

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

6 NOVEMBER 2025

DAY 27



PROCEEDINGS ON 6 NOVEMBER 2025

CHAIRPERSON: Good morning, Ms Sello.

ADV SELLO SC: Good morning, Chair, and good morning, Commissioners. Today we lead the evidence of Jabulani Isaac Mapiyeye, and I am assisted in this regard by Adv Ofentse Mohlasedi. Chair, if we may have the witness sworn in, thank you.

CHAIRPERSON: Thank you. Good morning, Chief of the EMPD.

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

CHAIRPERSON: Please place your full names on record.

WITNESS: My name is Isaac Jabulani Mapiyeye.

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.

WITNESS: So, help me God.

ISAAC JABULANI MAPIYEYE: (duly sworn states)

CHAIRPERSON: Thank you.

20 **EXAMINATION BY ADV SELLO SC:** Thank you, Chair, and perhaps for the record and the transcribers, Mapiyeye is spelled M-A-P-I-Y-E-Y-E. Thank you. Chief Mapiyeye, you have before you two white files. Can we try and identify them before we start with your testimony? The smaller file should have written on the spine, the back of the file,

statement. Do you have that file?

CHIEF MAPIYEYE: I have got it, Commissioner.

ADV SELLO SC: The second bigger, slightly bigger file should have written on the spine, annexures.

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: And those, the annexures in the second file are the annexures you referred to in the statement in the first file.

CHIEF MAPIYEYE: I have a note that, SC.

10 **ADV SELLO SC**: Thank you. Now, please turn to the first file, the statement file, and I invite you to go to numbered page 1 of that file. It has on the front page between the trim lines, the phrase witness statement of Jabulani Isaac Mapiyeye. Do you confirm that is you?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And I would invite you to then turn to page 31, the last page. At that last page, after the heading conclusion, is your name again, Isaac Jabulani Mapiyeye, and the date. And above that is a signature. Is that your
20 signature? Do you confirm that is your signature?

CHIEF MAPIYEYE: This file I have got, SC, does not have a signature.

ADV SELLO SC: Does not have a signature?

CHIEF MAPIYEYE: That is correct, Chair.

ADV SELLO SC: Did you sign a statement for purposes of

this commission?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Okay. For that purpose, Chair, the last page, the signature page, was updated this morning. I think the witness file has not been updated. And as Chief Mapiyeye says, his copy does not have the signed page. But it is confirmed that he has signed the statement. We shall attend to updating his file during the course of tea. Thank you.

10 **CHAIRPERSON**: Thank you. Can perhaps the last page of what Ms Mohlasedi has taken across for him to confirm?

ADV SELLO SC: I think that is appropriate.

CHAIRPERSON: That is the signature. In the meantime, may I say that you made me read more pages than what I have before me now.

ADV SELLO SC: I read more pages than what you have?

CHAIRPERSON: The electronic version that was given to me was longer than what I have now.

ADV SELLO SC: Well, perhaps it is a function of printing,
20 I would like to believe. But I believe that your co-Commissioners have a 31-page statement.

CHAIRPERSON: They are not complaining.

ADV SELLO SC: They are not complaining.

CHAIRPERSON: Thank you very much.

ADV SELLO SC: Thank you. Thanks for the advice, Chair.

Chief Mapiyeye, what has just happened? You note that your page 21, the file you have, the last page has been replaced. And it bears a signature. Will you confirm that that is your signature?

CHIEF MAPIYEYE: That is correct, SC that is my signature.

ADV SELLO SC: Thank you. So, do you confirm that this is the statement you prepared and submitted to the commission for the hearing today?

10 **CHIEF MAPIYEYE:** That is correct, SC.

ADV SELLO SC: And lastly, do you stand by the contents of this statement?

CHIEF MAPIYEYE: That is correct. SC.

ADV SELLO SC: Thank you. Now, if we may turn to page 3. From page 3 to the half of page 4, you have a heading there, introduction. Before we turn to your testimony today, can you give the Commissioners a brief synopsis of your background, starting at paragraph 1?

20 **CHIEF MAPIYEYE:** Thank you, SC. Thank you, Commissioners. I am an adult male. I am a member of Ekurhuleni Metropolitan Police Department, EMPD, Municipal Police Service established in February 2002, in terms of section 64 of the South African Police Service Act, 68 of 1995. I am currently the Chief of Police of EMPD. Having been appointed in this position by Ekurhuleni

Metropolitan Council on the 1st of May 2017, for my appointment, I was appointed on a contract of 5 years. My contract was later renewed again in 2022 for another 5-year term, which expires end of May 2027. My appointment letter is also annexed in this file, Commissioners. The EMPD is the municipal ...[intervenes]

ADV SELLO SC: Before you turn to that, your appointment letter you have marked as JM1, and that appears at page 1 of the bigger file, the annexed file. You confirm?

10 **CHIEF MAPIYEYE:** That is correct, Commissioner.

ADV SELLO SC: And I note that the version you have provided is the extension of your first contract. So, it is the one issued in 2022 that you say expires in 2027.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Thank you. You were about to deal with the EMPD as an institution and its establishment. You may do so, starting from paragraph 4.

CHIEF MAPIYEYE: The EMPD is the municipal police service for Ekurhuleni Metropolitan Council, established in
20 terms of section 1995 of the constitution, and Chapter 2 of the Local Government Municipal Systems Act, 32 of 2000. The city of Ekurhuleni Municipality Council exercises oversight over the metropolis of Ekurhuleni. EMPD reports to council through the chief executive officer, who is the city manager, in terms of section 64(B) of the SERPs Act.

ADV SELLO SC: Starting at paragraph 7 and 8, you give a brief history of the EMPD itself. Could you deal with that?

CHIEF MAPIYEYE: Thanks, SC. Starting from number 7, it is my career history. I have indicated there that during 1983, I think there is a typo there, 1983 to 2002, I was a traffic officer in the greater Benoni. Having served in various ranks as a young officer when I joined in 1983, I have been through all the ranks of the traffic fraternity until I became an assistant traffic chief in Benoni. That was in
10 2002.

When we then amalgamated as Ekurhuleni Municipality, so the elsewhere municipalities that included Benoni, Brakpan, Springs, Nigel, that we call the eastern region. Then there is Alberton, Germiston and Boksburg. That is, we called that area the southern region, because we have divided our area of policing into three regions. The last one will be Kempton Park, Tembisa and Edenvale.

That is what we call the northern region. So, we amalgamated and formed a metro municipality. During
20 then, when we established in 2004, I was appointed as a director of logistics, technical and logistics in the EMPD, which is the support structure of the whole Metro Police Department. A position I served in until 2013. In September 2013, I was promoted and I was appointed as a Deputy Chief Auxiliary and Support. The auxiliary and

support are still a higher level than a director logistics. But now, giving support for the whole EMPD Department as a Deputy Chief of Police Support and Auxiliary.

ADV SELLO SC: Thank you. I note that in paragraph 8, as regards your progression through the service, you have annexed your curriculum vitae, which you have marked JM2.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: I would like to invite you to JM2, which starts at page 2 of the big file. Have you located it?

10 **CHIEF MAPIYEYE**: I am on page 2.

ADV SELLO SC: I would like to draw your attention in particular to page 8, which is where you deal with your qualifications. Can you briefly just summarise for us what your qualifications are or what qualifications you have achieved over the period that you set out at page 8?

CHIEF MAPIYEYE: I have obtained MFMA, that is Municipal Finance Management Act, that deals with finances in the fraternity. That was in 2022. In 2019, I obtained my master's in public management through
20 Regenesys College. In 2013, I have done my Public Administration, a Level 8 with Regenesys. In 2005, I have done my BTEC degree in Traffic Safety Management through Technicon Pretoria. In 1983, I have obtained my ITO1 Diploma through Lyceum College. In 1993, I obtained my ITO Part 2 Diploma through Lycuem College. In 1994, I

obtained my Part 3 Diploma through Lyceum College.

ADV SELLO SC: And just to help us who are not so knowledgeable about policing matters, what is an ITO? You have got ITO Part 1 Diploma, Part 2 and Part 3. What does ITO stand for?

CHIEF MAPIYEYE: That is Institute of Traffic Officers. It is a course which is designed specifically for the traffic fraternity.

ADV SELLO SC: Okay. Thank you for that introduction.

10 From page 4, you then deal with your time at the EMPD. And you start this topic by referencing the structure of the EMPD you note as at your suspension. And in this regard, you refer us to Annexure JM3. So, with reference to paragraph 9 at page 4 of your statement, read with JM3 in the bigger file. That is at page 10. You can then speak to the functions and the structure of the EMPD.

CHIEF MAPIYEYE: Thank you, SC. Commissioners, what we see on page four on the small file is functions and the structure of EMPD. The structure of EMPD was until at my
20 suspension, because I am currently on suspension for the past 12 months, is depicted in Annexure JM3 to this statement. EMPD has five divisions reporting to me. I think, Commissioners, it would be better for me if I refer this other file on the structure itself, which is on page 10.

Right on top of that structure, you will see there is

an accounting officer, which used to be Doctor Imogen Mashazi, who is the city manager of Ekurhuleni. Below that is the chief of police. That is myself, IJ Mpiyeye. Under the chief of police, I had five deputy directors reporting to me. The first deputy director is the deputy chief of police operations and specialised services.

That is deputy chief of police specialised and operations. Below that deputy chief of operations and specialised services, that is the face of Ekurhuleni, or the
10 face of the Metro Police Department. Those are the officers you see on a daily basis outside. So, under that deputy chief, there are four directors who are reporting to the deputy chief. Directors or brigadiers.

As I have indicated earlier on that Ekurhuleni, we have divided it into three regions. Under that deputy chief, one director will be responsible for the eastern region, the other one will be responsible for the southern region, the other one will be responsible for the northern region. The fourth one will be a director specialised service. I made a
20 flaw, there are five directors, because the other fifth one is a director responsible for bylaws.

So those directors I have recently mentioned now, they report to the deputy chief of police operations and specialised services. The incumbent there used to be Mr Mzolo, who went on retirement a year ago. We come now to

the second deputy chief of police. That position is auxiliary logistics and support services. Under that deputy chief of police, there are three directors reporting to the deputy chief of police.

The one is responsible for training academy. The second one is responsible for fine administration and municipal courts. The third one is responsible for logistics support. Then we move onto the third deputy chief of police, who is a deputy chief of police responsible for
10 security and loss control. He is responsible for all the security in the city, both internal security and external security also.

Because we have got contracts with service providers, so that deputy chief oversees those contract services. The fourth one will be a deputy chief of police compliance. The position has been vacant for a while, and there is a director reporting to that deputy chief of compliance. That is the division which deals with compliance, including our research in the department. The
20 last one will be a divisional head licencing. That individual is responsible for the registration and licencing of vehicles in the city of Ekurhuleni. So that is how the structure is, SC and the Commissioners.

CHAIRPERSON: A very small matter of clarification. I think somewhere in your statement I saw a reference to a

chief executive officer. Where does that fall in?

CHIEF MAPIYEYE: According to the SAPS Act, that is the accounting officer with the city manager.

CHAIRPERSON: City manager. Thank you.

ADV SELLO SC: Thank you, Chief Mapiyeye. Overleaf at page 5, at paragraph 11, you then inform the Commission of what you learn has since transpired at the EMPD as regards the structure applicable. Would you like to take us through that, once again with reference to the structure as you knew
10 it reflected in JM3?

CHIEF MAPIYEYE: Thank you, SC. On page 5 on the small file, this is the current approved structure, which has recently been approved during my absentia. But most of what I am going to be talking about, I will be speaking, referring mostly to the structure which I have spoken about now. So, the current approved structure, those five deputy chiefs on page 10 on the structure which I was talking to, there is now only the chief of police, he has got now only two deputy chiefs, that is operations and specialist
20 services, security and loss control. Then the other functions were spread into the new structure, which I am not going to talk in depth about it.

ADV SELLO SC: So, are you inviting the Commissioners to understand your testimony in the context of the structure as it existed on the day of your suspension? Five deputy

chiefs, deputy directors, is that correct?

CHIEF MAPIYEYE: That is correct, SC. Five deputy chiefs of police.

ADV SELLO SC: Thank you. You then, from paragraph 13, deal in brief with the functions and the powers of the municipal police service, which includes the EMPD of course. Can you take the Commissioners through that?

CHIEF MAPIYEYE: The functions of municipal police service are set out in section 64(E) of South African Police
10 Act and are as follows. That is the functions of a municipal police service. That is traffic policing, municipal bylaws and crime prevention. Those are our core functions. But I can further elaborate, SC, that in section 64(F), the Minister shall confer such other powers as are conferred on SAPS on municipal police service members.

On 11 June 1999, the Minister promulgated the regulations for municipal police services, which is us, Metro Police. And in terms of regulation 9 and 10 thereof, the powers of municipal police service were expanded to
20 include some powers and functions of SAPS members as set out in a specific section of the Criminal Procedure Act 51 of 1977. Amongst others, the Stop Theft Act, Tear Gas Act, Mental Health Act, Drug and Drug Trafficking Act, the Domestic Violence Act. Those are some of the powers which were then delegated to the Metro Police.

ADV SELLO SC: Thank you. Do I understand you correctly then that the municipal police service has three core functions in terms of the SAPS Act? And you listed them there in paragraph 13, which is traffic policing, policing of municipal bylaws and prevention of crime. Those are the core functions of the service.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And that absent any extension of those functions or powers, that is all that they would get to do?

10 **CHIEF MAPIYEYE**: That is correct, SC.

ADV SELLO SC: And that as you state in your paragraph 14, section 64(F) gives the Minister powers to expand those functions, and the Minister has since done so.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So, is it a correct understanding therefore that the powers of the municipal services police do not equate to the powers of the members of the SAPS as we know them?

CHIEF MAPIYEYE: That is correct, SC.

20 **ADV SELLO SC**: Can you talk us through that a bit?

CHIEF MAPIYEYE: With the powers on page 5, bullet number 13, those three ones are started with the traffic policing, policing of municipal bylaws and prevention of crime. There is the fourth power which we as Metro Police do not have. It is only SAPS that is the investigative power

or investigation of crime. So, we do not have those powers for investigation.

ADV SELLO SC: And you deal with that, I think, in more detail at your paragraph 17 at page 6. Can you address yourself to the contents of paragraph 17?

CHIEF MAPIYEYE: That is correct, SC. On page 6, bullet number 17. By way of example, whereas SAPS members have the powers, the power to investigate crime and criminal activity, the municipal police service members do
10 not have those powers. They may not initiate no conduct investigation into any alleged crime. When the municipal police learn of a crime, they must report the same to the local police station.

They may only, there is a typo there, detained. They may only arrest a person who has committed a crime in their presence. Upon arrest, immediately after completion of the necessary documents, example, if you arrest someone for drunken driving, you need to take that process to our prison station, do the necessary
20 administrative process.

Once you have concluded that, then you need, with immediate effect, hand over that accused to the police station, because we do not have the powers to detain. So, once the case has been handed to the police, it is now the responsibility of SAPS to further take the investigation on.

The only time when we then finally resurface, it is when an officer has to go to testify in court if he is subpoena to do so.

ADV SELLO SC: Thank you. Yes, please, Commissioners.

ADV BALOYI SC: Chief Mapiyeye, I think I misheard something. You said upon arrest, if they arrest a person, they must immediately take them to a station. That is, before they take them to a police station, you say they must take them to, I did not hear what you said, pressing station.

10 **CHIEF MAPIYEYE:** Thanks, Commissioner. When we have arrested you for any crime committed, I gave an example of at least a drunken driver, because there is a lot of administration which needs to take place before you hand the accused to the police station. So, our offices, we call them prison stations. Those are our charge offices. So, that is where we do our administration from.

ADV SELLO SC: Thank you, Commissioner Baloyi. You indicated paragraph 17, you specifically point out that you, as the EMPD and municipal police, you may only arrest a
20 person who commits a crime in your presence. Based on that, do you, as the EMPD, have power to arrest someone for a crime you learn they have committed, and that crime was not committed in your presence? So, by way of example, you are informed the next day that there was a crime committed by Mr so-and-so yesterday. Do you have

powers to go arrest that person?

CHIEF MAPIYEYE: Yes, SC. In this sense, I arrived at the scene of an accident. This accident happened whilst I was not even there. When I arrived at the scene of an accident, you found a driver, maybe seated behind the steering wheel. The vehicle is idling the engine is idling. There are witnesses around which you need to engage. We will be able to explain to you how this accident transpired. So that officer was not at the scene, but because of the witnesses
10 and what he is going to observe at the scene of an accident, then you can arrest someone and then go and detain him at the police station.

ADV SELLO SC: With that explanation, is there a difference between an arrest for such an occurrence and an arrest for historical crime that you become aware of long after it has happened? Is there a difference that the municipal police exercise there?

CHIEF MAPIYEYE: Let us say a crime happened some time ago and I hear of the information of a member of the
20 public or a criminal who was involved in that commission of a crime. It is very important to make sure or verify if there is a case which was open at the SAPS against that individual. Thereafter, if there is a case or there is no case, we cannot, we do not have the power to go and arrest. Once also there is a case, it is now the

responsibility of SAPS to start the process of investigation. But at times, we are a force multiplier to SAPS, so we at times go out with them to go and assist with that arrest. But it will be done by SAPS.

ADV KHUMALO SC: On behalf of all South Africans, I have a question. I am going to abuse this opportunity. Chief Mapiyeye, I have often seen Metro Police officers in a roadblock situation, stopping vehicles and saying to drivers, you have outstanding speeding fines or whatever you call
10 them. If you do not pay them now, we are going to detain you and arrest you. Do they have the power to do that or are they acting beyond the scope of that?

CHIEF MAPIYEYE: Thanks, Commissioner. I hope there might be a lot of outstanding fines in this room. But once a member of public has been issued with a traffic fine, or a section 34(1), a spot fine is a fine which is issued direct by an officer on the side of the road. It has got a pay date and a court date. Once the fine was not paid and then it goes to court, then the magistrate will then authorise a warrant of
20 arrest. So, we have got a system where we store all those outstanding warrants of arrest. Now, once you are on the road and the officers can identify that you have got a warrant of arrest, they are legally bound to arrest you there and there so that you can go and pay the fine.

ADV SELLO SC: Thank you, Commissioner Khumalo. I

guess the moral of the story is to make sure that you do not have outstanding warrants of arrest for unpaid traffic fines. Turning then to paragraph 18, you explain the relevance of this clarification you have provided as regards the powers of the SAPS contrasted with the powers of the municipal police services. Can you explain that?

CHIEF MAPIYEYE: Thank you, SC. As I have indicated earlier that officers, they can misuse their powers. By them mere wearing uniform, it does not mean that they can do
10 anything which is against the law. You will find officers conducting investigation into a property that is not in their mandate to go and do investigation. That is the function of SAPS. So, members of public, they need to be conscientized and be educated around this because we do not want to see our officers as well subjecting or terrorising our communities. So, they have got no investigating powers.

ADV SELLO SC: Thank you. And turning then to paragraphs 19 and 20, you express an opinion there about
20 the limited powers that municipal police services have. Please share your opinion with us.

ADV BALOYI SC: I am sorry, you may have to repeat your question.

ADV SELLO SC: Absolutely, Commissioner.

ADV BALOYI SC: Can I just clarify this? Chief Mapiyeye,

one of the functions of the Metro Police that you have listed is enforcing bylaws. I think you said something about bylaws. Now, can our officers, or does that include the power to go into a property and investigate compliance with bylaws? Is that permissible? And I am asking the question because I have understood you to say they do not have the power to go into a property and investigate. How far does that power to enforce bylaws go?

CHIEF MAPIYEYE: Thank you, Commissioner. Relevant
10 other departments in the city, we have got building inspectors. They have got their own powers, the building inspectors. The water department, they have got their own inspectors with their own bylaws. We as metropolis, we can enforce bylaws which are happening on the public road. But when there are these other transgressions, we usually accompany, we do what we call force multiplier.

That we take the other inspectors with their relevant powers. Maybe we get into a shebeen, because liquor board, we always go with them. They have got
20 powers to do certain activities there. So, we are a force multiplier going with them to do them, necessarily. If it is a matter of water challenge, the inspector who is trained in that division of water, he has got the powers to issue a fine there. So that is how we handle issues of bylaws.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner Baloyi. Okay, I had drawn your attention to paragraphs 19 and 20 of your statement, Chief Mapiyeye. And I highlighted that you expressed an opinion in paragraph 19. And I was inviting you to share that opinion with the community.

CHIEF MAPIYEYE: Thank you, SC. Municipal police services, however, do require additional powers to be able to effectively enforce the law and combat crime. And to be able to conduct certain other functions of the department's
10 core function. Much as we do not have these investigative powers. From our side as Metro Police, we feel that should we be capacitated with much more powers, we can do much better.

An example, when we arrest a drunken driver, once we have completed all our investigation, having drawn blood, we take that accused to the police station. That is where our job ends. Now, we feel that if we are to be given additional powers, we can be much more productive. In this sense, you arrest a drunken driver, you hand him over to
20 the police station, the police have got an avalanche amount of work.

It might not be their priority to take those blood samples to the lab, because they are swamped with a lot of other activities. But if it was us, because this is close to our hearts, we would be able to move up to speed with

taking those blood samples to the lab and getting the results. Because from experience, what one has seen, you arrest a drunken driver, you hand over the blood sample to the police station, at times you do not even get the feedback what happened with that blood box.

At times, they do not even arrive at the lab. You will see with the amount of our officers who will be called back to court to come and testify. It is very minimal officers will then come back. But if we are doing that by ourselves,
10 we feel that if we had at least additional powers, we can do much better to benefit our community and reduce the level of crime and safety in our cities.

ADV SELLO SC: Having then expressed such an opinion and desire, you do however clarify at paragraph 20 what you must not be understood to mean by that opinion at page 7.

CHIEF MAPIYEYE: I agree, yes, SC that regardless of what we are indicating that we need additional powers, it does not mean that or in fact, our officers need to be
20 trained on whatever powers have been given to them and the limitation thereof. So, much as we want or need additional powers, but we need to exercise those in accordance with the approved laws of the country.

ADV SELLO SC: Thank you. Still at page 7.

ADV BALOYI SC: Adv Sello.

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: Perhaps on this topic that the Metro Police should be given, or the suggestion for more powers for effectiveness, it might help, not necessarily now, that we get some, exactly what powers would ideally be, or in fact what Chief Mapiyeye is speaking to, what powers would assist if they were allocated to EMPD. And that can be in a separate document.

ADV SELLO SC: We would consider that, because as
10 Chief Mapiyeye says, it was just an opinion based on frustrations on the ground, so perhaps it might be appropriate if further interrogation of those challenges and how best they believe could be overcome by conferring more powers, if he applied his mind to that. To then come back with a statement where proposals are set out both to identify the nature of the power and the extent of the power with reference perhaps to those powers as already obtained with members of the SAPS.

So, we shall consider that, and perhaps not only
20 with Chief Mapiyeye, but with all the EMPD police officers that will be testifying. We will try and see if we can produce a joint statement in that regard. Thank you. Chief Mapiyeye, you understood our new assignment now. We are going to work on a second statement to address the issues that Commissioner Baloyi has raised.

CHIEF MAPIYEYE: I will note that.

ADV SELLO SC: Thank you. I was drawing your attention then to, still at page 7, to a new topic that you start. You have headed that topic, challenges within the EMPD. You deal with these issues for the next couple of pages. I would like to invite you to take us through the contents of that chapter, the challenges within the EMPD, from page 7.

CHIEF MAPIYEYE: Thank you, SC. On page 7, challenges within the EMPD. Section 64(C) of SAPS Act bestows upon
10 the Chief of Police of a municipal police service the power to appoint, recruit members for the service. The section provides as follows. The Executive Head shall, subject to this Act, National Standards and Directive of the Chief Executive Officer of the municipality, exercise control over the municipal police service, and shall. The word Executive Head refers to the Chief of Police in the environment of the city.

ADV SELLO SC: To be more precise, you mean the phrase Executive Head?

20 **CHIEF MAPIYEYE**: That is correct.

ADV SELLO SC: Thank you.

CHIEF MAPIYEYE: The Chief Executive Officer, that is the accounting officer, who is a city manager in a municipality. But these responsibilities are assigned to the municipal police service, to the Executive Head. Be responsible for

maintaining an impartial, accountable, transparent and efficient municipal police service. Subject to the applicable laws, be responsible for recruitment, appointment, promotion, transfer of members of the municipal police service. Ensure that traffic policing services by the municipalities are prejudicially affected by the establishment of municipal police services.

CHAIRPERSON: Are not prejudicially affected.

10 **,CHIEF MAPIYEYE:** Thank you very much, Chair. Thank you very much, Commissioner. Are not prejudicially affected by the establishment of the municipal police service. Be responsible for the discipline of the municipal police service, either personally or through a member of municipal police service designated by him or her for that purpose. Represent the municipal police service on every local police coordinating committee established in terms of Section 64(K) within the area of jurisdiction of the municipality. Perform such duties as may from time to time be imposed upon him or her by the Chief Executive Officer.

20 **ADV SELLO SC:** You then proceed in the context of the provisions of Section 64(C) you then speak to what actually transpired within the EMPD in Ekurhuleni. You deal with that in paragraph 22.

CHIEF MAPIYEYE: Okay, on page 8, that is bullet number 22. It states that the City Manager of Ekurhuleni, or the ex-

City Manager of Ekurhuleni, that was Doctor Imogen Mashazi, you accept all the powers set out in Section 64(C) of SAPS Act and assume the responsibility of recruiting, promoting police officers within EMPD, notwithstanding my consistent protestations. That is the earlier responsibilities of the Executive Head. You will find that the City Manager will exercise those responsibilities. Meanwhile, those are responsibilities which are assigned to the Executive Head of the department, which is the Chief of Police. Can I
10 continue?

ADV SELLO SC: Please continue. You indicate thereafter that in so usurping the powers of the Executive Head, she was working in concert with certain members, and you list them in paragraph 23.

CHIEF MAPIYEYE: In this regard, she was supported in taking those responsibilities of the Executive Head, who is the Chief of Police. She was supported in the department by the following HODs. That HOD, Human Resource, who is currently Ms Linda Gxasheka. The second one will be HOD,
20 Legal Incorporate, which is Adv Kenny Buari[?]. And the third one, that will be a Deputy Chief of Police, reporting to me, that is Deputy Chief of Police Operations and Specialised Services, Brigadier Julius Doctor Mkhwanazi. So, the powers of the Chief of Police, you will find that they were then exercised by those mentioned other individuals,

which it is not their right to can do that.

ADV KHUMALO SC: And was this done with or without your knowledge? I am just trying to understand, when you say they recruited and appointed police officers, did they do it with your knowledge or without your knowledge?

CHIEF MAPIYEYE: Commissioner, when we go a little bit further in this document, I think I will then be able to clarify how certain promotions happened without my knowledge.

ADV SELLO SC: Just to follow up on that question and the
10 undertaking you make to Commissioner Khumalo, are you suggesting that those promotions that you will address in the fullness of time happened in contravention of Section 64(C) that you deal with in Paragraph 21?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Thank you. Chair, I see it is almost 11, but we had a late start to this morning, I forgot to ask if it impacts the ...[intervenes]

CHAIRPERSON: Let us continue until quarter past 11.

ADV SELLO SC: Okay, I shall do so. You make a point at
20 Paragraph 24 regarding an appointment in respect of Brigadier Mkhwanazi, and you say that he was purportedly appointed as the Deputy Chief of Police Operations and Specialised Services. You see that and you indicate that you deal with this aspect further on in your statement. My question is, can you briefly indicate to the Commissioners

why you say that he was purportedly appointed? He was, as if you question that appointment or the validity thereof.

CHIEF MAPIYEYE: Commissioners, this Brigadier or Director Julius Doctor Mkhwanazi, he was a Director Operations and Specialised Services appointed as such.

CHAIRPERSON: Chief Mapiyeye, is it possible for you to pull the mic closer to you or you sit closer to the mic, one of the two, please?

CHIEF MAPIYEYE: That is done, Commissioner.

10 **ADV SELLO SC:** And Chief Mapiyeye, my apologies for interrupting. As you respond to my question, please do not go into too much detail because you do deal with this aspect later in your statement and we will deal with it then. I just wanted a general overview of why you say it is a purported appointment.

CHIEF MAPIYEYE: Okay.

ADV SELLO SC: Or perhaps if it works best for your evidence, I can park that question and we will deal with it when we get to the relevant chapter. Would that work
20 better, perhaps?

CHIEF MAPIYEYE: I would appreciate that, SC.

ADV SELLO SC: Okay, I am happy to do so. Then we will proceed to page 9 and at page 9 you have a subheading and at page 10 you have a different subheading and your first subheading at page 9 is Head of Department Human

Resources Linda Gxasheka. This is the person you suggested at paragraph 23 that she, in concert with others and the then city manager, used up your powers. Is that correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And you deal with those issues from paragraph 25. Can you take the Commissioners through that?

CHIEF MAPIYEYE: Thank you, SC. Commissioners, on
10 bullet number 25, that is on page 9, I think during September-October 2023, the contract of a deputy chief of police, who was Mr Goodman Mzolo, was nearing its end. I think it was ending end of November 2023. And then I felt it important to initiate the process of appointing another deputy chief of police once Mr Mzolo vacated the position.

Because it is a very crucial position which one cannot neglect to feel. As I indicated earlier that this is the face of Metro Police in the city. HR, they have assisted me with the initiation of the process to advertise the position.
20 Interview dates were set. And then the process of shortlisting an interview took place during November 2023. To my memory, I think we had about two candidates who were shortlisted. And that was, okay, that was Doctor Julius Mkhwanazi and my staff officer, who is Ivan Du Plessis.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: The process of interviews was concluded. After that, we were then awaiting the other process to unfold. Because once you have gone through the interview process, we usually send one or two of those candidates for competency compliance certificate.

ADV SELLO SC: Perhaps before you get to that point, if I could refer you to paragraph 26. You say that there was a proposal or a suggestion to extend the tenure of, is it
10 director or chief director - Mr Mzolo.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: And in this regard, you reference annexure JM5. JM5 is in the big file at page 45. The annexures file. It starts at page 45.

CHIEF MAPIYEYE: Okay, thank you very much, SC.

ADV SELLO SC: Now, just to confirm, if you go to page 46. Let me start at 45. I see the subject line reads:

20 “Extension of the employment contract,
Mr Goodman Mzolo, deputy chief of
police operations and specialised
services in the Ekurhuleni Police
Department.”

You confirm that is how it reads, correct?

CHIEF MAPIYEYE: Is it on the big file?

ADV SELLO SC: In the big file at page 45. Under the tab

marked JM5.

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: And at your paragraph 26, you indicate that you received this document from the HOD Human Resources, right? And you state at paragraph 26:

“This she did without prior discussion with me.”

Is that correct?

CHIEF MAPIYEYE: That is correct, SC.

10 **ADV SELLO SC**: Can I then invite you to page 46 for clarification? Because at page 46, after the recommendation, which is to extend Mr Mzolo's contract, was reflected on the document, and it is got space for three signatures, but none appended. But that document reflects Mr Isaac Mapiyeye, chief of police, as the person recommending. And yet at your paragraph 26, you say that she requested that an extension be affected. Can you explain that?

CHIEF MAPIYEYE: That is correct, SC. Commissioners
20 have indicated that the powers to appoint, discipline and transfer rest with the chief of police. After we have concluded the process of the shortlisting and the interview process of that position of a deputy chief of police operations, I received a letter from HR, HOD HR, who is Linda Gxasheka, where she has done a motivation to extend

a contract of the then Deputy Chief of Police Mr Mzolo.

It is not her responsibility. She must just run HR. I know my profession. I know the people I need there. So, I am the one, if I wanted to extend that contract, I am the one who should have initiated that process. So, I am trying to show how much other people have got interest into my department. So, they have got - she had nothing to worry herself about. She must worry about HR matters, not about catching criminals. Because I know the people I want to deal with my challenges in the department.

ADV SELLO SC: Now, looking at JM5, can you turn to page 46? Am I understanding correctly that JM5 originates from the HOD of HR? It is not a document you prepared. Am I understanding correctly?

CHIEF MAPIYEYE: SC, are we talking about the document which is written number 45?

ADV SELLO SC: Yes, JM5 at page 45. At the top, top right-hand corner is the page number.

CHIEF MAPIYEYE: I have got.

20 **ADV SELLO SC:** I see at page 45, it is addressed to Doctor Imogen Mashazi, city manager.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: Then it indicates that it is from Ms Linda Mxasheka, HOD, Human Resources.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: Understanding then what is reflected there, I invited you to page 46 after item 3, recommendations. Do you see where I am reading?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: and I see that the first signature there is intended to be by Mr Isaac Mapiyeye, chief of police, then that is you.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: It suggests that the person who signs
10 there would either recommend or not recommend.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Then, only thereafter does the HOD, Human Resources, sign to approve or not to approve. Lastly, then the city manager. According to this document.

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: Yes, so my question to you, I guess, is it
correct for this document to suggest that you are
recommending the appointment based on what you are
testifying here today? If you signed that document, what
20 would the meaning thereof be?

CHIEF MAPIYEYE: As I have indicated earlier, Commissioners, that it is irrelevant that she wanted me to recommend or approve. It is my responsibility to appoint police officers in my department. So, she had nothing to do with the extension of a contract of a deputy chief of police.

ADV SELLO SC: Yes.

ADV KHUMALO SC: Are you saying, so that I understand you, are you saying you did not initiate the process to extend the contract of the deputy? And that you did not ask her to prepare this document?

CHIEF MAPIYEYE: Very clearly, I understand you, Commissioner. It is true. I did not initiate this process of compiling this memorandum. And I was also not consulted when she prepared this memorandum. So, I could not be
10 party of someone prepare food which I do not eat and just come and dish for me.

ADV KHUMALO SC: I take it then you never signed it. You never signed on page 46? Or a copy similar to this?

CHIEF MAPIYEYE: That is correct, SC, Commissioner, though I also submitted a memorandum in response to this letter she sent to me, which is on page 47.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: Where I have indicated there on that memorandum ...[intervenes]

20 **ADV SELLO SC:** It is a, I apologise Chief Mapiyeye, it is a fairly short letter. At paragraph 26 of your statement, you say I did not support the proposed extension, right?

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: And then you refer us to page 47, which is also part of JM5.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And you just responded to Commissioner Khumalo to indicate that that was your response to the proposed extension as appears from pages 45 to 46, correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: I am saying that then. Is that your signature at the bottom of 47, page 47, above your name IJ Mapiyeeye?

10 **CHIEF MAPIYEYE**: That is my signature, Commissioner.

ADV SELLO SC: It is a very short, I think, letter. Can you just quickly just read it into the record? Thank you.

CHIEF MAPIYEYE: The Heading Commissioners will say extension of employment of contract, Mr Goodman Mzolo, Deputy Chief of Police Operations and Specialised Services in the Ekurhuleni Metropolitan Police Department:

20 “The above - the above matter refers attached request is a, is not supported. The attached request is not supported due to the following reasons. The matter was never discussed with me. The employee did not even apply for the position as it was recently advertised.”

Because I have explained that we have, by that time, have

concluded the shortlisting and interview processes. Number 3, I further state that:

“We have recently conducted interviews and made the recommendations. Most of the challenges which resulted in me being sent on special leave emanated from the leadership style and the division of the same employee.”

10 **ADV SELLO SC:** And I see that your letter is dated the 8th of November, 2023.

CHIEF MAPIYEYE: That is correct, SC.

CHAIRPERSON: Before you continue, Ms Sello. So, what should one make of the letter at 45 that is recommending the extension? Does it mean that someone else put together this document and then put in your name as the person who moved for the extension in the hope that you would sign recommending that there be an extension, but you never signed and instead wrote the letter that you have
20 just read now? Is that the full picture?

CHIEF MAPIYEYE: That is correct, Commissioner. It was prepared by someone who is Linda Gxasheka, the HOD of Human Resources.

ADV SELLO SC: And just to be clear, based on what you say again at your paragraph 26, you say that HOD Human

Resources requested the city manager that the incumbent's contract be extended, right? And then you introduce this letter that is from page 45.

CHAIRPERSON: May I request that we take the adjournment now and let us resume at 11:20. Let us adjourn.

ADV SELLO SC: It is 11:20, Chair, in 3 minutes, so might as well go to the door and come back.

CHAIRPERSON: What did I want to say? 11:45.

10 **ADV SELLO SC**: 11:45, thank you.

CHAIRPERSON: Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

EXAMINATION BY ADV SELLO SC (CONTINUES): Thank you, Chair. Chief Mapiyeye, because sometimes you speak softly and therefore you become inaudible, we suggest perhaps you switch on both mics, because depending on which direction you look, then your voice drops. So, you have the one mic on. Can you switch on the one to your
20 right?

CHIEF MAPIYEYE: This one is on.

ADV SELLO SC: I want to keep both on, because sometimes you look one direction and then you are not as audible. So perhaps keep both of them on facing you. Then whichever direction you look, we don't lose you.

CHIEF MAPIYEYE: I understand that SC.

ADV SELLO SC: Okay, before we broke for tea, we were dealing with Annexure JM5, starting from page 45 of the big file. Can you go back to that file?

CHIEF MAPIYEYE: I am there, SC.

ADV SELLO SC: And you had read into the record your response to the request for the extension of Mr Mzolo's contract, and your response is at page 47.

CHIEF MAPIYEYE: That is correct, SC.

10 **ADV SELLO SC:** The question I think I had asked you, I had to stand down because of the tea break, is as follows. In light of your response at page 47, was Mr Mzolo's contract ever extended?

CHIEF MAPIYEYE: SC, it was not extended.

ADV SELLO SC: It was not extended. We are dealing with the issue of interference in the exercise of your powers, and you are still dealing with the role played by the head of department, the Human Resources Department, if you recall.

20 **CHIEF MAPIYEYE:** That is correct, SC.

ADV SELLO SC: And at paragraph 27, you introduce another issue. This is after the failed attempt to extend the contract of Mr Mzolo, and you speak there of a letter you addressed to her of the 13th of April 2024. And that letter, according to paragraph 27 of your statement, you say is

JM6 of your annexures. That JM6 starts at page 48, if you could turn to that annexure.

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: What was the purpose and the content of that document that you addressed to the HOD HR without necessarily reading it into the record? Can you summarise? As you deal with this at paragraph 27 of your statement.

CHIEF MAPIYEYE: In short, SC, I think early 2024, around about February, March, there were positions which were
10 advertised. To my dismay, I realised that a Deputy Chief of Police, Julius Mkhwanazi, was running with the process of recruitment and promotion of municipal police members without my involvement.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: So, I picked this up, then I had to write to the HODHR, a human resource, to explain to her that they cannot do what they are doing. I must be part of that process because I have to overall control Metro Police and avoid any other irregularities which might take place in the
20 process of recruitment. So, on a high level, I think that is how this letter was weighted.

ADV SELLO SC: Yes, and that is, in summary, the content of your letter at page 46, JM6, at page 46 of the big file. What you have just stated is a summary of the content of, - apologies, 48, I am corrected, I got my pages wrong, I do

apologise, 48.

CHIEF MAPIYEYE: Thank you, SC, 48, yes.

ADV SELLO SC: So, I was saying what you have just stated now is a high-level summary of the content of the letter you were referencing at page 48.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And that was your advice to the HOD?

CHIEF MAPIYEYE: That was correct, SC.

ADV SELLO SC: What was her response to this letter, if
10 any?

CHIEF MAPIYEYE: She did not respond, but what I have observed, the processes of interviews in my department continued between herself and Deputy Chief Julius Mkhwanazi.

ADV SELLO SC: Yes. Overleaf then, in your statement at page 10, you introduce a new subheading, Deputy Chief of Police Julius Doctor Mkhwanazi.

ADV KHUMALO SC: Okay, sorry, Ms Sello, sorry to do this, can we just go back to this letter, I am worried that we
20 are leaving it without the necessary context.

ADV SELLO SC: Absolutely.

ADV KHUMALO SC: Chief Mapiyeye was, is it Brigadier Mkhwanazi, is his title brigadier?

CHIEF MAPIYEYE: That is correct, currently he is now a
...[intervenes]

ADV KHUMALO SC: You are saying he was running with the process of promotion and recruitment of officers, but who had authorised him to run with the process of promotion and recruitment of officers?

CHIEF MAPIYEYE: Thanks Commissioner, with this memo I have addressed to HOD Human Resources and CC, the city manager, I was trying to stop what I was seeing in the department between the HOD Human Resources and Julius Mkhwanazi, because I cannot sit in my office and hear from
10 a subordinate who will tell me that tomorrow I am going to an interview.

If I were just to expand on this, Commissioners, the Metro Police comprise of just above 3 000 police members, some of them have been in the system for more than 30, 40 years being a police constable. Now I remember this incident very well, where an officer who was a year old in the system said to me, I am going to the interviews tomorrow. I did not frown or show the officer that I am not so comfortable with it, because I believe that we need to
20 reward some of our hard-working officers, because we have got a lot of officers who are really dedicated in the job.

I am not saying newly appointed officers must not be promoted, but experience also counts a lot. So, it gave me this - I was so uncomfortable when I was seeing these things happening. Then I have to write to the HOD Human

Resources that I want to be part and parcel of this process of recruitment.

ADV KHUMALO SC: But do you know who had authorised Mkhwanazi to initiate and continue with that process? Or can he do it at all? Let us just maybe ask the question differently. Can he do that?

CHIEF MAPIYEYE: Thanks Commissioner. He must be assigned by myself. Whoever from my department, he must have been assigned by myself to work closely with Human
10 Resources in order to facilitate these processes.

ADV KHUMALO SC: In this case you say you had not assigned him?

CHIEF MAPIYEYE: That is correct, I did not assign him to be there.

ADV KHUMALO SC: Thank you.

ADV SELLO SC: Thank you Commissioner. And in fact, then that leads us well into your page 10, where you specifically then deal with the conduct of Brigadier Mkhwanazi in the context of what we are talking about,
20 starting at paragraph 29 of your statement.

CHIEF MAPIYEYE: Okay thank you Commissioners. I think on page 10, paragraph number 29, Brigadier Mkhwanazi with the support of the City Manager, that is Doctor Imogen Mashazi, has over the years brazenly disregarded my authority as the Chief of Police of EMPD.

Julius as a Deputy Chief was always appointed to act as a Chief of Police whenever I am absent or on leave. Meanwhile there were other senior Deputy Chiefs of Police who could have been considered to act.

Julius was appointed on the 1st of December 2023. So, he was still new to can resume even the processes of overseeing the running of the recruitment process in the department. During such acting appointments, he conducted the recruitments, effected various promotions
10 and set up panels to conduct interviews of candidates.

ADV BALOYI SC: Chief Matiyeye, can I just find out on that, surely there is at the beginning of a period, say a financial year, or at some point at least, where the head of the department, you in this case, would have identified what positions you have that need to be filled, you would have identified what promotions and transfers and all of that. Does that happen in this case in your department?

CHIEF MAPIYEYE: Thanks, Commissioner. Issues of recruitment or promotions, they happen as and when there
20 are vacancies. And these specific ones, it happened when we had promotional positions during that time. It is not always that we will always find ourselves having promotions. But this specific one happens at times when I am absent, or I was on leave for a very short space of time.

Julius will be running very quick with the issues of

appointing panel members who will sit at those interviews. Ironically, in one of the panels, being the chief of police, he appointed me as well to go and sit in another panel, regardless that he was acting. But he appointed me. And when I will go and query to my principal, she will tell me that I have given Julius Mkhwanazi the roles and responsibility to take over the promotional positions. So, which I was not okay with it. At some stage, I wrote him a letter explaining my dissatisfaction that I am the accounting officer of EMPD. So that is how things will at times happen.

ADV BALOYI SC: To your knowledge, did the city manager appoint acting people across the departments? Is she the one that exercised that power, and not just your department? Would she appoint in other departments as well?

CHIEF MAPIYEYE: That is correct, Commissioner. She does appoint HODs to act in their respective departments. But in my department, I have indicated that I had other deputy chiefs who are highly experienced, who have been there and understanding the system. But Julius, being newly appointed in 2023 December, already during May, from the 6th up to the 17th of May, this is what I have got on record for now, from the 6th to the 17th of May, he was acting as the chief of police. So, he will quickly run those processes and appointing me, whilst I have raised these

challenges, that I did not want to see people being appointed whose positions were not even advertised. And this happened in this process. That people were appointed, and that position was never advertised. So, it is irregular to appoint someone to a position which was not advertised.

ADV SELLO SC: Chief, further to your response to Commissioner Baloyi, you deal with these appointments over that relatively short period, you say between May to July 2024, at paragraph 32, at page 10 of your statement.

10 So, in part response to your question, you might want to deal with the contents of paragraph 32. Thank you.

CHIEF MAPIYEYE: Thank you, SC. Thank you, Commissioners. On paragraph 32, from the period May to July 2024, Mkhwanazi made 55 appointments or promotions without my involvement, which included directors, deputy directors, chief superintendents, superintendents and inspectors. I attach marked JM7, a list of all those appointments. As I have said earlier on, most of these candidates did not satisfy the requirements of their
20 respective advertised posts. In some instances, the posts some were appointed to were never advertised. The appointments were in large part drawn from the members of the unit which Brigadier Mkhwanazi headed.

ADV SELLO SC: You reference Annexure JM7 at paragraph 32, and that appears in the big file at page 50.

And at page 50 is a table of appointments you say were affected by Brigadier Mkhwanazi in the period May to July 2024. Is that correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: You wanted to clarify, insofar as Annexure JM7 is concerned, a little aspect for the Commissioners. If you look at JM5, there is an entry in the first line of an appointment of a director. It is coloured in green. It is the appointment of Director Deon Singh. Now, 10 in the context of what you state at paragraph 32, you wanted to clarify something to the Commissioners, as you indicated to us. This is your opportunity to do so. At paragraph 32, you say JM7 is a list of 55 people who were appointed without or promoted without your involvement. Correct? That is what you state in your statement.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Having stated that, you pointed out to us that when you have proper regard to JM7 at page 50, there is a clarification you would like to make in regard to the first 20 name, the first appointee, and that is Director Deon Singh. And I am giving you the opportunity to do so.

CHIEF MAPIYEYE: Thank you, SC.

ADV SELLO SC: Thank you.

CHIEF MAPIYEYE: When I look at this page on page 5 ...[intervenes]

ADV SELLO SC: Page 50 you meant.

CHIEF MAPIYEYE: Page 50 JM7, I will just pick up two to three irregularities which I could just from the onset pick up.

ADV SELLO SC: If I may, general, before you do so, perhaps the clarification you wanted to bring to the attention of the Commissioners. Were you involved in the appointment of Director Deon Singh, who appears first on that list?

CHIEF MAPIYEYE: That is correct, SC. I was involved in
10 the appointment of Director Singh.

ADV SELLO SC: So, if that is what you state, then your paragraph 32 is correct but to the exclusion of Director Singh because you were involved. Recall, you say this list, this is a list of appointments made without your involvement.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So, what you are suggesting that you still stand by that statement except you point out that that point does not apply to Director Singh because you were involved
20 in his appointment.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Having then clarified that you wanted to make a reference to about two other appointments on that list, you may do so.

CHIEF MAPIYEYE: I will go to page 50 and I look at

candidate number 4.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: The positions which were advertised by that time, they were, it could be a Director Operations and Specialised Services. But candidate number 4, you will see that that candidate, she is appointed as a Deputy Director Internal Affairs. On the structure I have shown earlier, unfortunately, we could not go down that structure. Each and every structure, there are five deputy chiefs.

10 There are vacancies below those deputy chiefs. Now, they have advertised a position of a Deputy Director Operations and Specialised Services. And then they take an employee number of a position which is with Internal Affairs and appoint that individual in the operational league. So, technically, if you wanted to fill in the position of a Director Internal Affairs - a Deputy Director Internal Affairs, you must advertise according to that job spec of that position of a Deputy Director Internal Affairs.

20 But what happened here, they have advertised Deputy Director Operations and Specialised Services and took that position, which is at Internal Affairs, at Compliance, and utilised that position to appoint and place someone in operational league. In this sense, you are disadvantaging other employees in their respective divisions.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: So, that is the one I have picked up quickly.

ADV SELLO SC: Before you move on to the next, are you suggesting then that candidate 4 on that list was appointed to a position that was never advertised?

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: Okay. Thank you.

CHIEF MAPIYEYE: I look at candidate number 7
10 ...[intervenes]

ADV BALOYI SC: Chief Mapiyeye, are not you suggesting even more than that, that it is not simply she was appointed to a position that was never advertised, but that there was in fact misrepresentation of what the position is, in fact, to which she gets appointed?

CHIEF MAPIYEYE: That is very, very correct, Commissioner, in the sense that some employees who, for example, who could be working at Internal Affairs, some of them have been acting in that position at Internal Affairs,
20 and then you advertise this position at Operations and Specialised Services. The mind of employees, they will always think that, no, they are still going to advertise this position. You will find that someone does not apply because he knows that this is not his speciality. He is still waiting for his opportunity one day when that position is

advertised so that he or she can apply. Because, as I am saying, others have been acting in those positions.

ADV SELLO SC: Thank you, Commissioner. You have given us one example of an irregular appointment with reference to the candidate at item 4. You wanted to give another without necessarily going through the irregularities or shortcomings of the candidates on the list. You wanted to highlight one more. Which one is that?

CHIEF MAPIYEYE: I will go to candidate number 8. Which
10 is a Chief Superintendent.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: Stores. When the Organic Grammar spoke earlier, that position rests with the Deputy Chief of Police Auxiliary and Support. Now, that position was just advertised as Chief Superintendent, Operations and Specialised Services. The people who were working at stores, others were acting, some of them were still waiting that one day that position will be advertised, will apply. But then, through the arrangement of Julius and Linda
20 Gxasheka, they took those positions and utilised them to appoint some of these individuals. Irregularly so. Before I left, I was seated with a long list of disputes about officers who were disputing these kinds of appointments.

ADV SELLO SC: Okay, I think that the Commissioners get a sense of the challenges attaching to the appointments as

reflected in page 55 - 50, my apologies, page 50. Except, of course, to the exclusion of the first candidate who you say you took part, you interviewed and took part in his appointment. Correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Okay, did you ...[intervenes]

ADV BALOYI SC: Before you move on, Ms Sello, can we just clarify this? Chief, in the preceding paragraphs, you had said that these appointments, he would act, he would
10 be appointed to act, this is Brigadier Mkhwanazi, he would be appointed to act whenever you were absent or on leave, and you say for short periods of time. And then in 31, you then say you were on leave from the 6th to 17th May. But then in paragraph 32, where you talk about these 55 appointments, it is in the period May to July 2024. Were you on leave? Were you away in all of that time that those 55 appointments were made?

CHIEF MAPIYEYE: It is very important, this question, Commissioner, in the sense that during May to July 2024, I
20 was at work, I was not on leave, so these were happening in my presence, but not being involved in these appointments, except the directors.

ADV BALOYI SC: And the explanation, maybe you might have said it if you have maybe repeated, the explanation why Brigadier Mkhwanazi could make appointments even

when you were present at work is what?

CHIEF MAPIYEYE: I have complained about this challenge, and then I was told I think there is also a memo, if my memory serves me well, that I cannot expect myself to be seated in all the positions, including the clerks. Yes, I am not interested to sit. I have indicated to my boss that it does not mean that I want to go and sit in positions and do interviews, but I need to take part and also give guidance, so that these irregularities we are talking about, they could
10 not have happened. So, but they did happen, and you continued, with the blessing of the city manager, to do all these kinds of appointments, and the HOD human resource.

ADV BALOYI SC: At this point, he was obviously not acting chief of police, because you are present, right? My question is, on what authority, I hear you saying he had the blessings of the city manager, but in what capacity? Did she assign the specific functions of filling vacancies to him, and thus taking them away from you, where you have indicated in terms of that section 64(6), that is your role to
20 do. Is there any document which delegated these powers to him away from you?

CHIEF MAPIYEYE: Commissioner, this was not given in writing. It was a verbal instruction that all those promotional positions which were taking place by then, shall be handled by Julius Mkhwanazi. And then I responded

with a memorandum to express my dissatisfaction, but regardless, the process continued.

ADV BALOYI SC: And did the city manager say why she was assigning him the responsibility of promotional positions? Did you provide an explanation for that?

CHIEF MAPIYEYE: Much as I have explained to her my responsibility, she said to me, I need to worry myself only with the appointment of the next lower level, which is deputy chief of police from me. I must not worry myself
10 about lower positions below that, of which I have disagreed with her, because anything which will go wrong during that process, I will remain accountable for the outcome of all these irregular processes. But she continued, and Julius continued to do his job as instructed by the city manager.

ADV BALOYI SC: Is there anything in your protocols, in the municipality's ways of doing things, is there anything that prevented you from raising what seems like very serious intrusions into your statutory duty? Because the power derives from the act. You have referred us to that
20 section 64(C). Is there anything in your protocols that prevented you bringing this to the attention of the council? This unlawful, what looks like unlawful conduct on the part of the city manager?

CHIEF MAPIYEYE: There has been nothing stopping me to escalate this matter. But because things were happening at

a very fast rate, before I could move on, because I had a lot of challenges in the department, there were a lot of criminalities which I am still going to touch on. I am not saying it was not a priority for me to go or escalate this matter. But you are swamped with a lot of other urgent activities which you need to respond as now, even after hours, with the passing of time. Because this happened around May, June. In August, I was sent home. So, I was suspended. So, I could not then have the luxury anymore of following up all these other activities.

ADV BALOYI SC: Thank you, thank you Ms Sello.

ADV SELLO SC: Thank you, Commissioner. Can I just refer you back to paragraph six of your statement? I wonder if you are able to clarify something for us. At paragraph six, at page 3, you state that the EMPD reports to the council through the chief executive officer in terms of section 64(B) of the SAPS Act. Earlier, you testified that that reporting by EMPD is through yourself, the executive head of EMPD. That is correct?

CHIEF MAPIYEYE: That is correct, Chair.

ADV SELLO SC: My question then is, if section 64(B) prescribes that you report to council through the chief executive officer, in circumstances where you are experiencing challenges with the very chief executive officer, do you have an idea of how you could have your

voice heard in council? You may not know, but is it possible that you might have an idea of how you could have overcome that difficulty?

CHIEF MAPIYEYE: I will believe, seated here, Chair, that the only door which one is open for me in such kind of a situation is to even report to my political principal, because each and every department has got an MMC, where I can then report to the MMC. The MMC can even take it up to the mayor, if I can pose at that.

10 **ADV SELLO SC**: I understand and I appreciate that clarification. But then it prompts another question. Did you ever make any report of any kind concerning these matters to the MMC? Or is it a case of your shortly thereafter being suspended and did not have the opportunity?

CHIEF MAPIYEYE: Before I was suspended, I once shared these challenges with my MMC, which is MMC Masuku, but I could also not find joy with the engagement we had.

ADV SELLO SC: Okay.

CHIEF MAPIYEYE: Could I further elaborate?

20 **ADV SELLO SC**: No, but by all means.

CHIEF MAPIYEYE: Okay, thank you. I could further not find joy with whatever I was trying to advance to my political principal. I remember one of the matters we discussed, it was also human resource related. We have got this award ceremony. If you are 10 years or 20 years or

30 years in the system, you usually get a medal for the 10 years or 20 years, 30 years, 40 years.

I will go back to the recruitment side as well because I have discussed that with her. Now, in the department of about 3 000 employees, it does not matter whether this employee is black or white or whatever. If the employee is 40 years in the service, he has been 40 years in the service, I cannot implement affirmative action with employees who are due to get their medals.

10 I remember that at some stage, I had about eight white officers. And then I was called to order that, why don't we implement equity in your department? I tried to explain that if you are 40 years, being a black officer, female or male, coloured, you are 40 years in the system, you must get that medal. So, it does not go with the issues of race that I can implement equity.

Those are some of the challenges I have picked up. I have also highlighted the issues of the recruitment, which I was having. But I could not really get help. The last day
20 when I was about to be shown the door to go home, the MMC was there and the city manager, the ex-city manager, Doctor Mashazi, they were there, both of them. So, in August, then I was suspended. I could not follow up on any other thing.

ADV SELLO SC: Okay, thank you. We got sidetracked a

bit, I guess, because of a question posed by Commissioner Baloyi. Now, getting back to where we were, we are now at page 11 of your statement. If you glance at paragraphs 33 and 34, in those paragraphs you are addressing the question of how you dealt with Brigadier Mkhwanazi's appointments that are set out at JM5 that you contend were irregular.

CHIEF MAPIYEYE: I am sorry, Commissioner, where are we?

10 **ADV SELLO SC:** Page 11 of your statement, and in particular paragraphs 33 and 34. In paragraph 33, you speak to what steps you took following Brigadier Mkhwanazi's contact in effecting these appointments. And in paragraph 34, you then deal with the city manager's response thereto. I am inviting you to quickly take us through that.

CHIEF MAPIYEYE: I think SC that this went a little bit fast forward, addressing that challenge on page 11, 33, and also the 34.

20 **ADV SELLO SC:** Yes.

CHIEF MAPIYEYE: That I did write a letter of dissatisfaction to the city manager. And she responded, I think it ought to have been annexed on JM9, the response.

ADV SELLO SC: Okay, let us start at JM8, which is your letter you referenced in paragraph 33, and that appears at

page 51 of the bigger file, the annexed file.

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: I see at page 51, it is a letter signed seemingly by you, IJ Mapiyeye, addressed to Doctor Mashazi, city manager, and it states it is from you. It is dated the 5th of June, that is correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And the subject line for that letter is disregard and non-observance of municipal police
10 commissioner in the EMPD by Deputy Municipal
Commissioner JD Mkhwanazi.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Perhaps you might want to highlight what you raised in that letter to the city manager.

CHIEF MAPIYEYE: The letter reads as follows:

20 “Subsequent to the meeting we set on
Monday, the 3rd of June 2024, in the
office of the city manager, in
attendance was the HOD Human
Resources, Deputy Municipal Police
Commissioner JD Mkhwanazi, where
issues of disrespect were highlighted.
What is sought is to bring your
attention, as an accounting officer, to
the recent promotional positions which

took place within the department of brigadier - or within the department, positions of brigadier, colonels, lieutenant colonels, superintendents, and inspectors, respectively. It is legislated under section 64C) to (B) of SAPS Act 68, 1995, and a common practise that when employees are promoted in the department, as the municipal police commissioner must confer the promotional ranks to the successful or promoted workforce. To my dismay and surprise, I observed on the 4th of June 2024, members of the department wearing their promotional ranks. When probing I was informed that they were conferred by the deputy commissioner. I will reiterate that same was executed without my permission, nor engagement by the deputy. Your intervention will be greatly appreciated in remediating this emerging practise within a policing department where command and control is paramount in the reporting

structure.”

ADV SELLO SC: You then, at paragraph 34, reference a document you have marked JM9 that appears at page 52 of the annexure's file. And at paragraph 34, you say this is the city manager's response to the letter you have just read into the record. Is that correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And you state in your paragraph 34 that in this letter:

10 “She pointed out that all my powers in terms of section 64 capital C of the SAPS Act are to be exercised subject to her directives as the chief executive officer.”

You see where you state that?

CHIEF MAPIYEYE: I could see that.

ADV SELLO SC: Now, with that in mind, please have regard then to JM9 at page 52 and I would like you to read items 4 and 5 of that letter.

20 **CHIEF MAPIYEYE**: JM9, what paragraph?

ADV SELLO SC: It starts at page 52, directing you to paragraphs 4 and 5.

CHIEF MAPIYEYE: Thank you, SC. Commissioner, this reads as follows. The heading is disregard. Okay, it was the response of Doctor Mashazi, who was the city manager

to me. She then indicated the heading was disregard, non-observance of police municipal commissioner in the EMPD by Deputy Municipal Commissioner JD Mkhwanasi:

“Your letter dated the 5th of June 2021.

I have considered the content and the response as follows.”

ADV SELLO SC: Chief, I apologise. Yes, that is the opening paragraph of that letter, but specifically I would like to confine you to paragraphs 4 and 5, or items 4 and 5 of that letter, in the context of what you say in your paragraph 34 of the statement.

CHIEF MAPIYEYE: Thank you, SC. In paragraph 4, it states that:

“I agree that section 64(C) provides for the appointment of the executive head, which is your assumed position. That is my position as an executive head. However, all processes and powers provided to the executive head in terms of section 64(C), more especially subsection (B), must be exercised subject to the directive of the chief executive, i.e., me as an accounting officer. All appointments in the department are also subject to council

and HR policies and processes. It is also generally recognised in the city that HODs, same level as you occupied, are more involved in the department of their direct reports.”

ADV SELLO SC: I think it is appointment.

CHIEF MAPIYEYE:

10 “Appointment of their direct reports, i.e., generally the divisional heads in your department, the deputy chief of police positions. Divisional heads, thereby deputy chief of police, then processes the further HR processes to fill in vacancies in each division. Of course, the head of the department, including you, must be consulted in all the appointments to the extent that it is never permissible to intervene when not included in the shortlisting and

20 appointment process. Once the position is filled after the HR processes and pertinent to EMPD, the National Standards to SAPS Act, 1 September 2020, addresses other matters.”

ADV SELLO SC: Thank you. Do you agree, do you hold

the same view as she expresses at paragraph 4 and 5 as regards your powers as granted by section 67(C)? Do you hold the same understanding of the meaning of section 64(C) as she has expressed in this letter at items 4 and 5? In other words, do you agree with what she says?

CHIEF MAPIYEYE: I disagree with that because these powers which I am exercising as an executive head have been given by the Act.

ADV SELLO SC: Now, in your statement at paragraph 35,
10 you say the city manager was deliberately misrepresenting facts with reference to that letter, and you continue to state that never in the history of the EMPD have deputy chiefs ever appointed anyone. Do you stand by that statement? Is that a correct statement that you make? She seems to have a view that you appoint deputy chiefs and thereafter, in terms of the system or the law, deputy chiefs are responsible for the appointment of anyone else below them.

CHIEF MAPIYEYE: I disagree with that.

ADV SELLO SC: And you say never in the history of the
20 EMPD has the system operated in that fashion.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: I take it that the history of the EMPD, at least, is for the time you have spent at the EMPD.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And that would be a total of how many

years?

CHIEF MAPIYEYE: 25 years in the EMPD, though in the profession I am now 42 years.

ADV SELLO SC: Okay. Now that you complained about these appointments, she responded to you expressing the views that she has an interpretation that she attaches to the relevant section. What became of these appointments? Did she intervene? Were they reconsidered, reversed, anything?

10 **CHIEF MAPIYEYE:** The employees who were even irregularly appointed, they are still seated in those positions with a lot of disputes and grievances in the department.

ADV SELLO SC: So effectively, you are saying the city manager notwithstanding your objection to Brigadier Mkhwanazi's conduct in these appointments, she did not cause for those appointments to be reviewed or reversed.

CHIEF MAPIYEYE: That is correct, SC. I know other cases are at arbitration. Some employees have taken this matter to arbitration at various different levels, which I am
20 not ofay of currently, as I am not around at work.

ADV SELLO SC: This communication between yourself and the city manager takes place over two days, the 5th of June 2024, that is your letter, JM8, and then her response is dated the 6th of June, and that is JM9. At paragraph 37, you speak about what happened shortly thereafter, shortly

after this arrangement. Well, relatively shortly, I guess. At 37, page 11.

CHIEF MAPIYEYE: Thanks, Commissioners. On page 11, 37, I have stated there that:

“Shortly after I was placed on leave by the city manager, on the 25th, September 2014, 2024. I deal with this particular suspension in more detail and others further in this statement.”

10 **CHAIRPERSON**: Is being placed on leave and being, or rather are being placed on leave and being suspended one and the same thing?

CHIEF MAPIYEYE: Thank you, Commissioner. Thank you, Commissioner. I think it is a typo. I was suspended from work.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: Sorry, my mic was off. I have to repeat the question. As we are sitting here today, I think it is a year and close to two months later, are you still on
20 suspension?

CHIEF MAPIYEYE: That is correct, Commissioner. I am still on suspension.

ADV SELLO SC: Yes, yes, Commissioner Baloyi.

ADV BALOYI SC: Chief Mapiyeye, that letter, which is the response from the city manager, is dated the 7th of June.

And then in paragraph seven thereof, she says:

“In considering the content of your letter, I am concerned that there may have been oversight in certain processes, as you outline, and recognising both our roles and responsibilities as regards to municipal police services, I believe that going forward, we should avoid any ambiguity on common practise by drafting a policy to specifically address the unique position at the EMPD.”

And then she thanks you. She says:

“I thank you for drawing this situation to my attention.”

Which suggests that this may have been oversight indeed, and:

“Kindly request that you commence the drafting of the policy to address such matters.”

And that is what I am interested in. Did you commence the process of drafting the policy? It is in June that she says this to you. And by the time you are suspended, is there such a policy in place?

CHIEF MAPIYEYE: Thank you, Commissioner. In this

letter, her response was dated the 7th of June 2024. I did not commence with any policy because I have explained to her that we are guided by the SAPS Act issues of recruitment and discipline, how do we deal with police members. So, I could not have crafted another policy which will run parallel with the city's policy.

So, I could not. And even if I could have thought of something during consultation with other metros, time was pushing me to go home in August. Because in August, this
10 was in June, July. In August, I then started to receive unpleasant news about myself on national TV about sexual harassment issues. So, I had no time anymore to think about what then needs to be happening with maybe a memorandum. Because I was now moving towards the suspension which finally took place in September. So, I did not, in short.

COURT: Thank you.

ADV SELLO SC: Thank you, Commissioner. Through you, Chief Mapiyeye, just for purposes of record, when
20 Commissioner Baloyi referred you to this particular response by the city manager, if you look at page 53, you see across her signature, by hen she is dated the 7th of June 2024. Do you see that?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: If you go to page 52, the start of that

letter. Before the subject line, the typed date is the 6th of June 2024. I draw this to your attention because when I refer to this particular Annexure, I use the date appearing on page 52 and Commissioner Baloyi used the date appearing handwritten at page 53. I just need you to confirm for the record that we are talking about the same document, notwithstanding the conflicting dates.

CHIEF MAPIYEYE: That is correct, Commissioner, that is the same document.

10 **ADV SELLO SC:** Thank you. We then move on, Chief, to your next chapter and this starts at page 12 of your statement. You have headed it, Criminality within EMPD. Are you there in your statement?

CHIEF MAPIYEYE: I am there, SC.

ADV SELLO SC: You have an introductory paragraph under that heading and thereafter you have a subheading. Can you quickly take us through the introductory paragraph at paragraph 38?

20 **CHIEF MAPIYEYE:** Okay. EMPD, as through some of its senior members, here we have picked up that some of our senior members were involved in blatant criminal acts and disregard of law. I will enumerate this below under specific headings for the benefit of the Commission.

ADV SELLO SC: Thank you. And then you proceed to deal with matters under specific subheadings, the first being

what you call the Blue Light Saga.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: You deal with this from paragraph 39 and you deal with it fairly extensively, so we could start at paragraph 39 and we work our way through your statement.

CHIEF MAPIYEYE: Thank you, SC. The headlight there, it is Blue Light Saga:

10 “During or about February 2023, the
 EMPD received an enquiry from a
 journalist, Mr Jeff Wicks, regarding the
 use of blue lights in civilian vehicles
 with the seeming approval of EMPD. At
 the time of this enquiry, I was on leave
 and the Deputy Chief of Police,
 Auxiliary and Support Services, that is
 Commissioner Revo Spies, who was
 appointed as the Acting Chief of Police
 in my absence, took charge of this
 enquiry and initiated investigation into
20 the allegations with immediate effect
 by the time when I received it because
 it was on the media. There is an
 attachment which is J10 and a copy of
 his appointment letter also in this
 regard.”

That was Commissioner Revo Spies who was acting. And then bullet number 40:

10 “In summary, the allegation was that Brigadier Mkhwanazi had, amongst others, unlawfully authorised the installation of blue lights in the vehicles in question. The vehicles in question were said to belong to CAT VIP Security. Such installation will be
20 unlawful as the use of blue light is, in terms of the National Road Traffic Act 93 of 1996, restricted for the use by law enforcement services, that is, SAPS, Metro Police Officers, Traffic Officers and South African National Defence Force, that is, Military Police. So the use of blue light is only restricted to those. And upon my return from leave, Commissioner Spies
 made a report to me on this matter, advising that flowing from his investigation, he had referred the matter to the Internal Affairs Unit in the Compliance Division as well as to the Independent Investigative Directorate

for Investigation and Recommendation.
He further advised that he had on the
3rd of March also opened a criminal
case against Brigadier Mkhwanazi for
fraud and corruption arising from these
effects at the police station in
Boksburg. It is my understanding that
Brigadier Mkhwanazi denied having
installed these lights. He, however,
10 insisted that the EMPD maintain a
formal working relationship with CAT
VIP Services Company, owned by Mr
Matlala, on the basis of which certain
vehicles were donated to EMPD. He
submitted, in support of his claim, the
following documents.”

These were submitted to the Acting Chief:

“An alleged memorandum of agreement
concluded with Medicare 24 during
20 2021. A copy of his document is
annexed MJ11. An alleged
memorandum of agreement concluded
with CAT VIP Protection during 2021.
A copy of this document is annexed
JM12.”

ADV SELLO SC: Okay, and now those two documents, JM11 and JM12, appear in your big file starting at page 55. That would be JM11, and you say that is an alleged memorandum of agreement concluded by Brigadier Mkhwanazi with Medicare 24 during 2021.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And if one has regard to page 124, it reflects as follows:

10 “Agreement entered into and between
 the Ekurhuleni Metropolitan Police
 Department...”

And it does not indicate as represented by whom:

 “...and Medicare Emergency Medical
 Services/ Anubis Protection Services.”

Is that correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV BALOYI SC: Ms Sello, maybe a correction, you said page 124, your pagination is page 55.

20 **ADV SELLO SC:** Page 55, I apologise. That is what
 happens when there is recycling of documents. I do
 apologise, it is page 55. You confirm that is how page 55
 reads?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now if we skip the content of the agreement itself and go to page 60, you will see at the

bottom of the body of that contract, the end of that contract or agreement, at page 60, it has got an effective date, 10/2021.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And then there is a signature above a name, JD Mkhwanazi, Director of Specialised Services.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And I see above that in a box, a choice is made between support, not support. A choice seems to be supported.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Am I reading this document correctly, your JM11, therefore, that it starts off with the support of JD Mkhwanazi as Director of Specialised Services?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: I see that on the same page, there was space for approval by Jim Mzolo, Deputy Chief of Police Operations and Specialised Services, but that space remains unsigned.

20 **CHIEF MAPIYEYE**: That is correct, SC.

ADV SELLO SC: And overleaf at 61, it then concludes with provision for signature by I, Mapiyeye, Chief of Police, EMPD. Is that you?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And equally so, it is unsigned.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Do you confirm that you did not sign this document?

CHIEF MAPIYEYE: That is correct, I did not sign this agreement.

ADV SELLO SC: Now, if we continue then and go to the next Annexure, which is JM12, that starts at page 62.

ADV BALOYI SC: Maybe before you do that.

ADV SELLO SC: Yes, Commissioner.

10 **ADV BALOYI SC:** Chief Mapiyeye, do you know if Mr Mzolo ever knew anything about this? Did you enquire from him?

CHIEF MAPIYEYE: Commissioner, this document was never brought to me. So I usually, the protocol is that if Brigadier Mkhwanazi signed it, he was going to take it to the Deputy Chief of Police, Mr Mzolo, and then Mr Mzolo was then going to come to me and explain to me then I sign or not support. And in fact, I was not going to support because this is not a process we are supposed to be
20 following.

ADV BALOYI SC: It would have gone, I mean, this way he signs, Mr Mkhwanazi, it says Director of Specialised Services, so he was not yet Deputy Chief of Police at the time.

CHIEF MAPIYEYE: That is correct, he was not a Deputy

Chief of Police.

ADV BALOYI SC: And was Mr Mzolo his direct superior?

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner Baloyi. I invite us then to turn to page JM12, which is the second memorandum of agreement you deal with at your paragraph 43.2, and that starts at page 62. Have you located it, Chief?

10 **CHIEF MAPIYEYE**: I have located it, SC.

ADV SELLO SC: This particular document is headed memorandum of agreement entered into and between the Ekurhuleni Metropolitan Police Department and CAP VIP Protection, and indicates under CAT VIP Protection in parentheses, duly represented by Vusimuzi Matlala. Do you see that?

CHIEF MAPIYEYE: I can see that here. Yes, SC.

ADV SELLO SC: And this agreement runs to page 65?

CHIEF MAPIYEYE: That is correct, SC.

20 **ADV SELLO SC**: And if we start at page 64 thereof, once again, at the bottom of the page, after the body of the agreement, is a space for signature by JD Mkhwanazi, Director of Special Services, and it is signed. Do you see that?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: This particular memorandum now has a date inserted by hand across to the right, across from the signature, and it is dated 13-10-2021.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And similar with the previous document, there is an indication at a choice whether to support or not support that it is supported. There is a tick in the support box.

CHIEF MAPIYEYE: That is correct, SC. Though what I am
10 observing on page 64, where the Brigadier has signed, the date was the 13th of October 2021.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: And on the next page, page 65, where Mr Vusimuzi Matlala was supposed to have signed, the date was put 15 June 2022.

ADV SELLO SC: Yes, you are correct. I confirm that is how it is.

CHIEF MAPIYEYE: Yes, I just wanted to highlight that.

ADV SELLO SC: Yes. Then staying with page 65, I see
20 after the signature by the Director of Specialised Services, Brigadier Mkhwanazi, it required approval, because it has got two options of approve and not approve, as indicated in the boxes at the start of that page. And immediately below that is a space for signature, and under that line is Mr Vusimuzi Matlala, Chief Executive Officer, CAT VIP

Protection. And to the right of that, it is dated 15 June 2022. For the record, it appears not to have been signed by the intended Mr Matlala, do you confirm?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now, this particular memorandum, as opposed to the previous one we considered, JM11, does not appear to require support by Mr Mzolo, which is Brigadier Mkhwanazi's direct superior, nor your support as the Chief of Police. I do not see provision for your support or
10 approval, do you confirm?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And page 65 actually represents the last page of that memorandum of agreement.

CHIEF MAPIYEYE: That is correct, SC.

CHAIRPERSON: Although, of course, right at the end the document appears to have envisaged some approval by whoever, no indication is given as to who the last approver would have been or should have been. Do you see the hanging approved, not approved, right at the bottom?

20 **CHIEF MAPIYEYE**: I could see that, Commissioner.

CHAIRPERSON: Ja, and would a document of this nature have taken the form of somebody like Mr Vusimuzi Matlala, the Chief Executive of the company, having to approve? Is that not rather odd, that he would have approved?

CHIEF MAPIYEYE: I could not learn that clearly, Chair.

CHAIRPERSON: I am saying, look where Mr Matlala is supposed to sign, there as well, he is also supposed to approve. So my question is, is it not odd that he would have had to also approve?

CHIEF MAPIYEYE: It is odd, Commissioner.

CHAIRPERSON: Should he not simply have been a signatory together with whoever would have been signing within the municipality, and then some municipal official approving after the two signatories?

10 **CHIEF MAPIYEYE**: Regardless, Commissioner, this is not the process which the City follows when it receives donation from any company or service provider.

CHAIRPERSON: All right.

CHIEF MAPIYEYE: It is not even the process.

CHAIRPERSON: All right, thank you, thank you.

ADV BALOYI SC: Still on this document, Chief Mapiyeye, the only signatory on behalf of the municipality or the EMPD on this document is Mr Mkhwanazi, who at the time is still a Director. If you leave aside the idea that Mr Matlala could
20 approve on behalf of the municipality, did Mr Mkhwanazi, as Director, would he have had authority to conclude this kind of transaction with an external company, but just by virtue of his position?

CHIEF MAPIYEYE: Commissioner, not at all. Because this is also a process which is not followed by the City of

Ekurhuleni when you receive donations from a service provider or an external company. This is not even the process.

ADV BALOYI SC: What is the process? If this were a proper donation of our services and vehicles by Cat Matala Security, what would have been the process?

ADV SELLO SC: Through you, Commissioner Baloyi, Chief Mapiyeye, it would appear that Commissioner Baloyi is way ahead of you. So perhaps, no, no, no, he can deal with it.

10 It is in the statement. So I said perhaps we jump to that part so he can answer your question in full.

ADV BALOYI SC: I do not want to mess up your flow.

ADV SELLO SC: Okay.

ADV BALOYI SC: I would rather you lead him the way you wanted to.

ADV SELLO SC: I would be happy to, no challenge.

ADV BALOYI SC: Okay.

ADV SELLO SC: Okay. Chief Mapiyeye, if you could have regards to your paragraph 52 at page 16, starting from the
20 second sentence of that paragraph.

CHIEF MAPIYEYE: Page 16?

ADV SELLO SC: Paragraph 52.

CHIEF MAPIYEYE: Paragraph 52.

ADV SELLO SC: The second sentence of that paragraph starting in any event.

CHIEF MAPIYEYE:

“In any event, there is no evidence that the claim donation complies with the municipality's grants, donations, sponsorships and gifts policy, which prescribe that all donations or sponsorships offered to the municipality must be submitted to the City Manager for approval and declared
10 to the National Treasury.”

ADV SELLO SC: Thank you. Does that answer your question, Commissioner Baloyi?

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: I have a different question, Adv Sello.

ADV SELLO SC: Yes, Commissioner.

ADV KHUMALO SC: Chief, these two documents, the two memoranda, the second one on page 131.

ADV SELLO SC: No, you are using the wrong numbering again, like me.

20 **ADV KHUMALO SC:** Sorry. Page 62.

ADV SELLO SC: Yes.

ADV KHUMALO SC: JM12. It appears to envisage not just a donation of vehicles, but a skills transfer and tactical training of EMPD officials by CAT Protection Services. So if you look at the paragraph on page 63, top of the page. Do

you see that?

CHIEF MAPIYEYE: I could see that.

ADV KHUMALO SC: So it says:

“CAT VIP will donate motor vehicles to Ekurhuleni Metro Police Department and provide their staff members with skills transfer and tactical training.”

Now, you having been Chief of the EMPD at that time, could such an arrangement be concluded without your knowledge
10 or approval?

CHIEF MAPIYEYE: It is not supposed to happen. I am supposed to be knowing if there is any service provider who want to render such services to us, and I will have then to follow the right processes to get that service provider on board.

ADV KHUMALO SC: But you say these are the documents Brigadier Mkhwanazi, he was not Brigadier at the time, but these are the documents he produced to justify the reason why CAT Protection Services was using the blue lights.

20 **CHIEF MAPIYEYE**: That is correct, Chair.

ADV KHUMALO SC: He said because there were these MOUs between CAT protection services and EMPD.

CHIEF MAPIYEYE: That is correct, Chair. We only managed to pick that up immediately after the media query.

ADV SELLO SC: Thank you, Commissioner Khumalo.

Getting back then to your statement at paragraph 44, having considered these memoranda, both of them, JM11 and JM12, you draw certain conclusions at page 13, paragraph 44. Please wait a moment, Chief Mapiyeye. Yes, Commissioner.

ADV BALOYI SC: There is quite a bit to go through, so one has to go back and forth. In the first memorandum, it is about provision of services which include drawing blood at roadblocks to the extent that this discussion now is about
10 blue lights under that heading. That is why we are having that discussion. If you go to page 60.

ADV SELLO SC: Yes.

ADV BALOYI SC: There is that last bullet point, and I was checking whether we have heard anything about it at page 60.

ADV SELLO SC: Page 60, correct.

ADV KHUMALO SC: The last bullet point, and perhaps you should read, because this is where the question about why there are vehicles that have blue lights is addressed in the
20 memorandum.

ADV SELLO SC: Yes.

ADV BALOYI SC: Can the witness insert into the record, perhaps?

ADV SELLO SC: It is absolutely important. Chief Mapiyeye, you remember we were dealing with these two

sets of agreements, JM11 and JM12.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: Commissioner Baloyi is inviting you to JM11 again, which starts at page 55 of your big file.

CHIEF MAPIYEYE: I am there, SC.

ADV SELLO SC: Just to orientate you, this particular memorandum is between Ekurhuleni Metropolitan Police Department and Medicare Emergency Medical Services. You see that?

10 **CHIEF MAPIYEYE**: That is correct, SC.

ADV SELLO SC: Now, she refers you in particular to page 60, if you could go there?

ADV BALOYI SC: Maybe before that, Chief Mapiyeye, if you could go to page 58 of that same document, and then there is paragraph 3 there which tells us what is the purpose of this document, and read that into the record first.

CHIEF MAPIYEYE: Thank you, Commissioner. On page 58:

20 “The purpose of this Memorandum of Understanding, MOU, is to outline the commitment of promoting and protection of the Medicare Emergency Services, combining that with the health care and safety of officers of

Ekurhuleni Police Department when a situation arises, warranting medical attention on various degree, particularly in traumatic event incidents.”

That is bullet number 3.

ADV BALOYI SC: Yes, and then if you would then go to page 60, maybe start with a heading, read what the heading says you are agreeing to as a municipality, and then you
10 can skip the other bullet points and then go to the last bullet point.

CHIEF MAPIYEYE: Commissioner, you said I must go to page?

ADV BALOYI SC: 60.

CHIEF MAPIYEYE: 60.

ADV BALOYI SC: 6-0. It is that signature page.

CHIEF MAPIYEYE: Okay, I have got it.

ADV BALOYI SC: And then read that heading into the record.

20 **CHIEF MAPIYEYE:**

“Ekurhuleni Police Department, by signing this MOU, Ekurhuleni Police Department agrees to.”

ADV BALOYI SC: And then the last bullet point.

CHIEF MAPIYEYE:

“EMPD will assist with the registration of vehicles under EMPD as official vehicles and we will be permitted to use blue and red lights to respond for and on behalf of EMPD. The cost of this will be for the Medicare 24 under these Protection Services.”

ADV BALOYI SC: Thank you. Thank you, Chief.

ADV SELLO SC: Thank you, Commissioner. I am quite
10 aware of the time, that it is lunch. But just not to interrupt this flow of questions, may I perhaps ask the witness to deal with two other aspects, then we close the subject? Mr Mapiyeye, please go back to page 59 of the same document.

CHIEF MAPIYEYE: I have got, SC.

ADV SELLO SC: This is the heading of that page is understandings. And the opening paragraph thereof reads:

“By signing this MOA, Medicare 24
Emergency Services agrees to.”

20 Do you see that?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: I would like you to read Items 4, 5 and 6 into the record, please.

CHIEF MAPIYEYE: Item 4:

“Medicare 24 under base protection

services can assist when needed. All members are registered with PSiRA and are issued firearms through our VIP protection unit that are owned by the Medicare 24 Holdings.”

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: Number 5:

10 “The CEO's health qualifications and legal degree can assist when needed in an event of a drug bust and I can give legal advice where needed.”

Number 6:

“Medicare 24 can assist with drawing blood in roadblocks for you, and staff will be available.”

ADV SELLO SC: Now, having read those four items under the heading understanding, the three, rather, 3, 5, 6, what Medicare 24 is undertaking to do here, does that accord with the law as the EMPD understands it? Can Medicare
20 undertake the services listed there?

CHIEF MAPIYEYE: I cannot allow it under my watch because the law does not allow it as well.

ADV SELLO SC: Okay. When we dealt with Annexure JM12, we indicated who represented VIP CAT Services. We overlooked doing so in respect of JM11, this particular

annexure we are dealing with. Could you go back to page 55 and just read into the record who represented Medicare 24 Emergency Medical Services/ Anubis Protection Services in the conclusion of this agreement? It is set out in the parenthesis below the name of the entity.

CHIEF MAPIYEYE: On page 55:

10 “Medicare 24, that is Emergency
 Medical Service Anubis Protection
 Service, duly represented by Mike Van
 Wyk.”

ADV SELLO SC: Thank you. Thank you for the indulgence, Chair. I shall not detain the Commissioners any further.

CHAIRPERSON: Let us adjourn and resume at 14:05.

ADV SELLO SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

20 **ADV SELLO SC**: Thank you, Chair. Chief Mapiyeye, when we broke for lunch, we had dealt with your paragraph 43 at page 13. Can I ask you to turn to the page? Having dealt with the two annexures, the two memoranda, annexures JM11 and JM12, you draw certain conclusions at paragraph 44 at page 13. Could you share those with the Commission?

CHIEF MAPIYEYE: Thanks, SC.

ADV SELLO SC: Yes, sir.

CHIEF MAPIYEYE: We said page 13. And on the other file, what page is that again?

ADV SELLO SC: Page 13 of the small file, your statement.

CHIEF MAPIYEYE: Yes, I have got page 13.

ADV SELLO SC: And I am inviting you to share with the Commission the conclusions you draw at paragraph 14, at paragraph 44, at page 13, at the bottom of the page. Are you there?

10 **CHIEF MAPIYEYE:** I am there.

ADV SELLO SC: Please share the contents of your paragraph 44 with the Commission. Thank you.

CHIEF MAPIYEYE: Thank you, Commissioners. On page 13, I will start at number 42.

ADV SELLO SC: No, at paragraph 44, sorry.

CHIEF MAPIYEYE: Paragraph 44?

ADV SELLO SC: Yes. You recall paragraph 43, that is where we deal with the two memoranda of understanding, of agreement.

20 **CHIEF MAPIYEYE:** That is correct, SC.

ADV SELLO SC: We dealt with JM11 and JM12 before the lunch break.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: So I say from paragraph 44, you draw conclusions about those two documents. And those

conclusions, I would like you to share with the Commission.

CHIEF MAPIYEYE:

“I submit that these documents are fraudulent. I say so for the following reasons. Both annexures are signed by Brigadier Mkhwanazi alone.”

Of the documents we have been going through earlier before lunch.

ADV SELLO SC: Yes.

10 **CHIEF MAPIYEYE:**

“Both make provisions for my signature as the Chief of Police and neither was approved by me.”

ADV SELLO SC: Okay. I think we need to make a correction at 44.1. Only JM11 makes provision for your signature, and not both.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Okay, we shall effect that change. You may continue.

20 **CHIEF MAPIYEYE:** 44.2:

“During 2020, the City of Ekurhuleni had issued a public tender for the appointment of security providers for the provision of security services for all the City of Ekurhuleni facilities and

other associated security services. On the 12th of August 2020, 10 service providers were awarded contracts to provide these services at various City of Ekurhuleni facilities. I annexed hereto a list of 10 service providers marked JM13. I also attached marked collective Annexures JM14 1 to 10. The respective appointment letters of these service providers, as is apparent from this list, CAT VIP service was not a service provider to the City at the date of the purported signature of memoranda of agreement by Brigadier Mkhwanazi.”

ADV SELLO SC: Thank you. Can I refer you quickly to Annexure JM13 that appears at page 66 of the bigger file? That you say at paragraph 44.2 is a list of the 10 service providers for security services that were awarded contracts following a public tender on the 12th of August 2020.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And you state that on that list, the CAT VIP services is not listed as one of the service providers.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: If you could then go further from page 67

of that bigger bundle, that is Annexure JM14? And at JM14, you have included the appointment letters for each of the service providers listed at JM13.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And do you confirm that a review of those award letters does not produce an award letter in respect of CAT VIP services?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Okay, now getting back to your statement
10 at 45, that is still at page 14.

CHIEF MAPIYEYE:

“Notwithstanding the above, Brigadier Mkhwanazi submitted to me a report in which he claims that CAT VIP Security Services is one of our security companies contracted to the Municipality. I attach this report marked JM15.”

ADV SELLO SC: And may I refer you then to JM15 at page
20 88 of the bigger file, the annexures file?

CHIEF MAPIYEYE: I have got it, I have got page 88.

ADV SELLO SC: Under tab JM15.

CHIEF MAPIYEYE: That is JM15, yes, correct.

ADV SELLO SC: Okay. You say that this is a report submitted to you by Brigadier Mkhwanazi in respect of this

memoranda of agreement and engagements with CAT VIP Services, correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And you confirm that at the top of that document at page 88 it does indicate it is to Chief of Police Mapiyeve, and it is from Director JD Mkhwanazi?

CHIEF MAPIYEYE: I could see that. I confirm that.

ADV SELLO SC: And if you go just rush forward to page 90, that report is signed at the bottom of page 90 by JD
10 Mkhwanazi, Brigadier Specialised Services EMPD.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Could you read the subject line of that document into the record appearing at page 88?

CHIEF MAPIYEYE: From page 88, SC?

ADV SELLO SC: Please read the subject line.

CHIEF MAPIYEYE: Subject, working relationship with a CAT Security Service/other security companies.

ADV SELLO SC: Okay, now if I could refer you further
20 onto the page under the heading background. Please read
into the record the first three lines or the first two
sentences.

CHIEF MAPIYEYE:

“Background. I would like to confirm
that we have a working relationship
with CAT Security Services and its

subsidiaries, Medicare 24 Emergency Medical Services. This relationship started in 2020 during Covid-19.”

ADV SELLO SC: Please continue.

CHIEF MAPIYEYE:

“The aforementioned entities were enlisted to assist our officers with free testing, treating uniformed personnel which tested positive, including their close family members at their Boksburg-based clinic.”

ADV SELLO SC: Now, to your knowledge, during the Covid-19 pandemic, did any of the members of the EMPD receive free testing and other Covid-related services from any service provider?

CHIEF MAPIYEYE: Not to my knowledge, SC.

ADV SELLO SC: How were the services treated by the City at the time?

CHIEF MAPIYEYE: I remember there was one service provider, I just forgot the name, but it was not this Medicross 24.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: There was an MOU which they facilitated through the office of the City Manager.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: And they were then assisting some of our officers with the treatment of the Covid-19.

ADV SELLO SC: Did the City pay for those services or were they rendered free of charge?

CHIEF MAPIYEYE: Chair, I do not have the details because it was never signed by me, but it was concluded from the Office of the City Manager.

ADV SELLO SC: Okay. Can I invite you then to page 15 at paragraph 47 of your statement?

10 **CHIEF MAPIYEYE:** Page 15, paragraph 47?

ADV SELLO SC: Yes, please.

ADV KHUMALO SC: Sorry, Advocate Sello, what is the date of this document on page 88, JM15?

ADV SELLO SC: As appears on the record, it is not dated. However, if I take the Commissioner back to paragraph 44, we know that from the witness that this was submitted by Brigadier Mkhwanazi in respect of the MOUs that I discussed above and the service providers that the witnesses were appointed in 2020 to provide services. It
20 states, notwithstanding all that he has said, this is what Brigadier Mkhwanazi submitted in response.

ADV KHUMALO SC: Maybe I should ask ...[intervenues].

ADV SELLO SC: By all means.

ADV KHUMALO SC: I am assuming that this document came about as a result of the 2023 investigation because

until 2023, there was no issue with CAT Protection Services and the Blue Lights.

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV KHUMALO SC: Although it is not dated, it was a response to your enquiries or the Acting Chief at the time. His enquiries about the relationship between EMPD and CAT Protection Services.

CHIEF MAPIYEYE: That is correct, Commissioner. That is perfect.

10 **ADV SELLO SC**: Thank you, Commissioner. I then invited you to page 15 of your statement, Chief Mapiyeye, at paragraph 47. If you could read that?

CHIEF MAPIYEYE: Page 15, paragraph 47?

ADV SELLO SC: Yes.

“In this report, Brigadier Mkhwanazi confirmed that the memorandum of understanding was not approved by me.”

20 **ADV SELLO SC**: In this regard then, may I refer you back to JM15, the document that we are looking at, the report filed by Brigadier Mkhwanazi? And in particular at page 89. And almost at the top of that page, there is a heading, submissions. Could you please read that paragraph quickly to the record?

CHIEF MAPIYEYE: Page 89 on submissions?

ADV SELLO SC: Yes.

CHIEF MAPIYEYE:

10 “After this presentation, we took a decision to formalise the relationship through a proposed memorandum of understanding, drafted and sent to the Chief's Office for approval. The said memorandum was also sent to me for signature. I forwarded the same to the Chief's Office through his PA. The said memorandum has not been signed or approved. What is published in the media is an operational plan as per operational duties of an event or operation signed and co-signed by all the colleagues whose signature appears at the bottom.”

ADV SELLO SC: Thank you. That paragraph you just read states, this is in the words of Brigadier Mkhwanazi:

20 “I forwarded the same to the Chief's Office through his PA”

The Chief's Office, is that your office or what office is that?

CHIEF MAPIYEYE: That is my office, SC.

ADV SELLO SC: Staying still then at page 89, midway the page there is another heading, projects undertaken with

CAT. The first, it says, cartels examination at the college.
Do you know what cartels examination is?

CHIEF MAPIYEYE: I think he wanted to say cadets examination at the college.

ADV SELLO SC: Cadets.

CHIEF MAPIYEYE: Those are our new students.

ADV SELLO SC: Okay, thank you. There are three projects listed under that heading. Please have regard to the third one, headed Crime Combating Operations. Do you
10 see that at the bottom of the page?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Could you please read into the record the first two sentences of that paragraph? The second sentence is pretty long but if you could quickly read that?

CHIEF MAPIYEYE: Of the last paragraph you said, SC?

ADV SELLO SC: Of item three, Crime Combating Operations, the third project at page 89 at the bottom of the page.

CHIEF MAPIYEYE: Okay:
20 "We are also involved in Crime Combating Operations with CAT Security Services, together with other security services that are committed in crime fighting around the City. CAT Security is assisting EMPD by

providing additional technology of monitoring the action and movement of criminals, tracking suspects and other resources we use when engaging, chasing and arresting these highly trained and skilled repeat offenders that are not afraid to fight back with police when cornered.”

ADV SELLO SC: Now, having regard to what you have just
10 read and the activities listed therein, I would like to invite your opinion on the legality of the activities that this document suggests CAT VIP is undertaking with EMPD.

CHIEF MAPIYEYE: These are illegal activities, SC, in the sense that they do not have powers in effecting certain activities which are mentioned on top there ...[intervenes].

ADV SELLO SC: Go ahead. My apologies. Please continue. I apologise.

CHIEF MAPIYEYE: They do not have legislative powers to do some of the activities which are mentioned above.

20 **ADV SELLO SC:** Such as?

CHIEF MAPIYEYE: Such as the movement of criminals, tracking suspects and other resources we use when engaging, chasing and arresting of these highly trained, skilled and repeat offenders that are not afraid to fight back with police when cornered.

ADV SELLO SC: And those are the activities that you suggest that would be illegal if pursued.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: Now, to conclude on this document, please, at page 90, have regard to the last paragraph before the signature.

CHAIRPERSON: Sorry, before the Chief goes on.

ADV SELLO SC: Yes, Chair. Can you please relate your answer to what you say in paragraphs 13 and 14 of your
10 statement at page 5? In those paragraphs, you set out the powers of the EMPD.

CHIEF MAPIYEYE: On page?

CHAIRPERSON: Page 5 of your statement, the small file, page 5, paragraphs 13 and 14. There you set out the powers of the EMPD. Now I want you to relate what you have just said at page 90 about the powers that the EMPD does not have. You see, what you say in paragraph, let me just go back. Under paragraph 3, starting at page 89 of the big file, certain activities are stated there. Certain
20 activities in respect of which, according to Brigadier Mkhwanazi, the EMPD is assisted by, is it Cat Matlala, VIP? Ja, Protection Services.

Now you say those activities that Brigadier Mkhwanazi says are performed by the EMPD with the assistance of CAT Security Services do not fall within the

powers of the EMPD. So I am saying, for purposes of clarity, can you please relate your answer to what you say in paragraphs 13 and 14 of the smaller file as to what the powers of the EMPD are? Do you follow me?

CHIEF MAPIYEYE: I am following you.

CHAIRPERSON: Yes. Can you please do that?

CHIEF MAPIYEYE: Some of these cases on page – on the main bundle, page 90, they are talking about:

10 “Tracking suspects, movement of
 criminals, other resources we use when
 engaging and chasing, arresting of
 these highly trained, skilled and
 repeated offenders that are not afraid
 to fight back with police when
 cornered.”

These are security members Brigadier Mkhwanazi is talking with. These security members, they have got no powers, including our Metro Police officers where there are cases. In most of these cases, if there is a wanted criminal,
20 already there is a case number. So that is when they start now to resume the investigative leg of law enforcement. So our members, they do not have that power to do that.

Coupled with these security companies, especially coupled with these security companies which he is talking about here, we had no engagement with it at all. It was

also not part of the companies which I have mentioned earlier, which were appointed by the City, the 10 companies. They were not even part of it.

CHAIRPERSON: I wanted your focus to be on the EMPD and not so much on the CAT Security Services. Because according to what you say at the foot of page 89, CAT Security Services was assisting. Assisting whom? Assisting EMPD. That is what you say, the first two words at page 90. So CAT Security Services is assisting EMPD.

10 So my focus is on the powers of the EMPD, not the powers of CAT Security Services. But perhaps let us leave it there.

ADV SELLO SC: Perhaps I may give a shot at it, Chair.

CHAIRPERSON: Thank you, thank you.

ADV SELLO SC: Thank you, Chair. We are reading this report that Brigadier Mkhwanazi filed with you.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: In support of this memoranda of agreement. Now the Chair refers you to page 89, the bottom of page 89, under that project, Crime Combating
20 Operations. Do you see that?

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: And the last sentence of that, which is that of the second sentence, CAT security is, if you turn over leaf, assisting EMPD. Are you following?

CHIEF MAPIYEYE: I am following, SC.

ADV SELLO SC: And then that proceeds to list the activities of the EMPD and suggests that in carrying out those activities, EMPD is assisted by CAT VIP. You follow that?

CHIEF MAPIYEYE: I follow, SC.

ADV SELLO SC: Now the Chair invites you back to your statement. If you could go to your statement then at page 5?

CHIEF MAPIYEYE: I am at page 5.

10 **ADV SELLO SC:** And at paragraphs 13 and 14, which is where you deal with the powers of the EMPD.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now the question, as I understand from the Chair, is considering the activities listed in page 90, do they accord with the powers as you have explained them in your statement at paragraphs 13 and 14 at page 5?

20 **CHIEF MAPIYEYE:** Partly, I responded on that, Commissioner, in the sense that most of the cases which I am looking at page 90, some of these cases will have already a case number. I do not have the details of all the cases. But for the fact that Metro Police do not have investigative powers, it is only SAPS who has those powers. So they were acting outside their mandate.

ADV SELLO SC: Apologies. So then if I understand, let me check my understanding. You are suggesting what is

listed at page 90 of JM15 where it said EMPD undertakes, tracks suspects, it speaks of tracking suspects, right? At page 90. And then it says it engages in chasing and arresting highly trained, skilled, and repeat offenders. Is EMPD empowered to do that? Just generally those two activities that I have highlighted that are listed at page 90.

CHIEF MAPIYEYE: Certain, yes, when we are accompanied by SAPS because ...[intervenes].

ADV SELLO SC: Okay, I will put it differently. EMPD on
10 its own, can it undertake those activities? Regarding being had to what you say at paragraphs 13 and 14 where you set out the powers, the limited powers.

CHIEF MAPIYEYE: They have got no authority in this sense. When I read here on page 90, we even talk about repeat offenders. You cannot be a repeat offender not even having been arrested before. So you will obviously have been having a criminal case. So they are assuming the work of police to investigation.

ADV SELLO SC: Understood. Hope that helps. Thank
20 you, Chair.

ADV BALOYI SC: Yes. Chief, on that report from Mr Mkhwanazi at page 89, where Mr Mkhwanazi lists the – maybe let me start off with where the heading submissions at page 89 in that big bundle. Right at the end, the last sentence, it starts line three from the bottom. He says:

“The said memorandum has not been signed or approved.”

Maybe in fact, let me read the whole paragraph so it makes sense. It reads:

10 “After this presentation, we took a decision to formalise the relationship through a proposed memorandum of understanding, drafted and sent to the Chief's Office for approval. The said memorandum was also sent to me for signature. I forwarded the same to the Chief's Office through his PA. The said memorandum has not been signed or approved. What is published in the media is an operational plan as per operational duties of an event or operation signed and co-signed by all colleagues, whose signatures appear at the bottom.”

20 That signatures appear at the bottom. I thought it was bottom of this report, but this report has got only one signature. Is there a missing page? Is he referring to signatures that were part of his report to you?

CHIEF MAPIYEYE: Thanks, Commissioner. When he talks about the operational plan, where he speaks about certain

signatures which are appearing on that operational plan, I think it is in one of our attachments, that operational plan.

ADV BALOYI SC: And so the signatures would be there on the operational plan, not on his report to you?

CHIEF MAPIYEYE: That is correct.

ADV BALOYI SC: Okay. And then the second heading, projects undertaken with CAT, the first one, you have corrected it, cadets examination at the college. And then towards the end it tells us we requested in the one, two, 10 three, in the third line, after papers and ink, comma, he says:

“We requested the intervention and the commitment that Mike Van Wyk made and fulfilled in terms of printing and producing documents that made cadets to write their exams with our EMPD at a cost of more than R300 000 at that time as per their estimation.”

Did you ever investigate or find out whether indeed such a 20 service was provided by CAT, by this Medicare, Medi, whichever, I cannot distinguish Medicare and CAT, whichever of these two companies?

CHIEF MAPIYEYE: Commissioner, on his own statement, when it was requested by the acting Chief of Police, Mr Spies, he committed himself that they offered him R300

000, I think, for stationary for the cadets at the college. I have never seen those.

ADV BALOYI SC: Okay.

CHIEF MAPIYEYE: But he committed that on his own statement.

ADV BALOYI SC: And lastly, item 2/2022/3, State of the City Address. He says:

10 “We also work very closely with CAT
 Security on our first State of the City
 Address by the current administration.”

Now, you have told us and you have provided us with a list of service providers who were appointed in 2020, and that you find at page 66, JM13. And as you testified, it does not include any of the two companies, CAT Security at least, that he refers to there. Have you been able to verify whether they were indeed on duty supporting the Metro at that State of the City Address? It is really a factual question whether they were not. Have you been able to establish that?

20 **ADV SELLO SC**: Through you, Chair. Commissioner Baloyi, may I point out that Chief Mapiyeye deals with that particular aspect, the State of the City Address, from paragraph 57 in the statement, which would be a page 40.

ADV BALOYI SC: I am happy to leave it.

ADV SELLO SC: So we can park it, and then when he

deals with that aspect, it will address most of, if not all, the questions that you have raised.

ADV BALOYI SC: I am happy to do that. Thank you.
Thank you.

ADV SELLO SC: Do you confirm, Chief Mapiyeye, that further on in your statement, you do deal extensively with the 2022/23 State of the City Address?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: I have requested the Commissioner that
10 perhaps we stand down those questions until you get to that part of your statement, and then we will check that we have answered the questions.

CHIEF MAPIYEYE: Thank you.

ADV SELLO SC: Now, just then to close up on this document, this memorandum, no, it is a report filed by Brigadier Mkhwanazi. I am at page 90 of the big file. JM15, the signature page. Are you there?

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: And I invite you to please read into the
20 record the last paragraph.

CHIEF MAPIYEYE:

“I hope and believe the Chief will understand an initiative we are taking as his subordinates in advice and advancing private partnership towards

fighting crime and protecting the cities,
whilst also skilling our own, as
mentioned in this report.”

ADV SELLO SC: Thank you, Chief. I see in this paragraph, Mr Matlala suggests, Brigadier Mkhwanazi suggests that the engagement with CAT VIP Services was an initiative undertaken by your subordinates. Do you have that understanding as well from that paragraph?

CHIEF MAPIYEYE: That is what I am reading here.

10 **ADV SELLO SC**: And he calls upon you to appreciate the initiative of your subordinates.

CHIEF MAPIYEYE: I noted that, SC.

ADV SELLO SC: Do you appreciate this initiative?

CHIEF MAPIYEYE: I do not appreciate that, SC, because we as Metro Police, we have got a standardised training, which the standards are prescribed by the National Police Commissioner.

ADV SELLO SC: Yes.

20 **CHIEF MAPIYEYE**: How police needs to be trained in all aspects of their law enforcement fraternity, including the Metro Police. So, we are duty bound to align ourselves with the directive of the National Police Commissioner in the country.

ADV SELLO SC: Thank you.

ADV KHUMALO SC: Before you leave this document, just

one comment or question from me, Chief. It bothers me that EMPD, together with a security company you know nothing of, was undertaking serious projects without that company being appointed properly, and two, without the knowledge of the Chief of Police. And some of the activities are of a policing nature. Does it not bother you?

CHIEF MAPIYEYE: It bothered me when I learned of this incident, Commissioner, that this State of the City address was happening, I think, either on a Wednesday, then the
10 following day, Council still need to sit to debate the State of the City's Address. So, it usually takes two days. What Brigadier Mkhwanazi spoke about, it is the deployment on the first day.

It came to my attention a bit late at night, through someone who informed me. Because when I saw some of these members at the Chamber, Council Chamber, wearing suits, some having firearms, I was under the impression that they came with other delegates or Mayor of Joburg or Tshwane to the City of Ekurhuleni. Only later on I realised
20 when I have asked the Deputy Chief in charge, who verbally told me that these were SAPS members ...[intervenes].

ADV SELLO SC: Chief, I apologise for interrupting you. May I perhaps request you to park the aspect you are addressing now? Because if you go to paragraph 57 at page 17 of your statement, please go there. You deal with

what you are addressing now in a chronological fashion. And I would suggest that perhaps you wait until we get there.

What I had understood Commissioner Khumalo to be asking you is whether the activities that are listed at page 90 that we looked at in Brigadier Mkhwanazi's report, such as tracking suspects, chasing and arresting repeat offenders. I think I understood his question to be the fact that they happened without the knowledge of the Chief of
10 Police, when by their nature, very nature, appear to be policing functions, whether that does not concern you.

CHIEF MAPIYEYE: I agree Commissioner, it is really worrisome to me. Also, the safety of our community.

ADV SELLO SC: Thank you, Chief. Can I then invite you to your page 15 and paragraph 48 thereof? And in regard to these very activities that Commissioner Khumalo asked you about, the small file, your statement, page 15, 1-5.

CHIEF MAPIYEYE: Yes, I am at ...[intervenes].

ADV SELLO SC: Under paragraph 48. If you go to the end
20 of that paragraph 48, if you could count four lines up.

CHIEF MAPIYEYE: I have got that, SC.

ADV SELLO SC: Okay. If you could just read that, the remainder of that paragraph, starting with I submit that.

CHIEF MAPIYEYE:

“I submit that the activities as

described by Brigadier Mkhwanazi are highly irregular and in some instances, pertinently unlawful. As I indicated above, the functions and powers of members of EMPD are highly limited and could never include the activities described in this report.”

ADV SELLO SC: Thank you. Is that why then you say it concerns you that Brigadier Mkhwanazi says the EMPD is
10 undertaking these kind of activities in response to Commissioner Khumalo's question?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Thank you, Chief. Then just quickly, we turn to your paragraph 49 at page 15 still. You make the point at paragraph 59 that there are some MOUs concluded by both the EMPD and the City. Do you see that?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And in this regard, you refer the Commission to Annexure JM16.

20 **CHIEF MAPIYEYE:** That is correct, SC.

ADV SELLO SC: Could you please turn to Annexure JM16 at page 91 of the big bundle?

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: And this, according to your paragraph 49, is a list of five MOUs and one memorandum of agreement

concluded by the EMPD, right?

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: And that this document you state is issued by the EMPD Research and Policy Development Unit.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So these are the five memorandum of understanding and SLAs.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: I see on this list that none of them
10 include CAT VIP Services. Do you confirm?

CHIEF MAPIYEYE: None of them, none of those MOUs include CAT VIP Security Services.

ADV SELLO SC: And does it include Medicare 24 or any other derivative of that name?

CHIEF MAPIYEYE: None, SC.

ADV SELLO SC: Do you attach this document in support of the contention that the MOUs as attached, JM11 and 12, are fraudulent?

CHIEF MAPIYEYE: That is correct, SC.

20 **ADV SELLO SC**: You then, at page 16, from paragraph 50, you state that Brigadier Mkhwanazi did not have the requisite authority to conclude any memoranda on behalf of the City.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Where would that authority derive from?

Who has got the authority?

CHIEF MAPIYEYE: The person who has got authority to conclude memorandums of understanding is the Accounting Officer with the City Manager.

ADV SELLO SC: And your contention that Brigadier Mkhwanazi did not have the requisite authority is because he is neither of those functionaries?

CHIEF MAPIYEYE: That is correct, he did not have.

ADV SELLO SC: Do you know whether or not he could
10 have had the powers delegated to him by the Chief Executive Officer and/or the CFO? Would you know?

CHIEF MAPIYEYE: I would know because I am the head of the department. It needs to start with me, they need to brief me if they want to cascade the responsibility of the City Manager to my junior. So I should have known about it.

ADV SELLO SC: And you maintain you did not know and therefore that is the basis for concluding that he did not have the authority?

20 **CHIEF MAPIYEYE**: That is correct, SC.

ADV SELLO SC: Continuing then to paragraph 51, you invite our attention to your document you have annexed as JM 17. Do you see it, paragraph 51?

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: In the big file, if you turn to page 92, that

is where you locate your Annexure JM17.

CHIEF MAPIYEYE: I have got page 92.

ADV SELLO SC: It is a two-page document, it appears to be a letter. It is dated the 15th of June 2022 and it is unsigned. It just concludes, kind regards, Mr Vusimuzi Matlala, CEO, at page 93. You see that?

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: Now at paragraph 51, you summarise the content of that document.

10 **CHIEF MAPIYEYE**: That is correct.

ADV SELLO SC: Could you briefly tell us what that document is and what it purports to communicate?

CHIEF MAPIYEYE: On page 16, bullet number 51:

20 “There is on record a letter dated 15 June 2022 from CAT VIP Protection titled letter of intention to commit. In this letter, the CEO of CAT VIP Protection, Mr Vusimuzi Matlala, claims that the company has signed a memorandum of agreement with Ekurhuleni Metropolitan Police Department, which is EMPD, which aims to enhance the EMPD's efforts in crime prevention and community safety and to assist in VIP protection training,

tactical training and skill development.

The letter goes further to claim that the company, in order to achieve this objective, intends to donate four vehicles and to lend EMPD a helicopter to fly for a maximum of two hours per month, which will aid EMPD to gain an aerial view of the city during their operations. I attach marked JM17, a copy of this letter.”

10

That is the letter.

ADV SELLO SC: As a matter of interest and based on your own policing experience, what value would you attach to access to a helicopter where you could fly it only for a maximum of two hours a month? How valuable would that be?

CHIEF MAPIYEYE: Commissioners, those need the resources in the police fraternity because you can cap crime in a very short space of time. But, as I have indicated, we cannot just accept donations without following the right processes.

20

ADV SELLO SC: Continuing then with your statement, when you look at paragraph 52, you will recall we dealt with the contents of that paragraph in response to a question from Commissioner Baloyi regarding policy and prescripts

governing donations within the municipality. You recall that?

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: So we may then proceed to paragraph 53. And if you could just read the short paragraph 53 into the record?

CHIEF MAPIYEYE: Paragraph 53:

10 “During 2023, I deposed an affidavit for
the IPID investigation in which I made
clear that the memorandum in respect
of the seven vehicles is a fraudulent
document. I attach thereto a copy of
this affidavit marked JM18.”

ADV SELLO SC: And I invite you to then go to the big file to page 94. That is your JM18.

CHIEF MAPIYEYE: I have got it.

ADV SELLO SC: And it runs up to page 100 and it is signed by you under oath.

CHIEF MAPIYEYE: That is correct, SC.

20 **ADV SELLO SC**: This document, annexed to JM18, is undated. Is that correct? It does not have a date, does it?

CHIEF MAPIYEYE: I did not see a date when I went through it.

ADV SELLO SC: Yes, but you say at your paragraph 53 that you deposed to that affidavit for purposes of the IPID

investigation into this, what you call, Blue Light Saga.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So much as it does not have a date, if you know when it is IPID started investigating and concluded, that is the time in which you would have deposed to this affidavit.

CHIEF MAPIYEYE: That would be the proper logic, SC.

ADV SELLO SC: Thank you. You deal with a few aspects in that affidavit. But am I correct to say the gist of it was to
10 deny the validity of the agreement or memoranda of understanding purporting to donate any vehicles or some such to the EMPD by CAT VIP?

CHIEF MAPIYEYE: That is correct, SC. I disown those memorandums which were signed by Brigadier Mkhwanazi.

ADV SELLO SC: And then if we could read that together with your paragraph 55, and at paragraph 55 you reference annexed to JM19, and JM19 starts at big file, page 101. The document at page 101 you describe as an IPID report. Are you there? 191.

20 **CHIEF MAPIYEYE**: On the big panel is it 191 or 101?

ADV SELLO SC: Sorry, 101.

CHIEF MAPIYEYE: 101?

ADV SELLO SC: The day is, I do apologise, 101. That is your Annexure JM19.

CHIEF MAPIYEYE: I have got it.

ADV SELLO SC: Could you state for the record what that document is?

CHIEF MAPIYEYE: The one which is on page 101 on the thick bundle?

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: It is a report from IPID.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: After they dealt with their investigation into this Blue Light Saga. And I will believe that at the right
10 end there are findings from IPID.

ADV SELLO SC: Before we get to the findings, that document at page 103 has got signatures and it is dated. Could you read into the records the signatures and the dates?

CHIEF MAPIYEYE: On page 103, right at the bottom, it has been signed by Senior Investigator from IPID. That is Mr Qulu [?], on the 1st of September 2023.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: And then the Acting National Head
20 Investigator, Mr Kifelakai [?], has signed it also on the 1st of September 2023.

ADV SELLO SC: Now, at page 103 still, before the signatures in bold is the heading IPID recommendations.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Can you read the recommendation into

the record?

CHIEF MAPIYEYE:

“Based on the above information contained in the case docket, the IPID recommends that disciplinary steps be taken against Director Julius Doctor Mkhwanazi, PERSAL number, for the contravention of MP Disciplinary Procedure Collective Agreement. Standard of conduct 1 (1.2.5) conduct themselves with honesty and integrity. However, docket is referred to DPP for decision.”

10

ADV SELLO SC: Now, that is the IPID recommendation on this Blue Light Saga.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Were any disciplinary steps taken against Brigadier Mkhwanazi and concluded as recommended by IPID?

20 **CHIEF MAPIYEYE:** No disciplinary steps were taken. What I know is the process to start the disciplinary proceedings started through my department, the Internal Affairs, who did the initial investigation. During the time of the Acting Chief of Police, they have done the initial investigation. At the same time, IPID took this docket and

then they did their own investigation. Then they came with recommendations that disciplinary steps must be taken.

ADV SELLO SC: Now, if you turn to page 17 of your statement, and in particular paragraph 56.

CHIEF MAPIYEYE: Page 17, I have got.

ADV SELLO SC: Paragraph 56. You summarise what became of that IPID recommendation.

CHIEF MAPIYEYE: Okay:

“In the concluding paragraph of this report, IPID recorded
10 that it awaited the EMPD's report relating to when disciplinary action was instituted and the outcome thereof to enable IPID to comply with the provisions of section 30 of the IPID Act. Unfortunately, such a report was never filed by the EMPD due to the interference by the City Manager, Doctor Mashazi, the HOD HR, Ms Gxasheka, and HOD Legal Incorporate, Advocate Bihari [?].

ADV SELLO SC: Now, you deal further in your statement with disciplinary steps taken, attempts to discipline Brigadier Mkhwanazi. You deal with that from your
20 paragraph 96 at page 26, correct? So we will discuss in detail the steps taken.

CHIEF MAPIYEYE: Okay.

ADV SELLO SC: But for the moment, you are indicating that the report that you had to have filed with IPID after taking disciplinary steps against Brigadier Mkhwanazi was

never filed due to the interference by the three persons you list there.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: And just for ...[intervenes].

ADV KHUMALO SC: Adv Sello, do you mind? I think maybe when you are done with this question, if the witness, Chief, reads the second paragraph on page 103? I think that is the finding of IPID. He read the recommendation.

ADV SELLO SC: I would not mind at all. At this juncture,
10 he can do so. You may invite him to.

ADV KHUMALO SC: Chief, are you on page 103?

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV KHUMALO SC: The second paragraph, based on the evidence, that is the finding of IPID. So can you read that into the record, please?

CHIEF MAPIYEYE:

20 “Based on the evidence collected and State has a strong case against the suspect as he acted unlawfully with full intent of corruption as CAT VIP unduly benefitted as license fees of their vehicles were paid for by the City of Ekurhuleni. The suspect misrepresented himself and the EMPD, he presented a non-existent

memorandum of understanding, which was the basis of all fraudulent activities that took place.”

ADV KHUMALO SC: And the suspect in this case is who?

CHIEF MAPIYEYE: That is Brigadier Mkhwanazi, Julius Mkhwanazi.

ADV KHUMALO SC: Thank you.

ADV SELLO SC: Thank you, Commissioner. And then just to conclude, the conclusion, the concluding paragraph, you
10 say, that you reference at your – of the IPID report, that you reference at your paragraph 56, is the conclusion that appears. You have lifted it directly out of page 103 of the IPID report. The requirement to file a report to enable IPID, in turn, to comply with the provisions of section 30 of the IPID Act.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: Thank you. Having dealt with ...[intervenes].

ADV BALOYI SC: Are you moving to a new topic, Ms
20 Sello? Are you moving to the next topic?

ADV SELLO SC: I am, I am.

ADV BALOYI SC: Let me ask the question then. Chief, in that recommendation of the IPID, they say that:

“However, a docket is referred to DPP for decision.”

In that last line. Do you know what has come of that?

CHIEF MAPIYEYE: Commissioner, we were so frustrated with this case, that for the longest time we were told that it is with DPP. And I tried on several occasions to even approach the office of the DPP, so that I can, because IPID it is the one who refers this documents to DPP, so they go and get stuck there. I tried on numerous occasions to try to access that office of the DPP, but I could not really get joy, because the DPP himself continuously telling me that he is
10 busy with this other case, this other ...[indistinct] case. So I never managed to get any feedback from DPP.

ADV BALOYI SC: So as matter stand you do not know that whether DPP has declined to prosecute or they intend to enrol the matter for prosecution, you do not know?

CHIEF MAPIYEYE: I do not know.

ADV BALOYI SC: Okay. And then in paragraph 42 of your statement at page 13 where you get this report from Commissioner Spies and then you say in the last sentence:

20 “He advised that on the 3rd of March
2023 he opened a criminal case for
fraud and corruption.”

What has come of that case? Which, what police station, did you get a case number and do you know what has happened with that matter?

CHIEF MAPIYEYE: This is the same case which was

finally, it was opened in Boksburg SAPS by Acting Chief Spies. That is the same case which was referred to IPID. I could find the case number in this docket, but it is the same case which was referred to IPID and IPID referred it to the DPP.

ADV BALOYI SC: All right. So where IPID in their report says they have referred the docket to the DPP, the docket is this case?

CHIEF MAPIYEYE: That is correct, Commissioner.

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

ADV SELLO SC: If I can just check with you, Chief, you indicated in your statement that at paragraph 42, the paragraph I think the Commissioner referred you to, that Commissioner Spies who at the time handled this blue light complaint, in reporting back to you informed you that he personally had opened a criminal case against Brigadier Mkhwanazi for fraud and corruption arising from these very facts at the Boksburg Police Station. You recall that?

CHIEF MAPIYEYE: That is correct, SC.

20 **ADV SELLO SC:** I think the question that Commissioner Baloyi is asking you is do you know what has become of that particular case that was opened directly by, is it Commissioner Spies at the Boksburg Police Station, you either know or you do not know?

CHIEF MAPIYEYE: That same case which was opened by

Commissioner Spies, once you open a case at a police station, it is immediately, because it involves police. It is immediately taken by IPID for further investigation. Thereafter they send also for the DPP to get a recommendation, positive or negative recommendation, either to prosecute criminally or not. So that same case was referred to IPID. IPID referred it to the DPP.

ADV SELLO SC: Okay. [Indistinct]... [microphone off] disposed of that issue, we are now at page 17 on your
10 statement ...[indistinct]. Thank you, Commissioner. I will start again, Chief. I said now that you have responded fully to Commissioner Baloyi's questions, I had said that we are, that concludes our discussion regarding the blue light saga and I was moving onto a new topic. And that your new topic starts at paragraph 17, at page 17, and it is headed "Brigadier Mkhwanazi's conduct within EMPD". Do you see that in the middle of the page?

CHIEF MAPIYEYE: In the middle of page?

ADV SELLO SC: One seven.

20 **CHIEF MAPIYEYE:** 17.

ADV SELLO SC: 17.

CHIEF MAPIYEYE: Bullet 54, right in the middle of the page?

ADV SELLO SC: No, the, that heading, "Brigadier Mkhwanazi's conduct within EMPD", after paragraph 56.

CHIEF MAPIYEYE: After paragraph 56. Okay, I have got it.

ADV SELLO SC: You have located it now. So I am saying that is what we are dealing with now.

CHIEF MAPIYEYE: Okay.

ADV SELLO SC: And just by way of summary, even if you flip through, you deal with three distinct cases of what you term “Brigadier Mkhwanazi’s conduct”. The first is in paragraphs 57 to 59, the second is a different case at paragraph 16 to 63 and the last one from paragraph 64, the
10 third from paragraph 64 to paragraph 70 at page 20. Do you see that?

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: So we are going to deal with each case in turn. Now starting with the first at paragraph 56. You recall that when we were dealing with the report filed by Brigadier Mkhwanazi there was a project called 2022/3, state of the city address, that Commissioner Baloyi wanted to have more information on. Do you recall that?

CHIEF MAPIYEYE: I recall that.

20 **ADV SELLO SC**: Now I say you deal with that particular issue at your paragraphs 57 to 59. So if you could turn to that and deal with the contents of those paragraphs.

CHIEF MAPIYEYE: Thank you, Commissioner. Page 57:

“6/2021: It would appear that Brigadier
Mkhwanazi had resolved to operate

independent of the EMPD structure and authority and for all intents and purposes without any accountability. I had previously on the 31st of March 2022 raised a query with the then Deputy Chief of Police Operation, Mr Goodman Mzolo regarding unauthorized deployment of private security service for the state of the city's address held on the 30th of March 2022. I attach marked JM20 a copy of the memorandum of Commissioner Mzolo in this regard.”

ADV SELLO SC: Can I refer you then to that Annexure JM20 which appears at page 104 of the big file.

CHIEF MAPIYEYE: I have got page 104.

ADV SELLO SC: 104, that JM20. This is a document or a letter from you. It says from IJ Mapiyeye, addressed to G Mzolo, Deputy Chief of Police Operations. Do you see?

20 **CHIEF MAPIYEYE:** That is correct.

ADV SELLO SC: And it is dated the 31st of March 2022 with the subject line “Additional security provided requested by EMPD Specialised Services at COCA, SOCA, State of the City Address, 30 March 2022”.

CHIEF MAPIYEYE: Correct.

ADV SELLO SC: And I note at the bottom of the page that it was electronically signed on the 31st of March 22. You confirm?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now you addressed this letter to Deputy Chief of Police Operations, Mr Mzolo, who you said is, Brigadier Mkhwanazi report, directly reports to. Is that correct?

CHIEF MAPIYEYE: That is correct, SC.

10 **ADV SELLO SC:** Now please tell us what issues you raised with the Deputy Chief of Police regarding the deployments on the, during the State of the City Address on the 30th of March 2022.

CHIEF MAPIYEYE: On this letter, Commissioners, I put a background there that:

20 “During the State of the City’s Address held on Wednesday, the 30th of March 2022 additional security members were deployed by specialised services that is not EMPD officers. Kindly provide my office with a report explaining the following regarding the additional security provided.

1. Who gave the instruction for the additional securities?

2. What is the name of the company that provided the security services?

3. Provide a list of all the security officers from this private institution that was deployed at that Council event.

4. Provide the registration plate of the private security vehicles that were utilized at this event.

10 5. Please provide details if the additional security support was included in the SASRIA committee event application operational plan for approval.”

So that is what I have sent to the Deputy Chief of Police, Goodman Mzolo.

ADV SELLO SC: And with a concluding remark that the due date for the report was Monday, the 4th of April 2022 at the close of business.

CHIEF MAPIYEYE: That is correct, SC.

20 **ADV SELLO SC:** Now without necessarily going back to your statement at paragraph 58, page 18 you point out that Commissioner Mzolo did respond to your letter and in this regard you attach another, SJM21 from page 105 as Commissioner Mzolo’s response to the letter you just read into the record.

CHIEF MAPIYEYE: On page 105?

ADV SELLO SC: 105.

CHIEF MAPIYEYE: 105.

ADV SELLO SC: There is an e-mail ...[intervenes].

CHIEF MAPIYEYE: There is an e-mail from ...[intervenes].

ADV SELLO SC: Before we consider its contents, I see it is directed mainly to Deputy Director Du Plessis, although you are copied in this e-mail. For the record, who is Deputy Director Du Plessis?

10 **CHIEF MAPIYEYE**: Deputy Director Du Plessis he is my staff officer who is around the activities of my office.

ADV SELLO SC: And if you go back to page 104, your letter, below your name, below your name where you indicate who that letter is from, it reflects that enquiries should be directed to I Du Plessis, Staff Officer, Colonel.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Is that the Du Plessis that is referenced at JM21, page 105?

CHIEF MAPIYEYE: That is correct, SC.

20 **ADV SELLO SC**: Okay. Now we can deal with the content of that letter or that e-mail.

CHIEF MAPIYEYE: The e-mail on page 105 was from Mr Mzolo responding to Ivan Du Plessis, the Staff Officer. He indicated there that:

“Deputy Director Du Plessis, please

note that I was not aware of the deployment of private security companies till I was asked by the Chief of Police. I thereafter spoke with Director Mkhwanazi who confirmed the presence of the private security company at the SOCA.”

That is the State of the City’s Address.

10 “I spoke to Director Mkhwanazi to respond to the attached memo from the Chief of Police before close of business hour on the 4th of April 2022.”

ADV SELLO SC: Yes. So Commissioner Mzolo said he does not know anything about deployment of the services.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And he indicates that he requested that Brigadier Mkhwanazi respond directly to you.

CHIEF MAPIYEYE: That is correct.

20 **ADV SELLO SC:** In regard to those issues that you have raised.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: You say at your paragraph 59 that in fact he did respond on the 4th of April via e-mail and you attach there an e-mail marked JM22 as Brigadier Mkhwanazi’s response.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Can we then turn to JM22 which starts at page 109.

CHIEF MAPIYEYE: It starts at page?

ADV SELLO SC: 109, JM22.

CHIEF MAPIYEYE: 109.

ADV SELLO SC: Yes. Now JM22 reflects actually three separate e-mails that as e-mail threads go we read from the last e-mail you know up. So the first e-mail would have
10 come from Brigadier Mkhwanazi dated the 4th of April 2022 at 16:56 appearing about halfway the page at 109. Do you see that?

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: Above that is another e-mail of the 11th of April. That is a later e-mail. And above that yet another of the 2nd of February 2023. So I am going to start reading from the bottom e-mail which is the first e-mail from Julius Mkhwanazi. That is Brigadier Mkhwanazi, correct?

CHIEF MAPIYEYE: Okay, SC, and that is on page 109?

20 **ADV SELLO SC**: 109. Do you see ...[intervenes].

CHIEF MAPIYEYE: The e-mail from Julius which was on the 4th of April 2022?

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: Addressed to me?

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: -:

“Feedback report of security questions of SOCA.”

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: -:

10 “Good evening. Kindly receive the response to the questions of additional security that assisted at State of the City’s Address held on Wednesday, the 30th March 2022. We requested CAT VIP Protection unit to assist our team of VIP with 8 specialized VIP members. After receiving information on the 29th afternoon of collapsing State of the City targeting some of our principals within the city like the Executive Mayor, the Speaker of Council, the Chief Whip and other seniors. City officials and a guest of the city, I, Dr

20 Mkhwanazi called an urgent security meeting of specialised services on the 29th to respond the developing threats against SOCA and our principals. After identifying that the threats were not only on inner parameters but included

outer parameters. We requested CAT
VIP Protection to assist us with the
team of well trained protectors who are
former members of SADF, Task
Force, SAPS Tactical Unit to give
backup to our VIP escort. Deployment
at outer parameters, high buildings
working with SWAT unit under our
command as specialized services
10 whilst DEU ...”

That is the drug unit.

“And the CLU will continue to gather
and give us information. All other
uniform personnel will continue to
secure internally and externally
parameters.”

ADV SELLO SC: Now overleaf it then details what
services were provided by CAT VIP Protection. We will deal
with the remainder of that e-mail shortly, but before we do
20 so, in the second and third paragraph of the e-mail
Brigadier Mkhwanazi speaks in the plural and states:

“We requested CAT VIP Protection.”

At paragraph 2. You see that? And then at
paragraph 3:

“We requested CAT VIP Protection.”

In light of, is it Commissioner Mzolo's response that he was unaware of this deployment as Brigadier Mkhwanazi's direct superior, do you know who the "we" that Brigadier Mkhwanazi references, who is the "we" that Brigadier Mkhwanazi references in this document?

CHIEF MAPIYEYE: SC, I cannot tell whom was he referring to.

ADV SELLO SC: Okay. You had in your original document, your original letter, JM20, at item 5, you do not
10 have to go there, I will read it for you. At point 5 of your JM20 you had written to Commissioner Mzolo:

"Please provide details if the additional security support was included in the SASRIA committee event application operational plan for approval."

Do you see that? Do you remember that?

CHIEF MAPIYEYE: I remember that.

ADV SELLO SC: Now it would appear on my reading, and I want to test if I am correct, that Brigadier Mkhwanazi
20 actually addresses himself specifically to that request at page 110 after he has listed the items that CAT VIP will be providing, or provided.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And could you read the first line, the first sentence after that list, starting with all our security

operational personnel.

CHIEF MAPIYEYE: On page?

ADV SELLO SC: 110.

CHIEF MAPIYEYE: 110.

“CAT VIP Protection and asset management, 8 VIP ...” [intervenes].

ADV SELLO SC: No, after the list. Skip die list. We know what he says. I am interested in the paragraph after that last.

10 **CHIEF MAPIYEYE**: Okay.

ADV SELLO SC: All our security operational.

CHIEF MAPIYEYE: -:

20 “All our security personnel are not provided or submitted to SASRIA committee, but a formal security plan was developed and submitted to the office of the Chief of Director, Specialised Services, Deputy Commissioner, Operations and Specialised Services. An EMPD Commissioner for the final approval before the execution.”

ADV SELLO SC: Okay, now for, just to clarify a few issues. What does Brigadier Mkhwanazi mean where you, you had requested at JM20 details if the additional security

support was included in the SASRIA committee event application operational plan for approval. That is what you had requested. And I understand him to say at JM22, page 110:

“All our security operational personnel are not provided or submitted to SASRIA committee but a formal security plan was submitted.”

Now when he says that all our security operational
10 personnel are not provided or submitted to SASRIA committee, what does he mean by that in the context of your request?

ADV BALOYI SC: Perhaps, Chief, when you explain what does he mean you should first explain to us what is this SASRIA committee and the operational plan that is submitted for approval.

CHIEF MAPIYEYE: Okay. Let me start with the SASRIA committee.

ADV BALOYI SC: Yes, sir.

20 **CHIEF MAPIYEYE:** This is the committee in the City when there are events, all the events, planned and unplanned events, there could be a protest march, there is a committee where you need to go and apply. So that committee comprises of relevant departments which are operationally, so that committee is called SASRIA. So even

when there are operational plans, that operational plan must go to this committee. There is a Chairperson of the SASRIA where you present your case and then the operational plan will then be approved or not approved.

ADV SELLO SC: Does that answer you, Commissioner? Thank you. Now following then on that explanation ...[intervenes].

CHAIRPERSON: Sorry, sorry, before you continue ...[intervenes].

10 **ADV SELLO SC:** Yes.

CHAIRPERSON: Ms Sello, is there not a body called SASRIA that it is outside of the Municipality, even though I think the spelling is different. Is there not?

CHIEF MAPIYEYE: I will believe that, Commissioner, that events are not only taking place in Ekurhuleni, so there could be other massive events taking place ...[intervenes].

CHAIRPERSON: Oh, thank you ...[intervenes].

CHIEF MAPIYEYE: Like there is Pirates and Chiefs.

20 **CHAIRPERSON:** My co-Commissioners have whispered to me that yes, there is but that is something totally different.

CHIEF MAPIYEYE: Yes.

CHAIRPERSON: Thank you.

CHIEF MAPIYEYE: Thank you.

ADV SELLO SC: Thank you, Chair. Now that we understand what the SASRIA committee is as you have

explained, Chief, and its purpose, getting back then to Brigadier Mkhwanazi's response to you at 110, I wanted to know what he means when his response is "all our security operational personnel are not provided or submitted to SASRIA committee". What does he mean by that or what did you understand him to mean?

CHIEF MAPIYEYE: It is only him who can understand this. I am battling to understand what was he trying to convey.

ADV SELLO SC: So you did not understand him. We can
10 only obtain that understanding directly from the author.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Okay. Now secondly, he then says,
continuing on that line:

"A formal security plan was developed
and submitted to the office of Director:
Specialised Services."

Who was Director: Specialised Services at the time that this e-mail was drafted? Was it himself?

CHIEF MAPIYEYE: I do not see the date, because he was
20 the Director: Specialised Services.

ADV SELLO SC: The date is at page 109 at the beginning of that e-mail, Monday, the 4th of April 2022.

CHIEF MAPIYEYE: I am getting lost, SC, because he was the Director: Specialised Services.

ADV SELLO SC: So when he says a formal security plan

was developed and submitted to the office of the Director: Specialised Services, he is talking about himself in the third person.

CHIEF MAPIYEYE: It could be that.

ADV SELLO SC: Could be or is it? Who is the Director of Specialised, who was the Director of Specialised Services at the time?

CHIEF MAPIYEYE: He was the Director: Specialised Services.

10 **ADV SELLO SC**: And at the bottom of that e-mail it is signed, D Mkhwanazi, EMPD, Director: Specialised Services.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So he is talking about himself in the third person in that paragraph. Do you see?

CHIEF MAPIYEYE: I can see that, Commissioner.

ADV SELLO SC: Yes. Who was the Deputy Commissioner: Operations and Specialised Services?

CHIEF MAPIYEYE: That was Mr Goodman Mzolo.

20 **ADV SELLO SC**: And the EMPD Commissioner?

CHIEF MAPIYEYE: I am the EMPD Commissioner.

ADV SELLO SC: Okay, so in that, taken together, Mr, Brigadier Mkhwanazi suggests that a formal security plan was developed and submitted to himself, to Commissioner Mzolo and to you for the final approval before execution,

which is confidential. Was such a plan submitted to you?
Are you aware, were you aware of such a plan?

CHIEF MAPIYEYE: I was not aware of this plan,
Commissioner.

ADV SELLO SC: Now if reference to EMPD Commissioner
in that paragraph is reference to you, and this e-mail is
addressed to you in response, what does he mean when he
concludes that sentence and informs you that that security
plan ostensibly submitted to himself, Commissioner Mzolo
10 and yourself is confidential, he says “which is confidential”,
is he suggesting that it was, it is confidential for your
purposes and you cannot have access to it?

CHIEF MAPIYEYE: But he is indicating that I needed to
approve it before execution.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: So I did not see this operational plan.

ADV SELLO SC: Well, it would appear you could not see
it, because it is confidential as it states.

CHIEF MAPIYEYE: I could understand that, Commissioner.

20 **ADV SELLO SC:** He proceeds then to say ...[intervenes].

ADV BALOYI SC: Sorry, Ms Sello.

ADV SELLO SC: Yes.

ADV BALOYI SC: Sorry to interrupt. The way that I read
this and maybe let me test this with the Chief here, I
understood this paragraph to, because it answers that

question 5, right, about the submission to the SASRIA committee and the details, I thought what he is saying is that there was no submission to the SASRIA committee, because that plan is confidential and it is only for the security cluster of the EMPD.

ADV SELLO SC: Yes, he said, I agree with that part, except prior to that he says it was not submitted to the SASRIA committee ...[intervenes].

ADV BALOYI SC: Ja.

10 **ADV SELLO SC:** But a formal security plan was developed and submitted to the offices of the Director of Specialised Services, which is himself, Deputy Commissioner: Operations, which is Commissioner Mzolo, and EMPD Commissioner, which is Chief Mapiyeye, for the final approval before the execution. So I was suggesting that that document, that plan cannot then be confidential *viz-a-viz* the Chief, because he was supposed to have approved it as the Chief correctly points out.

ADV BALOYI SC: Yes. All right.

20 **ADV SELLO SC:** Once again I guess only the author can really explain what he meant.

ADV BALOYI SC: Can explain what they meant, yes. Thank you.

ADV SELLO SC: He concludes then, Chief Mapiyeye, that paragraph by saying:

“It is only for the security cluster of
EMPD.”

Who, what is the security cluster of EMPD?

CHIEF MAPIYEYE: It is only for the security cluster or
EMPD.

ADV SELLO SC: Or EMPD. Yes, we apologise. Yes, or
EMPD.

CHIEF MAPIYEYE: Of which it was done now.

ADV SELLO SC: Which is the, what is the security
10 cluster?

CHIEF MAPIYEYE: I am really battling to understand what
was he trying to refer to.

ADV SELLO SC: Okay. And when he says or EMPD, who
would be EMPD in this sense?

CHIEF MAPIYEYE: I am EMPD. I am the Head of EMPD.

ADV SELLO SC: So reference to EMPD has got to be
reference to you?

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: That you say yes. And he says “of which
20 it was done”. So he suggest if you are EMPD, that it was
provided to the security cluster and to you. Do you agree
with that?

CHIEF MAPIYEYE: I did not see this operational plan and it
did not come to me for my final approval.

ADV SELLO SC: And then he concludes by saying:

“Telephone communication was done after the briefing or after receiving developing threats. Seniors were informed.”

First question, was any telephone communication had with you, whether by Brigadier Mkhwanazi or anyone on his behalf?

CHIEF MAPIYEYE: No telephone communication either by the Deputy or by the Brigadier himself. The night, the day
10 of that SOCA, even late at night there was no such.

ADV SELLO SC: Okay. Now if we just quickly go back to page 109, which is the start of JM22 ...[intervenes].

ADV BALOYI SC: Maybe before you ...[intervenes].

ADV SELLO SC: Yes, yes, Commissioner.

ADV BALOYI SC: You go back, let me ask based on this discussion now. Chief Mapiyeye, the, maybe explain to us how it works. You had the State of the City Address. There must be preparation for security, to secure the event. There must be planning for it and my assumption would
20 have been that you would have become aware of the plan. In the normal cause you would have become aware of the plan and if you are not aware, if the plan is not brought to you, you would not sit back.

You are the Chief of Police, so you would, either you are driving the plan or you finally must see the plan before

the event occurs. And here you are telling us you never saw this plan. How does it work normally and did you, that is one, tell us how it works when you are planning for an event such as this, from a policing point of view.

Who is involved, who gets to approve the plan? Did you see any plan at all? Was there a plan for this event? Did you see it and if, and if there was no plan, how did that come about? You have an event that you do not see a plan of and you are happy to knock off at the end of your working
10 day and go home, knowing there is a big event and you have not seen a plan. I have asked you three different questions. Maybe start off by explaining how it works ordinarily.

CHIEF MAPIYEYE: Thanks, Commissioner. When there is an event like the State of the City's address, the operational side of the Department, which is headed by Mr Mzolo as a Deputy Chief of Police, these are general practice because we know it has been continuously happening. We know when there is a State of the City what
20 do we then need, the deployment of officers. We will know what number we are going to need.

The operational side, which is headed by Mr Mzolo will prepare such. From there it is then presented at the SASRIA. At SASRIA there are also members of SAPS and other relevant department like your sport division, and

others which is relevant. Thereafter they will make their recommendation, then they will finally complete the operational plan.

Then it will finally come to me for approval, because once the other members have commented, whether positively or negatively so, but while they do their job diligently so, I will finally, most of the time I will not turn an event like the State of the City's Address down, so unless there are threats we have received from Intelligence or
10 SAPS that we need to do to make additional members available, and SAPS will always assist us. So that is how the plan works.

This one of including other vehicles of outside us, especially a company which was not even in the employ of the City of Ekurhuleni, because earlier we spoke about the ten other companies of security, we do then include those in our operational plan when there is a need, because they are responsible for the entry and the exits. But finally in short, the plans come to me and then I finally approved it, then
20 the event can then proceed.

ADV BALOYI SC: So in, and the, could there ever be a State of the City event such as this where there is no plan, operational plan like this which is, which goes through SASRIA and then gets approved by you? Could there ever be that kind of situation?

CHIEF MAPIYEYE: Not at all.

ADV BALOYI SC: Okay. So there would have been a plan in this case that was, that went to SASRIA and that you approved.

CHIEF MAPIYEYE: That is correct, yes.

ADV BALOYI SC: Okay. And when in that plan would it contain the personnel that would be deployed ordinarily?

CHIEF MAPIYEYE: That is correct, it will contain all the officers who have deployed. If we have utilized any other
10 security company, especially internally, we will also include such with that plan.

ADV BALOYI SC: Okay. And ordinarily does that plan also, at least the discussion at the SASRIA committee, and maybe even the plan, does it deal with threats that have been received? Would those be addressed in that kind of meeting, committee?

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV BALOYI SC: And addressed in the plan.

CHIEF MAPIYEYE: That is correct, Commissioner, it can be
20 addressed at SASRIA.

ADV BALOYI SC: So where Brigadier Mkhwanazi says we received threats and we decided to deal with them by bringing CAT VIP, you, if things are done properly you would expect all of that to have been in the plan.

CHIEF MAPIYEYE: That is correct ...[intervenes].

ADV BALOYI SC: [Indistinct]... [cross-talking] recorded in the plan.

CHIEF MAPIYEYE: That is correct, Commissioner.

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

ADV SELLO SC: Thank you, Commissioner. I had invited you back to page 109, Chief, and in the middle of that page is the second e-mail in that e-mail thread. That e-mail I read it to be from Ivan Du Plessis, you have explained
10 already who that is, dated the 11th of April 2022. It is addressed to Julius Mkhwanazi, I take it, it is Brigadier Mkhwanazi, and you are copied in that e-mail. Do you see that?

CHIEF MAPIYEYE: I could see that, Commissioner.

ADV SELLO SC: Now I will just quickly read. It says:

“Good day, Brigadier Mkhwanazi. The Municipal Police Chief Commissioner Mapiyeye requested me to convey the following message:

20 • Please take the below response and correspond on an EMPD memorandum and sign.

Kind regards.”

Do you see that?

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: Do I understand correctly that what is communicated there is a request to Brigadier Mkhwanazi to put in a formal memorandum signed by him, the response he has provided in the previous e-mail.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And that was done at your instruction.

CHIEF MAPIYEYE: That was done at my instruction, Commissioner.

ADV SELLO SC: Did you receive such a memorandum on
10 or about the 11th of April 2022?

CHIEF MAPIYEYE: I did not.

ADV SELLO SC: The last e-mail appears at the top of 109 and once again it is from Ivan Du Plessis. It is addressed to Kelebogile Thepa and copied to Revo Spies and Hennie Erasmus. Am I correct to say that all the three are officials of EMPD?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now this one is dated the 2nd of February 2023 and the author of the previous e-mail under your
20 instruction informs this was never done.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So by February 2023 the report that, the official memorandum you had requested from Brigadier Mkhwanazi was never submitted.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Did you pursue this matter with Brigadier Mkhwanazi's senior, the superior, the person he reported to or what became of this whole matter?

CHIEF MAPIYEYE: I have assigned the Deputy Chief, Mr Mzolo to deal and reprimand the Brigadier, but I did not get feedback how did he reprimand the Brigadier.

ADV SELLO SC: Yes. And I think you indicated if this is the conversation by February 2023, by end of November 23 Commissioner Mzolo was retiring.

10 **CHIEF MAPIYEYE:** Commissioner Mzolo was retiring in November 2023.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: That is correct, yes.

ADV SELLO SC: Okay. So to date do you know whether or not the City or the EMPD has ever acted on anyone based on what Brigadier Mkhwanazi did?

CHIEF MAPIYEYE: I was ...[intervenes].

ADV SELLO SC: Do you know if any steps were taken or ...[intervenes].

20 **CHIEF MAPIYEYE:** ...[cross-talking] supposed to know as the Head, but I did not really get feedback from the Deputy Chief how he dealt finally with this matter and I was a little bit reluctant to further pursue this matter to take it to my next level whom was my boss, because of the close proximity of this colleague, Julius, and my then boss, Dr

Imogen Mashazi. So that is why I left it with Mr Mzolo to further take corrective measures with Julius.

ADV SELLO SC: Okay. Yes, Commissioner?

ADV BALOYI SC: Chief Mapiyeye, you, maybe firstly when you say close proximity of Brigadier Mkhwanazi to the City Manager, can you just explain that a little bit, what do you mean close proximity?

CHIEF MAPIYEYE: I want to highlight that in a lot of instances where I will have to approach or reprimand Julius,
10 I will be told that I must stop to be personal and to me my approach, I cannot target individuals. When something is wrong, it is wrong. But with this employee Julius he was a kind of like no go zone.

ADV BALOYI SC: The second and maybe it is more a comment, it may end up being really a comment inviting you to comment if you have anything to say, this whole incident that you speak of here, that you describe relating to the State of the City, it seems, at least to me, an outsider, to be a very serious incident that demanded more than just a
20 reprimand but quite serious action.

And the reason I say that is that the one breach that one picks up from your evidence is that VIP, CAT VIP were not part of the service providers of the City. You have given us a list of the people that were appointed in 2020 I think.

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV BALOYI SC: And this State of the City is in 2022/23. You, so you give us that list, they are not on that list, so they should not have been there. There is a breach of procurement processes and policies there, right, and procedures. That is one instruction. Two, you have the Chief of Police and his Deputy, they are not aware of highly trained armed people around your, I think you said your political leaders. That is what you called them, and the
10 guests that are there. You have told us it is, VIP protects, or Mr Mkhwanazi, already Mkhwanazi has told us it is people from the SAD Task Force, it is the SAPS Task Force and Intervention Unit.

Now these are highly trained people and you have them in the midst of, in fact, also members of the public who attend this event, highly armed. It seems, and here are the two seniors, they know nothing about it, Brigadier Mkhwanazi is the only one there, well, and whoever else he is dealing with, they are the only ones that know about this.

20 They have not been these people and the threats in fact have not been to the committee, to the SASRIA committee. His superiors do not know anything about those threats, because he says we discussed them and reported to the seniors. So there are all these serious infractions that I would have thought demand quite serious action,

disciplinary action.

That does not happen and what is concerning is you take the posture that his superior must reprimand him. That is less than take disciplinary action. Do you have any comment? It seems like there has been a complete failure, including from his immediate superior and yourself in how you respond to these serious acts, to take firm action or at least to demand that firm action is taken about it. Do you have any comment to that?

- 10 **CHIEF MAPIYEYE**: I can tell, Commissioner, that this it is a security risk and from my side the appropriate action I took as this incident on the State of the City was sitting for two days, when I learned a bit later, because initially I did not know that these are even private security company members from outside us. As I have indicated earlier that I thought there are some of the delegates from outside, the other Mayors. I instructed on that same night to the Deputy Chief of Police that I do not want to see anyone the following day when the Council is going to be sitting, that
- 20 one step I managed to take and then further than that I know that it is a serious matter which I should have maybe personally not even delegate to Mzolo, but I had this challenge of the proximity of this same gentleman with my bosses so that it was not the first incident. When I came with issues I will be told that I must stop to be personal to

Julius. And yes, that is how it happened.

ADV BALOYI SC: Thank you. Thank you, Chief. Yes, Ms Sello.

ADV SELLO SC: Thank you, Commissioner. I think we understand where it all landed and why as Commissioner Baloyi points out there appears to be a, to have been a complete failure of accountability on a matter so serious. We will leave it there. You have provided your responses. I want perhaps that we deal with one other incident which is
10 brief and we can do so quickly.

The second one, and you deal with that from your paragraph 16, and perhaps you could quickly read into the record, ja 60 to 63, they are all very short paragraphs and they capture the essence of that incident.

CHIEF MAPIYEYE: SC, you said paragraphs?

ADV SELLO SC: 60, page 18 of your statement, the small file.

CHIEF MAPIYEYE: On page 18, 60:

20 “During 2023 it came to EMPD’s attention that Brigadier Mkhwanazi had on 23 May 2022 issued a generic letter stating to whom it may concern, letter titled confirmation letter of work collaboration between EMPD THU ...”

I think that is truck hijacking unit I was told.

10 “And Mr CJ Smit. This letter purported to inform of a collaboration between the alleged EMPD truck hijacking unit, a unit yet created, with a civilian, one Mr Smit. In terms of this letter Mr Smit was said to allegedly be providing various services to the unit, including vehicle/truck tracking information for the purpose of recovery of stolen or hijack vehicles, information gathering, suspect tracing, stock identification and verification. The letter further advised that further details regarding Mr Smit are protected by the POPIA Act and could therefore not be disclosed. The letter concludes with a threat of prosecution in the event that it is unlawfully distributed.”

Must I go ahead, SC?

20 **ADV SELLO SC:** Yes, you conclude by stating that a copy of this letter that you have just spoken about, is marked JM23 and is attached to your statement.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: JM23 for the record appears at page 111 of the big file. It is not the best copy but it is still legible.

And the reading of that annexure I think to a large extent accords with the summary you have provided at paragraph 60. Do you confirm that?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: You conclude by making some points in regard to this letter at paragraph 63. Would you care to read that.

CHIEF MAPIYEYE: -:

10 “I must point out the following in
 respect to this alleged collaboration.
 Firstly, there is no unit in EMPD called
 EMPD truck hijacking unit. Secondly
 ...” [intervenes].

ADV SELLO SC: Chief, just a second.

CHAIRPERSON: Can we ask either you or the Chief, Ms Sello, to read this into the record. It is a bad copy, but, because you have, the two of you have lived closer to it than we have, one of you should please read it.

20 **ADV SELLO SC**: Okay, I think I will quickly and happily
read it.

CHAIRPERSON: Thank you.

ADV SELLO SC: I did indicate for the record that what Chief Mapiyeye states at paragraph 60 and its sub-paragraphs is a fair summary of the content of this letter, but I am happy to read it quickly.

CHAIRPERSON: Please. Thank you.

ADV SELLO SC: Thank you. This letter is addressed to whom it may concern. It indicates it is from Brigadier J Mkhwanazi, Operations and Specialised Services Commander and it is dated the 23rd of May 2022. The heading of this letter is:

10 “Confirmation letter of work
collaboration between EMPD THU and
Mr CJ Smit. This memorandum serves
the confirmation that CJ Smit works in
collaboration with EMPD truck hijacking
unit. Mr Smit provides EMPD THU with
the following services. Vehicle and
truck tracing information for purposes
of recovery of stolen or hijacked
vehicles; information gathering;
suspect tracing; stock identification
and verification. I hope that the above
is sufficient information in respect to
20 Mr Smit work with the EMPD. Due to
the POPIA Act please take note all
personal details relating to EMPD as
well as Mr Smit are protected.
Unlawful distribution of the above
memorandum will be prosecuted.

Regards, Brigadier J Mkhwanazi,
Commander of the Specialised Service
Units, EMPD.”

That is the end of the letter.

CHAIRPERSON: Thank you, Ms Sello.

ADV SELLO SC: Chair, that concludes the second
incident.

ADV KHUMALO SC: Can I just ask, Chief, this letter
appears to me at least to be a reference letter that is to be
10 used by Mr CJ Smit. What is your understanding of this
letter and you confirm whether or not it is authentic,
genuine?

CHIEF MAPIYEYE: Commissioner, I will confirm that it was
issued genuinely so by Brigadier Mkhwanazi, because I was
informed that it is not the only letter, there are six others
we are still busy trying to trace. This one we managed to
pick it up when there was that media clip of Jeff Wicks it
was also attached, so, and there are colleagues who knows
this Mr J Smit. And another one which I will touch on a
20 little bit later when I go to other incidences, I was told that
he had also this kind of a letter.

ADV KHUMALO SC: Did he have authority to issue this
type of letter?

CHIEF MAPIYEYE: Not at all.

ADV SELLO SC: Thank you, Commissioner. And perhaps

to close up on this point in your statement, you had started dealing with your paragraph 63 I think before the Chair requested that the actual annexure be read into the record. Could I invite you to read paragraph 63, which are your concluding remarks regarding this document.

CHIEF MAPIYEYE: Thank you, SC.

10 “I must point out the following in respect of this alleged collaborations. Firstly, there is no unit in EMPD called EMPD truck hijacking unit. So there is no such a unit on the structure. Secondly, the activities on which collaborations is claimed are beyond the scope of EMPD. These are powers exercised exclusively by SAPS and will by definition be unlawful.”

ADV SELLO SC: Thank you, Chief.

ADV BALOYI SC: If I may.

ADV SELLO SC: Yes, Commissioner.

20 **ADV BALOYI SC**: And he signs off as Commander of Specialised Services Units, in the plural, EMPD. What is that, did he hold a position of Commander and what are the Specialised Units in the EMPD?

CHIEF MAPIYEYE: He will call himself that word “Commander” but we have got Directors. He is appointed

as, he was by then appointed as a Director: Specialised Services. So he was supposed to sign as a Director: Specialised Services.

ADV BALOYI SC: And has the, you or the, in fact the Municipality reported this to the police? Have you conducted your own investigation of why this was distributed and to whom did it go? Has anything come of it by way of formal investigation and reporting?

CHIEF MAPIYEYE: Commissioner, I think I am a little bit
10 sensitive to go in detail currently due to my space where I am to divulge much more other information due to my status, but I know that there are certain activities taking place currently.

ADV BALOYI SC: By the Municipality?

CHIEF MAPIYEYE: That is correct.

ADV BALOYI SC: Okay, thank you. That is enough for me.

ADV SELLO SC: Thanks, Commissioner. Chair, I see it is
20 4 minutes after 4. We had hoped to have rushed through the statement but we still have a bit to go. We are in your hands as to the way forward.

CHAIRPERSON: When you ...[intervenes].

ADV SELLO SC: Stop and the witness continue tomorrow, or we could do like we did yesterday and push till 6.

CHAIRPERSON: Let us continue tomorrow, but I will ask

this, how long do you think tomorrow’s witness is going to be?

ADV SELLO SC: We are just conferring here, trying to see if ...[indistinct] to roll over, the impact it would have on tomorrow’s plan and on our estimation we should be able, if we start at half past 9, to conclude with Chief Mapiyeye by tea time and the incoming witness would comfortably take us to no longer, ja, close of day, not beyond 4pm.

10 There is to a large extent, they are to a large extent overlaps between his evidence and the Chief and most of the, some of the questions that witness would have answered, the Commissioners have posed to Chief Mapiyeye and I think have been answered. So we will try not to unduly repeat and that should cut down the time significantly.

CHAIRPERSON: Let us adjourn then and resume at half past 9.

ADV SELLO SC: Thank you, Chair.

INQUIRY ADJOURNS TO 7 NOVEMBER 2025

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