: Yes.

ADV BALOYI SC: As you are describing.

CAPTAIN KRUGER: Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Okay. And then at paragraph 22, you then speak about photographs that you took at the scene. Why did you take the photographs?

CAPTAIN KRUGER: I took photographs, Commissioner, because there was, like I said, many vehicles there. So I could, after the fact, on the MCD, the motor circulation
20 application, just check who the vehicles belonged to.

ADV SEGEELS-NCUBE: Why was that necessary for purposes of reporting when you had now confirmed the legitimacy of the operation?

CAPTAIN KRUGER: Also just for my notes to see where are these policemen actually from, just a confirmation to

say.

ADV SEGEELS-NCUBE: Why would that be necessary for your reporting?

CAPTAIN KRUGER: Because I took only Captain Wanda's name and his phone number. I did not know who all was from his team or other teams involved there.

ADV SEGEELS-NCUBE: If you had asked Captain Wanda to identify all the vehicles that belonged to the team that was executing the operation, would there have still been a
10 need for you to take photographs of the vehicles?

CAPTAIN KRUGER: No, I do not think so. You are correct.

ADV SEGEELS-NCUBE: So you did not think to ask him to do that?

CAPTAIN KRUGER: Yes, Commissioner.

ADV BALOYI SC: Sir, I do not understand, Captain. You now are satisfied this is a legitimate police operation because you have had this exchange with Captain Wanda. You have had your own team member who has confirmed
20 this is a Lt-Gen Khumalo operation. And you have told us that when you arrived, there is this one member who confronted you and you were satisfied that he is a SAPS member. That is why you shared your phone with him. There are lots of vehicles around. You say there are people in civilian clothes and you have your Hawks member. I do

not understand why you are taking photographs of vehicles. You are now satisfied. You have reported to your superior that we are withdrawing. Why are you taking photographs of vehicles and later checking them?

CAPTAIN KRUGER: The only reason I could say, Commissioner, is that because if you see later on the WhatsApp, that same group, I posted all the vehicles' details. So it is just for our record keeping. It is just for record keeping, I could say.

10 **ADV BALOYI SC**: Of a SAPS operation? It is a SAPS operation that is going on there. You were sent to go and verify this is a legitimate operation. You verify that.

CAPTAIN KRUGER: Yes, Commissioner.

ADV BALOYI SC: You take photographs of vehicles and you even look them up and you share on your WhatsApp group who these vehicles are. It is not just a matter of you putting it in your report to your superior. You share. I am not sure I understand your explanation for that step.

CAPTAIN KRUGER: All I would say, again, Commissioner,
20 is because Brigadier Mokoena was not on scene. He was on the group. So I just shared it for record keeping purposes. So that even if he could take a record and to see, okay, these vehicles are real police vehicles or no, it belongs to other people. So it was just mainly for record keeping purposes, Commissioner.

ADV SEGEELS-NCUBE: Captain Kruger, were you asked by Brigadier Mokoena to take these photographs?

CAPTAIN KRUGER: I cannot recall that completely, but I will take the blame for that.

ADV SEGEELS-NCUBE: No ...[intervenes].

CHAIRPERSON: You said a few minutes before, you said that you did this for purposes of your report. Other than your diary entry, did you prepare a report?

CAPTAIN KRUGER: On my diary entry, Commissioner, I
10 did write some registration numbers down, ja, because I must have taken it from my phone to complete the report.

CHAIRPERSON: So what we see at page 20 of BK3, must we take that to be the report you are referring to?

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Chair.

ADV BALOYI SC: Ms Ncube asks, were you asked to take photographs of vehicles? And you say you cannot recall. It is possible, therefore, that Brigadier Mokoena asked you to take photographs of vehicles that are there.

20 **CAPTAIN KRUGER**: It is possible, yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. Captain, then if we can go to paragraph 23 on page 7 of your report. I do not think it is necessary for you to deal with that in any detail. It is just a recordal of the motor

vehicle confirmations that you then process from the photographs that you took, correct?

CAPTAIN KRUGER: Correct.

ADV SEGEELS-NCUBE: Of the vehicles?

CAPTAIN KRUGER: Yes.

ADV SEGEELS-NCUBE: And that appears from page 12 of BK3.

CAPTAIN KRUGER: That is correct, Commissioner.

ADV SEGEELS-NCUBE: And then one of the vehicles that
10 you had identified actually was a SAPS vehicle, is that correct?

CAPTAIN KRUGER: That is correct, yes, Commissioner.

ADV SEGEELS-NCUBE: And it was registered in – it was a Durban registration?

CAPTAIN KRUGER: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: This is the vehicle, this is one of the two vehicles that Brigadier Mokoena sent to you. There is a – in the WhatsApp exchanges that there is a black X5 there.

20 **CAPTAIN KRUGER**: Correct, Commissioner.

ADV BALOYI SC: And you took a photograph of it?

CAPTAIN KRUGER: Yes, Commissioner.

ADV BALOYI SC: And you shared this with him or with the group?

CAPTAIN KRUGER: Yes, Commissioner.

ADV BALOYI SC: Okay, thank you. And the Audi, you say in the statement that you cannot confirm whether that Audi was on the scene or not?

CAPTAIN KRUGER: No, I cannot, Commissioner.

ADV BALOYI SC: And you do not know why he gave you those two vehicles in advance as you were approaching the scene, why he sent this to you?

CAPTAIN KRUGER: All that I can think of is that the two vehicles, the time he got the call was those two vehicles
10 were on scene.

ADV BALOYI SC: Yes.

CAPTAIN KRUGER: Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. And then at paragraph 24, you deal with the message that you received from Brigadier Mokoena thanking everyone, which we have dealt with already. On page 8, at paragraph 25, you then share the photographs, which we have also dealt with, and you set out the identity of the owners of the
20 vehicles and the registration.

CAPTAIN KRUGER: That is correct, yes, Commissioner.

ADV SEGEELS-NCUBE: Okay. And similarly at paragraph 20, until 25.5, at paragraph 26 you refer to a message that is sent at 18:07 by Warrant Officer Nkosi. Can you tell us about that message?

CAPTAIN KRUGER: Yes, Commissioner. I see that...

ADV SEGEELS-NCUBE: At paragraph 26.

CAPTAIN KRUGER: Yes, I just want to get to that message. Okay.

ADV SEGEELS-NCUBE: The message is on page ...[intervenes].

CAPTAIN KRUGER: Page 14.

ADV SEGEELS-NCUBE: Yes, page 14 of BK3.

CAPTAIN KRUGER: Warrant Officer Nkosi then sent a
10 message on the WhatsApp group saying this is the person
that called the General and Brigadier Mokoena asked which
one. All I can think at this stage, Commissioner, is that
Warrant Officer Nkosi must have also relayed to me,
because I made a circle around the picture I took,
confirming it is that person.

ADV SEGEELS-NCUBE: That is on page 15.

CAPTAIN KRUGER: Correct.

ADV SEGEELS-NCUBE: And Warrant Officer Nkosi is
saying that it is a Mr Mtetwa.

20 **CAPTAIN KRUGER**: That is correct, Commissioner.

ADV SEGEELS-NCUBE: And the circled, the picture with
the circle of the person, who sent that?

CAPTAIN KRUGER: That was me circling the gentleman.

CHAIRPERSON: Did you at any stage get to know how
Warrant Officer Nkosi knew that this was the person that

called the General?

CAPTAIN KRUGER: I cannot recall, Commissioner. I think Warrant Officer Nkosi must have spoken to him. That is all I can reflect back to see. And then I still circled the picture. So he must have let me know and then speaking on the group to the Brigadier, saying this is the person that called the General. And me circling it, Nkosi must have given me that information. I just cannot recall it so well.

ADV KHUMALO SC: Captain, where are you as you are
10 sending this WhatsApp? It is now 18:09.

CAPTAIN KRUGER: No, then we already left the scene.

ADV KHUMALO SC: Who was driving the vehicle when you were leaving the scene?

CAPTAIN KRUGER: Constable De Gouveia.

ADV KHUMALO SC: So you were a passenger?

CAPTAIN KRUGER: That is correct, yes.

ADV KHUMALO SC: Sending this WhatsApp?

CAPTAIN KRUGER: Yes.

ADV BALOYI SC: Did Warrant Officer Nkosi tell you, and I
20 think that is what the Chair was asking. Maybe I missed your answer. Did Warrant Officer Nkosi tell you how he came to know that this is the person that spoke to the General and what his name is?

CAPTAIN KRUGER: Commissioner, as I stated, all I can think he must have told me because I circled the picture.

ADV BALOYI SC: I understand that he must have told you. What I am asking is a different question. Did he tell you how he knew this is the person that called the General? Where he got that information from?

CAPTAIN KRUGER: No, he must have maybe, but I cannot recall. He must have spoken to the gentleman to be able to. That is all I can think. He spoke to this gentleman to be able to make such a statement.

ADV BALOYI SC: Thank you.

10 **CAPTAIN KRUGER:** Thank you.

CHAIRPERSON: Of course, to you, this was hearsay. Did you understand this to be reference to General Lebeya? Because according to General Mbotho, so far as you are concerned, it is Brigadier Mokoena.

CAPTAIN KRUGER: Yes.

CHAIRPERSON: But were you not told that it was General Mbotho who said to Brigadier Mokoena that General Lebeya had said he had been called by somebody? You are not aware of that long chain?

20 **CAPTAIN KRUGER:** Ja, no, I am not aware of that long conversation or the ladder which goes up and down. I am not sure.

CHAIRPERSON: What I wanted to get to is which general reference is true in this sentence. Is it General Lebeya or General Mbotho?

CAPTAIN KRUGER: I am not sure. I cannot confirm.

CHAIRPERSON: Thank you.

CAPTAIN KRUGER: Thank you, Commissioner.

ADV SEGEELS-NCUBE: Thank you, Chair. Now, the gentleman that you circled in the picture, had you encountered him at the scene?

CAPTAIN KRUGER: I did see him at the scene, yes, because I took the picture of him.

ADV SEGEELS-NCUBE: And did you interact with him?

10 **CAPTAIN KRUGER**: No, I did not.

ADV SEGEELS-NCUBE: Captain Wanda gave evidence that this gentleman gave his phone to Captain Wanda, and on the other line was Brigadier Mokoena, who had spoken to Captain Wanda. Are you aware of that conversation between Captain Wanda and Brigadier Mokoena?

CAPTAIN KRUGER: I am not sure that this is the man that spoke to my Brigadier Mokoena. Usually, because at that stage, I did not have a state cell phone, so I was using my private phone. I usually, on such a scene, would speak to
20 my Commander if I was on the phone, to speak on my phone. I cannot recall that that gentleman spoke to Captain Wanda, no, or before I arrived. But from when I was on the scene, I cannot recall that, no.

ADV SEGEELS-NCUBE: Regarding the same telephone conversation, Brigadier Mokoena says that he spoke to

Captain Wanda on your phone because you had given the phone to Captain Wanda with Brigadier Mokoena on the other line. Do you recall if you had done so?

CAPTAIN KRUGER: I cannot recall 100%, Commissioner, but it is possible, yes.

ADV KHUMALO SC: If that did happen, though, it would be in your statement. Can you explain why it is not in your statement? And just for your benefit, let me read what Brigadier Mokoena said in paragraph 5 of his statement:

10 “Captain Wanda and Captain Kruger
 gave his cell phone.”

Sorry, let me start from the beginning:

 “To the best of my recollection, Captain
 Kruger told me that he was with the
 head or leader of the takedown
 operation, Captain Wanda, and Captain
 Kruger gave his cell phone to Captain
 Wanda for me to speak to him.”

20 Now, that is not in your statement. And what I am putting to
 you is if that did happen, it would have been in your
 statement because it is an important fact to record.

CAPTAIN KRUGER: I agree, Commissioner, it is a relatively important fact. But like I said, I do not recall 100%, but it is possible. The time I made the statement from last year December, it is a possibility.

ADV SEGEELS-NCUBE: Well, you have – when did you download the chats between yourself and Brigadier Mokoena? For purposes of this Commission, for your evidence here today, was it the same time as the WhatsApp group chats?

CAPTAIN KRUGER: No, I think it was last month, Commissioner, yes.

ADV SEGEELS-NCUBE: Also last month?

CAPTAIN KRUGER: Ja.

10 **ADV SEGEELS-NCUBE**: The calls from Brigadier Mokoena to you throughout this incident, was it on WhatsApp or was it from a normal cell phone line?

CAPTAIN KRUGER: Ja, I think Brigadier Mokoena would call me, direct phone call, but because it was my private phone, I would if I have got airtime phone back on a normal call. If not, I would phone him on a WhatsApp call.

ADV SEGEELS-NCUBE: So if it was a WhatsApp call, you would still have that as part of your records?

20 **CAPTAIN KRUGER**: I am sure there would be, but I have looked and I do not see so far back records.

ADV SEGEELS-NCUBE: Okay, when you say you do not see so far back, are you talking about WhatsApp?

CAPTAIN KRUGER: Yes, WhatsApp and normal calls.

ADV SEGEELS-NCUBE: But you do have the record of the actual conversations on that day?

CAPTAIN KRUGER: Yes.

ADV SEGEELS-NCUBE: So how can the calls not reflect on that WhatsApp conversation?

CAPTAIN KRUGER: No, you are correct, ja. It could show on the chat.

ADV SEGEELS-NCUBE: And so if you did call him and he put your phone on video and it is not appearing on the WhatsApp, it would have been on a normal cell phone line?

CAPTAIN KRUGER: Yes, Commissioner, yes.

10 **ADV BALOYI SC:** Captain, I want to suggest that you are mistaken, you are possibly mistaken, in fact, more than possibly. You are mistaken when you say that Brigadier Mokoena spoke on your phone while you were with Captain Wanda, and it is because of what you say in your statement at paragraph 22, and you have testified to this. You say:

“After verifying the legitimacy of the operation, I reported back to Brigadier Mokoena.”

20 Now, if that telephone call had happened while you were busy with Captain Wanda, and you had Mokoena on the phone, on your speakerphone, and he got to speak to Captain Wanda, you would not have had to report back to him because he would have heard, as he was speaking to Captain Wanda, that the operation is legitimate.

CAPTAIN KRUGER: You are correct, Commissioner.

ADV BALOYI SC: That is correct, right?

CAPTAIN KRUGER: Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi.

Captain Kruger, I just want to confirm with you that what you are saying is that you do not recall if you gave your phone to Captain Wanda in order for Brigadier Mokoena to speak to him. Is that what you are saying? Or are you saying that it is possible that it did happen? What is it that

10 you are saying?

CAPTAIN KRUGER: It could have happened, yes, Commissioner, it could have happened, but I do not know. I do not see the – I never wrote it down, yes, and I do not see it in my call record.

ADV SEGEELS-NCUBE: And we know that you are somebody who is meticulous with record-keeping.

CAPTAIN KRUGER: Yes.

ADV SEGEELS-NCUBE: So if it happened, you would have had it somewhere there.

20 **CAPTAIN KRUGER:** I agree, yes.

ADV SEGEELS-NCUBE: Thank you. So if we can then go to paragraph 20, page 9 of your – my apologies, Chair, I see that it is after 4, but we are nearly done with this witness.

CHAIRPERSON: Let us continue to do that.

ADV SEGEELS-NCUBE: Thank you, Chair. At paragraph 20, I think we are still at the conversation on page 8, that starts on page 8, at the bottom of page 8, where the Chair had asked you if you knew which General was being referred to, and you said you did not know. There is a response from Brigadier Mokoena asking which one. So he is referring to which one of the people in the photograph is being referred to there.

CAPTAIN KRUGER: That is correct.

10 **ADV SEGEELS-NCUBE**: And you then circle it.

CAPTAIN KRUGER: That is correct, yes.

ADV SEGEELS-NCUBE: Okay. And that person has been identified as Mr Mtetwa.

CAPTAIN KRUGER: Correct, Your Worship.

ADV SEGEELS-NCUBE: And he is one of the people whose vehicles was on the site as well.

CAPTAIN KRUGER: Correct, Commissioner, yes.

ADV SEGEELS-NCUBE: And then at page 9, paragraph 27, you say that you then closed the WhatsApp group.

20 **CAPTAIN KRUGER**: That is correct, Commissioner.

ADV SEGEELS-NCUBE: Why did you do that?

CAPTAIN KRUGER: Because from the 6th to the 13th, according to me, the operation was done, the feedback was given, and of having so many groups, then we closed the group when it is no longer needed.

ADV SEGEELS-NCUBE: Before you closed the group, you said you had asked anyone if they had an objection to it.

CAPTAIN KRUGER: Correct.

ADV SEGEELS-NCUBE: Did Brigadier Mokoena respond to that message?

CAPTAIN KRUGER: Correct, he did, yes.

ADV SEGEELS-NCUBE: What did he say?

CAPTAIN KRUGER: He said there that it is fine with him that I can close the group.

10 **ADV SEGEELS-NCUBE**: And import ...[INTERVENES].

CHAIRPERSON: Before you continue, Ms Ncube. Captain, in this paragraph you have just referred to Brigadier Mokoena participating in the group chats. Earlier in your evidence, you referred to his participation in other contexts in the group chats. You confirm that?

CAPTAIN KRUGER: Yes, Commissioner.

CHAIRPERSON: Brigadier Mokoena said to us in his testimony that he never participated in those group chats, and he said that whatever seems to appear under his name
20 must have been superimposed onto the chats by you. Is that correct? Is he correct in saying so?

CAPTAIN KRUGER: No, I do not agree, Commissioner. I think maybe just because of being in so many group chats and people can get confused from last year till now, maybe he is incorrect.

CHAIRPERSON: But he says this being shown the chats themselves, it is not as if he is being asked to respond off the top of his head. He was actually shown the chats.

CAPTAIN KRUGER: I understand, Commissioner. Yes, I agree.

CHAIRPERSON: But why do you give the response that you are giving? Are you trying to protect your boss?

CAPTAIN KRUGER: No, no. I can see there were messages sent from him on the group and then also
10 referring to him on the group that we referred to, like saying which one and can I close the group. So, yes, but I do not know how busy his schedule was for that day, that maybe ...[intervenes].

CHAIRPERSON: So the short and direct response by you is that all the chats that appear to have been sent by him were indeed sent by him.

CAPTAIN KRUGER: Correct, Commissioner.

CHAIRPERSON: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. Captain, on
20 page 9 of paragraph 28, you raise a similar concern that the Commissioners have raised about a report on this matter. You refer to it as an inquiry. Can you tell us why you felt the need to mention that in paragraph 28?

CHAIRPERSON: Perhaps before that, let us ask him to read the whole of paragraph 28 into the record. Please,

Captain.

ADV SEGEELS-NCUBE: Can you read paragraph 28 into the record?

CAPTAIN KRUGER:

10 “I must note that no inquiry number was created for this incident for reporting purposes. The usual practice or procedure is that an inquiry number is created for every incident that the team has to attend to in order to ensure that information regarding that incident is captured in one place and available.”

CHAIRPERSON: Can you, Ms Ncube will come in with her question, but let me ask this. Do you know why no inquiry number was created in respect of this incident?

CAPTAIN KRUGER: I think maybe because of the urgency of the matter.

20 **CHAIRPERSON**: There was urgency when you were still going there.

CAPTAIN KRUGER: Yes.

CHAIRPERSON: But post it all, there was no longer urgency. You were done. Everything was done and dusted. So why was an inquiry number not created?

CAPTAIN KRUGER: I understand, Commissioner. Yes.

All that I can think is, like I said, it was urgent at the time and then because it came from the DEFCON [?] or the National Head, it was of urgency from them, from their side that we go and make sure.

CHAIRPERSON: I do not understand the repeated reference to what happened before which made this urgent. I am asking about afterwards because my understanding is that you create the inquiry number afterwards. Is that so or not?

10 **CAPTAIN KRUGER:** Actually, when we receive information, the inquiry number is asked and allocated.

CHAIRPERSON: Is that always under situations where you create it afterwards? If maybe because of urgency ...[INTERVENES].

CAPTAIN KRUGER: Yes, you have ...[intervenes].

CHAIRPERSON: If maybe because of urgency you could not do it beforehand.

CAPTAIN KRUGER: Yes, you could, Commissioner, ja.

20 **CHAIRPERSON:** So my question stands then, why was it not done here?

CAPTAIN KRUGER: Maybe the fault is from my side because we went to work that night in another province with another inquiry that I never got around to asking for a new inquiry number.

ADV SEGEELS-NCUBE: Who would have been responsible

for creating the inquiry number?

CAPTAIN KRUGER: It would have been maybe me if the Brigadier asked me directly to go to the operation or from the Brigadier's side to have an inquiry number.

ADV SEGEELS-NCUBE: Why do you say maybe me? Who would it have been in those circumstances where the Brigadier gives you an instruction?

CAPTAIN KRUGER: I could have asked the Brigadier to maybe give an inquiry number to me if I am being deployed
10 for an operation.

ADV SEGEELS-NCUBE: Captain, I understand your reluctance to answer the question, but please can you answer it.

CAPTAIN KRUGER: Yes.

ADV SEGEELS-NCUBE: Who would have been responsible for creating the inquiry number in those circumstances where you get an instruction from your Brigadier?

CAPTAIN KRUGER: It could have been the Brigadier himself or me. I should have maybe asked for an inquiry
20 number.

ADV BALOYI SC: Captain, there are protocols, I am sure, about matters such as this, who requests or who creates an inquiry number. It is not a question that is left for whatever people feel at any one time, whether they should ask or not. There are protocols. What is the DPCI protocol? You have

told us the usual practice. You say the usual practice is that an inquiry number is created for every incident. That is what you say.

CAPTAIN KRUGER: Yes.

ADV BALOYI SC: What is the usual practice? Who creates the inquiry number according to your procedures?

CAPTAIN KRUGER: If the Brigadier called me, I should have asked him, Brigadier, can I open inquiry for this? He would say go ahead and then I would ask on the group to
10 please give me the next inquiry number.

ADV BALOYI SC: So you would have asked the Brigadier to give you the inquiry number?

CAPTAIN KRUGER: Or I would have asked him if he can let me ask for inquiry.

ADV BALOYI SC: Sorry, I do not understand the answer.

CAPTAIN KRUGER: I would have asked the Brigadier's permission that I may ask for inquiry number.

ADV BALOYI SC: Who do you ask for an inquiry number from?

20 **CAPTAIN KRUGER:** From the Brigadier or from a Lt-Col or a Colonel on our team.

ADV BALOYI SC: You are sent on an operation by Brigadier Mokoena.

CAPTAIN KRUGER: Yes.

ADV BALOYI SC: Am I wrong to expect that that is who

you would ask for an inquiry number because he sent you on an operation?

CAPTAIN KRUGER: Yes, you are correct.

ADV BALOYI SC: Okay. Now, you have also told us that you submitted a report, which is your diary. You submitted photographs of motor vehicles and details of motor vehicles. Under what inquiry number, how does the DPCI trace this report and attach documents, the photographs and details of other vehicles, if there is no inquiry number?

10 **CAPTAIN KRUGER**: Yes, it should have been captured inside an inquiry file, yes.

ADV BALOYI SC: So, there is no way of finding these records because there is no number?

CAPTAIN KRUGER: No.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: What is especially concerning for me, Captain, is that you are sent to this address in Sandhurst because allegedly there are people who are impersonating the Hawks. While you are there, other people arrive
20 dressed as the Hawks. You do not get their identity details. You do not know who they are. You do not know where they come from. You say you believe that they were from Johannesburg DPCI, possibly Organised Crime, which means you do not even know where they came from and you do not even know if they impersonated the Hawks because

you do not know who they are.

CAPTAIN KRUGER: Correct, Commissioner, you are correct.

ADV KHUMALO SC: And yet, the purpose for which you were sent to the address was to verify whether there were people there who were impersonating the Hawks. That troubles me.

CAPTAIN KRUGER: I understand, Commissioner. They only arrived afterwards.

10 **ADV KHUMALO SC**: But you spoke to them because you said you are the one who told them that the situation is under control ...[intervenes].

CAPTAIN KRUGER: Yes, I cannot remember. But I did not write down or, ja, it was my mistake not to get a number or name.

ADV KHUMALO SC: This Commission is not even in a position to trace them and invite them to come and give evidence to this Commission because you are not assisting us in terms of who they are.

20 **CAPTAIN KRUGER**: I understand, Commissioner.

CHAIRPERSON: Who is the custodian of inquiry numbers within the DPCI?

CAPTAIN KRUGER: At our office, there is registrars in the admin office, Commissioner.

CHAIRPERSON: Please repeat that.

CAPTAIN KRUGER: At our office, there is office personnel who deals with that.

CHAIRPERSON: Do DPCI members on the field not get numbers for purposes of lodging the inquiry? Do they not get numbers from that office then?

CAPTAIN KRUGER: That is correct, yes, Commissioner.

CHAIRPERSON: So it is a matter of the members concerned directly contacting that office?

CAPTAIN KRUGER: Correct, Commissioner.

10 **CHAIRPERSON**: Thank you.

ADV BALOYI SC: And lastly from me, when you were speaking to the Chair earlier or responding to the Chairperson earlier about this very issue, why there is no inquiry number, and you said maybe because it was an emergency or an urgent request to attend to a scene, you are not saying that urgent requests or emergency requests to attend to the scene do not have numbers in the DPCI, do not have inquiry number, you are not suggesting that?

CAPTAIN KRUGER: No, Commissioner.

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

ADV SEGEELS-NCUBE: Thank you, Commissioner Baloyi. Captain, if we can then deal with the conclusion at page 9, paragraph 29? I think you should probably read this into the record together with paragraph 30.

CAPTAIN KRUGER: Yes, you want me to read it?

ADV SEGEELS-NCUBE: Yes.

CAPTAIN KRUGER:

10 “I must state that I have heard that the
team conducting the operations have
stated that they considered our actions
to be acts of interference of the
operation. I was simply carrying out an
instruction from my Commander in the
best way I know how, given the
urgency that he expressed during the
initial call and the fact that he
persistently contacted me while I was
enroute to their address. The team
executing the takedown were not
friendly or colloquial towards us, and I
admit that we were also not friendly
towards them. However, once Captain
Wanda confirmed that the operation
was legitimate, our team immediately
20 withdrew from the scene.”

ADV SEGEELS-NCUBE: Do you want to add anything to
that?

CAPTAIN KRUGER: I think I covered it earlier to say on
arrival, you can just get that feeling of, and then I was
asked by a member why am I taking the videos or photos

when I was not at that time, and then once I spoke to Captain Wanda, yes, we were both calm and collective and decent to each other.

ADV SEGEELS-NCUBE: Have you since interacted with Captain Wanda?

CAPTAIN KRUGER: Not before today, no.

ADV SEGEELS-NCUBE: You interacted with him today?

CAPTAIN KRUGER: Yes.

ADV SEGEELS-NCUBE: And how was the interaction?

10 **CAPTAIN KRUGER**: No, very, very nice, very friendly and collective.

ADV SEGEELS-NCUBE: Thank you, Captain.

CAPTAIN KRUGER: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Thank you very much, Captain.

ADV SEGEELS-NCUBE: That is it for the witness, Chair.

CHAIRPERSON: That should conclude today's proceedings, and are we resuming at 09:30 tomorrow?

NO FURTHER QUESTIONS

20 **ADV SEGEELS-NCUBE**: Correct, correct, Chair.

CHAIRPERSON: Let adjourned until 09:30 tomorrow.

ADV SEGEELS-NCUBE: Thank you.

INQUIRY ADJOURNS TO 30 OCTOBER 2025
