

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

7 NOVEMBER 2025

DAY 28



PROCEEDINGS ON 7 NOVEMBER 2025

CHAIRPERSON: Good morning, Ms Sello. Good morning, Chief Mapiyeye.

ADV SELLO SC: Good morning, Commissioners, and good morning, Chief. Chief Mapiyeye, just to check, you still have the two files with you from yesterday what we call the small file and the bigger file.

CHIEF MAPIYEYE: Morning, SC. Morning, Commissioners. Unfortunately, I do not have the two files.

10 **ADV SELLO SC:** I have apologies for that, Commissioner. When the witness does not have the files, it is not particularly helpful.

CHAIRPERSON: Yes, but can you ...[intervenes]

ADV SELLO SC: No, no, she will work with me.

CHAIRPERSON: Okay, yes.

ADV SELLO SC: She is got an electronic version.

CHAIRPERSON: Yes, yes, yes.

ADV SELLO SC: She is got an electronic version. I am so sorry, Chief Mapiyeye. What we have given you is a copy
20 of the exact same set. I am going to request that, as is tradition, somebody ensure that the witness's files are always there. It is an oddity today for which we apologise. So, very soon, we will restore them. For your assurance, Chief Mapiyeye, they are exactly the same. There is no difference between the set you received and the one you

will be working off today. Okay?

CHIEF MAPIYEYE: Yes, SC.

ADV SELLO SC: And to remind you once again, because you tend to speak softly sometimes, to switch on both mics. So, if you could keep that one mic on. Yes, then you will switch on the other when you respond.

CHAIRPERSON: Chief Mapiyeye, I can pull my mic closer to me. Can you not do the same? All right, all right, thank you.

10 **EXAMINATION BY ADV SELLO SC (CONTINUES)**: Thank you, Chair. Please then turn your attention to the small file. That is the file containing your statement and turn to page 19.

CHIEF MAPIYEYE: I am on page 19.

ADV SELLO SC: Just to orientate you, if you look at paragraph 62 at that page 19, you will recall that you dealt with what is contained therein yesterday. Do you remember?

CHIEF MAPIYEYE: That is correct, SC.

20 **ADV SELLO SC**: Okay, and this was around 4 o'clock. That is the last issue you dealt with before we rose for the day.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So today then we start from your paragraph 64. Okay.

CHIEF MAPIYEYE: Thank you.

ADV SELLO SC: Thank you. Once again, to place everything into context, you recall when you started this chapter yesterday in Brigadier Mkhwanazi's conduct within EMPD, we had indicated that you deal with three separate incidents. And yesterday we dealt with the first of the three. And that is what took us to paragraph 63. Okay?

CHIEF MAPIYEYE: Noted, SC.

ADV SELLO SC: So today we turn our attention to the
10 remaining two incidents. As I indicated that you deal with the second incident from paragraph 64. And to – no, I apologise. You dealt with two. We are left with one incident, which is your third incident, which is what you deal with at paragraph 64. And that will take you to paragraph 70. Okay?

CHIEF MAPIYEYE: Thank you.

ADV SELLO SC: May I invite you then to deal with the issues that are set out in those paragraphs? You started 64 with the impending retirement of Commissioner Goodman
20 Mzolo. Thank you.

CHIEF MAPIYEYE: Thank you, SC. Good morning, Commissioners. On page 19, that is paragraph 64:

“The Deputy Chief of Police Operations and Specialist Services Studies, Goodman Mzolo, was due to retire at

the end of November 2023. I had earlier initiated a process to fill the position in anticipation of his retirement, and the position was duly advertised. The candidates were shortlisted, one of whom was Brigadier Mkhwanazi.”

Can I go ahead, SC?

ADV SELLO SC: Please do.

10 **CHIEF MAPIYEYE:** On page 64:

“Interviews were held on the 24th of October 2023. A panel was constituted by Human Resource, HOD, HR, that is, Linda Gxasheka. I was the chairperson of the interview panel, and the other two members were, that is, Ms Gxasheka and the HOD, Shrek Zanele Katembo. The two candidates were interviewed, the candidates which were shortlisted. It was Brigadier Mkhwanazi and Staff Officer Ivan Du Plessis. At the conclusion of the interviews, both candidates, as is the norm for the appointment at that level, were to undertake competency

20

assessment, at the conclusion of which the panel will convene at a later stage and make a final evaluation based on the interview scores and the competency assessment results. And thereafter, recommend the successful candidates for appointment.”

On page 67:

10 “The HOD, HR, never reconvened the panel for the purpose stated above. I have never seen the competency assessment results of either candidate or do not know if either undertook such assessment. I can confirm that the interview panel thus never completed its task, and neither did it recommend the appointment of any of the two candidates to the post.”

On paragraph 67:

20 “I never saw Brigadier Mkhwanazi. I next saw Brigadier Mkhwanazi with the new insignia, georgettes, of the rank of a Deputy Chief of Police during the first week of December, I remember we were at a roadblock. He came wearing

the new ranks of a Deputy Chief of Police. I did not enquire from him how he achieved this rank at first. The panel did not recommend him for appointment, and secondly, neither did I, as a Chief of Police, conferred the rank on him.”

Because this is a norm which, when an employee has been appointed or promoted, I have to confer a rank to that
10 individual who has been appointed.

ADV SELLO SC: On that score, if I may, is the rank conferred in a particular way during a particular process, or do you just go to his office and give him or her the necessary insignia and georgettes? What is the process normally?

CHIEF MAPIYEYE: We usually, or I usually, call my management team and then introduce the person who has been appointed in the department. I bring those ranks to that session, and then I introduce the member to the team,
20 which is my management team. Thereafter, I confer the rank to that individual who has been appointed.

ADV SELLO SC: And as a matter of interest, in conferring the rank, do you get to attach the necessary insignia and georgettes, or do you give them to the member to attach onto their uniform at their leisure?

CHIEF MAPIYEYE: That is myself, as a Chief of Police, who must do that work.

ADV SELLO SC: Thank you, Chief. You may continue.

ADV KHUMALO SC: I have got a question.

ADV SELLO SC: The Commissioner Khumalo.

ADV KHUMALO SC: Chief, I am assuming when you go up the ladder and you become a Deputy Chief of Police at the EMPD, it comes with additional benefits such as a new office, better salary, better conditions. Are you aware of
10 any letter given to Brigadier Mkhwanazi that officially appointed him as Deputy Chief of Police and increased his employment benefits such as salary and office and those things?

CHIEF MAPIYEYE: Thank you, Commissioner. That is the procedure. Number 1, I did not receive or seen this letter of appointment. Number 2, yes, there are benefits included in your new responsibilities which you might have been given, including the office space as well. So that did not come to my attention, the issues of the letter. I did not see
20 it. At a later stage, I wrote a letter to the Head of Human Resources requesting such, including the condition of his appointment because he was now appointed on a contract basis. He had to do a performance assessment on him, so he ought to have those. So, I requested from the Human Resources. It was never provided to me.

ADV SELLO SC: Thank you, Commissioner. Thank you, Chief. You may then continue with your statement. You were dealing with the contents of paragraph 68.

CHIEF MAPIYEYE: I thought, SC, I have dealt with number 68.

ADV SELLO SC: Then you may continue, thank you.

CHIEF MAPIYEYE: Number 69:

10 “I subsequently saw Brigadier
 Mkhwanazi sign all EMPD
 communications as a Deputy Chief of
 Police Operations. I submit that this
 constitutes a misrepresentation as he
 has never been appointed by the panel
 to this position, neither as he conferred
 his rank by me as the Chief of Police.”

ADV SELLO SC: Thank you.

20 **ADV KHUMALO SC:** Did you mean recommended there I
 had understood that it is not the panel that appoints. The
 panel recommends, and then the city will appoint, or the
 city manager. The role of the panel, as I understood it, was
 to interview, assess, and recommend.

CHIEF MAPIYEYE: That is correct, Commissioner, as I
 have just indicated, because immediately after the
 interviews, one expected that he would then, because this
 is an HR process, he would then have to go through this

assessment competency, thereafter recommendations to the city manager, then who will then finally appoint. Thank you, Chair.

ADV BALOYI SC: Chief Mapiyeye, yesterday you told us how many Deputy Chiefs there are and that they report to you. Now, ordinarily, would you have access to information about their appointments, the terms of appointments, and their performance contracts that you say you evaluate? Would you ordinarily have those as the Chief?

10 **CHIEF MAPIYEYE:** Thank you, Commissioner. That is part of my responsibilities because all the five Deputy Chiefs of Police they have to sign a performance contract or performance agreement with me, which I will have to evaluate quarterly and submit reports accordingly.

ADV BALOYI SC: So, after Brigadier Mkhwanazi's promotion now to Deputy Police Chief, is he then the only one whose performance contract you did not have as a result?

20 **CHIEF MAPIYEYE:** Until the end of - until September last year, from when he was appointed in December 2023 up to September last year, I never received or I never seen his performance contract and his condition of appointment, but the rest I have got. The reason I wanted also to see his performance agreement contract because at some stage I have sent him a letter, all the deputies, that you shall all go

for vetting purposes, and I have arranged that session with SSA that they must go for vetting. The rest went he responded to me and said it is not in his performance contract. So that is why I further requested this performance contract from Human Resources that I must go through and see because he is refusing to go for vetting as a senior police officer. So, I could not see his performance contract.

ADV BALOYI SC: And ordinarily there are salaries and
10 benefits. Is that information that you would ordinarily have sight of or access to?

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV BALOYI SC: And in this case you do not have?

CHIEF MAPIYEYE: I do not have Brigadier Mkhwanazi's information.

ADV BALOYI SC: Thank you, Chief.

CHIEF MAPIYEYE: Thank you.

ADV SELLO SC: Thank you, Commissioner. Chief
Mapiyeye, at paragraph 17 you conclude that Brigadier
20 Mkhwanazi was never recommended by the panel to this position and that you have never conferred the rank that he claims. Can I refer you to paragraph 24 on your statement? We are going back to page 8. And at paragraph 24 you say:

“On 1 December 2023 Brigadier
Mkhwanazi was purportedly appointed

as the Deputy Chief of Police
...intervenes]”.

CHIEF MAPIYEYE: Sorry, SC, to interject, what page were you going to?

ADV SELLO SC: Page 8.

CHIEF MAPIYEYE: Page 8, back to your statement at paragraph 24.

CHIEF MAPIYEYE: I am there.

ADV SELLO SC: Have you located it? So, I am reading
10 that paragraph that you state:

“On 1 December 2023 Brigadier Mkhwanazi was purportedly appointed as the Deputy Chief of Police Operations and Specialised Services. I deal with this particular appointment below.”

You recall that you dealt with that aspect. And we considered your choice of wording that he was purportedly appointed. And yesterday you said that – no, I will put it
20 differently. Is it on the basis of the conclusion you draw at paragraph 70 that he was never recommended for appointment, that you never conferred the requisite rank on him, that you state at paragraph 24 that he was purportedly appointed so you do not recognise his appointment? Is that the position you assume?

CHIEF MAPIYEYE: That is correct, SC, in the sense that, as I have cleared it up earlier, that the panel recommend thereafter the process is taken by HR for further assessment and then with that, come back to the committee, then the recommendation will then go back to the city manager for appointment.

ADV SELLO SC: Thank you. Now, if we may go back to page 21, which is where we are at before I took you back to paragraph 24. With the comments you have just made, we
10 have completed your last chapter regarding Brigadier Mkhwanazi.

ADV BALOYI SC: Can I just ask a question?

ADV SELLO SC: Absolutely, Commissioner ...[intervenes]

ADV BALOYI SC: While we are still in this chapter. Chief, you report to the city manager you have told us that. Now, did you inform the city manager about these irregularities? Did you report them to the city manager?

CHIEF MAPIYEYE: Commissioner, that is an HR function. HR knows exactly that people need to be sent and
20 thereafter, then she appoints because she cannot appoint when she does not have all the necessary functions or information. The report which I have sent to Linda Gxasheka requesting that information, I think I have cc'd the city manager as well.

ADV BALOYI SC: When you say you think, is it because

you are not sure?

CHIEF MAPIYEYE: I am not sure.

ADV BALOYI SC: Why are you not saying, I did copy the city manager? Why are you not being infirm about it?

CHIEF MAPIYEYE: The report, I went through it, but I cannot confirm sitting here that it was cc'd to the city manager. But there is that report to HR.

ADV BALOYI SC: And did you report to HR or to the city manager that Brigadier Mkhwanazi refuses to be vetted for
10 this very important position?

CHIEF MAPIYEYE: I have informed the city manager where I had the letter of the three signatures of the three deputy chiefs of police whom I was sending for vetting. All three have signed the letter that they agree that they will go. Then Julius Mkhwanazi came back and sent me a WhatsApp that it is not in line with his condition of appointment.

I then informed the city manager as well. Then she lambasted on me and said to me, why am I personal to
20 Julius? Why do I want to send Julius to SSA for vetting an IPID? I am sending him to my friends so that they can give a negative recommendation about him. This was not personal. I was just following the processes which I was as the chief of police to have done.

ADV BALOYI SC: And to your knowledge, did the city

manager instruct him to attend that vetting? Do you know anything about it?

CHIEF MAPIYEYE: I do not know whether she further instructed him, but I have instructed him and also informed the city manager about it.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner. May I ask you to turn your attention to page 21 of your statement, Chief? And we are moving on to the next chapter, starting at that
10 page 21.

CHAIRPERSON: Ms Sello, before Chief Mapiyeye starts with this, I have noticed that there is a number of alleged crimes at various places. At face value, nothing seems, for example, to be linked to cartel or syndicate activities. So, my mind started racing and I asked myself to which term or terms of reference do these alleged criminal offences relate? Apologies if I am taking you by surprise.

ADV SELLO SC: Not at all, not at all, Chair.

CHAIRPERSON: Thank you.

20 **ADV SELLO SC:** I understand the question. This particular chapter in similia is informed by the very name of this commission. The issues that it covers, even if they are not specifically spelled out in such detail in the actual terms, is inferred in the purpose for this commission. And to our understanding, the commission is a judicial

commission of enquiry into criminality, and that would be the criminality within specific institutions as are highlighted in the terms of reference. So, the next paragraph, the next chapter, deals with that aspect of the terms of reference insofar as they have been found to exist, or it is alleged they exist, within the Metropolitan Police Department of Ekurhuleni.

CHAIRPERSON: All right, thank you.

ADV SELLO SC: Thank you, Chair. Are you at page 21,
10 Chief Mapiyeye, of your statement?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And at that page 21, you then start a new chapter called Criminal Activities by Members of the EMPD.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Can you take us through the contents of that chapter? On my reading, you reference five criminal cases, and we will deal with each one in turn. You have numbered them accordingly. So, if you could start at your paragraph 71. Thank you.

20 **CHIEF MAPIYEYE**: Thank you, SC, Commissioners. On page 21, that is the Criminal Activities Committed by Members of the EMPD, number 71:

“Some members of the EMPD are under investigation for various serious crimes, including murder. These cases

involve the criminal conduct of three members of the EMPD, and they are from a former team which was called SWAT, which is headed by Brigadier Mkhwanazi.”

I will highlight some of these cases below, but Commissioner Spies, who is also going to give much more details on this case, will speak much more on those four or five cases.

10 **ADV SELLO SC:** Thank you. That then brings us to your first case.

CHIEF MAPIYEYE: The first case, how we managed, Commissioner, to pick up these cases ...[intervenes]

ADV SELLO SC: Apologies, before you do that, you have a heading in respect of that case. Let us just put that heading on record, and then you may proceed to address the Commissioners in the manner you intended.

CHIEF MAPIYEYE: Case number 1, the case of theft, kidnapping, extortion, and defeating the ends of justice.
20 That is case number 315/07/2022, which was opened in Benoni.

ADV SELLO SC: Thank you. You may then address the Commissioners on what you wanted to say.

CHIEF MAPIYEYE: How we managed to pick up some of these cases, it was because of this Blue Light Saga case.

We had now to move to IPID in pursuant of this case of the Blue Light Saga. When we are then at IPID, the Executive Head of IPID, she then indicated to us that you came with this Blue Light Saga case. We have got a lot of other cases against your own members.

So, these are some of the cases which she then presented to us. At high level, she did not give us the statements by themselves because those cases were still being investigated by IPID. So, as I have indicated that Mr
10 Spies will go much more in detail with those cases, but that was the first case. I do not know whether I must go to the second case, SC?

ADV SELLO SC: Perhaps you have two small paragraphs in respect of that particular case on your statement. If we could just dispose of that before we move to the next case.

CHIEF MAPIYEYE: Page 21, paragraph 73, the above case which I have spoken about now this case involves the conduct of three officers I will leave it at that, the three officers. Then paragraph number 74:

20 “The three officers are alleged to have raided the Smoke and King Supermarket, confiscated cigarettes worth of 29 000. Thereafter kidnapped the manager of the store. They thereafter tendered one box of

cigarettes to the Benoni Police Station
claiming they found it abandoned in the
field.”

ADV SELLO SC: Chief Mapiyeye, you indicated that the
members involved in the cases that you will be dealing with
are all members of the EMPD, correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: You have in identifying the first case, you
have provided the CAS number in full. So, there is a
10 recorded case with the police against specific persons. Do
you assume that the persons who are alleged to have
committed these crimes in that docket, are you suggesting
that their identities are not public and that they must be
concealed?

CHIEF MAPIYEYE: I can be guided by the Commission.
The names I have got, but the details of those names,
Commissioner Spies will also come and work on that area.
He will be able to give ...[intervenes]

ADV SELLO SC: I am interested in the identity of the
20 persons who are alleged to have committed these crimes.

CHIEF MAPIYEYE: The names ...[intervenes]

ADV SELLO SC: Perhaps you have sought the
Commission's guidance, because my suggestion is there is
a specific case opened and a CAS number is provided,
which means that the identities have become public for all

intents and purposes. On what basis are you withholding the identities?

ADV BALOYI SC: Perhaps let me, in the meantime, ask the question while you resolve this issue. Have these people been charged, to your knowledge?

CHIEF MAPIYEYE: Okay, Commissioner, when we went to IPID, these are the cases which, as I will still go through them in detail, which were highlighted to us. I know that others, the processes have taken place, and others are still
10 pending amongst these cases.

ADV SELLO SC: Thank you, Commissioner.

ADV BALOYI SC: I leave it to the Chair.

CHAIRPERSON: Does that answer the question? The question is a direct one. Are you aware if the alleged offenders have been criminally charged? Are there charges already or not?

CHIEF MAPIYEYE: The first one I spoke about Commissioners, charges were laid and the process of disciplinary proceedings.

20 **CHAIRPERSON:** Leave out the disciplinary proceedings. The substance or essence of the question by Commissioner Baloyi concerns the issue that normally you do not divulge the details of a person before they have actually been charged. And that is about the person being charged criminally. It has nothing to do with disciplinary processes

within or rather at the workplace. Do you get this now? So just focus on whether the people have been charged. Are there criminal charges? That is the point of substance.

CHIEF MAPIYEYE: Departmentally, they were charged ...[intervenes]

CHAIRPERSON: No, ...[intervenes]

CHIEF MAPIYEYE: Criminally, I do not have the outcome whether the DPP finally decides.

CHAIRPERSON: All right ...[intervenes]

10 **CHIEF MAPIYEYE:** To prosecute or not.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair, and thank you for that response. You do indicate that Commissioner Spies will deal in more detail with the cases that you reference. So, I will suggest that we reserve the question for Commissioner Spies. He might have the answer that the Commissioners require and the answer to my question. He would know whether or not charges were laid against these perpetrators and what has since become of the criminal cases. So, on
20 that basis, I will accept that because you do not know, you do not then have to inadvertently disclose the names of people, identities of people in circumstances where you are not confident that they have appeared in court and had charges laid against them formally.

CHIEF MAPIYEYE: Thank you, SC.

ADV SELLO SC: Thank you.

CHAIRPERSON: Before my colleague Commissioner Baloyi asks another question, then you sought direction from us. The direction is that leave out the names. Thank you.

ADV BALOYI SC: My question now is about the departmental, the disciplinary process. You say that was instituted. What was the outcome?

CHIEF MAPIYEYE: Commissioners, one finally resigned
10 during the process. Two others are back in the system. I know that they were dismissed, but they are back in the system in the Metro Police.

ADV BALOYI SC: And do you know the circumstances of them being back at work? Were they re-employed? Did they go to court to challenge their dismissals and reinstated? That is the question I am asking.

CHIEF MAPIYEYE: I think, Commissioner, the details will be given by Commissioner Spies. I do not want to pre-empt on that one.

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

ADV SELLO SC: Thank you, Commissioner. If we turn over, then at page 22, Chief Mapiyeye, you deal with your second case. And on the basis of the guidance you received from the Commissioners, you may read the detail of that case, but without articulating the names of the

alleged perpetrators. Thank you.

CHIEF MAPIYEYE: On page 22, the second case, it is case number 72/08/2022, which was a Meyerton theft, copper theft.

ADV SELLO SC: So, apologies, Chief Mapiyeye, please read that correctly. You called it a – please read it correctly.

CHIEF MAPIYEYE: Thanks, SC. It is a Meyerton theft, copper case, case number 72/08/2022. This case involves
10 the conduct of three officers.

CHAIRPERSON: And this is the same three officers involved in the other Benoni case.

CHIEF MAPIYEYE: That is correct, Commissioner.

CHAIRPERSON: Thank you. We will not go beyond the same other descriptor or description.

ADV SELLO SC: Please continue.

CHIEF MAPIYEYE: The third case ...[intervenes]

ADV SELLO SC: No, Chief Mapiyeye, you have not completed what this case is about. So, you said the case
20 involves the conduct of three officers. You may skip the names, but please indicate what the case itself is about.

CHIEF MAPIYEYE: This case, it alleges that the officers have robbed the premises of the complainant in Meyerton. Here, I do not have the details of exactly which was taken from there. So, that is the case number.

ADV SELLO SC: Understood. Accept. Thank you, you may proceed to the next.

CHIEF MAPIYEYE: The third case, Commissioners, is a murder case which took place in Brakpan committed during April 2022. This case involves the death of a male in Brakpan and the subsequent disposal of his body in Nigel Marievale Dam, where it was subsequently recovered by SAPS. Once again, the three officers were implicated in this case.

10 **ADV BALOYI SC:** Chief Mapiyeye, this one you do not have a case number it just says Brakpan. What does it mean that you do not have a case number here?

CHIEF MAPIYEYE: It is very interesting, Commissioner, because even when we went to IPID, we were not given the case number. But, with the further developments, I will believe that Commissioner Spies ought to have received now the case number of this case.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Please continue, Chief.

20 **CHIEF MAPIYEYE:** The fourth one is a Putfontein truck theft under false pretences. That is case number 86/02/2023. This case involves the contact of two officers. It is the same officers who were involved in the others, but this one, instead of them being three, here there were two of those same officers who were involved in this matter. It

concerns a hijacking of a truck on the N12 highway and a theft of its load. That is the high-level summary I can give to that.

ADV SELLO SC: Thank you.

CHIEF MAPIYEYE: May I move to the last one?

ADV SELLO SC: Please proceed to the last one.

CHIEF MAPIYEYE: The next case is a theft of precious stones impersonating Hawks police officers. That is case number 797/03/2023 which took place in Hillbrow. This
10 case involves the conduct of at least two of our officers. From the three, one was not part of that. I cannot confirm it was not part of it because it could have been there, but on the initial stage I can confirm two.

And also yes, the two of them. This case was involved our officers gaining access to the complainant's property in Killarney, Johannesburg under the false pretences claiming they were there to investigate lithium smuggling and then proceeding to rob him of 54 kilograms of certain semi-precious stones. It became ...[intervenes]

20 **ADV SELLO SC:** Apologies Chief, there is some words in parenthesis at the end of that paragraph. I do not know if it is ...[intervenes]

CHIEF MAPIYEYE: That is sugar-light stones.

ADV SELLO SC: Sugilite, it is called sugilite stones.

CHIEF MAPIYEYE: Yes.

ADV SELLO SC: Personally, do you know what kind of precious stones those are?

CHIEF MAPIYEYE: Commissioners, I have seen a picture of those, but I am not expert - I am not an expert in knowing exactly what kind of stone that is. But I have seen a picture of those.

ADV SELLO SC: Thank you. You may proceed.

CHIEF MAPIYEYE: Paragraph number 82:

10 “I became aware of this case when a
letter of demand was served on me
during August 2023 by the
complainants attorney advising of the
intention to institute legal proceeding
against the Minister of Police and
EMPD demanding payment of R45
million in damages.”

That is when I became aware of further development about this case. Paragraph number 83:

20 “A copy of this letter is attached
marked JM24.”

ADV SELLO SC: If I may, Chief Mapiyeye, your JM24 that you referenced in that paragraph, if you refer to the bigger file, the file of annexures, it appears at page 112. If I could have you open it, please. Have you located it? 112 and it is marked JM24 as you state in your paragraph.

CHIEF MAPIYEYE: Excuse me, I have got it, SC.

ADV SELLO SC: Okay, then we can go back, deal with the contents of your paragraph 83 and to the extent necessary, you can cross reference to the annexure. Thank you.

CHIEF MAPIYEYE: Page 23 on paragraph 83:

10 “A copy of this letter is attached
 marked as JM24. Attached to the letter
 are still pictures of the accused
 members extracted from the house
 CCTV footages. In these pictures, the
 members are clearly identifiable.
 Unfortunately, I do not have access to
 the original letter with colour pictures.
 IPID was however provided with a
 colour photograph and have this in
 their docket.”

20 **ADV SELLO SC**: And your JM24 has got annexure starting
 from page 117 which unfortunately are in black and white,
 and we cannot make out anything. Could you turn to 117
 and it would take you up to page 122. Now, you state that
 the original letter had colour pictures and from those
 pictures you could clearly identify the members of the
 EMPD who perpetrated this crime, correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: But that the original and the colour

photos have been submitted to IPID?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: To the extent that you can recall, looking at the copies that we have, do you confirm that if we obtained the colour photos that were submitted to you, we would draw the same conclusions, we would see what you want us to see, which we cannot on the current annexures because they are in black and white.

CHIEF MAPIYEYE: That is correct, SC.

10 **ADV SELLO SC**: Thank you. And now that is your fifth and last case that you gave example of.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: You may continue.

CHIEF MAPIYEYE: On paragraph 84:

20 “Notwithstanding Brigadier Mkhwanazi retained these members in his team, and they continue to operate as EMPD members. The three members implicated in all these serious crimes are part of Brigadier Mkhwanazi Specialised Services Unit, including officer ...[intervenes].”

ADV SELLO SC: Do not say the name.

CHIEF MAPIYEYE:

“The name I just keep at the time of the

commission of these crimes that has since resigned from the service.”

On paragraph 86 as Commissioner Spies will elaborate further during his testimony, the disciplinary processes initiated against these members were continuously frustrated internally, and they were reassigned to their substantive positions, and their service weapons restored to them.

ADV SELLO SC: Thank you, Chief Mapiyeye. That then
10 concludes your chapter on criminal activities committed by members of the EMPD. Before we move to the next chapter, is there anything you would like to draw to the attention of the Commissioners in respect of that chapter? Thank you.

CHIEF MAPIYEYE: Not for now, SC, I am comfortable with the cases I have highlighted, thank you.

ADV SELLO SC: Thank you, Mapiyeye. That then brings us to your next topic, which you titled Referrals of Matters to IPID. You started page 24 with that.

20 **CHIEF MAPIYEYE:** On page 24?

ADV SELLO SC: Yes, now under that heading, you start with describing who IPID is. You may read that paragraph into the record, but I request that, for our purposes, it is not necessary to run through the provisions of section 28 of the IPID Act that you have reproduced here under. Thank you.

CHIEF MAPIYEYE: Thank you, SC. Thank you, Commissioners. So, on paragraph number 78:

“The Independent Police Investigative Directorate IPID is established in term of the Independent Police Investigative Directorate Act 1 of 2011 the IPID Act section 28 of IPID Act prescribe that IPID must investigate.

ADV SELLO SC: And then you proceed to extract directly
10 from section 28 to enumerate then the type of matters that IPID is required to investigate. And you confirm that what you list there is taken directly from Section 28 of the IPID Act.

CHIEF MAPIYEYE:

“A, any death in the ...[intervenes].”

ADV SELLO SC: Chief Mapiyeye, after you say Section 28 of the IPID Act prescribes that IPID must investigate, you see the rest of what is in that paragraph is in italics. Do you see that?

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

ADV SELLO SC: My question to you is do you confirm that what is in italics you have extracted directly from Section 28 of the IPID Act?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So those are not exactly your words.

You took them out of the Act.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: If that is so, I am suggesting that it is not important to read out and go through every detail of what Section 28 provides.

CHIEF MAPIYEYE: Thank you, SC.

ADV SELLO SC: I will then invite you to turn the page to page 25 and paragraph 88, which then deals with the substance of your testimony. Thank you.

10 **CHIEF MAPIYEYE**: On page 25, paragraph 88:

“The IPID Act until it was amended in 2024, it did not apply to members of the Municipal Police Service. During 2021, IPID, SAPS, and the various Municipal Police Services concluded a memorandum of understanding in terms of the Municipal Police Services will be subject to the IPID Act. I have attached a marked JM25, a copy of the memorandum concluded with EMPD.”

20

ADV SELLO SC: And that memorandum, marked JM25, appears in the big file at page 1, 2, 3. And just for the record, I will read the heading of that memorandum. It is called Memorandum of Understanding Regarding Cooperation between the Independent Police Investigative

Directorate, IPID, the South African Police Service, SAPS, and Municipal Metropolitan Police Services, MPS, to comply with the Independent Police Investigative Directorate Act 2011, Act 1 of 2011. Do you so confirm?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And you indicated to paragraph 88 that it is in terms of this memorandum that the EMPD as Metropolitan Police Service is subjected to the power of IPID in terms of the Act. It extended those powers.

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

ADV SELLO SC: I would like to invite you to look at the same document at page 147. In fact, I think let us start at 145.

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: At page 145 it is a document titled certificate of approval and undertaking to comply and adhere to the MOU. Do you see that?

CHIEF MAPIYEYE: I can see that, SC.

20 **ADV SELLO SC**: And at the bottom, it appears to be signed at Pretoria IPID Office on the 18th of February 2021, and there is a signature above the provision for signature by an Executive Director IPID.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: If you turn over a leaf to page 146, it is a similar document, but at the bottom, it is signed by

somebody else, the National Commissioner, General National Commissioner, South African Police Service, KJ Sithole [SOEC], and it is dated Pretoria the 9th of March 2021.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And then if we turn over a leaf at page 147, that too is a similar certificate, and this is, at the bottom, signed by the Chief Executive, and then it says, in brackets [parentheses, Name of Metropolitan Council]. It is
10 got a stamp, MI Mashazi, and then it is got a signature next to that stamp, and that seems to have been executed on the 22nd day of November 2021, correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now, the Chief Executive Officer there, at the bottom, it does not indicate that it is the Chief Executive Officer of the Ekurhuleni Metropolitan Police Department. That we find in the same document in the body of that document, where there is provision for the specific Metropolitan Police Department to fill in the detail on
20 signature of this Memorandum of Understanding, and that tells us that this was executed by MI Mashazi on behalf of EMPD, Ekurhuleni Metropolitan Police Department. Do you confirm?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now, your pages 148, 149, 150, and all

the way to 155 are similar certificates intended to be signed by different officials but are unsigned. The first being the Chief Executive Officer for the relevant Metropolitan Council, but that certificate is not concluded, and it is not signed. See that?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And that ...[intervenes]

ADV KHUMALO SC: Adv Sello, is it not because Ekurhuleni only keeps its copy, so Johannesburg would
10 have its own copy, which is signed by the CEO of the Johannesburg Metro?

ADV SELLO SC: Thank you, Commissioner Khumalo, for reading my mind, and that was the point to be made, that insofar as Ekurhuleni is concerned, all the necessary signatories have executed this document and have signed it. Thank you. Okay, now that we have acquainted ourselves with the MOU, and we understand from your paragraph 88 the effect of that MOU, I ask you to revert, then, to your statement at page 25, and we deal with your
20 testimony from paragraph 89.

CHIEF MAPIYEYE: Thank you, SC. Page 25, paragraph 89:

“From November 2021, therefore, IPID investigates all conduct of members of EMPD that falls within the terms of

section 28 of the IPID Act.”

ADV SELLO SC: Please continue.

CHIEF MAPIYEYE: Paragraph 90:

10 “IPID is currently seized with at least
nine investigations in respect of
Ekurhuleni involving crime committed
by members of EMPD as far back as
2022. Unfortunately, and for reasons
that are not clear, IPID has not been
able to progress these matters to the
stage of prosecution.”

Paragraph 91:

“The majority, if not all, of these
matters are being investigated by a
gentleman in IPID Act.”

I have reserved the name for now.

ADV SELLO SC: Please do not. That is a public official
who's executing his duty. Thank you.

CHIEF MAPIYEYE:

20 “The majority, if not all, of these
matters are being investigated by
Thulani Magagula at IPID.”

Paragraph number 92:

“I, on numerous occasions, raise
concerns with the Executive Director of

IPID, Ms Ntlatseng, regarding the conduct of the IPID investigator, Mr Magagula. In particular, regarding his passiveness and close relationship with Brigadier Mkhwanazi. As well as victimisation of myself and the witnesses in these cases. The lack of progress in IPID investigation was also a source of concern. I continuously sought a meeting with the head of IPID to address these matters.”

ADV SELLO SC: You continue at page 26 from paragraph 93.

CHIEF MAPIYEYE: Yes, SC.

ADV SELLO SC: Please proceed, Chief.

CHIEF MAPIYEYE: On page 26, 93 - paragraph 93, I attach WhatsApp communications between myself and Ms Ntlatseng over a period of from the 5th of March 2023 to 11th September 2024. On these matters marked MJ26, these efforts yielded no results. Paragraph number 94:

“On 26th January 2024, I addressed a letter to Ms Ntlatseng requesting a meeting. The purpose of which was to discuss interference in ongoing matters by Mr Magagula. I attach a copy of

that letter marked JM27.”

ADV SELLO SC: On that annexure, it is to be found at page 174 of the big file. Have you located it?

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: JM27 appears to, as you state in your paragraph, to be a letter addressed to Ms DJ Ntlatseng, Executive Director, IPID, and it states on its face, from IJ Mapiyeye Municipal Police Commissioner, Chief of Police, EMPD. And at the bottom, it is got provision for signature
10 by IJ Mapiyeye Municipal Police Commissioner, Chief of Police, EMPD. Do you confirm all that?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: There is a signature appearing above the line where your name IJ Mapiyeye appears. Is that your signature?

CHIEF MAPIYEYE: That is my signature, SC.

ADV SELLO SC: This letter is dated the 26th of January 2024. It is a brief letter, relatively, and can I invite you to read the contents of this letter into the record? Thank you.

20 **CHIEF MAPIYEYE:** The heading, Request for Meeting, Interference in Ongoing Cases, matters, EMPD:

“Dear ED, I need to bring the following matters under your attention. During 2023, I personally reported to you that one of your investigators, Mr

Magagula, reported in person to the City Manager of the City of Ekurhuleni, Doctor Imogen Mashazi, that myself and the Deputy Commissioner Spies are the people who are pushing the IPID investigation into J Mkhwanazi's case. EMPD, while nothing could be further from the truth."

Paragraph number 2:

10 "It is a known fact that IPID has various investigations and cases still pending against J Mkhwanazi, which some are not concluded yet. It has come to my attention that Mr Magagula has had numerous meetings with J Mkhwanazi on sidelines at Boksburg EMPD precinct. Last meeting between them was on Friday, the 19th of January 2024. I, as the Chief of Police and Head of Metro Police, have not
20 been informed or have any knowledge of these meetings and also do not receive any progress feedback on existing matters. The engagement of Magagula and Mr J Mkhwanazi has got

the potential of jeopardising the cases against Mr Mkhwanazi. I therefore request a meeting with you whereby we can discuss this matter further and a way forward on handling this. Your considered noting is appreciated.”

And I append my signature there.

ADV SELLO SC: Thank you, Chief. This letter is dated the 26th of January 2024. And you specifically in this letter,
10 having raised the concerns that you had as the Chief of Police EMPD, requested a meeting with the Executive Director of IPID. Two questions. Did the Executive Director furnish you with any written response to this letter?

CHIEF MAPIYEYE: There was no written response, SC, but we had a telephonic engagement, myself with her, where we then discussed the involvement of this gentleman Magagula. And then she promised me and indicated that she is going to remove him from the investigation in the eastern region side.

20 **ADV SELLO SC:** Now, the letter is dated 26th January 2024. Would you have a recollection as to when you had this telephonic conversation with the Executive Director of IPID firstly and who was the initiator of that telephone conversation? Was it yourself or was it the Executive Director of IPID?

CHIEF MAPIYEYE: She called me after I have sent this letter to her.

ADV SELLO SC: And would you recall how much after you had sent the letter? I know it is January 2024, so you might not have a recollection. But did you consider that she had delayed in calling you or as you remember things, was it a relatively immediate response to your letter?

CHIEF MAPIYEYE: SC, it was not long after I have sent this letter to her that she called me.

10 **ADV SELLO SC:** Now, you say in that conversation she undertook to address the challenges you have raised in the letter? Did you say that?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And secondly, that she undertook to replace Mr Magagula as the investigator for the eastern region?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: I appreciate that you were suspended in September 2024. Prior to your suspension, are you aware
20 of her delivery of the second promise in particular of replacing the investigator responsible for the eastern region?

CHIEF MAPIYEYE: SC, I will concur that she finally, definitely sent someone to take over, especially this case of the Blue Light Saga. I think it was a captain from KZN, the

surname is Xulu, who then took over these responsibilities in the eastern region.

ADV SELLO SC: You say particularly in respect of the Blue Light Saga, so the replacement of the investigator was only in relation to that particular case, is that what you are suggesting and not in respect of all the cases that you have referred to, particularly those that involve criminal conduct by members of the EMPD?

CHIEF MAPIYEYE: That I cannot confirm, SC, whether the
10 others were still under Mr Magagula or they were then also taken over by Xulu.

ADV SELLO SC: And perhaps, just to quickly refer you to the EMPD report, and to find, it is JM19, and your JM19 should be in the big file from page 101.

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: And the signature page of that report is 103.

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: And I see the first signature there is
20 attached above the name of Mr WM Xulu, designation Special Investigator, IPID NSIT. And he appended his signature on the 1st of September 2023.

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: Okay, now, you indicated that the Executive Director of IPID responded to your request, at

least by replacing the investigator in the Blue Light Saga. I point out to you, however, that Mr Xulu signed that report in 2023 already in September. And your letter that we are dealing with at page 174 to the Executive Director was issued only on the 26th of January 2024. Do you see that?

CHIEF MAPIYEYE: I see that and I understand it, SC.

ADV SELLO SC: So, would I be correct to say the involvement of Investigator Xulu in the Blue Light matter was not pursuant to your raising your concerns with the
10 Executive Director? You raised the concerns after that investigator got involved.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: I then go back - please go ahead, my apologies.

CHIEF MAPIYEYE: Must I also clarify this, SC.

ADV SELLO SC: Please do, I would appreciate that, thank you.

CHIEF MAPIYEYE: Xulu came even earlier and then when this Blue Light Saga started, then he left the province back
20 to KZN. And then upon further engagement with myself and the ED, he came back again, Xulu, because in his absence, Mr Magagula was then dealing with these matters as well.

CHAIRPERSON: For the record, the name is Xulu, X-U-L-U, and Chief Mapiyeye says Qulu, which is Q-U-L-U. So, the correct spelling is X-U-L-U. Thank you.

CHIEF MAPIYEYE: Thank you, Commissioner.

CHAIRPERSON: This is important for the transcription.

ADV SELLO SC: Absolutely. Thank you, Chair. I am tempted to say that it is the Sotho group, the function of the Sotho group pronunciation, that has the Chief pronounce the name that way.

CHAIRPERSON: And in fact, what I just said is inaccurate. When I say it is important for the transcription, it is also important for the person involved. Thank you.

10 **ADV SELLO SC**: Most importantly, yes. And thank you, Chair, for that correction, and duly noted. So then, the discussion we are having is that Investigator Xulu got involved in the Blue Light matter as an investigator before you raised your concerns at Annexure JM27 with the Executive Director of IPID.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So, his involvement did not arise as a result of the concerns you had expressed on the 26th of January 2024. It is completely unrelated. So, you had explained that he had been involved, and if I understood you well, then he left the jurisdiction of Gauteng, went to KZN to live there, and I think you were suggesting that he subsequently came back. Do you recall that?

20

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now, you had wanted to say, to provide

some clarification, having highlighted his movements in the manner that you did, I think before the Chair corrected the proper pronunciation of Investigator Xulu's name. So, I invite you to state what you wanted, or to provide the clarification you had indicated you wanted to give. Thank you.

CHIEF MAPIYEYE: Thanks, SC. Commissioners, this gentleman, let me pronounce it properly, Xulu, he is working, according to my information, he is deployed in the
10 KZN area. But he came specifically to come and assist with this Blue Light Saga story. At some stage, he then went back where he came from. In that vacuum, it is when, as well, Magagula was then in the picture. Until then, I forwarded, as well, the complaint to the ED of IPID.

ADV SELLO SC: Okay, as I did indicate, the letter is January 2024, you are suspended in September 2024. And we put aside how the case of the Blue Lights was dealt with by Inspector Xulu. Your testimony speaks of complaints levelled against the investigator, Mr Magagula, who was
20 handling other matters, as you have touched on in your statement, referred to IPID. My question to you, do you know if he was replaced on those matters before your suspension in September 2024? Do you know or you do not know?

CHIEF MAPIYEYE: I would not confirm that, SC, because

there were other activities which also took place or other arrests which took place in my absentia. So, I would not know who the officers from IPID who are dealing with those cases currently.

ADV SELLO SC: Thank you for that clarification. Let us get back then to your statement. We are at page 28. And we now move on to paragraph 103.

ADV BALOYI SC: Ms Sello, may I just take you back to paragraph 92. And, Chief, it is at page 25, paragraph 92.

10 And I just want to make sure that I am reading the paragraph correctly. You state in that paragraph your discussions or your concerns that you raised with Ms Ntlatseng of IPID and one of them is the perceived close relationship of Mr Magagula with Mr Mkhwanazi. And then, this is the part, you say, as well as victimisation of myself and witness. Who are you saying or who was victimising you and the witness? It is not clear to me whether it is Mr Magagula, or it is Mr Mkhwanazi in the way that this is written.

20 **CHIEF MAPIYEYE:** The victimisation from myself, I think there is an area where I am still going to address it in detail, Commissioner. But my witnesses who were dealing with this matter, because IPID cannot work in silos. They have to come to EMPD, Metro Police, to get the relevant information. All the members who were involved in

assisting IPID with that investigation, they were dealt with by the city.

ADV BALOYI SC: So, you are not alleging that Mr Magagula was victimising you and witnesses. That is what I wanted to clarify.

CHIEF MAPIYEYE: That is correct, Chair.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner. At paragraph 93, Chief, you introduce a series of WhatsApp messages, and you have those attached as Annexure JM26. Do you see that?

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: At the time you dealt with the contents of that paragraph, we did not have specific regard to the WhatsApp messages. In light of the question posed to you by Commissioner Baloyi, may I invite us to go to JM26, which may potentially have a more complete answer to the Commissioner's question. It is flagged JM26 and in terms of page numbering, it would start at page 168. Have you located there an extra?

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: And this will go to page 173 from 168. Do you see that?

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: So, in all those pages, these appear to

be, should I say, screenshots of WhatsApp communication between two telephones. Do you confirm?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: At the top of each page, it reflects the wording, Jennifer IPID.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And what is that, what is meant by Jennifer IPID?

CHIEF MAPIYEYE: That is how I have saved her number
10 on my phone.

ADV SELLO SC: Okay, now the communications as I reflected, some are in green and some are in white. Just to orientate us, when they are in green, who is the speaker, and when they are in white, who then is the speaker?

CHIEF MAPIYEYE: Commissioners, when they are in green, it is myself. When they are in white, it is HOD or ED.

ADV SELLO SC: Executive Director.

CHIEF MAPIYEYE: That is correct.

20 **ADV SELLO SC**: Now just looking at them from page 168 to 170, the first date entry is 29 August 2024. In fact, I think, is it 29 August 2024?

CHIEF MAPIYEYE: That is correct, SC, 29 August 2024.

ADV SELLO SC: I correct myself, I called it the first entry, but the first page reflects the date of 29 August. As I go

through the pages to 170, I realise that they seem to have been filed in historical order, in descending order, so the first page is not the first communication, it actually is the last communication.

CHIEF MAPIYEYE: That is correct, SC, if I may assist your Commission, that I think the first communication was up, it will be right at the end. This page on 168, it could be, it is the latest.

ADV SELLO SC: Yes, so the first communication actually
10 starts at page 173.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And that is dated the 5th of March 2023.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now just, I see that the first, you appear, you said green are your communications, you appear to be the initiator of this conversation.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Can you just read the first green portion at page 173 that you posted on the 5th of March 2023?

20 **CHIEF MAPIYEYE**: I said:

“Hi, Executive HOD, my name is Jabu Mapiyeye, Chief of Police in Ekurhuleni. Could I please come to your office tomorrow if available? I have got a pressing matter to discuss

and be advised by yourself, please.”

Thereafter, she responded.

ADV SELLO SC: Yes, and I see she responded positively, advising she will call, and then on the 6th of March she provides the venue.

CHIEF MAPIYEYE: The 6th of March:

“Good day sir, the venue is Roodepoort
SAPS Station, Commander's
Boardroom, 4th floor.”

10 **ADV SELLO SC:** Yes, then you respond to that.

CHIEF MAPIYEYE: My response:

“I will be there with my second in
charge.”

And she responded:

“I will be there with my senior team and
Magagula.”

ADV SELLO SC: For the record, is that the meeting you
earlier referenced between EMPD and IPID, where you were
going to discuss the issue of the blue lights, and you ended
20 up with a report from IPID about the criminal cases that
IPID is handling concerning members of the EMPD, is that
the meeting?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Then working backwards onto the 5th,
now go to page 172, and on this page perhaps just to

highlight the first message in green, which is your message.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Please read that.

CHIEF MAPIYEYE:

10 “Good morning, ED. It has been a while not communicating. I am currently on leave, going back to work next week. Could I kindly have a meeting with your good self-next week, please, regarding the challenges I am having with witnesses who are being victimised with regard to Mkhwanazi's case.”

ADV SELLO SC: And then if we go to page 171.

CHAIRPERSON: Before that, just for clarity on the timing, the last text or chat at page 173 was on the 7th of March 2023, and the one you have just read in which you say that it is been a while not communicating, that is on the 16th of May 2024. The one you have just read was on the 16th of
20 May 2024. That is just for the record. You confirm, though, that that is so?

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV SELLO SC: Thank you. Thank you, Commissioner, and that is correct, because if you have regard to page 173, the last communication according to that date stamp

appears to have been on the 7th of March 2023. The message you just read is dated the 16th of May 2024. So, there was about more than a year of no communication between yourself and the Executive Director of IPID.

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV SELLO SC: So technically, the question of victimisation of witnesses, at least insofar as these WhatsApp messages are concerned, you introduced for the first time it would appear in May 2024. Am I correct?

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

ADV SELLO SC: Then ...[intervenes]

ADV KHUMALO SC: Just for the record, because these WhatsApp screenshots are not in sequence, 170 and 171 are 2023 WhatsApp's.

ADV SELLO SC: You are quite correct.

ADV KHUMALO SC: In between, there would have been even 169. You see that that is November 2023.

ADV SELLO SC: In fact, I think it is page 172 that is out of sync. So, if we take out page 172, it actually should...
20 then the rest follow, because that page, timewise and date-wise, ought to be the page 169. So, it is actually the first if you look at the date stamp. So it is that particular page 172 that is filed wrong, it is in the wrong place. Because if we apply the logic of reading from the last page coming forward, then the dates follow sequentially.

ADV KHUMALO SC: So, on my reading, the last communication before 16 May 2024 is that 19 November on page 169?

ADV SELLO SC: That is correct.

CHAIRPERSON: May our files be corrected then, please?

ADV SELLO SC: Yes, no, no, we will. It was the ordering of the pages, I think.

CHAIRPERSON: Yes.

ADV SELLO SC: But just to move the one page for the
10 record, 172, to locate it in its proper place in the file. And that will affect – it would just be a change of numbering on successive pages.

CHAIRPERSON: Thank you, thank you.

ADV SELLO SC: And if I could just then quickly deal with your current page ...[intervenes]

CHAIRPERSON: Perhaps let us take a break before you move on to that and resume at 11:15. Let us adjourn.

ADV SELLO SC: And we will take the opportunity to correct the pages. Thank you.

20 **INQUIRY ADJOURNS**

INQUIRY RESUMES

ADV SELLO SC: Thank you, Chair. For the record, they are re-running the WhatsApp chats appearing as Annexure JM26 and we will properly paginate them and then we will update the files. Thank you, Chair. For the moment I just

want to deal with one message and then I will leave JM26. Chief Mapiyeye, may I draw your attention to page 168, the current 168 and for the record I do accept that once updated, that page number will change, in the big file.

CHIEF MAPIYEYE: In the big file.

ADV SELLO SC: We are still dealing with your WhatsApp chats.

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: And it is your e-mail dated the 4th of, for
10 the record, I do not recall now if I, may I just backtrack to
page 172. There is a particular e-mail, because of the
confusion in page numbering I am not sure, WhatsApp that I
am not sure that I dealt with, but specifically it is his
WhatsApp message dated the 16th of May 2024. If I dealt
with it, I apologize for the repetition. We did?

ADV BALOYI SC: Page 172?

ADV SELLO SC: The one at page 172.

ADV BALOYI SC: Yes.

ADV SELLO SC: Commissioner Khumalo assures me that
20 we dealt with that.

ADV KHUMALO SC: [Indistinct]... [microphone off] as in
169 ...[intervenes].

ADV SELLO SC: Yes, it does.

ADV KHUMALO SC: At the bottom of the page.

ADV SELLO SC: At the bottom and that we dealt with.

Okay, then I invite you to page 168 and this now is a message according to this document you sent to the Executive Director on the 4th of September 2024. It is the first on that page, do you see that?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Can you read that message into the record.

CHIEF MAPIYEYE: The one which was on the 4th of September 2024?

10 **ADV SELLO SC**: Yes.

CHIEF MAPIYEYE: -:

“Good afternoon, ED. Could we kindly secure an urgent meeting between me and your good selves, even on Teams. It is not about my case which is making headlines, it is about our EMPD outstanding cases.”

ADV SELLO SC: Thank you. To the question then that Commissioner Baloyi had asked about who was being
20 intimidated, no, about witnesses being intimidated and by who, we went through the WhatsApp chats in a bid to provide an answer to that question which I trust we have. Commissioner Baloyi, does that ...[intervenes].

ADV BALOYI SC: Yes.

ADV SELLO SC: Thank you.

ADV BALOYI SC: Thank you, Ms Sello.

ADV SELLO SC: Chief Mapiyeye, then at page 26 of your statement now, the small file, we are at paragraph 95.

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: That is a concluding paragraph on this subject that we are dealing with, if you could deal with the contents of paragraph 95.

CHIEF MAPIYEYE: Thank you, SC. Page 26, paragraph 95:

10 “On the 6th of March 2023 we held the
meeting with IPID which I attended with
inter alia Commissioner Spies. At this
meeting IPID had given us a report on
all cases then under investigation, by
whom involving members of EMPD. A
total of seven criminal cases were
being investigated at the time of this
meeting. No progress but for the blue
light case has been achieved in this
20 cases. Instead, one more case have
been added to the list, one involving
extortion, kidnapping and theft in
Boksburg by six officers from the Drug
Enforcement Unit reporting to Brigadier
Deon Singh who in turn reports to

Brigadier Mkhwanazi.”

ADV SELLO SC: And was that the state of affairs at the date that you were suspended on the 25th of September 2024?

CHIEF MAPIYEYE: Except ...[intervenes].

ADV SELLO SC: Was that the way things stood?

CHIEF MAPIYEYE: Except the recent one which is ended, which is added, that one more case that has been added to the list, one involving extortion, kidnapping and theft in
10 Boksburg by six officers from the Drug Enforcement Unit. This is recent as I was already on suspension, so it was not there.

ADV SELLO SC: Oh, so now what you are saying is you have since become aware of an added case ...[intervenes].

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: To the IPID cases you discussed with the Executive Director and this is the case you reference of extortion, kidnapping and theft in Boksburg. But the point you make is that that case arose after your suspension in
20 September 2024.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Thank you, duly noted. That then concludes that chapter of referrals of matters, EMPD matters to IPID. We move still on that page ...[intervenes].

CHAIRPERSON: Before you move on ...[intervenes].

ADV SELLO SC: Yes.

CHAIRPERSON: I thought the substance of Ms Sello's question, but she will correct me, I thought the substance of her question was whether as at the time you were suspended, the lack of progress endured all the way right up to when you were suspended, leaving aside the question of the addition of a new matter, but the lack of progress on the investigation of those matters endured throughout.

ADV SELLO SC: That is correct, Chair, and I thought he
10 had answered, but please specifically address yourself to the question as posed by the Chair.

CHAIRPERSON: Oh, I just heard him talk about the additional case. I did not hear ...[intervenes].

ADV SELLO SC: Ja, I think he was trying to draw a distinction ja ...[intervenes].

CHAIRPERSON: Yes ...[indistinct] [cross-talking].

ADV SELLO SC: Because the two facts are set out in the same paragraph.

CHAIRPERSON: Yes, yes, yes. And then ...[intervenes].

20 **ADV SELLO SC:** Please address the question ...[intervenes].

CHAIRPERSON: ... directly, directly, please. Thank you.

ADV SELLO SC: Directly, without reference to this extra case.

CHIEF MAPIYEYE: Thank you, Commissioner. Until such

time that I was then sent on suspension that was my, that was the state of the cases.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair. We move then, Chief Mapiyeye, to your next topic, which you term attempts to discipline Brigadier Mkhwanazi and you deal with this from page 26 of your statement, the small file.

CHIEF MAPIYEYE: I am on page 26, SC.

ADV SELLO SC: You start at paragraph 96 with a
10 statement that all your attempts to discipline Brigadier Mkhwanazi were frustrated, right.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Please tell the Commissioners about your attempts to discipline Brigadier Mkhwanazi and how the attempts to so discipline him you contend were frustrated.

CHIEF MAPIYEYE: Thank you, Commissioners. On page 26, paragraph 96:

20 “All my attempts to discipline Brigadier Mkhwanazi were frustrated by the City Manager, Dr Imogen Mashazi, the HOD: Human Resource, that is Linda Gxasheka, and HOD: Legal Services, that is Adv Behari. In fact, these attempts led me to be suspended on numerous occasions culminating in

disciplinary charges for alleged sexual harassment being levelled against me in November 2024.”

ADV SELLO SC: Please proceed.

CHIEF MAPIYEYE: On page 27, paragraph 97:

10 “On the 24th of February, Brigadier Mkhwanazi was placed on suspension with this case of the blue light saga. On the 3rd of March 2023 and based on the outcome of our internal investigation, I determined that the misconduct complaint it was of a serious nature. I attach Annexure JM28 a copy of that determination. On 23rd March 2023, I requested that disciplinary tribunal be established. This was approved on the 12th of April 2023.”

20 **ADV KHUMALO SC:** Can you just clarify which misconduct are you referring to and the reason I am asking is the IPID report is dated October/November 2023 and here we are in February/March 2023. So I just want to understand which misconduct you are referring to in this paragraph.

CHIEF MAPIYEYE: Thank you, Commissioner. We usually have, we do not have investigative powers as Metro Police,

but we have got an internal affair which deals with our internal investigation with regards to the misconduct of officers or employees in the Metro Police.

So that process has taken its course already whilst the other process went to IPID where they finally as well liaise with the NPA.

ADV KHUMALO SC: Are you saying it was the same issue?

CHIEF MAPIYEYE: That is correct, Chair.

10 **ADV SELLO SC:** Thank you, Commissioner Khumalo. Please proceed.

CHAIRPERSON: I am sorry. And when you say this was approved, that is your determination that misconduct proceedings be initiated. So when you say this was approved on 12 April 2023, who approved?

ADV SELLO SC: Chief Mapiyeye, through you, Chair, before you respond, you reference a document there, JM28.

CHAIRPERSON: Okay.

20 **ADV SELLO SC:** Perhaps if you go to JM28, you will be better able to pointedly respond to the Chairperson's question and in part also answer the question posed by Commissioner Khumalo, In the big file at page 176, is this JM28 which you call your determination, the misconduct complaint of was a serious nature. Do you see that?

CHIEF MAPIYEYE: I have got it, SC.

ADV SELLO SC: Okay, the question posed to you is you state at paragraph 97 that this was approved, your request to establish a disciplinary tribunal and that this was approved on the 12th of April 2023. The Chair wants to know who approved.

CHIEF MAPIYEYE: Thank you, Sc. Commissioners, as I have indicated that we have got our internal process. I approved that. Thereafter it goes to Labour Relations who then take the process forward with regard to disciplinary
10 proceedings.

ADV SELLO SC: And in regard to this JM28, if you start at page 175, I see that it is addressed to DH Employee Relations, X Nciza.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: And it would appear to be from you.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Chief Mapiyeye. The heading is request for disciplinary tribunal.

CHIEF MAPIYEYE: That is correct, SC.

20 **ADV SELLO SC:** That is the request for the establishment of a disciplinary tribunal that you reference at paragraph 97.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Overleaf, at page 176 it starts with the recommendation that appears to be signed by you and you

have indicated that you are requesting the establishment of a disciplinary tribunal.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: It appears it was intended to be recommended by Human Resources. It is not completed that section, but at the bottom under the heading “Approval, DH Employee Relations” there is a signature and a date. Could you state who signed there and what the effect of that signature is?

10 **CHIEF MAPIYEYE**: This was signed, that is page 176, it was signed on the 12th of April 2023 by the Divisional Head: Employee Relations.

ADV SELLO SC: And is that the person to whom the request was made?

CHIEF MAPIYEYE: That is correct, SC.

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

CHAIRPERSON: Thank you, that clarifies it.

ADV SELLO SC: Then after it was approved, you move on to what happened from your page 98, sorry, your paragraph
20 98. Please deal with that.

CHIEF MAPIYEYE: On page 27 ...[intervenes].

ADV SELLO SC: Apologies, Chief. I think Commissioner Baloyi has a question.

ADV BALOYI SC: Ja, still on that document, I think when you started, Ms Sello, you had said it may partly answer

also the question from Commissioner Khumalo, which I was interested in and this is about the charges that were listed. Should those not be mentioned into the record?

ADV SELLO SC: Oh ...[intervenes].

ADV BALOYI SC: At page 175.

ADV SELLO SC: Yes, it was. Perhaps we could, Commissioner Khumalo had tried to understand the relation between the determination he seems to have, Chief Mapiyeye made to the IPID report which comes at a later
10 date I think, end of 2023.

ADV BALOYI SC: Okay.

ADV SELLO SC: And this, when Chief Mapiyeye indicated that the determination that he references at paragraph 97 concerns internal processes of the EMPD.

ADV BALOYI SC: Okay.

ADV SELLO SC: And perhaps I could enquire from Commissioner Khumalo whether that answers the query that the Commissioner had.

ADV KHUMALO SC: My query was answered. I think what
20 concerned me was some of the allegations levelled against Brigadier Mkhwanazi, some of them related to the memoranda, the two memoranda we dealt with yesterday and the State of the City address in 2022 and various other things.

So looking at paragraph 97 in the statement where

Chief says “I determined that the misconduct complaint was of a serious nature”, it was not clear to me whether he is referring to the issue of the blue lights or the use of CAT Protection Services and the two memoranda that were concluded in 2022.

ADV SELLO SC: I clarified it and yes, that specificity is missing, so perhaps, Chief Mapiyeye, with reference to JM28 you indicate the nature of alleged misconduct. Firstly, please specify which misconduct in particular does
10 this document apply to and then read into the record the nature of the alleged misconduct as you held on that date of the 24th of February 2023.

So let us answer the first question. You heard Commissioner Khumalo reminded that the number of complaints that you have previously raised, including the State of the City Address issues, the blue light saga, the conclusion of, or the deployment of CAT VIP Services, so just so we are clear. The determination you made in February, 24th of, 3rd of March 2023 in relation to which
20 incident does that determination apply?

CHIEF MAPIYEYE: Thank you, SC. Commissioners, this started from the incident of the blue light saga. That is where the issues of misconduct will then be directed to the Department to do that investigation. It also include the issues of operational plans which was altered and the

deployment which was, he did not follow procedures. So it is on page 176 on the main file, on the big file, those alleged misconduct.

ADV BALOYI SC: You mean page 175?

CHIEF MAPIYEYE: 175.

ADV BALOYI SC: And perhaps ...[intervenes].

CHIEF MAPIYEYE: Right at the bottom.

ADV BALOYI SC: Yes, and maybe, Chief, read those into the record what the charges were.

10 **CHIEF MAPIYEYE:** -:

“Allegations to fail to perform his duties” ...[intervenes].

ADV SELLO SC: Sorry, Chief, before you do, there is a heading.

CHIEF MAPIYEYE: Yes.

ADV SELLO SC: That perhaps you should start with and then you read what you have set out in that box.

CHIEF MAPIYEYE: -:

20 “The nature of alleged misconduct, attached relevant documents.”

So there were relevant documents which were attached, but the first one was:

“Allegations of fail to perform his duties diligently and to the best of his ability.”

The next one was:

“Allegation of gross dishonesty.”

The next one was:

“Gross negligence.”

The next one was:

“Allegation of conduct relating to honesty and integrity.”

The last one was:

“Bringing SEO and EMPD into disrepute.”

10

ADV SELLO SC: Please read the last one again. I think you misread.

CHIEF MAPIYEYE: -:

“Bringing COE and EMPD into disrepute.”

ADV SELLO SC: Yes. Thank you, you had read it as CEO. Thank you. Thank you, Commissioner Baloyi.

ADV KHUMALO SC: I think maybe for the record page 180 answers my question, because it is clear from paragraph 2
20 of page 180 what is the misconduct referred to.

ADV SELLO SC: Yes.

ADV KHUMALO SC: Which led to the suspension.

ADV SELLO SC: I agree with you, Commissioner Khumalo and we will note, but perhaps, it is a document you have also included but you deal with it in your later paragraphs.

We will get to it and you will deal specifically with this annexure. So you do not have to address it now, lest we confuse ourselves, if that is okay, Chief Mapiyeye.

CHIEF MAPIYEYE: Thank you, SC.

ADV SELLO SC: Are you okay with that? Okay, that then takes us to your paragraph 98 at page 27.

CHIEF MAPIYEYE: Page 27, paragraph 98:

10 “The prosecutor was appointed and six charges were drawn against Brigadier Mkhwanazi in terms of the Disciplinary Procedure Collective Agreement, Circular 1/2018. A disciplinary hearing must be held within 3 months of the decision to institute proceedings.”

Paragraph number 99:

20 “There were delays in receiving the charge sheet on Brigadier Mkhwanazi. On 24th of May 2023, Ms Gxasheka, the HOD: HR uplifted Brigadier Mkhwanazi’s suspension with immediate effect and directed him to resume duty.”

And paragraph 100:

“Upon his return, I deployed him to EMPD Operations Bylaw Enforcement

Unit until the disciplinary case is finalized in light of the serious charges he faced. I considered his return to his substantive post undesirable. I attach a copy of this redeployment letter marked J29.”

On paragraph 101:

10 “On the 15th of June 2023, HOD: Human Resource, Linda Gxasheka, challenged my decision by deploying Brigadier Mkhwanazi and she directed that he be deployed back to his substantive position. A letter of this is attached and marked J30. I responded to this letter on the 20th of June 2023, advising Mx Gxasheka that I as the Chief of Police, had the power in terms of section 64(c) or the SAPS Act, to transfer members of the service in the
20 EMPD and a copy of this letter is attached, marked JM31.”

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: Paragraph 102:

“On the 21st of June 2023 and following discussion initiated by Ms Gxasheka

and Adv, HOD Behari, HOD: Legal Services, I was pressurised to hand over the docket relating to Brigadier Mkhwanazi to Adv Behari who is the Head of Legal Corporate. This I did as per my memorandum to Adv Behari dated the 21st of June 2023, a copy of which is attached and marked JM32.”

ADV SELLO SC: On that score, if then I could invite you
10 to page 180 of the big file, that is the document that Commissioner Khumalo referred to previously and I said you will get to as you work through your statement. Commissioner Khumalo, perhaps then with reference to this annexure you may make your comments or pose the question to the witness.

ADV KHUMALO SC: Chief, in paragraph 97 of your statement you said:

“On 3 March 2023 and based on the
outcomes of internal investigations I
20 determined that the misconduct complained of was of a serious nature.”

So my question was, which misconduct are you referring to in your statement and based on the document that we see on page 180 it appears that the misconduct referred to is the one relating to the use of blue lights,

because you say in paragraph 2 of your letter:

“On 2 February 2023 allegations of very serious misconduct ...”

And I emphasise the words “very serious misconduct”.

“Were received from the media and then there was a subsequent internal investigation.”

Would that be a fair summary of what you had in mind in paragraph 97 of your statement?

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

ADV KHUMALO SC: Thanks.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: I thank you.

ADV BALOYI SC: Can we just ...[indistinct] though. If you look at that letter, and I am just checking if what you have just agreed to is correct, if you look at that same letter in the next paragraph, the third paragraph, you say:

20 “The investigation revealed *prima facie* evidence and the docket was scrutinized and signed off by me as Chief of Police. The officer was formally suspended on the 24th for a period of three months.”

Now correct me if I am wrong, my understanding of your evidence is that the suspension was not just for the

blue lights issue, it was, you suspended him for the misconduct that we have just looked at, at page 175 where the tribunal was approved. Am I misunderstanding your evidence, Chief?

CHIEF MAPIYEYE: That is correct, Commissioner, but in the process there is also the investigation which then need to take place, including the blue light story, because once we have received that media communication, there is further investigation which then need to take place, which
10 will include the blue light issues as well.

ADV SELLO SC: Chief Mapiyeye, may I pose this question perhaps for clarity, when you say media enquiry, what specifically, are you talking about the communication forwarded by the journalist, Mr Jeff Wicks around the blue light, the use of blue lights? Is that what you are referencing?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: To your recollection did he reference any other alleged misconduct besides what we just colloquially
20 call the blue light saga?

CHIEF MAPIYEYE: On that media clip, Commissioners, there were other issues which were also raised, the receiving of donation and the registration of vehicles which we needed to identify immediately after we received that query from the media. There were vehicles which when you

test it on the system it will indicate that it is an EMPD vehicle but utilised by an external someone.

ADV SELLO SC: Okay.

CHIEF MAPIYEYE: So it was a mixture of all those kind of issues and allegations which we needed to investigate.

ADV SELLO SC: So then would my understanding be correct that this whole process was triggered by an enquiry into the use of blue lights, but then it was beyond just the use of blue lights and involved other misconduct, am I
10 correct?

CHIEF MAPIYEYE: That is exactly correct, SC.

ADV SELLO SC: And when you requested the establishment of a disciplinary tribunal, it was for purposes of investigating all these complaints and the different misconduct. It is not just the use of blue lights. Am I
correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And so when he was suspended as you state in your statement, it was for all these incidents of
20 misconduct.

CHIEF MAPIYEYE: That is correct, SC, because as I have indicated even yesterday that when he submitted his statement, the initial statement to the Acting Chief by then who was Commissioner Spies, he implicated himself on a lot of other issues which we spoke about yesterday.

ADV SELLO SC: Yes.

CHAIRPERSON: Perhaps, Ms Sello, on the focus of the journalist's questions, we should look at the annexure itself and not just rely on the Chief's recollection. I am by no means impugning your recollection, Chief.

ADV SELLO SC: Absolutely.

CHAIRPERSON: Yes, please guide us, which annexure is it?

ADV SELLO SC: I will find it now. Chief, what we are
10 doing, the Chair would like you to address yourself to this
issues with reference specifically to the enquiry as was
received from the journalist. You understand? So I am
going to locate that annexure and I will request that you
answer all the questions with reference to that annexure. I
think you did not annex the actual enquiry from
...[intervenes].

CHAIRPERSON: Is it? Oh, so it was, it was
...[intervenes].

ADV SELLO SC: And here is, if we have regard to
20 paragraph 39 of his statement he says:

“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 the

EMPD. At the time of this enquiry I was on leave and the Deputy Chief of Police, Auxiliary and Support Services, Commissioner Revo Spies, who was appointed the Acting Chief of Police in my absence took charge of this enquiry and initiated investigations into the allegations.”

So this was handled by Commissioner Spies. And at
10 42, Chief Mapiyeye then says:

“Upon my return from leave, Commissioner Spies made a report to me on this matter, advising that flowing from his investigations he had referred the matter to Internal Affairs Unit in the compliance division as well as to IPID.”

CHAIRPERSON: Let us ...[intervenes].

ADV SELLO SC: So that is as far as he takes it.

CHAIRPERSON: Let us ...[intervenes].

20 **ADV SELLO SC:** Commissioner Spies, I can confirm deals with this in more detail ...[intervenes].

CHAIRPERSON: I seem to ...[intervenes].

ADV SELLO SC: Providing the annexures.

CHAIRPERSON: I seem to recall seeing the ...[intervenes].

ADV SELLO SC: It is from reading the other statement.

CHAIRPERSON: [Indistinct]... [cross-talking] ...[intervenes].

ADV SELLO SC: Yes.

CHAIRPERSON: From reading, ja.

ADV SELLO SC: Indeed. Thank you, Chair.

CHAIRPERSON: Thank you.

ADV SELLO SC: So we confirm that you did not annex to your papers the actual enquiry received from the journalist, so we will not be taking you there. You are, what we are currently dealing with are the steps you took after you had
10 received a report from Commissioner Spies who had handled the entire investigation in your absence while he was Acting Chief of Police, is that correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Okay. So we were still at page 180 and that is your Annexure JM33 and that is the letter that you had written to Adv K Behari, HOD: Corporate Legal Services and Ms Gxasheka, the HOD: Human Resources. You recall that?

CHIEF MAPIYEYE: That is correct, I recall, SC.

20 **ADV SELLO SC:** And you were testifying that the disciplinary tribunal you had requested be established was in respect of various misconducts that had been unearthed in the course of internal investigations against Brigadier Mkhwanazi.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And that they were not restricted to the use of blue lights.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So, and I think that then I think is a complete answer to the clarification that Commissioner Khumalo sought. But staying with the same annexure, I would like you to turn to page 181 and you do recall that at paragraph 99, if you could go there at page 27, you indicated that there were delays in serving the charge sheet
10 on Brigadier Mkhwanazi. You remember that part?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Now with reference then to Annexure JM33 at, that starts at 180, but specifically at 181 kindly read from the three paragraphs after you quote section 7(1)(i), the first paragraph which start with the words “taking into consideration”. Do you see that?

CHIEF MAPIYEYE: I could see that, SC.

ADV SELLO SC: If you could read the remainder of the letter into the record.

20 **CHIEF MAPIYEYE:** -:

Taking into consideration of the above stipulation it means that the charge sheets must be served on or before the 22nd of June 2023. This delay is of great concern as the alleged

misconduct was exposed by the media, a very senior officer involved and is of such a serious nature that it will permanently damage not only the reputation of EMPD but also of the City of Ekurhuleni should the postponement of serving the charge sheets be furthermore postponed. A perception is also created that the officer involved and the very serious misconduct exposed are being protected and swept under the carpet. For your considered noting urgent attention and way forward is appreciated. Thank you, regards.”

10

Signed by myself.

ADV SELLO SC: Have you introduced this annexure, Annexure JM32. Going back to your statement then at 103 you deal with what transpired next. Firstly, was there a response, most importantly a written response to your letter that is marked JM32 that we have just dealt with dated the 21st of June 2023? Was there a written response from the addressees, both Adv K Behari and Ms L Gxasheka, who are the people to whom you had addressed this letter. Did anyone of them respond?

20

CHIEF MAPIYEYE: I did not see anything on the bundle, but I have come across a document where Kemi Behari responded the following day that he needs a meeting with the ED of IPID and myself in order to address issues of protocols that when documents are delivered in the city they must also go via the City Manager's office. That is what he drafted and sent to the ED, IPID. That was the only response. He did not respond directly on what I have raised here.

10 **ADV SELLO SC:** Okay, now let us get this clear. You say you have not provided us with that document, so it is not part of your bundle.

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: It is a document you subsequently have been able to locate.

CHIEF MAPIYEYE: That is correct, yes.

ADV SELLO SC: Do you, would you be able to furnish us with that document later? It does not have to be now.

CHIEF MAPIYEYE: Later I can do that, SC.

20 **ADV SELLO SC:** Based on what I am going to raise to the extent that it is relevant, then you will give us a copy, we will update the files and we will include it in the bundles. But my question is, I have not seen the document you reference, so I am relying on your understanding of its contents.

Did you, do you understand that letter from Adv Behari to be a specific response to your letter at page 150 dated the 21st of June 2023, the letter we have just looked at? Was it a response to this letter or was it raising other issues?

CHIEF MAPIYEYE: It was raising other issues.

ADV SELLO SC: Okay.

CHIEF MAPIYEYE: It was not in response to what I have raised to him in the letter.

10 **ADV SELLO SC:** Then I will not be adding that annexure, because it is not dealing with this specific letter. I take note of what you have said. To the extent that it may be necessary to add it on other issues, I shall do so at that juncture.

But for the moment my question is, did any of the two, Adv Behari and Ms Gxasheka respond to you after receipt of this specific letter at page 180, the letter of the 21st of June 2023?

20 **CHIEF MAPIYEYE:** That is not – the only follow up instruction I have received it was from the City Manager that same day on the 22nd that I must withdraw my internal investigation processes.

ADV SELLO SC: Bear with me for a second, Chief Mapiyeeye, we will then deal with what happens next.

CHIEF MAPIYEYE: Okay.

ADV SELLO SC: I am still at my question, did Adv Behari and/or Ms Gxasheka in writing respond to your letter? Please look at your letter at page 180, the one of the 21st of June 2023. Did you ever receive a response from any of the two?

CHIEF MAPIYEYE: I did not receive any response from both of them.

ADV SELLO SC: Thank you. Turning then to your statement at page 28 – yes?

10 **ADV BALOYI SC:** Before you do this, you do that, sorry Ms Sello, that letter at page 180, the very last paragraph, Chief, it reads:

“The appointed presiding officer compiled six charges after perusing the investigation docket.”

And then if you, so that is at 180 in your letter. If you go back to page 175, that document where you are requesting the constitution of a tribunal, you have got a list of five charges or allegations that you would be required to
20 respond to, but here in your letter you say six. Is it because the charge sheet had six and can we get a copy of the charge sheet?

CHIEF MAPIYEYE: If the Commissioner can just repeat the question so that ...[intervenes].

ADV BALOYI SC: Okay, so at 180 ...[intervenes].

CHIEF MAPIYEYE: Page 180?

ADV BALOYI SC: Yes, of that big bundle, the letter that you have just been looking at now to Adv Behari.

CHIEF MAPIYEYE: I have got it, Commissioner.

ADV BALOYI SC: If you go to the very last paragraph on that page, which reads:

“The appointed presenting officer ...”

You see where I am?

CHIEF MAPIYEYE: I could see, Commissioner.

10 **ADV BALOYI SC:** Okay, and then it reads that:

“Presenting Officer compiled six charges after perusing the investigation docket.”

You see where I am reading?

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV BALOYI SC: Now just do not close that page. Keep your finger there and then go back to 175. It is your request for a disciplinary tribunal at page 175.

CHIEF MAPIYEYE: That is correct, Commissioner.

20 **ADV BALOYI SC:** And then there is a list there of the charges, of the alleged misconduct rather, and it is five items. You see where I am reading?

CHIEF MAPIYEYE: I could see, Commissioner.

ADV BALOYI SC: Yes, the question I am asking is your letter speaks of six charges that are now in the, that were

prepared by the presenting officer. You can either get a copy of that or you can tell us what were those six charges.

CHIEF MAPIYEYE: Okay, Commissioner, on page 175 ...[intervenes].

ADV BALOYI SC: Yes.

CHIEF MAPIYEYE: When this report was then sent to Labour Relations they will appoint a tribunal, presenting officer who will then go through and if there is a need there could be other charges which were added.

10 **ADV BALOYI SC:** Yes.

CHIEF MAPIYEYE: That is why on page 180, I think there is now another charge, which is six charges.

ADV BALOYI SC: Okay, and do you remember offhand what that additional charge was?

CHIEF MAPIYEYE: I would not say as seated here, Chair, but those charges they are, whether they are in the bundles or not, but they are there those charges, the six charges.

ADV BALOYI SC: There is a charge sheet somewhere?

CHIEF MAPIYEYE: There is a charge sheet somewhere.

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

ADV SELLO SC: May I try and assist. Chief Mapiyeye, you are correct, there is a charge sheet somewhere and that charge sheet lies in a witness' bundle, so there will be a witness who will be dealing specifically with this issues and that is where the charge sheet is attached and we will

address the issues at that juncture if I may request.

ADV BALOYI SC: Thank you, Ms Sello.

ADV SELLO SC: Thank you. So I do confirm, Chief Mapiyeye, that the charge sheet will, you know, be presented before the Commission in due course, but not necessarily through you, because you were not involved in that aspect of things, formulating the charges and the like. Are you happy with that?

CHIEF MAPIYEYE: Noted, SC.

10 **ADV SELLO SC:** Thank you. I refer us then to page 28 of your statement. We are now at paragraph 103 and from paragraph 103 you deal with what happened subsequent to your issue of the letter of the 21st of June 2023 to Adv Behari and to Ms Gxasheka, just to orientate us.

You issued the letter, you confirm that neither responded to your letter, so from paragraph 103 you then state what subsequently transpired. Can you deal with that?

CHIEF MAPIYEYE: On page 28, 103:

20 “I was also instructed to withdraw charges against Brigadier Mkhwanazi. I addressed a letter to Brigadier Mkhwanazi, advising that I had taken a decision to withdraw the internal investigation process and redeploy him

to his substantive position. The effect of this letter was not to withdraw the disciplinary processes. In fact, it was deliberately meaningless as it purported to withdraw an internal investigation which at the time had been completed and on the basis of which charges had been formulated. This I did in a bid to stop the consistent harassment I was facing from the City Manager and the two Head of Departments. In fact, therefore the disciplinary process has not been withdrawn. I attach a copy of the letter marked JM33.”

ADV SELLO SC: May I invite us then to JM33, which is in your big bundle from page 182. And according to, as you locate it, according to what you state in your paragraph 103 this is a letter you addressed to Brigadier Mkhwanazi after you had been instructed to do so.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Before we get into the content of the letter you say:

“I was instructed to withdraw the charges against Brigadier Mkhwanazi.”

Who instructed you to withdraw those charges?

CHIEF MAPIYEYE: I was instructed by the City Manager, Dr Imogen Mashazi.

ADV SELLO SC: How did she instruct you, did she write to you and instruct – a note to instruct you? Was it verbal, could you tell the Commissioners under what circumstances that instruction was issued.

CHIEF MAPIYEYE: She instructed me verbally. She did not put it in writing.

10 **ADV SELLO SC:** And that is what led you to produce the letter to Brigadier Mkhwanazi.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: That is then at page 182 according to your statement that is marked JM33.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: It is a fairly short letter, could you quickly read it into the record. For the record, it is dated the 22nd of June 2023 and once again for the record it is signed at the bottom. Is that your signature?

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

ADV SELLO SC: It is addressed to J Mkhwanazi, Director: Specialised Services, EMPD, copying G Mzolo, Deputy Chief of Police, EMPD and Dr I Mashazi, City Manager, COE.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And the subject matter is:

“Disciplinary matter: J Mkhwanazi”

And then you give his pay details and how he is identified in the system.

CHIEF MAPIYEYE: Correct so.

ADV SELLO SC: Could you read into the record the body of that letter.

CHIEF MAPIYEYE: -:

10 “On the 2nd of February 2023
allegations of a very serious
misconduct were received from the
media query from News24 journalist,
Mr Jeff Wicks which implicated yourself
and was subsequently investigated by
the internal affairs section, EMPD. To
date the matter has not been
concluded. I as the Municipal Police
Commissioner have taken a decision to
withdraw the internal investigation
20 process under the case number
0302/2023 and herewith redeploy you
back to your substantive position of
Director: Specialised Services as from
26 June 2023. Hoping you find this in
order.”

And I append my signature.

ADV SELLO SC: And in your paragraph 103 you indicate that you used the words “withdraw the internal investigation processes” and you have testified and you have in your statement that you used those words deliberately and that they are meaningless, because the actual investigation process had been concluded, is that correct? So the use of the words “withdrawal of internal investigation processes” was deliberate on your part?

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

ADV SELLO SC: Did the ...[intervenes].

CHAIRPERSON: Chief – I am sorry, Ms Sello.

ADV SELLO SC: Yes, yes, Chair.

CHAIRPERSON: Chief, is that not an after the fact rationalisation or justification? I am asking this because what did you think the understanding of the readers of the letter would be, would they not understand that you are basically saying that everything now has come to an end, you are withdrawing everything? Would that not be the
20 reading of, would that not be the objective reading?

CHIEF MAPIYEYE: To me not, Commissioner, in the sense that the investigation, our internal investigation has already been concluded and charge sheets have already been drawn by Labour Relations and the people whom they were appointed to deal with the matter. Then ...[intervenes].

CHAIRPERSON; Oh, please continue. I am sorry.

CHIEF MAPIYEYE: And I received an instruction that I must withdraw my internal investigations, of which I did ...[intervenes].

CHAIRPERSON: Please ...[intervenes].

CHIEF MAPIYEYE: To that letter.

CHAIRPERSON: Please tell me why you think a reader would have understood what you meant, what you subjectively meant?

10 **CHIEF MAPIYEYE**: Commissioner, after receiving the instruction that I must withdraw my internal processes, because the IPID personnel always when they come to the department to do further enquiries they will link up with the internal affairs unit to get much more information and by then our process, our internal processes we have already concluded, it is at, it was already at the stage where it has been handed over to the tribunal where they have already prepared drawing up the charges.

20 But because of the pressure and the harassment I was getting with regard to this case specifically, I felt that it was appropriate for me to also partially show that I am listening to that instruction which was, which did not carry in fact any good word in the case itself.

CHAIRPERSON: And how did you expect matters to unfold from that point onwards? That is after you had written this

letter? Did you expect anybody to continue with the prosecution of the disciplinary matter?

CHIEF MAPIYEYE: Chair, the powers with regard to disciplinary proceedings in the City it was delegated to a Divisional Head: Labour Relations, the one who then appointed even the tribunal itself. The two other colleagues which is Kemi Behari and Linda Gxasheka they came in this matter, it was, by then it was not even delegated that they can handle this matter, matters.

10 They only came in the picture when it was only this case of Mr Mkhwanazi. All other employees we followed the process to the latter where Labour Relations will do the rest with the appointment until the case is finalized.

So this, out of all the employees in the City this was the only matter which people have now to come in who were not delegated by then to do that. I think the Labour Relation expert once he comes in here he will be able to address that bridge, that gap, which I am not maybe giving it 100% to the Commissioners.

20 **CHAIRPERSON:** Yes, let me perhaps ask my question differently. In the face of your letter did you expect the prosecution of the matter, that is the disciplinary proceedings, did you expect those to continue?

CHIEF MAPIYEYE: Commissioners, I expected the matter to continue. Even after that letter I have further requested

further engagement as well with the ED of IPID ...[intervenes].

CHAIRPERSON: And did you think, did you think that readers of your letter who would understand you to expect the proceedings to continue?

CHIEF MAPIYEYE: I expected that, Commissioner, in the sense that I was specific that I am not saying the case must collapse and they shall no further proceeding with that case.

10 **CHAIRPERSON:** Let me say this to you, coming in cold there is someone like me who knew nothing about the background and reading your letter, I would understand your letter to be killing the entire DC process, or to be bringing the entire DC process to an end. Do you wish to comment on that?

CHIEF MAPIYEYE: I will disagree with that, Commissioner, that I was specific that I am withdrawing our internal investigation processes, which is the team I was heading. I would not know what another reader can come
20 with a certain conclusion, but I do not dispute what also the Commissioner is raising to me.

CHAIRPERSON: Thank you. Thank you, Chief Mapiyeye.

ADV SELLO SC: Thank you, Chair.

ADV BALOYI SC: Chief, Ms Sello.

ADV SELLO SC: Yes, yes, Commissioner Baloyi.

ADV BALOYI SC: Chief, it is a follow up on this question. The City Manager gives an instruction to you, you say the instruction was to withdraw the charges. Does, realistically could Employee Relations proceed with this disciplinary action in the light of that kind of instruction, if they become aware of it, that the City Manager has instructed you to withdraw the charges? Could employer relations realistically proceed with the disciplinary hearing?

CHIEF MAPIYEYE: Thanks, Commissioner. The
10 instruction, I think the City Manager she is *au fait* of who is responsible of drawing, doing the charges and the stage where that case was she could have even instructed labour relations, the person who is in charge of drawing those charges, to withdraw, but all what I was told is that I must withdraw my internal investigations whilst Labour Relations has already advanced themselves with even preparing the charges and appointing the disciplinary tribunal.

ADV BALOYI SC: Well, the statement says you, the
20 instruction was to withdraw the charges, not the investigation. I, you have drawn a distinction between the charges and the investigation and explained that is how you wrote your letter intentionally, but the instruction according to you in paragraph 103 was that you should withdraw the charges.

So my question is based on what you say that now

there is an instruction from the boss of the institution to you. Employee Relations becomes aware of it. Could they proceed with this DC? Even if you wished for it to continue, could Employee Relations continue with this disciplinary hearing now that the CEO has issued an instruction?

CHIEF MAPIYEYE: Regardless whether the instruction was issued to withdraw the case, typically I did not accede to that. Facing all the harassment I was going through and how I then worded my letter of the withdrawal of my internal
10 investigation.

ADV BALOYI SC: All right, let, and then – okay, Chief, the, when the City Manager gave you the instruction to withdraw the charges, did she say why? Did she give you reasons for that instruction?

CHIEF MAPIYEYE: She told me that myself and the Divisional Head: Labour Relations we must stop to be personal to Julius Mkhwanazi, so of which there is no issues of personality here, it is just issues of principle and, police principle and discipline. I cannot be found being
20 selective in implementing discipline in my own department.

ADV BALOYI SC: So other than saying to you, you must stop being personal, you and the Employee Relations Manager, other than that she did not give you a reason why this disciplinary charges must be discontinued?

CHIEF MAPIYEYE: She did not.

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

ADV KHUMALO SC: Chief, I am not concerned with interpretation. Chair asked you about interpretation of the letter. We are now looking backwards, we are looking back two years. Factually what happened after you issued this letter? Factually did the City continue with the charges against Brigadier Mkhwanazi?

CHIEF MAPIYEYE: After the issuance of this letter?

ADV KHUMALO SC: Yes.

10 **CHIEF MAPIYEYE:** I think the Divisional Head: Labour Relations will then be better placed to explain the immediate processes which took place thereafter, because charge sheets were supposed to be delivered to Julius Mkhwanazi. I would not have the dates, but the Division Labour Relations will address that.

ADV KHUMALO SC: I think maybe let us leave it there for now.

ADV SELLO SC: Thank you, Commissioners and before we leave that issue, I am going to ask perhaps what is,
20 might be considered an unfair question and I must say it is a technical question, so if it is too technical and does not fall particularly within your area of expertise, please indicate. In your experience in the EMPD particularly, once you have requested the establishment of a disciplinary tribunal and you have articulated the misconduct that you

think an employee should be subjected thereto, you await an approval for the establishment of that tribunal, do you, or do you, do you depart from the premise that it will be established?

So what you term your request for the establishment of a disciplinary tribunal, is it subject to somebody's approval? Can your request be turned down?

CHIEF MAPIYEYE: The appointment of a tribunal is delegated to the Divisional Head of Labour Relations in
10 Human Resource.

ADV SELLO SC: Okay, now with reference to page 175, your Annexure 28, and that is your request for a disciplinary tribunal, are you there?

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: And that document it does state that an accusation of misconduct is brought in terms of the disciplinary procedure against, and then it provide the details. It then requires you to lay out the nature of the alleged misconduct and overleaf, it then requires you to
20 make a choice between a departmental enquiry and a disciplinary tribunal.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Here you make your choice and you say you are requesting for the establishment of a disciplinary tribunal. It then has space for the Senior Manager:

Employee Relations to, I guess, express themselves or a recommendation to Human Resources and then lastly that is the approval step.

Once the, your request for the establishment of a disciplinary tribunal has been upheld, what power would you have over what that tribunal next does? Do you know whether, you might not have confront such a situation previously and you would not know, I accept that, but do you hand over the case to the tribunal or do you still retain
10 some powers over what that tribunal does, would you know in terms of policy within the EMPD and perhaps the law which I would not necessarily expect you to be quite *au fait* with.

Are you able to give us an indication or are these matters you would suggest we take up with somebody from Employee Relations?

CHIEF MAPIYEYE: Once the determination has been made from the department, which was on that page 176 ...[intervenes].

20 **ADV SELLO SC:** Yes.

CHIEF MAPIYEYE: Where I have requested for establishment of a disciplinary tribunal, that docket it is immediately handed over to Labour Relations. It could happen with Labour Relations that they pick up either issues which they feel that we cannot proceed with the

case. So they will always talk to me, but this was not the case. They received it, then they started their process to appoint.

ADV SELLO SC: And you indicated that they established a tribunal and I think they appointed a prosecutor and he prepared the charges.

CHIEF MAPIYEYE: That is correct, Chair.

ADV SELLO SC: At that juncture who owns that process, and I use that word very loosely?

10 **CHIEF MAPIYEYE:** That is Labour Relations delegated to the Divisional Head.

ADV SELLO SC: Would you have authority to interfere with that process, to direct it or to achieve a particular outcome in your understanding?

CHIEF MAPIYEYE: I would not have an influence on that process.

ADV SELLO SC: Okay, thank you. I would then turn us to your paragraph 104 and you deal with a different matter here. We are at a point where you have issued the letter to
20 Brigadier Mkhwanazi and telling him that you have taken a decision to “withdraw” internal investigation processes. You are then turned to at 104 to a larger, a later incident of the 15th of August 2023. Do you see that?

CHIEF MAPIYEYE: I see it, SC but ...[intervenes].

ADV SELLO SC: Can you deal with the matter set out in

that paragraph and succeeding paragraphs. Thank you.

CHIEF MAPIYEYE: SC, could you please allow me just to go back where ...[intervenes].

ADV SELLO SC: Absolutely.

CHIEF MAPIYEYE: [Indistinct]... [cross-talking] this matter of intimidation.

ADV SELLO SC: Absolutely, please.

CHIEF MAPIYEYE: During that process, before even the withdrawal, the letter which was submitted for withdrawal, I
10 was told by the City Manager that myself and Brigadier Spies, Commissioner Spies, he has, she has been told that we are the ones who are pushing this case of discipline from IPID side that Julius must be prosecuted, and if I continue, my name and Commissioner Spies will be handed over to hitmen.

She mentioned a person called Mswati, but regardless, it did not scare me, because I did not know who even this Mswati is, so that is where I spoke about issues of intimidation in the past, but I am okay to then move to 104.

20 **ADV SELLO SC**: Before you do so, then if I – Chair.

CHAIRPERSON: Was this at a meeting or how did the CEO or the City Manager communicate this to you and Commissioner Spies?

CHIEF MAPIYEYE: Commissioner Spies was not with me, I was just with her when she told me that she has learned

that it is myself and Commissioner Spies who are persuading this matter of Julius Mkhawanazi. So, well I even relayed this on the same day to Spies as well, because I wanted him now to also take precautionary measures wherever he could be travelling.

CHAIRPERSON: Subsequent to that, did you receive any threats, you personally?

CHIEF MAPIYEYE: Not directly, but one cannot confirm, because where I reside I have got cameras in my house. I
10 have picked up certain vehicles which I cannot say I am linking them with this case, so I never received any direct threat.

But I will also be able to address this at a later stage, because the HOD or ED: IPID she has assisted us in getting the relevant people to come and do threat assessment around myself, because she said she need to do threat assessment around my life and Revo Spies and Mr Nciza, Xolani Nciza, and Kelebogile Thepa who is also one of the witnesses who will be coming forward. So she
20 assigned a team who came to do threat assessment.

CHAIRPERSON: Thank you. I am asking this in the context of what one has read in the statement of Commissioner Spies, but I will leave it there. We will hear more from Commissioner Spies on this. That is the question of threats.

CHIEF MAPIYEYE: Thank you, Commissioners.

ADV BALOYI SC: Chief, the, this conversation you referred to with the City Manager, was it before or after you have been instructed to withdraw the charges, the disciplinary charges?

CHIEF MAPIYEYE: It was before, Commissioners.

ADV BALOYI SC: Okay.

CHIEF MAPIYEYE: I cannot remember just the date, but it was before.

10 **ADV BALOYI SC:** All right. And then in the spirit of the Chair of corrections, you said Nciza, I now know it is Nciza.

ADV SELLO SC: [Indistinct]... should spell it for the record, Nciza, N C I Z A.

CHIEF MAPIYEYE: That is correct, Commissioners.

ADV SELLO SC: Thank you, Commissioners. Commissioner Baloyi, for a second there I thought we are talking about the Chair of Correctional Services and I did not understand where exactly it fits in, but I think I now understand. Chief Mapiyeye, you have just testified that
20 the City Manager threatened you and if I understood you correctly, you said to call a hitman on you. Can you restate that, and then you gave a name that you say she mentioned.

CHIEF MAPIYEYE: She indicated that she will hand over, that was the name she utilised ...[intervenes].

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: She will hand over myself and Mr Nciza to the hitmen and quoted Mr Mswazi.

ADV SELLO SC: And you indicated that at the time you did not know who that was.

CHIEF MAPIYEYE: I really did not worry. In my heart I said let it be.

ADV SELLO SC: My question is did you know who she was talking about when she said Mr Mswazi?

10 **CHIEF MAPIYEYE:** I did not know who this Mr Mswazi was.

ADV SELLO SC: That was in 2023. Between then and now have you since learned who that Mr Mswazi is or was?

CHIEF MAPIYEYE: I happened to learn at a later stage who Mr Mswazi was.

ADV SELLO SC: When and how?

CHIEF MAPIYEYE: I was with a colleague somewhere in Kempton Park who, whilst we were having a breakfast, me and him, this colleague, he told me that he is going to a
20 memorial service of a gentleman so called Mswazi, Msibi Mswazi. That is when I have asked this colleague who is this Mswazi. Then he then explained to me that he is one of the hitmen in the country having some, whether taxi businesses, but that is the information what he gave me.

ADV SELLO SC: Okay. And still you remained unmoved?

CHIEF MAPIYEYE: That is correct.

ADV SELLO SC: Okay. You informed the Commissioners of what the City Manager allegedly said to you when she issued the instruction to withdraw the charges against Mr Mkhwanazi, Brigadier Mkhwanazi and you said that she allege that you and Commissioner Spies are the main drivers behind these charges and you just want to persecute Brigadier Mkhwanazi, in summary. I am paraphrasing. Did I understand you correctly?

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

ADV SELLO SC: Okay. Now we have dealt with this document before, but if I could take us back to Annexure 27 at paragraph 174. You remember this document, it is the letter you wrote to the Executive Director of IPID.

CHIEF MAPIYEYE: That is on page 20?

ADV SELLO SC: 174 of the big file.

CHIEF MAPIYEYE: 174.

ADV SELLO SC: Of the big file, apologies.

CHIEF MAPIYEYE: I have got it, SC.

20 **ADV SELLO SC:** We have dealt with this document before when we were having a discussion around engagements and referrals to IPID. You recall?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Okay, it is that letter then as I said you wrote to the Executive Director: IPID dated the 26th of

January 2024 and this technically is 6 months after you “withdrew” the investigative process, is that right?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Please read into the record paragraph 1, numbered 1 of that letter.

CHIEF MAPIYEYE: -:

10 “During 2023, I personally reported to you that one of your investigators, Mr Makaula, reported in person to the City Manager of COE, Dr Mashazi, that myself and Deputy Commissioner Spies are the people who are pushing the IPID investigation into J Mkhwanazi, EMPD, while nothing could be further from the truth.”

20 **ADV SELLO SC**: So you indicate that in 2023 and you tell the Executive Director: IPID, or you remind her that in 2023 you personally told her that Mr Makaula indicate, said to the City Manager that you too are personally pushing this issue of disciplinary charges against Mr Mkhwanazi.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And this you recount to her in January 2024.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: And today you say that is precisely what

Dr Mashazi had actually said to you in or around June 2023 when she instructed you to withdraw those charges.

CHIEF MAPIYEYE: SC, if I will add to the Commission, how this came about, she personally told me that the investigator from IPID was in her office who told her that I am the one and Mr Spies who is pushing this case, there is no case here.

Whilst they were seated, the two of them in your office, I happened to call this Mr Makaula, then he took the
10 phone and he showed her that you see what I am telling you, here is the Chief of Police, he is busy calling me. So she related that message to me after they had that incident that I am the one who is pushing, because this gentleman came and I happened to phone to this Makaula and Makaula showed her that what I am telling you, these are the people who are troubling me, here is the proof.

ADV SELLO SC: Thank you. Once again then I invite us back to paragraph 103. We are about to move over to that incident of the 15th of August 2023 and you had requested
20 to make some comments regarding the disciplinary process against Mr Mkhwanazi, so we have just completed that line. You said it is fine, you have covered everything you wanted to cover?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Thank you. Then back to your page 28,

paragraph 104. As I indicated, this is an incident you say happened on the 15th of August 2023. Do you see, that is how the paragraph starts, do you see where I am reading?

CHIEF MAPIYEYE: Okay, 104. Yes, I can see, SC.

ADV SELLO SC: Yes. So can you relate then the incidents of that day to the Commissioners and deal with what you set out in the succeeding paragraphs. Thank you.

CHIEF MAPIYEYE: On page 28, 104, paragraph 104:

10 “On the 15th of August I delivered to
the City Manager the letter of intent to
institute proceedings regarding the
precious stones theft allegedly
committed by members of EMPD who
were reporting directly to Brigadier
Mkhwanazi. When I delivered it to her,
she challenged me on the fact that the
letter does not make any reference to
Brigadier Mkhwanazi and neither does
he appears in the attached pictures.
20 She suggested that I was persecuting
Brigadier Mkhwanazi and I was biased
towards him and threatened to suspend
me with immediate effect. She
immediately corrected herself and told
me that she was actually suspending

me with immediate effect.”

ADV SELLO SC: Please proceed.

CHIEF MAPIYEYE: -:

10 “On the 17th of August 2023, the City
Manager called a meeting at which she
claimed the department was in dire
functionally and having at the
conclusion of which she stated that she
had decided that I shall take special
leave with immediate effect so that I
can clear my head, rest and come back
neutral with no bias. I was placed on
leave for 30 days leave.”

ADV SELLO SC: Now with regard to what you state at
paragraph 105, you have the words in quotation marks.
You said she had decided, she stated that she had decided
that you should take special leave with immediate effect so
that you, Chief Mapiyeeye, “can clear your head, rest and
come back neutral with no bias”. What did she mean by
20 that, what does that phrase mean or those words?

Or perhaps put differently, what, is there anything of
significance that had transpired before that would perhaps
help us better understand what those words mean?

CHIEF MAPIYEYE: I think it is very important, SC, that
when I came to deliver, the morning of the day I went to

deliver, it is on the dates here, when I came to deliver the letter of demand which was served by the Sheriff of the Court to my office, it included the case we spoke about, about the precious stones of 45 million. It was then brought to my office by a Sheriff of the Court.

ADV SELLO SC: Yes, and that is the letter that, with the pictures that we dealt with before and you said that the matter was since taken ...[indistinct].

CHIEF MAPIYEYE: That is correct.

10 **ADV SELLO SC:** Correct.

CHIEF MAPIYEYE: I took that letter, I went to the City Manager and said mam, I have just received another complaint, this is the complaint I have received. Our officers they went beyond our area of jurisdiction into Johannesburg, they have robbed someone about this precious stones.

Now the Sheriff of the Court has delivered this document to me. There were pictures of our officers on that document, could clearly seen that it were our officers. So
20 when I was addressing her with that report I showed her that these are our officers. She then said to me let me see, then she paged, she could not see Julius' name or picture on that document. She said to me where is Julius' picture here? I said mam, these officers they report to Julius, I am just highlighting that to you.

She then said to me I told you that you are personal to Julius. Where is Julius' pictures here? I can, if I can listen to stories about you, I can even suspend you with immediate effect so that you can feel what Julius is feeling. In fact, I am suspending you with immediate effect.

I then requested that can you not please allow me to go and clear my office until Friday. She agreed on that, that it is fine, you will go home on Friday. Subsequent to that is then the meeting of the 17th of August 2023. When
10 we arrived at this meeting she had called my management team.

From what I have observed and I have seen, my subordinates they have communicated earlier about his meeting of the 17th, they had an insight of what is going to happen, because there were WhatsApp which were flying. I did not come to the attention of that WhatsApp, but there were WhatsApp's.

We were called into that meeting. There are minutes which were noted. We took our own minutes that I do not
20 know whether they are in this bundle.

ADV SELLO SC: No, I confirm, you do not have any minutes in your bundle. Did you personally take what you call minutes?

CHIEF MAPIYEYE: I made notes, but Commissioner Spies took the minutes and ...[intervenes].

ADV SELLO SC: Okay, now then if the minutes were not taken by you, they would not be here. Thank you.

CHIEF MAPIYEYE: Immediately after the conclusion of that meeting on the 17th of August she asked everyone in that meeting, she said the Department is in dire functionally, I want to know what is happening, because there is no productivity and people are investigating each other.

Then Brigadier Julius started, Mkhwanazi, and stated
10 to her, mam, we have got no Chief of Police here, I do not respect this man, I do not know whether I must salute him or not. He went on saying that he came to my office and waited for me for 8 hours, I did not attend to him, but all those are in those minutes which were taken by Spies.

From there it was, he indicated certain individuals, he said Commissioner Spies he is a *de facto* Chief of Police in my department. Mr Xolani Nciza he is also one of the *de facto* Chief in my department. He mentioned the Staff Officer, that is Ivan Du Plessis who gives instruction in the
20 Department. He mentioned Kelebogile Thepa who is our Media Officer.

At the end of the meeting while other Directors or Brigadiers they made their comments that no, we are having challenges of uniform, petty other issues. But once the meeting was concluded, she then said regardless of all what

I have listened here, I am sending you on special leave with immediate effect for 30 days. That was on the 17th of August.

ADV SELLO SC: And you say at, so at what, it was at the time she did, told you she is sending you on special leave for 30 days, she stated that so that you can clear your head, rest and come back neutral with no bias, it came at the end of that meeting you are suggesting.

CHIEF MAPIYEYE: SC, she did not state that on the 17th
10 of August. This was stated a day later. I think the letter I have received of special leave it was on the 18th, the following day.

ADV SELLO SC: Okay.

CHIEF MAPIYEYE: Here she concluded that she is sending me on special leave with immediate effect in front of my subordinate which I was so embarrassed. I have got protectors. Immediately when we leave the meeting, some junior members of mine, especially Brigadier Mkhwanazi, called and say no, those protectors must be taken away, so
20 ...[intervenes].

ADV SELLO SC: Okay.

CHIEF MAPIYEYE: It was done right in the middle when we concluded that meeting. At the conclusion of that meeting, Brigadier Mkhwanazi circulated a WhatsApp to subordinate or officers of Metro Police that the Chief of

Police has been send on special leave, now the person who will be acting it will be Deputy Chief Mzolo and the City Manager, now it is time that we must pick up the pieces and address the stature. That was his WhatsApp to EMPD officials who are ...[intervenes].

ADV SELLO SC: But as you say, it is not a WhatsApp you received.

CHIEF MAPIYEYE: I came across that WhatsApp, the one he has sent to officers after that meeting.

10 **ADV SELLO SC:** Do you have a copy of that WhatsApp? Were you able to lay your hands on it even thereafter?

CHIEF MAPIYEYE: I have got a copy of that WhatsApp, because I even sent that WhatsApp back to my boss, the City Manager, that this to me was uncalled for that officers can disrespect me in her presence, right in front of her presence and even the power to send messages to my subordinate, all officers in the City.

ADV SELLO SC: Okay. All right, so then as of the 17th of August, a day later you were on special leave. Are you
20 ...[intervenes].

CHIEF MAPIYEYE: That is correct, SC.

ADV BALOYI SC: Sorry, Ms Sello, before you proceed.

ADV SELLO SC: Yes.

ADV BALOYI SC: Just one question. In that meeting of the 17th where you say Brigadier Mkhwanazi said he does

not even know whether he should salute you, we do not have a Chief of Police, did the City Manager reprimand him or say anything that sounded like a reprimand to what on the face of it appears like gross insubordination?

CHIEF MAPIYEYE: Commissioner, that was my concern. He was never reprimanded in front of my juniors as well and those minute we took, I think we managed to forward them to the office of the SC, but he was not reprimanded.

ADV BALOYI SC: Thank you.

10 **ADV SELLO SC:** Thank you, Chief.

ADV BALOYI SC: Maybe another question, sorry. It is one paragraph back where you take this letter, paragraph 104, where you are taking this letter of demand, of intent to institute proceedings, at paragraph 104, you say you take it to the City Manager and this is where he says you have got something personal against Brigadier Mkhwanazi. Did the City Manager dispute that the people in the picture, you say there were pictures, did she dispute that those people report to Brigadier Mkhwanazi?

20 **CHIEF MAPIYEYE:** She did not dispute that.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner. You make conclusions in paragraph 106 after you have narrated all that transpired prior to and on the day of your being placed on special leave. Could you deal with paragraphs 106 and

107?

CHIEF MAPIYEYE: Paragraph 106 on page 29:

“There was a clear and deliberate decision by the City Manager and the HOD: HR not to prosecute Brigadier Mkhwanazi for this transgressions. On the contrary, consorted efforts to protect him were made.”

On 107:

10 “Adv Behari as HOD: Legal Services appointed a firm to conduct an investigation into whistleblower allegations made against *inter alia* Brigadier Mkhwanazi, which were published in the press. Adv Behari appointed an MTT Call, the forensic firm to conduct this investigation. The investigation report dated 20 June 2024 is attached marked JM34.”

20 **ADV SELLO SC**: You deal then at paragraphs 108 to 110 with some of the conclusions that report drew but you do not expound on them. In light of the fact that another witness will come deal in more detail with the detail of that report, may I suggest that we do not deal with what you state from 108 to 110, because you do reference the

paragraph numbers in the report and when the right witness comes, they will cover that part of your evidence, or the evidence you have tendered otherwise in their absence. Is that acceptable to you?

CHIEF MAPIYEYE: Thank you, SC, I appreciate that.

ADV SELLO SC: That would take us to your paragraph 111 at page 13, if you could read that into the record.

CHIEF MAPIYEYE: On page 111:

10 “As a result to date the IPID
 recommendation that Brigadier
 Mkhwanazi be disciplined has not been
 given effect to.”

ADV SELLO SC: As a matter of interest, what is your understanding, you receive an IPID report with a recommendation, in this case institute disciplinary proceedings against a specific member of the service. Who is to give effect to that recommendation in the context of the EMPD, would it be yourself, would it be his direct superior, the City Manager, Employee Relations? Are you
20 able to assist us with that?

CHIEF MAPIYEYE: SC, could I please request and correct myself on page 30, 111.

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: Because the statement there state that:

“As a result to date the IPID recommendation that Brigadier Mkhwanazi be disciplined has not been given effect to.”

I think the word “to date” it might be incorrect for me, because I am not at work ...[intervenes].

ADV SELLO SC: Okay.

CHIEF MAPIYEYE: So my last time when I was, I left work was on the 25th of September 2024. So I do not know what
10 then happened from the 24th, 25th of September.

ADV SELLO SC: That is an important correction. You are correct and I appreciate that.

ADV KHUMALO SC: Is it fair to say subsequent to the IPID report, Brigadier Mkhwanazi was in fact promoted to the position of Deputy Chief of Police, because when the IPID report was sent to you, he was not Deputy Chief of Police. He became Chief of Police in December of 2023, which is a month or two after you received the IPID report.

CHIEF MAPIYEYE: That is correct, Commissioner, but can
20 I please respond to the question. Could I get it very clear from the SC again ...[intervenes].

ADV SELLO SC: Yes, Chair.

CHIEF MAPIYEYE: The one I have disturbed you whilst you were asking.

ADV SELLO SC: No, no, no, we will revert Commissioner

Khumalo. I had said the correction you are making to your statement is very important and it is noted duly and it is on the record. Your statement had read:

“As a result to date the IPID recommendation that Brigadier Mkhwanazi be disciplined has not been given effect to.”

You wanted to highlight that you cannot really speak about what transpired since your day of suspension, so you cannot use the term “to date”, because it, they, it could have been instituted after the 24th of September 2024, which is your suspension date.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: I have, we have corrected that and the record will show that correction that what you intend to express is that as a result until September, 19, 25th September 2024, which is your date of suspension, the IPID recommendation that Brigadier Mkhwanazi be disciplined had not been given effect to. That is as far as you can take it.

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: Okay. Now what Commissioner Khumalo highlights to you, he makes a comment that it would appear that at least up until your date of suspension not only were the recommendations not given effect to, in fact, Brigadier

Mkhwanazi was promoted to Deputy Chief.

That is what he wanted to engage you on and he stated that because as at the date of the IPID report being served on EMPD, he was still in his previous position and he was not a Deputy Chief. This was prior to December, the 1st of December 2023, which you say is the date that you learned he was sort of made Deputy Chief. Is that correct?

CHIEF MAPIYEYE: He was appointed on the 1st of
10 December 2023, that is correct.

ADV SELLO SC: And by then the IPID report was in hand. It had been served, or it is, that is the date you are struggling with, sir?

CHIEF MAPIYEYE: I know that the IPID report was there already.

ADV SELLO SC: Yes, and that is the point that the Commissioner is making.

CHIEF MAPIYEYE: Yes, yes.

ADV SELLO SC: So he is saying not only was he not, not
20 only was the IPID recommendation not acted upon, at least up until you were then placed on suspension, in that period instead he actually was promoted to a higher rank and he wanted to invite your comment on that. Do you agree with that statement?

CHIEF MAPIYEYE: I agree with that statement that when I

came back after my 30 days that was in 2023, then Brigadier Mkhwanazi was then appointed on the 1st of December 2023.

ADV SELLO SC: Okay.

CHIEF MAPIYEYE: As a Deputy Chief.

ADV SELLO SC: Thank you. Chair.

CHAIRPERSON: Chief, Chief Mapiyeye, now that we are at this point let me raise with you, but I do not know if you will be able to assist, issues relating to documents that we were going to ask for right at the end. Are you aware of any letter of appointment which promoted Brigadier Mkhwanazi?

CHIEF MAPIYEYE: Commissioner ...[intervenes].

CHAIRPERSON: In terms of which Brigadier Mkhwanazi was promoted, a letter, something written?

CHIEF MAPIYEYE: Commissioner, I have indicated earlier that I have not seen that appointment letter.

CHAIRPERSON: Then perhaps, in fact, in fact what I was saying, we were going to raise right at the end, would have been directed more to you than to the Chief, Ms Sello, that is maybe, let me just raise all of them at this stage.

ADV SELLO SC: Perhaps may I respond to this one ...[intervenes].

CHAIRPERSON: Yes, yes, yes.

ADV SELLO SC: Because the, my response to whatever documents you raise might differ. I do confirm that I think

in his testimony Chief Mapiyeye indicated that he has never seen such a letter, an undertaking as we will go back to the witnesses to determine firstly whether such letter exists and secondly, to find the right witness through whom to introduce that document. Thank you.

CHAIRPERSON: Thank you, thank you. And also correspondence relating to Brigadier Mkhwanazi's vetting or lack thereof, please.

ADV SELLO SC: Correspondence relating to Adv
10 Mkhwanazi's vetting?

CHAIRPERSON: Brigadier.

ADV SELLO SC: Brigadier.

CHAIRPERSON: Yes, yes. With that too you will see who to introduce it, or rather, who the witness to introduce it should be and then the files relating to the disciplinary processes relating to the employees, I think it was two, who were terminated but later re-employed, we would like to see that as well.

ADV SELLO SC: Chair, that is the end of the week and it
20 has been a long week. Could the Chair assist in identifying ...[intervenes].

CHAIRPERSON: Not – yes, there were two, I hope I am correct with the number, two officers, EMPD officers who were subjected to DC processes and terminated but who were later re-employed.

ADV SELLO SC: Can I just check with the witness, because ...[intervenes].

CHAIRPERSON: Yes.

ADV SELLO SC: The two I understand were on suspension and then they were brought back and the witness ...[intervenes].

CHAIRPERSON: From suspension.

ADV SELLO SC: From suspension. And the witness said they were allocated to different functions, but it was instead
10 insisted that they be, they go back to their substantive positions. So I do not know if those are the two witnesses we are talking about, or whether, or the two, the two, that those are the ones.

CHAIRPERSON: Yes, those are the ones, yes.

ADV SELLO SC: Than ...[intervenes].

CHAIRPERSON: I just pray that the files are not too bulky, but we just want to get an idea of what happened there.

ADV SELLO SC: Yes, there is a witness to speak to that. We will just have to ensure that they produce the right
20 documents, yes, Chair.

CHAIRPERSON: Thank you. Thank you.

ADV BALOYI SC: Ms Sello, perhaps we may want to correct, you can put it to, you can decide how you put it to the Chief, you have, I think following on Commissioner Khumalo's last question you put it, it was put as a fact that

Brigadier Mkhwanazi was promoted on the 1st of December. I have lost that paragraph here, but what the Chief, what the witness said was that he next saw Brigadier Mkhwanazi the first week of December and this time he was wearing the insignia. I think that is what it was called.

ADV SELLO SC: Yes.

ADV BALOYI SC: That is what he says. He did not say that he was promoted on the 1st of December. And to the extent that the proposition that is being made is that he was promoted following a date after the IPID report, which is not
10 acted upon, I think we do need to be sure that that is actually accurate.

ADV SELLO SC: I will pose the question to the witness, but before I do so ...[intervenes].

ADV BALOYI SC: Yes.

ADV SELLO SC: Commissioner, if I may refer you to paragraph 24 of your statement at page 8.

ADV BALOYI SC: Okay.

ADV SELLO SC: That is where Chief Mapiyeye says:

20 “On 1st December 23, Brigadier
Mkhwanazi was purportedly appointed
to Deputy Chief.”

So he states that. Read with paragraph 68, so he does not, he did indicate that he does not have the letter appointing him to that position. At 68 he then says I next

saw him I think during the first week of December.

ADV BALOYI SC: Okay, maybe let me ask the question.

ADV SELLO SC: Yes.

ADV BALOYI SC: Let me ask the Chief the question.

Chief Mapiyeye, do you know as a fact that Brigadier Mkhwanazi was promoted on the 1st of December? As a matter of fact do you know that?

CHIEF MAPIYEYE: I cannot confirm that, because I did not see the letter appointing him that as from the 1st. As I have
10 earlier indicated as well, the letter I wrote to the HOD: Human Resource, on the 1st or the first week of December it is when I saw him wearing the rank of a Deputy Chief of Police.

ADV BALOYI SC: Are you, when you earlier said he was appointed on the 1st and where you say purportedly the 1st of, on the 1st of December, is it, are you saying that because in that first week you saw him dressed the way that you say or is there another reason why you say the 1st of December?

20 **CHIEF MAPIYEYE:** Prior to that, this information will be with the next witness, which is Commissioner Spies, because he is running the Auxiliary and Support Services of Metro Police. I am told that Julius went there just before the 1st to demand the rank from the staff who are dealing with those assets and they refused to give him. They

wanted a letter, but Spies has got all these facts. It seems the letter he finally produced it which came from the office of the City Manager, so but I did not also see that letter.

ADV BALOYI SC: Yes, so Commissioner Spies is the right person to speak to.

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV BALOYI SC: Thank you.

ADV SELLO SC: thank you, Commissioners. Chair, if I may to the documents we called up on to produce, so we do
10 not bring the wrong documents, the third lot if I understood the Chair correctly, is a request for files relating to the two employees who were terminated and re-employed. May I refer us to paragraph 86 of the statement and ...[intervenes].

CHAIRPERSON: 86?

ADV SELLO SC: 86. In a bid to understand whether it is in respect of those employees that the documents are required or something else. And Chief Mapiyeye states as
20 Commissioner Spies will elaborate further during his testimony, the disciplinary process is initiated against them. Those were the members implicated in the criminal conduct. There were, they were continuously frustrated internally, you know, there were continuous frustrations internally or intention to frustrate the process and they, meaning the two employees, were re-assigned to their substantive positions

and their service weapons restored to them.

CHAIRPERSON: Yes ...[intervenes].

ADV SELLO SC: May I take you to page ...[intervenes].

CHAIRPERSON: [Indistinct]... [cross-talking] perhaps ...[intervenes].

ADV SELLO SC: Is that where the query comes from?

CHAIRPERSON: That is, yes.

ADV SELLO SC: Okay.

CHAIRPERSON: But it seems perhaps that reference to
10 termination was erroneous.

ADV SELLO SC: Okay. So then insofar then it is not termination, but that is what the documents are interested to address, as the witness says the next witness, Commissioner Spies, will address himself to that.

CHAIRPERSON: Yes, thank you.

ADV SELLO SC: Thank you.

CHAIRPERSON: Thank you.

ADV SELLO SC: We have taken note of the rest of the request and we will deal with it. Thank you, Chair. You
20 very briefly in your last chapter deal with what you call the name of trumped up charges against you. You, and by briefly I mean you very briefly, you do not, besides indicating that you were suspended on the 25th September 2024 on bogus claims that you had sexually harassed a fellow officer and you attach as JM35 a copy of that

suspension letter.

You do not deal with the content really of the charges and I am not inviting you to necessarily. I want you to make then just your brief concluding remarks about the so-called, what you call trumped up charges. You talk about where the process is, what the next step is and what you understand has subsequently transpired. That you do from paragraph 113 at page 30.

CHIEF MAPIYEYE: SC, are you saying I must just
10 conclude, I must just go on straight on page 31
...[intervenes].

ADV SELLO SC: Ja, we are now, no, at page 30
...[intervenes].

CHIEF MAPIYEYE: On the conclusion.

ADV SELLO SC: We are now at page 30.

CHIEF MAPIYEYE: Yes.

ADV SELLO SC: I have said you have introduced your
suspension letter and you have indicated that your
suspension letter charges you with what you call bogus
20 claims that you sexually harassed a fellow officer. Is that
correct?

CHIEF MAPIYEYE: That is correct, SC.

ADV SELLO SC: So I am inviting you to deal with the
contents of your statement from paragraph 113 and I
highlight that besides telling us that you were suspended

and you have given us the letter of suspension which reflects these charges, you do not engage with the charges any further in the statement and I am not inviting you to do so now. I just want you to deal with the contents of 113 to 115. You may read them, you may summarize what you have set out therein, whatever works best for you.

CHIEF MAPIYEYE: On page 30 laying of trump up of charges against me. Paragraph number 112:

10 “I was suspended on the 25th of September 2024 on bogus claims that I had sexually harassed a fellow officer. I attach Annexure MJ35 ...”

That was my charge sheet or the letter of suspension.

20 “The leading of evidence has concluded in this matter and the heads of argument have been filed during October 2025. Arguments is set down for the 14th of November 2025. To my knowledge my suspension and subsequent disciplinary prosecution was never approved by Council which appointed me. Since my suspension various other employees have been suspended and have faced disciplinary proceedings instituted against them. Some have been dismissed. One thing

in common, these employees have ...[indistinct] that they dare to challenge a decision by or unduly favoured Brigadier Mkhwanazi.”

In conclusion:

10 “The situation that has been permitted to develop in Ekurhuleni and within some units in EMPD, in particular disconcerting and the demand immediate intervention rather than provide protection to the citizens of Ekurhuleni, some of the EMPD members have become a source of danger to these citizens. I trust that the Commission’s recommendation will assist the EMPD in addressing some of the challenges I have highlighted in the statement.”

20 SC, could I, you indicated it has to be on high level. I need to do that, the high level, because immediately when I was placed on ...[intervenes].

ADV SELLO SC: Apologies. May I understand, what needs to be at a high level, Chief?

CHIEF MAPIYEYE: I wanted to highlight that immediately when I was placed on suspension ...[intervenes].

ADV SELLO SC: Yes.

CHIEF MAPIYEYE: My status of life and the risk ...[intervenes].

ADV SELLO SC: You may address yourself to the Commissioners.

CHIEF MAPIYEYE: I do not know seated here, SC, that would I have that opportunity to conclude.

ADV SELLO SC: I am inviting you to. I just wanted to understand what it is you wanted to give a high level
10 comment on.

CHIEF MAPIYEYE: Okay, thank you.

ADV SELLO SC: Thank you.

CHIEF MAPIYEYE: SC, and the Commission, I am still an employee of the City of Ekurhuleni, being the Chief of Police. I have served this city for 42 years. I have created enemies not only in Ekurhuleni, around the country by arresting serious hardened criminals. That immediately when I was suspended my protection was taken away. Meanwhile there is a report which IPID and the relevant
20 department have done risk assessment around my life.

My protection was taken away, firearms were taken away. I am without any protection currently, meanwhile I am still the employee of the city. Whilst the employee who alleges sexual harassment has been given protection, being protected by the city, given officers plus additionally

outside security members.

That security is even extended to even the family members. Some of these other employees who were targeted, whom I have mentioned here in the case itself, they were not even considered for any security issues. Lastly, Commissioner, I am not going ...[intervenes].

CHAIRPERSON: Oh, before you move on, should your focus not more be on your own security? I am asking this because I am not sure to what extend you are aware of the
10 threat and risk assessment that was done, if it was done, in respect of the employee who has complained about sexual harassment against you.

CHIEF MAPIYEYE: I hear you very well, Commissioner, and I concur with you. I cannot pre-empt. I must look at my space, that is what I have addressed with regard to my security whilst there was a report which detailed my threat assessment. So all that protection was taken away from me.

CHAIRPERSON: There was something else you wanted to
20 say. I am sorry, I interrupted you.

CHIEF MAPIYEYE: I think, Commissioners, I will stop at that, because I do not want to talk about other people, I must talk about myself, my space and the risk I am subjected at and my family. That is the space I am concerned about, including my health status.

I am at home for the past 12 months and 2 months I think, a year and 2 months with this challenges I am seated with. They impact very negatively to my health status and my family at large.

ADV SELLO SC: Thank you, very much, Chief Mapiyeye. I am glad that you had the opportunity to explain to the Commissioners your personal situation. Chair, that brings us to the conclusion of the testimony of Chief Mapiyeye, unless there are questions that ...[incomplete].

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

ADV BALOYI SC: Well, I think on the back of what you have just said now perhaps it is appropriate to ask the question. As at the date of your suspension in 2024, was Brigadier Mkhwanazi still at work?

CHIEF MAPIYEYE: When my memory serves me well, Commissioners, he immediately took over as the Acting Chief of Police.

ADV BALOYI SC: And do you have any knowledge today as you sit there whether he is at work or on suspension?

20 **CHIEF MAPIYEYE:** All what I have learned, Commissioners, immediately, I think he acted as the Chief of Police, later on he acted as the Head of Community Safety, though I could pick that up, I am not at work, he acted as the Head of Community Safety alternating between the two, up until recently when I saw on the national TV

when they were saying they are interviewing the Acting Chief of Police I think last month, Acting Chief of Police, Mkhwanazi.

ADV BALOYI SC: So as at the date of your suspension at least he was not on suspension, notwithstanding these serious allegations against him.

CHIEF MAPIYEYE: That is correct, Commissioners, he was not on suspension.

ADV BALOYI SC: All right. And then just to go back to
10 that last letter, your letter of suspension, maybe it is important, I thought Ms Sello, as a starting to ...[intervenes].

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: To place on record that the letter at page 3 thereof it is marked 12, it indicates, for what it is worth, it indicates that it is signed by the Acting City Manager, Mr Tshilidzi Thenga. You see that?

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV BALOYI SC: Can you confirm this is signed by Dr
20 Mashazi.

CHIEF MAPIYEYE: That is correct, Commissioner. I remember very well.

ADV BALOYI SC: All right. And then go to page 1 of that same letter. In light of ...[intervenes].

ADV SELLO SC: I apologize. Chief, please refer to your

big file. Commissioner Baloyi is inviting you to – that is at page 228 of the big file.

ADV BALOYI SC: It is JM35.

ADV SELLO SC: Yes.

ADV BALOYI SC: The very last document, Chief.

ADV SELLO SC: 228, the last document in that file. Have you located it?

CHIEF MAPIYEYE: I have got it, SC.

ADV BALOYI SC: All right.

10 **ADV SELLO SC:** Then Commissioner Baloyi would like to engage you on that letter.

ADV BALOYI SC: All right. So at the very first page, and what I am going to put to you arises from your statement, and you do not need to go there, I will read it, it is a very short ...[indistinct] in your statement. At paragraph 114 of your statement you say:

20 “To my knowledge, my suspension and
 subsequent disciplinary prosecution
 was never approved by Council which
 appointed me.”

 You remember you said that?

CHIEF MAPIYEYE: That is correct, SC.

ADV BALOYI SC: Okay, I just wanted you to point out at least something about Council. In the first page of your letter of suspension the very first paragraph it says:

“On Friday, 13 September 2024, Council resolved that such allegations be investigated by an independent investigator appointed by the City and that a report be submitted to Council within 30 days of such appointment.”

You see where I am reading?

CHIEF MAPIYEYE: I know the letter you are reading.

ADV BALOYI SC: Okay, all right. Do you have, did you
10 ever get any knowledge whether a report was submitted to Council within the 30 days of appointment of an investigator? Well, let me ask first, do you know that an investigator was appointed?

CHIEF MAPIYEYE: I know that a company was appointed to do that investigation.

ADV BALOYI SC: Yes.

CHIEF MAPIYEYE: And I went to see this company because they called me and said they want to do an interview with me.

20 **ADV BALOYI SC:** Yes.

CHIEF MAPIYEYE: When I arrived to that company, I was not comfortable ...[intervenes].

ADV BALOYI SC: All right.

CHIEF MAPIYEYE: To proceed with them ...[intervenes].

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

CHIEF MAPIYEYE: I am not ...[intervenes].

ADV BALOYI SC: Allow me to interrupt you, or at least for this purpose. I do not want you to get into the detail of this matter. I just wanted to confirm that what is recorded in the first paragraph where it says an independent investigator was appointed on the instruction of Council or resolution, you are aware of that?

CHIEF MAPIYEYE: I am aware of that, Commissioner.

ADV BALOYI SC: Okay, and do you know whether a report
10 was submitted to Council after that investigation?

CHIEF MAPIYEYE: It might have been submitted but at a later stage during my disciplinary proceeding I requested through my lawyer, we requested that report. It was never provided to us.

ADV BALOYI SC: Okay, so your answer is you do not know whether it was submitted?

CHIEF MAPIYEYE: That is correct, Commissioner.

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

20 **ADV SELLO SC**: And if I may just then ask a follow up question and this is the absolute last and it is because you referenced what you requested during the disciplinary process and you say to Commissioner Baloyi that you requested specifically the Council, the report to Council requested in the suspension letter. You just answered that.

You say you requested for that report and it was not provided during the hearing, through your attorney you said?

CHIEF MAPIYEYE: That is correct, Commissioner.

ADV SELLO SC: Okay. Now did you ever, whether prior to or during the disciplinary process, request or were shown the Council resolution to suspend you?

CHIEF MAPIYEYE: I have never seen a Council resolution which stated that I must be suspended.

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

CHIEF MAPIYEYE: We have requested it, it was never provided to us.

ADV SELLO SC: Thank you. Chair, this is the second time I say, unless there are further questions and none from my side, that brings us to the conclusion of the testimony of Chief Mapiyeye.

NO FURTHER QUESTIONS

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair.

20 **CHAIRPERSON**: Thank you, Ms Sello. Chief Mapiyeye, thank you very much ...[intervenes].

CHIEF MAPIYEYE: Thank you very much, Commissioners.

CHAIRPERSON: Yes, let us adjourn and resume at half past 2.

ADV SELLO SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: There is stuff on our screen, so what is going on there? Should it be here? Okay, it is gone.

ADV SELLO SC: Thank you for bringing that to our attention, Chair. It is sorted now. Ready when you are, Chair?

CHAIRPERSON: We are, we are. Thank you.

ADV SELLO SC: Thank you, Commissioners. We are
10 ready with our next witness. If I may request that the witness be sworn in?

CHAIRPERSON: Good afternoon, Commissioner Spies.

WITNESS: Good afternoon, Commissioners.

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

WITNESS: So help me God.

CHAIRPERSON: Thank you.

20 **REVO SPIES:** (duly sworn states)

EXAMINATION BY ADV SELLO SC: Good afternoon, Commissioner. Could you place your names on record formally?

COMMISSIONER SPIES: My name is Revo Spies, and I am a former employee of Ekurhuleni Metro Police Department.

ADV SELLO SC: Thank you. I think you are fairly tall. If you could just adjust the mic slightly upwards for your voice to carry better. Thank you.

ADV KHUMALO SC: Does he need two mics? I will leave it to you, Adv Sello.

ADV SELLO SC: I actually had settled for two mics because he sounded like he too speak softly. There is nodding in the room, so I think please keep both on. Thank you. Commissioner Spies, you have before you two white
10 files. One I will call a small file, and then the big file. The white file contains one document, and the big file contains more documents, and they are marked and flagged on the side. You see that?

COMMISSIONER SPIES: Correct.

ADV SELLO SC: Before we deal with the contents of these files, can I confirm, have you prepared and submitted a statement to the Commission on matters you are about to testify on?

COMMISSIONER SPIES: Yes, Commissioner, I have.

20 **ADV SELLO SC:** May I refer you to the small file? And the index to that file lists the document, Statement of Revo Spies. Do you see that?

COMMISSIONER SPIES: That is correct, Commissioner.

ADV SELLO SC: Please turn over, and that will be the first page of the statement. When you flip through it, it will take

you to page 35.

COMMISSIONER SPIES: That is correct, Commissioner.

ADV SELLO SC: Apologies. Do you confirm that this is the statement you have submitted for consideration by the Commission?

COMMISSIONER SPIES: Yes, I confirm, Commissioner.

ADV SELLO SC: Is this a statement you intend to attach your signature thereto as confirmation that it is your statement?

10 **COMMISSIONER SPIES**: Yes, I do.

ADV SELLO SC: And lastly, do you confirm the correctness of the contents of this statement?

COMMISSIONER SPIES: I confirm the correctness of this statement.

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

COMMISSIONER SPIES: I stand by the contents of the statement, Commissioner.

ADV SELLO SC: Thank you, Commissioner Spies. Let us
20 then turn to the statement itself, and I invite you to have regard to page 3. From page 3, at paragraphs 1 to 8. No, let us say 1 to 6, you deal under the heading Introduction and Background with what you do, what you did for the EMPD, and we will take it from there. I would like you to deal with the contents of those paragraphs and inform the

Commissioners about who you are and your history of service as you have set out in those paragraphs. Thank you.

COMMISSIONER SPIES: Thank you. Commissioners, I am an adult male. I am a former employee of the Ekurhuleni Metropolitan Police Department. I have served in the Police Service for 43 years, of which 33 of them was with the Ekurhuleni Metro Police. In total, I have 43 years of law enforcement. I officially retired on early pension from
10 EMPD, and my last working date with them was 28 February this year, 2025.

Before my retirement, I held the position of Deputy Municipal Police Commissioner, and I was appointed as such on 1 August 2022, as the Deputy Chief of Police Auxiliary and Logistical Support Services. My responsibilities in that specific position was overseeing the different Auxiliary Support Services sections, which included the Ekurhuleni Metro Police Training Academy, the Ekurhuleni Municipal Courts Fine Administration section,
20 and then also the Metro Police Logistical and Support sections, which have a lot of smaller subsections related to vehicle fleet, human resources, radio fleet stores, and finance and procurement and budget portions into that.

During the 2022/23 year, I was also instructed by the then Chief of Police, Commissioner Mapiyeye, to

oversee the Internal Affairs section, because the structure wherein they were deployed, that division, it was vacant, and I had to oversee that position then.

One of the things that I want to upfront state, and this is my statement, is that to avoid any confusion, because of colloquial speak, is that any reference to Mkhwanazi, that will mean it is Julius Doctor Mkhwanazi, who is a Deputy Municipal Police Commissioner, and he is appointed as the Deputy Chief of Police, responsible for
10 operations and Specialised Services in the Ekurhuleni Metro Police, and he was previously a Director with a rank of a Brigadier in the Specialised Services section of the Metro Police.

And I have also served for a very short period, from the 27th of March to the 5th of March, I served as the Acting Chief of Police when Commissioner Mapiyeye was on family responsibility leave, and I had to attend council meetings and carried on the service of the business for that specific period then as the Acting Chief of Police.

20 **ADV SELLO SC:** Thanks Commissioner, may I take you back to your paragraph 6 about the period of service as Acting Chief of Police? I think you got the dates wrong, as you mentioned them, can you please restate them for the record?

COMMISSIONER SPIES: The council meeting was the 26th

January, and I served from the 27th of March to the 5th of February.

ADV SELLO SC: You made the same mistake, your statement reads:

“I served as the Acting Chief of Police for the period 27th January to 5th of March.”

That should be a typo then.

ADV SELLO SC: Okay, then how should it read?

10 **COMMISSIONER SPIES:** The council meeting was on the 26th of January.

ADV SELLO SC: Yes.

COMMISSIONER SPIES: And I was during that night appointed as the Acting Chief from the 27th of January and then only to the 5th of February. It was only for that week period.

ADV SELLO SC: So it is the 5th of February. You kept saying the 27th of March, that is why.

COMMISSIONER SPIES: Sorry.

20 **ADV SELLO SC:** Okay, duly corrected, thank you. And then at paragraph 8 you indicate that you then received a formal letter appointing you as the Acting Chief of Police, and in fact that paragraph correctly reflects the period.

COMMISSIONER SPIES: Correct.

ADV SELLO SC: As 27 January 2023 to 5 February 2023.

COMMISSIONER SPIES: Correct.

ADV SELLO SC: And then you attach a copy of that appointment letter as RS1, is that correct? You can go to the big file, and the document that you have marked RS1 should appear at page 1 of that file.

COMMISSIONER SPIES: That is correct, Commissioners.

ADV SELLO SC: Thank you. Commissioner Khumalo?

ADV KHUMALO SC: Can I ask a silly question for my benefit? How do we address the witness? Does he retain
10 the title Commissioner after retirement?

ADV SELLO SC: That is a tough one for me, Commissioner.

ADV KHUMALO SC: If he can answer it so that ...[intervenes].

ADV SELLO SC: Perhaps the witness can answer for himself.

ADV KHUMALO SC: If that is the title, then we will respect it throughout.

COMMISSIONER SPIES: Commissioner, I did retire, but
20 after my retirement, I was re-employed again into the Tshwane Metro Police, and I am again a Commissioner in the Tshwane Metro Police.

ADV KHUMALO SC: Thank you.

COMMISSIONER SPIES: Commissioner is correct.

ADV SELLO SC: So, as things stand, you are back in the

service, except with the Tshwane Metropolitan Police Department, is that correct?

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: And that was from which date?

COMMISSIONER SPIES: From the 2nd of March 2025.

ADV SELLO SC: Thank you. You were getting into the testimony you are about to give. Your first chapter is headed Investigation into Alleged Misuse of Blue Lights and EMPD Resources. You see that?

10 **COMMISSIONER SPIES**: Yes.

ADV SELLO SC: It starts from paragraph 9. Before you deal with the contents of paragraphs 9 and following, I would like to bring to your attention that Chief Mapiyeye, who is the current Commissioner within the EMPD, has touched on some of these issues. So, to the extent that perhaps there might be interruption, please accept that the Commissioners have been part-informed about these matters. However, there will be no attempt to restrict the testimony you would like to give in regard to this matter. I

20 just wanted to bring that to your attention because you were not present when he was testifying.

COMMISSIONER SPIES: Thank you.

ADV SELLO SC: With that caution then, I would invite you to consider from paragraph 9, and you can lead the Commissioners through this part of your testimony. And to

the extent that you are able to speak to these paragraphs, not necessarily read them, I would suggest that would be most effective. Thank you. If you can.

COMMISSIONER SPIES: Thank you, Commissioners. As I stated earlier, I was acting as the Chief of Police for that period. And on the 2nd of February, Lt-Col Kelebogile Thepa, who was appointed as the Media Spokesperson for the Ekurhuleni Metro Police Department, forwarded an email to me, which originated from a journalist from News24, Mr
10 Jeff Wicks. And it pertains to five questions that lead, started off with questions about blue lights, regulatory use of it, and to who it might be issued.

Attached to this email was also a memorandum on an EMPD letterhead, which purports to be a to-whom-it-may-concern letter, and wherein a list of vehicles was listed, that these vehicles is our vehicles. At that specific moment, I was in a meeting, but she sent me a WhatsApp as well wherein she said to me – I actually first read the WhatsApp before I read the email because in the WhatsApp
20 she says, here is two video clips, this relates to the email. And I then read the email, and in the email there was questions then wherein there was allegations that there was a video clip where vehicles is being used in a convoy using blue lights and sirens, and then also a clip where there is vehicles that is at a small little airport with an aeroplane in

the background.

I then, I immediately, while I was even reading the email, I started to draft the answers to the questions itself. Like, the first one is a very easy answer because it asks what is the regulations and the legal situation around the use of blue lights, where I actually just copied and pasted the National Road Traffic Act's regulation pertaining to the use of blue lights.

And it stepped further deep in, where I finished
10 drafting all the answers to it. I then sent that draft answers, I sent it back to Lt-Col Kelebogile Thepa, and I also cc'd the Chief Staff Officer, Colonel Ivan Du Plessis. The reason I obviously cc'd him is that because I am Acting Chief, I must keep his office so that they know what everything is happening, what I am doing.

And I started in a process immediately thereafter of following up, because in this letter the allegation of the vehicles, there is allegations that these vehicles belong to us. I immediately contacted Colonel Madelaine Bloemhof,
20 who is heading our fleet section and pounds section in the logistical support section. And I requested her telephonically, can you immediately check for me if these vehicles belong to us? And I gave her the registration numbers.

She checked and verified on our internal asset

register, and she immediately informed me that none of these vehicles belong to us, it is not council vehicles at all. And I also then contact – there was another letter which purports also to whom-it-may-concern, which leads to a specific individual, CJ Smith, who also stated that this person works for us and he is doing work with us.

So I also contacted a Colonel Wanda Van Rooyen, who is at that stage, she was the Metropolis HR liaison person and she had access to the employee database, 10 which we call PILO [?], that is the name of the database. And she then confirmed then to me as well, telephonically, that we do not have a Metropolis officer with the name of CJ Smith employed by us.

And I then go forward and I said to Lt-Col Kelebogile Thepa that she can release the media release, because we have confirmed it is not our vehicles, it is surely sideline issues, and she can release the media release. She telephonically contacted me a short while later to say, but the journalist has just contacted her back 20 and stated that he has got NATIS, NATIS is the National Traffic Information System where vehicles are registered on, is that he is got NATIS proof that these vehicles are indeed registered in our name.

So, and she then provided me, and I then actually started to immediately look at it and say, but this is very

serious now. And I then formulated a letter and a formal instruction to the head of our internal affairs, Lt-Col Hennie Erasmus, when I gave him instruction to say that he must immediately start to investigate this matter, it is very critical, and that he must also not delegate it because the allegations is against the brigadier, which is the senior rank, and I do not want him to delegate it to a junior constable or anyone like that in the internal phase to investigate.

10 **ADV SELLO SC:** Chief, if I may, before you get into the detail of the actual investigation that was carried out. Listening to you, you would have dealt in large part with those paragraphs up to paragraph 18. I would like to take you back to paragraph 12. At paragraph 12, you reference a second letter that was received via WhatsApp from this Mr Jaco Hanekom. Who is Jaco Hanekom?

COMMISSIONER SPIES: Mr Jaco Hanekom, and I will later in my testimony touch on Mr Jaco Hanekom again. He was part of a group of what in my mind today with hindsight is a
20 rogue group of officers that was dealing together with our Specialised Services. But he was a security officer, and he was at the later stage, he was killed in an attempted hit or hijacking incident. So Mr Jaco Hanekom at that same day during this exercise, he gave me the information via WhatsApp where he sent this letter, which is exactly the

same format that states to whom it may concern, and it is signed off by Julius Mkhwanazi as the Deputy Chief that this employee allegedly works for us.

ADV SELLO SC: Now, Mr Jaco Hanekom, at the time he shared this letter with you via WhatsApp, was he a member of the EMPD or not?

COMMISSIONER SPIES: No, he was a private individual that worked for a security company.

ADV SELLO SC: You then say this, this is a confirmation
10 letter of work collaboration with a civilian, Mr CJ Smith, and
the EMPD Truck Hijacking Unit. See that is your paragraph
12.

COMMISSIONER SPIES: Correct.

ADV SELLO SC: You then proceed to state there is no such approved unit.

COMMISSIONER SPIES: Correct.

ADV SELLO SC: Would you care to speak to that? Why do you say there is no such an approved unit?

COMMISSIONER SPIES: In the structure of the Metro
20 Police under the division Operations and Specialised
Services, there are five subsections, which three of them is
Regional Policing with the three regions, headed by a
brigadier, which is a director title but with a brigadier rank.
There is a Brigadier Bylaws, and then there is a Director
Brigadier Specialised Services.

Under Specialised Services, there are units, and those units, which is formally on the structure, which exists and is operating as units, there is, for instance, a Speed Law Enforcement Unit, there is an Overload Unit, there is a Public Order Policing Unit, there is a VIP Protection Unit, there is the Canine and the Equestrian unit that work under that. There is, however, no Truck Hijacking Unit ever that have existed on that. There is no such thing on the structure.

10 **ADV SELLO SC**: Thank you. If you look at your statement, as I indicated, you had spoken to matters you cover up to paragraph 18. Do you confirm that you have covered everything in those paragraphs?

COMMISSIONER SPIES: Correct. Maybe if I can just add that when Kelebogile Thepa informed me that it is on NATIS, we also confirmed that these vehicles have been obviously registered by our corporate fleet proxy, Mr Chris Steyn, because he is the one that complete the forms and make sure that it can get registered on the NATIS system.

20 **ADV SELLO SC**: When you say he is a vehicle proxy, could you expound what does that mean?

COMMISSIONER SPIES: In terms of NATIS, the owner of a vehicle is normally a natural person, but when it comes down to a company or a municipality, a representative is appointed in terms of the National Road Traffic Act, which

is then the main representative is called the proxy. He acts as the person to do all the business on behalf of the company or the municipality, and you also have a proxy and representatives because it is the proxy office actually, but the proxy for the City of Ekurhuleni is Mr Chris Steyn.

ADV SELLO SC: And in that paragraph where you reference Mr Chris Steyn, you say Lt-Col Thepa informed me that she had received information suggesting that three of the vehicles on the list were in fact registered with the
10 EMPD, right?

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: It is the choice of wording I want us to discuss. You say she said she had received information suggesting that they were so registered. Is there confirmation? Are you aware of any confirmation before you left? Did you become aware of any confirmation as to whether or not they were in fact registered?

COMMISSIONER SPIES: Yes, Commissioners. At the moment that same day when she phoned me, we were
20 speaking about three vehicles. However, after I gave Colonel Erasmus instruction to start investigating this matter, within the next week we already discovered that it is actually four vehicles that have been formally registered on our name by using the papers of Mr Chris Steyn as a proxy. The papers and everything was obtained from him, and it

was registered by Julius Mkhwanazi at the Wadeville offices.

ADV SELLO SC: Okay. Yes, ma'am.

ADV BALOYI SC: Commissioner, did Mr Steyn know anything about this registration? Did you find out whether he knew that these vehicles were registered and not with the circumstances?

COMMISSIONER SPIES: Yes, Commissioner. Mr Steyn gave – there was eventually a criminal matter registered
10 and there was an internal disciplinary inquiry by my internal affairs done. In both cases, Mr Steyn gave affidavits to the effect that he actually supplied the papers and everything because Brigadier Julius Mkhwanazi is a very senior person, approached him, informed him that there is a MOU with a company, Medicare 24 and CAT VIP Security, and that they have made a donation.

So he took it on face value and he made a submission that he actually provided the papers. He gave instruction that the clerk that deals with it, Ms Debra
20 Moremi, that she can give the papers and everything to Brigadier Mkhwanazi. So there is a formal confirmation that Chris Steyn made to say that he gave instruction to Debra and Debra then also – there is a statement from her that she gave the papers to Mkhwanazi and them and they then did it on their behalf.

ADV BALOYI SC: Thank you. Ms Sello, should we not, for purposes of the record, reference the annexures? So from paragraph 9, you have got an address to 1, and the witness has spoken to those questions, but you have not referenced where we find this and so on as we go on.

ADV SELLO SC: I am happy to. And I will take you back, Commissioner, to paragraph 9, particularly in light of the fact – and thanks, Commissioner Baloyi, for drawing my attention to it – these questions arose during the evidence
10 of Chief Mapiyeye, and I specifically undertook that they shall be answered through you, Commissioner Spies. So we were – before we deal with the actual investigations that were conducted on your instruction by Colonel Hennie Erasmus, can we then deal with the original query that you received from Mr Jeff Wicks? You deal with that at your paragraph 9, and you say at paragraph 9 that you attach a copy of the email you received from Mr Wicks as Annexure RS21. Do you see where I am reading?

COMMISSIONER SPIES: Correct, Commissioner.

20 **ADV SELLO SC:** Can I then invite you to RS21, which would appear at page 2 of the annexures file?

COMMISSIONER SPIES: Correct, Commissioner. It has got a large red number 2 and 3 on the top page.

ADV SELLO SC: Yes.

COMMISSIONER SPIES: That is the original email

correspondence received from Jeff Wicks, which then have been forwarded by Kelebogile Thepa to me on 2 February 10:51.

ADV SELLO SC: And it is a two-page document, and it is actually a thread of communication, email communication. And as these things happen, the last email appearing is – the first email appearing is always the last communication, so to read we start from the back and work our way forward. So if there are two, it would appear that the original email
10 received from Mr Jeff Wicks starts at the middle of page 2.

COMMISSIONER SPIES: Correct, Commissioner.
February 2, 23, 10:40:54am.

ADV SELLO SC: And from this document, it would appear that it is sent by Jeff Wicks, and it is addressed to Kelebogile Thepa. You said earlier that this is Lt-Col Kelebogile Thepa, who was the media spokesperson for the EMPD.

COMMISSIONER SPIES: Correct.

ADV SELLO SC: Could you take us through the contents
20 then of this email, whose subject line is request for comment, News24 investigations?

COMMISSIONER SPIES: Commissioners, it purports to be that Jeff Wicks then stated:

“Good morning, Superintendent. Thank
you for coming back to me so

promptly.”

Even though the rank is Lt-Col, but the media address is a superintendent:

“I approach you today regarding a story that we are pursuing, which centres on a Pretoria-based security firm called CAT VIP. According to PSiRA...”

PSiRA is the Security Industry Regulator:

10 “...CAT Protection and Security (Pty) Ltd trading as VIP Protection Services, with a PSiRA registration number of 2748723, is registered with authority as a security service provider since 7 June 2018.”

He then stated:

20 “I have in my possession correspondence under the letterhead of City of Ekurhuleni and the Metropolitan Police Department. It is dated 16 October 2021, and it is signed by Brigadier JD Mkhwanazi of Specialised Services. It is attached for your ease of reference. Two videos from the social media page of Cordelia Kabeng, wife of Vusimuzi Matlala, the owner of

the aforementioned security company, have been sent to you via WhatsApp. In these videos, blue lights and a siren can be seen in operation. The letter appears to be one of authority for a private security firm to utilise equipment, which the Road Traffic Act states should be the preserve of law enforcement.”

10 And then there is five questions:

“Please confirm that my assertion regarding the Road Traffic Act prohibits the use of blue dash lights and sirens are for the exclusive use of law enforcement is correct. Please, can you explain the substance of the letter from Mkhwanazi? How does this private firm assist EMPD officers in any VIP protection and security services?

20 And please, could you supply me with a copy of the memorandum of understanding as mentioned in this letter? Do you acknowledge that it is uncommon for private security companies to have this authority

bestowed upon them? And can you please describe the relationship between the EMPD and Mr Matlala, *inter alia*, his company, as we will assert that this is proof of connections of undue influence in a law enforcement body?”

The last one is not a question. It just says:

10 “Please feel free to add anything which may be pertinent.”

ADV SELLO SC: Thank you. And it appears to emanate from News24 and does indicate it is from Jeff Wicks, investigative journalist.

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: Going back then to page 2, at the top of that page. This is an email of the same date, February 2nd, 2023, at 10:51. It appeared 10 minutes after the first one was sent to Lt-Col Thepa. And it is addressed to you, Revo Spies.

20 **COMMISSIONER SPIES:** Correct, Commissioner.

ADV SELLO SC: And can you deal with that email, please?

COMMISSIONER SPIES: This is the email that was sent from Kelebogile Thepa to me as the Acting Chief. She included Liesl Tires [?], who was the secretary of the Chief

of Police, and Yvonne Du Plessis, who was the staff officer of the Chief of Police. And it says:

10 “Good morning, Commissioner. The subject matter refers. Please find the attached inquiry forwarded to the department for comment. I wish to respond, but think this would be better guided by the office. There are video footages forwarded in a WhatsApp to me by the journalist, which will be furnished to you, sir. Kindly assist in the response as sought. Thanking you in anticipation of a prompt response, regards.”

And then just the initials, KT.

ADV SELLO SC: Thank you. Can we then turn to your paragraph 11 and the annexure that you deal with in that paragraph? You have labelled it RS2(ii) in brackets. Can you summarise what that document is, please?

20 **COMMISSIONER SPIES**: Commissioners, that is the letter that I referred to which is on an official letterhead of the City of Ekurhuleni Metro Police Department as a memorandum, and it states that it is addressed to whom it may concern. It is from JD Mkhwanazi, the Acting Deputy Municipal Police Commissioner/Brigadier Specialised

Services. The date is 16 October 2021. It is a letter of confirmation:

10 “This letter serves to confirm that the Ekurhuleni Metropolitan Police Department, EMPD, under the command of Acting Deputy Municipal Police Commissioner, Brigadier JD Mkhwanazi of Specialised Services, has an endless working relationship and memorandum of understanding with CAT VIP to assist EMPD officers in any VIP protection and security services in and out of the City of Ekurhuleni. These are the following vehicles that we work with. BMW DL03HHGP. Register number TVS096W. The second one is a Mercedes Benz Kombi. Registration number is JP35JWGP. The register number BPV06PX. The third vehicle is a BMW station wagon. Registration number is JM62XMGP. Register number VFJ152W. The fourth vehicle is a VW with registration number JY16DLGP with a register number

20

HTG489K. The fifth vehicle is a BMW. Registration number BZ99CKGP with a register number RMJ314W. The sixth vehicle is a BMW with registration number JV09RTGP with a register number WMF576W. And the last one is then a VW with registration number KB09CCGP with a register number HSJ618K.”

- 10 It is signed, the signature is Mkhwanazi’s signature and it is stated then Acting Deputy Municipal Police Commissioner/Brigadier.

ADV SELLO SC: Thank you, Commissioner. If you could assist, I wonder if you can assist with some of the statements made in this document. Firstly, it is signed by JD Mkhwanazi as Acting Deputy Municipal Police Commissioner/Brigadier. Is there such a title, firstly? And secondly, if you do recall at the time of 15 October 2021, was Brigadier Mkhwanazi the Acting Deputy Municipal

- 20 Police Commissioner?

COMMISSIONER SPIES: Commissioners, there is no such title. It must be understood that there is an HR title which is a Deputy Chief of Police and then there is a rank which is Deputy Municipal Police Commissioner. You are appointed when someone is on leave. For instance, in this instance,

Deputy Municipal Police Commissioner Goodman Mzolo, who was the Deputy Chief Operations and Specialised Services, was on official leave and then Brigadier Mkhwanazi was appointed to act in his place.

So when you act in a higher position, you act in the position. You do not act in the rank. You keep your own rank. So this whole line at the bottom is incorrect. But what I understand from that is that he is actually saying I am the Acting Deputy Chief and I am signing it on behalf of
10 that position, but I am a Brigadier signing it on behalf of that position.

ADV SELLO SC: Thank you for that clarification. So if I understand you correctly, at the time, the Deputy Municipal Police Commissioner was Commissioner Mzolo?

COMMISSIONER SPIES: Correct.

ADV SELLO SC: And it would appear that at the time that Brigadier Mkhwanazi signed this document on the 15th of October 2021, Commissioner Mzolo was on leave and Brigadier Mkhwanazi was appointed to act in his state?

20 **COMMISSIONER SPIES:** Correct, Commissioner.

ADV SELLO SC: With that understanding then, I would like to refer you to the start of this letter, the first paragraph. You state that – it states, not you, I apologise:

“This letter serves to confirm that the
Ekurhuleni Metropolitan Police

Department, EMPD, under the command of the Acting Deputy Municipal Police Commissioner/Brigadier JD Mkhwanazi of Specialised Services.”

ADV SELLO SC: Do you see where I am reading?

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: To your knowledge, under whose command is the EMPD at all times?

10 **COMMISSIONER SPIES:** Under the Chief of Police, Commissioner Mapiyeye.

ADV SELLO SC: What is the Commission to understand of the phrase EMPD under the command of Acting Deputy Municipal Police Commissioner?

COMMISSIONER SPIES: Commissioner, in my own opinion, that is a narcissistic remark where you assume command of something which is outside his scope.

ADV SELLO SC: So, would I be correct in understanding that he had his own post as a Brigadier for Specialised
20 Services?

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: He happened to be the Acting Deputy Commissioner.

COMMISSIONER SPIES: Correct, he is the Acting Deputy Chief of Police.

ADV SELLO SC: Acting Deputy Chief of Police?

COMMISSIONER SPIES: Yes.

ADV SELLO SC: But even in that acting position, he could never, as the original holder of that office, claim command of the EMPD because that rests with the Chief of Police.

COMMISSIONER SPIES: Correct.

ADV SELLO SC: Thank you. You then – yes, thank you, Commissioner.

ADV BALOYI SC: Are you moving from the letter?

10 **ADV SELLO SC:** Yes, I am moving from the letter.

ADV BALOYI SC: Okay, maybe then let me ask my question. Commissioner, at this point on the 18th of October 2021, Mr Mkwazazi or Brigadier Mkwazazi says there is an endless working relationship, whatever he means by that, with CAT VIP. Was there a working relationship with CAT VIP at this point?

COMMISSIONER SPIES: Commissioners, I do not know at that. Obviously, with hindsight and after investigations was done, I know now that there are certain things. But there
20 was no working relationship with CAT VIP, according to my knowledge, at all the day when I received this letter. That is firstly.

ADV BALOYI SC: Yes.

COMMISSIONER SPIES: And secondly is that there is no such MOU in existence because part of my function as the

Deputy Chief Auxiliary and Support Services was that there is also a repository of documents and records and archives that is with me. And all the MOUs that we have through the years signed, be it with ACSA, the Airports Company, or with Emperors, or with Cross-Border Permit, or with other cities around us, all those MOUs was in my possession and saved as an archive. There was no such MOU with a company.

And then the third thing that I wanted to add is that
10 there will never be allowed in law the Municipal Finance Management Act or any local government-related acts to have an endless working relationship with anyone. There is fixed terms to anything. There cannot be an endless working relationship with anyone. And maybe even as a joke, it does not even work in marriage. There cannot be an endless working relationship.

ADV BALOYI SC: Thank you. Thank you, Commissioner. Lastly, on this letter, in the very next line, after that endless working relationship, he says a memorandum of
20 understanding with that company to assist EMPD officers in any VIP protection and security services in and out of the City of Ekurhuleni. Do your officers provide services outside of VIP and security services outside of the City of Ekurhuleni?

COMMISSIONER SPIES: In terms of the South African

Police Services Act, Chapter 12, where Municipal Police Services are established, your jurisdiction is bound to your municipal area where you are appointed. But there is a subclause that states that unless there is an agreement with another local government to extend the area of your services. So the City of Ekurhuleni, when the Municipal Police was established on 16 February 2002, as part of our establishment then, we had a signed agreement with the City of Tshwane Metro Police and a signed agreement with
10 the City of Johannesburg Metro Police.

That is three cities because we established at very similar times that we would agree that we would assist one another upon request. So that would then imply that if there is a, let us say, a very large incident or a riot or anything at that area in the City of Tshwane, they could request the City of Ekurhuleni and then we would respond with resources and assist them to help there.

And there is also obviously a clause where if you are on a pursuit of a vehicle or a crime that you can exit
20 your area on that, but that is the restriction that was placed on it in that area. Lately, where we are today, there are more agreements signed, like with the South African Police Service Collaboration Agreements, and where we cooperate with. And in Gauteng province, we have more agreements which have been signed and approved by the Premier,

where we assist one another. But it is also always in planned operations.

We do not have powers, for instance, to be at Ekurhuleni Metro Police and then we find information from an informant on the street and then we respond to Soweto or we respond to Hammanskraal in the City of Tshwane and we follow up and we arrest people. We do not have that power at all, according to me.

ADV BALOYI SC: And this letter, that very line that I have
10 just read now, in and out of the City of Ekurhuleni, it seems to permit these vehicles to be anywhere in the country and maybe even outside of the country because it says in and out of Ekurhuleni. And I understand you to be saying there is no basis in law or in agreement for that kind of access.

COMMISSIONER SPIES: Yes, there is no basis in law or in agreement. The city itself, the Metro Police do have a VIP protection unit. And that VIP protection unit obviously then provide to the principals, which is the Mayor, the City Manager and the MMCs, they do provide protection services
20 of vehicle to them. If our Mayor or our City Manager or our MMCs would then go to, for instance, Tshwane for a G20 meeting, they will obviously escort them and then work outside the area protecting their principals. But there is no clause that you can go and work anywhere outside Ekurhuleni in the country or out of the country at all. That

is illegal.

ADV BALOYI SC: Thank you, Commissioner.

ADV SELLO SC: Thank you, Commissioner Baloyi. You go on then at paragraph 12, and we dealt with that paragraph 12 a bit. This is a confirmation letter of work collaboration, you recall, with a certain Mr CJ Smith. That was brought to your attention by Mr Jaco Hanekom.

COMMISSIONER SPIES: Correct. Correct, Commissioner.

ADV SELLO SC: Then you attach in that respect a
10 document that you have marked RS3 and that RS3 appears at page 5 of your annexures file.

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: For the record, this is a document headed confirmation letter of work collaboration between EMPD-THU and Mr CJ Smith dated the 23rd of May 2022. Do you confirm?

COMMISSIONER SPIES: Correct, Commissioners.

ADV SELLO SC: Commissioners, I confirm that this document is an annexure to Chief Mapiyeye's statement,
20 and he dealt with it, I would believe, fairly extensively.

CHAIRPERSON: That is the one you read into the record yesterday.

ADV SELLO SC: That is the one I read into the record yesterday in full.

CHAIRPERSON: Thank you.

ADV SELLO SC: So unless any questions arise from there, I do not think it is necessary for this witness to repeat. All right. Commissioner Spies, you then at paragraph 13 reference two video clips which Lt-Col Thepa shared with you depicting a convoy of black vehicles, BMWs, Mercedes Viano minibus travelling towards an airport with a female voice in the background identifying herself as “Mama Cat”. The second clip showed the vehicles and the small aeroplane at the airport. These videos are marked RS4 and
10 RS5 as part of your statement. Can we deal with this? Do you know where Lt-Col Thepa obtained these videos from? You say she forwarded them to you. My question is do you know where she got them from?

COMMISSIONER SPIES: I made an assumption that she got them from Jeff Wicks, the journalist, because in her email she stated that she will forward two video clips which relate to that same incident. So I am under the assumption that Colonel Thepa obtained it from Jeff Wicks as part of the media query, and she forwarded it to me then to look at
20 before I answer the draft media reply.

ADV SELLO SC: Okay.

ADV KHUMALO SC: I think just for the record, in the email itself, so if you go to page 10 of the annexures, that is where you find the email from Jeff Wicks. The second sentence, the second paragraph rather says two videos

from the social media page have been sent to you via WhatsApp.

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: So we should understand that the same video clips that were forwarded to you by Colonel Thepa when she sent this media enquiry to you.

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: I want us then to turn to paragraph 14 at page 6.

10 **ADV BALOYI SC**: So can ...[intervenes].

ADV SELLO SC: Before we do so, Commissioner Baloyi has a question.

ADV BALOYI SC: Yes. We are not going to see these videos? Commissioner Khumalo says he was looking forward to these videos.

ADV SELLO SC: We can and we will. We are very edgy at this end because this Commission unfortunately has had some boo-boos and we would not want to add to your woes this week. We will try to locate them to make sure that we
20 project them, but they are available as annexures and hopefully we will be able to make Commissioner Khumalo's day. We strive to impress.

ADV BALOYI SC: Maybe let me ask my question then about paragraph 13. It does not depend on us viewing the videos. Commissioner, in that paragraph 13 there is a

description of these vehicles in the video, BMWs, Mercedes Viano minibus. And then when you look at page 4, which lists those vehicles and registration numbers, are you able to make out from the videos whether those vehicles are in any way connected with this list of vehicles, the registration numbers at least?

COMMISSIONER SPIES: No, Commissioner. The first video clip is a – and obviously I do not know the lady at all, but you can hear her speaking and she sits in the back of
10 the vehicle and you can see it is a BMW because she sits in the back and recording through the windscreen towards – they are travelling on a highway. You can see the blue lights, the blue lights that are stuck to the windscreen at the front, and you can see the reflection of the blue lights against the surrounding and in the vehicle itself. And you can see the left passenger with black clothes on and a white shirt and you can see slightly the driver. So it shows to the front inside the vehicle, so you cannot see a registration number on that at all.

20 And the second video clip, which is at the airport, it shows, you can see from an angle, you can see some of the vehicles at the apron, but it is from an angle that you cannot see a registration number up to the aeroplane steps itself. So from these two video clips, I cannot directly link it to the actual list of vehicles, but I can see the Mercedes

Viano at the airport and I can see a BMW, but I cannot link the registration numbers from these two clips at all.

ADV BALOYI SC: What is the concern, and I am avoiding to use the word risk, about blue lights being in the hands of private security companies such as this, or even private individuals, that they have vehicles where they are able to use blue lights?

COMMISSIONER SPIES: Commissioner, and maybe I must first state on my own career, I am 43 years a policeman and
10 when I started, I first was in the South African Police Service, and then in Pretoria Traffic, Benoni Traffic, and then Ekurhuleni Metro Police. When I started as a law enforcement officer in SAPS, it was still high risk, but it was easier to do law enforcement because you could use blue lights in the execution of your duties and the general public would obey it, and there was very, very little issue surrounding that.

However, lately, it has become just about close to impossible to do law enforcement, irrespective of the day or
20 time. Every single citizen, and that includes me, when I am after hours and it is off duty, is that I am afraid of blue lights at night and when someone approaches me from behind. The general public is – because blue lights, there is actually even incidences where there is blue light gangs operating.

There is a huge criminal element in the country that use blue lights because they impersonate police officers. There is very well-known the groups that operate from the OR Tambo International Airport, following people home, robbing them and that. That is the largest risk that we have with the illegal use of blue lights by anyone. It does not matter who it is.

And then the second risk for that as well is it makes the policeman job close to impossible because a genuine
10 policeman does not know if it is a criminal or not a criminal, and he then gets killed. As a normal policeman, you get killed when you try to stop these vehicles and enforce them. And security officers impersonating police officers is one of our largest risks.

The regulation on lights on vehicles actually restricts security companies to have a steady white light with their name and black letters on and strobes in the front, only white lights that they can use. It is a known – in the world, it does not matter who – in the world, blue lights
20 is law enforcement. Red lights is ambulance, paramedics. Amber or yellow lights is construction work.

And therefore, the misuse and abuse of blue lights has become a really scrounge in our country, and it opens the public open to proper crime being conducted against them.

ADV BALOYI SC: So for all you know, these vehicles with blue lights, the ones that we are talking about now specific, may well have been used in criminal activities and you would not know.

COMMISSIONER SPIES: I would not know if those vehicles specifically were used in blue lights, but there has been numerous incidences that I know of where specifically black vehicles, but with blue lights fitted, would do robberies, would do truck hijackings, and sometimes you
10 arrest and it is a genuine policeman or a genuine traffic officer or a genuine municipal police officer that is a criminal, but majority of the time it is impersonating police officers using blue lights or impersonating traffic or municipal police officers.

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

ADV KHUMALO SC: [Indistinct]... the use of blue lights, does it apply even where the municipality has given permission or even where SAPS has given permission? Is it
20 your evidence that the municipality, EMPD, cannot give permission to a security company or a private citizen to use blue lights and that is the law?

COMMISSIONER SPIES: Commissioner, the law is very clear that states, there is – under correction, I think it is regulation 179, it states very clearly that only South African

Police Service, Municipal Police Service, traffic officers and the SANDF military police, may use blue lights. There is a subclause where, and I still speak about the administrator, but it is the MEC now, you can apply to the MEC for the use of other lights and then the MEC will consider it and the MEC can do it. But no one else in this country has the authority to authorise the use of lights at all.

We as municipalities and Municipal Police, we even go further to say that we are restricted with internal policies
10 and directives to say that even our own officers must use blue lights very circumspect and not just purely for the sake of blue lights.

ADV SELLO SC: And if I can follow up perhaps on that conversation with a question. Are you suggesting that by right, by law, it has to be that when a civilian sees a vehicle with blue lights, the correct assumption must be it is SAPS or SAPS-related, security-related and it is official. Is that what the lights are intended to communicate?

COMMISSIONER SPIES: Commissioner, not security
20 related. I will not go that far.

ADV SELLO SC: Okay.

COMMISSIONER SPIES: It will be related to law enforcement.

ADV SELLO SC: That is what I was asking, ja.

COMMISSIONER SPIES: Only police, traffic or Military

Police or Municipal Police, not security related. The public must think it is a policeman and the policeman is giving an instruction to either move out of the way because I am responding if I use it together with the siren or the public must pull off because I want to do law enforcement and the public has done something wrong. That must be the only assumption when blue lights is being used and sirens.

ADV SELLO SC: So are you suggesting that the risk with placing blue lights in the vehicles that you dealt with in that
10 list is that a normal citizen, when confronted with such a vehicle using the lights, will assume that it is a law enforcement vehicle and it could very well be abuse of those lights and therefore somebody else involved in criminal activity?

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: Thank you. Yes, please.

ADV BALOYI SC: Maybe lastly on this, Commissioner. How easy is it to get or to buy these blue lights? Can I just walk into a shop that sells blue lights and I do not need
20 anything and they will sell them to me?

COMMISSIONER SPIES: Correct, Commissioner. The sale of the lights itself is not prohibited in South Africa at all. You can buy it in just about any shop that you can walk in. You can buy it. It is maybe one of the limitations of our system that we have where the restriction on selling of

these lights should be prohibited and it should only be sold to law enforcement officers, but you can buy it anywhere. You can find it in any electronic shop that sells lights. You can buy these lights.

ADV BALOYI SC: Well, I was going to ask, is it not an area that should be considered for reform that there should be some legislative changes about the accessibility and ease of getting these blue lights?

COMMISSIONER SPIES: I agree with you, Commissioner.
10 It should be restricted that even the import and the sale of these vehicles should be restricted to law enforcement only.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you. I am tempted to lead you into an area of conjecture based on the conversation you have just had with Commissioner Baloyi and I am trying to resist the urge, but nonetheless I will give into it. Commissioner, with your experience of 43 years in the Police Service, if you were to be asked to express a view on how prevalent you consider the abuse of blue lights to be in the country,
20 would you be able to express a view? How big has the problem become in your view based on your experience of 43 years? Are you able to formulate a view?

COMMISSIONER SPIES: I can, Commissioner. Even in the period that I was stating earlier that I acted as the caretaker for the internal affairs for Ekurhuleni Metro Police

Department, a very large amount of the internal affairs, disciplinary inquiries and misconduct that was raised to us relates to members of the public that allege that officers have impersonated police officers. They have been pulled off by blue lights. It is prevalent for the last, I want to say six, seven years. It started to be prevalent and it become critical where we are now.

It even reached a state where I myself would not even want to pull a vehicle off to do law enforcement because I am driving an unmarked vehicle. It becomes very
10 difficult to do law enforcement because the member of the public, it can lead to a situation where I am a genuine police officer, I am an honest police officer, I am doing my work. The member of the public is afraid and scared and he drives away because he does not want to stop because of the blue lights.

I could believe that simple mistakes can happen. A vehicle could be wrongly registered when you buy a vehicle. You buy the vehicle and your dealer that sells the vehicle to
20 you makes a mistake in the registration number and they swap two digits around when they make the registration plate. You can drive home, brand new car, and you drive home and an officer drives behind you and he does an enquiry on you on the radio and they say it is a black Mercedes but you are driving a white Audi.

And now the officer tries to stop you because it is a false plate in his mind, and you are a citizen. You will immediately try to get away from him. If you get away and the officer believes it is a false plate, he most probably will shoot you and you will die. And afterwards there will be obviously an inquest and everything, and the other way around it works as well.

So it is one of our biggest risks as law enforcement officers having rogue blue lights available and being
10 misused especially by criminals. And just about every single day, if you open a newspaper today, if you speak around a braai in South Africa, it does not matter where you are, every single person, be it male or female, complain about the afterhours stopping at the red light, we disobey traffic lights because of the risk. When I see a police officer with a blue light, I do not know if it is a hijacker or that. So it is a massive risk in our country.

CHAIRPERSON: Please state for the record the reverse that you referred to. Just articulate that for the record,
20 please. Remember you said you, you as an officer, are following a motor vehicle and there is an issue around the registration plate or registration numbers and you may end up shooting the driver. And you said the reverse may also happen and then you just went on. So I am just saying, for the record, please articulate the reverse.

COMMISSIONER SPIES: The reverse could be that the member of the public actually do stop for that, but it is a criminal. And then the member of the public will be hijacked or kidnapped. So that is the reverse risk of it is a genuine police officer doing his job and there is a mistake, administrative mistake, and the reverse of that is where it is a hijacker, it is a criminal who stops that person and then actually hijack, kill, kidnap. That is the reverse of that.

CHAIRPERSON: Thank you.

10 **ADV KHUMALO SC**: Commissioner, leave aside CAT Protection Services. We heard from Chief Mapiyeye earlier this morning that EMPD or the Ekurhuleni Metro has MOUs or a lawful relationship with other security companies, and I think we were given a list of 10. Do those security companies that have a lawful relationship with Ekurhuleni use blue lights for their vehicles?

COMMISSIONER SPIES: No, Commissioner. So the City itself goes into a legal tender process and a contract basis to safeguard and protect their property and perform access
20 control. So it is static security at city's infrastructure, substations, parks, and buildings. So the contract with the 10 is also, it is a SLA in that term, so it is a contract that you sign with them in terms of the ...[indistinct] Act that you enter into a tender for a three-year period, and then there is a SLA signed with that company.

In terms of that contract and the specifications in terms of that contract, it is to provide static guard duties and protect council's property and perform access control in terms of the Public Access Control Act. There is no clause anywhere. We will even to our contracted security, we will be able to override the Act and give them permission to use – they may not use blue lights at all.

ADV SELLO SC: Thank you, Commissioners. Before you leave that topic, I guess for my own safety considerations, I
10 have to ask you these questions. What do you, Commissioner Spies, do in the night when an unmarked vehicle with blue lights, or switches on its blue lights when you are driving, in a bid to communicate to you? What do you do as an experienced police officer? And I might as well ask my next question. What do you advise I do when I am confronted with that situation tomorrow?

COMMISSIONER SPIES: Commissioners, I cannot give you legal advice.

ADV SELLO SC: No, no, no, it is not legal advice,
20 Commissioner. It is staying alive advice.

COMMISSIONER SPIES: Commissioners, the first thing, because I am such a long and old police officer, if I do see blue lights behind me, I obviously shift, even if it is a criminal, I shift out of the way that he can come past me. That is the first thing that I will do. If ...[intervenes].

ADV SELLO SC: Sorry, may I qualify that? It is flagging you down to stop.

COMMISSIONER SPIES: But if he starts to flag me down, I will slow down to a slower speed, and I will then indicate through my window, open the window and say, indicate, follow me. And I will then drive to one of two public places, depending upon where I am at that moment in the country. If I know the area and I know where police stations are, I will drive to a police station. Slowly follow him without
10 making sudden, any direction changes or accelerating speed, because that will make the situation much worse.

So I will request the policeman or whoever is behind me then to follow me to a police station. If I do not know the area, I will then drive to a well-lit, something like a fuel station, where there is lights, cameras, people around me which can record everything that will happen. But I will still request him to follow me. I will not stop at the moment, even I, as a trained officer, I am fortunate maybe as well that I am armed and I do carry firearms with me. So I can,
20 if there is something, I will try and defend myself.

But the first, and that is what I will also advise, is that show the officer that you are obeying, but that you want to be going to a safe area, but it is a very difficult situation for both sides.

ADV SELLO SC: Indeed. Thank you, Commissioner. You

had referenced and marked as RS4 and 5, the videos that the journalist, Jeff Wicks, had shared with Lt-Col Thepa who forwarded them to you. I think we have located the videos and we are able to play them. We will play both, not necessarily in the order that we have marked them as RS4 and 5. So we will play the first and then the second.

Thank you.

[VIDEO FOOTAGE PLAYED BACK]

COMMISSIONER SPIES: Commissioner, that is the first
10 video from inside the car.

ADV SELLO SC: Just to check, does this particular video have a sound?

COMMISSIONER SPIES: It does have sound.

ADV SELLO SC: Can we perhaps try again? Someone is coming to our assistance.

COMMISSIONER SPIES: Commissioner, when it starts, you will see the flash of the lights in the windscreen portion as well.

[VIDEO FOOTAGE PLAYED BACK]

20 **ADV SELLO SC**: I think, I suggest we play it again. Okay.

[VIDEO FOOTAGE PLAYED BACK]

ADV SELLO SC: Thank you. Thank you. Now, that was Recording 1. We are going to try and retrieve Recording 2 and play that as well. Apologies. Yes, Commissioner.

ADV KHUMALO SC: Maybe Commissioner can just

indicate, in the video that we have just seen, the blue light, because it is facing outside, those of us who have experienced them, they are flashing outside, so they are not flashing inside. So the first three seconds of the video, you can actually see the flash.

COMMISSIONER SPIES: Correct, Commissioner. The blue light is reflecting against the windscreen and on the middle centre console, which is plastic. You can see, and also against the road traffic signs, you can see the lights
10 flashing against it.

ADV SELLO SC: Would you like to satisfy yourself by watching it again, Commissioner? Okay.

[VIDEO FOOTAGE PLAYED BACK]

ADV SELLO SC: Yes, Commissioner Baloyi?

ADV BALOYI SC: Yes. This paragraph says that you hear a female voice in the background identifying herself as Mama Cat, and then I think somewhere, either in the Commissioner Mapiyeye's statement or somewhere here, it says she is in fact the wife of Mr Matlala. I do not know if I
20 missed the sound where she says Mama Cat.

ADV SELLO SC: Perhaps I can verify it through Commissioner Spies.

ADV BALOYI SC: Ja.

ADV SELLO SC: Commissioner, you saw on your statement in paragraph 13, with reference to the first video

clip, you say a female voice in the background identifying herself as Mama Cat. Do you see that?

COMMISSIONER SPIES: Yes, Commissioner.

ADV SELLO SC: Now, just to check, is the video we just watched, is that the video where we can expect to hear the person identifying themselves as Mama Cat?

COMMISSIONER SPIES: In this video clip that is on here, it is from Instagram, and then at the bottom you will see there is captions on the screen itself that is identifying what
10 is being said. So at the top it will say Cordelia, I think, Kabeng, and then at the bottom it will say the words on the screen itself that you can hear, because the siren is overpowering in this portion of the clip. So maybe if it is slowed down when you show the video clip.

ADV SELLO SC: Advocate Mohlasedi suggests that you are demanding too much of a lawyer to do what you are suggesting.

COMMISSIONER SPIES: Commissioners, maybe if I can assist? When you show the video clip, on the bottom right-
20 hand side there is something that will say times one. That could most probably be changed to times half, which will make it slower.

ADV SELLO SC: Okay, she is going to give it her best shot. We will see where it lands us. We are going to try.

CHAIRPERSON: And the writing you are referring to,

Commissioner, would that be subtitles, or what writing would this be?

COMMISSIONER SPIES: It is on the screen itself, Commissioner. I presume it is the subtitles that runs along with the video.

CHAIRPERSON: All right, thank you.

ADV SELLO SC: We might just report success. So let us try. Okay, she slowed it down significantly. If you can then look at the screen and you direct where to read on the
10 screen?

COMMISSIONER SPIES: From my side, this one says blue lights drop off the cups...

[VIDEO FOOTAGE PLAYED BACK]

COMMISSIONER SPIES: Blue light drop off the queen and her cubs.

ADV SELLO SC: Where are you reading? Are you reading at the top?

COMMISSIONER SPIES: In the middle of the screen where the elbow of the passenger is.

20 **ADV SELLO SC**: Yes, okay. Then we proceed. We are going to drop the sound because there is no one speaking, it is just music, so that Commissioner Spies can take us through this video.

COMMISSIONER SPIES: Yes, there it is clear now on the back side of the seat. It says blue lights to drop off the

queen, and that is just the end, and her cubs.

ADV SELLO SC: Yes. Keep playing. Okay, it would appear that there is nothing further added there. I want to refer you to the top of the video. There appears to be some writings there. Are you able to read them for us into the record?

COMMISSIONER SPIES: Correct, Commissioners. It is a small avatar of a lady's face with long black hair and then next to it is Cordelia Kabeng and it states underneath that,
10 beauty by exclusive underscore ...[indistinct].

ADV SELLO SC: Okay. So then, getting back to your paragraph 13, it is not correct that we hear a female voice in the background identifying herself as Mama Cat. That does not come through on the video, correct?

COMMISSIONER SPIES: Can we just listen to the second video as well?

ADV SELLO SC: Okay, let us try the second video and see if it is in that clip.

[VIDEO FOOTAGE PLAYED BACK]

20 **COMMISSIONER SPIES:** There is the words Mama Cat and her fleet.

ADV SELLO SC: Is it the words printed on the video there as we see on the screen or are they spoken?

COMMISSIONER SPIES: It is the words there on the fleet which I presume was the titles as speaking in the

background that she overlaid music over that.

ADV SELLO SC: Okay. I suggest we then just – I suggest we play this video from beginning to end and then we can take questions on it.

[VIDEO FOOTAGE PLAYED BACK]

ADV SELLO SC: Okay, so the start of this video, there is a female voice that speaks, that utters the words Mama Cat. Is that what you heard?

COMMISSIONER SPIES: It is the words on it that says
10 Mama Cat and her fleet.

ADV SELLO SC: Okay. Then I suggest at paragraph 13 we make a correction to the effect that those words are not spoken. They are printed on the video. Would I be correct to do so?

COMMISSIONER SPIES: Yes.

ADV SELLO SC: Okay. We shall effect that change. So then we have played the two videos. I do not know, Commissioners, if there are any questions arising there from the witness. Commissioner Baloyi?

20 **CHAIRPERSON**: In response to a question by Commissioner Baloyi about the registration of the vehicles and whether you could relate the vehicles on the videos to the listed vehicles, if I am not mistaken, I think you said that the registrations are not showing on the videos. I actually do see a couple of registrations. But, of course, I

could not read any of them. Is there not a method by which you could have enhanced what is showing on there so as to be able to see the registrations?

COMMISSIONER SPIES: Commissioner, I am sure in today's age there is methods by brilliant people who can do it, but I do not have that skillset. But there should be people that can video enhance, but I cannot.

CHAIRPERSON: Thank you.

ADV BALOYI SC: Commissioner, an observation, and
10 please confirm if I am correct in my observation, it is that those vehicles are on the tarmac of whatever airport that is.

COMMISSIONER SPIES: That is correct, Commissioner.

ADV BALOYI SC: And to get into the tarmac, I mean, I know that if I tried to drive to the tarmac, I would fail dismally. They would not allow me to do that. Do you know how it works? Permission is granted. It is granted by who? Or municipal vehicles with blue lights when they get to the gate that leads to the tarmac, they are just free to go through? Do you know how it works?

20 **COMMISSIONER SPIES**: Commissioner, in all my career, obviously as a policeman, I have sometimes been on the apron on foot and per vehicle in blue lights. But you use blue lights, and there is security at the gates and the booms that goes to the tarmac and the apron itself. At larger airports, like the international airports, OR Tambo, that

there is actually very large gates and walls which is closed. And if there is entrance to those areas, it is under very strict control from the South African Police Services, VIP Protection Services, and ACSA that will allow access to the apron itself. For instance, when the President is collected or ambassador or something like that. Same at Wonderboom Airport, there is – access to the apron is very much restricted.

To me, it is very suspect. So obviously the blue
10 lights and vehicles was used to drive right up to the aeroplane. Normally you would have parked in the front of the airport and you and your luggage would go through the normal customs and the normal airport procedures. You would not be allowed with a vehicle directly to it.

ADV BALOYI SC: So someone in the SAPS, VIP, or whoever is there, or someone at ACSA, if this is OR Tambo, well, I guess Lanseria, no? Must have allowed it for these people to drive to the tarmac.

COMMISSIONER SPIES: Correct, Commissioner, but they
20 could have been ...[indistinct].

ADV BALOYI SC: Yes.

COMMISSIONER SPIES: So the security at the airport would have stopped them and allowed them, but if they believe that it is South African Police Service or that they would allow them to go past them, but they would have been

stopped and allowed to the apron itself.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Commissioner, do you know that this is an ACSA-administered airport? I do not want you to make the mistake of assuming that it could have been a private tarmac in a private facility where a private jet is stationed. So do not make the assumption unless you know for a fact that this is.

COMMISSIONER SPIES: No, Commissioner, as I stated in
10 my statement as well, it is a small airport. And I make apologies if I speak about ACSA because we deal at Wonderboom Airport and at OR Tambo, we deal with ACSA. At Wonderboom it is our control ...[intervenes].

ADV KHUMALO SC: We do not want to get ACSA into trouble and bring them to this commission if ...[intervenes].

COMMISSIONER SPIES: No, sorry, I am not implicating ACSA at all, no.

ADV BALOYI SC: With that clarification, still ask my question. Does it work differently, access to the tarmac?
20 Is it free driving through in the smaller airports?

COMMISSIONER SPIES: No, it is not. If you look at Warrnambool Airport, it is controlled by the City of Tshwane and access to the apron is restricted. It is closed off. There is boom gates and security at the airport will restrict access as well to that. It is not allowed at – but it could be

a private airport. I do not know.

ADV BALOYI SC: Yes.

COMMISSIONER SPIES: I cannot determine which airport this is.

ADV BALOYI SC: Thank you.

COMMISSIONER SPIES: If it is a private airport, for instance, like Fly Inn in Ekurhuleni, that is between houses, then it would be allowed to go there because the estate itself would be under control of that. But under public
10 aspiration, whether it is an airport like Lanseria or Wonderboom or OR Tambo, then it would be restricted by the security at those specific airports.

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

ADV SELLO SC: Thank you, Commissioners. In response to a question by Commissioner Baloyi about the vehicles parked on the apron next to the aeroplanes, you suggested that perhaps the security could very well have been coined. My question is – and if that is the case, you would not know
20 how. My question is whether – what is the possible effect of driving towards the security point to get onto the apron and the blue lights are on? How is that likely to be interpreted by the security guard?

COMMISSIONER SPIES: Commissioner, if you approach the security officers and you have blue lights and sirens

going, the security will, most of the time, they will open the gate because they will believe it is the South African Police Service that approached them. The risk for that as well, especially even at airports like these, that flight could have transported anything in and out of the country. It could have had drugs. It could have had kidnapping. It could have been trafficking, human trafficking on that. So airport restrictions becomes a very large risk as well. But approaching the gate, the boom gate, with blue lights and
10 sirens, the airport security will most of the time think it is police officers and they will open the gates for them.

ADV SELLO SC: And possibly salute as the car drives past.

COMMISSIONER SPIES: No, the security do not salute us. We salute one another, but not they salute us and we salute them, Commissioner.

ADV SELLO SC: If I ...[intervenues].

ADV BALOYI SC: Sorry, if I may?

ADV SELLO SC: Yes, ma'am.

20 **ADV BALOYI SC:** So, from what you have just said now, the blue lights, in the way you described with the ability to just drive through onto the tarmac, opens the risk that in fact they could be used for illegal activities to get stuff onto planes and off or from planes into the country.

COMMISSIONER SPIES: Correct, Commissioner.

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

ADV SELLO SC: Thank you, Commissioners. Let us then have a look at Jeff Wicks' original email at page 2 of your bundle of annexures, RS21 (i). In the fourth paragraph of that email, Jeff Wicks writes as follows:

10 “Two videos from the social media
page of Cordelia Kabeng, wife of
Vusimuzi Matlala, the owner of the
aforementioned company, have been
sent to you via WhatsApp.”

Do you see where I am reading?

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: A question for you. I appreciate it is Jeff Wicks saying that these are obtained from social media page of Cordelia Kabeng, who is the wife, according to him, of Vusimuzi Matlala. First, at the time you were dealing with these videos, did you know who Cordelia Kabeng is?

COMMISSIONER SPIES: No, Commissioners.

20 **ADV SELLO SC:** Do you know, today as we sit here, who she is?

COMMISSIONER SPIES: From media, yes, but I still do not know her. But I have seen that she is the wife, allegedly, of Vusimuzi Matlala. But at that date, I did not know any of the two.

ADV SELLO SC: You did not know either of the two?

COMMISSIONER SPIES: Yes.

ADV SELLO SC: And today, do you know who Vusimuzi Matlala is?

COMMISSIONER SPIES: Correct, Commissioner.

ADV SELLO SC: And who do you know him to be?

COMMISSIONER SPIES: He is the director or owner of the CAT VIP Security firm. And since 2022, his name also popped up that he procured Medicare 24 as a subsidiary. And they have tenders with the South African Police
10 Services, which was cancelled in the meantime. And he has also been arrested and is currently in prison awaiting trial for an attempted murder matter, but that I only know from news, from the media.

ADV SELLO SC: I appreciate that. Thank you. Chair, it is 15:57. I am going to a new topic. Would you like me to start?

CHAIRPERSON: Let us adjourn and resume at 09:30 on Monday.

ADV SELLO SC: Thank you, Chair.

20 **INQUIRY ADJOURNS TO 10 NOVEMBER 2025**
